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Description of document:	Selected Department of Labor (DOL) Office of Inspector General (OIG) Investigation Reports for Various Closed DOL OIG Investigations 2017-2022
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November 21, 2022

Re: Freedom of Information Act (FOIA), 5 U.S.C. §552
Request No. 2021057

This letter is in response to your August 15, 2021 FOIA request submitted via postal mail that was referred to this office on August 23, 2021 and assigned FOIA case number **2021057**.

Your request is for a copy of the report of investigation/final report or closing memo for each of the following closed DOL OIG investigations (request may be limited to substantiated investigations): I174001467, S171400004, S171400303, 4205010002PC, S171701873, I92523, 6439010001PCJ, S171701472, I92313, 181400002, I171700451, I186501501, S181400730, S181701218

The policy of the Inspector General is to make, to the extent possible, full disclosure of our identifiable records in accordance with the provisions of the Freedom of Information Act. I am responding on behalf of the Office of Inspector General (OIG).

A thorough search was conducted for records responsive to your request and the attached records were located. Portions of information on the enclosed pages have been redacted for the reasons set forth below:

Exemption (b)(2) protects from disclosure records that relate to internal personnel rules and practices of the agency, the disclosure of which would risk circumvention of a statute or agency regulation, or impede the effectiveness of an agency's activities.

Exemption (b)(5) authorizes the withholding of opinions and recommendations contained in intra-agency and inter-agency documents which are deliberative, developed prior to the issuance of a final agency determination, protected by the attorney-client privilege or are otherwise privileged.

Exemption (b)(6) authorizes the withholding of names and details of personal information in personnel, medical and similar files, which, if disclosed to the public, would constitute an unwarranted invasion of personal privacy.

Exemption (b)(7)(C) authorizes the withholding of identities of names of complainants, witnesses, law enforcement personnel and other individuals whose names appear in investigative files, which, if disclosed to the public, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

Exemption (b)(7)(E) authorizes the withholding of information if its release would disclose investigative techniques and/or procedures, thereby impairing their future effectiveness.

Should you wish to discuss this response to your request, feel free to contact this office at FOIA.PrivacyAct@oig.dol.gov or the DOL FOIA Public Liaison, Thomas Hicks hicks.thomas@dol.gov. 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 for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Due to the COVID-19 pandemic, OGIS staff does not have access to submissions sent by U.S. mail, overnight mail services, or fax. As a result, responses to mail and fax inquiries will be delayed. To ensure a more timely response to your inquiry, please contact OGIS by email at ogis@nara.gov to ensure a more timely response.

Please note that we have considered the foreseeable harm standard when reviewing records and applying exemptions under the FOIA in the processing of this request.

If you are not satisfied with the response to this request, you have the right to administratively appeal this decision within 90 days from the date of this letter. Should you decide to do this, your appeal must state, in writing, the grounds for appeal, together with any statement or arguments. Such an appeal should be addressed and directed to the Solicitor of Labor, citing OIG/FOIA No. 2021057 Room N-2428, 200 Constitution Avenue, N.W., Washington, D.C. 20210 or emailed to foiaappeals@dol.gov. Please refer to the Department of Labor regulations at 29 CFR 70.22 for further details on your appeal rights.

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

During the federal government's maximum telework flexibilities operating status, the U.S. Department of Labor is still able to receive and timely log FOIA requests and appeals submitted through the Department's designated email addresses (foiarequests@dol.gov and foiaappeals@dol.gov, respectively) as well as those submitted through the National FOIA Portal.

The receipt of FOIA requests and FOIA appeals received through other methods may be delayed. Please also note that the processing of some FOIA requests may be delayed due to the inability of FOIA staff to access responsive paper files maintained in unattended offices or those held at any of the National Archives and Records Administration's Federal Records Centers, which are closed for records retrieval services at this time.

Finally, this office appreciates your patience in this matter. If you have any questions concerning this letter, feel free to contact this office at FOIA.PrivacyAct@oig.dol.gov. Please refer to FOIA Request Number 2021057 on future correspondence.

Sincerely,
Kimberly J Pacheco

Kimberly J Pacheco
FOIA Officer

Attachments:
29 pages

CASE CLOSING SUMMARY

U.S. DEPARTMENT OF LABOR OFFICE OF INSPECTOR GENERAL



Report Date: 09-03-2021

Case Details:

Case Number: 4205010002PC

Case Title: THE PINELLAS COUNTY JOB CORPS CENTER

Case Type: Investigation

Case Closed Date: 02/28/2018

Case Closing Synopsis:

During the course of this investigation, it was revealed that a counselor employed with the PCJCC allegedly provided alcohol and was having inappropriate relationships with female students. The subject was interviewed and denied all allegations. The student was interviewed and stated that she did not have any inappropriate relations but did receive alcohol on two separate occasions from the subject. There were no other witnesses to this event. The Saint Petersburg PD and State Attorney's office declined due to (b) (5)

(b) (5) The subject resigned his employment with PCJCC prior to the OIG findings made their way to ETA. ETA sent a letter accepting the findings of the OIG and stated that new management has taken over at PCJCC and they feel processes have been put into place to keep any issues such as these from happening again.

Disposition of Property and Evidence:

None

Referral:

N/A

CASE CLOSING SUMMARY

U.S. DEPARTMENT OF LABOR OFFICE OF INSPECTOR GENERAL



Report Date: 09-03-2021

Case Details:

Case Number: 6439010001PCJ

Case Title: New Mexico Department of Workforce Solutions

Case Type: Investigation

Case Closed Date: 06/27/2018

Case Closing Synopsis:

This case was declined by both the Federal USAO and the County DA's office. No administration action is warranted in this case as the New Mexico Workforce Solutions (NMWS) Management conducted their own independent investigation without consulting with DOL-OIG, the New Mexico State Police, FBI or the prosecutors. NMWS interviewed several subjects and verbally gave them their the states version of Kalkines warning and before the interview. According to NMWS Management, the main subject admitted to some of the allegations during his interview. NMWS did not consult with DOL-OIG, New Mexico State Police, FBI or with the Prosecutors before interviewing the main subject. DOL-OIG nor the New State Police request copies of the interviews as they would taint the investigation. As a result of the declinations and the fact that NMWS did not follow set protocol, this case does not warrant any further action.

Disposition of Property and Evidence:

Due to lack of an evidence room the OIG did seize any evidence.

Referral:

USAO and the County DA's office

CASE CLOSING SUMMARY

U.S. DEPARTMENT OF LABOR OFFICE OF INSPECTOR GENERAL



Report Date: 09-03-2021

Case Details:

Case Number: I92313

Case Title: EASTERN GATEWAY COMMUNITY COLLEGE : TAACCCT GRANT
MISCONDUCT

Case Type: Investigation

Case Closed Date: 08/10/2018

Case Closing Synopsis:

The DOL-OIG prepared a report based on the findings from the Whistleblower Complaint and forwarded the report to the Secretary of Labor. The Deputy Secretary of Labor determined that significant evidence did not exist to suggest that the complainant was terminated solely based on disclosure, and that the termination would have occurred even if disclosure had not occurred.

Disposition of Property and Evidence:

N/A

Referral:

Philadelphia OI-LRF for potential criminal investigation.

CASE CLOSING SUMMARY

U.S. DEPARTMENT OF LABOR OFFICE OF INSPECTOR GENERAL



Report Date: 09-03-2021

Case Details:

Case Number: I92523

Case Title: LOUISIANA WORKFORCE COMMISSION INDUSTRIAL HYGIENE
CONSULTANT

Case Type: Investigation

Case Closed Date: 05/24/2018

Case Closing Synopsis:

On January 16, 2018, an OIG 110 Investigative Memorandum was forwarded to the Secretary of Labor with the investigative findings related to the whistleblower complaint filed by (b) (6), (b) (7)(C) [REDACTED]. On February 28, 2018, case agent received notification that on February 14, 2018 an "Order Denying Relief" was signed by the Dep. Secretary of Labor determining to not provide relief to the complainant.

Disposition of Property and Evidence:

NONE

Referral:

A referral was made to the Secretary of Labor.

CASE CLOSING SUMMARY

U.S. DEPARTMENT OF LABOR OFFICE OF INSPECTOR GENERAL



Report Date: 09-03-2021

Case Details:

Case Number: I171700451

Case Title: (b) (7)(C)

Case Type: Investigation

Case Closed Date: 10/03/2018

Case Closing Synopsis:

The Secretary of Labor reviewed the Inspector Generals Report and determined that there was not a sufficient basis to conclude that TOPS Subjected the complainant to reprisal in violation of 41 U.S.C. 4712(c)(6).

Disposition of Property and Evidence:

N/A

Referral:

CASE CLOSING SUMMARY

U.S. DEPARTMENT OF LABOR OFFICE OF INSPECTOR GENERAL



Report Date: 09-03-2021

Case Details:

Case Number: I174001467

Case Title: (b) (7)(C)

Case Type: Investigation

Case Closed Date: 01/16/2018

Case Closing Synopsis:

ATL-OI received information from (b) (7)(C) (C) concerning (b) (7)(C) possibly accessing WHD case files without authorization. (b) (7)(C) was allegedly looking at files from other Wage and Hour Investigators (WHI) and using information obtained to help another employee who filed a grievance against local management in the (b) (7)(C) Office (b) (7)(C). Further, there was a possibility (b) (7)(C) was accessing files with Personally Identifiable Information (PII) and using his government email for purposes other than official work. WHD also indicated there was a possibility (b) (7)(C) forged a statement from an external customer in order to retaliate against his supervisor (b) (7)(C). OI conducted multiple interviews of all managers and available employees during a multi-day investigation in the (b) (7)(C) management indicated to OI of no active policy or regulation prior to the initiation of OI's investigation that did not allow employees to view other WHD Investigators (WHI) to view other WHI's files, opened or closed. OI also interviewed the external customer (b) (6), (b) (7)(C), who indicated she wrote the statement and gave the statement to (b) (7)(C). OI conducted an employee email search of (b) (7)(C) that spanned the scope of the captioned investigation. OI located one email with apparent PII sent from what appeared to be (b) (7)(C) personal email to his government email. Investigative findings were turned over to (b) (7)(C). On January 11, 2018 OI received a memo from (b) (7)(C) indicating his office will take no action regarding (b) (7)(C) and the matter is considered closed.

Disposition of Property and Evidence:

None

Referral:

CASE CLOSING SUMMARY

U.S. DEPARTMENT OF LABOR OFFICE OF INSPECTOR GENERAL



None.

CASE CLOSING SUMMARY

U.S. DEPARTMENT OF LABOR OFFICE OF INSPECTOR GENERAL



Report Date: 09-03-2021

Case Details:

Case Number: I186501501

Case Title: CSHO (b) (7)(C)

Case Type: Investigation

Case Closed Date: 10/10/2018

Case Closing Synopsis:

DOL-OIG-OI-LRF received several allegations of serious employee misconduct from OSHA Regional Office (b) (7)(C). One of the allegations that was being investigated was that CSHO (b) (7)(C) may have or has had an inappropriate relationship with a company safety manager under inspection, and that he possibly utilized government resources to continue the relationship and show favoritism to the company safety manager. On August 24, 2018, DOL-OIG-OI-LRF was notified by the OSHA (b) (7)(C), that (b) (7)(C) would be retiring from his position of a CSHO the following week. On August 31, 2018, (b) (7)(C) abruptly retired from federal service upon discovering that he was being investigated by the OIG. On September 17, 2018, DOL-OIG-OI-LRF received CSHO (b) (7)(C) SF50 confirming his resignation.

Disposition of Property and Evidence:

None

Referral:

None

U.S. Department of Labor

Office of Inspector General
Washington, D.C. 20210



October 6, 2017

MEMORANDUM FOR:

CHERYL GARCIA
Assistant Inspector General
Office of Labor Racketeering and Fraud
Investigations

FROM:

(b) (7)(C) (b) (6)
Special Agent in Charge
Office of Special Investigations

SUBJECT:

(b) (7)(C)
Case Number S171400004

Attached is an Investigative Report of (b) (7)(C). This report is being provided to you for any administrative action deemed appropriate.

Please inform me of any actions that are taken in response to this report within 60 days. If you decide to initiate disciplinary action in this matter, please furnish me with a copy of your letter(s). Additionally, if your decision is subsequently modified in any way as a result of a grievance, appeal, or arbitration proceeding, please advise me of the final results of that action.

If you have any questions, or wish to discuss this case further, please contact SAC

(b) (7)(C) at (b) (7)(C)

Investigative Report



OIG Form 110 (OI-6/08)

Subject	File Number:	S1717400004
(b) (7)(C)	Report Type:	Investigative Report
	Reporting SA:	(b) (7)(C)
	Location:	Washington, DC
	Date:	August 4, 2017
	SA Signature	(b) (6)
	Supervisor	(b) (6)

Summary of Investigation

This investigation was a referral from Department of Labor (DOL), Office of Inspector General, Office of Investigations - Labor Racketeering and Fraud (OI) Headquarters. (b) (7)(C) (b) (7)(C) was accused of inappropriate and unauthorized disclosures of internal case related working documents to entities outside of OI.

The OI complaint, number (b) (7)(C), was assigned to (b) (7)(C) by Assistant Special Agent in Charge (b) (7)(C) (b) (7)(C) OI. The original complaint had a number of allegations, one of which was a potential Taft-Hartley violation. (b) (7)(C) was told that the allegations, other than the Taft-Hartley allegation, would be reviewed by DOL's Office of Labor-Management Standards (OLMS) and that (b) (7)(C) should request to be included in OLMS' interview of the complainant. (b) (7)(C) was further told to focus only on the Taft-Hartley allegation. (Attachment 1)

During the course of the investigation of the Taft-Hartley matter, (b) (7)(C) communicated with a number of people within DOL, the Department of Justice (DOJ), as well as the local United States Attorney's office. During those meetings, (b) (7)(C) made detailed notes of (b) (7)(C) conversations as part of (b) (7)(C) investigation. After the investigation was complete it was alleged (b) (7)(C) provided those detailed notes to the attorney or the complainant in the investigation. (b) (7)(C) notes were not authorized to be released to any outside entity, as they were OI internal agent work product.

Details of Investigation

As soon as OI was notified of the allegation, they conducted a forensic review of (b) (7)(C) email and determined (b) (7)(C) had in fact sent the email to (b) (7)(C) who was the complainant in the original investigation. (b) (7)(C) was assigned. (Attachment 2) OI management then asked (b) (7)(C) if (b) (7)(C) had provided (b) (7)(C) notes to (b) (7)(C) and (b) (7)(C) had in fact sent (b) (7)(C) summary internal working notes to (b) (7)(C). (Attachment 3) OI referred this information to OSI after (b) (7)(E) determined (b) (7)(C) sent the email, and after

(b) (7)(C) (b) (7)(C) management that (b) (7)(C) sent the summary to (b) (7)(C). OI requested OSI determine if (b) (7)(C) sent other unauthorized communications like this in any past investigations. (Attachment 4)

Upon review of the information provided, OSI requested a (b) (7)(E) review of (b) (7)(C) emails. (Attachment 5) A review of (b) (7)(C) (b) (7)(E) the email with the attachment (b) (7)(C) admitted (b) (7)(C) sent to (b) (7)(C) from (b) (7)(C) government email. The (b) (7)(E) did not show any other instance where information such as this was disseminated.

During (b) (7)(C) interview with OSI, (b) (7)(C) stated (b) (7)(C) had never worked a case of this nature and found the whole thing was very complicated. (b) (7)(C) stated it took (b) (7)(C) weeks to digest the details of what was going on. (b) (7)(C) further explained (b) (7)(C) area of expertise at DOL has been program fraud until (b) (7)(C) was assigned this case involving the Taft-Hartley violation. During the course of (b) (7)(C) investigation, (b) (7)(C) said (b) (7)(C) worked with OLMS Supervisor (b) (6), (b) (7)(C) OLMS Investigator (b) (7)(C) OLMS District Director (b) (7)(C) (b) (7)(C) and Denver Assistant United States Attorney (AUSA) (b) (7)(C) Chief of Economic Crimes.

(b) (7)(C) further explained (b) (7)(C) had (b) (2) (b) (2) per policy. (b) (7)(C) stated (b) (7)(C) delivered (b) (7)(C) case summary to AUSA (b) (7)(C) in December 2016, in order to (b) (2) (b) (2) (b) (7)(C) said (b) (7)(C) closed the complaint prior to a determination from the U.S. Attorney's office. (b) (7)(C) went on to say (b) (7)(C) would reopen the complaint and convert it to a case if AUSA (b) (7)(C) accepted it for prosecution. (b) (7)(C) stated (b) (7)(C) continued to contact (b) (7)(C) after (b) (7)(C) closed the case providing additional information and documents. ASUA (b) (7)(C) declined prosecution of the Taft-Hartley Act violation (b) (5) (b) (7)(C) stated (b) (7)(C) notified (b) (7)(C) over the phone that his case had been declined by the AUSA and that his complaint had been closed by the OIG.

(b) (7)(C) stated (b) (7)(C) advised (b) (7)(C) to contact the Department of Justice in Washington, DC (Main Justice) and request a meeting with Main Justice, the FBI, OI, and OLMS all together as a group. (b) (7)(C) stated (b) (7)(C) emailed the contact information for the Main Justice, Organized Crime and Gang Section, OI, and OLMS, to (b) (7)(C) attorney (b) (7)(C) (b) (7)(C) further stated that (b) (7)(C) emailed the detailed summary notes of (b) (7)(C) investigation directly to (b) (7)(C) and not to (b) (7)(C). (b) (7)(C) explained (b) (7)(C) had sent the summary to (b) (7)(C) as a road map so that everybody would be on the same page.

A comparison of the summary (b) (7)(C) provided to (b) (7)(C) indicates that it was the same as a summary (b) (7)(C) had provided to AUSA (b) (7)(C) (Attachment 6) However, (b) (7)(C) removed a sentence in the summary that discussed an interview and the attachment of the interview that

was included in the three-page summary provided AUSA (b) (7)(C) (b) (7)(C) also included additional details such as what happened in (b) (7)(C) (b) (7)(C) with the Union. (b) (7)(C) explained (b) (7)(C) did not provide this information to AUSA (b) (7)(C) in (b) (7)(C) initial summary because the (b) (7)(C) occurred after (b) (7)(C) had given AUSA (b) (7)(C) the summary. Moreover, the summary (b) (7)(C) provided to (b) (7)(C) included information regarding (b) (7)(C) conversations with AUSA (b) (7)(C) as well as an attorney with the Organized Crime and Gang Section, Criminal Division, (DOJ). (Attachment 7) (b) (7)(C) stated (b) (7)(C) did not notify her chain of command that she had provided (b) (7)(C) with the summary.

The fact that (b) (7)(C) provided the summary to (b) (7)(C) came to the OIG's attention when (b) (7)(C) (b) (7)(C) attorney, appended it to a written communication dated March 14, 2107, addressed to DOJ's Organized Crime and Gang Section, OLMS, and OI. (Attachment 8) In this communication, (b) (7)(C) and his client, (b) (7)(C) requested to meet with the named federal entities in order to coordinate a federal investigation into the union for what they believed were illegal activities violating the federal Racketeer Influenced and Corrupt Organizations Act. Since (b) (7)(C) internal working case summary was attached to the correspondence, it showed all interactions (b) (7)(C) had with DOL, DOJ, and OLMS, and named each party by name and what their opinions were on the allegations. Since (b) (7)(C) had not notified (b) (7)(C) managers that (b) (7)(C) had emailed (b) (7)(C) working notes to (b) (7)(C) the memo and (b) (7)(C) attachment caused great concern from all parties involved as it contained discussions involved in the deliberative process and detailed information that was not authorized for release.

On March 21, 2017, AUSA (b) (7)(C) declined to prosecute (b) (7)(C) for the release of (b) (7)(C) work product to (b) (7)(C) OSI contacted AUSA (b) (7)(C) on August 1, 2017, for clarification and to ensure (b) (5), (b) (7)(C)

(b) (5), (b) (7)(C)

Conclusion

(b) (7)(C) admitted (b) (7)(C) sent the (b) (7)(C) work product summary to (b) (7)(C) via (b) (7)(C) DOL email account. The internal work product summary was attached to a letter that (b) (7)(C) attorney sent, via email and U.S. Mail, to the Department of Justice, OLMS, and OI.

Based on (b) (7)(C) statement and the review of (b) (7)(E), (b) (5) (b) (7)(C) the investigation found that no other instances where work product had been disseminated outside of OI.

Attachments:

1. (b) (7)(C) email to [REDACTED] August 15, 2016
2. OI memo (b) (7)(E) [REDACTED] March 21, 2107
3. (b) (7)(C) memo March 24, 2017
4. OI referral memo to OSI, April 4, 2017
5. OSI memo (b) (7)(E) [REDACTED] May 11, 2017
6. Summary provided by (b) (7)(C) to AUSA (b) (7)(C)
7. Summary provided by (b) (7)(C) to (b) (7)(C) March 8, 2017
8. (b) (7)(C) email addressed to DOJ's Organized Crime and Gang Section, OLMS, and OI, March 14, 2017

Investigative Report

U.S. Department of Labor Office of Inspector General



OIG Form 110 (OI-6/08)

Subject	Violation Character	File Number:	S171400303
(b) (7)(C)	Title 18 U.S.C. 1001	Report Type:	Investigative Summary
		Reporting SA:	(b) (7)(C)
		Location:	Washington, DC
		Date:	February 24, 2017
		SA Signature	
		Supervisor	(b) (7)(C)

WARNING: This document is the property of the U.S. Department of Labor, Office of Inspector General (OIG). This document is part of the OIG investigative file system which is exempt from various provisions of the Privacy Act, 5 U.S.C. § 552a. Requests for access to, or disclosure of this document, must be referred to the Counsel to the Inspector General and/or OIG Disclosure Officer.

Synopsis

This investigation was initiated pursuant to information received from (b) (7)(C) Deputy Assistant Inspector General (DAIG) for the Office of Management and Policy, Office of Inspector General (OIG), United States Department of Labor (DOL). During the OIG Division of Human Resources Management's (DHRM) review of (b) (7)(C) OIG (b) (7)(C) Standard Form (SF) 75 (Request for Preliminary Employment Data) received from the United States (b) (7)(C) it was discovered that (b) (7)(C) job title and grade did not match his employment application submitted to DOL.

A referral was made to the OIG Office of Special Investigations (OSI) to determine if (b) (7)(C) deceived the OIG and submitted an inaccurate employment resume, SF-50 Notification of Personnel Action, and a performance appraisal to gain employment with DOL.

Details of Investigation

On Thursday August 18, 2016, the OIG posted a vacancy announcement ((b) (7)(C) (b) (7)(C) GS-14, on USAJOBS (Attachment 1). Applicants were able to apply for the position using the USAJOBS website until August 31, 2016. On August 31, 2016, at 9:47 p.m., (b) (7)(C) used his USAJOBS account and applied for the supervisory position (Attachment 2).

On December 22, 2016, (b) (7)(C) Human Resources (HR) Specialist, Division of Human Resources Management (DHRM) was interviewed (Attachment 3). (b) (7)(C) stated on or about August 31, 2016, she received the job applications for the (b) (7)(C) (b) (7)(C) which included (b) (7)(C) application package (Attachment 4). (b) (7)(C)

included a resume in his application package which indicated that from July 2006 to the present, he was a (b) (7)(C).

As part of (b) (7)(C)'s responsibilities, she reviewed the applicant resumes, SF 50s, and performance appraisals to ensure they met the minimum qualifications to be considered for the position. After reviewing the applications, on September 9, 2016, (b) (7)(C) prepared a certification of eligible applicants and forwarded the resumes and supporting documentation to the selecting official, (b) (7)(C) Director of Information Technology. (b) (7)(C) recalled approximately seven or eight applicants were referred to (b) (7)(C) for consideration. An interview panel of three OMAP officials (b) (7)(C) Deputy Assistant Inspector General, (b) (7)(C), (b) (7)(C) and (b) (7)(C) conducted interviews with each applicant. Information obtained from (b) (7)(C) revealed that on September 19, 2016, (b) (7)(C) was interviewed by the panel and subsequently was ranked as the best qualified candidate. (b) (7)(C) selected (b) (7)(C) for the position and was approved by DAIG (b) (7)(C).

