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Description of document: Nine Washington (DC) Metropolitan Transit Authority (WMATA) Office of Inspector (OIG) Reports of Investigation, 2010

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Titles of documents: See release letter

Source of document: Office of General Counsel
PARP Administrator
Washington Metropolitan Area Transit Authority
600 Fifth Street, NW
Washington, D.C. 20001

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October 26, 2011

Re: PARP Request No. 11-0041

This is in response to your request for copies of the final reports, closing memos, investigation reports, or final report regarding certain OIG Reports of Investigation. Your request is being processed pursuant to our Public Access to Records Policy (PARP), which can be viewed on our website at http://www.wmata.com/about_metro/public_rr.cfm, under the section marked, "Legal Affairs."

Enclosed are the OIG Reports of Investigation that you requested. The following is our decision regarding each Report:

- 1) 2010-020 - Unauthorized Access to Employee Email and Employee Theft Final Investigation: In accordance with PARP exemptions 6.1.6 (personal privacy) and 6.1.7 (c) (law enforcement), we have redacted employee names, personnel actions, and job titles when the titles can reveal the identity of the employee because it would constitute a clearly unwarranted invasion of personal privacy to release such information.
- 2) 2010-020 – TSSM Irregular Purchase Card Approval Procedures (Interim Report): Pursuant to PARP exemptions 6.1.6 (personal privacy) and 6.1.7 (c) (law enforcement), we have redacted employee names and job titles when the titles can reveal the identity of the employee because it would constitute a clearly unwarranted invasion of personal privacy to release such information.
- 3) 2010-030 – Rail Car Maintenance: In accordance with PARP exemption 6.1.6 (personal privacy), we have redacted employee and identification numbers because it would constitute a clearly unwarranted invasion of personal privacy to release such information.
- 4) 2010-052 – Missing Pylon: In accordance with PARP exemptions 6.1.6 (personal privacy) and 6.1.7 (c) (law enforcement), we have redacted employee names because it would constitute a clearly unwarranted invasion of personal privacy to release such information.

**Washington
Metropolitan Area
Transit Authority**

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Maryland and Virginia
Transit Partnership*

- 5) 2010-024 – Procurement Issues, Favoritism in Hiring, Whistleblower Retaliation: Please be advised that statements of disagreement and statements of reasons for not making requested amendments have been appended to the OIG Report of Investigation. Pursuant to PARP Exemption 6.1.6 (personal privacy), we have redacted employee names because it would constitute a clearly unwarranted invasion of personal privacy to release such information.
- 6) 2010-031 - Alleged Retaliation by IT Management: In accordance with PARP exemption 6.1.6 (personal privacy), we have redacted employee names and job titles where the titles can reveal the identity of the employee because it would constitute a clearly unwarranted invasion of personal privacy to release such information. In accordance with PARP exemption 6.1.5 (attorney-client and deliberative process privileges), we have withheld a Memorandum, dated February 17, 2010, regarding Reduction-In Force (RIF) because it provides legal advice, opinions and recommendations. Pursuant to PARP exemption 6.1.5 (deliberative process privilege), we have redacted a Memorandum, dated March 9, 2010, which is an addendum to the 2010 RIF Memorandum because it contains staff opinions and recommendations.
- 7) 2010-055 – Alleged Falsification of Documents: In accordance with PARP exemptions 6.1.6 (personal privacy) and 6.1.7 (c) (law enforcement), we have redacted employee names and job titles where the titles can reveal the identity of the employee because it would constitute a clearly unwarranted invasion of personal privacy to release such information.
- 8) 2011-091- COUN Attorney – Outside Legal Work: Please note that we do not have a Report of Investigation for 2011-091. We believe, based on your description, that you are requesting the Report for # 2010-091. Therefore, we have enclosed that document. In accordance with PARP exemption 6.1.6 (personal privacy), we have redacted personal information regarding third parties and WMATA employees because release of such information would constitute a clearly unwarranted invasion of personal privacy.
- 9) 2010-095 – Improper Operation of WMATA Vehicle: In accordance with PARP exemption 6.1.1 (safety and security), we have withheld the link to our internal computer system from page 1, footnote 1. Pursuant to PARP exemptions 6.1.6 (personal privacy) and 6.1.7 (c) (law enforcement), we have redacted employee names and job titles where the titles can reveal the identity of the employee because it would constitute a clearly unwarranted invasion of personal privacy to release such information.

There is no charge for the enclosed records because the first two hours of staff time and minor copying is free of charge. Future correspondence regarding your request should be directed to

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my attention and should reference the PARP request number above. You may also contact me at 202-962-2058 or kthom@wmata.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Keysia Thom". The signature is fluid and cursive, with the first name "Keysia" written in a larger, more prominent script than the last name "Thom".

Keysia A. Thom
PARP/Privacy Policy Administrator

Enclosures

WMATA OFFICE OF INSPECTOR GENERAL

OFFICE OF INVESTIGATIONS

Report of Investigation

Complaint No.: 2010-020
(Unauthorized Access to Employee
Email and Employee Theft)

Date: September 14, 2010

Allegation and Background

On December 8 and 9, 2010, the Office of Inspector General (OIG) received complaints from multiple sources including management in the Office of Track and Structures Systems Maintenance (TSSM) alleging that [REDACTED] in the Automatic Train Control Branch (ATC), had inappropriately and without authorization accessed the email account of [REDACTED], an ATC technician. [REDACTED] forwarded a number of [REDACTED] emails to [REDACTED] own Outlook email account.

[REDACTED] had been employed at WMATA for 25 years. On August 5, 2009, he was promoted to [REDACTED] for the [REDACTED] was not [REDACTED] direct supervisor. His office was at the Carmen Turner Facility (CTF) in Hyattsville, Maryland.

Summary of Investigation

1. Unauthorized Access to Email Account

On December 3, 2010, [REDACTED] was viewing his emails via his Outlook account on a shared computer in the E99 Train Control room at the Greenbelt Yard. The computer was accessible to a number of employees, but their individual Outlook accounts could be accessed only with an individual password. When [REDACTED] and the other employees left the room because of a bad smell from roof tar, [REDACTED] "minimized" the Outlook program rather than signing off and logging out of the system. One of the employees propped open the door in an effort to let the room air out.

[REDACTED] arrived at the facility and observed the door open to the E99 room and no one present. He observed an Outlook account was open, and he viewed the emails in the account. He highlighted a block of emails and forwarded them to his own email account. He also sent an email from [REDACTED] account to [REDACTED] Area Supervisor for the evening shift, informing [REDACTED] that the door to the E99 room had been left open and no one was in the immediate area.

Upon returning to the E99 room, [REDACTED] realized someone had used the computer, because the computer monitor had the screen display showing, instead of the screen saver. [REDACTED] checked his email account and saw that someone had forwarded a block of emails to [REDACTED] email account. After speaking with [REDACTED] learned that it was [REDACTED] who had sent the emails to his own email account. [REDACTED] reported the incident to TSSM management and to the OIG.

At the request of [REDACTED] submitted a memorandum, dated December 10, 2009 (Exhibit 1), stating:

I did not know whose account was open, so I forwarded a continuous group (of about eight) emails to myself in order to see whose account I was viewing. Upon seeing the account belonged to [REDACTED] informed the PM supervisor what transpired. I never received them in my account.

During an interview on December 15, 2009, [REDACTED] told OIG that he wanted to see whose email account had been left open, so he began to view the emails in the "inbox." [REDACTED] said he also wanted to see whether the account holder was communicating to the evening shift supervisor about him. [REDACTED] said he forwarded between six and eight emails to his personal (non-WMATA) email account. Once he learned that it was [REDACTED] email account, he notified [REDACTED] of his actions.

[REDACTED] voluntarily returned to OIG the day after his initial interview, that is, on December 16, 2009. He said he had lied during his initial interview in that he knew it was [REDACTED] email account when he first looked at the emails. [REDACTED] said he forwarded six to eight emails to himself at one or more email accounts and then deleted the "sent" emails so [REDACTED] would not know what occurred. He said he wanted to see if [REDACTED] was "snitching" about the ATC office.

2. WMATA Property Recovered From [REDACTED] House

During the course of the December 16, 2009 interview (the second interview) with OIG, [REDACTED] was asked whether he had done anything else "improper" while employed at WMATA. He responded that, among other things, he had taken six items of WMATA-owned property, plus office supplies, to his home from the CTF, including:

1. one laptop computer, which he stated he used to watch movies and took home three years ago;
2. shop vacuum, which he said he took home two years ago;
3. color printer, which he said he took home three or four months ago;
4. computer flat panel monitor, taken home in November;
5. train-to-wayside communications (TWC) project laptop, taken at the conclusion of a project; and

6. a portable generator, which he said that he took home shortly after Hurricane Isabel (which occurred in 2003).

[REDACTED] stated, "You would call it stealing, but I would say it was more like borrowing." He explained that he took the generator because, during Hurricane Isabel, he lost power at his house and was worried about losing power at his house again if there was another storm.

[REDACTED] was also interviewed by a detective from Metro Transit Police Department (MTPD) and repeated that he had WMATA equipment at his house that he needed to return. He said he had the generator for about eight years.

[REDACTED] consented to a search of his residence at [REDACTED] Bowie, Maryland, by OIG special agents and MTPD detectives. During the search, conducted on December 16, 2009, [REDACTED] identified 74 pieces of property that belonged to WMATA. (Inventory attached as Exhibit 2). Some of the items recovered were:

1. a Yamaha portable generator;
2. a Samsung 32" LCD computer monitor;
3. a desk top computer, connected to the above-listed monitor and found on the kitchen floor;
4. nine laptop computers with carrying cases;¹
5. three Techtronix Tech Scopes or oscilloscopes, in their original packaging and boxes;
6. a Sony cybershot camera and printer in the original packaging and box;
7. one computer printer with facsimile and scanner in the original packaging and box;²
8. 11 tool kits in canvas bags and hard plastic cases;
9. a variety of loose tools, for example: extra-large wrench, power hammer, wire stripper, hand light, battery chargers, drill, and others;
10. two hand trucks, which appeared to be new.

Many of the items, including the three oscilloscopes, were located in the basement of the residence, with clothing and debris on top of them. The camera/printer set in the original box was in a bag in a hall closet, along with personal items including gift wrapping. During the search, OIG special agents and MTPD detectives observed that one of [REDACTED] children was watching a movie on the WMATA 32" computer monitor set up on the center island in the kitchen and connected to the WMATA desktop computer. Located on top of this computer was an external hard drive which [REDACTED]

¹ Eight of the laptops were stacked up together in the family room; one other laptop that appeared to be in use was in the kitchen.

² [REDACTED] had an empty box for an identical printer/fax/scanner in his car. He said the machine was in his office, but none was found there during a search.

also identified as belonging to WMATA. It contained numerous downloaded movies. Most of the equipment (other than the laptop computers) was not marked with visible bar codes or otherwise visibly marked as belonging to WMATA.

[REDACTED] sent a written grievance to [REDACTED] of TSSM, dated January 22, 2010 (Exhibit 3), in which he offered these explanations about the equipment found at his house:

- laptop computers – two were assigned to him, and the rest were broken and he was trying to repair them;³
- desktop computer – scheduled for salvage and used it for work-related tasks;
- radios – one he used “daily,” and “over a dozen walkie-talkies” were used by crews during special projects;
- power generator – used it for special projects;
- LCD monitor, oscilloscopes and power tools – stored for safekeeping pending a move from his old office at CTF to a new field office;
- external hard drive – this item appeared under “purchase card equipment,” and was said to have been purchased because of storage space limitations on his WMATA computer; he also said that he shared it with “technicians.” “All storage media were used to transport information between TCR work locations, reporting locations and field offices.”

[REDACTED] then-[REDACTED] in TSSM and [REDACTED] then-supervisor, said that all but a few of the items (one laptop computer, portable radio, hard hat, rain gear, and some hand tools) should have been kept in [REDACTED] office or in a tool storage area. Similarly, [REDACTED] advised that [REDACTED] was not authorized to remove equipment from a WMATA facility and store it at his residence during an office move. [REDACTED] said there were several secure areas in ATC that [REDACTED] could have used to store the equipment.

According to data from the Fixed Assets Management System (FAMS), the oscilloscopes (two different models) were purchased in 2005 and cost WMATA \$2,299 for two of them and \$3,195 for the third one. They are relatively small, about eight inches by eight inches. According to the FAMS, these oscilloscopes were assigned bar code numbers, but no bar codes were attached to them when they were recovered from [REDACTED] house.

3. Purchase Card Transactions

[REDACTED] was a WMATA purchase card holder. He admitted purchasing a \$40-\$50 bag for his fiancé with his WMATA purchase card. OIG reviewed his purchases over a six-month period, and determined there were a number of questionable purchases,

³ At least one of the laptops had been surplus, according to the Department of Information Technology.

particularly of food and electronics. [REDACTED] was the approving official for [REDACTED] purchase card transactions. In August 2009, [REDACTED] approved all of [REDACTED] pending charges, notwithstanding that [REDACTED] had not provided receipts to support them, as he was supposed to do. [REDACTED] acknowledged that he did not know the whereabouts of most of the items listed as purchased with [REDACTED] purchase card or the reason for all of the purchases.

Some examples of the charges made on the card by [REDACTED] which might have raised concern for [REDACTED] because of the type or location of the store and/or the vague item descriptions were:

- 1) Almost weekly purchases at Giant or Safeway Supermarket, in various amounts. The expense description listed was: "water and juice for tssm atc field workers."⁴
- 2) 2/6/09 – Wal-Mart Supercenter, Georgetown, Delaware \$353.11. The expense description was: "electronic equipment for atc training."
- 3) 2/26/09 – Best Buy, Bowie, Maryland \$833.96.⁵ The expense description was: "atc electronic training and office equipment for clerk and switch shop."
- 4) 4/17/09 – Norseman, Inc., Elkridge, Maryland. \$2,338.00. The expense description was: "Cameras and Office supplies for TSSM management."
- 5) 4/20/09 – The Sports Authority, Bowie, Maryland \$459.94. The expense description was: "Retrofit awning for breakdown testing."
- 6) 5/27/09 – Micro Center, Rockville, Maryland \$461.92. The expense description was: "ATC Supplies."

OIG issued a February 23, 2010 Interim Report of Investigation about the irregular purchase card approval procedure followed by [REDACTED]

4. Personnel Action

On or about December 19, 2009, [REDACTED] after [REDACTED] notified TSSM management about the search of [REDACTED] residence and recovery of WMATA property. Through his membership in the Amalgamated Transit Union, Local 689, [REDACTED] was able to retire, effective March 1, 2010. His retirement benefits are provided by the union and not through WMATA's retirement benefits program.

[REDACTED] explained that it was authorized for someone to buy bottled water and juice for TSSM workers at Metro stations where the water had been found to be not potable. However [REDACTED] could not say what the appropriate dollar amount was for the legitimate drink purchases.

⁵ This expense was likely for the purchase of the 32" computer monitor, which was on the kitchen counter of [REDACTED] house in use by one of his children. The item retails for approximately the listed amount, and in his grievance letter, [REDACTED] discussed the monitor under the heading "Purchase card equipment."

5. Controls Over Equipment in ATC

Between December 16, 2009 and January 5, 2010, [REDACTED] prepared an eight-page list of 986 pieces of WMATA-owned equipment assigned to ATC which he was unable to locate; he subsequently located 341 of the items, leaving 645 items unaccounted for. (Exhibit 3). [REDACTED] said that he estimated the total value of the lost items to be over \$1 million. The list did not include any of the equipment recovered from [REDACTED] house. For example, there were oscilloscopes on [REDACTED] "lost list," but they did not bear the same serial numbers as the three found in [REDACTED] house.

An employee in ATC advised that other ATC employees took equipment home. Immediately after the equipment was recovered from [REDACTED] house, other ATC employees began to bring into the office WMATA-owned equipment that they had apparently been keeping at home.

According to the [REDACTED], when an individual purchase card holder in ATC made a purchase and the item(s) were shipped to WMATA, the [REDACTED] was supposed to receive the shipment, open the package, and compare the items received to the invoice to determine if all items ordered were received. The [REDACTED] would then contact the individual who made the purchase and advise them their purchase has arrived. The ATC employee would then pick up the items purchased. In addition, the normal process was that items valued over \$500 were supposed to be inventoried and bar-coded by the [REDACTED].⁶ However, this individual acknowledged that she did not consistently do so, explaining that sometimes [REDACTED] picked up equipment and walked off with it before she did so.

Relevant Statutes, Regulations, and Other Standards

- 1) MD Code § 7-302 Unauthorized Computer Access – A person may not intentionally, willfully, and without authorization, access, attempt to access, cause to be accessed, or exceed the person's authorized access, to all or part of a computer network, computer control language, computer, computer software, computer system, computer services, or computer database.
- 2) MD Code § 7-104 (a)(2) Unauthorized Control Over Property – A person may not willfully or knowingly obtain or exert unauthorized control over property if the person intends to deprive the owner of the property or willfully or knowingly use the property in a manner that deprives the owner of the property.

⁶ WMATA's Property Accounting & Control Procedures Manual (dated in 1998) issued by the Office of Accounting (ACCT) states that items costing \$100 or more that are susceptible to theft or loss must be accounted for by being bar-coded and entered in the Fixed Asset Management System. A representative of ACCT indicated that the cost threshold had been raised to \$500, but that this change was never reduced to writing.

- 3) WMATA P/I 6.2/3 § 1.02 – The personal use of WMATA property by employees is prohibited except as authorized by other P/I's. No employee will directly or indirectly use or allow the use of WMATA property for other than official business purposes.
- 4) Metrorail Safety Rules and Procedures Handbook, General Rule 1.56 – Employees shall not convert WMATA property to their personal use.

OIG Investigative Findings

1. Email Access

The evidence reflects that [REDACTED] accessed another employee's email account without the employee's or WMATA's authorization. [REDACTED] admitted he did so intentionally. This is a violation of Maryland criminal law. As far as WMATA policy, however, this conduct is not clearly addressed. According to the Department of Information Technology's Office of Metro Information Technology Security (MITS), the authorized user should have logged off before leaving the room, but in this case where this was not done, [REDACTED] was not thereby entitled to view the individual's email. MITS cited P/I 15.3/2 § 5.02, which addresses "inappropriate usage" of email, but this section does not squarely address what occurred here. [REDACTED] apparently understood that what he did was improper, as he tried to cover up his actions by deleting the "sent items" from [REDACTED] email. He also told management and OIG conflicting stories about the matter and admitted that he originally lied about his intent.

2. WMATA Property Found in [REDACTED] House

[REDACTED] ultimately admitted that he took 74 pieces of WMATA property to his house. [REDACTED] said that he was only storing the property and did not intend to deprive WMATA of the property, but the evidence and circumstances reflect the contrary for many if not most of the items:

- The large quantity of items found in [REDACTED] house does not reflect intent to store the equipment temporarily.
- The manner in which the items were kept throughout the house commingled with [REDACTED] personal property and the fact that many of the items were hidden underneath clothes and debris does not reflect intent to store items temporarily for safekeeping.
- Some items were being used by [REDACTED] and his family for non-work-related activities, e.g., the flat-screen monitor, desk-top computer and external hard drive. [REDACTED] admitted that he kept the generator for about six years (since 2003) and intended to use it to power his own home if necessary.

- The items seized included many relatively small items like loose tools, tool kits, laptop computers, an external hard drive and the oscilloscopes that would not have been difficult to store at WMATA and would have been of use to ATC employees on a regular basis.
- TSSM management's statements that [REDACTED] was not authorized to remove and store the items at home and that there were storage places at WMATA.
- Some items were kept by [REDACTED] for long periods of time, such as the generator (six years) and oscilloscopes (purchased by WMATA at least four years prior).
- [REDACTED] confession about the equipment to OIG and MTPD indicates a consciousness of guilt and knowledge that he did not have authorization to take and store the equipment.

3. Lack of Internal Controls in TSSM on Equipment

Except for the laptops, almost all of the equipment was not bar-coded or otherwise marked as belonging to WMATA. For many of the items, there were no records showing that WMATA had purchased and received the property, including the 32" computer monitor (retailing for over \$800).

[REDACTED] was able to take items off WMATA premises or purchase items with a WMATA purchase card and take them home directly over a period of years. TSSM management was unaware that the equipment existed and was missing. There was no effective system to ensure that all WMATA equipment was received, logged in, bar coded as required, and stored securely. The lack of controls led to management's own discovery of at least 645 pieces of equipment which could not be accounted for in addition to that recovered from [REDACTED] residence. Furthermore, it appears that other TSSM employees also took home equipment, based on the statement of an ATC employee that after the search of [REDACTED] house, other TSSM employees began returning equipment to the office.

[REDACTED] purchase card use was not properly overseen by management; his purchases were approved without receipts. This important control was deliberately ignored. Without reviewing [REDACTED] actual receipts, management and the purchase card oversight office in Procurement and Materials would not have known that the purchases listed were or were not legitimate.

Court Action

The evidence was presented to the Maryland State's Attorney's Office for Prince George's County for consideration for prosecution. The office declined prosecution.

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Their declination letter cited the following as their reason for not prosecuting [REDACTED] on the theft:

Strict internal oversight and control measures dealing with the accounting, auditing, and approval of the use of WMATA equipment and funds appears to have been lacking and may have served to create an atmosphere where such behavior, although not explicitly condoned or excused, was part of an implicitly tolerated practice.

Exhibits

- 1) Memorandum, dated December 10, 2009 from [REDACTED] to [REDACTED]
- 2) Inventory of items recovered from [REDACTED] house on December 16, 2009
- 3) [REDACTED] Letter to [REDACTED] dated January 22, 2010
- 4) TSSM inventory list of missing property

[REDACTED]
Special Agent

[REDACTED]
Assistant Inspector General for Investigations

M E M O R A N D U M



SUBJECT: [REDACTED] E-mail

DATE: December 10, 2009

FROM: TSSM ATC - [REDACTED]

TO: TSSM ATC - [REDACTED]

On Thursday, December 3, 2009 at or about 6:10 PM I visited the E99-Grenbelt Yard ATC Train Control. Upon arriving I found the door was blocked completely wide open. When I entered I noticed there were no ATC technicians in attendance of the Train Control Room. I then started making a log book entry to document the event.

When I glanced at the WMATA ATC computer screen to record an accurate time, I noticed that someone had not only left the TCR unsecured, but they were still logged into their WMATA email account. I emailed the PM supervisor to inform him the TCR was unsecured and someone had also left their email account open.

I did not know whose account was open, so I forwarded a continuous group (of about eight) emails to myself in order to see whose account I was viewing. Upon seeing the account belonged to [REDACTED] I informed the PM supervisor what transpired. I am not sure what happened to the forwarded emails. I never received them in my account.

Upon leaving the TCR and exiting Greenbelt Yard I passed the ATC crew just entering the yard. Because of limited road space, I did not make a U-turn to discuss this matter with the crew. I knew the matter would be addressed by their supervisor and continued onto my child's day care.

Washington
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Transit Authority

List of Items Recovered During Consent Search

Item #	Description	Model #	Serial #	WMATA B/C	Comments
1	Dell Optiplex Desktop		8HUQT	265007	
2	Yamaha Portable Generator	YG2600			
3	Husky Canvass Tool Bag (medium)				
4	Parking Placard – Carmen Turner Fac.				
5	Blackberry w/vehicle charger	Curve	00003437		
6	DeWalt Shop Vac			0000224240	
7	Dremel Tool w/case				
8	Hilti Power Hammer	DX460-F8	0000106038		
9	StreamLight	LiteBox	737269		
10	Safety Vest				
11	Klein Tools Canvass Tool Bag w/3 Hard Hats, and Safety Vests				
12	Magnavox DVD/VCR		DV220MW9		
13	Gemini Convertible Hand Truck		0000176417		
14	Samsung 32" LCD Monitor	LN32A330J1DXZA	AKZ43CSS212923Z		
15	Dell Optiplex Desktop Computer w/keyboard and mouse		6X620	305447	
16	Seagate External Hard Drive 1 Terabyte	2QEVSF6A			TSSM/ATCS C99TCR
17	Dell Flat Panel Monitor	CNOY320G742619502MCS	318716		
18	Dell Laptop			308976	
19	Icom Portable Radio w/charger	CIT-R9		T0001DHC	
20	StreamLite w/mounting base/charger	Litebox	861852		
21	Targus Leather-Like Laptop Case				
22	Brother	DCP7020	U61283B7J215841		

Washington Metropolitan Area Transit Authority – Office of Inspector General

Case No.: 2010-020 Date: December 16, 2009

Subject: [REDACTED]

List of Items Recovered During Consent Search

	Print/Scan/ Fax				
23	ClickFree Back-Up Device 320 Gig.				Brand New
24	Husky Canvass Tool Carrier (Large)				
25	Test Circuit Board				
26	Husky Canvass Tool Bag (small)				
27	Fluke Electronic Meter		6928067		
28	Plano Connector Kit				
29	Techtronix Tech Scope		055917		
30	Techtronix Tech Scope		044110		
31	Techtronix Tech Scope		044117		
32	Misc Cables				
33	Dell Laptop w/Belkin case	Inspiron 2650	0000224128		
34	Compac Laptop w/Targus Case		AE5P36OOT4X12DM64N4		
35	Flask Voyager Thumb Drive				
36	Motorola UDS Data Switch		110597033		
37	Durapro 4.8V Cordless Screwdriver				
38	Husky Canvass Tool Bag (small)				
39	Mikita Flashlight	ML700			
40	DeWalt Cordless Drill		289910	0000205535	
41	Klein Tools Canvass Tool Bag w/Hard Hat				
42	Circuit Board Receiver Input Card		K3706395		
43	Greenlee Knock- Out Punch Set		34941		
44	Milwaukee Heavy Duty Rotary Hammer w/case		973A602170053	0000174958	

List of Items Recovered During Consent Search

	and charger				
45	HP DeskJet Color Printer	1120C	SG882131HW		
46	Sony Cyber-Shot Digital Camera and Color Photo Printer	DSC-T70HDPR	01-0502045-2		Brand New. Box never opened.
47	IBM ThinkPad Laptop		AK-V3ZMH02/02		
48	Dell Laptop	Inspiron 1100	33854631841		
49	IBM ThinkPad Laptop		WP 00019-041-044-563		
50	IBM ThinkPad Laptop		AK-V7PYP0205		
51	IBM ThinkPad Laptop		00019-049-264151		
52	Targus Laptop Case				
53	Targus Laptop Case				
54	Targus Laptop Case				
55	Targus Canvass Laptop Case				
56	Dell Canvass Laptop Case				
57	Targus Canvass Laptop Case				
58	Husky Canvass Tool Carrier (Large)				
59	Brady ID Expert Labeling Cartridge				Quantity Six (6)
60	Ideal Strip Master Wire Striper				
61	MAC Combination Open End/Box Wrench	CL64			
62	Techni-Tool Fiberglass Tool Case w/misc. tools				
63	Westward Tool Box w/misc. tools				
64	Dayton Hand Truck	6WD498			
65	Plano Tool Box (small)				Empty
66	Streamlight Flashlight	LiteBox	757270		
67	Streamlight Flashlight	Litebox	601846		

Washington Metropolitan Area Transit Authority – Office of Inspector General

Case No.: 2010-020 Date: December 16, 2009

Subject: [REDACTED]

List of Items Recovered During Consent Search

68	Box Containing DeWalt Battery Chargers and Battery				Two (2) Chargers; One (1) battery
69	Belkin 2-Port Switch	PS/2 KVM	F1DJ102P-B		
70	Motorola Portable Radios w/chargers	T5420			Quantity Ten (10)
71	Misc. Handtools				
72	Lightwave	Illuminator	LW-HT-BLK		Brand New
73	Husky Canvass Tool Carrier (small)				With Assorted Tools
74	Motorola Pager		746BYN22B3		

January 22, 2010

[REDACTED]
Office of Track and Structures/
Systems Maintenance

Dear [REDACTED]

Please accept this grievance under Personnel Policy No. 1.7, Employee Dispute Resolution. Prior to my receiving your certified letter on January 16, 2010 [REDACTED] I attempted to verbally contact the [REDACTED] concerning my employment status. Initially, when I surrendered my WMATA ID card, he stated [REDACTED] I last spoke with the IG investigators concerning this incident on Thursday January 7, 2010. I would have liked a chance to explain my actions prior to my involuntary termination. This letter is a written explanation of my actions. I request an opportunity to meet you at the first mutually available time to discuss this incident [REDACTED] as created a severe hardship for me and my family.