On or about October 17, 2016, (b) (7)(C) telephoned (b) (7)(C) and tentatively offered him the (b) (7)(C) GS-14 position, which (b) (7)(C) accepted. Continuing on this day, (b) (7)(C) sent (b) (7)(C) a tentative offer letter reaffirming his selection for the position pending a positive suitability review (Attachment 5). On or about November 7, 2016, (b) (7)(C) cleared all suitability requirements and (b) (7)(C) telephoned (b) (7)(C) to formally offer him the position at a GS-14. Afterwards, (b) (7)(C) sent (b) (7)(C) a formal offer letter (Attachment 6). When questioned about her conversation with (b) (7)(C) as to whether she told him that his grade was going to be a GS-14 step 10, (b) (7)(C) said she discussed with (b) (7)(C) the position he was accepting, (b) (7)(A) and the salary being offered at the GS-14 level as indicated in the job announcement. (b) (7)(C) does not recall if she specifically articulated to (b) (7)(A) that the OIG was offering him a GS-14 step 10 salary because his SF-50 submitted indicated he was already a GS-14 step 10 (Attachment 7). (b) (7)(C) said (b) (7)(C) never mentioned during their conversation that he was no longer a supervisor, or that he had been reassigned to a non-supervisory position. In addition, (b) (7)(C) never mentioned to (b) (7)(C) that he had agreed to a reduction in grade to a GS-14 step 4 when he was reassigned at (b) (7)(C) on August 9, 2015. Further, a review of the USAJOBS announcement shows that all applicants were required to submit their "most recent SF-50 that indicates current grade, step, and competitive status" (Attachment 2).

On November 14, 2016, (b) (7)(C) began employment with the OIG. Soon thereafter, (b) (7)(C) received (b) (7)(C) SF-75 information from (b) (7)(C) consisting of printouts of (b) (7)(C)'s employment information and employee benefits (Attachment 8). While entering (b) (7)(C) SF-75 information into the OIG database, (b) (7)(C) noticed (b) (7)(C)'s position and grade were inaccurate from information (b) (7)(C) submitted on his OIG employment application.

(b) (7)(C) contacted (b) (7)(C) (b) (7)(C) HR Specialist, to verify (b) (7)(C) SF 75 information. (b) (7)(C) verified that (b) (7)(C) position, prior to transferring to DOL, was a (b) (7)(C) (b) (7)(C) GS-14 step 4 position. (b) (7)(C) acknowledged that (b) (7)(C) was a (b) (7)(C) in the past, but that (b) (7)(C) and (b) (7)(C) entered into a settlement agreement that removed (b) (7)(C) from the (b) (7)(C) (Attachment 9). (b) (7)(C) sent (b) (7)(C) a copy of (b) (7)(C) SF-50 dated August 9, 2015, that showed the personnel action that reassigned (b) (7)(C) position from a (b) (7)(C) GS-14 step 10, to a (b) (7)(C) GS-14 step 4 (Attachment 10).

(b) (7)(C) discussed (b) (7)(C) SF-75 discrepancies with (b) (7)(C), OIG HR Supervisor for the Branch of Personnel Operations and was advised to process (b) (7)(C) salary at a GS-14 step 4, until (b) (7)(C) situation could be resolved. (b) (7)(C) confirmed that the OIG never paid (b) (7)(C) at the GS-14 step 10 salary that he was initially offered, nor has (b) (7)(C) brought to (b) (7)(C) attention that he was being paid at a lesser rate (GS-14 step 4) than he was offered.

In early December 2016, the OIG DHRM notified AIG (b) (7)(C) and DAIG (b) (7)(C) of the discrepancies found in (b) (7)(C) OIG employment application. A decision was made to place (b) (7)(C) on administrative leave, effective December 12, 2016, pending an OSI investigation (Attachment 11).

During interviews with (b) (7)(C) (b) (7)(C) (Attachment 12), OSI asked each panel member if (b) (7)(C) was questioned as to why he wanted to leave his current position at the Civil Rights Division (CRD), United States Department of (b) (7)(C) and replied "yes." Panel members agreed (b) (7)(C) told them he was looking for new employment because CRD's (b) (7)(C) was being consolidated into (b) (7)(C)'s Data Center. (b) (7)(C) stated unequivocally (b) (7)(C) never mentioned that the consolidation had any impact on his (b) (7)(C) position, or that (b) (7)(C) clarified he was downgraded from a (b) (7)(C) (b) (7)(C) to a (b) (7)(C). (b) (7)(C) and (b) (7)(C) believed that during (b) (7)(C) interview, he was talking in the present tense as if he was a current supervisor. However, during (b) (7)(C) interview, he recalled (b) (7)(C) saying he maintained limited supervisory duties during the consolidation, but that his position was no longer a (b) (7)(C) (b) (7)(C) believed (b) (7)(C) position as a non-supervisor was a recent occurrence not reflected on his resume. None of the panel members felt they had any reason to question (b) (7)(C) further on his decision to leave (b) (7)(C) or on the truthfulness of his resume. When panel members were asked if they would have allowed (b) (7)(C) to be interviewed had they known (b) (7)(C) misrepresented himself on his resume and SF-50, but had the experience for the position they all replied "no." All panel members stated if they had known in advance (b) (7)(C) falsified his application, they would have disqualified him for the position.

On January 5, 2017, (b) (7)(C) was interviewed (**Attachment 13**). During (b) (7)(C) interview, he stated prior to applying to the OIG position; he was employed as a (b) (7)(C) GS-14, Civil Rights Division (CRD), (b) (7)(C) for approximately one year. (b) (7)(C) also said he held the position as a (b) (7)(C) with CRD for approximately nine years before voluntarily accepting a reassignment to a (b) (7)(C) position (August 2015).

When (b) (7)(C) was shown a copy of the resume he used to apply for the OIG (b) (7)(C) position (**Attachment 4**), and was asked if his resume was complete and accurate, he replied "yes." When questioned on the accuracy of his resume and the fact it shows his position at CRD was a (b) (7)(C) and not a (b) (7)(C) before transferring to DOL, (b) (7)(C) replied his resume was accurate when he prepared it in July 2015. After further questioning, (b) (7)(C) admitted his resume was inaccurate when he applied for the OIG (b) (7)(C) position. (b) (7)(C) claimed he did not realize his resume was inaccurate because he has been applying for (b) (7)(C) and (b) (7)(C) (b) (7)(C) positions, prior to being reassigned to a (b) (7)(C) position. (b) (7)(C) said he has been using the same resume he had uploaded into his USAJOBS account since July 2015.

(b) (7)(C) was shown a copy of his SF-50 dated January 11, 2015, which he submitted with his application and used to verify his position at (b) (7)(C) as a (b) (7)(C) GS-14 step 10 (**Attachment 4**). (b) (7)(C) claimed this was his most recent SF-50 he had received when he uploaded his application into USAJOBS in July 2015. (b) (7)(C) claimed he never uploaded a current SF-50 into his USAJOBS account after his position changed to a (b) (7)(C) position.

(b) (7)(C) was asked why he submitted a performance appraisal that he signed on May 8, 2014, that covered a rating period of April 1, 2013 - March 31, 2014, with his application (**Attachment 4**), that showed his position as a (b) (7)(C) GS-10 step 10, when in reality his position was an (b) (7)(C) GS-14 step 4. (b) (7)(C) claimed he did not receive a copy of his 2015 performance appraisal from his supervisor prior to submitting his application. When (b) (7)(C) was asked why he didn't submit his 2014 performance appraisal (April 1 2014 - March 31, 2015), he replied that he was not privy to discuss anything regarding his 2014 appraisal. Note: It was later discovered that per (b) (7)(C) settlement agreement with CRD dated July 31, 2015, (b) (7)(C) would not be issued a performance rating for the 2014-2015 rating cycle. (b) (7)(C) was then shown his 2015 performance appraisal he signed on August 22, 2016 (**Attachment 14**). (b) (7)(C) was asked why he didn't submit this performance appraisal with his application. (b) (7)(C) replied his supervisor never gave him copy of the performance appraisal once he signed it. The USAJOBS announcement requires all applicants to submit their "most recent performance appraisal/evaluation signed and dated within 18 months (or a reason explaining why one cannot be provided)" (**Attachment 2**). In

his application, (b) (7)(C) submitted a statement that he had "not been provided a performance appraisal for the most recent evaluation period" (**Attachment 4**).

When questioned about the inaccuracy of the information (b) (7)(C) had submitted in his job application, (b) (7)(C) claimed he was unaware of the time he submitted his job application that it was inaccurate. Further, he claimed knowledge of his inaccurate application only after he was invited to interview for the job. Upon further questioning as to why he did not mention the incorrect information, he replied that he "didn't want to jeopardize the interview process." He went on to admit that he knowingly went into the interview with knowledge that he was not a (b) (7)(C) at the level of GS-14 step 10.

(b) (7)(C) former supervisor, (b) (7)(C), Director for the Information Systems Staff, CRD, was interviewed on January 11, 2017 (**Attachment 15**). (b) (7)(C) was shown a copy of (b) (7)(C) performance appraisal during CRD's rating cycle from August 9, 2015 to June 30, 2016 (**Attachment 14**), and was asked if he met with (b) (7)(C) during mid-year review and at the end of the rating period, he replied "yes." (b) (7)(C) verified his signature and stated he signed the performance appraisal as the rating official when he met with (b) (7)(C). (b) (7)(C) was asked if he gave (b) (7)(C) a copy of his performance appraisal after their meeting and he replied that he was not sure. Nonetheless, (b) (7)(C) said he was positive he forwarded (b) (7)(C) a copy of his performance appraisal via email shortly after their meeting. (b) (7)(C) provided the OIG with a copy of the email sent (b) (7)(C) dated September 2, 2016, with (b) (7)(C) performance appraisal attached to the email (**Attachment 16**).

When (b) (7)(C) was asked why (b) (7)(C) was reassigned from a (b) (7)(C) to a (b) (7)(C), (b) (7)(C) said in March 2015, he placed (b) (7)(C) on a Performance Improvement Plan (PIP) because (b) (7)(C) was struggling in two crucial elements on in his performance appraisal; (1) professionalism and judgment, and (2) productivity. (b) (7)(C) said (b) (7)(C) worked hard to improve on his performance, but in his opinion (b) (7)(C) did not meet all the requirements outlined in the PIP agreement to remain in a (b) (7)(C) capacity and subsequently removed (b) (7)(C) from the position (**Attachment 17**). (b) (7)(C) reinforced that he was not trying to have (b) (7)(C) removed from federal service; however he wanted (b) (7)(C) to be reassigned to a (b) (7)(C) position.

According to documents from (b) (7)(C) on July 31, 2015, CRD's Human Resources and CRD's Office of Employment Counsel entered into a settlement agreement with (b) (7)(C) that removed his (b) (7)(C) responsibilities (**Attachment 9**). In addition, as part of the settlement agreement, (b) (7)(C) accepted a reduction in pay and CRD would not evaluate or issue (b) (7)(C) a performance appraisal for the current rating cycle (2014 - 2015). When (b) (7)(C) was asked why he voluntarily accepted reassignment from his position, he stated that he agreed to the downgrade because he was not able to make significant changes to his division.

On March 2016, (b) (7)(C) placed (b) (7)(C) on another PIP because (b) (7)(C) performance as a (b) (7)(C) was also unacceptable in the same two crucial elements that he received in his previous PIP in March 2015; (1) professionalism and judgment, and (2) productivity (**Attachment 18**). In May 2016, (b) (7)(C) said (b) (7)(C) successfully met the performance requirements outlined in the PIP, and brought his job performance to a satisfactory level (**Attachment 19**). (b) (7)(C) was taken off the PIP requirements, but was required to sustain a satisfactory level of performance for one-year.

In November 2016, (b) (7)(C) advised CRD that he accepted employment with DOL. (b) (7)(C) said (b) (7)(C) left (b) (7)(C) on favorable terms, but (b) (7)(C) had projects that were not completed before he left. However, (b) (7)(C) did not feel the need to prevent, hold, or postpone (b) (7)(C) transfer to DOL.

On November 13, 2016, (b) (7)(C) officially began employment with DOL and reported to duty on Monday November 14, 2016.

Summary

The investigation revealed that (b) (7)(C) in violation of Title 18 United States Code 1001(a)(1-3), False Statement, knowingly and willfully provided to DOL OIG DHRM personnel documents containing false material facts (i.e., a resume falsely stating he was a (b) (7)(C) (b) (7)(C) at (b) (7)(C) at the time he applied for the DOL OIG (b) (7)(C) position). Also, in violation of the statute, (b) (7)(C) knowingly and willfully made materially false representations by submitting a prior performance appraisal and SF-50 as the most recent versions, neither of which reflected his most current evaluation/rating or GS-14 step level at the time he applied and interviewed for the OIG job. Throughout the hiring process (b) (7)(C) knowingly and willfully continued to conceal these material facts from OIG personnel. Lastly, he knowingly and willfully concealed material facts and allowed OIG interviewing and hiring officials to rely on materially false information in his resume regarding his (b) (7)(C) status at (b) (7)(C) at the time he interviewed at the OIG.

Investigative Report

U.S. Department of Labor Office of Inspector General



OIG Form 110 (OI-6/08)

Subject	Violation Character	File Number:	S-171-70-1472
(b) (7)(C)	Whistleblower Retaliation Complaint Title 41 USC § 4712	Report Type:	Closing Report
		Reporting SA:	(b) (7)(C)
		Location:	Washington, DC
		Date	July 19, 2018
		SA Signature	
		Supervisor	(b) (7)(C)

Synopsis

This case originated upon receipt of an Office of Inspector General (OIG) Hotline complaint that was forwarded to the Office of Special Investigations, OIG, United States Department of Labor (DOL), complaint number (b) (7)(C). The complainant, (b) (7)(C), alleged he was retaliated against and subsequently terminated from his position for disclosing contract violations by (b) (7)(C), a DOL contractor who is operating the (b) (7)(C) Texas.

By (b) (7)(C) disclosing alleged violations of law, rules, and regulations related to a federal government contract, (b) (7)(C) disclosure is protected under section 828 under the Whistleblower Protection Act (WB).

Reason for Closing

On May 31, 2018, the OIG forwarded an Executive Summary and Investigative Report to the Secretary of Labor regarding the referenced complaint.

On June 21, 2018, Bryan Slater, the Assistant Secretary for Administration and Management for DOL, made a decision after reviewing the OIG's report to not provide any WB Protection relief to (b) (7)(C). Slater found in the OIG report that (b) (7)(C) had established that his complaint fell within the protected activities under the WB Protection Act, however, Slater also found that (b) (7)(C) established by clear and convincing evidence that they would have terminated (b) (7)(C) employment in the absence of his WB complaint. Therefore, Slater denied any relief to (b) (7)(C) under the WB Protection Act. There is no further investigation action that needs to take place on the part of the OIG. Case closed.

Nature of Scheme

(b) (7)(C) alleged he was retaliated against and later fired from his position at (b) (7)(C) for disclosing contract violations

Referral

The investigation was referred to the Secretary of Labor.

Disposition of Evidence

There was no evidence collected during the course of this investigation that needs to be returned.

INVESTIGATIVE REPORT

U.S. DEPARTMENT OF LABOR OFFICE OF INSPECTOR GENERAL



Subject: (b) (7)(C) (b) (7)(C) (b) (7)(C)	Violation: Nepotism: 5 U.S.C. § 2302(b)(7)	Case Number: S171701873 Date Prepared: February 21, 2018 Report Type: Investigative Memorandum By: SA (b) (7)(C)
Distribution: OSHA		

Summary

On Monday, October 2, 2017, the Office of Inspector General (OIG) received a complaint concerning (b) (7)(C), Occupational Safety and Health Administration (b) (7)(C). The complaint alleges that (b) (7)(C) hired his nephew, (b) (7)(C) as an OSHA Specialist in the (b) (7)(C). According to the complainant, staff in the office have overheard (b) (7)(C) call (b) (7)(C) "Uncle" and when asked about his concern for nepotism or Headquarters (HQ) finding out he hired his nephew, (b) (7)(C) told his staff he has "hidden" his relationship to (b) (7)(C) so well that it will never be found. Additionally, the complainant stated (b) (7)(C) hired (b) (7)(C) who is allegedly the son of his best friend and brother law.

Nature of Scheme

The complainant stated that a current employee of the OSHA (b) (7)(C) reported the allegations of nepotism. Additionally, there are allegations that (b) (7)(C) has given special privileges to (b) (7)(C) and is grooming him for the Assistant Area Director (AAD) position once the current AAD retires. Furthermore, (b) (7)(C) appointed (b) (7)(C) to his current position by using the Veterans Recruitment Appointment (VRA), and it is alleged that he was not the most qualified veteran that was being considered for the position.

Reason for Closing

During the investigation of this complaint, it was determined that (b) (7)(C) was in fact related to (b) (7)(C) and (b) (7)(C) through (b) (7)(C) previous marriage. (b) (7)(C) marriage was dissolved in 2001.

After reviewing all the documents and information related to this investigation, no criminal violations were identified. In addition, The OIG's, Office of Legal Service (OLS), stated the allegation of nepotism could not be validated due to the divorce in 2001.

INVESTIGATIVE REPORT

U.S. DEPARTMENT OF LABOR OFFICE OF INSPECTOR GENERAL



Referral

A copy of the original complaint will be forwarded to OSHA for follow-up on agency policies and procedures regarding hiring practices and the further review of selection of VRA direct hires and nepotism by (b) (7)(C)

OFFICE OF INSPECTOR GENERAL



Subject: (b) (7)(C) (b) (7)(C)	Violation: Felony aggravated assault, possession of a firearm under the influence.	Case Number: S181400002 Date Prepared: 10/1/2018 Report Type: Investigative Memorandum By: SAC (b) (7)(C)
Distribution: OI, File		

Synopsis

On November 27, 2017, Office of Special Investigations was notified that (b) (7)(C)

(b) (7)(C) (b) (7)(C) been arrested. OSHA officials stated (b) (7)(C) was arrested in (b) (7)(C) for two counts of felony aggravated assault, two counts of felony battery and carrying a concealed firearm under the influence of alcohol. OSHA suspended (b) (7)(C) without pay pending the determination of the court proceedings. On August 13, 2018, OSHA proposed (b) (7)(C) removal from Federal Service and it became effective September 13, 2018.

Details of the Investigation

On November 26, 2017, (b) (7)(C) was at (b) (7)(C) in (b) (7)(C). The police report states (b) (7)(C) entered the establishment with a loaded and concealed firearm and knowingly aimed a loaded Ruger LC9 9mm firearm at another patron of the bar. (b) (7)(C) then struck the patron in the stomach and chest with the loaded firearm, and departed the establishment.

(b) (7)(C) Police Department arrested (b) (7)(C) after receiving the call about a man waving a gun around in the establishment. (b) (7)(C) Police Department identified (b) (7)(C) from patrons' description and arrested him in front of the Post Office on Main Street. (b) (7)(C) Police stated (b) (7)(C) had a strong odor of alcohol and when asked if he had been drinking, (b) (7)(C) stated he had three beers before he was kicked out of (b) (7)(C) and then went to (b) (7)(C).

According to (b) (7)(C) Police Department's investigation, the bartender at (b) (7)(C) (b) (7)(C) stated (b) (7)(C) flashed his OSHA credentials and stated that he was a New York City Police officer. In addition to the beers, the bartender stated (b) (7)(C) request someone who could provide him with and "eight ball" and later asked the cooks for cocaine. (b) (7)(C) denied any of the bartender's statements when asked by (b) (7)(C) Police Department.

(b) (7)(C) stated he had a constitutional right to have the firearm in his possession as he had a concealed carry permit. (b) (7)(C) Police verified (b) (7)(C) did in fact have a concealed carry permit. (b) (7)(C) Police Department then conducted a standard field sobriety test as well as a portable breathalyzer and (b) (7)(C) registered a .221 blood alcohol content. (b) (7)(C) was arrested and transported to the (b) (7)(C) County Detention Center. (b) (7)(C) later posted bond and was given a January 5, 2018 court date to appear for his charges.

(b) (7)(C) was charged with carrying a concealed firearm under the influence (misdemeanor), aggravated battery with a deadly weapon (felony), aggravated battery in a public place of accommodation (felony), and possession of a firearm in a liquor establishment (felony), and

OFFICE OF INSPECTOR GENERAL



aggravated assault (misdemeanor). (b) (7)(C) firearm was seized and placed into evidence for safekeeping by the (b) (7)(C) Police Department.

OSHA suspended (b) (7)(C) without pay, until the determination of the court case. (b) (7)(C) was ordered to return his OSHA credentials, PIV card, keys and access badge to OSHA immediately, which he did.

(b) (7)(C) Police Department later arrested (b) (7)(C) on June 8, 2018 in a separate incident, of driving under the influence (DUI). (b) (7)(C) refused a breathalyzer and was subsequently arrested for DUI. In this instance, (b) (7)(C) was charged in a citation for speeding, improper lane usage, no driver's license in possession and DUI. (b) (7)(C) paid his \$300 bond and was released with a mandatory court appearance of July 19, 2018. (b) (7)(C) pled guilty to the DUI.

Conclusion

(b) (7)(C) continued his original case three times and finally on July 9, 2018, the (b) (7)(C) County Circuit Court negotiated a plea deal and (b) (7)(C) waived his right to a jury trial. (b) (7)(C) pled guilty to a Class A Misdemeanor for aggravated assault. In addition, (b) (7)(C) was sentenced to ninety days in jail, two years report probation, and ordered to pay a fine of \$750. The courts stayed the ninety-day jail term and (b) (7)(C) was ordered to surrender his firearm and concealed carry permit. (b) (7)(C) is not to possess a firearm while on probation. In addition, (b) (7)(C) was ordered to perform 50 hours of community service, be subject to random drug and alcohol testing, and have no contact with the victim of the assault, (b) (7)(C) as well as (b) (7)(C).

On August 13, 2018, OSHA (b) (7)(C) proposed termination of (b) (7)(C) based on the incidents of arrest and guilty pleas of (b) (7)(C). OSI was notified on September 13, 2018 that (b) (7)(C) was in fact terminated from Federal Service.

All documents related to this case can be found in the case management system and therefore are not attached to this report.

Investigative Report

U.S. Department of Labor Office of Inspector General



OIG Form 110 (OI-6/08)

Subject	Violation Character	File Number:	S181400730
(b) (7)(C)	Employee Misconduct - Misuse of A Government Owned Vehicle	Report Type:	Closing Report
		Reporting SA:	(b) (7)(C)
		Location:	Washington, DC
		Date	October 18, 2018
		SA Signature	(b) (6)
		Supervisor	(b) (7)(C)

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Synopsis

This investigation was initiated pursuant to information received from the General Services Administration (GSA), Office of Inspector General (OIG). While conducting surveillance activities at (b) (7)(C) in Washington, DC, GSA Special Agents (SA) observed a black Ford Focus with a government license plate [REDACTED] stop in the surveillance area they were covering. A vehicle license plate check identified the vehicle as a government owned vehicle (GOV) assigned to the United States Department of Labor (DOL). The GSA SAs referred this information to DOL's OIG for further investigation into the potential unauthorized use of a GOV by a DOL employee.

Nature of Scheme

Allegations that (b) (7)(C) (b) (7)(C) [REDACTED], was using OS' GOV for personal use.

Reason for Closing

On October 12, 2018, Bryan Slater, Assistant Secretary for Administration and Management, informed Special Agent-in-Charge (b) (7)(C) that on October 2, 2018, (b) (7)(C) was issued a notice of removal from his federal position based on OSI's investigative report.

Effective October 16, 2018, (b) (7)(C) officially resigned from his federal position at DOL.

Referral

In June 2018, OSI referred this investigation to (b) (7)(C) [REDACTED]

Office of the Assistant Secretary of Administration and Management, for possible administrative action against (b) (7)(C) for violating DOL's policy DLMS 2- Administration, Chapter 1500- Motor Vehicle Management, misuse of a GOV.

Disposition of Evidence

No evidence was collected during the course of this investigation.

Investigative Report

U.S. Department of Labor Office of Inspector General



OIG Form 110 (OI-6/08)

Subject	Violation Character	File Number:	C181701218
(b) (7)(C)	Alleged Prohibited Personnel Practices and Unethical Behavior	Report Type:	Closing Report
		Reporting SA:	(b) (7)(C), (b) (6)
		Location:	Washington, DC
		Date	November 13, 2018
		SA Signature	
		Supervisor	(b) (7)(C)

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Synopsis

This investigation was initiated pursuant to information received from (b) (7)(C), a Safety & Health Program Analysis for the (b) (7)(C) who forwarded a complaint to the OIG's Complaint Analysis Office alleging prohibited personnel practices on the part of (b) (7)(C) for hiring (b) (7)(C), (b) (7)(C) without a fair and open competition. In addition, (b) (7)(C) complained that (b) (7)(C) improperly ordered how testing was going to be conducted on (b) (7)(C) employees who was allegedly exposed to lead while drinking water at (b) (7)(C) training facility in (b) (7)(C).

Note: (b) (7)(C) initially filed the complaint under section 828 of the Whistleblower (WB) protection act. After reviewing (b) (7)(C) allegations, it does not appear that (b) (7)(C) complaint meets the threshold for WB protection because he has not been retaliated against (b) (7)(C) for disclosing this information to the OIG. Nonetheless, (b) (7)(C) was told if he that he is being retaliated against because he disclosure information to his managers or the OIG, he should file his complaint with the Office of Special Counsel, Complaints Examination Unit. During OSI's meeting with (b) (7)(C) he agreed to talk to the OIG and said that he waived any WB protection.

Nature of Scheme

(b) (7)(C) was allegedly in violation of prohibited personnel practices by hiring (b) (7)(C) without a fair and open competition. In addition, it was alleged that (b) (7)(C) knowingly approved the wrong lead testing screening on (b) (7)(C) employees who were allegedly exposed to lead while drinking water at (b) (7)(C) training facility in (b) (7)(C).

Reason for Closing

In (b) (7)(C) complaint he stated that (b) (7)(C) hired (b) (7)(C) in her position as the GS-15 (b) (7)(C) of (b) (7)(C).

without a fair and open competition. According to (b) (7)(C) (b) (7)(C) following the December 2017 retirement of (b) (7)(C) former (b) (7)(C) in January 2018, (b) (7)(C) management requested a detail from OASAM for (b) (7)(C) to temporarily manage the (b) (7)(C) (b) (7)(C) stated that he approved (b) (7)(C) detail. In April 2018, (b) (7)(C) management made the decision to offer (b) (7)(C) a permanent reassignment based on her experience and how she interacted with her staff. (b) (7)(C) said that he approved the reassignment and that it was done within the guidelines of proper personnel requirements.

(b) (7)(C) alleged that (b) (7)(C) failed to properly tests (b) (7)(C) employees exposed to lead in the drinking water at (b) (7)(C) training facility in (b) (7)(C) (b) (7)(C) claimed a (b) (7)(C) contractor (LabCorps) performed the wrong tests on the employees because the tests were conducted 25 days after the employees were exposed to the lead in the drinking water. (b) (7)(C) claimed that general lead tests will show negative results after someone has been exposed past 25 days. (b) (7)(C) claimed that after 25 days, lead contamination enters a person's bones and more extensive tests should have been conducted on the (b) (7)(C) employees.

According to (b) (7)(C) (b) (7)(C) and (b) (7)(C), all OSHA Specialists, proper tests were conducted on the employees who wanted to be screen for lead contamination. The OSHA Specialists confirmed that the lead contamination at the (b) (7)(C) training facility was the result of drinking water exposure. The OSHA Specialists agree that with "water" lead exposure, typically a person would defecate or urinate the lead from their body. Furthermore, the Specialists said a person would have to drink a "water cooler" size amount of water to be adversity effective. All the OSHA Specialists agree, that if the (b) (7)(C) employees were exposed to "airborne lead exposure" a more evasive tests would have be performed, which this was not the case. The OSHA Specialists with the guidance and the advice OSHA's (b) (7)(C), they were all confident that the proper lead tests were administered on the (b) (7)(C) employees.

To ensure that know employee will be exposed to lead from water, (b) (7)(C) has taken steps and placed drinking water coolers throughout their training facility. In addition, (b) (7)(C) hired a contractor who found the source of where the lead contamination was coming from and is working to resolve the problem.

Referral

None

Disposition of Evidence

No evidence was collected during the course of this investigation.



November 30, 2022

Re: Freedom of Information Act (FOIA), 5 U.S.C. §552
Request No. 2021065

This is a final response to your September 6, 2021 Freedom of Information Act (FOIA) request letter submitted via postal mail. Your request was referred to this office on September 10, 2021, and has been assigned FOIA case number 2021065.

Your request is for a copy of the report of investigation, final report or closing memo for each of the following closed DOL OIG investigations (request may be limited to substantiated investigations):

I174100073-J
S181400032
S181400003
I181702274
9104010007PC
S191700166
S201700642
I181701503
I194001515
I185001687-J
I199101431
I181701507
S171400006
S201701287
I163200120
S191400408
I181700242

The policy of the Inspector General is to make, to the extent possible, full disclosure of our identifiable records in accordance with the provisions of the Freedom of Information Act. I am responding on behalf of the Office of Inspector General (OIG).

A thorough search was conducted for records responsive to your request and records were located. This office has completed its review of this material and copies of the releasable records are enclosed with this response. However, portions of the enclosed pages have been withheld in accordance with the various FOIA exemptions, discussed below. Please note that we have considered the foreseeable harm standard when reviewing records and applying exemptions under the FOIA in the processing of this request.

Exemption (b)(5) authorizes the withholding of opinions and recommendations contained in intra-agency and inter-agency documents which are deliberative, developed prior to the issuance of a final agency determination, protected by the attorney-client privilege or are otherwise privileged. The purpose of this exemption is to facilitate the frank exchange of ideas and recommendations within the Federal Government, which are necessary in making informed agency decisions.

Exemption (b)(6) authorizes the withholding of names and details of personal information in personnel, medical and similar files, which, if disclosed to the public, would constitute an unwarranted invasion of personal privacy.

Exemption (b)(7)(C) of the FOIA authorizes the withholding of identities of names of complainants, witnesses, law enforcement personnel and other individuals whose names appear in investigative files, which, if disclosed to the public, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

Should you wish to discuss this response to your request, feel free to contact this office at FOIA.PrivacyAct@oig.dol.gov or the DOL FOIA Public Liaison, Thomas Hicks hicks.thomas@dol.gov at 202-693-5427. 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 for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Please note that due to the COVID-19 pandemic, OGIS staff does not have access to submissions sent by U.S. mail, overnight mail services, or fax. As a result, responses to mail and fax inquiries will be delayed. To ensure a more timely response to your inquiry, please contact OGIS by email at ogis@nara.gov to ensure a more timely response.

If you are not satisfied with the response to this request, you have the right to administratively appeal this decision within 90 days from the date of this letter. Should you decide to do this, your appeal must state, in writing, the grounds for appeal, together with any statement or arguments. Such an appeal should be addressed and directed to the Solicitor of Labor, citing OIG/FOIA No. 2021065, Room N-2428, 200 Constitution Avenue, N.W., Washington, D.C. 20210 or emailed to foiaappeals@dol.gov. Please refer to the Department of Labor regulations at 29 CFR 70.22 for further details on your appeal rights.

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

During the federal government's maximum telework flexibilities operating status, the U.S. Department of Labor is still able to receive and timely log FOIA requests and appeals submitted through the Department's designated email addresses (foiarequests@dol.gov and foiaappeals@dol.gov, respectively) as well as those submitted through the National FOIA Portal. The receipt of FOIA requests and FOIA appeals received through other methods may be delayed. Please also note that the processing of some FOIA requests may be delayed due to the inability of FOIA staff to access responsive paper files maintained in unattended offices or those held at any of the National Archives and Records Administration's Federal Records Centers, which are closed for records retrieval services at this time.

Finally, this office appreciates your patience in this matter. If you have any questions concerning this letter, feel free to contact this office at FOIA.PrivacyAct@oig.dol.gov. Please refer to FOIA Request Number 2021065 on future correspondence. We look forward to assisting you.

Sincerely,

Michael Coen

Michael Coen
FOIA Officer

Attachments:
60 pages

CASE CLOSING SUMMARY

U.S. DEPARTMENT OF LABOR OFFICE OF INSPECTOR GENERAL



Report Date: 10-06-2021

Case Details:

Case Number: 9104010007PC

Case Title: Miguel Olea- WHD

Case Type: Investigation

Case Closed Date: 05/16/2019

Case Closing Synopsis:

From January 2016 through September 2016 Olea has completed 55 conciliation investigations. In July 2016, Olea turned in 15-16 conciliations in one day. Olea's (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) found the number of conciliations completed to be suspicious. As a result they attempted to contact a sampling of the complainants and subject employers listed in the conciliation investigative reports. During their review they determined that several, if not all, of the phone numbers listed for the complainants or the employers were disconnected, were a wrong number, were not in service or were inoperable. Furthermore, they conducted a sampling of site checks for some of the employer addresses and determined that the addresses were non-existent or belonged to businesses not associated with businesses listed in the investigative conciliation report submitted by Olea. Further review of another limited scope investigation involving missing payroll for 2 weeks revealed that Olea expanded the time period of the investigation to include several additional weeks and/or months of missing payroll when, in fact, the employer had paid the payroll during the expanded period. The WHD case file revealed that Olea may have fabricated his findings in this investigation and significantly increased the amount of backwages due. The employer was ultimately given "credit" for the wages paid so no backwages were ultimately due other than the two week period but the case file made it appear that Olea had uncovered a \$300,000 backwage liability. The WHD requested the assistance of the OIG. On Mar 26, 2019, Miguel Olea (Olea), a former Wage and Hour Investigator, was charged via information with making a False Statement in Official Certificates or Writings, a Class A misdemeanor. The court sentenced Olea to one year of probation following his guilty plea. Olea prepared and submitted at least 36 fictitious Compliance Action Reports in the Wage and Hour Investigative Support and Reporting Database (WHISARD). The Compliance Action Reports contained complaints from fictitious employees alleging FLSA violations by fictitious employers that Olea created. Olea also entered false addresses and phone numbers for the fictitious employees and employers in WHISARD.

CASE CLOSING SUMMARY

U.S. DEPARTMENT OF LABOR OFFICE OF INSPECTOR GENERAL



Disposition of Property and Evidence:

Returned laptop, iPhone and conciliation case files to Wage and Hour Division. OIG-111s uploaded into LOCATS.

Referral:

N/A

CASE CLOSING SUMMARY

U.S. DEPARTMENT OF LABOR OFFICE OF INSPECTOR GENERAL



Report Date: 10-06-2021

Case Details:

Case Number: I163200120

Case Title: (b)(6), (b)(7)(C)

Case Type: Investigation

Case Closed Date: 10/09/2019

Case Closing Synopsis:

This investigation was initiated based on a Whistleblower Retaliation Complaint received by the Complaint Analysis Office alleging that (b)(6), (b)(7)(C), a federal contractor at (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) from her position as an (b)(6), (b)(7)(C) at the (b)(6), (b)(7)(C) as reprisal for disclosing information concerning academic fraud. The OIG conducted an investigation regarding the allegations of academic fraud. On March 21, 2017, the facts of the investigation were presented to the United States Attorney's Office and was declined to be criminally prosecuted. Once the declination was received the whistleblower complaint was investigated. Upon conclusion of the investigation, an Executive Summary and an Investigative Memorandum with supporting exhibits detailing the facts of the investigation were prepared and submitted to the Office of the Secretary of Labor's for consideration in October 2018. On September 13, 2019, the Department issued its final decision in the (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Whistleblower Retaliation case. The Department concluded that there is not sufficient basis that (b)(6), (b)(7)(C) subjected (b)(6), (b)(7)(C) to retaliation. Therefore, the Secretary ordered no relief to the claimant.

Disposition of Property and Evidence:

No evidence and or property was obtained during the course of this investigation.

Referral:

An Executive Summary and Investigative Memorandum with supporting exhibits was submitted to the Office of the Secretary of Labor in October 2018. A decision was provided on September 13, 2019, as referenced above.

CASE CLOSING SUMMARY

U.S. DEPARTMENT OF LABOR OFFICE OF INSPECTOR GENERAL



CASE CLOSING SUMMARY

U.S. DEPARTMENT OF LABOR OFFICE OF INSPECTOR GENERAL



Report Date: 10-07-2021

Case Details:

Case Number: I174100073-J

Case Title: (b)(6), (b)(7)(C)

Case Type: Investigation

Case Closed Date: 01/16/2019

Case Closing Synopsis:

Investigation intended to determine if (b)(6), (b)(7)(C) was receiving kickback payments from RX Development Associates, Inc. and Doctors Medical, LLC, both pharmacies (b)(6), (b)(7)(C) (b)(6), (b)(7)(C). The USAO Tampa division was to determine the validity of the violations after HHS IGC issued a ruling on the legality of a separate case involving kickbacks of which this case originated. Prosecution was denied due to (b) (5), (b) (6), (b) (7)(C)

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

Disposition of Property and Evidence:

None

Referral:

None

CASE CLOSING SUMMARY

U.S. DEPARTMENT OF LABOR OFFICE OF INSPECTOR GENERAL



Report Date: 10-06-2021

Case Details:

Case Number: I181701503

Case Title: (b) (7)(C) MSHA SENIOR INVESTIGATOR

Case Type: Investigation

Case Closed Date: 08/01/2019

Case Closing Synopsis:

Subsequent to an investigation by the DOL OIG, (b) (7)(C) was served with a notice of suspension on July 2, 2019 upon his return from extended sick leave. However, (b) (7)(C) retired from the Mine Safety and Health Administration effective on July 3, 2019.

Disposition of Property and Evidence:

None

Referral:

None

CASE CLOSING SUMMARY

U.S. DEPARTMENT OF LABOR OFFICE OF INSPECTOR GENERAL



Report Date: 10-06-2021

Case Details:

Case Number: I181701507

Case Title: (b)(6), (b)(7)(C)

Case Type: Investigation

Case Closed Date: 09/06/2019

Case Closing Synopsis:

The Washington OI-LRF investigation is predicated upon information provided anonymously to the DOL-OIG Hotline and referred by the Complaint Analysis Office. The complaint identified (b)(6), (b)(7)(C) as a (b)(6), (b)(7)(C) who allegedly uses government time and equipment to run a real estate business. (b)(7)(C) conducted analysis of (b)(6), (b)(7)(C) government email and internet browsing history, but found minimal references to (b)(6), (b)(7)(C) realtor work. Following multiple attempts to locate (b)(6), (b)(7)(C) at his residence during his scheduled telework, (b)(7)(C) contacted (b)(6), (b)(7)(C) and scheduled a subject interview. On July 23, 2019, investigators conducted a voluntary, recorded interview of (b)(6), (b)(7)(C) admitted to working as a realtor and indicated that he keeps his government and private employment separate while reporting his secondary employment as required. (b)(7)(C) obtained copies of (b)(6), (b)(7)(C) financial disclosure forms from (b)(6), (b)(7)(C) to corroborate (b)(6), (b)(7)(C) statement. She conducted a follow up interview of (b)(6), (b)(7)(C) on August 8, 2019 to review a security incident in which (b)(6), (b)(7)(C) government laptop was stolen from his personal vehicle while he was in telework status. (b)(6), (b)(7)(C) provided (b)(7)(C) with the associated police report, photo, and video. (b)(7)(C) obtained copies of associated incident reports from (b)(6), (b)(7)(C). Based on the analysis and information obtained from (b)(6), (b)(7)(C) records and the (b)(6), (b)(7)(C) interviews, the allegations against (b)(6), (b)(7)(C) could not at this time be substantiated. The investigation confirmed (b)(6), (b)(7)(C) outside employment, but did not develop sufficient evidence to indicate employee misconduct or support a criminal prosecution. As such, on August 27, 2019, (b)(7)(C) coordinated with Special Assistant United States Attorney (SAUSA) (b)(7)(C) United States Attorney's Office for the Eastern District of Virginia in Alexandria, to present the completed investigative findings. SAUSA (b)(7)(C) provided a criminal declination. Washington OI-LRF has completed all possible criminal, civil and administrative steps pertaining to this investigation.

**Disposition of Property and Evidence:**

OI-LRF does not maintain custody of any original evidence. Any documentary, electronic, or other records obtained during the course of the investigation, considered copies, is destroyed or maintained in the official ECF in accordance with IGD 08-1200.

Referral:

On August 27, 2019, (b) (7)(C) coordinated with Special Assistant United States Attorney (SAUSA) (b) (7)(C) United States Attorney's Office for the Eastern District of Virginia in Alexandria, to present the completed investigative findings in the matter. SAUSA (b) (7)(C) provided a criminal declination. Washington OI-LRF has no recommended actions to refer to U.S. Bureau of Labor Statistics.

CASE CLOSING SUMMARY

U.S. DEPARTMENT OF LABOR OFFICE OF INSPECTOR GENERAL



Report Date: 10-06-2021

Case Details:

Case Number: I181702274

Case Title: (b)(6), (b)(7)(C)

Case Type: Investigation

Case Closed Date: 05/14/2019

Case Closing Synopsis:

This investigation was initiated through a hotline complaint. Agents interviewed the potential victim, (b)(6), (b)(7)(C) explained to the agent how she came in contact with (b)(6), (b)(7)(C) and how she feels he may have stolen her PII. An IG Subpoena was served on Thomson Reuters CLEAR for (b)(6), (b)(7)(C) CLEAR searches while he was (b)(6), (b)(7)(C) (b)(6), (b)(7)(C). Agent reviewed the subpoenaed documents from CLEAR and concluded that the searches run through (b)(6), (b)(7)(C) CLEAR account did not have (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) name or any other of her PII. Agent provided (b)(6), (b)(7)(C) with the NYPD's Rape/Special Victim's Unit phone number because of other information that she disclosed to OI. The allegations set forth in the CAO complaint were not substantiated and the case was not presented for prosecution and is being closed for administrative reasons.

Disposition of Property and Evidence:

All evidence/documents received have been destroyed.

Referral:

The allegations set forth in the CAO complaint were not substantiated and the case was not presented for prosecution. (The case was not presented as stated on the Investigation Tab. The dates were inputted after concurrence from the ASAC and SAC, as LOCATS does not have the ability to track admin closed cases.)

CASE CLOSING SUMMARY

U.S. DEPARTMENT OF LABOR OFFICE OF INSPECTOR GENERAL



Report Date: 10-06-2021

Case Details:

Case Number: I185001687-J

Case Title: Joliet Job Corps Gas Card

Case Type: Investigation

Case Closed Date: 08/07/2019

Case Closing Synopsis:

On May 29, 2018, the GSA, Office of the Inspector General (OIG), received an allegation from the Wright Express (WEX) Credit Card Loss Prevention department concerning suspicious fuel transactions that had been made on the credit card assigned to (b)(6), (b)(7)(C) to the Joliet Job Corps. The investigation determined that between May 12, 2018 and May 25, 2018, Symone Sherrod ("Sherrod") and Anthony Byrdsong ("Byrdsong") had made a minimum of 56 fraudulent purchases of fuel with the WEX credit card assigned to the GSA vehicle, totaling approximately 857 gallons and causing a loss to the government of approximately \$2,891.65. Sherrod, an employee of the Joliet Job Corps, stole the Wright Express (WEX) Fleet gas credit card and provided the gas card to her boyfriend, Byrdsong, and they used it to make gas purchases for themselves and their associates. On 12/17/18, Sherrod and Byrdsong were charged via a criminal complaint filed with the Circuit Court of the Twelfth Judicial Circuit, Will County, Illinois with Theft and the Unlawful Use of another's Credit Card. On 1/2/19, Byrdsong was arrested by the Will County, IL Sheriff's Office. On 1/9/19, Symone Sherrod self-surrendered to the Will County, IL Sheriff's Office. On 1/16/19, Sherrod and Byrdsong were indicted in the State of Illinois' Twelfth Circuit Court in Will County, and charged with Unlawful Use of Another's Credit Card and Theft. On 6/4/19, Sherrod pleaded guilty to Unlawful Use of Another's Credit Card in violation of 720 ILCS 5/17-36(i). Sherrod was sentenced to 2 years' probation and ordered to pay a \$85 fine, \$883 in court costs, and restitution in the amount of \$2,891.65. On 6/14/19, Byrdsong pleaded guilty to Unlawful Use of Another's Credit Card in violation of 720 ILCS 5/17-36(i). Byrdsong was sentenced to 90 days in jail, followed by 2 years' probation. Byrdsong was further ordered to pay court costs totaling \$2,709 and a probation fee of \$1,200.

Disposition of Property and Evidence:

CASE CLOSING SUMMARY

U.S. DEPARTMENT OF LABOR OFFICE OF INSPECTOR GENERAL



No original evidence was received. No grand jury material was received.

Referral:

he investigation was referred to and prosecuted by the State of Illinois in Will County.

CASE CLOSING SUMMARY

U.S. DEPARTMENT OF LABOR OFFICE OF INSPECTOR GENERAL



Report Date: 10-06-2021

Case Details:

Case Number: I194001515

Case Title: (b) (7)(C)

Case Type: Investigation

Case Closed Date: 08/05/2019

Case Closing Synopsis:

OI reviewed information sent forth by (b)(6), (b)(7)(C). There was not enough information to support additional criminal prosecution concerning any alleged federal violations or additional state violations. (b)(6), (b)(7)(C) Police Department has already filed charges against (b)(7)(C), (b)(6) for misdemeanor Criminal Trespass that is in the local courts jurisdiction. (b)(7)(C), (b)(6) fully identified himself once he arrived at Premiere Infosource via showing identification. (b)(7)(C), (b)(6) had approval from his assignments to arrive at that particular location per (b)(6), (b)(7)(C)(b)(7)(C), (b)(6). No additional information was uncovered to support additional alleged employee misconduct at present. If new information is provided that could change to outcome this complaint can be re-opened. After discussion with (b)(7)(C) and CIG (b)(7)(C), this matter was re-opened for further review. On July 28, 2020, BLS notified (b)(7)(C), (b)(6) for his suspension, without pay, from August 10-23, 2020. BLS reported (b)(7)(C), (b)(6) was in LWOP status for 14 days.

Disposition of Property and Evidence:

None.

Referral:

None.

CASE CLOSING SUMMARY

U.S. DEPARTMENT OF LABOR OFFICE OF INSPECTOR GENERAL



Report Date: 10-06-2021

Case Details:

Case Number: I199101431

Case Title: (b)(6), (b)(7)(C)

Case Type: Investigation

Case Closed Date: 09/05/2019

Case Closing Synopsis:

On 9/3/19, as a result of an OIG investigation, (b)(6), (b)(7)(C), resigned from federal service. (b)(6), (b)(7)(C) GS-12, step 9. The OIG investigation revealed that (b)(6), (b)(7)(C) submitted falsified medical documentation to (b)(6), (b)(7)(C) in order to obtain leave without pay (LWOP) status. (b)(6), (b)(7)(C) previously exhausted all leave balances (annual and sick leave). In order to take the additional time off in LWOP status, he falsified medical documentation. Since October 10, 2018, (b)(6), (b)(7)(C) submitted over 20 falsified medical reports that contained fabricated doctor signatures. OIG agents attempted to interview (b)(6), (b)(7)(C) on 8/28/19 at his residence. At that time, (b)(6), (b)(7)(C) requested his union representative and an interview was re-scheduled for 9/3/19. On 9/3/19, (b)(6), (b)(7)(C) emailed (b)(6), (b)(7)(C) and OIG indicating that he was retiring from federal service effective 8/31/19. On 8/28/19, (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) made contact with (b)(6), (b)(7)(C) in an attempt to interview him. After explaining the nature of the investigation involving (b)(6), (b)(7)(C) requested to be interviewed in the presence of (b)(6), (b)(7)(C). Agents acknowledged and subsequently set up an interview with (b)(6), (b)(7)(C) for 9/3/19 at 10:30am at his residence. On 9/3/19, (b)(6), (b)(7)(C) advised OIG that (b)(6), (b)(7)(C) had resigned effective 8/31/19. As such no further action was required by OIG. This matter will not be presented criminally due to the (b)(5)

Disposition of Property and Evidence:

None.

Referral:

CASE CLOSING SUMMARY

U.S. DEPARTMENT OF LABOR OFFICE OF INSPECTOR GENERAL



(b) (5)

INVESTIGATIVE REPORT**U.S. DEPARTMENT OF LABOR
OFFICE OF INSPECTOR GENERAL**

Subject: (b) (7)(C) (b) (7)(C)	Violation: 18 USC 1001 and Investigative Notice IN 08- 0900, Investigations: Interviews	Case Number: S181400003 Date Prepared: September 24, 2018 Report Type: Investigative Memorandum By: SA (b) (7)(C) (b) (7)(C)
Distribution: OI, File		

Preface

The Office of Special Investigations (OSI) received a complaint alleging that Department of Labor (DOL), Office of Inspector General (OIG) (b) (7)(C) made false statements and violated the OIG Policy Manual during the course of a Whistleblower Retaliation (WB) investigation involving The Louisiana Workforce Commission (LWC). The complaint alleges during follow-up interviews of the WB investigation, (b) (6), (b) (7)(C) told agents that she had been previously interviewed by an OIG Investigator (Attachment 1). (b) (7)(C) failed to document that he had interviewed (b) (6), (b) (7)(C) LWC, while he was the lead agent of the LWC WB investigation.