During the recent investigation I admitted to taking some ink pens, scissors, stick pins and a ruler for personal use while I worked on WMATA projects at my home.

When asked about any other WMATA items inside my home I voluntarily informed the investigators about other items and willingly consented to a search of my house. Among the items found;

Laptops:

Several broken laptops that I was trying to repair rather than scrap with salvage. One old laptop that was assigned and handed to me, by the previous ATC Superintendent. One new laptop that was recently ordered and assigned to me.

Desktop Computers:

One desktop that was scheduled for salvage and due to ongoing IP conflict problems with my field office computer I was unable to work remotely from home. Utilizing the desk top system's Word Perfect application and the new laptop's Excel application I recreated some data files urgently needed to conduct the December shift pick.

Maintenance Radios:

I turned over the ICOM radio I carried and used daily while responding to the wayside at WMATA. I also turned over a dozen walkie-talkies the crews only used during special projects.

Power Generator:

We used this generator during special projects. Most recently the Brentwood Yard and Rhode Island Avenue high current bond installations.

Oscilloscope Test Equipment and Power Tools:

This equipment was being transported between my old CTF field office and the new F99 field office. The AM shift technicians were delayed in moving the security cabinets the week prior. They had roughly handled the first cabinets and I didn't want any fragile equipment to become damaged. Also, due to the upcoming shift pick I could not leave this new equipment unsecured.

Purchase card equipment:

The LCD monitor was stored temporarily at my home because of the transition between field offices. Also, since I was due to go on vacation for two weeks I could not leave the monitor openly laying around. I felt that during the expected technician relocations, the monitor would disappear during my absence if it was not wall mounted or secured. The monitor and test equipment was to be stored inside the new cabinets prior to my vacation. The external hard drive was purchase after talking with IT about storage space limitations on my WMATA "T" drive. I shared this portable hard drive and the thumb drives with technicians. All storage media were used to transport information between TCR work locations, reporting locations and field offices.

Activities that was going on for years:

I feel there was some misunderstanding on this point. Every night I wake up around 1:00 am. I often plan my upcoming WMATA work assignments at this time. I touch bases with MOC. I may also contact technicians, acting supervisors and ATC supervisors directly at their wayside work locations or at their reporting locations. These groups for years have contacted me 24 hours a day on any day of the week. They have always had my promise to respond in person (if possible), when a problem was too difficult to handle over the phone. Even while traveling out of town or on vacation I attempted to stay in touch with my coworkers.

Other hand tools and minor equipment was always used during our special projects. I would create and assemble logistical instructions, technical drawings, SSWPs, EMIs, and crew assignments while sitting at my kitchen counter. For special projects I would make up kit bags for each crew and personally hand out these items at the beginning, on the job site.

In summary, [REDACTED] have always tried to give a 110% effort toward Metro. I understand my recent actions do not appear in the best light. I have attempted to quietly work harder than the next man, and tackle as many tasks as possible. I now fully realize I should not have mixed my personal vehicle and home with ATC business. My goal since joining Metro was to work as hard as I could for at least 27 years. I humbly request that I be immediately [REDACTED]
[REDACTED]

Sincerely,

[REDACTED]

102005	0	204223	MISCELLANEOUS SPECIAL PURPOSE EQUIPMENT	MATERIAL TESTER	R116	3353	\$2,026.00	
102021	0	8062A	TEST EQUIPMENT	METERS	E103	3353	\$0.00	
102032	0	8062A	TEST EQUIPMENT	METERS	A125564	F133	3353	\$0.00
102037	0	8062A	TEST EQUIPMENT	METERS	4095352	F133	3353	\$0.00
102038	0	NTM73AA	REPRODUCING, AUDIOVISUAL & COMMUNICATION EQUIPMENT	OTHERS	R414	3353	\$0.00	
102051	0	2523000	TEST EQUIPMENT	SIGNAL GENERATORS	R011	3353	\$0.00	
102128	0	7332	TEST EQUIPMENT	CSCILLOSCOPES	R204868	F333	3353	\$0.00
102136	0	1832	MAINTENANCE SHOP EQUIPMENT	POWER TOOLS	680743	R011	3353	\$0.00
102139	0	MT 500	REPRODUCING, AUDIOVISUAL & COMMUNICATION EQUIPMENT	HANDHELD PORTABLE RADIOS	230AKY2447	R011	3353	\$0.00
102146	0	P12	REPRODUCING, AUDIOVISUAL & COMMUNICATION EQUIPMENT	OTHERS	F123	3353	\$0.00	
102184	0		MAINTENANCE SHOP EQUIPMENT	OTHERS	A021	3353	\$0.00	
102184	0		MAINTENANCE SHOP EQUIPMENT	GRINDER	85735002	R194	3353	\$0.00
102224	10397500		MAINTENANCE SHOP EQUIPMENT	GRINDER	10855	S020	3353	\$0.00
102225	0		MAINTENANCE SHOP EQUIPMENT	GRINDER	3982	S020	3353	\$0.00
102231	0		MAINTENANCE SHOP EQUIPMENT	VACUUM CLEANER	128524	S411	3353	\$0.00
102234	0		TEST EQUIPMENT	METERS	567891002	R011	3353	\$0.00
102236	0	638 GR1	TEST EQUIPMENT	METERS	55734001 REV G	S020	3353	\$0.00
102237	0		REPRODUCING, AUDIOVISUAL & COMMUNICATION EQUIPMENT	TELEPHONE EQUIPMENT		6029	3353	\$0.00
102243	0	MT 500	REPRODUCING, AUDIOVISUAL & COMMUNICATION EQUIPMENT	HANDHELD PORTABLE RADIOS	330ACQ0183	E103	3353	\$0.00
102244	0	MT500	REPRODUCING, AUDIOVISUAL & COMMUNICATION EQUIPMENT	HANDHELD PORTABLE RADIOS	230AKY2092	S411	3353	\$0.00
102250	0	F 10 G	MAINTENANCE SHOP EQUIPMENT	VACUUM CLEANER	3620	3353	\$0.00	
102252	0	60	MAINTENANCE SHOP EQUIPMENT	VACUUM CLEANER	VA23306	R007	3353	\$0.00
102283	0	40	MAINTENANCE SHOP EQUIPMENT	POWER TOOLS	S411	3353	\$0.00	
102270	12013000	WH100	MAINTENANCE SHOP EQUIPMENT	POWER TOOLS	S620	3353	\$0.00	
102272	0	575	MAINTENANCE SHOP EQUIPMENT	MACHINE TOOLS	S411	3353	\$0.00	
102290	0	042 GR 1	TEST EQUIPMENT	METERS	2250J002	S020	3353	\$0.00
102325	0	2342A	TEST EQUIPMENT	SIGNAL GENERATORS	260A123764	R011	3353	\$0.00
102348	0	11213RX-60SH	MAINTENANCE SHOP EQUIPMENT	HAMMER, ELECTRIC		R011	3353	\$489.00
102353	0	PS24B	TEST EQUIPMENT	CHART RECORDERS	N809	3353	\$396.00	
102359	0	PS24B	REPRODUCING, AUDIOVISUAL & COMMUNICATION EQUIPMENT	CHART RECORDERS	101000071	R011	3353	\$1,642.00
102362	0	9X ELRAN 0002	MAINTENANCE SHOP EQUIPMENT	SPILL PROOF ELECTRON	S411	3353	\$1,038.00	
102396	0	AMP44511422703	MAINTENANCE SHOP EQUIPMENT	OTHERS	S411	3353	\$442.00	
102397	0	AMP44511422703	MAINTENANCE SHOP EQUIPMENT	OTHERS	R011	3353	\$360.00	
102398	0	AMP44511422703	MAINTENANCE SHOP EQUIPMENT	OTHERS	S411	3353	\$369.00	
102417	0	1384AE	MAINTENANCE SHOP EQUIPMENT	GRINDER	R011	3353	\$123.00	
102435	0	1402001CX	MATERIAL HANDLING EQUIPMENT	DOLLYS	S411	3353	\$145.00	
102442	0		MAINTENANCE SHOP EQUIPMENT	BOVE CUTTERS	S020	3353	\$768.00	
102453	0	24486	TEST EQUIPMENT	CSCILLOSCOPES	B042942	R007	3353	\$0.00
102455	0		MAINTENANCE SHOP EQUIPMENT	HANDTOOLS	S411	3353	\$0.00	
102461	0	PUL1000Q	MICROGRAPHIC AND PHOTOGRAPHIC EQUIPMENT		R105	3353	\$0.00	
102470	0	PUL 1000	TEST EQUIPMENT	OTHERS	B043	3353	\$0.00	
102473	0	PAC1000	PRINTING, DUPLICATING & BINDING EQUIPMENT	STENCIL MACHINE	AE48331	S411	3353	\$0.00
102482	0		REPRODUCING, AUDIOVISUAL & COMMUNICATION EQUIPMENT	SLIDERS	1150902	S411	3353	\$0.00
102499	0		TEST EQUIPMENT	TEST EQUIPMENT	R011	3353	\$0.00	
102509	0		TEST EQUIPMENT	DETECTORS/INDICATORS	C338	3353	\$0.00	
102518	0		TEST EQUIPMENT	DETECTORS/INDICATORS	S411	3353	\$0.00	
102529	0		TEST EQUIPMENT	OTHERS	C311	3353	\$0.00	
102530	0		TEST EQUIPMENT	DETECTORS/INDICATORS	S411	3353	\$0.00	
102548	00070800	27	TEST EQUIPMENT	METERS	5700050	D005	3353	\$0.00
102555	0	27	TEST EQUIPMENT	METERS	5680064	F123	3353	\$0.00
102575	00710800	27	BOOKCASES	METERS	57000	A023	3353	\$0.00
102576	0	27	TEST EQUIPMENT	METERS	5700089	R011	3353	\$0.00
102577	0	27	TEST EQUIPMENT	METERS	5700064	R044	3353	\$0.00
102580	0	27	TEST EQUIPMENT	METERS	5730012	E103	3353	\$0.00
102612	0		CHAIRS		A111	3353	\$0.00	
102614	0		CHAIRS		A119	3353	\$0.00	
102648	0		CHAIRS		R011	3353	\$0.00	
102649	0		CHAIRS		D129	3353	\$0.00	
102654	0	117 75	CHAIRS		R011	3353	\$0.00	
102659	0		CHAIRS		K501	3353	\$0.00	
102660	0		CHAIRS		K507	3353	\$0.00	
102661	0		CHAIRS		K511	3353	\$0.00	
102662	0		CHAIRS		K515	3353	\$0.00	
102664	0		CHAIRS		K423	3353	\$0.00	
102673	0		CHAIRS		E243	3353	\$0.00	
102674	0		CHAIRS		B043	3353	\$0.00	
102676	0		CHAIRS		C019	3353	\$0.00	
102679	0		CHAIRS		C311	3353	\$0.00	
102684	0	117 75	CHAIRS		G003	3353	\$0.00	
102685	0	117 75	CHAIRS		G007	3353	\$0.00	
102740	0	277100A5	MAINTENANCE SHOP EQUIPMENT	OTHERS	2510400	E103	3353	\$0.00
102741	0	277100A5	MAINTENANCE SHOP EQUIPMENT	OTHERS	2510400	E103	3353	\$0.00
102751	0	117 75	CHAIRS		E111	3353	\$0.00	
102752	0	117 75	CHAIRS		E003	3353	\$0.00	
102756	0	117 75	CHAIRS		F115	3353	\$0.00	
102770	0		CHAIRS		E331	3353	\$0.00	
102780	0		CHAIRS		R415	3353	\$0.00	
102784	0		CHAIRS		E327	3353	\$0.00	
102806	0	489RCRWR	FOOD SERVICE EQUIPMENT	REFRIGERATORS	C33003407	K423	3353	\$280.00
102816	0	194	CABINETS		R011	3353	\$280.00	
102817	0	194	CABINETS		R011	3353	\$280.00	
102820	0	194	CABINETS		R011	3353	\$280.00	
102828	0	B0611214VSR	MAINTENANCE SHOP EQUIPMENT	POWER TOOLS	3660838	S411	3353	\$238.00
102832	0	182178	CABINETS	GRINDER	516955E	D005	3353	\$248.82
102850	0	9500D	MAINTENANCE SHOP EQUIPMENT	GRINDER	517157E	C023	3353	\$300.00
102868	0	9500D	MAINTENANCE SHOP EQUIPMENT	GRINDER	517163E	R415	3353	\$300.00
102867	0	9500D	MAINTENANCE SHOP EQUIPMENT	GRINDER	517165E	D005	3353	\$300.00
102868	0	9500D	MAINTENANCE SHOP EQUIPMENT	GRINDER	524113E	A123	3353	\$300.00
102873	0	9500D	MAINTENANCE SHOP EQUIPMENT	GRINDER	5670036	S020	3353	\$300.00
102878	0	FLUXE 27	TEST EQUIPMENT	METERS	110215	S411	3353	\$300.00
102886	0	831	MAINTENANCE SHOP EQUIPMENT	EDWARDS, LISA	S411	3353	\$300.00	
102895	0	MAWITA 8500D	MAINTENANCE SHOP EQUIPMENT	GRINDER	520478E	R011	3353	\$300.00
102897	0	MAWITA 8500D	MAINTENANCE SHOP EQUIPMENT	GRINDER	528720E	D137	3353	\$300.00
102898	0	MAWITA 8500D	MAINTENANCE SHOP EQUIPMENT	GRINDER	528720E	R415	3353	\$300.00
102899	0	MAWITA 8500D	MAINTENANCE SHOP EQUIPMENT	GRINDER	528720E	R011	3353	\$300.00
102900	0	MAWITA 8500D	MAINTENANCE SHOP EQUIPMENT	GRINDER	528720E	R007	3353	\$300.00
102901	0	MAWITA 8500D	MAINTENANCE SHOP EQUIPMENT	GRINDER	528720E	R011	3353	\$300.00
102902	0	MAWITA 8500D	MAINTENANCE SHOP EQUIPMENT	GRINDER	528720E	R011	3353	\$300.00
102903	0	MAWITA 8500D	MAINTENANCE SHOP EQUIPMENT	GRINDER	528720E	R011	3353	\$300.00
102904	0	MAWITA 8500D	MAINTENANCE SHOP EQUIPMENT	GRINDER	528720E	R011	3353	\$300.00
102905	0	MAWITA 8500D	MAINTENANCE SHOP EQUIPMENT	GRINDER	528720E	R011	3353	\$300.00
102906	0	MAWITA 8500D	MAINTENANCE SHOP EQUIPMENT	GRINDER	528720E	R011	3353	\$300.00
102907	0	MAWITA 8500D	MAINTENANCE SHOP EQUIPMENT	GRINDER	528720E	R011	3353	\$300.00
102908	0	MAWITA 8500D	MAINTENANCE SHOP EQUIPMENT	GRINDER	528720E	R011	3353	\$300.00
102909	0	MAWITA 8500D	MAINTENANCE SHOP EQUIPMENT	GRINDER	528720E	R011	3353	\$300.00
102910	0	MAWITA 8500D	MAINTENANCE SHOP EQUIPMENT	GRINDER	528720E	R011	3353	\$300.00
102911	0	MAWITA 8500D	MAINTENANCE SHOP EQUIPMENT	GRINDER	528720E	R011	3353	\$300.00
102912	0	MAWITA 8500D	MAINTENANCE SHOP EQUIPMENT	GRINDER	528720E	R011	3353	\$300.00
102913	0	MAWITA 8500D	MAINTENANCE SHOP EQUIPMENT	GRINDER	528720E	R011	3353	\$300.00
102914	0	MAWITA 8500D	MAINTENANCE SHOP EQUIPMENT	GRINDER	528720E	R011	3353	\$300.00
102915	0	MAWITA 8500D	MAINTENANCE SHOP EQUIPMENT	GRINDER	528720E	R011	3353	\$300.00
102916	0	MAWITA 8500D	MAINTENANCE SHOP EQUIPMENT	GRINDER	528720E	R011	3353	\$300.00
102917	0	MAWITA 8500D	MAINTENANCE SHOP EQUIPMENT	GRINDER	528720E	R011	3353	\$300.00
102918	0	MAWITA 8500D	MAINTENANCE SHOP EQUIPMENT	GRINDER	528720E	R011	3353	\$300.00
102919	0	MAWITA 8500D	MAINTENANCE SHOP EQUIPMENT	GRINDER	528720E	R011	3353	\$300.00
102920	0	MAWITA 8500D	MAINTENANCE SHOP EQUIPMENT	GRINDER	528720E	R011	3353	\$300.00
102921	0	MAWITA 8500D	MAINTENANCE SHOP EQUIPMENT	GRINDER	528720E	R011	3353	\$300.00
102922	0	MAWITA 8500D	MAINTENANCE SHOP EQUIPMENT	GRINDER	528720E	R011	3353	\$300.00
102923	0	MAWITA 8500D	MAINTENANCE SHOP EQUIPMENT	GRINDER	528720E	R011	3353	\$300.00
102924	0	MAWITA 8500D	MAINTENANCE SHOP EQUIPMENT	GRINDER	528720E	R011	3353	\$300.00
102925	0	MAWITA 8500D	MAINTENANCE SHOP EQUIPMENT	GRINDER	528720E	R011	3353	\$300.00
102926	0	MAWITA 8500D	MAINTENANCE SHOP EQUIPMENT	GRINDER	528720E	R011	3353	\$300.00
102927	0	MAWITA 8500D	MAINTENANCE SHOP EQUIPMENT	GRINDER	528720E	R011	3353	\$300.00
102928	0	MAWITA 8500D	MAINTENANCE SHOP EQUIPMENT	GRINDER	528720E	R011	3353	\$300.00
102929	0	MAWITA 8500D	MAINTENANCE SHOP EQUIPMENT	GRINDER	528720E	R011	3353	\$300.00
102930	0	MAWITA 8500D	MAINTENANCE SHOP EQUIPMENT	GRINDER	528720E	R011	3353	\$300.00
102931	0	MAWITA 8500D	MAINTENANCE SHOP EQUIPMENT	GRINDER	528720E	R011	3353	\$300.00
102932	0	MAWITA 8500D	MAINTENANCE SHOP EQUIPMENT	GRINDER	528720E	R011	3353	\$300.00
102933	0	MAWITA 8500D	MAINTENANCE SHOP EQUIPMENT	GRINDER	528720E	R011	3353	\$300.00
102934	0	MAWITA 8500D	MAINTENANCE SHOP EQUIPMENT	GRINDER	528720E	R011	3353	\$300.00
102935	0	MAWITA 8500D	MAINTENANCE SHOP EQUIPMENT	GRINDER	528720E	R011	3353	\$300.00
102936	0	MAWITA 8500D	MAINTENANCE SHOP EQUIPMENT	GRINDER	528720E	R011	3353	\$300.00
102937	0	MAWITA 8500D	MAINTENANCE SHOP EQUIPMENT	GRINDER	528720E	R011	3353	\$300.00
102938	0	MAWITA 8500D	MAINTENANCE SHOP EQUIPMENT	GRINDER	528720E	R011	3353	\$300.00
102939	0	MAWITA 8500D	MAINTENANCE SHOP EQUIPMENT	GRINDER	528720E	R011	3353	\$300.00
102940	0	MAWITA 8500D	MAINTENANCE SHOP EQUIPMENT	GRINDER	528720E	R011	3353	\$300.00
102941	0	MAWITA 8500D	MAINTENANCE SHOP EQUIPMENT	GRINDER	528720E	R011	3353	\$300.00
102942	0	MAWITA 8500D	MAINTENANCE SHOP EQUIPMENT	GRINDER	528720E	R011	3353	\$300.00
102943	0	MAWITA 8500D	MAINTENANCE SHOP EQUIPMENT	GRINDER	528720E	R011	3353	\$300.00
102944	0	MAWITA 8500D	MAINTENANCE SHOP EQUIPMENT	GRINDER	528720E	R011	3353	\$300.00
102945	0	MAWITA 8500D	MAINTENANCE SHOP EQUIPMENT	GRINDER	528720E	R011	3353	\$300.00
102946	0	MAWITA 8500D	MAINTENANCE SHOP					

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172048	0	CT540	FOOD SERVICE EQUIPMENT	REFRIGERATORS	A0100388	B231	3363	\$0.00	
172047	0	CT540	FOOD SERVICE EQUIPMENT	REFRIGERATORS	AU100061	R105	3363	\$0.00	
172046	0		REPRODUCING, AUDIOVISUAL & COMMUNICATION EQUIPMENT	PAGERS	A0100061	E123	3363	\$0.00	
172056	0	CT540	FOOD SERVICE EQUIPMENT	REFRIGERATORS	AU100022	R311	3363	\$0.00	
172085	0	CT 54 0	FOOD SERVICE EQUIPMENT	REFRIGERATORS	AU100022	C335	3363	\$0.00	
172072	0	Y026002	MAINTENANCE SHOP EQUIPMENT	GENERATOR/REFLECTOR	779010000	R140	3363	\$486.00	
172073	0	Y026002	MAINTENANCE SHOP EQUIPMENT	GENERATOR/REFLECTOR	779010000	S220	3363	\$1,361.00	
172074	0	Y026002	MAINTENANCE SHOP EQUIPMENT	GENERATOR/REFLECTOR	779010000	R220	3363	\$1,361.00	
172075	0	TCR-225	MISCELLANEOUS SPECIAL PURPOSE EQUIPMENT	EMERGENCY/SAFETY EQUIPMENT	317796	R106	3363	\$88.80	
172076	0	TCR-225	MISCELLANEOUS SPECIAL PURPOSE EQUIPMENT	EMERGENCY/SAFETY EQUIPMENT	317796	R105	3363	\$88.80	
172078	0		CABINETS			S020	3363	\$352.24	
172079	0		CABINETS			R311	3363	\$352.24	
172084	0	3H44832	MATERIAL HANDLING EQUIPMENT	HANDTRUCKS	8048	S048	3363	\$386.00	\$386.00
172082	0	7H44587	MATERIAL HANDLING EQUIPMENT	HANDTRUCKS	A003	3363	\$386.00		
172084	0	7H44587	MATERIAL HANDLING EQUIPMENT	HANDTRUCKS	R105	3363	\$386.00		
172085	0	7H44587	MATERIAL HANDLING EQUIPMENT	HANDTRUCKS	R003	3363	\$386.00		
172086	0	7H44587	MATERIAL HANDLING EQUIPMENT	HANDTRUCKS	G319	3363	\$386.00		
172088	0	3H44832	MATERIAL HANDLING EQUIPMENT	HANDTRUCKS	R044	3363	\$386.00		\$386.00
172089	0	CT-54	FOOD SERVICE EQUIPMENT	REFRIGERATORS	6148217165LW100	A007	3363	\$194.00	
172094	0	LY0N85102	CABINETS			R311	3363	\$182.70	
172113	0	SCUMIT CT-54	FOOD SERVICE EQUIPMENT	REFRIGERATORS	160473	R311	3363	\$184.00	
172114	0	TECHNOLOGY TEST EQUIPMENT	TEST EQUIPMENT	OSCILLOSCOPES	803077	R311	3363	\$1,094.35	
172115	0	TECHNOLOGY TEST EQUIPMENT	TEST EQUIPMENT	OSCILLOSCOPES	803077	R207	3363	\$1,094.35	
172124	0	600LE 21000	TEST EQUIPMENT	RESISTANCE DEVICES	4870	R207	3363	\$1,094.35	
172126	0	PANASONIC PRS	OFFICE EQUIPMENT		XE060939350	S411	3363	\$274.80	
172127	0	00T115600	TEST EQUIPMENT	METERS	7054022	R311	3363	\$0.00	
172128	0	00T115600	TEST EQUIPMENT	METERS	7054024	D006	3363	\$0.00	
172130	0	00T115600	TEST EQUIPMENT	METERS	7054028	D005	3363	\$0.00	
172131	0	00T115600	TEST EQUIPMENT	METERS	7054025	D005	3363	\$0.00	
172136	0	00T115600	TEST EQUIPMENT	METERS	7054030	R009	3363	\$0.00	
172136	0	00T115600	TEST EQUIPMENT	METERS	7054029	A003	3363	\$0.00	
172139	0	0000A	TEST EQUIPMENT	METERS	7053908	R415	3363	\$0.00	
172131	0	0000A	TEST EQUIPMENT	METERS	7053909	R020	3363	\$0.00	
172153	0	0000A	TEST EQUIPMENT	METERS	7053903	D137	3363	\$0.00	
172154	0	0000A	TEST EQUIPMENT	METERS	7053932	G311	3363	\$0.00	
172155	0	0000A	TEST EQUIPMENT	METERS	7053935	D055	3363	\$0.00	
172156	0	0000A	TEST EQUIPMENT	METERS	7053934	R311	3363	\$0.00	
172160	0	0000A	TEST EQUIPMENT	METERS	7053936	D137	3363	\$0.00	\$0.00
172160	0	0000A	TEST EQUIPMENT	METERS	7053913	D127	3363	\$0.00	
172162	0	0000A	TEST EQUIPMENT	METERS	7053912	R311	3363	\$0.00	
172163	0	0000A	TEST EQUIPMENT	METERS	7053920	F123	3363	\$0.00	
172164	0	0000A	TEST EQUIPMENT	METERS	7053910	E119	3363	\$0.00	
172166	0	0000A	TEST EQUIPMENT	METERS	7053918	S048	3363	\$0.00	\$0.00
172168	0	0000A	TEST EQUIPMENT	METERS	7053917	S020	3363	\$0.00	
172180	0	0000A	TEST EQUIPMENT	METERS	7053916	S020	3363	\$0.00	
172189	0	MAH570W	FOOD SERVICE EQUIPMENT	MICROWAVE OVEN	7248000363	R003	3363	\$0.00	
172191	0	MAH570W	FOOD SERVICE EQUIPMENT	MICROWAVE OVEN	7248000434	R007	3363	\$0.00	
172203	0	00T140100	TEST EQUIPMENT	METERS	6800007	R020	3363	\$0.00	
172209	0	0000A	TEST EQUIPMENT	OTHERS	713006	R415	3363	\$0.00	
172222	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R311	3363	\$2,018.00	
172223	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R105	3363	\$2,018.00	
172224	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	D011	3363	\$2,018.00	
172225	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172226	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172227	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172228	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172229	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172230	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172231	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172232	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172233	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172234	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172235	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172236	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172237	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172238	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172239	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172240	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172241	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172242	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172243	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172244	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172245	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172246	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172247	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172248	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172249	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172250	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172251	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172252	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172253	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172254	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172255	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172256	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172257	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172258	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172259	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172260	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172261	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172262	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172263	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172264	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172265	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172266	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172267	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172268	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172269	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172270	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172271	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172272	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172273	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172274	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172275	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172276	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172277	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172278	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172279	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172280	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172281	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172282	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172283	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172284	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172285	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172286	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172287	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172288	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172289	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172290	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172291	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172292	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172293	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172294	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172295	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172296	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172297	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	
172298	0	TXK-HS720A	TEST EQUIPMENT	OSCILLOSCOPES	8031807	R018	3363	\$2,018.00	

2010-020 Exhibit 4

WMATA OFFICE OF INSPECTOR GENERAL

OFFICE OF INVESTIGATIONS

Report of Investigation (Interim)

Complaint No.: 2010-20
(TSSM Irregular Purchase Card Approval Procedures)

Date: February 19, 2010

Allegation and Background

During our investigation of theft by former TSSM Supervisor [REDACTED], the OIG looked into questionable WMATA purchase card charges by [REDACTED] and became aware of irregular approval procedures by his supervisor, [REDACTED]

Summary of Investigation

[REDACTED] was a WMATA purchase card holder. We reviewed his purchases over an eleven-month period (Exhibit 1), and determined that there were a number of questionable purchases. [REDACTED] who was [REDACTED] immediate supervisor, was the approving official for [REDACTED] purchase card transactions for the majority of this time period.