Background

The WB allegations against LWC was received on August 19, 2016, and (b) (7)(C) was assigned as the lead agent to conduct the investigation into the allegations. Because (b) (7)(C) is the only agent assigned to the DOL OIG investigative office in Baton Rouge, Louisiana, where LWC is located, he conducted the interviews of LWC staff without the assistance of another agent. (b) (7)(C) conducted numerous interviews of staff at LWC during the course of the initial investigation. After review of those interviews, none of the interviews showed (b) (6), (b) (7)(C) had been interviewed, nor was she noted as being present in any of the interviews conducted by (b) (7)(C). However, during a follow-up interview conducted by OSI, (b) (6), (b) (7)(C) indicated that (b) (7)(C) had in fact, interviewed her six months to a year prior.

Upon completion of the interviews, (b) (7)(C) assembled a draft OIG-110 Report of Investigation, and forwarded it via email to (b) (6), (b) (7)(C) (DAIGI), as well as the (b) (6), (b) (7)(C) for review.

During the review process of this OIG-110, a conference call was held to discuss the progress of the investigation and the draft report. Included in this call were: (b) (6), (b) (7)(C) Special-Agent-in-Charge (SAC) Steve Grell, Dallas Regional Office of Investigations, and (b) (7)(C). During this call, it was determined that, based on the allegations and draft 110 report, there were two key witnesses in this case who had not yet been interviewed. As a result, (b) (7)(C) was told that before the investigative report could be finalized, he would need to conduct interviews of the two additional witnesses. These witnesses were identified as (b) (6), (b) (7)(C). At that time, (b) (7)(C) indicated it would be a problem for him to interview (b) (6), (b) (7)(C) because members of his family had a personal relationship with (b) (6), (b) (7)(C). (b) (7)(C) stated (b) (6), (b) (7)(C)

INVESTIGATIVE REPORT

U.S. DEPARTMENT OF LABOR OFFICE OF INSPECTOR GENERAL



were friends on Facebook and during his investigation of LWC, (b)(6), (b)(7)(C) sent (b)(6), (b)(7)(C) a message via Facebook Messenger that stated she had seen SA (b)(7)(C) at the office (LWC) today. Additionally (b)(7)(C) told (b)(6), (b)(7)(C) that he and (b)(6), (b)(7)(C) and have seen her in their local community.

As a result of (b)(7)(C) disclosure during that conference call, he was removed as the lead agent from the investigation (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) of the OIG's Houston Field Office of Investigations, was assigned (b)(6), (b)(7)(C)

Details of the Investigation

OSI conducted an interview of (b)(6), (b)(7)(C) (Attachment 2). She stated that during her review of the LWC draft report of investigation, she noted that (b)(6), (b)(7)(C) name was neither listed as a participant on any reports of interview, nor was it in the original draft report. Knowing that (b)(6), (b)(7)(C) was a key witness in the original allegation of WB reprisal, (b)(6), (b)(7)(C) stated she discussed with (b)(6), (b)(7)(C) the need for additional interviews of LWC staff.

(b)(6), (b)(7)(C) stated that on or about October 19, 2017, she participated in a conference call with (b)(6), (b)(7)(C) and (b)(7)(C) in reference to the WB investigation of LWC. (b)(6), (b)(7)(C) stated the call was scheduled in order to discuss the need for additional interviews of key LWC staff. (b)(6), (b)(7)(C) stated during the conference call, (b)(7)(C) was told to conduct the additional interviews of (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) stated that, at that point in the conversation, (b)(7)(C) stated he had a conflict and would not be able to interview (b)(6), (b)(7)(C) reported that when asked what his conflict with (b)(6), (b)(7)(C) was, (b)(7)(C) said he and (b)(6), (b)(7)(C) were friends with (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) had received a Facebook message from (b)(6), (b)(7)(C) after he had conducted the earlier interviews at LWC.

Because these new disclosures indicated a potential conflict of interest, (b)(6), (b)(7)(C) put the conference call on hold and discussed having (b)(7)(C) removed from the investigation. (b)(6), (b)(7)(C) stated she and (b)(6), (b)(7)(C) agreed that (b)(7)(C) would need to be recused from the investigation at that point. When (b)(6), (b)(7)(C) returned to the conference call, they told (b)(7)(C) and (b)(7)(C) that the investigation would be reassigned to another agent.

(b)(6), (b)(7)(C) said that at no time, before being directed during the conference call to conduct additional interviews or anywhere in the draft investigative report or attached interviews, had (b)(7)(C) indicated that he had previously interviewed (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) further stated that (b)(7)(C) never indicated that (b)(6), (b)(7)(C) had been in any of the previous staff interviews of LWC.

(b)(6), (b)(7)(C) stated during her interview she had received the original draft WB report from (b)(7)(C) for review and edits. (Attachment 3). She indicated the draft report was not well constructed, and did not appear to be objective as a WB report should be. Knowing that WB retaliation cases were fairly new to OIG, (b)(6), (b)(7)(C) requested that (b)(6), (b)(7)(C) review the draft WB report. (b)(6), (b)(7)(C) stated she had already done some edits to the report but she wanted to ensure that the report covered all the bases and legal requirements associated with WB retaliation cases. (b)(6), (b)(7)(C) stated she participated in a conference call with (b)(6), (b)(7)(C) (b)(7)(C) and (b)(7)(C) on October 19, 2017,



to discuss edits in the report; as well as requested additional interviews of key witnesses that were missing from the report. (b) (7)(C) stated the missing witness interviews clearly needed to be completed before the report could be finalized. She went on to say that, the two missing witness statements were key to the investigation because the complainant had specifically identified the two individuals, by name, in the original WB complaint as having witnessed the alleged retaliation. (b) (7)(C) confirmed that, during the call when (b) (7)(C) was directed to conduct the additional interviews, (b) (7)(C) stated he had a conflict and would not be able to conduct the interview of (b) (6), (b) (7)(C). (b) (7)(C) also confirmed that (b) (7)(C) stated during the call that he and (b) (6), (b) (7)(C) were friends with (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) had received a Facebook message from (b) (6), (b) (7)(C) after (b) (7)(C) had conducted his initial interviews at LWC. (b) (7)(C) stated she and (b) (6), (b) (7)(C) discussed this conflict while the conference call was put on hold, and that they determined that (b) (7)(C) should recuse himself from further investigation of the complaint. (b) (6), (b) (7)(C) stated the investigation and subsequent interviews were assigned to (b) (7)(C) (b) (7)(C) supervisor, and SA (b) (7)(C) from OI's Kansas City Field Office.

(b) (7)(C) stated during his interview he was assigned to assist (b) (7)(C) in additional interviews of a WB investigation of LWC around November 2017. (Attachment 4). (b) (7)(C) stated he and (b) (7)(C) interviewed (b) (6), (b) (7)(C) in person at LWC on November 20, 2017. (b) (7)(C) stated that during the recorded interview, (b) (6), (b) (7)(C) indicated she had been previously interviewed by an OIG investigator. During questioning, seeking to clarify when (b) (6), (b) (7)(C) had been interviewed previously and by whom, (b) (7)(C) indicated (b) (6), (b) (7)(C) stated "...maybe a year ago, eight months ago. I don't recall. I don't recall a timeline but it's been quite some time."¹ (b) (6), (b) (7)(C) continued with her statement by saying that it was during her previous interview that she learned the name of the source of the complaint against LWC. Because (b) (7)(C) and (b) (7)(C) were not aware that (b) (6), (b) (7)(C) had been previously interviewed, they continued with their questions. Also they did not follow up on the previous interview, other than to ask if an OIG investigator conducted the interview and when. Later, (b) (7)(C) stated he learned that there was no record of an interview with (b) (6), (b) (7)(C) (b) (7)(C) stated he was not the lead agent on this investigation, and he was not fully briefed on all that had occurred previously with the investigation. He explained that he was just assisting in the interviews with (b) (7)(C) and did not know to ask further questions about previous interviews.

(b) (7)(C) stated he was the supervisor of (b) (7)(C) while he was assigned the WB investigation. (Attachment 5). (b) (7)(C) further stated he had not really known much about WB investigations and this was one of the first ones his office had done. (b) (7)(C) stated that in early 2017, he was notified by (b) (7)(C) that (b) (7)(C) had a conflict with this case, and that he (b) (7)(C) should complete the additional interviews to finish up the WB investigation. (b) (7)(C) did not indicate that (b) (7)(C) was ever officially told that he was recused from the investigation.

(b) (7)(C) stated that on November 20, 2017, he and (b) (7)(C) interviewed (b) (6), (b) (7)(C) at LWC. During the interview of (b) (6), (b) (7)(C) she told (b) (7)(C) she had been previously questioned by an

¹ Attachment 4, Page 8, Line 354

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OIG investigator. When (b) (7)(C) inquired about the timeframe of the interview, (b) (7)(C) indicated (b) (6), (b) (7)(C) stated, "... maybe a year ago, eight months ago. I don't recall. I don't recall a timeline but it's been quite some time."² In addition, (b) (6), (b) (7)(C) told (b) (7)(C) stated, "... so that's how you learned of-who the source of this complaint, yeah...".³

(b) (7)(C) was interviewed by OSI and stated that when he reviewed the draft report initially, he had told (b) (7)(C) that (b) (6), (b) (7)(C) needed to be interviewed. (Attachment 6) (b) (7)(C) stated that when he told (b) (7)(C) to go back and do the interview of (b) (6), (b) (7)(C) in early April of 2017, (b) (7)(C) stated, "...he'd be happy to do it but he wanted to let me know that there may be a conflict of interest and he explained the conflict of interest being that after the last time he had interviewed her (b) (6), (b) (7)(C) received a Facebook post from (b) (6), (b) (7)(C) stating, "Hey, I met (b) (6), (b) (7)(C)" or- or (b) (6), (b) (7)(C) or something to that effect."⁴ (b) (7)(C) indicated that (b) (6), (b) (7)(C) would have to be interviewed either way so (b) (7)(C) would have to "get it done."

(b) (7)(C) stated that while he was on the conference call with (b) (6), (b) (7)(C) and (b) (7)(C) in October 2017, (b) (7)(C) brought the conflict of interest issue to the attention of (b) (6), (b) (7)(C) and (b) (7)(C) when they said an interview of (b) (6), (b) (7)(C) needed to be conducted. When asked if (b) (7)(C) told him about (b) (7)(C) being in an interview, (b) (7)(C) stated, "...in conversation I remember him tellin' me. So and then when-later on, after getting notified that-that headquarters was interested in the c-or looking at it I was telling (b) (6), (b) (7)(C) I's like, "I think she was there at the interview," and that's -that's-that was my understanding and feeling but when I went back to look at the 103, obviously, (b) (6), (b) (7)(C) name is not listed."⁵ (b) (7)(C) stated they (b) (6), (b) (7)(C) and himself) decided that someone else should conduct the interview (b) (7)(C) stated he assigned (b) (7)(C) to conduct the additional interviews. (b) (7)(C) did not remember specifically if he told (b) (7)(C) he was "recused" but according to (b) (7)(C) in the conference call it was clear that (b) (7)(C) would no longer be involved in the investigation.

(b) (7)(C) was interviewed by OSI and stated that he was assigned the LWC WB investigation around August 2016, upon his return from active military duty. (Attachment 7) (b) (7)(C) stated that before the LWC WB investigation, "...I've never heard of Statute 828 Whistleblower Investigations. I've never had any training on Whistleblower Investigations. My understanding was that this was a CAO complaint and was to be handled as any other CAO complaint. The guidance that I got was to go interview the claimant and whatever you wanna call her (b) (6), (b) (7)(C) and get her statement. And then based on what she said we would- (b) (6), (b) (7)(C) and I would discuss it and make a determination about what needed to be done-so I went and interviewed (b) (6), (b) (7)(C)"⁶ When asked about the interview of (b) (6), (b) (7)(C) he asserted that he had never interviewed her. (b) (7)(C) explained, "...When I interviewed (b) (6), (b) (7)(C) was

² Attachment 5, Page 13, Line 548

³ Attachment 5, page 13, Line 550

⁴ Attachment 6, Page 4, Line 158

⁵ Attachment 6, Page 7, Line 285

⁶ Attachment 7, Page 4, Line 156

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in her room and she introduced as (b)(6), (b)(7)(C) my assistant." ⁷ (b)(7)(C) explained the set up of the room as, "...I was sitting on this side of the table all by myself-and (b)(6), (b)(7)(C) was sitting in front of me and then her inside counsel was sitting next to her and her outside counsel was sitting next to him and (b)(6), (b)(7)(C) was all the way down the other end of the conference table taking notes-all right and that's how she was-she was a note taker-she was, "My assistant's gonna sit in." All right- (b)(6), (b)(7)(C) was appointed by the governor-confirmed by the Senate-and as inside counsel-outside counsel and once as a note taker." ⁸ (b)(7)(C) explained that because (b)(6), (b)(7)(C) was in the room during the interview of (b)(6), (b)(7)(C) could have misconstrued that she was part of the interview, or felt she was being interviewed simply because she was in the room. (b)(7)(C) stated, "...I believe that (b)(6), (b)(7)(C) believes she was interviewed because she was so excited that she had seen somebody from the Federal Government..." ⁹ When asked about (b)(6), (b)(7)(C) name not being annotated on the OIG 103, (b)(7)(C) stated, "...it wasn't relevant to me at the time-and that's looking back in hindsight-yeah- I should have-I wish I had... I was focused on interviewing (b)(6), (b)(7)(C) getting her information- that- so that I could close this case-and her having the entourage that she had-the woman taking notes was of no consequence to me." ¹⁰ (b)(7)(C) further explained (b)(6), (b)(7)(C) did not participate in the interview of (b)(6), (b)(7)(C) and he (b)(7)(C) did not ask (b)(6), (b)(7)(C) any direct questions during the interview of (b)(6), (b)(7)(C).

When asked if (b)(7)(C) had annotated (b)(7)(C), (b)(6) presence on his written interview notes taken during the interview, (b)(7)(C) stated he would most likely have recorded her as in attendance, but he could not remember for certain. When asked about the location of the original interview notes, (b)(7)(C) could not provide them. (b)(7)(C) stated that he generally scans the notes and uploads them into the case management system once he completes the OIG 103, and then destroys them. When asked why the case notes were not uploaded in the case management system for (b)(7)(C), (b)(6) or any other interviews of LWC staff in this case, (b)(7)(C) stated he was sure they were there; however, they may not have migrated from the old case management system during the conversion to the new case management system. (b)(7)(C) stated he no longer had access to the old case management system documents, but he was sure he uploaded them into the system after the OIG 103 was completed. (b)(7)(C) was asked to look through his files and see if he had the original case notes or the scanned copy was somewhere in his files. (b)(7)(C) responded that he had looked through his files, but was unable to find the scans or original interview notes for the (b)(6), (b)(7)(C) interview. (Agent note: OSI conducted a search of documents in the former case management system and did not find any case notes related to the LWC complaint that had been uploaded by (b)(7)(C). The documents found in the old case management system included the original CAO complaint, an OIG 103 of the complainant (b)(7)(C), (b)(6) and a response document from the original CAO complaint. (Attachment 8) In

⁷ Attachment 7, Page 8, Line 333

⁸ Attachment 7, Page 8, Line 338

⁹ Attachment 7, Page 11, Line 490

¹⁰ Attachment 7, Page 13, Line 545-553

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addition, no notes were uploaded for the OIG 103 interview of (b) (7)(C), (b) (6) in the old case management system.

When asked about his personal relationship with (b) (6), (b) (7)(C) (b) (7)(C) stated that he and (b) (6), (b) (7)(C) knew each other (b) (6), (b) (7)(C). He also stated that (b) (6), (b) (7)(C) was friends on Facebook with (b) (6), (b) (7)(C) (b) (7)(C) stated that around April 2017, he informed (b) (7)(C) that (b) (7)(C), (b) (6) had sent a Facebook message to (b) (6), (b) (7)(C) after he had visited LWC for the WB investigation. (b) (7)(C) stated that (b) (7)(C) responded by stating, "Okay, was that it?"¹¹ When (b) (7)(C) stated, "yes" (b) (7)(C) told him, "You're still going to have to do that interview"¹² (b) (7)(C) further stated that during the telephone conference with (b) (7)(C), (b) (6), (b) (7)(C), (b) (6) and (b) (7)(C) he told them about the conflict and personal history he had with (b) (7)(C), (b) (6) and also about the Facebook message to (b) (6), (b) (7)(C) that occurred after the (b) (7)(C), (b) (6) interview. (b) (7)(C) stated after this information was provided, the decision was made to have other agents conduct the remaining interviews. (b) (7)(C) said that after the telephone conference call, he did not see the draft report again and as far as he knew, he was done with the investigation and went on to work other investigations that were assigned to him.

(b) (7)(C) explained that he was never officially told he was recused from the investigation. (b) (7)(C) stated he was told by (b) (7)(C) that he, (b) (7)(C), was now doing the investigation, but (b) (7)(C) would have to help with it. (b) (7)(C) asked (b) (7)(C) "...Hey am I supposed to still be working this or what's going on?" And he said, "No, I think I'm doing it but, you're still gonna have to help out with it, cause then he had me go do some interviews with him and like—" "Okay, I don't know if I'm on it or off it."¹³ (b) (7)(C) further stated that for two of the interviews he set up for (b) (7)(C) he also participated in the interview via conference call. (b) (7)(C) stated the first time he found out there was a problem with his participation in the investigation, "...was when the Giglio letter came back before trial."¹⁴

(b) (7)(C), (b) (6) was interviewed by OSI at LWC. (Attachment 9). When asked about her previous interview, (b) (7)(C), (b) (6) stated that when she was interviewed by (b) (7)(C), (b) (7)(C), (b) (6) stated, "...it was for, I guess a Whistleblower allegation...brought forth by (b) (7)(C), (b) (6), um couple of years ago. I-I don't know the exact date if it."¹⁵ (b) (7)(C), (b) (6) stated (b) (7)(C), (b) (6), (b) (6), (b) (7)(C) for LWC, was also present and (b) (7)(C), (b) (6) stated that during her interview, she was asked questions such as, "the chain of events" "About happenings regarding (b) (7)(C), (b) (6) allegations"¹⁶ against LWC (b) (7)(C), (b) (6) indicated she had information about the complaint since she had been an acting Director at LWC prior to (b) (7)(C) arriving. When asked about questions in her interview directed towards her specifically, (b) (7)(C), (b) (6) stated, "...I mean I do remember questions being directed exactly to me...that I do remember."¹⁷ (b) (7)(C), (b) (6) stated she did not take

¹¹ Attachment 7, Page 17, line 741

¹² Attachment 7, Page 17, line 741-742

¹³ Attachment 7, Page 18, line 797

¹⁴ Attachment 7, Page 19, Line 844

¹⁵ Attachment 9, Page 3, Line 102-107

¹⁶ Attachment 9, Page 3, Line 127-135

¹⁷ Attachment 9, Page 5, Line 189-193



any notes of her interview; however, she did indicate that (b) (7)(C) took notes. (b) (7)(C), (b) (6) stated the first time she was interviewed, *"...I was interviewed I did have some things-some notes that I brought with me because I had to try to get a timeline...when we did, you know, the corrective action and those things."*¹⁸

(b) (7)(C), (b) (6) also stated that approximately a year after she was first interviewed by (b) (7)(C) she was interviewed again by two other agents from DOL. (b) (7)(C), (b) (6) said the agents asked some of the same questions related to the WB complaint against LWC.

(b) (7)(C), (b) (6) stated she knew (b) (7)(C) and (b) (6), (b) (7)(C) because (b) (6), (b) (7)(C) with (b) (7)(C) (b) (6), (b) (7)(C). In addition, (b) (7)(C), (b) (6) stated she met up with (b) (7)(C) and (b) (6), (b) (7)(C) in the grocery store and had a brief conversation, but that was that last time she had seen (b) (7)(C). (b) (7)(C), (b) (6) said nothing about sending (b) (7)(C), (b) (6) a Facebook message, but did say they were friends on Facebook. OSI later contacted (b) (7)(C), (b) (6) to determine if she had a copy of the Facebook message that (b) (7)(C), (b) (6) indicated (b) (7)(C), (b) (6) had sent to (b) (6), (b) (7)(C). (b) (7)(C), (b) (6) reviewed her Facebook account and determined that she never had any Facebook Messenger exchanges with (b) (6), (b) (7)(C). (b) (7)(C), (b) (6) stated she and (b) (6), (b) (7)(C) had liked some of each other's posts, and on one occasion, she and (b) (6), (b) (7)(C) had commented on the same posting, but she had no record of sending (b) (6), (b) (7)(C) a message using Facebook Messenger. (Attachment 10)

(b) (7)(C), (b) (6) was interviewed by OSI at LWC. (Attachment 11). (b) (7)(C), (b) (6) stated he was present in a few of the interviews of employees related to the WB complaint, but could not remember exactly which ones. (b) (7)(C), (b) (6) stated, *"...to tell you the truth, I'm not sure who else besides myself and (b) (7)(C), (b) (6) and (b) (6), (b) (7)(C) was there I do not think that anyone else was present other than the three, (b) (7)(C), myself and (b) (6), (b) (7)(C). That's just based on memory, that's a while ago."*¹⁹ When asked if he knew of (b) (7)(C), (b) (6) was interviewed, he stated, *"...I think that I know that she was interviewed but I don't know if she was there at the time."*²⁰ (b) (7)(C), (b) (6) stated he did not take any notes during any of the interviews, however he was able to provide a copy of the LWC visitor register for LWC showing that (b) (7)(C), (b) (6) was at LWC on November 7, 2016, to conduct interviews (Attachment 12).

(b) (7)(C), (b) (6) was interviewed by OSI at LWC (Attachment 13). (b) (7)(C), (b) (6) could provide no information on any interviews, including her own. (b) (7)(C), (b) (6) stated she did not know who was present in her interview, to include any legal representation, or other employees. (b) (7)(C), (b) (6) stated no notes were taken during her interview by anyone from LWC. (b) (7)(C), (b) (6) also stated that she believed (b) (7)(C), (b) (6) was probably interviewed by (b) (7)(C), (b) (6) during the WB investigation. When asked specifically if (b) (7)(C), (b) (6) was interviewed, (b) (7)(C), (b) (6) stated, *"...yes. I think she probably was.... I remember the first interview...I'm thinking that, um, (b) (7)(C), (b) (6) was, um, interviewed around the same time or on the same date because she had some intricate, um, information regarding the Whistleblower"*

¹⁸ Attachment 9, Page 8, Line 351-360

¹⁹ Attachment 11, Page 2, Line 76

²⁰ Attachment 11, Page 2, Line 84

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case...so I would assume that he spoke with her." ^{(b) (7)(C), (b) (6)} did not recall if ^{(b) (7)(C), (b) (6)} was in the room during her interview (Attachment 13 (a)).

Conclusion:

During the investigation, it was determined that ^{(b) (7)(C)} did have a prior relationship, although limited, with ^{(b) (7)(C), (b) (6)} through ^{(b) (6), (b) (7)(C)}. In addition, OSI established that ^{(b) (6), (b) (7)(C)} and ^{(b) (7)(C), (b) (6)} were friends on Facebook. In addition, ^{(b) (7)(C), (b) (6)} and ^{(b) (7)(C)} live in the same community and saw each other at places such as the grocery store in ^{(b) (6), (b) (7)(C)}. With regard to the failure to recuse himself from the investigation, ^{(b) (7)(C)} stated he had informed ^{(b) (7)(C)} in early April of 2017, he knew ^{(b) (7)(C), (b) (6)} and she had corresponded ^{(b) (6), (b) (7)(C)} on Facebook after he was at LWC. When he first alerted ^{(b) (7)(C)} about the conflict, ^{(b) (7)(C)} stated ^{(b) (7)(C)} told him to conduct the interviews anyway.

OSI substantiated the allegation that ^{(b) (7)(C)} violated OIG Policy Manual: Investigative Notice (IN) 8-900, Investigations: Interviews, section 2-2, when he did not list ^{(b) (7)(C), (b) (6)} on the Report of Interview (OIG Form 103), for ^{(b) (7)(C), (b) (6)}. ^{(b) (7)(C)} admitted ^{(b) (7)(C), (b) (6)} was present when he interviewed ^{(b) (7)(C), (b) (6)} but he failed to annotate her name on the final OIG 103. ^{(b) (7)(C)} denies that he conducted a specific interview of ^{(b) (7)(C), (b) (6)} at any time, however he does acknowledge that he failed to annotate ^{(b) (7)(C), (b) (6)} was present during his interview of ^{(b) (7)(C), (b) (6)}.

OSI substantiated ^{(b) (7)(C)} violated the OIG Policy Manual, IN 8-900, when he failed to retain original interview notes until the case is closed, or upload a scanned copy into the case management system. Because he failed to upload or retain the original notes from the LWC interviews, OSI is not able to substantiate who was in attendance during any interviews conducted by ^{(b) (7)(C)} during this investigation. ^{(b) (7)(C)} cannot locate the original interview notes taken during the interview of ^{(b) (7)(C), (b) (6)} nor can ^{(b) (7)(C)} locate any of the original interview notes of additional interviews he conducted at LWC. According to ^{(b) (7)(C)} he uploaded all notes to IMIS (OIG's previous case management system). Since IMIS was retired in October 2016 and the ^{(b) (7)(C), (b) (6)} interview was conducted in November 2016, there is no way ^{(b) (7)(C)} could have uploaded the OIG 103-Report of Interview of ^{(b) (7)(C), (b) (6)} or the interview notes into IMIS as he did not have access to the IMIS database once IMIS was retired. OSI searched IMIS, as well as the current case management system LOCATS, to ensure there were no interview notes or other documents that reveal ^{(b) (6), (b) (7)(C)} was previously interviewed by ^{(b) (7)(C)}. In addition, the OIG 103-Report of Interview of ^{(b) (7)(C), (b) (6)} was not uploaded into LOCATS by ^{(b) (7)(C)} until November 27, 2017, according to LOCATS which is almost a year after the interview was conducted by ^{(b) (7)(C)}.

^{(b) (7)(C)}

OSI was unable to substantiate if ^{(b) (6), (b) (7)(C)} was in fact interviewed by ^{(b) (7)(C)}. Although ^{(b) (7)(C)} denies he conducted an independent interview of ^{(b) (6), (b) (7)(C)}, ^{(b) (7)(C)} state specifically that ^{(b) (6), (b) (7)(C)} was interviewed by ^{(b) (7)(C)}, however they also could not

²¹ Attachment 13, Page 3-4, Lines 114-127

²² Attachment 13

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provide any specific details. (b)(6), (b)(7)(C) adamantly states she was interviewed by (b)(7)(C) prior to her interview with (b)(7)(C) and (b)(7)(C) in November 2017, but she could provide no specific details of her interview with (b)(7)(C) other than she was interviewed. However, (b)(7)(C) adamantly denied conducting an interview of (b)(6), (b)(7)(C) and stated (b)(6), (b)(7)(C) must be referring to the interview of (b)(6), (b)(7)(C) which she attended as a note taker.

OSI presented the information gathered from this investigation to (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) After reviewing the related material, (b)(6), (b)(7)(C) declined prosecution of the case On December 7, 2018.

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Attachments

1. [REDACTED] Interview #1
2. [REDACTED] Interview
3. [REDACTED] Interview
4. [REDACTED] Interview
5. [REDACTED] Interview
6. [REDACTED] Interview
7. [REDACTED] Interview
8. Email from [REDACTED]
9. [REDACTED] Interview
10. Email from [REDACTED]
11. [REDACTED] Interview
12. LWC visitor register
13. [REDACTED] Interview (OSI)
 - 13(a) [REDACTED] Interview #1 (Original OI Interview)
14. OIG Manual: Investigative Notice (IN) 8-900, Investigations

Report of Investigation



U.S. Department of Labor Office of Inspector General

Case Title:
CBP Complaint

Violations:
18USC 101-False Statements

Case #: S191400408
Report Type: Investigative Memoranda
Written By: SAC Lisa Anderson
Date Written: October 28, 2019
Office: Washington, DC
Reviewed By: SAC Lisa Anderson
Approved By:

Distribution:
OIG, File

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Synopsis

On December 28, 2018, The Office of Special Investigations (OSI) received notification that Customs and Border Patrol (CBP) had intercepted a package (Attachment 1) containing a controlled substance that required a prescription addressed to Department of Labor (DOL), Office of Inspector General (OIG) (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)

Additionally, OSI received information that (b)(6), (b)(7)(C) was (b)(6), (b)(7)(C) violence against (b)(6), (b)(7)(C) and was abusing opioids. The allegation stated (b)(6), (b)(7)(C) had continued to take pain medication after he had neck surgery and was abusing them on a regular basis. The complaint stated that when (b)(6), (b)(7)(C) could no longer get the medication from his doctor, he forced (b)(6), (b)(7)(C) to go to her doctor and get a prescription for painkillers and he took her prescription for his use. When she refused to go back and get more, the complaint alleges (b)(6), (b)(7)(C) became angry and ripped a television off the wall and threw it (b)(6), (b)(7)(C). The complaint states that this is one of many instances where (b)(6), (b)(7)(C) was (b)(6), (b)(7)(C) violence (b)(6), (b)(7)(C)

Nature of Scheme:

(b)(6), (b)(7)(C) was ordering a controlled substance from an overseas location without a prescription, and allegedly using various other painkillers that not prescribed to him. (b)(6), (b)(7)(C) was also allegedly (b)(6), (b)(7)(C) violence (b)(6), (b)(7)(C)

Referral:

OSI referred the findings to the Office of Investigations (OI), Labor Racketeering and Fraud for review and action.

Reason for closing:

OI issued a memorandum of counseling to (b)(6), (b)(7)(C) and indicated it would stay in his OI file for one year. All investigative work has been completed and no further investigative action is warranted on the part of OSI. This case is closed.

Disposition of Evidence:

All safekeeping items returned to (b)(6), (b)(7)(C)

Investigative Report

U.S. Department of Labor
Office of Inspector General
Office of Investigations



Subject	Violation Character	File No.	S201700642
(b)(6), (b)(7)(C)	18USC641	Report	Investigative Memorandum
(b)(6), (b)(7)(C) Office of Mine Safety and Health Administration (MSHA)	18 USC 208 DLMS 7-1	By:	Office of Special Investigations
		At:	Washington, DC
		Date:	March 31, 2020
		Reviewed	SAC Lisa Anderson
		Approved	Lisa Anderson

Distribution:

OIG Form 110 (OI - 8/02)

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Synopsis

On February 25, 2019, the investigation was initiated upon receipt of an anonymous complaint by the Complaint Analysis Office, United States Department of Labor (DOL), Office of Inspector General (OIG). The anonymous complaint detailing numerous concerns regarding (b)(6), (b)(7)(C) for the Mine Safety and Health Administration (MSHA). (Attachment 1) The same information was sent to Secretary of Labor who then directed the Office of the Solicitor (SOL) to conduct an administrative review into the anonymous complaint. (Attachment 1)

Allegations

The complaint alleged (b)(6), (b)(7)(C), Office of Mine Safety and Health Administration (MSHA), received gifts of financial support for his living expenses in (b)(6), (b)(7)(C) area, travel and meals from prohibited sources including coal and other mining companies, specifically from (b)(6), (b)(7)(C). The complaint further stated that while traveling on business, (b)(6), (b)(7)(C) allowed individuals and companies doing business with MSHA to pay for travel expenses, food and hotels for both (b)(6), (b)(7)(C) and his (b)(6), (b)(7)(C). In addition, the complaint alleged (b)(6), (b)(7)(C) violated federal travel regulations by not using approved methods of travel, allowing (b)(6), (b)(7)(C) to travel with him, and using his privately owned vehicle (POV) for official travel. The complaint stated (b)(6), (b)(7)(C) allowed (b)(6), (b)(7)(C), who is not a Department of Labor employee, to meet with MSHA staff, discuss MSHA policy and perform "Official Government Functions" including decision-making. Additionally the complaint stated (b)(6), (b)(7)(C) made improper organizational and management decisions by removing mines from a Pattern of Violation (POV) status without completing the requirements of the regulations with his goal to merge Coal, Metal and Nonmetal mine inspections endangering the nation's miners. Finally, the complaint stated (b)(6), (b)(7)(C) failed to fill positions in roof control, ventilation and training

positions at the MSHA Academy whereby endangering the lives of miners by failing to train them properly.¹

Findings

On April 5, 2019, OSI conducted a review of (b)(6), (b)(7)(C) travel vouchers for a 90 day period (February thru April 2019), utilizing E2 Solutions, the Department of Labor Travel Management System. The review of authorizations, vouchers and accompanying receipts revealed no evidence of any violation of federal travel regulations. (Attachment 3) There were instances where (b)(6), (b)(7)(C) had utilized his POV for travel, however according to the Department's travel policy, Department of Labor Manual Series (DLMS) 7-1, *General Travel Regulations*, it is permissible to use a personally owned vehicle (POV) as long as the cost is advantageous to the Government.²

On April 5, 2019, OSI conducted a review of the Public Financial Disclosure OGE Form 278e, filed by (b)(6), (b)(7)(C) in 2017. The review of the form did not indicate any financial irregularities, conflict of interest, or claimed assets alleged in the anonymous letter.³

On April 11, 2019, the Solicitor's (SOL) Ethics Office began an internal review of the anonymous allegations referred by the Secretary of Labor. According to the SOL findings, (b)(6), (b)(7)(C) was interviewed. (Attachment 4) (b)(6), (b)(7)(C) indicated that she had been in her current position, and had worked with (b)(6), (b)(7)(C) since he started his position in November of 2017. (b)(6), (b)(7)(C) indicated that she had reviewed the anonymous complaint, as well as the allegations against (b)(6), (b)(7)(C) stated, *"I have never witnessed (b)(6), (b)(7)(C) engage in any behavior regarding travel or the acceptance of gifts that I believe to be improper or in violation of rules or regulations. To the best of my knowledge, he has never accepted money, reimbursement of costs for travel, hotels, or other accommodations, or any improper gifts from outside sources."*⁴

(b)(6), (b)(7)(C) stated she and the staff have monthly scheduling meetings in which they review upcoming trips where she is the approving authority for the travel requests and vouchers. This would include authorized travel to events involving (b)(6), (b)(7)(C) stated, *"To the best of my knowledge, (b)(6), (b)(7)(C) follows the travel regulations conscientiously, and on at least one occasion I witnessed, [he] did not seek reimbursement for some small toll road reimbursements that he might have been otherwise entitled to recoup."*⁵ (b)(6), (b)(7)(C) confirmed that (b)(6), (b)(7)(C) utilizes his personal vehicle, on occasions, where it is more cost effective to drive his personal vehicle. (b)(6), (b)(7)(C) indicated that many times, based on the location of mines, it is hard to travel by air.

(b)(6), (b)(7)(C) also stated she was aware that (b)(6), (b)(7)(C) interacts with (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) happens to be one of the largest independent operators of coal mines in the United States. (b)(6), (b)(7)(C) believes (b)(6), (b)(7)(C) have known each other as acquaintances, however, to her knowledge, (b)(6), (b)(7)(C) has never paid for meals or travel expenses for (b)(6), (b)(7)(C) stated, *"I do not believe that the (b)(6), (b)(7)(C) engaged in any improper behavior, nor would the person that I have come to know have any need to engage in those behaviors."*⁶

In the SOL interview of (b)(6), (b)(7)(C) stated he has been in his current position as (b)(6), (b)(7)(C) at MSHA (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) had reviewed the anonymous complaint and stated he never witnessed (b)(6), (b)(7)(C) engage in any of the alleged behavior

¹ Attachment 1, page 2

² <https://labornet.dol.gov/workplaceresources/policies/DLMS/DLMS07/dlms7-1.htm#>

³ Attachment 2, pages 19-26

⁴ Attachment 4, page 1

⁵ Attachment 4, page 1

⁶ Attachment 4, page 2

regarding travel or the acceptance of gifts that was improper or in violation of rules or regulations. (b)(6), (b)(7)(C) stated, *"To the best of my knowledge, he has never accepted money, reimbursement of costs for travel, hotels, or other accommodations, or any improper gifts from outside sources."* (Attachment 5)

(b)(6), (b)(7)(C) further echoed (b)(6), (b)(7)(C) statement that at the monthly scheduling meetings, all travel arrangements are coordinated through MSHA employee (b)(6), (b)(7)(C) indicated (b)(6), (b)(7)(C) was exacting and a strict enforcer of the travel rules and regulations. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) does frequently drive his personal vehicle on travel due to the locations of mines, as well as drive his personal vehicle to the Mine Safety and Health Academy in Beckley, West Virginia.

(b)(6), (b)(7)(C) stated he was aware of interactions between (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) but to the best of his knowledge, the interactions were limited and (b)(6), (b)(7)(C) never paid for any meals or travel expenses for (b)(6), (b)(7)(C).

(b)(6), (b)(7)(C) stated he has never seen (b)(6), (b)(7)(C) engage in policy discussions with federal employees, nor has she given direction to federal employees. Also (b)(6), (b)(7)(C) had not observed (b)(6), (b)(7)(C) access nonpublic information in the MSHA offices. (b)(6), (b)(7)(C) confirmed (b)(6), (b)(7)(C) does travel with her husband on occasion, but (b)(6), (b)(7)(C) always pays for her expenses with his own funds.

When asked about the allegations related to the mine and training academy closures, (b)(6), (b)(7)(C) stated, *"Lastly, I feel compelled to state that several allegations in the anonymous complaint are false or contradictory. The (b)(6), (b)(7)(C) has been focused on the mission of MSHA, and has been diligent in following the rules required of him. There are no plans to eliminate the Academy in Beckley, West Virginia. The reference to the (b)(6), (b)(7)(C) making decisions in relation to Affinity Mine are inaccurate, and I have provided an email to the investigators demonstrating that the Department of Labor Attorneys and other career employees made such decisions. Furthermore, the Technical Support allegations are the exact opposite of my experience with that division, and the other allegations involving staffing seem to be both contradictory and largely untrue. For example, the two meetings the (b)(6), (b)(7)(C) had with the 15 MSHA District Managers at the Academy in Beckley, West Virginia, were very positive, and indicate that the districts are embracing the move to cross-train and streamline inspections of coal and metal/non-metal mines. I do not believe the individual making this complaint has much factual information, nor does the individual have a read on the current environment and morale within MSHA, or on the (b)(6), (b)(7)(C) actions. The allegations are, to the best of my knowledge, utterly false."*⁷

On May 1, 2019, SOL issued their finding on the administrative review and found no evidence of misconduct related to any of the allegations outlined in the anonymous letter.⁸

On August 8, 2019, OSI conducted an interview of (b)(6), (b)(7)(C) regarding the anonymous complaint alleged against him. (b)(6), (b)(7)(C) stated he has been the (b)(6), (b)(7)(C) of MSHA since (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) denied receiving any kind of financial support from (b)(6), (b)(7)(C), or any outside company, or any other people for living expenses. (b)(6), (b)(7)(C) stated he has known (b)(6), (b)(7)(C) since the 1980s and was a competitor of his in the mining industry, and had sold a piece of property to (b)(6), (b)(7)(C) sometime in the early 2000's.

(b)(6), (b)(7)(C) admitted that he is offered gifts from time to time after speaking engagements, but will turn them down unless the legal staff have approved it. (b)(6), (b)(7)(C) confirmed that (b)(6), (b)(7)(C) does travel with him from time to time but usually only when he is driving his personal vehicle, and at no cost to the government. (b)(6), (b)(7)(C) further stated (b)(6), (b)(7)(C) does on occasion visit the MSHA office however; it was generally only for Christmas parties and similar events. When asked about cross training inspectors, (b)(6), (b)(7)(C) gave examples

⁷ Attachment 5, page 2

⁸ Attachment 2, pag1

of why he decided to do this and stated, "...it was more cost effective to have inspectors do multiple locations near their areas rather than have inspectors for one discipline travel, stay overnight when other inspectors are in the general area. All of the district managers agreed and it just made financial sense. "...They, all of them go through the academy. It's even weeks, split up two weeks at a time. ...your last three weeks defines whether or not you're metal-nonmetal or coal. Okay, it's sort of like being in med school. Your first three years are being a doctor, your fourth year, in your internships and all that are your specialty. And so, I've said that coal inspectors, and currently, we have too many coal inspectors because of the decline in the industry. So, we can either get rid of those coal inspectors, which I'm not in favor of because it takes too damn long to train them and make coal inspectors, or we can branch them out and have them pick up metal-nonmetal properties in their region...." (Attachment 6)

On January 29, 2020, (b)(6), (b)(7)(C) Office of the Assistant Secretary, MSHA, was interviewed by OSI regarding the allegations against (b)(6), (b)(7)(C). (Attachment 7)

(b)(6), (b)(7)(C) indicated she has been employed in her current position since (b)(6), (b)(7)(C) and had no prior knowledge of the anonymous complaint prior to this interview. (b)(6), (b)(7)(C) stated that part of her duties (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) stated when preparing for travel trips (b)(6), (b)(7)(C) trips, hotels, rental cars if needed, and other such logistical support. Once it is determine what is needed for each trips, (b)(6), (b)(7)(C) stated she will (b)(6), (b)(7)(C) (b)(6), (b)(7)(C), then eventually complete (b)(6), (b)(7)(C) once all of (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) stated she always (b)(6), (b)(7)(C) further indicated that if something was not correct, (b)(6), (b)(7)(C) will notify her (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) indicated changes generally include having to add or delete something from the final voucher. (b)(6), (b)(7)(C) indicated that she has never observed any so-called "red flags" on (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) also stated she (b)(6), (b)(7)(C). According to (b)(6), (b)(7)(C), she has never known (b)(6), (b)(7)(C) to attend anything official, other than a wreath laying ceremony, and she has no knowledge of (b)(6), (b)(7)(C) attending official meetings or discussing policy.

(b)(6), (b)(7)(C) confirmed that at times organizations have offered to pay for the hotels at conferences, however (b)(6), (b)(7)(C) and the staff have never accepted. When (b)(6), (b)(7)(C) travels, (b)(6), (b)(7)(C) said the expenses are always documented and paid through the Travel Management System. (b)(6), (b)(7)(C) indicated (b)(6), (b)(7)(C) is a "stickler for the rules"⁹ and that there has never been a time when (b)(6), (b)(7)(C) asked (b)(6), (b)(7)(C) to do anything unethical.

Conclusion

The OIG investigation, as well as the Solicitor's administrative review, did not substantiate any allegations made in the anonymous complaint. This case will be closed with no findings.

Attachments

1. CAO original complaint #C191700642
2. MSHA anonymous complaint summary
3. (b)(6), (b)(7)(C) E2 Travel Management closed vouchers
4. (b)(6), (b)(7)(C) Statement (conducted as part of the SOL review)
5. (b)(6), (b)(7)(C) Statement (conducted as part of the SOL review)
6. (b)(6), (b)(7)(C) interview transcript
7. (b)(6), (b)(7)(C) interview transcript

Report of Investigation



U.S. Department of Labor Office of Inspector General

(b) (7)(C)

Violations:
Misuse of Government Funds

Case #: C191700166
Report Type: Investigative Memoranda
Written By: (b) (7)(C)
Date Written: May 10, 2019
Office: Washington, DC
Reviewed By: SAC Lisa Anderson
Approved By: *[Signature]*

Distribution:
WHD, File

Preface

The Office of Special Investigations (OSI) received a complaint thought the Complaint Analysis Office (CAO) alleging (b)(6), (b)(7)(C) Department of Labor (DOL), was mismanaging funds, committing fraud, waste, and abuse, as well as violations under the Whistle Blower Protection Act. (Attachment 1) The complaint alleges (b)(6), (b)(7)(C) takes numerous official government trips to (b)(6), (b)(7)(C) and she owns a residence. The complaint states on these trips to (b)(6), (b)(7)(C) resides in a hotel instead of staying at her residence. Further, (b)(6), (b)(7)(C) claims privately owned vehicle mileage from Nashville, TN, to the (b)(6), (b)(7)(C) when she was not authorized for that mileage. In addition, the complainant states (b)(6), (b)(7)(C) harassed an employee who reported the questionable travel expenses, and he left the agency because of this harassment.

Details of the Investigation

OSI conducted a review of (b)(6), (b)(7)(C) E-2 Travel Authorizations and Vouchers for trips involving (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) from fiscal year 2018 (Attachment 2). The review confirmed that (b)(6), (b)(7)(C) completed four trips to (b)(6), (b)(7)(C) in 2018 as well as two trips to (b)(6), (b)(7)(C).

According to property records, (b)(6), (b)(7)(C) owns a home in (b)(6), (b)(7)(C). The address listed on (b)(6), (b)(7)(C) E-2 documents, as the mailing address is (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) The difference in mileage from the address in (b)(6), (b)(7)(C) in E-2 is approximately 37 miles.

In addition, on mileage logs submitted by (b)(6), (b)(7)(C) (Attachment 3) her beginning residence is a (b)(6), (b)(7)(C) located at (b)(6), (b)(7)(C). Mileage claimed on these trips varies from 208-250 miles, which equates to between \$113.36 to \$136.25.

From June 13, 2018 to September 21, 2018, (b)(6), (b)(7)(C) was reimbursed for a total of 604 miles at a cost of \$603.86. (b)(6), (b)(7)(C) claimed she lost \$30.15 due to corrected reimbursement per the spreadsheet. (Attachment 3)

Conclusion:

During the investigation, it appears (b)(6), (b)(7)(C) did not accurately calculate mileage amounts on her vouchers. It appears (b)(6), (b)(7)(C) claimed more miles; however, because (b)(6), (b)(7)(C) does not use a home address in E2 as her start location, we are unable to provide an exact amount of overage claimed on her vouchers. A check of (b)(6), (b)(7)(C) official address in DOL systems listed an address in (b)(6), (b)(7)(C) as her home of record residence; however, (b)(6), (b)(7)(C) does not show a local address for (b)(6), (b)(7)(C).

This memorandum is being forwarded to The Wage and Hour Division for review/action.



Attachments

1. Original Hotline Complaint
2. (b) (7)(C) E2 Travel Vouchers
2. E2 calculations Spread Sheet

Investigative Report

U.S. Department of Labor Office of Inspector General



OIG Form 110 (OI-6/08)

Subject	Violation Character	File Number:	C19140032
(b) (7)(C)	DLMS 8 - Audits and Investigations, Chapter 11 - Recording and Monitoring of Conversations	Report Type:	Closing Report
		Reporting SA:	(b) (7)(C)
		Location:	Washington, DC
		Date	March 26, 2019
		SA Signature	(b) (7)(C)
		Supervisor	Lisa Anderson, Special Agent-in-Charge

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Synopsis

This investigation was initiated pursuant to information received from (b) (7)(C), (b) (6) (b)(6), (b)(7)(C) Office of Inspector General (OIG), United States Department of Labor (DOL). On or about September 28, 2018, (b)(6), (b)(7)(C) received information from (b)(6), (b)(7)(C) alleging that (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) was recording a work-related conversation during a meeting.

(b) (7)(C), (b) (6) interviewed (b) (7)(C), (b) (6) to determine the alleged circumstances surrounding him recording a meeting with (b)(6), (b)(7)(C). The interview was conducted in the presence of (b) (7)(C), (b) (6) (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) OIG. During the interview, (b)(6), (b)(7)(C) acknowledged that his personal cell phone was recording during his meeting with (b)(6), (b)(7)(C) but claimed it was accidental. (b)(6), (b)(7)(C) explained that he was playing with a new recording application on his cell phone and did not realize that he hit the recording button and that it was recording during their meeting. (b)(6), (b)(7)(C) estimated his cell phone had been recording for several hours prior to his meeting with (b)(6), (b)(7)(C).

Based on (b)(6), (b)(7)(C) acknowledgement of recording a meeting with an OIG employee, (b)(6), (b)(7)(C) met with the OIG's Office of Legal Counsel and was advised (b) (5)

(b) (5)

Nature of Scheme

Allegation that (b)(6), (b)(7)(C) secretly recorded a conversation with (b)(6), (b)(7)(C) in violation of the Department of Labor's Manual Series (DLMS), Chapter 8, Section 1100 Recording, Transcribing, and Monitoring of Conversations.