[REDACTED] was questioned about his approval of questionable purchase card charges made by [REDACTED]. According to [REDACTED], there were charges made on the purchase card by [REDACTED] for which [REDACTED] refused to supply the receipts. [REDACTED] said that sometime in August 2009 (records indicate it was actually September 7, 2009) he informed [REDACTED] he would no longer approve purchases made on the card without the receipts. Rather than have these previous charges, for which [REDACTED] had not provided receipts, remain pending in the purchase card database, and in an effort to have a "clean slate," [REDACTED] stated that he accessed the purchase card database and approved all of the pending charges, notwithstanding the fact that [REDACTED] had not provided receipts to support them.

Some examples of the charges made on the card by [REDACTED] which should have raised concern for [REDACTED] (notwithstanding that they may have ultimately been shown to be legitimate) are:

- 1) Almost weekly purchases at Giant or Safeway Supermarket, in various dollar amounts. The expense description listed was *water and juice for tssm atc field workers*.
- 2) 2/6/09 – Walmart Supercenter, Georgetown, Delaware \$353.11. The expense description was listed as *electronic equipment for atc training*.
- 3) 2/26/09 – Best Buy, Bowie, Maryland \$833.96. The expense description was listed as *atc electronic training and office equipment for clerk and switch shop*.
- 4) 4/17/09 – Norseman, Inc.¹, Elkridge, Maryland. \$2,338.00. The expense description was listed as *Cameras and Office supplies for TSSM management*. *Note: A spokesperson of Norseman, Inc. told us that the charges were for: 7 Sony Cyber Shot DSC-T90 cameras; 6 Sony soft camera cases (black); and 1 Sony soft camera case (red).
- 5) 4/20/09 – The Sports Authority, Bowie, Maryland \$459.94. The expense description was listed as *Retrofit awning for breakdown testing*.
- 6) 5/27/09 – Micro Center, Rockville, Maryland \$461.92. The expense description was listed as *ATC Supplies*.
- 7) 6/2/09 – Amazon.com \$103.63. The expense description was listed as *TSSM Office Supplies*.
- 8) 6/2/09 – Amazon.com \$653.34. The expense description was listed as *TSSM Office Supplies*.
- 9) 7/17/09 – Amazon.com \$959.80. The expense description was listed as *TSSM and ASST ATC Supt replacement cameras with photo printer*. *Note: The purchase made by [REDACTED] on 4/17/09, in the amount of \$2,338.00 was allegedly for cameras for TSSM management.

The Purchase Card Policy requires approval officials to review supporting documentation for purchases. The Purchase Card Policy also prohibits use for purchases of IT equipment and capital parts and supplies.

[REDACTED] did not take any administrative action against [REDACTED] or report the matter to the Procurement office that administers the purchase card program. He did not impose any restrictions on the purchase card use by [REDACTED] nor did he take steps to revoke [REDACTED] purchase card.

Relevant Statutes, Regulations and Other Standards

WMATA P/I 8.11/0 Purchase Card Policy:

- § 5.03(a) and (b) -- The approving official is required to review and approve Cardholder purchase card activity and supporting documentation to ensure and certify purchases were made in accordance with the purchase card policy. The approving official is further required to report in writing to the

¹ Norseman, Inc. is an information technology solutions integrator/consultant which provides IT hardware, software, and support to defense agencies within in the Federal Government.

Purchase Card Administrator all cases of misuse of the card and initiate appropriate administrative and disciplinary actions for such violations by the cardholder.

- § 8.04(a) – The Cardholder shall obtain proof of purchase and receiving documentation for all purchases. The documentation shall be retained by the cardholder for audit and review purposes.
- § 10.06 – Prohibits use of purchase card for meals, drinks, or subsistence costs.²
- § 10.10 – Prohibits use of purchase card for IT equipment, systems, and services (i.e., (a) computer racks; (b) data circuits; (c) databases or data services; (d) firewalls; (e) information technology services; (f) large display screens (LED/LCD); (g) modems; (h) network-capable devices (any device connected to Metro's data network); (i) network printers; (j) network switches; (k) personal computers (laptops and desktops); (l) personal digital assistants (PDA); (m) servers; (n) software (network application and operating system); (o) routers; (p) telephone sets; (q) telephone systems; and @ wireless network access points).³
- § 10.15 – Prohibits use of purchase card for stock and non-stock capital parts and supplies.
- § 12.02(a) - The Cardholder is solely responsible for maintaining and providing the transaction documentation for audits or reviews. Failure to provide proper transaction documentation or refusal to provide access to the records will result in revoking a Cardholder's purchase card and appropriate Metro administrative or disciplinary action.
- § 13.05 – Allows use of the purchase card to purchase inventory in situations where there is a no-stock condition system-wide. However, the purchase receipt must have the Metro stock number written on it and a copy forwarded to the Stock Clerk within five (5) days who will be required to input the demand information into MAXIMO.

OIG Investigative Findings

██████████ as an approving official failed to comply with the Purchase Card Policy by approving purchase card transactions for which ██████████ did not present support. In accordance with the Purchase Card Policy (P/I 8.11/0), many of these purchases were not authorized to be made on the purchase card. ██████████ failed to recognize this and

² § 13.02 Allows for refreshments for official Metro functions, subject to appropriate approvals.

³ § 13.07 Allows IT equipment, services, and supplies listed in § 10.10 to be purchased only by the Department of Information Technology.

continued to allow these purchases to be made by [REDACTED] took no action to revoke the purchase card or take any other substantive administrative action to limit [REDACTED] use of the purchase card. Nor did he report the matter to the Procurement office that administers the purchase card policy.

Exhibit

1) Purchase Card Transaction Detail Report

[REDACTED]
[REDACTED] Special Agent

[REDACTED]
Assistant Inspector General for Investigations

Detail	Supervisor Reviewed	Cardholder Reviewed	Posting Date	Transaction Date	Description	Transaction Amount	Sales Tax	Additional Information
			01/13/2009	01/12/2009	EAST-WEST EMBROIDERY MANASSAS, VA	1,319.00	0.00	

Expense Description: Jackets for new ATC supervisors and shirts for new ATC Superintendent

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

			01/16/2009	01/15/2009	GIANT FOOD INC #315, W LANHAM, MD	449.32	0.00	
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Expense Description: water for 41 extra TSSM ATC standby locations during Inaguration weekend

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

			01/23/2009	01/22/2009	EAST-WEST EMBROIDERY MANASSAS, VA	293.00	0.00	
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Expense Description: Jackets for new ATC supervisors and shirts for new ATC Superintendent

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601

			Vehicle Maintenance *	
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

CORP EXPR 800-582-
4774, 800-5824774,
CO

238.51 0.00

Expense Description: Office Supplies for TSSM

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

LIDA WHOLESALE
WASHINGTON, DC

117.19 0.00

Expense Description: cold weather gear requested for working outside at night in zero digit weather

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

THE HOME DEPOT
#8548, LANHAM, MD

2,028.48 0.00

Expense Description: tools, special gloves and tool bags for atc support while working on wayside in freezing weather.

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

			02/09/2009	02/06/2009	WM SUPERCENTER, GEORGETOWN, DE	353.11	0.00	
Expense Description: electronic equipment for atc training								
Operating Unit	Department	Account	Function	Project				
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601				
Source type	Activity	MEAD Id	Category	Customer Code GL Code				
FORCE	WMATA_PM		FCLBR					

			02/09/2009	02/06/2009	CORP EXPR 800-582- 4774, 800-5824774, CO	375.09	0.00	
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Expense Description: Office Supplies for TSSM

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

			02/11/2009	02/07/2009	CORP EXPR 800-582- 4774, 800-5824774,	218.40	0.00	
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CO

Expense Description: Office Supplies for TSSM

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

02/12/2009

02/10/2009

WW GRAINGER, 877-
2022594, MD

168.22 0.00

Detail

Supervisor
ReviewedCardholder
Reviewed

Posting Date

Transaction
Date

Description

Transaction
AmountSales Tax
Additional
Information

02/12/2009

02/11/2009

GRAYBAR
ELECTRIC,
CLAYTON,
MO

122.37 0.00

Expense Description: equipment for midnight shift crews while replacing bonds

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

02/12/2009

02/10/2009

CORP EXPR
800-582-4774,
800-5824774,
CO

218.40 0.00

Expense Description: Office Supplies for TSSM

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

02/12/2009 02/10/2009

BEAM
DISTRIBUTIN
G INC.
RICHMOND,
VA

2,999.99 0.00

Expense Description: specialty equipment for working wayside at night without access to electricity; 100% lifetime warranty.

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

02/13/2009 02/11/2009

CORP EXPR
800-582-4774,
800-5824774,
CO

81.11 0.00

Expense Description: Office Supplies for TSSM

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

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02/20/2009 02/19/2009 GIANT FOOD
INC #315, W
LANHAM, MD 81.87 0.00

Expense Description: water and juice for tssm atc field workers

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

02/20/2009 02/18/2009 CORP EXPR
800-582-4774,
800-5824774,
CO 229.47 0.00

Expense Description: Office Supplies for TSSM

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

02/23/2009 02/20/2009 LOWES
#01122* NEW
CARROLLTQ,
MD 622.48 0.00

Expense Description: shop equipment and tools for atc switch shop

Operating Unit	Department	Account	Function	Project
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33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

02/25/2009 02/24/2009

BEST BUY
MHT
00004861,
BOWIE, MD

129.98 0.00

Expense Description: training equipment in support of atc switch shop

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

02/25/2009 02/24/2009

BILLS
HARDWARE
INC.
LANDOVER
HILL, MD

37.40 0.00

Expense Description: knives for trimming cables in atc

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

02/25/2009 02/24/2009

GIANT FOOD
INC #315, W
LANHAM, MD

40.28 0.00

Expense Description: water and juice for tssm employees at c99

Detail	Supervisor Reviewed	Cardholder Reviewed	Posting Date	Transaction Date	Description	Transaction Amount	Sales Tax	Additional Information
			02/26/2009	02/25/2009	HARBOR FREIGHT TOOLS 1; LAUREL, MD	389.73	0.00	

Expense Description: tools for training and repairs in atc switch shop

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

02/26/2009 02/26/2009 AMAZON.COM,
AMZN.COM/BILL
WA

54.78 0.00

Expense Description: Office Supplies for TSSM

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

02/26/2009 02/26/2009 AMAZON.COM,
AMZN.COM/BILL
WA

282.46 0.00

Expense Description: Office Supplies for TSSM

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

02/26/2009 02/25/2009 EAST-WEST EMBROIDERY, MANASSAS, VA 1,675.00 0.00

Expense Description: jackets and shirts for new tssm assistant supt of atc

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

02/27/2009 02/26/2009 BEST BUY MHT 833.96 0.00
00004861
BOWIE, MD

Expense Description: atc electronic training and office equipment for clerk and switch shop

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

02/27/200 02/26/200 STAPLES 18.08 0.00
 9 9 00104547
 BOWIE, MD

Expense Description: Office Supplies for TSSM

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

03/19/200 03/17/200 CORP EXPR 800- 819.83 0.00
 9 9 582-4774-800-
 5824774.CO

Expense Description: TSSM COMM/ATC office supplies and equipment

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

03/20/200 03/19/200 SINFULLY 1,500.00 0.00
 9 9 WRIGHT
 CATERI
 WASHINGTON,
 DC

Expense Description: TSSM COMM/ATC Managers Meeting

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601

Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

03/26/2009 03/25/2009 GIANT FOOD INC #375, WASHINGTON, DC 122.61 0.00

Expense Description: Water and Juice for TSSM COMM/ATC Meeting. Water for ATC Retrofit and IRP work locations.

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

03/26/2009 03/24/2009 CORP EXPR 800-582-4774, 800-5824774, CO 513.46 0.00

Expense Description: TSSM COMM/ATC office supplies and equipment.

Detail	Supervisor or Reviewer	Cardholder Reviewed	Posting Date	Transaction Date	Description	Transaction Amount	Sales Tax	Additional Information
			03/31/2009	03/30/2009	CEMBRE INC, EDISON, NJ	169.66	0.00	

Expense Description: Equipment repairs.

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code

FORCE	WMATA_PM		FCLBR	
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04/02/2009 04/01/2009 LOWES #01122*, 39.68 0.00
 NEW
 CARROLLTO, MD

Expense Description: Non-Stock supplies.

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

04/06/2009 04/03/2009 CORP EXPR 800- 235.00 0.00
 582-4774, 800-
 5824774, CO

Expense Description: TSSM COMM/ATC office supplies and equipment.

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

04/06/2009 04/03/2009 CORP EXPR 800- 7.25 0.00
 582-4774, 800-
 5824774, CO

Expense Description: TSSM COMM/ATC office supplies and equipment.

Operating Unit	Department	Account	Function	Project
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33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

04/13/2009	04/10/2009	LOWES #01122	146.84	0.00
		NEW CARROLLTOWN, MD		
Expense Description: Non-Stock WMATA items for painting derailleurs				
Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

04/13/2009	04/09/2009	CORP EXPR 800-582-4774, 800-5824774, CO	138.72	0.00
Expense Description: Office supplies for TSSM ATC supervisors				
Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

04/16/2009	04/14/2009	CORP EXPR 800-582-4774, 800-5824774, CO	1,181.05	0.00
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Expense Description: Office supplies for TSSM ATC supervisors

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

04/16/2009 04/14/2009 CORP EXPR 800- 80.13 0.00
 582-4774, 800-
 5824774, CO

Expense Description: Office supplies for TSSM ATC supervisors

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

04/16/2009 04/14/2009 CORP EXPR 800- 229.11 0.00
 582-4774, 800-
 5824774, CO

Expense Description: Office supplies for TSSM ATC supervisors

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

04/20/2009 04/17/2009 NORSEMAN INC. 2,338.00 1.00
 9 9 ELKRIDGE, MD

Expense Description: Cameras and Office supplies for TSSM management

Detail	Supervisor Reviewed	Cardholder Reviewed	Posting Date	Transaction Date	Description	Transaction Amount	Sales Tax	Additional Information
			04/21/2009	04/20/2009	BEST-BUY MHT 00004861 BOWIE, MD	397.93	0.00	

Expense Description: Camera storage disks

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

04/21/2009 04/20/2009
 RADIOSHACK
 COR00124222
 HYATTSVILLE,
 MD 71.71 0.00

Expense Description: Camera storage disks

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

04/22/2009 04/20/2009
 THE SPORTS
 AUTHORITY # 459.94 0.00

BOWIE, MD

Expense Description: Retrofitt awning for breakdown testing

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

04/22/2009

04/20/2009

THE HOME
DEPOT 2562
BOWIE, MD

275.20 0.00

Expense Description: Replacement tool carrying equipment for CIT mids

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

04/23/2009

04/21/2009

CORP EXPR
800-582-4774
800-582-4774
CO

11.56 0.00

Expense Description: Office Supplies

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code

FORCE	WMATA_PM		FCLBR	

05/04/2009

05/01/2009

SAFEWAY
STORE000420
51,
WASHINGTON,
DC

107.83 0.00

Expense Description: Water and Juice for TSSM ATC technicians in field locations.

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

05/11/2009

05/07/2009

CORP EXPR
800-582-4774
800-5824774
CO

64.20 0.00

Expense Description: Administrative supplies for TSSM

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

05/15/2009

05/13/2009

SAFEWAY
STORE000420
51,
WASHINGTON,
DC

77.08 0.00

Expense Description: Water and Juice for TSSM ATC technicians in field locations and Joint TSSM ATC & COMM staff meeting.

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

05/15/2009 05/13/2009
 SAFEWAY
 STORE000420
 51,
 WASHINGTON,
 DC
 39.90 0.00

Expense Description: Water and Juice for TSSM ATC technicians in field locations.

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

05/25/2009 05/21/2009
 VERIZON
 WRLS 14364-
 01, BOWIE, MD
 29.99 0.00

Expense Description: Replacement battery for new TSSM ATC mobile phone. (clerks error in processing too soon)

Detail	Supervisor Reviewed	Cardholder Reviewed	Posting Date	Transaction Date	Description	Transaction Amount	Sales Tax	Additional Information
			05/25/2009	05/21/2009	VERIZON WRLS 14364-01, BOWIE, MD	(29.99)	(0.00)	

Expense Description: Withdraw of charge for Replacement battery for new TSSM ATC mobile phone. (clerk's error in processing too soon)

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

05/25/2009 05/21/2009

VERIZON WRLS
14364-01,
BOWIE, MD

29.99 0.00

Expense Description: Correct charge for Replacement battery for new TSSM ATC mobile phone.

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

05/28/2009 05/27/2009

AMAZON.COM
AMZN.COM/BILL
WA

266.16 0.00

Expense Description: TSSM Office Supplies

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

05/28/2009 05/27/2009

AMZ*AMAZON
PAYMENTS,
AMZN.COM/BILL
_WA

18.25 0.00

Expense Description: TSSM Office Supplies

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

05/29/2009 05/27/2009

MICRO
CENTER
ROCKVILLE, MD

461.92 0.00

Expense Description: ATC Supplies

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

05/29/2009 05/28/2009

AMZ*AMAZON
PAYMENTS,
AMZN.COM/BILL
_WA

20.65 0.00

Expense Description: TSSM Office Supplies

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601

Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

06/03/2009 08/02/2009

AMZ*AMAZON
PAYMENTS,
AMZN.COM/BILL
WA

69.51 0.00

Expense Description: TSSM Office Supplies

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

06/03/2009 06/02/2009

AMZ*AMAZON
PAYMENTS,
AMZN.COM/BILL
WA

103.63 0.00

Expense Description: TSSM Office Supplies

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

08/03/2009 06/02/2009

AMAZON.COM,
AMZN.COM/BILL
WA

653.34 0.00

Expense Description: TSSM Office Supplies

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

06/04/2009 06/03/2009

AMZ*AMAZON
PAYMENTS,
AMZN.COM/BILL
WA

100.23 0.00

Expense Description: TSSM Office Supplies

Detail	Supervisor Reviewed	Cardholder Reviewed	Posting Date	Transaction Date	Description	Transaction Amount	Sales Tax	Additional Information
			06/04/2009	06/02/2009	CORP EXPR 800-582-4774 800-5824774 CO	688.87	0.00	

Expense Description: TSSM Office Supplies

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

06/08/2009 06/04/2009

MICRO
CENTER,
ROCKVILLE,
MD

34.88 0.00

Expense Description: ATC office supplies

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

06/11/2009	06/09/2009	CORP EXPR	84.11	0.00
09		800-582-4774		
		800-5824774		
		CO		
Expense Description: TSSM Office supplies				
Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

06/11/2009	06/09/2009	CORP EXPR	44.71	0.00
09		800-582-4774		
		800-5824774		
		CO		

Expense Description: TSSM Office supplies

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

06/25/200906/23/2009SAFEWAY101.830.00
STORE000117
75
WASHINGTON
DC

Expense Description: Water and Juice for ATC Line Personnel and NTSB personel wayside at B06

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

06/29/200906/25/2009SAFEWAY144.800.00
STORE000127
65
WASHINGTON
DC

Expense Description: Water and Juice for ATC, FBI & NTSB personnel wayside @ B06.

Detail	Supervisor Reviewed	Cardholder Reviewed	Posting Date	Transaction Date	Description	Transaction Amount	Sales Tax	Additional Information
			07/02/2009	07/01/2009	LOWES #01122 NEW CARROLLTOWN MD	114.00	0.00	

Expense Description: Non Stock supplies for ATC.

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601

Source type	Activity	MEAD id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

07/08/20 07/08/2009 GIANT FOOD 107.79 0.00
 09 INC #376,
 WASHINGTON,
 DC

Expense Description: Water and Juice for ATC, FBI & NTSB personnel wayside @ B06.

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

07/13/20 07/10/2009 STAPLES 573.70 0.00
 09 00102186,
 WASHINGTON,
 DC

Expense Description: Reproduction of B06 Vital Relay data and conversion to CD-ROM for NTSB.

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

07/14/20 07/13/2009 EAST-WEST 1,867.00 0.00
 09 EMBROIDERY,
 MANASSAS, VA

Expense Description: TSSM and ATC Departmental polo shirts.

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

07/20/2009 07/17/2009 AMZ*AMAZON PAYMENTS, AMZN.COMBILL, WA 959.80 0.00 S

Expense Description: TSSM and ASST ATC Supt replacement cameras with photo printer.

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

07/24/2009 07/22/2009 SAFEWAY STORE00011775 WASHINGTON, DC 201.31 0.00

Expense Description: Water and Juice for ATC, FBI & NTSB personnel wayside @ B06.

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

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07/29/20 07/27/2009 THINGS 276.00 0.00
 09 REMEMBERED
 0725
 ARLINGTON, VA

Expense Description: WMATA Award for employee

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

07/30/20 07/28/2009 SAFEWAY 68.85 0.00
 09 STORE00014258
 WASHINGTON,
 DC

Expense Description: Waters and Juice for L689 workers safety from dehydration

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

08/05/20 08/03/2009 CORP EXPR 397.32 0.00
 09 800-582-4774
 800-5824774
 CO

Expense Description: Transferred B06 Relay Data to Disc for NTSB investigation and office supplies

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

08/06/2009 08/04/2009 SAFEWAY STORE00011775 WASHINGTON, DC 118.15 0.00

Expense Description: Waters and Juice for L689 workers safety from dehydration

Detail	Supervisor Reviewed	Cardholder Reviewed	Posting Date	Transaction Date	Description	Transaction Amount	Sales Tax	Additional Information
			08/11/2009	08/10/2009	STAPLES 00118349 ALEXANDRIA, VA	51.73	0.00	

Expense Description: Office supplies for TSSM

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

08/12/2009 08/11/2009 GIANT FOOD INC #315, W LANHAM, MD 393.30 0.00

Expense Description: Waters and Juice for L689 workers safety from dehydration. B06 Crash site, Yellow Green lines, and CIT @ CTF.

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601

Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

08/17/2009 08/16/2009 EXXONMOBIL 16.03 0.00
 47821QPS.
 WASHINGTON, DC

Expense Description: Single Shift of water and juice from dehydration

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

08/17/2009 08/14/2009 GIANT FOOD INC 82.85 0.00
 #315, W LANHAM, MD

Expense Description: Waters and Juice for L689 workers safety from dehydration

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

08/17/2009 08/15/2009 THE HOME DEPOT 517.38 28.13
 #2583, WASHINGTON, DC

Expense Description: speciality tools for CIT

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

08/17/2009

08/15/2009

THE HOME DEPOT
#2583, WASHINGTON,
DC

(28.13) (28.13)

Expense Description: Credit back to card for taxes charged.

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

08/27/2009

08/25/2009

FREEDOM CITGO Q39,
WASHINGTON, DC

27.00 0.00

Expense Description: Single purchase to Waters and Juice for L888 workers at B99 Yard supporting the NTSB accident investigation.

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

09/07/2009

09/05/2009

STAPLES 00104547,
BOWIE, MD

15.08 0.00

Expense Description: Office Supplies for TSSM Building

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

09/07/2009 09/05/2009 AMAZON.COM 820.15 0.00
AMZN.COM/BILL WA

Expense Description: Office equipment ordered by TSSM Clerk for TSSM supervisors at C99 office building.

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

09/07/2009 09/05/2009 THE HOME DEPOT 1,248.22 0.00
2562, BOWIE, MD

Expense Description: Equipment and specialty tools for Cline shut down 090409 - 090809

Detail	Supervisor Reviewed	Cardholder Reviewed	Posting Date	Transaction Date	Description	Transaction Amount	Sales Tax	Additional Information
			09/08/2009	09/07/2009	GIANT FOOD INC #375, WASHINGTON, DC	116.38	0.00	

Expense Description: Water and drinks for dehydration during TSSM ATC retrofit activities.

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601

			Vehicle Maintenance *	
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

09/08/2009 09/07/2009 DUNKIN #335717 149.85 0.00
Q35, ALEXANDRIA,
VA

Expense Description: Water, coffee, doughnuts and drinks for dehydration during TSSM ATC retrofit activities.

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

09/09/2009 09/07/2009 THE HOME DEPOT 206.47 0.00
#2583
WASHINGTON, DC

Expense Description: Non-stocked tools and equipment used for C08-TSS ATC Switch retrofit.

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

09/14/2009 09/11/2009 BILLS HARDWARE 68.87 0.00
INC, LANDOVER
HILL, MD

Expense Description: Non-stock materials and tools for E99 field office and C08 TSSM ATC Retrofit.

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

09/18/2009 09/16/2009 SAFEWAY 64.88 0.00
STORE00011775
WASHINGTON, DC

Expense Description: Water and drinks for dehydration during TSSM ATC retrofit activities.

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

09/23/2009 09/21/2009 THE HOME DEPOT 374.18 0.00
2562, BOWIE, MD

Expense Description: Non-stock materials and tools F03 TSSM ATC Retrofit.

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

10/12/2009 10/10/2009 GIANT FOOD INC 172.12 0.00
 #376
 WASHINGTON, DC

Expense Description: Water and drinks for dehydration during TSSM ATC retrofit activities.

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

10/15/2009 10/14/2009 GIANT FOOD INC 97.87 0.00
 #315, W LANHAM,
 MD

Expense Description: Water and drinks for dehydration during TSSM ATC retrofit activities.

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

11/16/2009 11/14/2009 WAL-MART #2791, 81.82 0.00
 GEORGETOWN, DE

Expense Description:

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code

FORCE	WMATA_PM		FCLBR	
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11/19/2009 11/17/2009 SAFEWAY
STORE00011775
WASHINGTON, DC 29.94 0.00

Expense Description:

Detail	Supervisor Reviewed	Cardholder Reviewed	Posting Date	Transaction Date	Description	Transaction Amount	Sales Tax	Additional Information
11/27/2009			11/24/2009		SAFEWAY STORE00011775 WASHINGTON, DC	88.10	0.00	

Expense Description:

Operating Unit	Department	Account	Function	Project
33 - Capital *	33530 - TSSM ATC S *	50499270 - M&S-AUTO T *	042 - Non-Vehicle Maintenance *	PE_MATC_ATC0601
Source type	Activity	MEAD Id	Category	Customer Code GL Code
FORCE	WMATA_PM		FCLBR	

12/02/2009 11/30/2009 MICRO CENTER
ROCKVILLE, MD 826.78 0.00

Expense Description:

WMATA OFFICE OF INSPECTOR GENERAL

OFFICE OF INVESTIGATIONS

Report of Investigation

Complaint No.: 2010-030
(Rail Car Maintenance)

Date: October 26, 2010

Allegation and Background

On February 5, 2010, Washington Metropolitan Area Transit Authority (WMATA) Office of Inspector General (OIG) received a complaint from [REDACTED], WMATA Mechanic, Office of Rail Car Maintenance (CMNT), Greenbelt Rail Yard. Washington alleged that, during January 23 – 24, 2010 midnight shift, he identified two sets of rail cars R5032/R5033 and R5092/R5093, where a test of the Emergency Mag Valve (EMV) showed a delay of 1 to 1.5 seconds. He noted the problem on the Daily Safety Test (DST) log with a handwritten description. [REDACTED] notified his supervisor [REDACTED]. [REDACTED] response was that there is "not much we can do about it." [REDACTED] recommended that the cars be taken out of service and that the EMV be replaced. [REDACTED] was concerned about [REDACTED] response, and on February 5, he went to the CMNT Inspection Office and made a copy of the DST for the January 23 – 24, 2010 shift. [REDACTED] noticed that his comment had been "whited-out" and a slightly different entry made in [REDACTED] handwriting. This concerned [REDACTED] since he was trained that they could not "white-out" an entry on the DST. Any changes had to be lined out and initialed (Exhibit 1).

Summary of Investigation

On DST Inspection Log Sheets for Rail Cars R5032/R5033 and 5092/5093 dated January 23, 2010, in the "Comments" sections for both set of rail cars, something had been covered with white-out correction fluid and handwritten remarks had been placed over the area which read: "Brakes Takes sec. to dump" for R5032/R5033 and "Brakes Takes Sec. to dump from D/Man" for R5092/R5093. Once the correction fluid was removed, the original notations read "1 sec. delay dumping of from brakes."

WMATA Maintenance and Materiel Management System, Maintenance History printouts for Rail Cars 5032/5033 and 5092/50993 showed that between January 1, 2010 and February 9, 2010, neither set of cars had to be removed from revenue service for repairs to the brakes. However, under Work Order 7664178 - 3 Task Number 10, Rail Car 5032 was identified as having a problem with the pneumatic air compressor assembly associated with the friction brake. This repair was completed on January 24, 2010 (Exhibits 2, 3, 4 and 5).

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[REDACTED] Greenbelt Rail Yard, [REDACTED] was shown the original DST log for Rail Cars R5032/R5033 and R5092/R5093, for January 23, 2010. [REDACTED] acknowledged that he used correction fluid in the "Comments" section for each set of rail cars to white out the mechanic's original notations and then placed a new handwritten comment over the area. He essentially rewrote the same comments made by [REDACTED] indicating there was a delay in the EMV brake function, thinking his wording was more accurate. [REDACTED] has since been instructed by CMNT management not to use correction fluid when adding his comments to the DST logs.

[REDACTED] explained that the EMV braking systems test typically resulted in a delay in function when performed below 35 degrees Fahrenheit and potentially allowed moist air to enter the air system which could cause a risk of internal failure of the pneumatic air compressor due to freezing air lines in colder temperatures. For that reason, [REDACTED] remembered that both he and his supervisor counseled [REDACTED] for testing this brake system when the outside temperature was below 35 degrees. The delay of the EMV in temperatures below 35 degrees was not a cause for concern. According to [REDACTED] it was not a safety issue and would not have precluded the rail cars from being placed back into revenue service the next day. [REDACTED] was asked if the failure of the pneumatic air compressor found in Rail Car 5032 the next morning was the result of the performance of the EMV test procedure the preceding evening in cold weather and responded that it was possible.

Historical weather data from the National Oceanic and Atmospheric Administration (NOAA) reflected that the minimum temperatures in the Greenbelt, Maryland region, as recorded at the nearest weather station at Andrews Air Force Base, for the evening hours of January 23, 2010 were below 32 degrees Fahrenheit (Exhibits 6 and 7).

[REDACTED] Transit Infrastructure and Engineering Services (TIES), Office of Rail Car Maintenance (CMNT), Greenbelt Rail Yard, reviewed the DST log and stated he didn't believe this represented a safety issue and that when this particular brake performance inspection test is given in colder temperatures, it normally results in slower response times, which is why both the mechanic and the supervisor made similar notations about the brakes in the comments section of the DST.

Relevant Statutes, Regulations, and Other Standards

(1) WMATA Department of Operations Administrative Procedure

Standard Operating Procedure 202-02: Corrective Maintenance.

Section 5. Policies (d): Section Supervisors shall certify the nature of the vehicle problem and shall approve the procedures taken to correct the problem.

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(2) WMATA Department of Operations Administrative Procedures

Standard Operating Procedure 202-03: Preventive Maintenance

Section 3. Responsibilities (c):Section Supervisors through their Superintendents shall be responsible for adherence to this Preventive Maintenance (PMI), Operations Administrative Procedure (OAP) within their facility, the recording and reporting of all PMI Activity in the appropriate records and the submission of recommended adjustments to the PMI procedures.

Section 5. Policies (d): Section Supervisors must review and certify both the performance of inspections and the accuracy of the documentation resulting therefrom.

Section 6. Procedures (d): Maintenance personnel responsible for performing the particular PMI shall do so in accordance with the approved procedures established in the documents in (c) above.

(3) WMATA Department of Operations Administrative Procedures

Standard Operating Procedure 202-06: Deferred Maintenance

Section 5. Policies (a) It is the policy of CMNT not to defer maintenance if such deferral will serve to reduce a train's ability to provide safe, reliable, and clean service in a cost effective manner.

OIG Investigative Findings

The delay in the functioning of the EMV noted by [REDACTED] appears to have been the expected result of performing the test while temperatures were below 35 degrees Fahrenheit, and CMNT supervisors indicated it did not reflect a safety issue.

[REDACTED] improperly used correction fluid to alter [REDACTED] comments in the DST log, but he did not make any material change in the meaning of the comments. The next morning, Rail Car 5032 was found in the Greenbelt Rail Yard, with a failure of the onboard pneumatic air compressor assemblies associated with the friction brakes which then was repaired. The EMV function test performed the previous evening may have been a causative factor in the failure of that pneumatic air compressor. The rail cars were not otherwise sent back for repair between January 1, 2010 and February 9, 2010.

Exhibits

- 1) Copies of WMATA DST Logs for Rail Cars 5032/5033 and 5092/5093, dated January 23, 2010.
- 2) Copies of WMATA Maintenance History for Rail Car 5032, January 01, 2010 to February 9, 2010.
- 3) Copies of WMATA Maintenance History for Rail Car 5033, January 01, 2010 to February 9, 2010.
- 4) Copies of WMATA Maintenance History for Rail Car 5092, January 01, 2010 to February 9, 2010.
- 5) Copies of WMATA Maintenance History for Rail Car 5093, January 01, 2010 to February 9, 2010.
- 6) NOAA Weather History database printout for January 23, 2010.
- 7) NOAA Weather History database printout for January 24, 2010.


Special Agent



Assistant Inspector General for Investigations



Washington Metropolitan Area Transit Authority
Maintenance and Materiel Management System
Maintenance History - 01/01/2010 to 02/09/2010

Page 1 of 3

Failure Class: ALL
5032, RAIL CAR, CAF, 5000 AC, A CAR
Equipment Type: ALL Fleet: ALL Item #: ALL
CM: Y PM: N Show Tasks: Y Show Labor: Y Show Materials: Y

Total Work Orders: 4

Total Regular Hours: 20.91

Total Overtime Hours:

Total Material Cost: 0

Equipment: R5032 WO:7664178 Work Type: CM Component: 000-300-F10 (PNEUMATIC: AIR COMPRESSOR ASSY; 5K/6K) Problem: 3380 WHITE LIGHT REPORTED
Reported: 01/24/10 11:01 Status: COMP Cause: 2349 MATERIAL FAILURE
Started: 01/24/10 11:01 Domicile Location: D99, Failure Class: CMNT007 (FRICTION BRAKE) Remedy: 2825 REPAIRED
Finished: 01/25/10 15:01 Work Location: T38, CARMEN WO Mileage/Hours: 557,197 Eq. Mileage/Hours: 557,197
Description: Double white light Remarks: Verified fault. ETP 160214 was performed time delay relay causing fault, bypassed, checks ok

Task: 10 Component: 000-300-J00 SYSTEM; AUX POWER Reason: 67 INTERNAL FAILURE
Duration: Position: 213 ACAR Accomplished: 15 INSPECTED
Description: IN YARD FOUND NO AIR COMPRESSOR OPS, BREAKER NORMAL, APS RUNNING NORMAL, FRICTION BREAK BREAKERS NORMAL, NEED IN SHOP FOR FURTHER WORK

Task: 20 Component: 000-300-F10 PNEUMATIC: AIR COMPRESSOR ASSY; 5K/6K Reason: 67 INTERNAL FAILURE
Duration: Position: Accomplished: 15 INSPECTED
Description: Verified air comp inop; when contactor is manually picked air comp. runs good, but no control voltage was found to the contactor coil.

Task: 30 Component: 000-300-F10 PNEUMATIC: AIR COMPRESSOR ASSY; 5K/6K Reason: 67 INTERNAL FAILURE
Duration: Position: Accomplished: 28 REPAIRED
Description: CONTINUED FOUND ETP FOR AIR COMP TIME DELAY FAILED.

Task	Labor	Start	Finish	Reg. Hours	OT Hours	Memo
Task: 10	Labor: [REDACTED]	Start: 01/24/10 12:50	Finish: 01/24/10 13:30	Reg. Hours: .7	OT Hours:	Memo:
Task: 20	Labor: [REDACTED]	Start: 01/24/10 19:00	Finish: 01/24/10 22:15	Reg. Hours: 3.3	OT Hours:	Memo:
Task: 30	Labor: [REDACTED]	Start: 01/25/10 07:00	Finish: 01/25/10 14:00	Reg. Hours: 7.0	OT Hours:	Memo:

WO Regular Hours: 10.9166666666667

WO OT Hours:

WO Material Cost: 0

Equipment: R5032 WO:7657484 Work Type: CM Component: 000-300 (RAIL CAR) Problem: 1609 DIRTY
Reported: 01/21/10 15:01 Status: CLOSE Cause: 1304 CARBODY SPECIAL WASH
Started: 01/21/10 15:01 Domicile Location: D99, Failure Class: CMNT003 (CAR BODY) Remedy: 1342 CLEANED
Finished: 01/21/10 18:01 Work Location: F99, BRANCH WO Mileage/Hours: 557,197 Eq. Mileage/Hours: 557,197
Description: BPT CONTRACT RAIL CAR EXTERIOR CLEANING Remarks: BPT CONTRACT RAIL CAR EXTERIOR CLEANING C/W



Washington Metropolitan Area Transit Authority
Maintenance and Materiel Management System
Maintenance History - 01/01/2010 to 02/09/2010
Failure Class: ALL
5032, RAIL CAR, CAF, 5000 AC, A CAR

Page 2 of 3

Task: 10 Component: 000-300 RAIL CAR
Duration: Position:
Description: SECURED TRAIN, BROUGHT DOWN POWER,

Reason: 88 NO FAILURE
Accomplished: 52 COMPLETED - WORK OR TASK

Task: 20 Component: 000-300-800 SYSTEM; CAR BODY
Duration: Position: 274
Description: CONTRACTOR C/W EXTERIOR CLEANING PER CONTRACT

Reason: 128 SOILED
Accomplished: 07 CLEANED

Task: 30 Component: 000-300 RAIL CAR
Duration: Position:
Description: INSPECTED CONTRACTOR WORK, REMOVED THIRD RAIL

Reason: 88 NO FAILURE
Accomplished: 15 INSPECTED

Task: 10	Labor: [REDACTED]	Start: 01/21/10 15:10	Finish: 01/21/10 15:15	Reg. Hours: .1	OT Hours:	Memo:
Task: 20	Labor: [REDACTED]	Start: 01/21/10 15:30	Finish: 01/21/10 16:15	Reg. Hours: .8	OT Hours:	Memo:
Task: 30	Labor: [REDACTED]	Start: 01/21/10 17:00	Finish: 01/21/10 17:10	Reg. Hours: .2	OT Hours:	Memo:

WO Regular Hours: 1

WO OT Hours:

WO Material Cost: 0

Equipment: R5032	WO:7652268	Work Type: CM	Component: 000-300-F17-001 (WINDSHIELD WIPER MOTOR)	Problem: 2428 N/A CODE (PNEUMATIC SYSTEM)
Reported: 01/18/10 21:01	Status: CLOSE			Cause: 2349 MATERIAL FAILURE
Started: 01/18/10 22:01	Domicile Location: D99,	Failure Class: CMNT008 (PNEUMATIC)		Remedy: 0004 REPLACED
Finished: 01/19/10 03:01	Work Location: F99, BRANCH		WO Mileage/Hours: 557,101	Eq. Mileage/Hours: 557,101
Description: WINDSHIELD WIPER SWITCH INOP			Remarks: VERIFIED FAILURE. R/R TIME RELAY DUE TO INTERNAL FAILURE. OPS CK GOOD	

Task: 10 Component: 000-300-F17-001 WINDSHIELD WIPER MOTOR
Duration: Position: 213 ACAR
Description: VERIFY FAILURE WINDSHIELD WIPER ALWAYS ON. NOT TURNING OFF NO MATTER WHAT POSITION SWITCH IS ON.

Reason: 151 INSPECTION
Accomplished: 29 REPLACED NEW

Task: 10	Labor: [REDACTED]	Start: 01/18/10 23:00	Finish: 01/19/10 03:00	Reg. Hours: 4.0	OT Hours:	Memo:
WO Regular Hours: 4		WO OT Hours:		WO Material Cost: 0		



Washington Metropolitan Area Transit Authority
Maintenance and Materiel Management System
Maintenance History - 01/01/2010 to 02/09/2010
Failure Class: ALL
5032, RAIL CAR, CAF, 5000 AC, A CAR

Page 3 of 3

Equipment: R5032 WO:7639151 Work Type: CM Component: 000-300-B07 (CAR BODY: SIDE DOOR GROUP) Problem: 1638 DOOR FAIL TO OPERATE
Reported: 01/11/10 21:01 Status: CLOSE Cause: 2462 NO DEFECT; INCIDENT RELATED
Started: 01/11/10 21:01 Domicile Location: D99, Failure Class: CMNT014 (DOOR) Remedy: 3192 TESTED / INSPECTED
Finished: 01/12/10 04:01 Work Location: K99, WEST WO Mileage/Hours: 555,872 Eq. Mileage/Hours: 555,872

Description: DOORS WOULD NOT CLOSE TRAILING 4 CARS, CLOSED FROM 3RD CAR., D09, CMD, DOOR, 920
CMNT BURTON L 4021-20X 5033-32X 5160-61T
Remarks: UNABLE TO DUPLICATE FAILURE. SEE WO# 7639149 CAR 4021 FOR REPAIRS.

Task: 10 Component: 000-300-M00 SYSTEM; DOOR CONTROL (SIDE DOOR) Reason: 64 INOPERATIVE
Duration: Position: 213 ACAR Accomplished: 15 INSPECTED

Description: CYCLED DOOR MANY TIMES WITHOUT FAILURE, VISUAL INSPECT T/L WIRING OK. DOOR CONTROL TRAIN LINE SWITCH IN NORMAL POSITION

Task: 10 Labor: [REDACTED] Start: 01/11/10 23:30 Finish: 01/12/10 02:00 Reg. Hours: 2.5 OT Hours: Memo:
Task: 10 Labor: [REDACTED] Start: 01/11/10 23:30 Finish: 01/12/10 02:00 Reg. Hours: 2.5 OT Hours: Memo:

WO Regular Hours: 5

WO OT Hours:

WO Material Cost: 0

2.5



Washington Metropolitan Area Transit Authority
Maintenance and Materiel Management System

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Maintenance History - 01/01/2010 to 02/09/2010

Failure Class: ALL

5033, RAIL CAR, CAF, 5000 AC, B CAR

Equipment Type: ALL Fleet: ALL Item #: ALL

CM: Y PM: N Show Tasks: Y Show Labor: Y Show Materials: Y

Total Work Orders: 3 Total Regular Hours: 17 Total Overtime Hours: 0 Total Material Cost: 0

Equipment: R5033 WO: 7666304 Work Type: CM Component: 000-300-N17-002 (COMPRESSOR ASSY; HVAC; 5K/6K) Problem: 1418 COMPRESSOR NOISY
Reported: 01/25/10 14:01 Status: CLOSE Cause: 2476 NO DEFECT: NORMAL SERVICES
Started: 01/25/10 14:01 Domicile Location: D99, Failure Class: CMNT015 (HEATING, VENTILATION, Remedy: 3192 TESTED / INSPECTED
Finished: 01/26/10 03:01 Work Location: E99, WO Mileage/Hours: 557,197 Eq. Mileage/Hours: 557,197
Description: #2 compressor noisy Remarks: Verified failure - Slight noise in compressor, System Freon level low - Serviced unit ops ck ok

Task: 10 Component: 000-300-N17-002 COMPRESSOR ASSY; HVAC; 5K/6K Reason: 90 NOISY
Duration: Position: 615 HVAC REAR Accomplished: 39 SERVICED
Description: found slight noise with compressor but not bad, running pressures look good, but added refrigerate to the system that quiet it down some, ops check good

Task: 10 Labor: [REDACTED] Start: 01/26/10 00:40 Finish: 01/26/10 01:40 Reg. Hours: 1.0 OT Hours: Memo:
WO Regular Hours: 1 WO OT Hours: WO Material Cost: 0

Equipment: R5033 WO: 7657492 Work Type: CM Component: 000-300 (RAIL CAR) Problem: 1609 DIRTY
Reported: 01/21/10 15:01 Status: CLOSE Cause: 1304 CARBODY SPECIAL WASH
Started: 01/21/10 15:01 Domicile Location: D99, Failure Class: CMNT003 (CAR BODY) Remedy: 1342 CLEANED
Finished: 01/21/10 18:01 Work Location: F99, BRANCH WO Mileage/Hours: 557,197 Eq. Mileage/Hours: 557,197
Description: BPT CONTRACT RAIL CAR EXTERIOR CLEANING Remarks: BPT CONTRACT RAIL CAR EXTERIOR CLEANING C/W

Task: 10 Component: 000-300 RAIL CAR Reason: 88 NO FAILURE
Duration: Position: Accomplished: 52 COMPLETED - WORK OR TASK
Description: SECURED TRAIN, BROUGHT DOWN POWER.

Task: 20 Component: 000-300-B00 SYSTEM; CAR BODY Reason: 128 SOILED
Duration: Position: 274 Accomplished: 07 CLEANED
Description: CONTRACTOR C/W EXTERIOR CLEANING PER CONTRACT

Task: 30 Component: 000-300 RAIL CAR Reason: 88 NO FAILURE
Duration: Position: Accomplished: 15 INSPECTED
Description: INSPECTED CONTRACTOR WORK, REMOVED THIRD RAIL

Task: 10 Labor: [REDACTED] Start: 01/21/10 15:15 Finish: 01/21/10 15:20 Reg. Hours: .1 OT Hours: Memo:



Washington Metropolitan Area Transit Authority
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Maintenance History - 01/01/2010 to 02/09/2010

Failure Class: ALL

5033, RAIL CAR, CAF, 5000 AC, B CAR

Task: 20 Labor: [REDACTED] Start: 01/21/10 16:15 Finish: 01/21/10 17:00 Reg. Hours: .8 OT Hours: Memo:
Task: 30 Labor: [REDACTED] Start: 01/21/10 17:10 Finish: 01/21/10 17:20 Reg. Hours: .2 OT Hours: Memo:

WO Regular Hours: 1

WO OT Hours:

WO Material Cost: 0

Equipment: R5033 WO:7639152 Work Type: CM Component: 000-300-B07 (CAR BODY: SIDE DOOR GROUP) Problem: 1638 DOOR FAIL TO OPERATE
Reported: 01/11/10 21:01 Status: CLOSE Cause: 2462 NO DEFECT; INCIDENT RELATED
Started: 01/11/10 21:01 Domicile Location: D99, Failure Class: CMNT014 (DOOR) Remedy: 3192 TESTED / INSPECTED
Finished: 01/12/10 04:01 Work Location: K99, WEST WO Mileage/Hours: 555,872 Eq. Mileage/Hours: 555,872
Description: DOORS WOULD NOT CLOSE TRAILING 4 CARS, CLOSED FROM 3RD CAR., D09, CMD, DOOR, 920 Remarks: UNABLE TO DUPLICATE FAILURE. SEE WO# 7639149 CAR 4021 FOR CMNT BURTON L 4021-20X 5033-32X 5160-61T REPAIRS.

Task: 10 Component: 000-300-M00 SYSTEM; DOOR CONTROL (SIDE DOOR) Reason: 64 INOPERATIVE
Duration: Position: 246 BCAR Accomplished: 15 INSPECTED
Description: CYCLED DOOR MANY TIMES WITHOUT FAILURE, VISUAL INSPECT T/L WIRING OK, DOOR CONTROL TRAIN LINE SWITCH IN NORMAL POSITION

Task: 10 Labor: [REDACTED] Start: 01/11/10 23:30 Finish: 01/12/10 02:00 Reg. Hours: 2.5 OT Hours: Memo:
Task: 10 Labor: [REDACTED] Start: 01/11/10 23:30 Finish: 01/12/10 02:00 Reg. Hours: 2.5 OT Hours: Memo:

WO Regular Hours: 5

WO OT Hours:

WO Material Cost: 0



Washington Metropolitan Area Transit Authority

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Maintenance and Material Management System

Maintenance History - 01/01/2010 to 02/09/2010

Failure Class: ALL

5092, RAIL CAR, CAF 5000 AC, A CAR

Equipment Type: ALL Fleet: ALL Item#: ALL

CM: Y PM: N Show Tasks: Y Show Labor: Y Show Materials: Y

Total Work Orders: 3

Total Regular Hours: 19.58

Total Overtime Hours:

Total Material Cost: 0

Equipment: R5092 WO: 7676752 Work Type: CM Component: 000-300-D00 (SYSTEM; PROPULSION) Problem: 2460 NO CURRENT INDICATION
Reported: 01/30/10 11:01 Status: CLOSE Cause: 2349 MATERIAL FAILURE
Started: 01/30/10 11:01 Domicile Location: D99, Failure Class: CMNT006 (PROPULSION) Remedy: 0004 REPLACED
Finished: 01/31/10 22:01 Work Location: K99, WEST WO Mileage/Hours: 517,636 Eq. Mileage/Hours: 517,636
Description: NO CURRENT ON THIS PAIR, D01, CMD, PROP, 900 Remarks: RESET PROP BLOWER C/B, REPLACED LS1, LS2 AND BC CONTACTS. GOOD SELF TEST.

Task: 10 Component: 000-300-D02-003- INTERLOCK ASSY (AUX CONTACTS); LS; LS Reason: 107 PITTED
Duration: Position: 273 BOTH Accomplished: 29 REPLACED NEW
Description: CHECKED PROPULSION LOG AND FOUND NUMEROUS APS POWER SUSPECT FAILURES.

Task: 20 Component: 000-300-D00 SYSTEM; PROPULSION Reason: 64 INOPERATIVE
Duration: Position: 213 ACAR Accomplished: 45 TROUBLE SHOT
Description: VISUALS OF LS & PROP PKGS OK. LIKE TASK 10 ENGINEERING EVENTS LOGGED ALL INVERTERS OUT- BLOWER STARTER FAILURES. VERIFY BLOWER C/B NORMAL THIS TIME.

Task: 10	Labor: [REDACTED]	Start: 01/31/10 07:00	Finish: 01/31/10 10:30	Reg. Hours: 3.5	OT Hours:	Memo:
Task: 10	Labor: [REDACTED]	Start: 01/31/10 07:00	Finish: 01/31/10 10:30	Reg. Hours: 3.5	OT Hours:	Memo:
Task: 20	Labor: [REDACTED]	Start: 01/31/10 19:40	Finish: 01/31/10 21:25	Reg. Hours: 1.8	OT Hours:	Memo:

WO Regular Hours: 8.75

WO OT Hours:

WO Material Cost: 0

Equipment: R5092 WO: 7660266 Work Type: CM Component: 000-300-B00 (SYSTEM; CAR BODY) Problem: 1025 ACCIDENT/COLLISION/DERAIL
Reported: 01/22/10 00:01 Status: CLOSE Cause: 2462 NO DEFECT; INCIDENT RELATED
Started: 01/22/10 00:01 Domicile Location: D99, Failure Class: CMNT001 (RAIL CAR) Remedy: 3192 TESTED / INSPECTED
Finished: 01/22/10 02:01 Work Location: C99, WO Mileage/Hours: 516,285 Eq. Mileage/Hours: 516,285
Description: NON-REVENUE TRAIN MADE CONTACT WITH DEER @ CM J1-749+00, J02, CMD, OPER, 707 Remarks: CW INSPECTION, NO DAMAGES NOTED. SEE CAR 5142 FOR REPAIRS WO 7660263
L5142-43X 1087-86X 5093-92T

Task: 10 Component: 000-300-B00 SYSTEM; CAR BODY Reason: 88 NO FAILURE
Duration: Position: 213 ACAR Accomplished: 15 INSPECTED
Description: CW INSPECTION, NO DAMAGES NOTED. SEE CAR 5142 FOR REPAIRS WO 7660263

Task: 10	Labor: [REDACTED]	Start: 01/22/10 01:40	Finish: 01/22/10 02:00	Reg. Hours: .3	OT Hours:	Memo:
WO Regular Hours: 0.3333333333333333		WO OT Hours:		WO Material Cost: 0		

Equipment Maintenance History

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Maintenance and Materiel Management System
Maintenance History - 01/01/2010 to 02/09/2010
Failure Class: ALL
5092, RAIL CAR, CAF, 5000 AC, A CAR

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Equipment: R5092 WO:7632289 Work Type: CM Component: 000-300-D04-003-016 (VOLTAGE SENSOR; INVERTER; 5K) Problem: 1904 FLASHING MOTOR OVERLOAD
Reported: 01/08/10 05:01 Status: CLOSE Cause: 2349 MATERIAL FAILURE
Started: 01/08/10 05:01 Domicile Location: D99. Failure Class: CMNT005 (PROPULSION) Remedy: 0004 REPLACED
Finished: 01/09/10 19:01 Work Location: E99. WO Mileage/Hours: 515,424 Eq. Mileage/Hours: 515,424
Description: DCI - NO RESET Remarks: Verified failure. R&R Link voltage sensor. ops o.k. YTT good "I" AND DYN.