Reason for Closing

On February 12, 2019, AIG (b) (7)(C), (b) (6) forwarded a memorandum to Special Agent-in-Charge Lisa Anderson stating that upon review of OSI's December 20, 2018, Investigative Memorandum submitted to OA for review, a determination was made by OA that no formal disciplinary action would be taken against (b) (7)(C), (b) (6). Although, OSI did not find evidence that (b) (7)(C), (b) (6) intentional recorded a conversation with (b) (7)(C), (b) (6) AIG (b) (6) felt that it was necessary to provide (b) (7)(C), (b) (6) with a counseling letter and to remind him of DOL's policy prohibiting secretly recording conversation with employees. (b)(6), (b)(7)(C) stated she will retain a copy of (b) (7)(C), (b) (6) counseling letter as proof that (b) (7)(C), (b) (6) was counseled on this matter. Thus no further investigative action is warranted on the part of OSI.

Referral

On January 3, 2019, OSI referred this investigation to (b)(6), (b)(7)(C) for possible administrative action against (b)(6), (b)(7)(C) for being in violation of DOL's policy DLMS 2- Chapter 8, Section 1100 Recording, Transcribing, and Monitoring of Conversations.

Disposition of Evidence

Evidence collected during the course of this investigation was returned to (b)(6), (b)(7)(C) (government cell phone).

INVESTIGATIVE REPORT**U.S. DEPARTMENT OF LABOR
OFFICE OF INSPECTOR GENERAL****(b) (7)(C), (b) (6)**

Subject: (b) (7)(C), (b) (6)	Violation: Lack of Candor	Case Number: S171400006
		Date Prepared: 4/17/19
		Report Type: Investigative Memorandum
		By: SAC (b) (7)(C)
Distribution: File		

Synopsis

This investigation predicated from information Office of Special Investigations (OSI) received from [REDACTED] that [REDACTED] Office of Inspector General (OIG), had issued a [REDACTED] for lack of candor against [REDACTED]

Documents associated with [REDACTED] showed on June 26, 2017, [REDACTED] proposed a [REDACTED] for an allegation of lack of candor. (Attachment 1) As the primary basis for the proposed [REDACTED] cited an instance involving a hiring panel where [REDACTED] believed [REDACTED] had been less than candid. To provide context and historical detail to the proposed disciplinary action, [REDACTED] cited two past instances where [REDACTED] had previously determined [REDACTED] lacked candor. The first instance involved [REDACTED] version about a disagreement between [REDACTED] two senior leaders in the [REDACTED] and the second was [REDACTED] explanation of what transpired when [REDACTED] did not receive an advance copy of a draft Awards Ceremony booklet. On July 18, 2017, [REDACTED] reconsidered the original proposal, and re-issued a new proposal [REDACTED] citing the same instances related to lack of candor. [REDACTED] In the [REDACTED] proposal [REDACTED] stated after review and discussion with [REDACTED] determined a [REDACTED] was more appropriate. On August 7, 2017, [REDACTED] filed his official written response to the [REDACTED] and then on August 14, 2017, [REDACTED] notified [REDACTED] through his attorneys that the [REDACTED] had been withdrawn, and the allegation of lack of candor had been referred to OSI for inquiry. [REDACTED]

On August 11, 2017, OSI was assigned to conduct a review of the three alleged incidents of lack of candor, including interviews of all parties to ensure a complete and in-depth inquiry.

Details of the Investigation

The first incident involved the selection panel for the Employee Relations (ER) position. [REDACTED] alleged that [REDACTED] initially stated [REDACTED] had delegated the hiring panel's composition solely to [REDACTED] the selecting official.¹ When asked why [REDACTED] with the [REDACTED] was not included in the panel make up, [REDACTED] commented that [REDACTED] believed [REDACTED] did not care for [REDACTED] suggesting this was the reason [REDACTED] was not included in the panel.² [REDACTED] further stated [REDACTED] became aware that the facts surrounding [REDACTED]

¹ This information cited found in Attachment 1 and Attachment 2.

² This information cited found in Attachment 1 and Attachment 2

INVESTIGATIVE REPORT

U.S. DEPARTMENT OF LABOR
OFFICE OF INSPECTOR GENERAL



exclusion from the hiring panel "were materially different than those previously reported by [REDACTED]

During [REDACTED] interview by OSI [REDACTED] stated that in the previous ER selection panels, [REDACTED] had participated as a panel member. [REDACTED] explained that [REDACTED] works closely with the ER position during all disciplinary actions, so it was important to have [REDACTED] opinion on the selection of the ER position. According to [REDACTED] a previous panel, which included [REDACTED] had made recommendations to the selecting official on the best-qualified candidates; however, the selecting official determined that none of the candidates referred were appropriate. In turn, the selecting officials went back to the best-qualified list, interviewed additional candidates, and made a selection from that certificate. [REDACTED] indicated the person selected for the ER position declined the offer after the initial acceptance due to family situations and the fact they would have to move to the local commuting area from the west coast.

[REDACTED] further stated that after requesting a new announcement for the ER position, [REDACTED] and [REDACTED] [REDACTED] stated that [REDACTED] could re-announce the position. According to [REDACTED] there was a caveat to the re-announcement and they [REDACTED] stated, "Fine you can go back out." When we go back out we don't want [REDACTED] on our panel because we want an attorney and [REDACTED] feels threatened if we hire an attorney because [REDACTED] the attorney."³ Later in [REDACTED] interview, [REDACTED] clarifies that [REDACTED] actually made the comment that [REDACTED] wanted an attorney and [REDACTED] felt as though [REDACTED] would feel threatened if [REDACTED] hired an attorney. [REDACTED] stated at that point [REDACTED] did not care who was on the panel as long as [REDACTED] could fill the position as [REDACTED] staff was burnt out trying to cover the extra work associated with the ER role.

[REDACTED] affirmed when the best-qualified certificate came in; [REDACTED] began looking for staff to sit on the interview panel. [REDACTED] stated since [REDACTED] had told [REDACTED] previously that they [REDACTED] and [REDACTED] did not want [REDACTED] on the panel, [REDACTED] looked elsewhere. [REDACTED] stated just prior to the interviews, [REDACTED] stopped by [REDACTED] office while [REDACTED] was present and asked why [REDACTED] was not included as part of the ER interview panel. [REDACTED] told [REDACTED] [REDACTED] was available and willing to sit on the panel. [REDACTED] stated [REDACTED] looked at [REDACTED] for an answer and [REDACTED] stated, "...Well we already have our panel. Isn't that correct [REDACTED] responded that [REDACTED] had already sent out emails and [REDACTED] was waiting on responses. [REDACTED] said [REDACTED] again indicated [REDACTED] was available and was volunteering to sit on the panel. [REDACTED] stated [REDACTED] responded "...we will get back to you."⁴ Once [REDACTED] departed, [REDACTED] stated [REDACTED] told [REDACTED] "I do not want [REDACTED] on your panel."⁵ [REDACTED] stated [REDACTED] told [REDACTED] that was fine, as [REDACTED] had already asked others to participate on the panel.

[REDACTED] stated after meeting with [REDACTED] and [REDACTED] (although [REDACTED] was unsure exactly the amount of time after the meeting had occurred) [REDACTED] received notice to report to the front office. While in [REDACTED] office, [REDACTED] asked [REDACTED] why [REDACTED] had not been included on [REDACTED] ER interview

³ Attachment 4, page 43, line 1932

⁴ Attachment 4, page 54, line 2414-2422

⁵ Attachment 4, page 44, line 1962

⁶ Attachment 4, page 44, line 1968

⁷ Attachment 4, page 44, line 1969

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panel [redacted] reiterated to [redacted] that [redacted] received guidance not to include [redacted] on the panel. When asked by [redacted] who told [redacted] that [redacted] responded, "...I am very uncomfortable with this line of questioning. [redacted] stated [redacted] replied, "...No I just need to know what happened." [redacted] replied, "...I already told you what happened. I was told [redacted] couldn't be on my panel. I got panel members. I moved forward."¹⁰

[redacted] went on to state during another meeting with [redacted] and [redacted] [redacted] asked [redacted] and [redacted] to stay after the meeting. [redacted] stated [redacted] asked [redacted] specifically, [redacted] you told me that you were told [redacted] could not sit on your panel. Is it or is that not accurate?" [redacted] indicated [redacted] was uncomfortable with the question and [redacted] felt [redacted] was on the hot seat with [redacted] in the room. [redacted] indicated however, [redacted] told [redacted] ...But the answer is yes."¹¹ In response to that, [redacted] stated [redacted] said "...But [redacted] you told me they don't get along ...Now I have both of you here. I need to know were you told...or did you tell [redacted] couldn't be?"¹²

[redacted] indicated [redacted] started to explain that [redacted] and [redacted] did not get along and did not think it was good idea to have [redacted] on the panel. [redacted] responded, "...No I never told you that. [redacted] and I have a good working relationship. [redacted] very strong willed and I tend to hold my gun. So we do go back and forth but in the end we always come up with what's best for the agency."¹³ [redacted] stated [redacted] looked to [redacted] who responded, "...Well in my opinion you don't get along and I didn't think it was gonna be a good idea."¹⁴ [redacted] stated at that point, [redacted] told [redacted] could leave and as [redacted] was departing [redacted] office, [redacted] heard [redacted] tell [redacted] "...But [redacted] you specifically told me that [redacted] told you [redacted] didn't like [redacted] and didn't want [redacted] on the panel. [redacted] said, "That's not what I told you. [redacted] stated that was the last of the conversation [redacted] heard as [redacted] was leaving.

[redacted] stated [redacted] and [redacted] had a conversation after the meeting with [redacted] where [redacted] stated, "Boy [redacted] that was uh - that was something."¹⁵ To which [redacted] replied, "Yeah it was very uncomfortable and as I stated before, I felt like that you guys are using me as a pawn. But, I never told you I didn't like [redacted] says, 'Well you never said that, [redacted] but your...actions speak for itself. From what I can see, you guys don't get along at all.' I said, 'No that's not true. We have a very good working relationship. It is just one of, you know, two people that's gonna get their point across. That's how I look at it.' [redacted] stated that [redacted] responded, "...Well that's just - that's not how I saw it."¹⁶

⁸ Attachment 4, page 44, line 1978

⁹ Attachment 4, page 44, line 1979

¹⁰ Attachment 4, page 45, line 1989

¹¹ Attachment 4, page 45, line 1998

¹² Attachment 4, page 45, line 1999

¹³ Attachment 4, page 45, line 2004

¹⁴ Attachment 4, page 45, line 2007

¹⁵ Attachment 4, page 45, line 2010

¹⁶ Attachment 4, page 64, line 2862

¹⁷ Attachment 4, page 64, line 2865

¹⁸ Attachment 4, page 64, line 2862-2869

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[redacted] interviewed [redacted] and provided a copy of [redacted] response to the [redacted] for review. [redacted] and [redacted] of [redacted] represented [redacted] during the interview. [redacted] was asked about [redacted] observation of [redacted] on the previous ER interview panels and [redacted] replied, "...I was, uh, careful from my position to try to let [redacted] manage the process and also to manage [redacted] working relationship with the members. 'Cause I also felt that if I intervened too heavily that - that would also be a signal of, um, of undermining [redacted] which is not what I wanted to do. I was trying to support [redacted]. So, I had to let [redacted] run [redacted] process. But I felt as though, - um, at times [redacted] was getting, uh, tangled up in - in [redacted] um, points of view and really not getting a chance enough to - to respect, uh, [redacted] um, role and responsibility in the regard. And sometimes it just felt like [redacted] took the oxygen out of the room during those discussions." (Attachment 5)

[redacted] explained what [redacted] specifically told [redacted] regarding [redacted] participation on the ER panel. [redacted] indicated [redacted] had concerns about the previous panels and the chemistry between the panel members. When asked to elaborate, [redacted] said, "...[redacted] seemed to take over in terms of, uh, dominating the dialogue. Um, I didn't-I didn't feel; as -as not only [redacted] supervisor and part of the management chain for that position that, uh, [redacted] had provided, uh, [redacted] with the opportunity to really set the tone for the panel to spell out adequately what was required and to, um, express that in terms of-of the review that-that the candidates and to kinda frame out the discussion. Uh I felt that- that [redacted] took that over and in doing so, uh, eclipsed the, uh, the leadership of-of [redacted] and really prevented [redacted] from exercising [redacted] responsibility and authority fully, um, as the-as the-, uh, the selecting supervisor or selecting official for this position." [redacted] was the panel chair and based on [redacted] observations, it appeared that [redacted] took over the panel which undermined [redacted] position as the panel chair.²⁰

[redacted] stated during the discussion with [redacted] and [redacted] regarding the interview panel for the ER position, [redacted] brought up [redacted] as a potential interview panel member. [redacted] stated, "... I didn't really favor [redacted] participation. And that I - I thought that in part that, um, [redacted] did not contribute to - to the successful panel. [redacted] continued, "...And that based on the importance of this position, um, that it was important to get a panel together that was gonna help us find the right candidate. But, at no time did I instruct [redacted] that [redacted] was not to put [redacted] on the panel or - or any member of [redacted] as [redacted] had said in the subsequent statement... there was no instruction on my part and I do not recall [redacted] saying anything like that either. That part didn't happen."²²

[redacted] went on to explain another situation where [redacted] and [redacted] discussed some [redacted] staff training. [redacted] stated, they [redacted] and [redacted] agreed that it was above the heads of some employees and it would be best to wait a year or so before approving the training. [redacted] stated [redacted] and [redacted] shook hands and later, [redacted] heard [redacted] told [redacted] employees that [redacted] had denied their training. [redacted] further stated, "...it's not unusual to be in a discussion with [redacted] and for [redacted] to take it a discussion of something with nuance and - and

¹⁹ Attachment 3

²⁰ Attachment 5, page 7, lines 275-289

²¹ Attachment 5, line 489

²² Attachment 5, page 12, lines 501-508

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some variabilities or - or some open end for interpretation and to try to trim off the edges and make it fit neatly into a tight box.²³

When asked about the statement where [redacted] specifically said [redacted] told [redacted] to exclude [redacted] from the interview panel, [redacted] responded, "No, that [redacted] was not informed of that and there was no reiteration that no one from [redacted] especially [redacted] is to be on panel. ... There was no instruction by myself or [redacted] to that affect."²⁴

[redacted] interviewed [redacted] regarding [redacted] observations and interactions in the selection of the ER panel members [redacted] stated, [redacted] had "...heard back that the - panel had...I'm not sure if tension is the right word but it wasn't necessarily good chemistry on the panel...and told [redacted] or I suggested to both of them that ..good chemistry is really important on the panel. You know, [redacted] you're...the one who's constituting this panel, I urge you to find good chemistry amongst the people. There's lots of great, qualified people around that can serve on this panel. Um, and [redacted] I think ultimately selected the people who ultimately served on the panel."²⁵

In response to whether [redacted] or [redacted] ever instructed [redacted] not to put [redacted] or anyone from [redacted] on the panel, [redacted] responded, "No, I don't recall specifically saying that...I know that we talked about tension among the panel members or I should say lack of chemistry amongst the panelists. That's something I observed between [redacted] and [redacted] in the past and still continue to observe recently...but there was - nobody instructed [redacted] who or who not to put on the panel. It was up to [redacted] in the end of the day who to put on the panel."²⁶ [redacted] stated [redacted] was not in the meeting in [redacted] office where [redacted] told [redacted] why [redacted] was not on the panel because [redacted] on leave that day.

[redacted] stated [redacted] vaguely remembered [redacted] stopped by [redacted] office and asked about the panel. [redacted] said, "... at the time, I did not know the status of the panel but [redacted] is in the office right next door, why don't you go ask [redacted] what the status of the panel is."²⁷ [redacted] said [redacted] did not come back to [redacted] office, so he assumed [redacted] spoke to [redacted] about the panel. In addition, [redacted] stated [redacted] did get to interview the selected candidate; however, it was after the interview panel had selected the best-qualified candidate.

[redacted] interviewed [redacted] and asked about [redacted] recount of the actions leading up to the ER panel, and [redacted] interactions with [redacted] [redacted] stated [redacted] heard that the ER announcement was advertised, and since [redacted] had been on the last interview panel where they had attempted to hire an ER specialist, [redacted] assumed [redacted] would be included on this panel as well. [redacted] stated the ER specialist selected would be working closely with [redacted] office as part of the ER function so it was important to get someone in that position that was knowledgeable of ER as a whole. [redacted] stated that during the biweekly meeting about the status of the ER panel with [redacted] was asked to look into the status of the panel, and to let [redacted] know of [redacted] desire for [redacted] or someone from [redacted] to be on the panel.

²³ Attachment 5, page 13, line 550

²⁴ Attachment 5, page 14, lines 607-612

²⁵ Attachment 6, page 12, line 497-504.

²⁶ Attachment 6, page 12, line 506-514.

²⁷ Attachment 6, Page 14, line 613

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█████ stated █████ had a conversation with █████ and was informed that the announcement had closed, and that █████ had already went through the resumes and narrowed them down to the best qualified. In addition █████ told █████ that the panel was set to do interviews the following week. █████ "Oh, well who's on the panel?"²⁸ █████ stated █████ replied, "... it was somebody from I think ISUI, um, and at that point █████ said to me-and I just found out that the third person which was not an IG person, somebody from the outside who █████ had either thought said yes or had expected to be on it-I don't know the exact details- found out that that individual was pregnant and gonna be going on leave very soon and so couldn't take the time to do a panel so █████ actually needed a third person."²⁹ █████ stated █████ told █████ that █████ had been told that █████ would not be on the panel. █████ shared with █████ "█████ and █████ it was their desire to have either someone from █████ or maybe more specifically me on the panel and █████ said it was not █████ decision."³¹

█████ then went to █████ to discuss the status of the ER interview panel. █████ said when asked █████ "█████ stated █████ didn't know the status, and █████ should ask █████" █████ said █████ went back to █████ office and found █████ in █████ office. █████ again expressed to both of them why █████ was asking about the panel and reiterated that █████ and █████ had a desire to have █████ or █████ on the panel. █████ stated at that point "█████ said you know-and frankly it was done-and █████ and I like █████ looked up at me and I think █████ was sort of shocked actually that I was doing this in front of █████ but it-and it was-it was happenstance. I didn't plan it that way but █████ response was as if █████ and I had never spoken before. Like █████ just gonna inform me like I had never known." █████ went on to say █████ "...informed me of was that the, um interviews were scheduled for the following Wednesday and that █████ and two people and then █████ actually turned to █████ as █████ talking to both of us and █████ said to █████ Oh and I haven't had a change to tell you yet but the third persons isn't able to do it because she's pregnant-is going on leave whatever so we don't actually have a third person."³⁴ To that, █████ stated "...I am available next Wednesday as it so happens, And, um I mean it now sounds like this whole thing was totally set up which it wasn't but it sort of fortuitous-in my mind it was at least so I said I am available and you know █████ and █████ would really like to have someone from █████ and with my involvement with ER, it would make sense for █████ to be on the panel because █████ had already been on the previous panel for the ER specialist interviews." █████ stated █████ definitely heard █████ make that statement, however, █████ did not respond at all.

█████ stated a week or so later █████ approached █████ and asked what was going on with the panel set because █████ had not heard anything. █████ said █████ appeared surprised and responded, "...Oh I thought █████ would've told you. █████ is going to be on our

²⁸ Attachment 7, page 15, line 637

²⁹ Attachment 7, page 15, line 637-643

³⁰ Attachment 7, page 15 line 648

³¹ Attachment 7, page 15, line 657

³² Attachment 7, page 15, line 665

³³ Attachment 7, page 15-16, lines 673-677

³⁴ Attachment 7, page 16, line 681

³⁵ Attachment 7, page 16, line 687

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panel. [redacted] used to be our Director of Human Resources. [redacted] stated that after this conversation [redacted] did not ask anything further. [redacted] stated that later [redacted] was offered the chance to interview the selected candidate, prior to [redacted] making the final offer. [redacted] stated after the interview, [redacted] concurred that the candidate selected was a great choice. [redacted] indicated later, [redacted] asked [redacted] to provide [redacted] account of the incidents leading up to the panel selections and [redacted] conversations with [redacted] and [redacted] provided [redacted] account in a memorandum to [redacted]

On the question of whether [redacted] and [redacted] had a good or bad working relationship [redacted] indicated that on some level [redacted] and [redacted] have a very good working relationship. However, [redacted] also described their relationship in terms of "other times there's a lot of tension," having issues with [redacted] not being responsive at times, putting up a "block," and there being a respect for each other and a frustration on both their parts towards each other.³⁸

In the suspension memorandum [redacted] cited incidents where he questioned the candor of [redacted]. On three occasions [redacted] outlined [redacted] points where [redacted] lack of candor came into play. On the first incident cited, the issues related to the composition of the hiring panel for the ER position. [redacted] stated when [redacted] found out that [redacted] was not part of the panel; [redacted] questioned [redacted] who then placed the decision solely on [redacted]. [redacted] indicated when [redacted] spoke to [redacted] about the makeup of the panel; [redacted] indicated [redacted] and [redacted] had told [redacted] that [redacted] could pick anyone except [redacted] or anyone from [redacted] for [redacted] panel. In a meeting, [redacted] stated [redacted] directly confronted [redacted] and [redacted] about the discrepancy in a meeting stating, "I'm a little confused. I just - I just want to revisit, uh, you know, this issue. I'm a little confused about, you know, about the conversation of - of the composition of the Board, uh, for - for the ER position. I said, I'm a little confused, you know, about, you know, and I just want clear up, you know, a discrepancy. I said, uh, you know, um, I know you told me that the decision was, um, made by [redacted] as far as the composition, but, uh, I - I, you know, from talking with other folks (unintelligible) so could you kind of address that?" [redacted] said, yeah, uh, you know, we - I really, uh, it was [redacted] kind of cleaned it up a little bit. [redacted] said, uh, the decision was made, uh, me, [redacted] and [redacted] you know, all - all three of us got together and - and made the decision as far as the composition."³⁹ After [redacted] provided [redacted] account [redacted] stated [redacted] asked [redacted] if this account by [redacted] was accurate. According to [redacted] [redacted] responded, "...that's not quite how it happened. [redacted] said, uh, [redacted] said the decision was made by, um, [redacted] and - and - and - and - and - and [redacted] um, and they basically told me that I would not have anybody on or listed on the position - on the panel." [redacted] stated [redacted] then dismissed [redacted] from the meeting and once again asked [redacted] why there was a discrepancy in the accounting of this incident. [redacted] indicated [redacted] response was that was not how [redacted] had remembered it occurred, however [redacted] may have [redacted] facts mixed up and [redacted] would have to think about it. When asked if [redacted] had ever taken responsibility for the issue, [redacted] stated, no and in fact, [redacted] had tried to say [redacted] spoke to [redacted] about this previously in a meeting [redacted] had in [redacted] office. [redacted] stated, "...no, we've never had that conversation. And - and [redacted] said, yes, we did. [redacted] said [redacted] said, maybe you forgot. I - I said, [redacted] would have

³⁶ Attachment 7, page 16, line 700

³⁷ Attachments 1 and 2 at Enclosure 2.

³⁸ Attachment 7, page 7, line 271-290.