Task: 10 Component: 000-300-D04-003- VOLTAGE SENSOR; INVERTER; 5K Reason: 39 ERRATIC
Duration: Position: Accomplished: 45 TROUBLE SHOT
Description: VERIFIED FAILURE DUE TO OLR RESET FAILURE. RESET SAME. TRAIN STILL UNABLE TO TAKE POINT OF POWER. PICKED DCI. FAULT LOG SHOWS INVERTER LOCKOUT(REAR) DUE TO LINK VOLTAGE. CHECKED LINK VOLTAGE WITH PTU (430V), SHOULD BE 20V STATIC. CHECKED VOLTAGE DIRECTLY ACROSS CAP WITH METER; 20V. NEED LINK VOLTAGE

Task: 20 Component: 000-300-D04-003- VOLTAGE SENSOR; INVERTER; 5K Reason: 39 ERRATIC
Duration: Position: Accomplished: 29 REPLACED NEW
Description: R/R LINK VOLTAGE SENSOR, OPS OK, YTT GOOD "I" AND DYN

Task: 10	Labor: [REDACTED]	Start: 01/08/10 07:30	Finish: 01/08/10 10:00	Reg. Hours: 2.5	OT Hours:	Memo:
Task: 20	Labor: [REDACTED]	Start: 01/09/10 10:00	Finish: 01/09/10 14:00	Reg. Hours: 4.0	OT Hours:	Memo:
Task: 20	Labor: [REDACTED]	Start: 01/09/10 10:00	Finish: 01/09/10 14:00	Reg. Hours: 4.0	OT Hours:	Memo:

WO Regular Hours: 10.5 WO OT Hours: WO Material Cost: 0



Washington Metropolitan Area Transit Authority
Maintenance and Materiel Management System
Maintenance History - 01/01/2010 to 02/09/2010

Failure Class: ALL

5093, RAIL CAR, CAF, 5000 AC, B CAR

Equipment Type: ALL Fleet: ALL Item #: ALL

CM: Y PM: N Show Tasks: Y Show Labor: Y Show Materials: Y

Total Work Orders: 7

Total Regular Hours: 86.38

Total Overtime Hours:

Total Material Cost: 0

Equipment: R5093 WO:7697218 Work Type: CM Component: Problem: 2460 NO CURRENT INDICATION
Reported: 02/09/10 07:02 Status: INPRG Cause:
Started: 02/09/10 07:02 Domicile Location: D99, Failure Class: CMNT006 (PROPULSION) Remedy:
Finished: Work Location: E99, WO Mileage/Hours: 519,253 Eq. Mileage/Hours: 519,253
Description: NO CURRENT / NO DYNAMICS, C15, CMD, PROP, 301 Remarks:

Task: 10 Component: 000-300-D04-003- VOLTAGE SENSOR; INVERTER; 5K Reason: 64 INOPERATIVE
Duration: Position: 246 BCAR Accomplished: 45 TROUBLE SHOT
Description: Varified failure Checked fault log. Line voltage reads 640v on Bcar and 700v on Acar. Needs line voltage sensor. NFW.

Task: 10 Labor: [REDACTED] Start: 02/09/10 09:00 Finish: 02/09/10 11:00 Reg. Hours: 2.0 OT Hours: Memo:
WO Regular Hours: 2 WO OT Hours: WO Material Cost: 0

Equipment: R5093 WO:7676754 Work Type: CM Component: 000-300-D02-004-013 (CONTACTOR ASSY; LS BOX; 5K) Problem: 2460 NO CURRENT INDICATION
Reported: 01/30/10 11:01 Status: CLOSE Cause: 2349 MATERIAL FAILURE
Started: 01/30/10 11:01 Domicile Location: D99, Failure Class: CMNT006 (PROPULSION) Remedy: 0004 REPLACED
Finished: 01/31/10 22:01 Work Location: K99, WEST WO Mileage/Hours: 517,636 Eq. Mileage/Hours: 517,636
Description: NO CURRENT ON THIS PAIR, D01, CMD, PROP, 900 Remarks: NORMALIZED BLOWER MOTOR C/B. REPLACED LS1 AND LS2 WORN CONTACTS. GOOD SELF TESTS.

Task: 10 Component: 000-300-D04-003- BLOWER ASSY; INVERTER; 5K Reason: 67 INTERNAL FAILURE
Duration: Position: 273 BOTH Accomplished: 34 RESET
Description: FOUND CAR WITH NUMEROUS APS POWER SUSPECT FAILURES IN THE PROPULSION LOGIC.

Task: 20 Component: 000-300-D02-004- CONTACTOR ASSY; LS BOX; 5K Reason: 146 WORN
Duration: Position: 246 BCAR Accomplished: 26 REHABILITATED
Description: VISUALS OF LS BOX SHOWS LS1& 2 CONTACT TIPS WORN. R/R SAME M18-31-0061.

Task: 10 Labor: [REDACTED] Start: 01/31/10 10:30 Finish: 01/31/10 13:30 Reg. Hours: 3.0 OT Hours: Memo:
Task: 10 Labor: [REDACTED] Start: 01/31/10 10:30 Finish: 01/31/10 13:30 Reg. Hours: 3.0 OT Hours: Memo:
Task: 20 Labor: [REDACTED] Start: 01/31/10 15:30 Finish: 01/31/10 19:00 Reg. Hours: 3.5 OT Hours: Memo:
WO Regular Hours: 9.5 WO OT Hours: WO Material Cost: 0



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Maintenance History - 01/01/2010 to 02/09/2010

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Failure Class: ALL
5093, RAIL CAR, CAF, 5000 AC, B CAR

Equipment: R5093 WO:7672766 Work Type: CM Component: 000-300-D03-004-003 (AMS 2171 DSP PCB; XA4; 5K PROP. LOGIC) Problem: 1904 FLASHING MOTOR OVERLOAD
Reported: 01/28/10 19:01 Status: CLOSE Cause: 2349 MATERIAL FAILURE
Started: 01/28/10 19:01 Domicile Location: D99, Failure Class: CMNT006 (PROPULSION) Remedy: 0004 REPLACED
Finished: 01/29/10 22:01 Work Location: K99, WEST WO Mileage/Hours: 517,554 Eq. Mileage/Hours: 517,554
Description: FLASHING MOL, ALSO REAR EV INOP, CMNT LEE, C05, CMD, APSS, 905 Remarks: R/R EMI PCB, OPS CK OK

Task: 10 Component: 000-300-D00 SYSTEM; PROPULSION Reason: 64 INOPERATIVE
Duration: Position: 246 BCAR Accomplished: 45 TROUBLE SHOT
Description: IN THE YARD, VERIFY FMOL, EVAPS GOOD. EVENTS LOGGED DCI/MOL-FRONT TRUCK. ALSO ELEVEN EMI LEVEL FAULTS & TWO FMOL/DCI-EMI LOCKOUTS SINCE 1/27/10.

Task: 20 Component: 000-300-D03-004- AMS 2171 DSP PCB; XA4; 5K PROP. LOGIC Reason: 64 INOPERATIVE
Duration: Position: 246 BCAR Accomplished: 32 REPLACED REBUILT
Description: CHECKED XA4 CONNECTORS- BOTH GOOD. CHECKED TACHS, HARNESSES, PROP PKGS, NO PROBLEMS FOUND. BAD XA4 BOARD M18596035 NEED R/R, NPIS

Task: 10 Labor: [REDACTED] Start: 01/28/10 21:10 Finish: 01/28/10 22:28 Reg. Hours: 1.3 OT Hours: Memo:
Task: 20 Labor: [REDACTED] Start: 01/29/10 17:00 Finish: 01/29/10 22:15 Reg. Hours: 5.3 OT Hours: Memo:
WO Regular Hours: 6.55 WO OT Hours: WO Material Cost: 0

Equipment: R5093 WO:7660267 Work Type: CM Component: 000-300-B00 (SYSTEM; CAR BODY) Problem: 1025 ACCIDENT/COLLISION/DERAIL
Reported: 01/22/10 00:01 Status: CLOSE Cause: 2462 NO DEFECT; INCIDENT RELATED
Started: 01/22/10 00:01 Domicile Location: D99, Failure Class: CMNT001 (RAIL CAR) Remedy: 3192 TESTED / INSPECTED
Finished: 01/22/10 02:01 Work Location: C99, WO Mileage/Hours: 516,285 Eq. Mileage/Hours: 516,285
Description: NON-REVENUE TRAIN MADE CONTACT WITH DEER @ CM J1-749+00, J02, CMD, OPER, 707 Remarks: CW INSPECTION. NO DAMAGES NOTED. SEE CAR 5142 FOR REPAIRS WO 7660263
L5142-43X 1087-86X 5093-92T

Task: 10 Component: 000-300-B00 SYSTEM; CAR BODY Reason: 88 NO FAILURE
Duration: Position: 246 BCAR Accomplished: 15 INSPECTED
Description: CW INSPECTION. NO DAMAGES NOTED. SEE CAR 5142 FOR REPAIRS WO 7660263

Task: 10 Labor: [REDACTED] Start: 01/22/10 00:40 Finish: 01/22/10 01:00 Reg. Hours: .3 OT Hours: Memo:
WO Regular Hours: 0.3333333333333333 WO OT Hours: WO Material Cost: 0



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Maintenance History - 01/01/2010 to 02/09/2010

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Failure Class: ALL
5093, RAIL CAR, CAF, 5000 AC, B CAR

Equipment: R5093 WO:7651805 Work Type: CM Component: 000-300-D04-003-001 (INVERTER MODULE ASSY; 5K) Problem: 2429 N/A CODE (PROPULSION SYSTEM)
Reported: 01/18/10 20:01 Status: CLOSE Cause: 2349 MATERIAL FAILURE
Started: 01/18/10 20:01 Domicile Location: D99, Failure Class: CMNT006 (PROPULSION) Remedy: 0004 REPLACED
Finished: 01/19/10 14:01 Work Location: D99, NEW WO Mileage/Hours: 515,826 Eq. Mileage/Hours: 515,826
Description: DCI, C04, CMD, PROP, 901 Remarks: verified failure, R & R rear icon, cleared all event logs

Task: 10 Component: 000-300-D04-003- INVERTER MODULE ASSY; 5K Reason: 67 INTERNAL FAILURE
Duration: Position: 825 REAR Accomplished: 29 REPLACED NEW
Description: VERIFIED DCI...PROPULSION AND ENGINEERING EVENT LOGS INDICATES REAR INVERTER (ICON MODULE) LOCKED OUT FOR GDU FEEDBACK FAULTS FOR IGBT'S #1 & #2...R/R REAR ICON MODULE...CLEARED ALL EVENT LOGS

Task: 10 Labor: [REDACTED] Start: 01/19/10 11:00 Finish: 01/19/10 13:00 Reg. Hours: 2.0 OT Hours: Memo:
Task: 10 Labor: [REDACTED] Start: 01/19/10 12:15 Finish: 01/19/10 13:00 Reg. Hours: .8 OT Hours: Memo:
WO Regular Hours: 2.75 WO OT Hours: WO Material Cost: 0

Equipment: R5093 WO:7632769 Work Type: CM Component: 000-300-D00 (SYSTEM; PROPULSION) Problem: 2460 NO CURRENT INDICATION
Reported: 01/08/10 11:01 Status: COMP Cause: 2349 MATERIAL FAILURE
Started: 01/08/10 11:01 Domicile Location: D99, Failure Class: CMNT006 (PROPULSION) Remedy: 0004 REPLACED
Finished: 01/15/10 16:01 Work Location: E99, WO Mileage/Hours: 515,424 Eq. Mileage/Hours: 515,424
Description: NO CURRENT Remarks: Verified failure. R&R rear I-con mod & current sensor & SSR1. YTT all good. Ready for service.

Task: 10 Component: 000-300-D03-004 AMS CRADLE; 5K PROP LOGIC Reason: 64 INOPERATIVE
Duration: Position: Accomplished: 45 TROUBLE SHOT
Description: UNABLE TO COMMUNICATE WITH PTU. REMOVED VCU XA1 BD AND TOOK TO ELECTRONIC SHOP FOR TESTING. BD TESTED OK. THEY RECOMMENDED SWAPPING CAR TO CAR. SWAPPED VCU BDS. SUSPECT BD WORKED OK ON ACAR. ACAR BD FAILED ON THIS CAR. SUSPECT ANALON BD. NEED FURTHER WORK. BOARDS NEED TO BE SWAPPED BACK.

Task: 20 Component: 000-300-D00 SYSTEM; PROPULSION Reason: 64 INOPERATIVE
Duration: Position: 246 BCAR Accomplished: 45 TROUBLE SHOT
Description: Returned XA1 board and swapped XA2 with 5092

Task: 30 Component: 000-300-D00 SYSTEM; PROPULSION Reason: 28 DAMAGED
Duration: Position: 246 BCAR Accomplished: 28 REPAIRED
Description: REPAIR XA4 BOARD CONNECTOR, ALL BOARDS SWAPED EXCEPT XA4, NEED TO SWAP ENTIRE LOGIC, MAC #20 UN-CLEAR



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Failure Class: ALL
5093, RAIL CAR, CAF, 5000 AC, B CAR

Task: 40 Component: 000-300-D00 SYSTEM; PROPULSION
Duration: Position: 246 BCAR
Description: SWAPPED AMS CRADLE DOES NOT HELP. NO COMMUNICATION WITH PTU NFW.

Reason: 64 INOPERATIVE
Accomplished: 45 TROUBLE SHOT

Task: 50 Component: 000-300-D00 SYSTEM; PROPULSION
Duration: Position: 246 BCAR
Description: Verified inability to communicate with logic.

Reason: 64 INOPERATIVE
Accomplished: 15 INSPECTED

Task: 60 Component: 000-300-D00 SYSTEM; PROPULSION
Duration: Position: 246 BCAR
Description: Verified it is possible to communicate with only the XA6 bd installed-Tested on 5092-Removed all plugs but XA6 bd on 5093- No help - Still not communicating-Opened all plugs- no obvious problems- On key-up hear something apparently loading down the logic- Removed LS and both ICON cannon plugs an

Reason: 67 INTERNAL FAILURE
Accomplished: 45 TROUBLE SHOT

Task: 70 Component: 000-300-D00 SYSTEM; PROPULSION
Duration: Position: 246 BCAR
Description: CHECK I-CON CONNECTORS ALL GOOD , Y -SIDE I-CON TO BE REPLACED TO CONTINUE TROUBLESHOOTING, NEED SHOP SPACE

Reason: 64 INOPERATIVE
Accomplished: 45 TROUBLE SHOT

Task: 80 Component: 000-300-D00 SYSTEM; PROPULSION
Duration: Position: 246 BCAR
Description: R/R ICON MODULE 2 - NO HELP. TROUBLE SHOT FOUND SSR1 OPEN,, R/R SSR1. COUNDN'T VERIFY OPERATION OF BLOWER MOTOR 1. NO SHOP POWER. OHM YED K1 & K2 COIL, CONTACT & OVERLOAD RELAY. ALL TESTED GOOD COULDN'T VERFIY VOLTAGE OUTPUT OF SSR1 TO INCOM MODULE 2 PLUG. NEEDS FURTHER WORK

Reason: 64 INOPERATIVE
Accomplished: 45 TROUBLE SHOT

Task: 90 Component: 000-300-D04-003- CURRENT SENSOR ASSY; INVERTER; 5K
Duration: Position:
Description: TROUBLE-SHOT AND FOUND NO 24 VOLTS OUTPUT FROM MPX CONNECTOR OF REAR I-CON, TROUBLE-SHOT PROBLEM TO RETURN SENSOR SHORTED TAKING DOWN REAR I-CON, R/R RETURN SENSOR OPS OK, I-CON NOW NORMAL, ALSO SENSOR DAMAGE I/O BOARD FOR AMS CRADLE RESULTING IN NO START SIGNAL TO BLOWER MOTORS,

Reason: 126 SHORTED
Accomplished: 29 REPLACED NEW

Task: 100 Component: 000-300-D00 SYSTEM; PROPULSION
Duration: Position: 246 BCAR
Description: YTT all good. Good Current & Dyn

Reason: 88 NO FAILURE
Accomplished: 44 TRACK TESTED

Task: 10	Labor:	Start: 01/08/10 12:00	Finish: 01/08/10 14:00	Reg. Hours: 2.0	OT Hours:	Memo:
Task: 20	Labor:	Start: 01/08/10 14:30	Finish: 01/08/10 21:30	Reg. Hours: 7.0	OT Hours:	Memo:

Equipment Maintenance History

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Failure Class: ALL
5093, RAIL CAR, CAF, 5000 AC, B CAR

Task: 30	Labor: [REDACTED]	Start: 01/09/10 08:00	Finish: 01/09/10 09:00	Reg. Hours: 1.0	OT Hours:	Memo:
Task: 40	Labor: [REDACTED]	Start: 01/09/10 15:00	Finish: 01/09/10 22:00	Reg. Hours: 7.0	OT Hours:	Memo:
Task: 50	Labor: [REDACTED]	Start: 01/09/10 23:30	Finish: 01/10/10 05:30	Reg. Hours: 6.0	OT Hours:	Memo:
Task: 60	Labor: [REDACTED]	Start: 01/12/10 15:00	Finish: 01/12/10 20:45	Reg. Hours: 5.8	OT Hours:	Memo:
Task: 70	Labor: [REDACTED]	Start: 01/13/10 07:00	Finish: 01/13/10 09:00	Reg. Hours: 2.0	OT Hours:	Memo:
Task: 80	Labor: [REDACTED]	Start: 01/14/10 14:30	Finish: 01/14/10 22:30	Reg. Hours: 8.0	OT Hours:	Memo:
Task: 80	Labor: [REDACTED]	Start: 01/14/10 14:30	Finish: 01/14/10 22:30	Reg. Hours: 8.0	OT Hours:	Memo:
Task: 90	Labor: [REDACTED]	Start: 01/15/10 07:00	Finish: 01/15/10 14:00	Reg. Hours: 7.0	OT Hours:	Memo:
Task: 90	Labor: [REDACTED]	Start: 01/15/10 07:00	Finish: 01/15/10 14:00	Reg. Hours: 7.0	OT Hours:	Memo:
Task: 100	Labor: [REDACTED]	Start: 01/15/10 15:00	Finish: 01/15/10 15:30	Reg. Hours: .5	OT Hours:	Memo:

WO Regular Hours: 61.25

WO OT Hours:

WO Material Cost: 0

Equipment: R5093 WO:7629154 Work Type: CM

Component: 000-300-K14-006 (SHOCK
ABSORBER; VERTICAL;

Problem: 2439 N/A CODES (TRUCK SYSTEM)

Reported: 01/07/10 10:01

Status: FINISHED

Cause: 2508 NORMAL WEAR

Started: 01/07/10 10:01

Domicile Location: D99,

Failure Class: CMNT011 (TRUCK)

Remedy: 0004 REPLACED

Finished:

Work Location: GREENBELT

WO Mileage/Hours: 515,424

Eq. Mileage/Hours: 515,424

Description: REPLACED LOOSE VERTICAL SHOCKS ON FRONT & REAR TRUCKS

Remarks: REPLACED LOOSE VERTICAL SHOCKS ON FRONT & REAR TRUCK C/W

Task: 10 Component: 000-300-K14-006 SHOCK ABSORBER; VERTICAL; SUSPENSION

Reason: 80 LOOSE

Duration:

Position: 273

BOTH

Accomplished: 29 REPLACED NEW

Description: REPLACED VERTICAL SHOCKS ON FRONT & REAR TRUCKS (LOOSE) C/W

Task: 10	Labor: [REDACTED]	Start: 01/07/10 08:00	Finish: 01/07/10 10:00	Reg. Hours: 2.0	OT Hours:	Memo:
Task: 10	Labor: [REDACTED]	Start: 01/07/10 08:00	Finish: 01/07/10 10:00	Reg. Hours: 2.0	OT Hours:	Memo:

WO Regular Hours: 4

WO OT Hours:

WO Material Cost: 0

NOAA HOME WEATHER OCEANS FISHERIES CHARTING SATELLITES CLIMATE RESEARCH COASTS CAREERS

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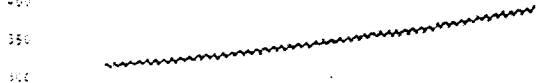
Climate Change | Climate Variability

Adjust the sliders to view different time periods.
1950 2010
Click any graph for more information.

Temperature (C)



Carbon Dioxide (ppm)



Solar Energy (W/m²)



Past Weather

Greenbelt, MD
01-23-2010

Lookup

Results for: Greenbelt, Maryland, United States
Station: ANDREWS AFB/CAMP SP On: 20100120

Mean Temp	15.0F	Min Temp	25.0F
Max Temp	42.0F	Visibility	10 Miles
Precipitation	0.0inches	Mean Wind Speed	4.1km/h
Max Sustained Wind	7.0km/h	Max Wind Gust	*No data* knots
Mean Dew Point	24.0F	Sea Level Pressure	1021.6mb

News

NOAA Establishes Supercomputing Center in West Virginia

Wed, 13 Oct 2010

NOAA Administrator Jane Lubchenco today announced a \$27.6 million American Reinvestment and Recovery Act investment to build a new state-of-the-art supercomputer center in Fairmont, W. Va. Lubchenco was joined by U.S. Rep. Alan B. Mollohan for a ribbon-cutting ceremony for the NOAA Environmental Security Computing Center (NESCC), which is geared to develop and improve the accuracy of global and regional climate and weather model predictions.

NOAA: Year-to-Date Global Temperature Ties for Warmest on Record

Fri, 15 Oct 2010

Arctic sea ice reaches its third lowest minimum extent on record

NOAA: U.S. Experienced Above Average Temperatures, Rainfall in September

Thu, 07 Oct 2010

NOAA NOW! WEATHER OCEANS FISHERIES CHARTING SATELLITES CLIMATE RESEARCH COASTS CAREERS



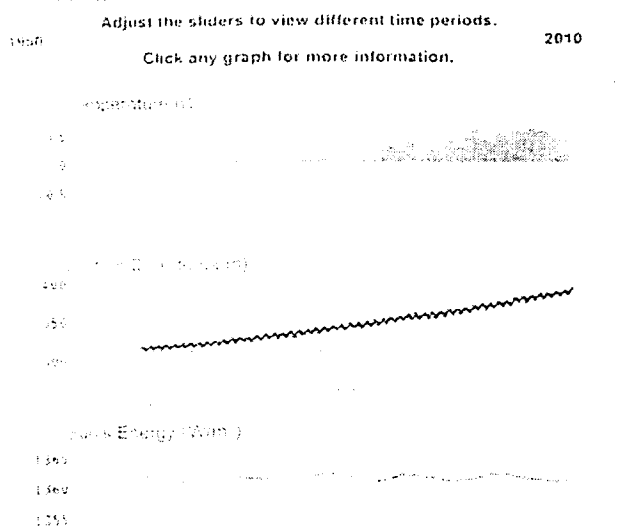
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Past Weather

Greenbelt, MD
01-24-2010
[Lookup](#)

Results for: Greenbelt, Maryland, United States			
Station: ANDREWS AFB/CAMP SP. On: 20100124			
Mean Temp:	37.0F	Min Temp:	32.0F
Max Temp:	46.0F	Visibilty:	10.0miles
Precipitation:	0.00inches	Mean Wind Speed:	3.7knots
Max Sustained Wind:	8.0knots	Max Wind Gust:	*No data*knobs
Mean Dew Point:	33.3F	Sea Level Pressure:	1019.6mb

News

NOAA Establishes Supercomputing Center in West Virginia

Wed, 13 Oct 2010

NOAA Administrator Jane Lubchenco today announced a \$27.6 million American Reinvestment and Recovery Act investment to build a new state-of-the-art supercomputer center in Fairmont, W. Va. Lubchenco was joined by U.S. Rep. Alan B. Moulton for a ribbon-cutting ceremony for the NOAA Environmental Security Computing Center (NESCC), which is geared to develop and improve the accuracy of global and regional climate and weather model predictions.

NOAA: Year-to-Date Global Temperature Ties for Warmest on Record

Fri, 16 Oct 2010

Arctic sea ice reaches its third lowest minimum extent on record

NOAA: U.S. Experienced Above Average Temperatures, Rainfall in September

Thu, 07 Oct 2010

WMATA OFFICE OF INSPECTOR GENERAL

OFFICE OF INVESTIGATIONS

Report of Investigation

Complaint No. 2010-052
(Missing Pylon)

Date: October 25, 2010

Allegation and Background

On July 2, 2010, OIG received an allegation that the original Waterfront-SEU Metrorail Station pylon was removed for installation of a canopy over the escalator. According to the complaint, in March 2008 when the construction was complete, the Waterfront pylon could not be found and one from another station had to be retro-fitted to replace the Waterfront pylon. Complainant expressed concern how an object of this size could be misplaced and potentially stolen.

Summary of Investigation

The Waterfront Metro Station underwent construction prior to March 2008 to install a canopy over the escalators leading into the station. As part of this construction, the ten-foot tall triangular metal shaped pylon bearing the station name was removed. Office of Plant Maintenance (PLNT) did not participate in the removal of the pylon, and there are no records or witnesses to determine what date the pylon was removed, who removed it or where it was stored during the construction. However, PLNT did get a request to reinstall a pylon at that station prior to the Washington Nationals Stadium opening day, which was scheduled for March 31, 2008. This request was via e-mail to PLNT, according to the recollection of a PLNT supervisor; the e-mail was lost during WMATA's IT conversion from Groupwise files to Outlook files.

During the same time, Wheaton and Georgia Avenue/Petworth stations were under construction as part of the Joint Development and Adjacent Construction (JDAC) project under the Chief Engineer for Infrastructure (CENI), and it is believed that one of these pylons displaced by that construction may have been retrofitted with a new name plate and installed by PLNT at the Waterfront station to get it completed prior to the March 31, 2008 deadline. Consequently, upon completion of the JDAC construction at Wheaton and Georgia Avenue/Petworth stations, a "rotation" of pylons among several stations was probably conducted to restore their pylons.

As part of the investigation, the Assistant General Superintendents for New Carrollton, Branch Avenue, Alexandria and Greenbelt Rail Yards were contacted to conduct searches for the pylon of likely storage areas within their respective rail yards. Only Branch Avenue responded to the request and reported the pylon was not located at their facility.

A PLNT supervisor advised that there are no serial numbers or identifying markings on the pylon frames which would identify them to a specific station beyond the station name panels, which are routinely changed as needed due to damage or relocation to other stations.

Relevant Statutes, Regulations, and Other Standards

District of Columbia Criminal Code: Chapter 22; Subsection 3211: Theft

- (a) For the purpose of this section, the term "wrongfully obtains or uses" means: (1) taking or exercising control over property; (2) making an unauthorized use, disposition, or transfer of an interest in or possession of property; or (3) obtaining property by trick, false pretense, false token, tampering, or deception. The term "wrongfully obtains or uses" includes conduct previously known as larceny, larceny by trick, larceny by trust, embezzlement, and false pretenses.
- (b) A person commits the offense of theft if that person wrongfully obtains or uses the property of another with intent:
 - (1) To deprive the other of a right to the property or a benefit of the property; or
 - (2) To appropriate the property to his or her own use or to the use of a third person.

OIG Investigative Findings

Investigative efforts to date have failed to substantiate the allegation that the original Waterfront pylon, which was removed prior to the construction of the station canopy, was misplaced or stolen. Based upon WMATA's practice of switching pylons between stations, it might have been installed at another station under construction during the same period. It is therefore recommended that, absent any additional information, that this case be closed to file.

[REDACTED]

Special Agent [REDACTED]

[REDACTED]

[REDACTED]

Assistant Inspector General for Investigations

WMATA OFFICE OF INSPECTOR GENERAL

OFFICE OF INVESTIGATIONS

Report of Investigation

Complaint No. 2010-24

(CSAC: Procurement Issues, Favoritism
in Hiring, Whistleblower Retaliation)

Date: April 27, 2010

Allegation and Background

[REDACTED] then a WMATA employee assigned to Corporate Strategy & Communications (CSAC), complained to the Office of Inspector General that advertising contracts had been awarded improperly or wastefully by [REDACTED] in [REDACTED] capacity as [REDACTED]. The contracts in question were awarded to [REDACTED] advertising agency owned by [REDACTED] and [REDACTED] partner. [REDACTED] was a former colleague of [REDACTED] when they both worked at the [REDACTED], known as [REDACTED]. [REDACTED] alleged that the work was contracted to [REDACTED] without following normal procurement procedures and could have been done in-house by [REDACTED] at no additional cost to WMATA. Finally, [REDACTED] alleged that [REDACTED] abused [REDACTED] authority in arranging a high paying position for [REDACTED] at WMATA.

At the same time, an anonymous complaint was forwarded to the Inspector General by the Virginia members of the WMATA Board of Directors (Board), alleging that WMATA advertising work was being contracted to a California firm to the detriment of Washington area advertising firms.

During the course of the investigation [REDACTED] alleged whistleblower retaliation when [REDACTED] was subjected to a Reduction in Force (RIF) in February 2010. [REDACTED] alleged retaliation by [REDACTED] for [REDACTED] questioning [REDACTED] actions with respect to [REDACTED]. Until the RIF, [REDACTED] was the [REDACTED] immediate supervisor was [REDACTED]. [REDACTED] was rehired on March 1, 2010, after intervention by the Board. [REDACTED] is now assigned to the Office of Transit Infrastructure and Engineering Services (TIES).

[REDACTED]

[REDACTED] was hired as the [REDACTED] assumed this newly created position on January 11, 2010. Currently, however [REDACTED] is listed on WMATA's organizational chart as [REDACTED], "a step below [REDACTED] Communications." The [REDACTED] position is listed as "vacant." Originally, [REDACTED] reported to [REDACTED], and [REDACTED] now reports to the WMATA Chief of Staff who oversees CSAC, Shiva Pant. [REDACTED] was [REDACTED] employment at [REDACTED] overlapped with [REDACTED] for one to two years before [REDACTED] left [REDACTED] left [REDACTED] in 2007 and entered into a partnership to form [REDACTED]

LM&O Advertising (LM&O) is the contractor that provides advertising services to WMATA under a multi-year contract. The contract amount is approximately \$1.7 million per fiscal year. LM&O is located in Arlington, Virginia.

Summary of Investigation

[REDACTED] explained that [REDACTED] was struggling financially [REDACTED] because [REDACTED] and [REDACTED] partner had difficulty obtaining work for [REDACTED] contacted [REDACTED] and told [REDACTED] about [REDACTED] financial struggle. [REDACTED] acknowledged that [REDACTED] then directed [REDACTED] to work with [REDACTED] said [REDACTED] told [REDACTED] that [REDACTED] was interested in employment with WMATA. [REDACTED] denied knowledge of [REDACTED] financial difficulties.

[REDACTED] filed for personal bankruptcy on June 26, 2009. In [REDACTED] bankruptcy petition filed in federal court in California, which [REDACTED] signed under penalty of perjury, [REDACTED] stated that [REDACTED] monthly income in 2009 was \$3,000. [REDACTED] further stated that the value of [REDACTED] 50 percent interest in [REDACTED] was worth \$0.00.

1. Procurement of Services from [REDACTED]

In the fall of 2007, [REDACTED] began to direct advertising/graphic design work to [REDACTED] firm, [REDACTED]. In October 2007, General Manager John Catoe decided that [REDACTED] wanted different exterior markings for a new bus purchase. [REDACTED] discussed the project with [REDACTED] told [REDACTED] that [REDACTED] had the perfect [REDACTED] for the project. Thereafter, [REDACTED] submitted an unsolicited proposal addressed to [REDACTED] Catoe, thinking that [REDACTED] was doing the work in-house, questioned [REDACTED] about [REDACTED] progress during a chance meeting. This was the first time that [REDACTED] learned of the project. [REDACTED] started asking questions about the project. [REDACTED] then assigned the project to [REDACTED], and [REDACTED] completed it at no additional cost to WMATA.

A second situation occurred in the spring of 2008. [REDACTED] told [REDACTED], the [REDACTED] on the LM&O contract in CSAC, to

have a task order issued through LM&O as a subcontract to [REDACTED] based upon a statement of work (SOW) that [REDACTED] developed and claimed to have cleared through the Office of Procurement and Materials (PRMT). The task order was for \$50,000, and the LM&O contract was increased by that amount. We were unable to locate a copy of the SOW. [REDACTED] and [REDACTED] described the task as "rebranding" bus employees to improve their morale by demonstrating their impact on life in the WMATA service area. The LM&O and [REDACTED] invoices listed the task as "WMATA Communications Audit."

[REDACTED] received the monthly invoices from LM&O for May and June 2008. Attached to the invoices were [REDACTED] invoices dated May 12 and 19, 2008, totaling \$50,000. [REDACTED] normally received all LM&O deliverables. Since [REDACTED] had not seen a deliverable for this project, [REDACTED] contacted [REDACTED] about the deliverable. [REDACTED] told [REDACTED] that [REDACTED] had the deliverable and that [REDACTED] approved payment of the invoices. [REDACTED] approved payment without seeing the deliverable.

[REDACTED] produced a copy of the deliverable from [REDACTED], which was dated August 20, 2008, three months after [REDACTED] submitted its final invoice to LM&O. The deliverable provided by [REDACTED] consisted of: (1) 70-plus-page document with mostly non-original pictures, and (2) a banner, designed by [REDACTED] produced in-house at WMATA, which was hung in the lobby of the Jackson Graham Building above the main exit doors, reading "Millions of People Are Depending On You Today."

Prior to [REDACTED] becoming the [REDACTED] approved payment for all deliverables from LM&O and any of its subcontractors. [REDACTED] stated that it was unusual for deliverables to go directly to [REDACTED] who had previously reviewed portions of the [REDACTED] deliverable relating to this project, commented that "the deliverable was not worth the \$50,000 paid to [REDACTED]." [REDACTED] was asked whether the banner was worth that amount, but [REDACTED] did not provide an answer.

[REDACTED] stated that [REDACTED] had already been working with [REDACTED], the LM&O account supervisor, on a project similar to the task order that [REDACTED] directed to [REDACTED]. The LM&O project also involved "rebranding" bus employees to show their contribution to life in the Washington service area. [REDACTED] stated that the LM&O project was accepted and implemented. It resulted in posters showing bus employees at work which appear throughout the Metro system. The project is ongoing to this day.

In regard to the [REDACTED] and LM&O invoice language for the [REDACTED] task order ("WMATA Marketing Communications Audit"), [REDACTED] explained that LM&O provided the language for the invoices. However, [REDACTED], the LM&O [REDACTED], stated that the description came from the [REDACTED] invoice. When asked if [REDACTED] conducted a marketing communications audit, [REDACTED] stated that it never took place.

██████████ said that ██████████ provided to Accounts Payable for processing copies of the May and June 2008 invoices from LM&O, which were 40-plus pages each, including supporting documents with the ██████████ invoices. But the records in Accounts Payable did not have any of the supporting documents attached. The ██████████ invoices were among the missing supporting documents. ██████████

██████████, stated that it is their policy to keep all invoices and supporting documents intact. However, ██████████ stated that the invoices are stored in an unlocked file cabinet in an open hallway that anyone could access after-hours and on weekends.

A third situation involved a sign design to identify a construction project as being funded by the American Recovery and Reinvestment Act (ARRA), known as the federal stimulus law. ██████████ directed ██████████ and ██████████ to task the project to ██████████ through LM&O. ██████████ received an invoice from LM&O dated December 31, 2009, that included an \$18,000 charge listed only as "WMATA ██████████." The supporting ██████████ invoice listed the project as "WMATA ARRA Signage." Although ██████████ had not seen a deliverable, ██████████ was authorized to pay the invoice by ██████████ through ██████████. ██████████ stated that ██████████ had worked on the project with ██████████ at ██████████ direction. However, the project was never implemented. ██████████ provided to OIG a PowerPoint presentation with a ██████████ coversheet dated October 15, 2009. This was the only deliverable. ██████████ stated that the project had three proposal for signs. One of the proposals was a "notes to the public from Catoe" sign that would be posted at various sites within the WMATA service area. This proposed sign was dropped along with the other two proposed signs when Catoe announced his retirement. No explanation was offered by ██████████ for why the two proposed signs which did not involve Catoe were dropped. ██████████ did not know why the proposals were not implemented. All ██████████ knew was that ██████████ had the deliverable and ██████████ instructed ██████████ to approve the LM&O invoice containing the charges for ██████████. ██████████ at first, denied seeing a deliverable for the project. When shown the PowerPoint presentation, ██████████ recognized it but would not explain when asked to do so whether it was worth the \$18,000 paid to ██████████.

According to ██████████ and ██████████ the "pass through" on the LM&O contract to ██████████ was used to avoid a sole-source procurement justification that would require review by PRMT. ██████████ Chief Procurement Officer, stated that "pass throughs" are against WMATA procurement policy.

██████████ billed LM&O for the full contract amounts before the deliverables were submitted to WMATA. ██████████, the LM&O ██████████ stated that ██████████ deliverables were never submitted to LM&O. LM&O served only as a billing and payment conduit between ██████████ and WMATA. In one case, ██████████ invoiced the full contract amount of \$50,000 to LM&O at the very beginning of the project, three months before the deliverable was submitted. The LM&O invoices were paid by WMATA upon ██████████ representation that ██████████ had the deliverable.

2. Hiring of [REDACTED]

[REDACTED] and [REDACTED] discussed [REDACTED] possible employment by WMATA in an email dated May 16, 2008. As reflected in the email, [REDACTED] made a suggestion concerning possible titles and delineation of responsibilities between [REDACTED] and [REDACTED].

In the November–December 2009 timeframe, the Board expressed to Catoe its displeasure with the WMATA marketing and communications program under [REDACTED]. [REDACTED] recommended [REDACTED] to Catoe as the person to change the marketing and communications program to respond to the Board's concerns. [REDACTED] said [REDACTED] based this on [REDACTED] knowledge of [REDACTED] work for [REDACTED] following the [REDACTED] "meltdown" crisis in 1999 where the [REDACTED] automatic train control system failed and the system was closed for a week.

During the first week of December 2009, [REDACTED] was scheduled to visit WMATA for a trip related to the ARRA signage project. [REDACTED] instructed [REDACTED] to remain two extra days and return to [REDACTED] on Saturday, December 5.

[REDACTED] Catoe approved the [REDACTED] hire immediately after the meeting.

[REDACTED], that [REDACTED] would only re-hire [REDACTED] as a team member, not a manager, with a lot of supervision.

[REDACTED] This proposal was rejected by Delecia Sampson, the Chief Human Resources Officer, since it would create an additional layer of management, and because there were no other deputy AGM's. Instead, a new position titled "[REDACTED]" was created for [REDACTED] using some duties previously performed by [REDACTED] and [REDACTED].

Sampson stated that [REDACTED] was pushing to complete the offer process before [REDACTED] returned to [REDACTED] after [REDACTED] interview with Catoe and Pant. [REDACTED] signed the acceptance letter on December 4, the day it was dated, while [REDACTED] was still in Washington. The compensation package contained in the offer letter included a salary of \$140,000, relocation expenses of \$20,000, and a signing bonus of \$10,000. [REDACTED] indicated that the salary offer was based upon [REDACTED] salary of between \$120,000 and \$130,000 at [REDACTED]. She stated that the relocation expenses were standard for someone at that level. She also stated that a signing bonus was a standard part of a compensation package for a highly marketable individual. She cited [REDACTED] Director, Government Relations, as an example of someone on [REDACTED] staff who also

received a signing bonus.¹ Sampson stated that [REDACTED] was the one who pushed for the signing bonus. WMATA has no written policy on signing bonuses.

Sampson stated that she personally handled the compensation calculation. Sampson originally told OIG that she made the \$140,000 salary recommendation for [REDACTED] based on [REDACTED] current salary. However, Sampson later admitted that [REDACTED] had proposed the \$140,000 salary, after Sampson was shown [REDACTED] employment application (which contained what [REDACTED] said was [REDACTED] current salary), which was dated December 14, 2009, ten days after the offer letter. Sampson said she compared the proposed [REDACTED] salary with the BO-17 midpoint (\$138,423) and the salaries of other BO17 employees; finding no inequities, she approved [REDACTED] salary proposal.

Sampson prepared the Personnel Action Request (PAR) and sent it to the general manager for approval. She acknowledged that if she had known that [REDACTED] reported income for 2009 was only \$3,000 per month, as he reported in his June 26, 2009 bankruptcy filing, she would have recommended a lower salary. She further stated that the relocation expenses were standard, but the signing bonus was unusual for someone at [REDACTED] level.

Catoe signed all PAR's where the salary was over \$100,000. He indicated that he probably signed the PAR for [REDACTED] but had no recollection of the compensation package offered to [REDACTED]. Pant stated that he did not see the PAR or the offer letter until he requested copies after he heard that [REDACTED] accepted the position. Both Catoe and Pant thought that the signing bonus was unusual for a position at the [REDACTED] level, but did nothing about it. Pant thought the salary was excessive. [REDACTED] justified the signing bonus by claiming that [REDACTED] would be closing [REDACTED] business, [REDACTED], in [REDACTED]. As noted above, in [REDACTED] bankruptcy filing, [REDACTED] stated under penalty of perjury that the value of [REDACTED] 50 percent interest in [REDACTED] was \$0.00.

[REDACTED] listed \$150,000 as [REDACTED] current salary on [REDACTED] WMATA employment application. When shown the financial schedule attached to [REDACTED] bankruptcy petition listing monthly income of only \$3,000 per month, [REDACTED] acknowledged that \$3,000 per month was accurate. [REDACTED] explained that the \$150,000 was a "hoped for" salary and not [REDACTED] actual salary.

During the first meeting with the staff of LM&O, [REDACTED] stated that [REDACTED] accepted the WMATA position because the advertising business in [REDACTED] had dried up and [REDACTED] had asked the WMATA general manager for a job. This statement was confirmed by the CSAC staff and the LM&O staff who attended the meeting.

¹ According to the Chief Human Resources Officer, [REDACTED] was an unusual situation in that [REDACTED] was United States Senate staffer with transportation expertise and other employment opportunities when [REDACTED] left Capitol Hill and joined WMATA.

3. Whistleblower Retaliation

█████ stated that █████ had expressed █████ concerns over █████ contracting work to █████ that could be done in-house on a number occasions to █████ immediate supervisor, █████. Although █████ does not recall the conversations, █████ maintained that █████ told █████ that █████ had brought up the complaints with █████. █████ confirmed that █████ expressed █████ disagreement with █████ about contracting work to █████ within CSAC. █████ stated that, in █████ view, there was no doubt that █████ was RIF'd for being very vocal in questioning █████ and █████ directing work to █████.

In late November or early December 2009, █████ attempted to meet with Catoe concerning █████ issues with █████ directing work to █████ relying on Catoe's "open door" policy. █████ did not meet with Catoe. █████ was called to █████ office, where █████ accused █████ of violating the chain of command by attempting to meet with Catoe about █████. █████ said that █████ was angry and yelled at █████ during the meeting. █████ indicated that █████ was surprised by █████ reference to █████, because he did not tell Catoe's secretary why he wanted to meet with Catoe, and Catoe stated that he did not know why █████ wanted to meet with █████. Catoe stated that he only told █████ that █████ was trying to meet with him.

There was no evidence that █████ knew that █████ had made a complaint to the OIG about █████.

On February 18, 2010, █████ was RIF'd based upon █████ recommendation and presentation to the WMATA RIF Committee. █████ stated that during the fall of 2009, █████ claimed that █████ discussed the RIF of █████ with █████ immediate supervisor. █████ also claimed to have discussed with █████ and █████ how the █████ would continue without █████. █████ stated that █████ and █████ formulated a plan whereby the Government Relations Office would be the point of contact for persons wanting to donate art to the █████ and coordinate with Plant Maintenance (PLNT) to oversee the █████.

█████, however, stated that █████ was never contacted by █████ about including █████ in the RIF prior to the RIF. █████ said he was asked a year ago if he could afford to RIF someone from █████ staff, and █████ suggested another employee in Creative Services. This employee was RIF'd at the same time as █████. █████ stated that █████ would never have recommended █████ for the RIF and that █████ was going to have a significant problem in covering █████ duties. █████ stated that █████ first learned that █████ was on the RIF list during a meeting with Pant about █████ 2010 budget. Pant showed █████ a list of persons to be RIF'd, and █████ saw █████ name for the first time.

Similarly, █████ stated that █████ never discussed assuming responsibility for the █████ with █████. Only conversation with █████ about the program was

when [REDACTED] notified [REDACTED] that [REDACTED] had been contacted by the Inspector General's staff for an interview during this investigation.

In preparation for the RIF, [REDACTED] volunteered to handle the RIF notifications for all CSAC employees including [REDACTED], even though [REDACTED] was no longer in CSAC management. [REDACTED] requested that Metro Transit Police Department (MTPD) officers accompany [REDACTED] and the Human Relations representative when [REDACTED] notified [REDACTED]. [REDACTED] said [REDACTED] did this because [REDACTED] felt [REDACTED] was antagonistic toward [REDACTED] based on their earlier meeting about [REDACTED] efforts to meet with Catoe. During the notification, [REDACTED] claimed that [REDACTED] made a comment under [REDACTED] breath that this will teach him "to mess with [REDACTED]". However, no other person present at the time heard the comment. [REDACTED] was escorted out of the building by the MTPD officers.

[REDACTED] was returned to duty on March 1, 2010 and was assigned to TIES after intervention by the Board over concern for the future of the [REDACTED].

Relevant Statutes, Regulations and Other Standards

1) P/I 7.29/1 Nepotism / Favoritism

- 1.0 Policy: It is the policy of the Washington Metropolitan Area Transit Authority (WMATA) to treat all employees and applicants for employment fairly and equitably, and to provide a work place free of conflicts of interest resulting either from nepotism or favoritism in making human resources management decisions. In that regard, one employee shall not make human resources management decisions including, but not limited to, hiring, promotion, transfer, and employee benefits activities, in connection with another employee or applicant if the decision is actually or appears to be based on nepotism and/or favoritism.
- 4.00 Definition: Favoritism (also known as Cronyism) – making and implementing human resources management decisions affecting employees or applicants and showing them special favor or partiality to the disadvantage of others without regard for fair evaluation of their capabilities, qualifications, experience and performance.

2) P/I 7.32/0 Whistleblowing

2.1 Employee Protection

WMATA or any of its employees may not take or fail to take, threaten to take or threaten to fail to take, any personnel or other disciplinary action of any sort against an employee or applicant for employment, including acts of retaliation, because the employee or applicant ("reporting employee") either accurately or in objective good faith is perceived to have, about to, or discloses:

- (i) An alleged violation of law, rule or regulation or

- (ii) An alleged waste of funds, abuse of authority, or substantial and specific danger to public health or safety; gross mismanagement or mismanagement involving fraud, waste or illegality.

3) Falsifying an Employment Application

- Personnel Policies and Procedures Manual, Policy 1.6, Part 1B, Title: Disciplinary Action. This policy prohibits falsifying Authority records and giving false information on an employment application.
- Certification and Authorization on the employment applications reads in part: "I, the undersigned, certify that I have read, personally completed, and understand this employment application in its entirety and that the information I have provided is true and complete to the best of my knowledge. There are no misrepresentations, misleading information, or omissions. If there are any misrepresentation, misleading information, or omissions, I accept that my application will be rejected, or if misinformation is discovered, even after commencement of employment."

4) Simplified Acquisitions Procedures, Simplified Acquisition Handbook, p. 17:

For contracts over \$3,000 and under \$100,000, competition is required, generally by soliciting three vendor bids. Otherwise, the project office must provide a sole-source justification approved by the Contracting Officer and the manager of the applicable procurement group.

5) Procurement Procedure Manual, Competition, Chapter 1, Section IV Procurement Standards, § 8(a)(1):

Competition – The following requirements for competition are applicable to Authority procurements:

- (1) All procurement transactions will be conducted in a manner providing full and open competition...

6) Procurement Procedure Manual, Standards of Conduct, Chapter 2, § 210.3(b):

All personnel shall perform their official duties in such manner as to avoid even the appearance of a conflict of interest. No officer or employee shall:

- (b) Make any commitment or promise relating to the selection of a contractor or award of a contract and no representation which could be construed as such a commitment. Personnel will not under any circumstances advise a business representative that any attempt will be made to influence another person to give preferential

treatment to his firm in the selection of a contractor of the award of a contract.

7) Advance Payments, Procurement Policy Chapter 1, Section X:

It is the express policy of the Authority not to make advance payments on any contract except, rent, tuition, insurance premiums, subscriptions to publications and extension or connection of public utilities for Authority property. ...

OIG Investigative Findings

1. Procurement of Services from [REDACTED] directed that two task orders for services totaling \$ 68,000 be given to [REDACTED] without competition and without a sole-source justification, which would have been required under the WMATA Simplified Acquisition Procedures if CSAC had procured [REDACTED] services directly. [REDACTED] did indirectly what [REDACTED] could not do directly by using the LM&O contract to "pass through" the contracted work to a particular contractor. The WMATA Chief Procurement Officer confirmed that use of such a "pass-through" is a violation of WMATA procurement policy.

The task orders were directed to [REDACTED] based upon [REDACTED] previous business relationship with [REDACTED]. We found no evidence of a financial motive for [REDACTED] to direct the work to [REDACTED]. However, [REDACTED] indicated that [REDACTED] shared with [REDACTED] financial difficulties, although [REDACTED] denies this. If [REDACTED] directed the work to [REDACTED] to help [REDACTED] out financially, this would not be an appropriate motive for circumventing the procurement process.

Even if [REDACTED] appropriately exercised [REDACTED] discretion to direct the work outside rather than have WMATA employees do it, LM&O – who already had a WMATA contract for the same type of services – could have been tasked to do it well within the dollar cap on its service contract. If LM&O believed that a subcontractor was the best way to do the work, that would have been its decision, and it would have paid the subcontractor with funds allocated under its existing contract. Instead, [REDACTED] firm was paid at least \$50,000 over and above what was budgeted for the LM&O contract. LM&O ultimately did at least some of the same work as [REDACTED] on the bus "rebranding" project, at double the cost to WMATA since [REDACTED] and LM&O were both paid for the same or a similar project.

The [REDACTED] stated that the [REDACTED] deliverable, received and reviewed only by [REDACTED] was not worth the \$50,000 that WMATA paid. Moreover, the [REDACTED] work was never used for any bus-related marketing project; the only product that came out of the project was the banner hung in the JGB lobby directed at administrative employees, which does not appear to be related to the objective of the project. Similarly, on another project [REDACTED] directed to [REDACTED] produced sign recommendations that were never implemented. We found no evidence that anything was ever done by CSAC with the deliverable produced

by [REDACTED] firm. Neither [REDACTED] nor [REDACTED] could explain why the project was never implemented. Furthermore, [REDACTED] had wanted to direct even more work to [REDACTED] (the bus re-design), which was instead done in-house because of the general manager's intervention.

Only [REDACTED] reviewed and approved the deliverables from [REDACTED], which was a departure from normal procedures for LM&O contract work. LM&O, as the putative contractor, should have received and reviewed it and been responsible for its quality. [REDACTED] was not given an opportunity to review the deliverables before approving payment.

All the above evidence reflects waste of WMATA contract funds. Furthermore, [REDACTED] billed LM&O and ultimately WMATA for deliverables in advance of delivery of the work product. On the \$50,000 project, [REDACTED] billed LM&O for the full contract amount within two weeks of the beginning of the project and three months in advance of the date of the deliverable. For the ARRA signage task, [REDACTED] billed LM&O one month before the date of the deliverable. [REDACTED] approved full payment to LM&O for services from [REDACTED] before the services were completed.

All the supporting documents for the LM&O May/June 2008 billings, including the invoices from [REDACTED], were not found in the official file in Accounts Payable, but since the Accounts Payable records are not secured, we were unable to determine why.

2. Hiring of [REDACTED]

was the proponent of hiring [REDACTED] at \$140,000 and paying him a signing bonus and relocation payments. Catoe and Pant approved the hiring solely based upon [REDACTED] recommendation and notwithstanding some negative information Catoe received. This personnel action was done against the background of personnel RIFs at WMATA, including in CSAC, and projected large deficits. Furthermore, a portion of [REDACTED] duties resulted from the redistribution of some duties previously assigned to [REDACTED] and [REDACTED].

There was no requirement that the position for which [REDACTED] was hired be competed. Nevertheless, there was at least the appearance of favoritism. [REDACTED] had a long-term professional connection to [REDACTED] had directed contracting work to [REDACTED] the results of which were not particularly fruitful. [REDACTED], notwithstanding that there is no evidence that [REDACTED] had competing offers or other circumstances that would explain why this unusual payment was necessary to secure [REDACTED] as an employee. [REDACTED] knew or had reason to know that [REDACTED] wanted the job badly, in light of [REDACTED] financial condition, including having filed for bankruptcy. [REDACTED]

[REDACTED] accepted the offer the same day as it was made. The hiring process was also unusually expedited, with the interview, offer and acceptance process compressed to four days. [REDACTED] did not sign [REDACTED] employment application until December 14, ten days after [REDACTED] accepted the position.

[REDACTED] misrepresented [REDACTED] 2009 pre-WMATA salary on the employment application. The \$150,000/year [REDACTED] certified on [REDACTED] application as [REDACTED] then-current salary was much higher than the \$36,000/year [REDACTED] cited in [REDACTED] bankruptcy court petition for the same period. [REDACTED] admitted that the lower figure was accurate. While Sampson did not have the application with the misstatement when she agreed to the \$140,000 salary for [REDACTED] based upon her statements, it is clear that [REDACTED], upon whom she relied, was the source for the belief that \$140,000 was consistent with his current earnings. Sampson acknowledged that her salary recommendation for [REDACTED] would have been lower if she knew [REDACTED] true income in 2009.

3. Retaliation against [REDACTED] The evidence supports [REDACTED] claim that [REDACTED] was RIF'd, in whole or in part, in retaliation for [REDACTED] complaints about [REDACTED] actions with respect to [REDACTED], in violation of P/I 7.32/0. [REDACTED] actions to RIF [REDACTED] were taken because [REDACTED] perceived that [REDACTED] did or intended to disclose an alleged waste of funds, abuse of authority and/or mismanagement by [REDACTED] to Catoe or managers in CSAC. [REDACTED] had been vocal within CSAC criticizing [REDACTED] decision to contract out work to [REDACTED] company. [REDACTED] contact with Catoe led to one project (the bus redesign) being redirected from [REDACTED] firm to [REDACTED]. [REDACTED] would have had to know about this, since [REDACTED] was the point of contact between CSAC and [REDACTED]. Catoe told [REDACTED] that [REDACTED] had sought to meet with [REDACTED], and [REDACTED] knew or believed that [REDACTED] intended to complain about one or more of [REDACTED] actions with respect to [REDACTED] as shown by [REDACTED] remarks to [REDACTED] when [REDACTED] criticized [REDACTED] for attempting to meet with Catoe.