³⁹ Attachment 8, part 1 page 8, lines 329-340

⁴⁰ Attachment 8, part 1, page 8, lines 344-348

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remembered that and why - and to me, you're completely missing the boat. And then it was, uh, uh, and for you to try to, uh, make me to say that I had a conversation with you on something, which I know I did not,..."⁴¹ To that, [REDACTED] said [REDACTED] responded, "...well, you don't like me and I'm like, I don't like - what did that - what? I don't like you? I - I don't have time to, you know, deal with some stuff like that, I'm not liking people. [REDACTED] also stated that [REDACTED] and [REDACTED] staff had brought issues to them in the past related to leadership styles. [REDACTED] stated, "I got like about five or six different emails from the staff that, uh, had got directions from - and it was mainly I think that [REDACTED] who was (unintelligible) and giving it to [REDACTED] to manage this and - and so [REDACTED] was supposed to have been really doing most of that, but [REDACTED] put it all on them. And so, when I gave [REDACTED] uh, so I gave [REDACTED] a little reprimand, uh, initially and - and a letter of reprimand. [REDACTED] basically said, well, you knew - you know, asked me to, you know, why are you giving me a letter of reprimand? You know, I - it was just an honest mistake. The staff, they just dropped the ball on me. And I said, ultimately, the staff works for you. You're ultimately responsible. And - and - and then I - and I said, that's not what I'm hearing. I am hearing that you guys advised them, you know, to - to bring it straight to you and now you're telling me something different."⁴³

The second issue related to [REDACTED] accounting of an incident that occurred between [REDACTED] and [REDACTED] in the presence of [REDACTED]. In that incident, the memorandum states when [REDACTED] asked about the incident, [REDACTED] "...painted [REDACTED] as the victim."⁴⁴ During [REDACTED] interview, [REDACTED] was asked about this specific incident and how [REDACTED] believed [REDACTED] handled the situation, specifically how [REDACTED] had painted [REDACTED] as the victim as indicated in the [REDACTED] letter. [REDACTED] responded, "...a bigger point for me was that this was a - a - a developing trend. Uh, and - and so what happened was I've had since, uh, [REDACTED] has been [REDACTED] I've had problems with [REDACTED] being candid. Uh, it started, uh, when we were doing credentials, uh, for, um, for - for the, uh, [REDACTED]. And, uh, and there was this blowout, which I believe you were a witness to."⁴⁵ (Note: [REDACTED] was also a bystander witness to the exchange between [REDACTED] and [REDACTED] and previously provided information to [REDACTED] related to observations as a witness. [REDACTED] was otherwise uninvolved with the matters of this inquiry, and maintained objectivity and independence in reporting the evidence.) [REDACTED] further stated, "...there was [REDACTED] there was [REDACTED] and the, uh, you know, [REDACTED] and - and a, uh, uh, [REDACTED] and yourself who witnessed, uh, who, uh, matter of fact, uh, [REDACTED] was very upset about the incident. And so, [REDACTED] kind of gave me [REDACTED] account. [REDACTED] account mirrored, uh, [REDACTED] and - and yours and you were very - at that time, relatively new and a disinterested party that didn't know anybody basically and so you gave me the same account. And so, I feel like it at that time, [REDACTED] was, uh, being [REDACTED] wasn't being truthful. But, uh, and - and so, uh, I had talked it over with, uh, [REDACTED] who was the - the counsel, because I was going to give [REDACTED] something in writing, but [REDACTED] said, you know, uh, uh, because this is the first incident of it, I just gave - gave - I had let [REDACTED] have a verbal counseling."⁴⁶ When asked if the accounts provided by [REDACTED] of this incident were similar to [REDACTED] responded they were "completely-

⁴¹ Attachment 8, part 1, page 407-411

⁴² Attachment 8, part 1, page 407, lines 412-415

⁴³ Attachment 8, part 1, page 11-12, lines 492-503

⁴⁴ Attachment 1 and 2

⁴⁵ Attachment 8 part 1, page 10, lines 434-439

⁴⁶ Attachment 8, page 10-11, lines 443-454

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completely opposites."⁴⁷

In [redacted] response to the proposed suspension dated July 18, 2017, [redacted] described the incident in [redacted] own words citing that a member of [redacted] staff had told him that Office of Investigations (OI) staff would not be turning in their credentials because law enforcement officers expected to keep their expired credentials as "mementos". [redacted] said that upon learning of this, [redacted] went to [redacted] office to speak with [redacted] about [redacted] concern with retaining the credentials, as that violated [redacted]. [redacted] relayed that [redacted] was also present in that meeting. [redacted] memorialized that [redacted] was troubled and tried patiently to reason with them. [redacted] informed [redacted] and [redacted] that they could not keep old credentials per [redacted] Policy. [redacted] told [redacted] that [redacted] had several generations of [redacted] own expired credentials and that some other [redacted] staff had not turned in expired credentials on previous occasions. [redacted] stated [redacted] tried to explain that not turning in the old credentials was a violation. [redacted] stated the two of them raised their voices and used profanity with [redacted]. [redacted] stated at one point [redacted] raised [redacted] voice at [redacted] for smiling as [redacted] tried to explain [redacted] position. [redacted] stated [redacted] informed them again they could not keep the old credentials and they continued their hostile conduct towards [redacted]. [redacted] further stated [redacted] did not shout but spoke loudly as [redacted] left [redacted] office, still explaining [redacted] position fruitlessly as [redacted] exited the OI suite. [redacted] explained that [redacted] was acting within [redacted] responsibilities to ensure compliance with [redacted] when [redacted] went to speak with [redacted]. [redacted] was troubled that in defending and promoting agency policy, [redacted] and [redacted] subjected [redacted] to open hostility, and yet [redacted] held [redacted] to blame for the exchange. [redacted] acknowledged that [redacted] counseled [redacted] for the version of events presented to [redacted] by OI. [redacted] also stated that at no time did [redacted] recognize that [redacted] was valid in raising with OI the violation of agency policy presented by OI's demand.⁴⁹ When interviewed by [redacted] regarding this issue, [redacted] stated that [redacted] had been counseled by [redacted] related to the events of July 18, 2017. [redacted] was asked if [redacted] provided a written or oral response to that counselling and [redacted] responded, "We had a discussion. I don't know that I'd consider it a verbal response but, uh, we had a discussion."⁵⁰

The third incident cited in [redacted] memorandum to [redacted] involved the [redacted]. [redacted] cited an incident where, "... you disregarded my explicit direction and disavowed all responsibility and claiming it was your staff's mistake."⁵¹ In [redacted] interview, [redacted] stated in reference to [redacted] "... And now that - that you have found this out, you want to throw - you want to go throw the GS-12 under the bus and say, hey, it's all [redacted] fault."⁵² According to [redacted], [redacted] instructed [redacted] and [redacted] supervisor that [redacted] and [redacted] wanted to see the program booklet prior to it going to the printer. [redacted] further stated despite [redacted] instructions, on April 27, 2017, [redacted] sent the [redacted] award program booklet to the printer.⁵³ In [redacted] statement, when asked about the incidents involving the booklet production and review process, [redacted] stated the year

⁴⁷ Attachment 8, part 1, page 15, line 655

⁴⁸ Attachment 3

⁴⁹ Attachment 3, page 10-12

⁵⁰ Attachment 5, Part 2, page 1, line 27

⁵¹ Attachment 1 and 2

⁵² Attachment 8, part 1, line 873

⁵³ Attachments 1 and 2

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before, [REDACTED] had made changes to the program and [REDACTED] did not let [REDACTED] and [REDACTED] review the changes made prior to printing. [REDACTED] said this year [REDACTED] made it clear that the final draft was to be reviewed and approved by [REDACTED] and [REDACTED] prior to going to the printer to ensure what happen in the prior year did not happen again. [REDACTED] spoke to [REDACTED] about a week before the ceremony and said, "I said, hey, [REDACTED] uh, where are we on the program? Oh, [REDACTED] said, it's already - it's already gone to the - to the - to the printshop. I'm like, what'd you just tell me? I'm like, what do you mean it's already gone? And I - and - and so I was like everything that we have told you [REDACTED] said; I think it's gone. [REDACTED] indicated that [REDACTED] went looking for [REDACTED] a short time later and [REDACTED] had already departed for the day so [REDACTED] spoke to either [REDACTED] or [REDACTED] and told them, "...find out where we are on that at the printshop and just tell them to halt everything. [REDACTED] indicated that once the final program was reviewed and approved, [REDACTED] disciplined [REDACTED] and [REDACTED] indicated [REDACTED] discipline was lighter than [REDACTED] however, later [REDACTED] determined that [REDACTED] was, "the person behind the scene, handling things and [REDACTED] was the one that was directing them and they had them afraid to - to come, bring anything to the front office. [REDACTED] explained that as a [REDACTED] [REDACTED] are held to a higher standard regarding candor and integrity. [REDACTED] elaborated by saying they [REDACTED] [REDACTED] had tried to wash their hands and thought their staff had given it to them and that is what prompted [REDACTED] to discipline them. [REDACTED] indicated that this incident, along with others [REDACTED] felt were 'undermining [REDACTED] and [REDACTED] in a lot of ways."⁵⁸ [REDACTED] stated these incidents were the reason [REDACTED] determined a [REDACTED] was appropriate for [REDACTED]

[REDACTED] interviewed [REDACTED] on the instructions provided by [REDACTED] to [REDACTED] on the concurrence required for the booklet. [REDACTED] stated, "The booklet does not go to the printer without [REDACTED] and the [REDACTED] signoff." When asked if that instruction was clear [REDACTED] replied, "It was not only expressed clearly it was understood. [REDACTED] and I discussed it and likewise we conveyed that with the DHRM staff involved. [REDACTED] went on to explain that when a draft is sent to the printer, the printer provides back a galley proof. [REDACTED] further stated, "And we got the galley - we informed [REDACTED] that we had a copy of the galley, that they had the ability to review the galley, make whatever changes they wanted..." and it was routed through to [REDACTED] and [REDACTED] for review.⁶⁰

[REDACTED] interviewed [REDACTED] and [REDACTED] indicated that each year for the past few years, [REDACTED] has prepared and had oversight of the [REDACTED] Awards Program. (Attachment 9) For the 2017 Awards Ceremony, [REDACTED] stated [REDACTED] a contractor with [REDACTED] provided assistance. [REDACTED] stated [REDACTED] conducted the revisions and changes from the original submissions of individual offices. According to [REDACTED] when asked about the instructions on the approval of the booklet prior to sending it to the printer, [REDACTED] stated, "I kept stressing [REDACTED] wants to see this

⁵⁴ Attachment 8, part 1, page 18, lines 787-791

⁵⁵ Attachment 8, part 1, page 18, lines 799-800

⁵⁶ Attachment 8, part 1, page 18, line 807-809

⁵⁷ Attachment 8, part 1, page 18-19, lines 809-812

⁵⁸ Attachment 8, page 11, line 463

⁵⁹ Attachment 5, part 2, page 7, Line 277-282

⁶⁰ Attachment 5, part 2, page 10, Line 428-445

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booklet before it goes out..." in that particular year due to events the previous year; however, [REDACTED] was unsure if [REDACTED] knew the history with the awards booklet because [REDACTED] was new.⁶¹ [REDACTED] also stated, "...[REDACTED] made it clear. So I don't know [REDACTED] I don't know how more clear [REDACTED] can make it so I'm like okay good. [REDACTED] indicated [REDACTED] worked directly with [REDACTED] and [REDACTED] on revising the booklet content and [REDACTED] did not have a lot to do with the program booklet make up after [REDACTED] completed that part of the awards process. [REDACTED] was included in email traffic related to the booklet; however, [REDACTED] could not explain how the booklet went to the printer without a review by [REDACTED]. [REDACTED] provided an email addressed to [REDACTED] from [REDACTED] dated April 12, 2017, where [REDACTED] was CC'd to that email (Attachment 10). In the email, [REDACTED] "We are ready to send the Awards Booklet out today for printing..." In addition, that same email shows [REDACTED] responded to [REDACTED] with a CC to [REDACTED] where [REDACTED] responded, "Thanks [REDACTED] Would you mind confirming the managers (s) that approved the content in the booklet and approval to send out for print."

On April 21, 2017 at 10:12 am, [REDACTED] sent an email to [REDACTED] an employee of the DOL printing office. (Attachment 11) In the email, [REDACTED] state, "Good morning, Could you please let me know the next steps? For example, will the contractor create a proof and contact me before finalizing for production. [REDACTED] management will need to approve, as well as the cost? Please include the cc on your reply. Thanks" [REDACTED] replied at 11:00 am, "[REDACTED] Will you need a hard copy proof or will a PDF work?" [REDACTED] replied to [REDACTED] at 11:25 am, "Good day, We would like to receive a hard copy if there is no cost and it doesn't delay the ordering; how soon will we be able to receive? Also, a PDF copy would be appreciated as well. Thanks"⁶² When asked who sent the booklet to print prior to approval, [REDACTED] said [REDACTED] sent it however it was only sent out to receive the proof for review not the actual final copy. [REDACTED] provided an additional email exchange showing on April 21, 2017, at 2:27 pm, [REDACTED] sent an email to [REDACTED] with a CC to [REDACTED] and [REDACTED] (Attachment 12) stating, "This is an update regarding the [REDACTED] Awards Ceremony booklet order. DOL's printing office has designated a vendor (Murray & Heister) with a quote (pdf attached) of \$1,897 for 424 booklets (includes copies for external individuals outside OIG). The attached distribution list (including our UPS account number to save on shipping costs to various areas) has been provided. Last year's quote was \$2,980. I requested to receive a PDF and hard copy of the booklet for review, which is pending. Thanks" When asked if there was anything [REDACTED] had that showed the approval by [REDACTED] or [REDACTED] prior to sending to the printer, [REDACTED] replied "... my understanding is that once it was approved to send that awards booklet to the vendor I was under the assumption that [REDACTED] saw it. Hi-the-the word is assumption."⁶³

After the booklet went out [REDACTED] saw [REDACTED] in passing and said "...so you know the booklet went out. Right?" [REDACTED] asked what booklet and responded that [REDACTED] had not seen the awards booklet [REDACTED] further stated [REDACTED] was giving [REDACTED] an update, "...and then I just mentioned the booklet. I really didn't wanna mention it because the idea was - my thing is is we ask for a proof

⁶¹ Attachment 9, part 2, page 5, line 191-203.

⁶² Attachment 9, part 2, page 6, line 255

⁶³ Attachment 11, page 1

⁶⁴ Attachment 9, part 2, page 6, line 249-251

⁶⁵ Attachment 9, part 2, page 8, line 355, to page 9, line 369

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before it really is...totally finalized and copies are made...so, um, I just mentioned it to [REDACTED] because I was gonna also let [REDACTED] know that we were waiting for the, um, proof to come back...they could look at it again. Um but at that point [REDACTED] said [REDACTED] hadn't seen it, the draft, in order to approve it to go out for printing."⁶⁶ In [REDACTED] statement, [REDACTED] added, "...hold on. Thing is is that when it went out for print, um, it didn't – it wasn't a final print it was just for a proof." [REDACTED] explained they were going to get a proof back for review after [REDACTED] sent it out, and then receive another proof back to finalize before it was printed. The proof they received had mistakes which were corrected [REDACTED] provided an additional email exchange, dated April 21, 2017 at 6:58 p.m., between [REDACTED] and [REDACTED]. In that email, [REDACTED] stated, "Hello [REDACTED] was informed by [REDACTED] late evening that the award booklet is not ready for production, which I am awaiting further instructions. In the meantime, please assure that production does not begin until further notice." At that point, [REDACTED] stated [REDACTED] was awaiting further instructions from [REDACTED] supervisors as to what they wanted to do. [REDACTED] indicated [REDACTED] had verbally requested a copy of what was sent to the printer. On April 21, 2017 at 4:22pm, [REDACTED] sent [REDACTED] an email with a CC to [REDACTED] stating, "Good day, Here is what was sent, as requested. Thanks." (Attachment 13) In it, [REDACTED] responded, "Where is a copy of the program that was sent to print?" At 4:43 p.m., [REDACTED] responded in that email, "Please see attached."⁶⁹ (Note: The email provided by [REDACTED] did not include a copy of the actual document, only a reference to it that shows a document was attached to the original email that was sent.)

On April 25, 2017 at 7:53 am, [REDACTED] responded via email back to [REDACTED] and [REDACTED] as well as [REDACTED] in addition to a courtesy copy ("CC") to [REDACTED] and [REDACTED]. In this email [REDACTED] states, "After reviewing the awards booklet, [REDACTED] have decided that as in the past, I will perform the introduction and the closing remarks. The rest of the agenda remains the same. As we have stated in the past, no [REDACTED] booklets goes to the print company/contractor without [REDACTED] approval."⁷⁰

[REDACTED] interviewed [REDACTED] who described the editing process for the booklet as, "...several steps in between the final book actually being printed...there's some back and forth at that point called galley proofing.. [REDACTED] further described that a proofed copy comes back prior to actual printing, for review by [REDACTED] and [REDACTED] and [REDACTED] before they would tell the printer to print hundreds of copies. [REDACTED] continued, "...it was around April 20th or 21st, um, [REDACTED] indicated...to [REDACTED] that [REDACTED] had sent the materials to print. [REDACTED] had not sent those materials – and [REDACTED] did that without instruction if [REDACTED] did, um, - because we had told them, don't send anything for final printing. What [REDACTED] had actually sent was the thing to get the galley proof.. [REDACTED] didn't order 150 books or 200 books. That's not the print order. Um, the galley proof would have come

⁶⁶ Attachment 9, part 2, page 9, line 376-392

⁶⁷ Attachment 9, part 2, page 10, line 442, to page 12, line 499

⁶⁸ Attachment 11, page 1

⁶⁹ Attachment 13, page 1

⁷⁰ Attachment 13, page 1

⁷¹ Attachment 6, page 24, line 1057-1058

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back. Um, that's what was yanked. I don't know why it was yanked, um I had had an email from [REDACTED] a little before that that indicated to me that they had gotten front office approval. [REDACTED] expressed [REDACTED] opinion stating, "I think other people who reacted to it misunderstood the process quite frankly and maybe even overreacted. All that would have come back would have been the galley proof that I always get and the front office always gets to ultimately approve and we actually sign that galley proof usually and send it. That's when we put an order in". [REDACTED] further explained, "It -it sometimes it flabbergasts me who some of these things get goofed up once it leaves here.... It can go back and forth a number of times until we get a perfect proof back, uh, we don't put the order in."⁷⁴ For this particular booklet, [REDACTED] stated, [REDACTED] worked with [REDACTED] from that point on... I can't recall actually seeing the final final. I might have. I don't wanna say I didn't, I'm just-again, I'm too old and I don't remember... I don't believe I did. It was kinda like at that time, okay, right, you wanna interject yourself in this process go for it. It's all yours...kind of thing.⁷⁵

In [REDACTED] statement [REDACTED] contradicts [REDACTED] account related to the review of the second proof. [REDACTED] stated "That booklet I think we got a second proof and I believe i-th-after-after the first proof came back and there were corrections and things of course that needed to be done and it went out for a second proof. The second proof came back and [REDACTED] reviewed that. I recall [REDACTED] reviewing the proof-the second one."⁷⁶

[REDACTED] conducted an interview of [REDACTED] regarding [REDACTED] involvement in the [REDACTED] Awards Program. (Attachment 14) [REDACTED] specified [REDACTED] came on board as a Human Resource Specialist, however; almost as soon as [REDACTED] started with OMAP; [REDACTED] was assigned to take over the OIG Awards Program booklet preparation. [REDACTED] worked with [REDACTED] and [REDACTED] putting the submissions into the booklet template, and ensuring fonts and spelling were correct. [REDACTED] stated, "[REDACTED] had majority of the information from the managers and, um, I was to read what [REDACTED] had and to put it in the booklet form."⁷⁷ [REDACTED] continued by explaining that once [REDACTED] put the information together, [REDACTED] and [REDACTED] reviewed it and made changes because there was not enough information. Once that was completed, [REDACTED] "...it went to [REDACTED] and then to [REDACTED]. So [REDACTED] was in between [REDACTED] and or it was kind of three of went to same time.... Okay so I just kinda sling-shotted out to all of them at the same time."⁷⁸ When asked if each person responded individually to [REDACTED] edits, [REDACTED] stated "...if I can recall I believe [REDACTED] did and, um, on one of the emails I was asked to put [REDACTED] on it and, um, I wouldn't say I got reprimanded but it was a problem." [REDACTED] continued stating, "...Originally [REDACTED] told me to put [REDACTED] on-on the email for [REDACTED] to review it as well and I did that but when [REDACTED] received it and I guess [REDACTED] and everyone saw that [REDACTED] was on the email, um, they had a problem with it. So they

⁷² Attachment 6, page 25, line 1101-11

⁷³ Attachment 6, page 27, line 1172-1173

⁷⁴ Attachment 6, page 26, line 1163-1167

⁷⁵ Attachment 6, page 27, line 1177-1188

⁷⁶ Attachment 9, part 2, page 13, line 582-586

⁷⁷ Attachment 14, page 6, line 258

⁷⁸ Attachment 14, page 8, Line 325-344

⁷⁹ Attachment 14, page 8, line 355

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addressed [REDACTED] with it. [REDACTED] addressed me with it and I told [REDACTED] that [REDACTED] asked me to put [REDACTED] on there. [REDACTED] said the information was still in rough draft for everyone to review and say yes or no on whether or not to go ahead and finalize it. [REDACTED] stated it was day by day and [REDACTED] had very little instructions on how it would come together. [REDACTED] did say that [REDACTED] understood that once [REDACTED] reviewed it, the information would then go to [REDACTED] and [REDACTED] for review. [REDACTED] indicated at one point, [REDACTED] was kept out of the process and the edits went straight to [REDACTED] and [REDACTED] for review. When asked if [REDACTED] should include [REDACTED] on the review email, [REDACTED] told [REDACTED] [REDACTED] would review it first and then send it on to [REDACTED]. [REDACTED] indicated [REDACTED] sent the final rough draft to the printer. [REDACTED] stated, "I'm not sure who instructed [REDACTED] to send it but I believe that it was [REDACTED] after [REDACTED] and [REDACTED] reviewed it they put the ok on to go ahead and send it out and that's what [REDACTED] did." [REDACTED] stated [REDACTED] called a [REDACTED] "something" to stop it, after which [REDACTED] worked with [REDACTED] on the booklet and [REDACTED] had no further involvement. [REDACTED] provided an email of events to [REDACTED] after [REDACTED] requested it. [REDACTED] assembled an email to [REDACTED] with the requested information dated April 26, 2017. (Attachment 15) In that email, [REDACTED] explains, "On March 29, 2017, I went to [REDACTED] office to clarify whether or not to CC [REDACTED] on reviewing the 2016 Awards Booklet. [REDACTED] asked me if [REDACTED] sent me to [REDACTED] office to speak with [REDACTED] and [REDACTED] replied no, [REDACTED] just wanted to make sure they were on the same page. [REDACTED] stated [REDACTED] told [REDACTED] no, send the booklet to [REDACTED] and myself [REDACTED] and we will send it to [REDACTED] after they reviewed it."⁸²

During the interview of [REDACTED], [REDACTED] indicated that [REDACTED] had assigned [REDACTED] to work with [REDACTED] on the project of the 2016 [REDACTED] Awards. [REDACTED] had taken over the edits of the individual nominations and was editing them and placing them into the correct format for review. [REDACTED] indicated there were numerous emails going back and forth and admittedly, [REDACTED] did not immediately look at each one. However, [REDACTED] did recollect an email because [REDACTED] told [REDACTED] to make sure that all parties that needed to see the booklet actually saw it. [REDACTED] stated there was an email where [REDACTED] was [REDACTED] and [REDACTED] was on it. [REDACTED] could not recall if [REDACTED] was on it or not but according to [REDACTED] it said, "...I have made all your edits. Is this ready to go to print, or something like that the wording was. So when [REDACTED] ... I don't know if it was [REDACTED] or [REDACTED]. One of 'em replied, 'Yes, reads good to me.' They sent it to the print. [REDACTED] continued stating, "...Once we send it to you and you say it's good the assumption is you've already cleared it or it's already good with the Front Office. So I think that when it went to print the assumption on [REDACTED] and [REDACTED] part was they've already cleared it, we're sending this to print. [REDACTED] came to me later, [REDACTED] was a little upset."⁸⁵

When [REDACTED] was told [REDACTED] stated [REDACTED] understood when [REDACTED] said it was good to go, that indicated it had been reviewed and was ready to be sent out so [REDACTED] sent it to the printer.

⁸⁰ Attachment 14, page 9, line 396

⁸¹ Attachment 14, page 15, line 641

⁸² Attachment 15

⁸³ Attachment 4, page 16, line 698

⁸⁴ Attachment 4, page 17, line 722

⁸⁵ Attachment 4, page 17, line 759

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██████████ stated, "I don't recall any email or direction to that effect." ██████████ was unaware that the booklet had been pulled back after it went to the printer and continued by stating that when they found out sending it for proof was a problem, "...there was clarification to say make sure the printer understands this is not going to press." ██████████ continued to state that once something is sent to the printer, the printer will send back a "galley copy" which is a proof of the final product. According to ██████████ this galley copy is what was sent back for any changes and once it was approved, that is what will be sent to the printer. ██████████ stated ██████████ received the galley copy from the printer, sent it around for everyone's final review and edits. ██████████ indicated this included ██████████ and ██████████ after the final review, there was no substantive change to the final document. Once that review, which included ██████████ and ██████████ was completed, the final signed copy of the booklet went to the printer for ██████████ Awards Ceremony printing.⁸⁸

Conclusion

The elements of a charge of lack of candor are 1) that a person made statements that were less than candid, truthful, accurate, or complete, involving deception; and 2) that the person knowingly made such statement or withheld information. Evidence of lack of candor should show the person omitted or failed to disclose key information that should have been disclosed, he did so knowingly, and the lack of response or incomplete response was misleading.