[REDACTED] (including personally delivering the notice to [REDACTED]. [REDACTED] made the decision to RIF [REDACTED] without the input or concurrence of [REDACTED] immediate supervisor, [REDACTED], who stated that [REDACTED] would not have RIF'd [REDACTED] and would have difficulty covering [REDACTED] functions. Both [REDACTED] and [REDACTED] contradicted [REDACTED] statements that [REDACTED] consulted with them prior to the RIF about how [REDACTED] duties would be performed after the RIF.

Exhibits

None

[REDACTED]
Senior Special Agent [REDACTED]

[REDACTED]
Assistant Inspector General for Investigations

Statement of Disagreement
Response to WMATA Office of Inspector General Office of Investigations
Report of Investigation Complaint No. 2010-24
(CSAC: Procurement Issues, Favoritism in Hiring and Whistleblower Retaliation)

Background

This document was sent August 19, 2011 to the Office of General Counsel at the Washington Metropolitan Area Transit Authority (WMATA), pursuant to Amendment 2011-11 of the Washington Metropolitan Area Transit Authority Privacy Policy, §7.4. In accordance with that policy, this Statement of Disagreement should be attached to all copies of the report of WMATA's Office Inspector General in response to Complaint 2010-24 ("IG report")

Notwithstanding multiple requests to the general counsel and inspector general, WMATA has refused to provide the manager whose actions were under investigation (hereinafter referred to as "Manager") with a full accounting of specific details of allegations and full documentation of the findings in this report.

1. In March 2010 the Manager was interviewed by staff from the IG and asked for a written copy of the allegations and for a specific detailing of the allegations. That investigator refused that request.
2. Three months later, on June 15, 2010, the Manager asked the IG for a copy of the investigator's report and, *inter alia*, any material that supported the IG's conclusions in the report. The Manager also requested any reports or complaints of impropriety against the Manager. The IG refused to send any material related to the investigation and forwarded the Manager's request to the General Counsel, who advised the Manager to file a written request under WMATA's Public Access to Records Policy ("PARP") which was sent in September 2010.
3. Eight months after the investigator's interview, and only after personally pleading for assistance from the Chairman of the Board of Directors, the Manager received a draft copy of the IG report on November 24, 2010. At no time did any communication from WMATA indicate when a final report would be provided.
4. Eleven months after the investigator's interview, on February 23, 2011, the Manager received a letter stating that WMATA was planning to release the final report publicly the next day, even though the Manager had never seen the final report and had never had an opportunity to comment on it. After a lengthy conversation that day, the Office of General Counsel agreed to withhold public dissemination until the Manager had an opportunity to review the final report with the Manager's attorney. The General Counsel also advised the Manager of a new policy that provided an opportunity for the Manager to offer a statement of disagreement to the IG report.
5. That statement of disagreement is offered here.

The IG report contains false allegations, false statements, selective reporting, suppositions and inaccuracies. The allegations and IG report lack a firm basis in fact, so much so that this report even lacks footnotes, exhibits or a section dedicated to conclusions that firmly and wholly support the allegations.

The allegations emanate from a disgruntled employee (hereinafter referred to as "Employee") who was upset when a new supervisor (hereinafter referred to as "Supervisor") was assigned to him,¹ and from a member of the Board of Directors who intervened in personnel decisions regarding the Employee.² It is lamentable that this IG report neglects opportunities to articulate the whole truth and include details that give such context. Specifically, the allegations of whistleblower retaliation; waste, fraud and abuse in contracting; and abuse of authority in hiring are not supported by the "factual findings" and should be dismissed. It is notable that the report includes no exhibits or other documents that fully support the IG's findings.

The Allegation of Whistleblower Retaliation is Meritless.

The IG report contradicts or ignores significant evidence that rebuts the claims of whistleblower retaliation. First, there is no evidence that the Manager knew of or had reason to know of the Employee's complaint to the Inspector General.³ In fact, the process to include three CSAC employees to a reduction in force (RIF) began early in the fall of 2009, when it became evident that the budget pressures on WMATA would necessitate such action.⁴

Personnel in the CSAC department had already been reduced by 17% over the course of the preceding three years and the reduction of even more personnel was inevitable. Beginning in September 2009, an intense review of personnel and operations expenses was undertaken and three positions were identified. They represented positions responsible for work that would no longer be done or that would be shifted onto other existing personnel. One of those three positions was occupied by the Employee whose primary responsibility was coordinating and overseeing the installation of art in the Metrorail system while the system was being built. For years, that position had been funded through construction funds in the capital budget while the

¹ Page seven of the IG report refers to attempts by the Employee to meet with General Manager John Catoe shortly after the Employee was informed that he would be reporting to a new Supervisor. According to descriptions from the staff of the General Manager, the Employee stormed into Mr. Catoe's suite to complain about this personnel decision. The General Manager chose not to engage in a conversation with the Employee over the decision of who reports to whom in a subordinate department. That conversation subsequently and properly took place at the department level. The Employee remained upset that he was to report to a new Supervisor.

² "Metro Rehires art-program employee after Board intervention," by Kyjta Weir, *Washington Examiner*, March 10, 2010.

³ See page 7, "There is no evidence that ___ knew that ___ had made a complaint to the OIG about ___."

⁴ On September 10, 2009, WMATA's Finance, Administration and Oversight Committee required that staff develop an operating budget that assumed no increase in subsidies from the contributing jurisdictions. (See http://wmata.com/about_metro/board_of_directors/board_docs/100809_2MinutesSeptember102009v4.pdf) The focus of all departments was to develop a budget that reflected the stark economic environment that WMATA was facing. With a deadline of December 2009, the effort to identify cost savings was intense. (See http://wmata.com/about_metro/board_of_directors/board_docs/110509_8CFY2011BudgetCalendar.pdf)

106-mile Metrorail system was under construction. Once construction was complete, that position was retained, but was shifted to an operations expense at a cost in excess of \$100,000 per year in the operating budget. Given that WMATA was no longer responsible for building new stations, that the construction department had been dismantled in 2007, and the demand for art installations in Metrorail stations waned commensurately, funding for the Employee's position was increasingly difficult to justify. The decision to include the Employee was not a unilateral one. Contrary to the IG report, the Manager consulted with many individuals across the agency, including some cited in this report. The immediate supervisor has stated that the IG investigator statement that was attributed to the immediate supervisor was false.⁵

The two pieces of "evidence" that the IG report cites as support of a finding of retaliation are contradicted by facts. On page 12, the IG report states the Manager perceived that the Employee was about to disclose an allegation of waste, fraud or abuse and thus retaliated. There is no evidence of this perception. The IG report on page seven itself states that there was no evidence that the Manager knew that the Employee had or was going to file such a report. In fact, the Manager had no knowledge of the Employee's complaint until the Manager was interviewed by an investigator in March 2010, after the Employee had been re-hired. Even at that point, the Manager did not know the subject of the complaint because the investigator refused to provide specific information about the allegation.

The second piece of "evidence" of retaliation is that the Manager knew or believed that the Employee intended to meet with and complain to General Manager Catoe. However, that attempted meeting took place *after* the initial efforts were underway, starting in early fall, to identify reductions to the FY10 operating budget. By the time the Employee attempted to meet with the General Manager, the RIF positions were already identified.

Finally, the IG Report contains outright falsehoods and missing information in its accounting of the RIF process on page eight. The Manager did not single out the Employee during the RIF process.⁶ The Manager decided that it was the Manager's responsibility to advise *all* CSAC employees who were subject to the RIF. The Metro Transit Police Department (MTPD) responded to the Manager's request for assistance in preparation for the RIF, because it is the

⁵ On Page 7 of the report, the IG investigator wrote that the Employee's immediate supervisor stated that the immediate supervisor would "going to have a significant problem in covering the Employee's duties." In subsequent interviews the immediate supervisor has denied that he made this statement to the IG's investigator. In fact, the immediate supervisor agreed that staff from the Office of Government Relations was capable of taking over the responsibility as primary contact.

⁶ The IG investigator's insistence that the Manager had somehow "singled out" the Employee is without merit. The Manager had enjoyed an amicable relationship for nearly the duration of the Manager's tenure. The first evidence of tension came in the meeting between Employee and Manager regarding the hiring of the Employee's Supervisor. Before that encounter there was never tension between the two. For example, when the Employee was first transferred to CSAC in 2007 or 2008, the Employee came directly to the Manager to request a correction of pay inversion. The one subordinate whom the Employee supervised earned more money. The Manager agreed that the pay inequity deserved to be resolved, and the Manager took all steps to correct it. As a result of the Manager's actions, the Employee's inequity was resolved favorably. This information was also shared with the IG investigator who declined to include it in the IG report.

policy of all companies to require a security component to accompany the communicating manager during a RIF. During the course of the RIF notification, the Employee attempted to remove WMATA property, including office keys. The Employee's action was witnessed by an MTPD officer who disgorged the keys and examined other materials to ensure that no more WMATA property would be removed. The Manager shared this information to the IG investigator, who declined to include it in this report. Once the RIF discussion was over, the Manager made only one other statement -- "We're taking the elevator" -- when the Employee attempted to run down the stairs after leading the RIF team on a fast-paced walk throughout the office area that the Employee occupied. There were no other comments, disparaging or otherwise. It is unclear why the IG investigator included allegations of a disparaging statement when none was uttered.

The Allegation of Fraud, Waste or Abuse in the Award of a Subcontract is Meritless.

The IG report substitutes musings, suppositions and uninformed opinions about marketing projects for facts. It strings together unrelated statements to reach illogical conclusions. There is no merit to the claim of fraud, waste or abuse in the award of a subcontract to a talented marketing firm with a specific expertise in improving the public image of public transportation agencies. A factually accurate account follows here:

By the spring of 2008, following a year of recovery from major traumatic events including a series of bus fatalities, it became painfully evident that WMATA needed to regain the confidence of its stakeholders. WMATA's longtime advertising contractor, Arlington Virginia-based LM&O, was requested to hire a firm that had specialized expertise in marketing for public transit agencies with acute issues related to reputation management -- the types of which WMATA was experiencing. The Supervisor was a partner in the firm. The Supervisor had previous experience in rehabilitating the image of a major transit agency after it was forced to cease all service for a period of days in the late 1990s.

Contrary to the IG report, the annual budget authority for the LM&O contract never increased the marketing budget. That would have been impossible without Board approval. The amount of funding available for marketing initiatives remained the same. The use of subcontractors with specific expertise is not unusual or pernicious. LM&O had successfully delivered marketing campaigns to encourage off-peak ridership and other such initiatives but had not recently engaged in the type of reputation management campaigns for WMATA that were the in the wheelhouse of the Supervisor.⁷ Concurrent with the subcontracting effort was an attempt to increase funding for marketing through the budget process. This was explained to the IG investigator at the time of the Manager's interview but was not included in the IG report.

⁷ At one point, LM&O had proposed to the Manager its own series of campaigns related to Mr. Catoe's ongoing efforts to restore safety and improve the customer experience. Their attempts did not provide the message or tone that was provided by the Supervisor's firm. As an example, one of LM&O's such proposal included images of Mr. Catoe inexplicably wearing a cowboy hat. Other proposals were similarly dissonant.

In the penultimate committee meeting to set the 2009 budget, staff requested a carry-over of unused marketing funds to increase marketing efforts to communicate, among other things, customer initiatives. The Board declined to provide additional funding for marketing initiatives in a meeting of the Finance, Administration and Oversight (FAO) Committee on June 12, 2008.⁸ According to minutes of that meeting:

Staff requested authorization to carry over \$1 million in FY08 unused marketing funds to FY09 to develop marketing and advertising initiatives and for improved customer services initiatives. The Committee did not make a motion to approve.⁹

The CSAC department continued to seek funding for the full execution of each component of the proposed marketing campaigns. After the FAO Committee's refusal to increase the marketing budget, CSAC remained determined to find a way to execute the proposals that were offered. However, in September 2008, the collapse of financial markets and its commensurate effect on WMATA's financial condition necessitated a scaling back or elimination of projects not immediately serving customers or enhancing safety. The Manager and immediate supervisor agreed that if any of the proposed campaigns were to move forward, WMATA staff – and not the subcontractor or Supervisor – would execute them. This decision to execute the proposals using internal resources was shared with the subcontractors in a conference call in the fall of 2008. The Manager, immediate supervisor and Supervisor participated in that call. None of this information was included in the IG report, even though it was shared with the IG investigator. The financial condition of WMATA worsened over the year, current-year budgets were cut, and thus all of the concepts and campaigns that the subcontractor submitted were not immediately executed.

That a marketing concept is not immediately executed does not mean it is worthless or can never be used. On the contrary, all of the concepts submitted by the subcontractor are considered "evergreen," which means that the design and concept can be used at any time in the future. An example of this is WMATA's current "Metro Forward" campaign which was inspired by one of the campaigns – "notes from Catoe" – incorrectly described on page four of the IG report as a "dropped project." In fact, that project was resurrected in 2011 and is now featured prominently throughout the Metrorail system under the theme "Did you know?" and featuring facts about the system and current capital improvements.

The IG report states that the subcontract violates procurement policy, an opinion that is contrary to that of the Office of Procurement when the subcontract was first arranged. The immediate supervisor, with decades of procurement experience, along with the procurement office itself, raised no material issues when the subcontract was sought. The use of subcontractors' specific expertise is often critical to projects and is not insidious as the IG report supposes. For example,

⁸http://wmata.com/about_metro/board_of_directors/board_docs/061208_3AMarketingInitiatives.pdf, "Reserve Funding for Marketing Initiatives," WMATA Finance, Administration and Oversight Committee meeting, 6-12-08.

⁹http://wmata.com/about_metro/board_of_directors/board_docs/071008_Minutes20080612.pdf

in the summer of 2009 the WMATA Board explicitly requested that an expert be retained to help address WMATA's rapidly deteriorating image and reputation as a result of a number of a fatal train accident on June 22, 2009. A crisis communications expert was hired to assess and advise on communications in light of a fatal train accident and to provide a report to the Board on his findings and advice. That subcontractor was retained through a \$50,000 subcontract with LM&O. At no time did the Inspector General who was present at that executive session of the Board, the Board of Directors or the Office of Procurement raise issues about the nature of that contract.

The allegation of improper hiring is without merit.

There was no impropriety in the hiring of the Supervisor or in the setting of the salary. The actions that the Manager took to hire the Supervisor were in direct response to a request from the Board for more robust marketing efforts. In the fall of 2009, in an executive session with the Board (November or December of 2009), Mr. Catoe advised the Board that WMATA was bringing onto its staff an expert messaging through marketing during times of crisis. That person was the Supervisor, and the Board was receptive to the news.

The Manager's decision to hire the Supervisor was one that was based on personal familiarity with the high quality of product, strong work ethic and ability to lead people. The Manager's recommendation on salary and signing bonus was based on the Supervisor's previous salary at a public agency; the Supervisor's deep experience in marketing specifically for public agencies in crisis; and the need to provide an incentive for a cross-country move of a top talent. The salary is in line with similarly situated employees in the transit industry and in the public sector. The IG report includes no such market pay analysis.

The section pertaining to the Supervisor's bankruptcy is particularly odious. According to interviews that were conducted in the past six months with the Supervisor, the parents of the Supervisor lost their home and major assets in the wake of the financial crisis. The family turned to the Supervisor for assistance. The Supervisor offered as much financial assistance as possible. The Supervisor's business encountered cash flow issues when receivables were not paid on time or were in dispute. With parents to support and with a business with a cash flow that was suffering, the Supervisor declared bankruptcy. The Manager does not recall discussing the Supervisor's personal bankruptcy but it would have had no bearing on the Manager's hiring and salary recommendations.

OFFICE OF INSPECTOR GENERAL
STATEMENT OF REASONS FOR NOT MAKING REQUESTED AMENDMENTS TO
OIG REPORT OF INVESTIGATION IN COMPLAINT NO. 2010-024

The Office of Inspector General (OIG), after fully considering the Statement of Disagreement (Statement) in this matter, declines to amend the Report of Investigation (Report). The OIG stands by the Report. The Statement reflects the author's perspective on the matters in the Report or that the Statement's author ascribes to the Report, rather than identifying factual errors in the Report. Therefore, there is no valid basis for amendment.

Without intending to address every point in the Statement, OIG points out the following representative issues with the Statement.

Background: The Statement (page 1, point 3) alleges that the manager received "a draft copy of the IG report" in November 2010. This is factually incorrect. In response to her request, WMATA provided her a redacted copy of the final Report. (Redactions were made to protect the privacy of other persons identified in the report.)

Retaliation: The Statement addresses matters that are not in the Report. For example, the Statement on pages 2 and 3 suggests that the Report concluded there was retaliation based upon the employee's report to OIG, when no such conclusion appears in the Report, see page 12. The Report acknowledges a lack of evidence that the manager knew of the employee's report to OIG (as the Statement itself concedes, see pages 2, 3 and fn. 3). Further, the Statement says that the Report contains an "outright falsehood and missing information" in stating that the manager singled out the employee who alleged retaliation during the RIF process (Statement page 3 and fn. 6). However, the Report contains no such statement or omission. On the contrary, the Report states that the manager "volunteered to handle the RIF notifications for all CSAC employees, including" the employee making the allegation. (Report page 8, the very page cited by the statement as containing the supposedly offending material).

As for the statement that the immediate supervisor repudiated his statement to OIG that the duties of the RIF'd employee would be hard to cover (Statement, page 3 and fn. 5), OIG can only report what a witness stated during the investigation. Finally, the Statement questions "why the IG investigator included allegations of a disparaging statement when none was uttered" during the RIF process. The Report appropriately cited the "claim" by the complainant that the manager made such a statement (which is evidence that went to the heart of the retaliation allegation), along with the statement that "no other person present at the time heard the comment." (Report page 8). The alleged disparaging statement by the manager was not cited in the Report's conclusions section (Report page 12).

Procurement: The Statement does not contradict the central factual matter: that WMATA's advertising contractor "was requested" to hire another specified firm as a subcontractor. The Statement's stated rationale -- the subcontractor's experience with another transit agency's crisis (page 4) -- is recounted on page 5 of the Report.

The Statement on page 4 raises another matter that is not in the Report by asserting that the "annual budget authority for the LM&O [prime] contract never increased the marketing budget." The Report makes no assertion whatever about the budget. Rather, the Report (page 3) addresses an increase in the contract for advertising: the "task order [to the subcontractor] was for \$50,000, and the LM&O [prime] contract was increased by that amount." The actual statement in the Report is factual and supported by evidence.

Hiring: The Statement does not contradict any fact cited in the Report. As far as the information about the hired individual's bankruptcy being "odious" and the interviews about it said in the Statement (page 6) to have been conducted after the Report was completed, the information is not germane. The Report does not address the circumstances that led to the bankruptcy or state any value judgment about them. Rather, the Report discusses the bankruptcy only in connection with the issue of whether the individual was candid when he listed his current salary on the WMATA employment application and in connection with the rationale for a signing bonus.

WMATA OFFICE OF INSPECTOR GENERAL

OFFICE OF INVESTIGATIONS

Report of Investigation

Complaint No. 2010-031

(Alleged Retaliation by IT Management)

Date: July 23, 2010

Allegation and Background

The Office of Inspector General (OIG) received a complaint from [REDACTED], a former WMATA Department of Information Technology (IT) employee, who was terminated in the reduction-in-force (RIF) which occurred on February 18, 2010. [REDACTED] was notified of her termination as a result of the RIF that day by her supervisor, [REDACTED].

[REDACTED] reported to the OIG that she was included in the RIF because of statements she made to OIG auditors who were performing an audit of the PeopleSoft Remediation project. OIG auditors cited in the audit report a statement she made about the status of the Kronos Time Clocks (Kronos) project at the time it was discontinued.¹ [REDACTED] alleged that [REDACTED] questioned her about her statements in the audit report and attempted to get her to change her position. According to [REDACTED], no one else in IT was terminated in the RIF, and one IT employee was transferred to a capitol funded position.

[REDACTED] had worked for WMATA for five years, and she was a supervisor with four direct reports. She was not a union member. She held the position of IT [REDACTED] (IT-12, Code No. 0770). According to her job description, she was responsible for managing the development of new software programs, and coordinating the planning, tracking, management, and deployment of IT product programs. The Release Manager's duties were part of the "system development life cycle (SDLC) process" for IT projects, including but not limited to the preparation of "a project status summary for each project/release" which consists of a "report that describes the accomplishments, plans, risk assessment and mitigation strategy, critical issues, and any other program-level SDLC considerations."

¹ Kronos Time Clocks are digital time clocks which automatically submit employees' In/Out punches to the PeopleSoft Time and Labor system.

Summary of Investigation

1. Job Status Prior to Termination

██████ was the only employee in the job classification of "██████████." However, she had acted as a project manager on several IT projects, including the Kronos project. In November 2009, she was assigned by ██████ as the project manager for the \$3 million Trapeze² enhancement project funded with federal grant funds under the American Recovery and Reinvestment Act (ARRA) (commonly known as the "stimulus"). She was actively engaged in the project at the time of the RIF.

2. Performance Evaluations

██████ performance ratings for the previous three years before her termination were "meets expectations" (previous two years) and "exceeds expectations" (three years prior).³ All of them were signed off by ██████. In the most recent evaluation dated September 1, 2009, ██████ wrote, among other positive comments, that "[s]he is one of the most knowledgeable people in IT on project management," and that "██████ team has a high delivery rate and gets things done." The previous Chief Information Officer wrote that she was the project manager for an IT project that "was one of the most successful ITRP implementations because it was delivered within budget, on schedule and had minimal post go-live issues." ██████ also noted in the most recent evaluation that ██████ needed improvement in "working relationships within Information Technology. Her communication style to her peers in other areas is taken at times as offensive. I do not see the same issue with our business partners which appears to be a fine relationship." Nevertheless, he rated her "exceeds expectations" in most of the job performance standards and goals.

3. The OIG Audit

In March 2009, ██████ was interviewed by OIG auditors, who were conducting an audit of the IT's PeopleSoft Remediation project.⁴ ██████ was the Contracting Officer's Technical Representative (COTR) for the contractor performing the work, and he was the IT manager principally responsible for the project. ██████ informed the OIG auditors that the Kronos project was approximately 95 percent complete after six or seven months of work when the decision was made to terminate the project following the

² Trapeze is a computer database system used to schedule buses, trains, and staff assignments.

³ A subject matter expert on WMATA's performance evaluation system reviewed the most recent evaluation and stated that the overall rating should have been an "exceeds expectations," based upon the ratings on the job standards/performance goals. He noted that there was no explanation by ██████ the supervisor, as to why the overall rating was only "competent."

⁴ PeopleSoft is a computer software program for management, which includes a module on human resources.

arrival of the current Chief Information Officer (CIO). The draft audit report was issued on September 8, 2009. It recited the 95 percent figure which [REDACTED] had given about the status of the Kronos project, along with the conclusion that IT had not fully considered this matter in the PeopleSoft Remediation project planning. [REDACTED] said that [REDACTED] challenged her at the time about the 95 percent statement she made to OIG and requested that she retract the statement. [REDACTED] alleged that [REDACTED] called her "unprofessional" when she refused to do so.

[REDACTED] acknowledged that he strongly disagreed with [REDACTED] statement about the status of the Kronos project and that he questioned her as to why she had informed the OIG auditors that the Kronos project was almost complete. [REDACTED] denied calling [REDACTED] unprofessional. He said [REDACTED] told him she would re-think her response to the OIG and, if contacted again by the OIG, she would revise the information about Kronos. [REDACTED] denied telling this to [REDACTED]

The final OIG audit report, dated October 21, 2009, was critical of IT's role in the PeopleSoft Remediation project. The audit faulted IT for its planning, project management and oversight and found that the project was over-budget and not delivered on time.⁵ The information about the Kronos project was included. The response prepared by IT took issue with the audit report's findings, although it concurred with the OIG recommendations. Among other things, the response represented that IT had developed and would implement an SDLC methodology for IT projects. Out of the 13-page response to the audit, one full page (page 5) was devoted to the Kronos project. Management asserted that there had been a "comprehensive, systematic analysis" of the decision to discontinue the Kronos project, and that the decision "avoided the numerous major Kronos Project efforts that had not yet begun when the Kronos Implementation was discontinued." The comment went on to list five "substantial efforts Metro avoided" by discontinuing the project.

[REDACTED] strongly denied that [REDACTED] was included in the RIF because of her statement to the OIG auditors about Kronos. He noted that, in the context of the overall audit report, the issue about the Kronos project was a minor one; he said that he did not hold anything against [REDACTED] based on the audit. [REDACTED]

[REDACTED] said that when the OIG audit report was issued, [REDACTED] and she were upset about it. However, she stated that, to the best of her knowledge, no one held that against [REDACTED]

[REDACTED] denied ever participating in any discussion concerning [REDACTED] and the PeopleSoft Remediation audit. [REDACTED] said the audit was a "global" issue, and she considered [REDACTED] statements to OIG to be a "minute" detail within the audit report.

⁵ The audit report is posted on OIG's webpage and includes management's response at the end.

4. The RIF

[REDACTED] is correct that she was the only IT employee terminated in the RIF. IT proposed [REDACTED] and two other IT employees' positions to be RIF'd. One of them was ultimately moved to a capitally funded position (as discussed below), and the other was a unionized employee whom IT expected to retire, as noted explicitly on their RIF paperwork, and he was allowed to retire sometime after the RIF.⁶

Under Personnel Policy & Procedure Manual No. 4.6, a RIF Committee (RIFCOM) was set up to review and approve RIF decisions. For non-represented employees, if there was more than one employee in the same job classification code as an employee proposed to be included in a RIF, then a department was required to submit a Comparative Performance of Skills & Potential Contribution form (hereafter, comparative analysis) justifying the selection of the employee to be terminated on the basis of performance, work skill, attendance, and transferable skills. Seniority is also cited in Policy 4.6 as a criterion for choosing employees to be affected by a RIF, and the comparative analysis includes information on seniority. But where, as in the case of [REDACTED] the affected employee was the only one in a job classification, then the department was not required to submit any comparative analysis, and the RIFCOM did not make any comparison between the employee and others.

IT submitted one comparative analysis listing nine employees (including [REDACTED] the other two IT employees and six TIES Facilities employees). (Exhibit 1). This form was rejected by the RIFCOM, because it was not correct in a number of respects. First, it listed employees from different job classifications and provided no comparison of employees within the same job classification. Second, it listed unionized employees, who are generally terminated in a RIF strictly on the basis of seniority. Third, it included [REDACTED], for whom a comparative analysis was not required, because she was the only employee in her job classification.

IT submitted another comparative analysis for the other IT employee besides [REDACTED] whose position was proposed for RIF and who was non-represented. (Exhibit 2). That analysis listed three other individuals who were in the same job classification as the affected employee, for comparison purposes.

⁶ IT also proposed to RIF another six employees who were TIES Facilities personnel, on the grounds that they were supposed to be transferred to IT (but ultimately were not). Most of these Facilities personnel were not terminated in the RIF, and none by IT.