First, to prove that ██████████ lacked candor in ██████████ account of events leading up to the interview panel make up, the evidence must show that ██████████ statements to ██████████ were less than candid, truthful, accurate, or complete, involving deception; and 2) that ██████████ knowingly made such statement or withheld information. ██████████ and ██████████ participated in conversations regarding the hiring panel composition, during which ██████████ stated ██████████ was told to not allow ██████████ to be a member of the panel. ██████████ version was corroborated by ██████████ and refuted by ██████████

██████████ stated during ██████████ interview that ██████████ and ██████████ told ██████████ that they did not want ██████████ or specifically ██████████ on the interview panel. ██████████ later stated ██████████ gave this instruction, but not ██████████ ██████████ denied ever making such statement, and ██████████ statements support ██████████ account. ██████████ explanation of the incident in ██████████ statement was that ██████████ was attempting to get a panel of employees who would work together, but did not instruct ██████████ to exclude ██████████ attorneys or ██████████ specifically.

Second, to prove that ██████████ lacked candor in ██████████ account of events involving the verbal argument between ██████████ and ██████████ and witnessed by the reporting agent, the evidence must show that ██████████ statements to ██████████ were less than candid, truthful, accurate, or complete, involving deception; and 2) that ██████████ knowingly made such statement

⁸⁶ Attachment 5, part 2, page 9, line 366

⁸⁷ Attachment 5, part 2, page 10, line 409-424

⁸⁸ Attachment 5, part 2, page 10, lines 409-504

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or withheld information. According to [REDACTED] account differed from that of three other witnesses, and [REDACTED] has already verbally counseled [REDACTED] on this incident.

[REDACTED] stated [REDACTED] initiated a heated argument between [REDACTED] and [REDACTED] relating to issuance of new credentials. [REDACTED] further states [REDACTED] received accounts of this incident from [REDACTED] and [REDACTED] as well as an independent source (the reporting agent). [REDACTED] writes [REDACTED] accounts of the incidents were completely different and [REDACTED] painted [REDACTED] as a victim. [REDACTED] further stated [REDACTED] addressed the issue with [REDACTED] in a verbal counseling, as [REDACTED] was a fairly new senior executive and [REDACTED] hoped that this was an isolated incident. When asked about this verbal counseling in [REDACTED] interview, [REDACTED] contends that [REDACTED] and [REDACTED] discussed the incident; however, [REDACTED] did not think that conversation was in any way a verbal counseling, and [REDACTED] never told [REDACTED] it was a verbal counseling. In as much as [REDACTED] was not aware [REDACTED] receiving a verbal counseling from [REDACTED] [REDACTED] provided no further information on the allegation of lack of candor or the verbal counseling discussed in [REDACTED] prior statement in response to the [REDACTED] refutes the accounts of [REDACTED] and the reporting agent. In that response, [REDACTED] stated [REDACTED] was the victim in that instance, not the aggressor of the argument.

Lastly, to prove that [REDACTED] lacked candor in [REDACTED] discussions with [REDACTED] about the awards booklet, the evidence must show that [REDACTED] statements were less than candid, truthful, accurate, or complete, involving deception; and 2) that [REDACTED] knowingly made such statement or withheld information.

The third allegation states [REDACTED] failed to follow instructions for review of the 2016 [REDACTED] Awards Booklet. [REDACTED] contends that the information always goes to the printer, prior to [REDACTED] [REDACTED] review, in order to receive the final proof copy. According to [REDACTED] the final proof copy from the printer allows the agency to conduct a final review of what the finished product will look like. The proof copy, according to [REDACTED] is the final step before approval for printing. In this case, the information went to the printer, who in turn provided the final proof copy of the booklet to [REDACTED] who then staffed it through [REDACTED] and [REDACTED] requested for their approval prior to final authorization to print the booklet. [REDACTED] statements on this matter were corroborated by [REDACTED] and [REDACTED] accounts of the process in their respective statements. Of note is [REDACTED] corroborative statement that when [REDACTED] informed [REDACTED] that the draft booklet went to the printer prior to [REDACTED] reviewing it, [REDACTED] mentioned it because [REDACTED] was also going to let [REDACTED] know that they were waiting for the proof to come back and [REDACTED] could review it because it was not finalized for printing. [REDACTED] statement shows there is an established process for review of the booklet and a proof copy provided prior to final approval for printing. This process appears to have been the process utilized in this incident as a proof copy was in fact made and circulated for final review and edits to [REDACTED] and [REDACTED] prior to final printing of the booklets.

Here, the evidence shows [REDACTED] verbal statements to [REDACTED] his written response to [REDACTED] [REDACTED] and statements made in [REDACTED] interview were consistent, without omission or deception; and were generally consistent with [REDACTED] and [REDACTED] accounts of facts in their respective interview statements.

INVESTIGATIVE REPORT

U.S. DEPARTMENT OF LABOR
OFFICE OF INSPECTOR GENERAL



Attachments

1. (b) (6), (b) (7)(C)
2. (b) (6), (b) (7)(C)
3. (b) (6), (b) (7)(C)
4. Transcribed Statement of (b) (6), (b) (7)(C)
5. Transcribed Statements of (b) (6), (b) (7)(C)
6. Transcribed Statement of (b) (6), (b) (7)(C)
7. Transcribed Statement of (b) (6), (b) (7)(C)
8. Transcribed Statements of (b) (6), (b) (7)(C)
9. Transcribed Statements of (b) (6), (b) (7)(C)
10. (b) (6), (b) (7)(C)
11. (b) (6), (b) (7)(C)
12. (b) (6), (b) (7)(C)
13. (b) (6), (b) (7)(C)
14. Transcribed Statements of (b) (6), (b) (7)(C)
15. (b) (6), (b) (7)(C)
16. (b) (6), (b) (7)(C)

INVESTIGATIVE REPORT**U.S. DEPARTMENT OF LABOR
OFFICE OF INSPECTOR GENERAL**

Subject: (b) (7)(C)	Violation: 41 USC§4712, NDAA§ 828 Whistleblower Retaliation	Case Number: I181700242 Date Prepared: Report Type: Investigative Memorandum By: (b) (7)(C)
Distribution: OIG, Secretary of Labor, (b) (7)(C) (b) (7)(C)		

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I. INTRODUCTION

This Report of Investigation is of an allegation made by (b) (7)(C), a former employee of a Department of Labor (DOL) grantee pursuant to the National Defense Authorization Act of 2013 (NDAA Section 828), 41 U.S.C. § 4712 (2012). NDAA Section 828 requires the Inspector General (IG) to investigate retaliation claims made by employees of DOL contractors and grantees. Under NDAA's authority, the Office of Inspector General (OIG) determined that (b) (7)(C) presented a non-frivolous complaint of retaliation. In this report, we will outline (b) (7)(C) allegations and our findings of the investigation.¹

II. BACKGROUND

(b) (7)(C) began her employment at (b) (7)(C) on August 15, 2016, as a Program Coordinator. (b) (7)(C) was hired to work on a grant that was awarded through the Tennessee Department of Labor (TNDOL), in conjunction with the Workforce Investment Network (WIN), and funded in part by the DOL. (b) (7)(C) was hired to work specifically for the (b) (7)(C) grant. (Attachment 1) The (b) (7)(C) grant was funded through September 30, 2017.

¹ This investigation and report focused on (b) (7)(C) allegation of whistleblower retaliation and not her underlying fraud allegation.



(b) (7)(C) is a private, non-profit organization located in New York, Tennessee, Maryland, and Georgia, that advances economic opportunity for people, businesses, and as communities in need. (b) (7)(C) receives grant funds from a variety of state and federal agencies. These agencies including the TNDOL, Delta Regional Authority, and DOL, administer services throughout the states. According to their website, (b) (7)(C) works with multiple nonprofits, employers, and government partners in Shelby County, TN, where (b) (7)(C) is helping jobseekers enter the workforce, build careers, and advance².

(b) (7)(C) is a partner agency within WIN, which was created in 1998, after passage of the Workforce Investment Act (WIA). WIN is governed under new legislation known as the Workforce Innovation and Opportunity Act (WIOA) signed in 2014, and effective July 2015. The purpose of WIOA is to highlight the importance of national workforce education and development, and contribute to continued stability in the nation's economic recovery. According to their website, "WIN also works in partnership with other agencies and operates its one-stop center that integrates the resources and activities of several federal programs, Employment Services, Veteran Services, Adult Basic Education, Vocational Rehabilitation, and the Department of Human Services. By fusing these programs into one focused workforce development service location, WIN is able to refer individuals to appropriate support services, to prepare and find jobs for job seekers, and to source qualified talent for industry, thereby creating success for the entire community."

III. PROTECTED DISCLOSURE AND ALLEGED RETALIATION

The OIG conducted an interview of (b) (7)(C) stated that as the Program Coordinator for the (b) (7)(C) grant, she was aware that once the funding for the (b) (7)(C) grant expired, she would no longer be employed by (b) (7)(C). (b) (7)(C) stated she was told that there could be an opportunity to be rehired on another grant, however she would have to apply and be hired for the new grant. (Attachment 3)

(b) (7)(C) stated in her interview, that between June 5th- 8th, 2017, she observed (b) (7)(C) employees: (b) (7)(C), (b) (7)(C), (b) (7)(C), (b) (7)(C), and a temporary employee named (b) (7)(C) committing fraud by changing the dates of enrollment on the Out of School Youth (OSY) applicant files. (b) (7)(C) said the changing of the dates on the files were made so it would appear that the OSY goals, which include signing up and placing clients in jobs, were met 100% of the time, thereby fulfilling the requirements of the grant. The reporting requirements, as well as funding timelines are included in the grant. (Attachment 4, Tab B)³

² Information was obtained from (b) (7)(C) located at (b) (7)(C).

³ Attachment 4 consists of documents provided to the OIG by (b) (7)(C) in response to the OIG Subpoena served on (b) (7)(C). The documents themselves are labeled "Exhibit 3" because that was the way in which they were provided to the OIG.



(b) (7)(C) indicated part of the requirement of the OSY grant was that clients had to actually come into the office to physically sign and date the applications, and then be placed into a job within 90 days from that initial recruitment date, in order to be approved for payment from WIN.

(b) (7)(C) stated she could not understand how OSY was continuing to sign clients at the 100% goal. (b) (7)(C) explained that 100% goal meant (b) (7)(C) was hitting all of the benchmarks for client signup and job placement within the specified time⁴. (b) (7)(C) stated that she never saw anyone coming into the office and sign job placements with any of the OSY team members. (b) (7)(C) stated that she began watching the OSY team members and while doing so, she observed OSY team members using whiteout and falsifying the dates on the job placements so that it would appear the clients had come into the office and signed them, therefore successfully meeting the timeline goals at the 100% rate. (b) (7)(C) stated another employee, (b) (7)(C) in the Memphis, TN, office also observed (b) (7)(C), (b) (7)(C) and (b) (7)(C) using whiteout and changing the dates on the job placement forms. (b) (7)(C) stated the OSY team members would then submit the falsified documents to WIN for reimbursement from the grant.

(b) (7)(C) felt it was her duty, based on the whistleblower training that she had received from (b) (7)(C) to notify her supervisor of what she believed was fraud within the OSY grant program. (b) (7)(C) notified her supervisor, (b) (7)(C), who failed to follow up on the suspected fraud. (b) (7)(C) and (b) (7)(C) then notified the New York (b) (7)(C) Office. The result of that notification was that (b) (7)(C) initiated an investigation.

(b) (7)(C) believes that because she notified her supervisor and the New York (b) (7)(C) office regarding several employees committing fraud, she "blew the whistle", and was subsequently retaliated against when, after the completion of the (b) (7)(C) grant, she applied for two positions on two new grants. (b) (6) stated that she believed that she was the most qualified for both positions, but due to her blowing the whistle, she was not selected for either of the positions. (b) (7)(C) stated it was a common practice in the company for employees on an expired grant to be rehired for new grant awards. (b) (7)(C) felt that the reason she was not selected for either of the two positions even though she was the most qualified applicant, constitutes clear retaliation by (b) (7)(C) for her disclosure of the fraud. (b) (7)(C) then filed a complaint with the OIG alleging whistleblower retaliation. (Attachment 2).

⁴ See (b) (7)(C) statement to (b) (7)(C) in Attachment 5, Tab E, Page 89.



IV. FINDING OF FACTS

A. (b) (7)(C) Complaint of Fraud

(b) (7)(C) and (b) (7)(C) both stated they observed continuous fraudulent activity on the OSY grant by (b) (7)(C), (b) (7)(C), (b) (7)(C) and (b) (7)(C) (Attachment 3 & 5). (b) (7)(C) felt that her previous notification to (b) (7)(C) on June 15, 2017, was not acted upon in a timely manner. As a result, on July 12, 2017, (b) (7)(C) stated she and (b) (7)(C) contacted (b) (7)(C), (b) (7)(C), (b) (7)(C) and reported the falsification of documents within the OSY grant program. (b) (7)(C) in turn notified (b) (7)(C), (b) (7)(C), (b) (7)(C) and (b) (7)(C). (b) (7)(C) stated (b) (7)(C) told him to coordinate with the Memphis Office and start an investigation. (Attachment 6)

B. (b) (7)(C) Explanation of Events

On October 12, 2018, (b) (7)(C) was interviewed. He described the series of events that occurred once he had received the information from (b) (7)(C).⁵ (b) (7)(C) stated on July 12, 2017, he contacted (b) (7)(C) and (b) (7)(C) via phone and conducted an interview regarding the allegations of fraud within the OSY program. In addition, (b) (7)(C) asked questions about the report of fraud by (b) (7)(C) and (b) (7)(C) to (b) (7)(C).

Based on the initial interviews of (b) (7)(C) and (b) (7)(C), (b) (7)(C) stated he and (b) (7)(C), (b) (7)(C), (b) (7)(C) traveled to Memphis on July 17, 2017. This trip was to conduct an investigation into the alleged fraud occurring within the OSY grant. (Attachment 4, Tab P). (b) (7)(C) stated he met with and obtained a written statement from (b) (7)(C) regarding the allegations⁶. In the statement, (b) (7)(C) confirmed that (b) (7)(C) reported what (b) (7)(C) believed to be integrity issues within the OSY program. (b) (7)(C) stated (b) (7)(C) told her she had observed co-workers using whiteout to change dates of participants for the OSY program.⁷ (b) (7)(C) further stated that she had not observed any wrongdoing and did not believe that it was happening.

The following day, on July 18, 2017, (b) (7)(C) met with (b) (7)(C) who provided a written statement of facts. (Attachment 4, Tab E). In that statement, (b) (7)(C) related that she observed (b) (7)(C) and (b) (7)(C) use whiteout on the participants application file folders for the OSY grant. (b) (7)(C) stated she reported what she had observed to (b) (7)(C), per the guidelines of (b) (7)(C) policy titled (b) (7)(C) Special

⁵ See Attachment 6.

⁶ See Attachment 4, Tab E.

⁷ See (b) (7)(C)'s statement to (b) (7)(C) in Attachment 4, Tab E page 88



Policy With Respect to United States Department of Labor Funding". (Attachment 4, Tab A, page 26).

(b) (7)(C) interviewed (b) (7)(C) (b) (7)(C) and (b) (7)(C) who admitted to using whiteout and changing dates on OSY participant files. (Attachment 4, Tab E.)⁸ (b) (7)(C) stated he made the decision and instructed his team (b) (7)(C) to change the dates on the participant files. (b) (7)(C) stated he only made the changes after obtaining approval from the participants via phone or text.

Because of the admission of falsification of records, (b) (7)(C) immediately placed (b) (7)(C) on administrative leave. On August 23, 2017, (b) (7)(C) was terminated for instructing the OSY team members to change dates on client files rather than meeting the clients in person. (Attachment 4, Tab R).

On August 7, 2017, (b) (7)(C) resigned her employment with (b) (7)(C) (Attachment 4, Tab I) (b) (7)(C) stated that (b) (7)(C) placed (b) (7)(C) and (b) (7)(C) on a 60 day Performance Improvement Plans (PIP) which required bi-weekly reviews of case files by management.⁹ According to the PIPs, no further disciplinary action would occur with (b) (7)(C) after successful completion of the PIPs' terms. (Attachment 4, Tab S).

On September 28, 2018, (b) (7)(C) (b) (7)(C) the attorney representing (b) (7)(C) was interviewed via phone. (b) (7)(C) stated that (b) (7)(C) failed to properly notify (b) (7)(C) Central Office of (b) (7)(C) complaint. (b) (7)(C) added that if (b) (7)(C) had not resigned on August 7, 2017, she would have been terminated as a result of her failure to report the allegations. (Attachment 7).

C. Alleged Retaliatory Action

On September 11, 2017, (b) (7)(C) received an email from (b) (7)(C) (b) (7)(C) (b) (7)(C) (b) (7)(C) with her termination letter attached. The letter indicated the (b) (7)(C) funding was ending on September 30, 2017, and that (b) (7)(C) regrets to inform you (b) (7)(C) that your last day of employment will be September 29, 2017." (Attachment 4, Tab V) The letter, signed by (b) (7)(C) (b) (7)(C) (b) (7)(C) Manager (b) (7)(C) further stated that (b) (7)(C) was encouraged to apply for vacant positions within (b) (7)(C)¹⁰

(b) (7)(C) stated she applied for two open positions listed on the Indeed website. (Attachment 4, Tab X) The positions she applied for were a Program Manager and a Case

⁸ See Attachment 4, Tab E, Pages 90-101

⁹ See Attachment 4, Tab S, page 154-160 of the PIP

¹⁰ (b) (7)(C) position on the (b) (7)(C) grant was the only position that was funded by the (b) (7)(C) grant.



Manager in Memphis, TN. (b) (7)(C) stated she provided her resume for both positions and was interviewed for both positions on September 25, 2017; however, she was not selected for either position.¹¹

D. (b) (7)(C) Response to Allegation of Retaliation

The OIG issued an Inspector General Subpoena for all documents and notes used in the selection of both positions. (Attachment 8) OIG reviewed the documents responsive to the subpoena including resumes, questions and notes. (Attachment 4, Tab Z) In addition to (b) (7)(C) interview on September 25, 2017, (b) (7)(C) also interviewed (b) (7)(C) (b) (7)(C) (b) (7)(C) (b) (7)(C) for the Program Manager position. According to the job description in the vacancy announcement for the Program Manager position, the qualifications lists a minimum of a Bachelor Degree in addition to three years of progressive management experience.¹² According to (b) (7)(C) resume, she does not hold a Bachelor's Degree.¹³ In addition, a review of (b) (7)(C) resume shows he holds a Bachelor's Degree in addition to a Master's Degree.¹⁴ (b) (7)(C) stated the interview panel determined (b) (7)(C) was the most qualified candidate based on his superior knowledge and experience working with federal grant programs.¹⁵ (b) (7)(C) was selected and accepted the Program Manager Position.¹⁶

For the Case Manager position, (b) (7)(C) stated he and (b) (7)(C) interviewed (b) (7)(C) (b) (7)(C) and (b) (7)(C) (Attachment 4, Tab AA)¹⁷ According to the job description in the vacancy announcement for the Case Manager position, a minimum of a Bachelor Degree is required from an accredited college or university (*license in social work or counseling preferred*). (Attachment 9) According to (b) (7)(C) resume, she does not hold a Bachelor's Degree.¹⁸

(b) (7)(C) stated he participated in these interviews via phone and (b) (7)(C) subsequently selected (b) (7)(C) for the Case Manager Position.¹⁹ (b) (7)(C) further indicated in his statement that (b) (7)(C) selected (b) (7)(C) based on his extensive experience with Dismas Charities, an organization that assisted former federal inmates with employment opportunities, that was directly related to the Case

¹¹ See Attachment 3- (b) (7)(C) statement

¹² See Attachment 4, Tab X page 174

¹³ See Attachment 4, Tab Z, Page 190

¹⁴ See Attachment 4, Tab Z, Page 180

¹⁵ See (b) (7)(C) statement, Attachment 6

¹⁶ See Attachment 4, Tab AA.

¹⁷ The notes for the Case Manager position are titled Youth Program Manager Interview Summaries in Attachment 4, Tab AA.

¹⁸ See Attachment 4, Tab Z, Page 190

¹⁹ See (b) (7)(C) statement, Attachment 6



Manager position (Attachment 10).²⁰ Moreover, according to (b) (7)(C) resume, he has a Bachelor's degree in Management/Human Resources. (Attachment 10).

In response to the OIG's subpoena requesting information related to former employees who had worked on the last five grants awarded to (b) (7)(C) by DOL, (b) (7)(C) provided information on eleven such employees. (Attachment 11). A review of the documentation provided by (b) (7)(C) indicates that of the eleven employees who were terminated at the end of various DOL grants held by (b) (7)(C) only two were rehired into positions on new grants with (b) (7)(C). Additionally, four of the nine employees who were not hired for a new position, had interviewed for new positions, but were not selected. (Attachment 11).

²⁰ See Attachment 6 (b) (7)(C) statement



(b) (7)(C) Timeline

August 15, 2016	(b) (7)(C) hired by (b) (7)(C) Memphis for the (b) (7)(C) grant
June 5-8, 2017	(b) (7)(C) observes OSY team changing dates on client applications (alleged fraud)
June 15, 2017	(b) (7)(C) notifies her supervisor (b) (7)(C) that OSY is changing dates on client applications within the (b) (7)(C) whistleblower time frame of reporting
July 12, 2017	(b) (7)(C) and (b) (7)(C) contact (b) (7)(C) (b) (7)(C) (b) (7)(C) at the (b) (7)(C) Main Office in NY, and report the allegations of fraud by the OSY team
July 12, 2017	(b) (7)(C) notifies (b) (7)(C) (b) (7)(C) (b) (7)(C) of the alleged fraud
July 14, 2017	(b) (7)(C) and (b) (7)(C) meet with (b) (7)(C) (b) (7)(C) of (b) (7)(C) (b) (7)(C) and brief him on OSY alleged fraud at (b) (7)(C) Memphis and request that he start an investigation
July 17-18, 2017	(b) (7)(C) and (b) (7)(C) travel to (b) (7)(C) Memphis. (b) (7)(C) interviewed (b) (7)(C) (b) (7)(C) (b) (7)(C) did an audit of the OSY grant
July 21, 2017	(b) (7)(C) notifies (b) (7)(C) (b) (7)(C) of the alleged fraud with OSY grant
July 24, 2017	(b) (7)(C) provides letter to (b) (7)(C) documenting that an investigation has started and that updates would follow
July 25, 2017	(b) (7)(C) sends resignation letter to (b) (7)(C) effective August 7, 2017. According to (b) (7)(C) if (b) (7)(C) had not resigned, she would have been terminated for failure to notify (b) (7)(C) management of (b) (7)(C) initial complaint
July 25, 2017	(b) (7)(C) notifies (b) (7)(C) that WIN will continue partnership with (b) (7)(C) during the investigation
August 14, 2017	(b) (7)(C) notified (b) (7)(C) that the investigation was completed and that a corrective action plan would be put in place, new SOP's would be drafted and more ethics training would be provided for all employees
August 23, 2017	(b) (7)(C) was terminated for his role supervising the OSY grant program
August 23, 2017	(b) (7)(C) are given written warnings and each are placed on a Performance Improvement Plan (PIP)
September 8, 2017	(b) (7)(C) notifies (b) (7)(C) HR that the (b) (7)(C) grant in Memphis, TN, is ending on September 30, 2017, and that (b) (7)(C) should be

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	notified and informed that she could apply for other positions that are posted
September 11, 2017	(b) (7)(C) has a termination letter handed to her stating that her last day with (b) (7)(C) will be September 29, 2017, due to (b) (7)(C) grant ending on September 30, 2017, and she is encouraged to apply for vacant positions within (b) (7)(C)
September 12, 2017	(b) (7)(C) inquires about applying to the Case Manager and Program Manager job postings and is encouraged to apply by (b) (7)(C) HR
September 25, 2017	(b) (7)(C) is interviewed for both Program Manager and Case Manager Positions
September 29, 2017	(b) (7)(C) departs (b) (7)(C) as an employee
November 7, 2017	(b) (7)(C) files a complaint through the OIG Hotline

**ATTACHMENTS**

1. (b) (7)(C) Grant Document
2. CAO Complaint from (b) (7)(C)
3. (b) (7)(C) OIG 103 Interview
4. Subpoena Documents Responsive- Tab A-HH
5. (b) (7)(C) OIG 103 Interview
6. (b) (7)(C) OIG 103 Interview
7. (b) (7)(C) OIG 103 Interview
8. IG Subpoena issued to (b) (7)(C)
9. Case Manager Position Description
10. (b) (7)(C) Resume
11. (b) (7)(C) Letter referencing prior employees