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[REDACTED] In the weeks before the RIF, [REDACTED] had communicated with HR to confirm that he could move the incumbent of this position to a capially funded position and was told that he could do so after the existing position was abolished in the RIF.

Because [REDACTED] was the only employee in her job classification, the RIFCOM memorandum did not address her. As the RIFCOM's [REDACTED] confirmed, [REDACTED] did not get much scrutiny by them because of her status as the sole incumbent in a job classification.

In the first comparative analysis submitted by IT (Exhibit 1), the following was stated about [REDACTED] under the category for "Potential for Greater Contribution/Responsibility":

None. [REDACTED] creates tension in many of her business relationships which limits her ability to work with more senior staff.

[REDACTED] drafted this language. [REDACTED] prepared the IT forms submitted to the RIFCOM, and she said she just copied what the managers, including [REDACTED] wrote.) [REDACTED] said that, in his opinion, this comment about [REDACTED] was true, but that it was not the deciding factor in his decision to include [REDACTED] in the RIF.

[REDACTED], and [REDACTED] of RIFCOM, said that while discussing the comparative analysis with [REDACTED] who was the IT liaison with HR for the RIF, [REDACTED] referred to [REDACTED] as a "troublemaker." [REDACTED] acknowledged that she had several conversations with [REDACTED] regarding the comparative analysis. [REDACTED] said that during one of these conversations, it was "possible" she made the comment that [REDACTED] was "a troublemaker," but she declined to elaborate. [REDACTED] denied that [REDACTED] told her that, since [REDACTED] was the only person in her job classification, she did not have to be included in the comparative analysis. Nevertheless, IT submitted no other comparative analysis for [REDACTED].

[REDACTED] acknowledged that [REDACTED] was a good worker. He maintained that he would have moved her to a capially funded position if there was an available position for her, but he said that there was not. However, a January 22, 2010 email from HR to IT stated that "IT is hiring over 20 persons into capially funded position[s]."

[REDACTED] said that, as far as she knew, transferring [REDACTED] to a capially funded position was never discussed. [REDACTED] said that [REDACTED] was very knowledgeable in several different areas of IT and could have performed the job functions of one or more employees currently being paid out of the capital projects fund.

According to [REDACTED] the employees included in the RIF were chosen by their respective managers, and she did not play any role in their selection. [REDACTED] said she informed her

direct reports of the directive from the general manager to reduce their budgets by a certain amount. [REDACTED] said she directed her managers to select employees for RIF who would create the least negative impact on the operations of IT. When asked why another IT employee who was included in the RIF was given the opportunity to move into a capially funded position and [REDACTED] was not, [REDACTED] denied having any knowledge of how the other employee obtained a new position. [REDACTED] said, to the best of her knowledge, there was never any discussion about [REDACTED] being moved to a capially funded position.

Relevant Statutes, Regulations, and Other Standards

- 1) WMATA Personnel Policy and Procedure Manual (PPPM) 4.6: Sets out the RIF policies and procedures, including the role of the RIFCOM and documentation required from each department proposing to RIF positions, as discussed above.
- 2) WMATA P/I 13.4/0 – Office of Inspector General:
 - ¶ 5.02 - All Metro employees shall cooperate fully with the OIG and comply with all OIG requests for information. (See also WMATA Board of Directors Resolution 2006-18).
 - ¶ 5.04 - Metro managers and supervisors shall ensure that no Metro employee is subjected to or threatened with being subjected to any form of retribution, reprisal, or retaliation as a result of (a) reporting or providing, or stating an intention to report or provide, information to the OIG; (b) cooperating with the OIG; or (c) complying with an OIG request for information, documents or records.
 - ¶ 6.02 (a) – Metro employees may raise retaliation for providing information to the OIG or otherwise cooperating with the OIG as a defense to any administrative proceeding against them.
 - ¶ 6.02(b) - Metro shall consider it to be grounds for disciplinary action (up to and including termination) for a Metro employee to threaten another employee with, or subject such employee to, any form of retribution, reprisal, or retaliation as a result of reporting or providing, or stating an intention to report or provide, information to the OIG; cooperating with the OIG; or complying with an OIG request for information, documents or records.
- 3) Board Resolution 2010-40, "Whistleblower Rights and Responsibilities," Policy (updating Policy Instruction 7.32/0 "Whistleblowing"):
 - ¶ 5.03 – A Supervisor shall not engage in any Prohibited Personnel Practice, defined in ¶ 3.03 as occurring when a Supervisor takes or threatens to take a

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Personnel Action because of a Protected Disclosure. A Protected Disclosure includes a disclosure of information that the employee reasonably believes evidences gross mismanagement or gross misuse or waste of public funds.

- ¶ 6.01 – An Employee who violates the Policy is subject to discipline up to and including termination.
- ¶ 6.02 – The protections afforded by the Policy may be raised as a defense to any adverse Personnel Action against an Employee.

OIG Investigative Findings

The totality of the circumstances reflect that retaliation for [REDACTED] disclosure to and cooperation with OIG auditors was at least a contributing factor in [REDACTED] selection of [REDACTED] position for RIF. While [REDACTED] denies this, he and other IT managers we interviewed offered no convincing alternative reason why, out of the entire group of IT employees, [REDACTED] alone was terminated as part of the RIF. IT found a capitolly funded position for another employee whose position was eliminated, but did not do so for [REDACTED], notwithstanding that she was working as the project manager on a capitolly funded project at the time of the RIF. The only other employee position in IT proposed for RIF was occupied by a unionized employee whom IT knew or had reason to know it could not terminate, and he was allowed to retire sometime after the RIF.

There was no evidence that poor performance was a reason for eliminating [REDACTED] position in the RIF. Her three previous performance ratings were very positive, as were the accompanying comments by [REDACTED] and others. [REDACTED] noted that she was "one of the most knowledgeable people in IT on project management." Both [REDACTED] and [REDACTED] indicated that she was a good employee, and [REDACTED] stated that she had skills that could have been useful for capitolly funded positions. Prior to her termination, she had been put in charge of a major project funded with ARRA funds; since such stimulus-funded projects are subject to great scrutiny, it follows that [REDACTED] and IT would not have given her this task if they believed she was a poor performer. The responsibilities set out in the position description for [REDACTED] include the SDLC process, which is part of project planning and oversight. In the first comparative analysis (Exhibit 1), [REDACTED] noted that application of SDLC was one of [REDACTED] skills, along with "quickly absorb new technology." IT's response to the OIG PeopleSoft Remediation audit reflected that facility with SDLC was a skill that would be needed in IT for future projects.

[REDACTED] although not among the most senior employees in IT, was more senior than others at her level, as evidenced by the presence of a supervisor with less than one year at WMATA on the comparative analysis submitted for the employee who was transferred to the capitolly funded position (Exhibit 2).

The fact that [REDACTED] was the sole incumbent in her job classification made it easier to carry out [REDACTED] decision to eliminate her position, given the manner in which the RIFCOM operates. Had [REDACTED] been in a job classification with others (like the employee whose termination the RIFCOM refused to approve), the RIFCOM may have objected to her termination. However, this lack of scrutiny by the RIFCOM does not alter the fact that [REDACTED] made the decision to eliminate the position in the RIF. No one in IT contended that their RIF decision was premised on [REDACTED] being the only incumbent in her job classification (which might have provided a non-retaliatory motive). But the evidence suggests otherwise: IT included [REDACTED] in the first comparative analysis, which was unnecessary in the circumstances, and they would not have done so had they known this.

There is no dispute that [REDACTED] provided information to OIG auditors a few months before the RIF and that OIG auditors cited this information in the audit report in a manner that was critical of IT. Moreover, [REDACTED] – the decision-maker on the [REDACTED] RIF – was the person in IT primarily responsible for the project which was the subject of the critical audit. [REDACTED] did not dispute that he challenged [REDACTED] about the information she provided to the OIG auditors and that he discussed with her rethinking her position, or words to that effect. It is also undisputed that [REDACTED] did not retract or otherwise modify the information she had given to the OIG auditors. Under these circumstances, [REDACTED] had a motive to retaliate against [REDACTED]. While it is true, as [REDACTED] and [REDACTED] asserted, that [REDACTED] information about the Kronos project was a relatively minor issue in the context of the overall audit, IT's response demonstrates that IT did not consider the matter to be unimportant.

[REDACTED] statement written to support his decision to RIF [REDACTED], which appeared on the first comparative analysis – [REDACTED] creates tension in her business relationships which limits her ability to work with more senior staff" – supports the conclusion of a retaliatory motive.⁷ The information [REDACTED] provided to the OIG auditors challenged a decision of IT senior management, and she refused to change or retract the information when [REDACTED] challenged her about it. Also lending support to the existence of a retaliatory motive is [REDACTED] comment to the RIFCOM chair that [REDACTED] was a "troublemaker."

A related issue is presented about the RIF process in the context of this investigation. IT had over 20 employees in capially funded positions. According to HR's interpretation of the RIF policy (Policy 4.6), none of these positions was subject to RIF, and there was no requirement that management give regular employees like [REDACTED] consideration for any capially funded positions. There was also no requirement that a candidate for RIF be compared with capially funded employees. The result in this case was that less senior employees, some of whom were hired without any competition as "temporary employees" and converted to regular employees just before the RIF, were retained while a regular, more senior employee hired competitively was terminated as a result of a RIF.

⁷ On the same comparative analysis, he noted that her other working or relationships were good. This report contains sensitive information and is the property of the WMATA Office of Inspector General (OIG). It should not be copied or reproduced without the written consent of the OIG. This report is for OFFICIAL USE ONLY, and its disclosure to unauthorized persons is prohibited.

Exhibits

- 1) First IT Comparative Performance of Skills & Potential Contribution form
- 2) Revised IT Comparative Performance of Skills & Potential Contribution form
- 3) RIFCOM Memorandum to GM John B. Catoe, Jr., dated February 17, 2010
- 4) Memorandum to RIFCOM members, dated March 9, 2010


Special Agent
Assistant Inspector General for Investigations

Information Technology

COMPARATIVE PERFORMANCE OF SKILLS & POTENTIAL CONTRIBUTION

Performance Evaluation & Skill Assessment Scale: O-Outstanding; X-Exceeds Expectations; M-Meets Expectations; N-Needs Improvement; B-Below Expectations

Class Title:								Class Code:				
Employee		Yrs. Experience			Performance Evaluations (Note with * if on corrective action in past 3 years)			Assessment by Demonstrated Skills/Abilities (skills from job description - expanded to more than four, as appropriate)				
Name	ID No.	Internal		Related	Last Evaluation	1 st Prev. Year	2 nd Prev. Year	NAME SKILL Provide a brief description of each skill/ability				POTENTIAL FOR GREATER CONTRIBUTION/ RESPONSIBILITY (describe potential for each employee)
		Yrs. WMATA	Yrs. In Unit									
[REDACTED]		4	3		M	M	X	SDLC – application of system development life cycle	Team Building – applying team building concepts	Working Relationships – establish and maintain effective working relationships	Technology Learning – quickly absorb new technology	None. [REDACTED] creates tension in many of her business relationships which limits her ability to work with more senior staff.
[REDACTED] (Retiring)		25			N/A	N/A	N/A	Computer Maintenance – knowledge of computer maintenance methods and techniques	Computer Architectures – knowledge of computer system architectures	Reporting – ability to complete required reports	Problem recognition – ability to recognize non-working systems	None. [REDACTED] has been in this role for many years and has shown no desire to do anything else.
[REDACTED]		18			M	M	X	Project Management	Supervision – select,	Documentation – ability to	Working Relationships –	None. [REDACTED] is a solid production support

2010-031 Exhibit 1

3/1/2010 10:07:34 AM

								– extensive knowledge of technical project management	organize and lead staff on projects	create project documentation on application systems	establish and maintain effective working relationships	manager and cannot manage larger efforts.
[REDACTED]	3				N/A	N/A	N/A	Interior design / Space Planning. Coordinate with vendors and employees to select furniture.				None
[REDACTED]	27				N/A	N/A	N/A	Manage and COTR of facilities Contracts				None
[REDACTED]	23				N/A	N/A	N/A	Assistant to oversight of property management and quality assurance services				None
[REDACTED]	10				N/A	N/A	N/A	Mail pick-up and delivery throughout the Authority, including JGB				None
[REDACTED]	9				N/A	N/A	N/A	Mail pick-up				None

								and delivery throughout the Authority, including JGB				
		6			N/A	N/A	N/A	Routine pick-up and delivery of surplus items, including furniture, from all locations throughout the Authority				None

***NOTE:** Employee was placed on a "Corrective Action Plan" effective ~~11/15/2010~~

COMPARATIVE PERFORMANCE OF SKILLS & POTENTIAL CONTRIBUTION

Performance Evaluation & Skill Assessment Scale: O-Outstanding; X-Exceeds Expectations; M-Meets Expectations; N-Needs Improvement; B-Below Expectations

Class Title: [REDACTED]							Class Code: [REDACTED]			
Employee		Yrs. Experience		Performance Evaluations (Note with * if on corrective action in past 3 years)	Assessment by Demonstrated Skills/Abilities (skills from job description - expanded to more than four, as appropriate)				POTENTIAL FOR GREATER CONTRIBUTION/ RESPONSIBILITY (describe potential for each employee)	
Name	ID No.	Internal	Related		Last Evaluation	1 st Prev. Year	2 nd Prev. Year			
[REDACTED]	[REDACTED]	Yrs. WMATA	Yrs. In Unit							
[REDACTED]	[REDACTED]	18	18		M	M	X	<p>Project Management – extensive knowledge of technical project management</p> <p>Supervision – select, organize and lead staff on projects</p> <p>Documentation – ability to create project documentation on application systems</p> <p>Working Relationships – establish and maintain effective working relationships</p>	<p>Has <u>some minor</u> potential for greater responsibility or contribution. [REDACTED] has a hard time stepping out of the hands-on technical role and is not capable of leading a large project. He would be well suited for an operations and maintenance supervisor role.</p>	

[REDACTED]	[REDACTED]	25	25		X	M	M	Is technically a very qualified project manager. She has led many projects through her career.	Has not been in the position to select staff recently. Does a reasonably good job in leading staff on projects and day to day maintenance activities.	Has depth of knowledge of Maximo, Fleetwatch, and Warehouse Management systems. Can create the proper project documentation, but has to be pushed into creating it.	Has built good relationships with the MMMS community.	Has <u>some minor</u> potential for greater responsibility or contribution. [REDACTED] is capable of leading small projects.
Newly hired no evals done yet	[REDACTED]	0	0	NA	NA	NA		Has basic knowledge of technical project management tasks.	Has made the best use of existing staff and has identified a very strong candidate for hire. Leads team to solutions.	Creates all the necessary project documentation for projects. Has depth of knowledge across PeopleSoft modules.	Has developed very strong relations with PeopleSoft users in a short period of time.	Has <u>great</u> potential for greater responsibility and contribution. Her knowledge of PeopleSoft Finance is unsurpassed, she is well respected by the users community and could possibly lead all of PeopleSoft in the future.
[REDACTED]	[REDACTED]	23	23	M	M	M			Has not been in the position to select staff, and did not do a strong job in organizing and leading project teams.	Has depth of knowledge of fare collection systems. Does not create all the necessary documentation for projects	Does not build as strong of relationships as are needed with technology projects.	Has <u>some minor</u> potential for greater responsibility or contribution. [REDACTED] is better suited for an operations and maintenance role.

WMATA OFFICE OF INSPECTOR GENERAL

OFFICE OF INVESTIGATIONS

Report of Investigation (Preliminary)

Complaint No.: 2010-055
(Alleged Falsification of
Official Documents)

Date: May 24, 2010

Allegation and Background

On May 5, 2010, while conducting an audit of the continuity of operations procedures for a new back-up Network Operations Center (NOC) which is being built in New Carrollton, Maryland, Office of Inspector General (OIG) auditors received from [REDACTED], [REDACTED], copies of a Fire Alarm and Clean Agent Suppression System (Fire) Permit, dated June 10, 2009 (Exhibit 1); and a Temporary Use & Occupancy (TUO) Permit, dated August 14, 2009 (Exhibit 2). These permits appeared to be signed by George Nicol, Acting Associate Director, Permits and Review Division, Department of Environmental Resources, Prince George's County, MD (DER). Upon reviewing copies of the permits, OIG audit staff observed that on Exhibit 1, it appeared that Nicol's signature was cut from another document and pasted onto this document. It also appeared that his name might have been misspelled on both permits.

On December 1, 2008, contractors hired by the Washington Metropolitan Area Transit Authority (WMATA) began construction on a back-up NOC. It will replicate the new NOC, which was completed in 2009 and housed at the Jackson Graham Building, in Washington, DC. The back-up NOC will have the same type of custom-designed Situation Room that is in the main NOC, and will serve as the back-up command center for reporting and resolving all critical IT events impacting network and/or business applications if some type of natural or man-made disaster disables the main NOC. As with the main NOC, the back-up NOC Situation Room will provide WMATA management with immediate access to an advanced conference call system capable of bringing together all of the managerial and technical staff needed to identify, analyze and resolve any network incident.

Summary of Investigation

OIG emailed copies of the permits to Nicol for review. In a telephone contact, Nicol represented that the permits were valid at the time of issue and bore his valid signature. Nicol said that although it appears his signature on Exhibit 1 was cut and pasted from another document that was not the case. According to Nicol, permits are issued from his office via computer, and when a permit is printed, it automatically prints

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with his signature on it. Nicol explained that when Exhibit 1 was printed, the text box containing his signature was not aligned properly and, as a result, it overlapped onto printed text on the permit, giving the appearance that his signature was pasted onto the document.

Relevant Statutes, Regulations, and Other Standards

1. MD CR § 8-606(b)(2) – willfully altering a public record.

OIG Investigative Findings

The OIG investigation revealed that [REDACTED] did not present forged and/or altered document(s) to OIG. At the time of issuance, both permits were valid and issued under the authority of Nicol.

Exhibit

- 1) Copy of Fire Alarm and Clean Agent Suppression System Permit
- 2) Copy of Temporary Use & Occupancy Permit

[REDACTED]
Special Agent

[REDACTED]
Assistant Inspector General for Investigations

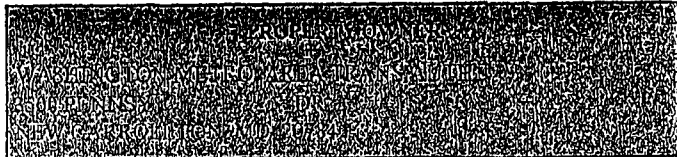
PRINCE GEORGE'S COUNTY

PERMIT

ISSUANCE DATE: Jun-10-2009

DEPARTMENT OF ENVIRONMENTAL RESOURCES
PERMITS AND REVIEW DIVISION
9400 PEPPERCORN PLACE, LARGO, MD 20774

EXPIRATION DATE:



TYPE OF PERMIT: FIR (FIRE)
WORK DESCRIPTION: FIRE Alarm and Clean agent SUPPRESSION SYSTEM
EXISTING USE: OFFICE
USE (DER PROPOSED): OFFICE
SUBDIVISION: ARDWICK INDUSTRIAL
OWNERSHIP: LIBER: 14013
FOLIO: 545
ED/ACCT NO.: 20 / 2211183
LOT:
BLOCK:
TAX MAP: 051
SCD:
SPEC EXCEPT: Conditions

HEIGHT FT:
WIDTH FT: ^{sq}
DEPTH FT:
NO STORIES:
DWELL UNITS:
PARKING SP:
LIVE LOAD:
USE GROUP:
TYPE CONST:

OCCUPANCY LOAD:
SITE CERTIFICATE:
STRUCTURE CERT:
SEWER:
WATER:
HEATING:
PARCEL:

ELECTRICITY:
CENTRAL A/C:
ELEVATOR:
ESCALATOR:
BASEMENT:
BOILER NUMBER:
CBCA: N
HISTORICAL: N
SIGN NUMBER:

As outlined in County Code Subtitle 19-126, construction noise is prohibited between the hours of 9 pm and 7 am daily.

Only the Licensed Contractor or Homeowner, named on the Permit as contractor, is permitted to perform the scope of work on the permit at the address specified.

YOU MUST COMPLY WITH MUNICIPAL, HOMEOWNER/CIVIC ASSOCIATION AND LOCAL COVENANTS. A FINE MAY BE IMPOSED IF CONSTRUCTION IS BEGIN WITHOUT REQUIRED APPROVALS.

THIS PERMIT IS VOID SIX (6) MONTHS FROM DATE ISSUED IF CONSTRUCTION HAS NOT STARTED, HAS BEEN SUSPENDED OR DISCONTINUED UNLESS OTHERWISE INDICATED

INSPECTION AREA: 1

INSPECTION APPROVALS

BUILDING CODE OFFICIAL

APPROVED:				
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2010-055 Exhibit 1

PRINCE GEORGE'S COUNTY
DEPARTMENT OF ENVIRONMENTAL RESOURCES
PERMITS AND REVIEW DIVISION

TEMPORARY USE & OCCUPANCY



OWNER

WASHINGTON METRO AREA TRANS AUTH

500 PENNSY DR

NEW CARROLLTON, MD 20784

Re: Case No. 27151-2008-00

Location: 3500 PENNSY
NEW CARROLLTON

DR
MD 20784

Temporary Use and Occupancy is granted for period of 90

days to allow for completion of outstanding items stated on Inspector's Correction Order.

Special conditions (if any):

Limitations (Up To):

Sincerely yours,

A handwritten signature in dark ink, appearing to read "G. J. [unclear]", is written over a horizontal line.

Building Code Official

August 14, 2009

Date

Expires: 11/12/2009

Inspector

**YOU MUST COMPLY WITH MUNICIPAL
HOMEOWNER/CIVIC ASSOCIATION AND
LOCAL COVENANTS. A FINE MAY BE IMPOSED
IF CONSTRUCTION IS BEGUN WITHOUT
REQUIRED APPROVALS.**

WMATA OFFICE OF INSPECTOR GENERAL

OFFICE OF INVESTIGATIONS

Report of Investigation

Complaint No. 2010-091
(COUN Attorney – Outside Legal Work)

Date: August 18, 2010

Allegation and Background

On June 24, 2010, the Office of Inspector General (OIG) received a complaint from [REDACTED] Department of Homeland Security (DHS), Office of U.S. Citizenship & Immigration. According to [REDACTED] an employee of the WMATA Office of the General Counsel (COUN), is counsel for a class of plaintiff [REDACTED] agents in an Equal Employment Opportunity Commission (EEOC) proceeding challenging DHS in an employment discrimination case. [REDACTED] appears to be representing them in [REDACTED] personal capacity and uses a [REDACTED] address, but [REDACTED] has used Metro facsimile coversheets to send documents in connection with the INS case. She provided copies of four facsimile coversheets. [REDACTED] said this gives the appearance to the EEOC that WMATA is representing the plaintiffs. She said that, according to [REDACTED] resume, [REDACTED] also represents a class of FBI agents in the same type of employment proceeding. [REDACTED] questioned whether WMATA condoned this outside legal work by [REDACTED] and the use of WMATA's name in connection with non-WMATA matters.

Summary of Investigation

[REDACTED] WMATA Form 710-3 - Confidentiality Statement of Affiliation and Financial Interests for 2009 was signed by [REDACTED] in April 2009 and signed (evidencing approval) by both the Deputy General Counsel [REDACTED] and the General Counsel Carol O'Keeffe in May 2009. [REDACTED] listed four, non-WMATA-related legal representations: (1) representation of [REDACTED] agents in monitoring enforcement of a consent decree, (2) finalizing a settlement of [REDACTED], [REDACTED] agents' class settlement, (3) representation of an [REDACTED] agent in an "EEO" case, and (4) pro bono representation of a disabled former law partner in a guardianship proceeding (Exhibit 1).

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[REDACTED] Deputy General Counsel and [REDACTED] current supervisor, provided OIG with [REDACTED] most recent WMATA Form 710-3 - Confidential Statement of Affiliations and Financial Interests signed by [REDACTED] in May 2010. [REDACTED] signed it thereby approving it in June 2010, and it had not yet been reviewed by the General Counsel. The form reflected that [REDACTED] had two non-WMATA-related legal representations: (1) representation of [REDACTED] agents at EEOC, and (2) representation of a [REDACTED] officer at EEOC, both in [REDACTED] discrimination claims (Exhibit 2).

[REDACTED] stated that several of the cases identified on [REDACTED] 2009 disclosure form had either been settled or had gone dormant. As a result, [REDACTED] said that [REDACTED] only had two current outside cases to disclose in 2010. In one case, [REDACTED] represented an [REDACTED] officer in an EEOC case against the government. The [REDACTED] case from 2009 was current, and the representation of [REDACTED] former law partner was also current; however, there was only a minimal amount of work to do on these cases. [REDACTED] estimated that [REDACTED] worked no more than 15 minutes a week on his outside work while at WMATA, which he said was permitted by both [REDACTED] supervisor [REDACTED] and the General Counsel.

[REDACTED] was listed as the sender on two coversheets dated March 8, 2010, and March 15, 2010, addressed to Judge [REDACTED], EEOC, Los Angeles. A May 3, 2010, WMATA Metro coversheet listed [REDACTED] as the sender and was addressed to the Office of Federal Operations in Washington, DC (cc: [REDACTED] at a 213 area code facsimile number). A fourth coversheet dated June 1, 2010, also listed [REDACTED] as the sender and was addressed to [REDACTED] at a 213 area code facsimile number. (Exhibit 3). That area code is for Los Angeles, CA. All the facsimiles were sent during duty hours, according to the time stamp on them.

Before being shown these documents, [REDACTED] denied using any WMATA resources to send documents in connection with outside legal work. However, after reviewing the facsimile coversheets, [REDACTED] acknowledged that [REDACTED] had sent some documents in connection with outside casework using the official WMATA facsimile coversheets and [REDACTED] office facsimile machine. [REDACTED] explained that [REDACTED] wrote [REDACTED] work telephone number on the coversheets in case there was a problem with the transmission of the documents. [REDACTED] said that [REDACTED] used the coversheets because they were there. When asked if [REDACTED] thought the use of the official WMATA coversheet was a conflict of interest and/or improperly represented WMATA's potential involvement in the litigation, [REDACTED] responded that [REDACTED] explained to all parties in the outside case that WMATA was not involved and that [REDACTED] was not representing [REDACTED] clients on behalf of WMATA.

[REDACTED] denied any use of WMATA resources beyond the use of the facsimile coversheets for [REDACTED] non-WMATA employment and stated that [REDACTED] current supervisor, [REDACTED] had no problem with [REDACTED] non-WMATA work.

According to [REDACTED] when [REDACTED] was hired, there was an understanding that [REDACTED] had some legal cases to finish up from [REDACTED] previous law practice that [REDACTED] was bringing with [REDACTED], including four legal cases that [REDACTED] listed as outside employment on the 2009 disclosure statement. However, [REDACTED] stated that the [REDACTED] EEOC case (which is the subject of this complaint) was a new one that [REDACTED] took on since joining COUN, and that [REDACTED] should have told [REDACTED] about it before [REDACTED] filed the 2010 disclosure form. Nevertheless, [REDACTED] approved the 2010 form. [REDACTED] commented that within COUN outside employment was frowned upon but not prohibited.

[REDACTED] was previously admonished and counseled about [REDACTED] outside employment by former supervisor [REDACTED]. [REDACTED] said [REDACTED] directed [REDACTED] not to use any WMATA facilities and resources for [REDACTED] outside employment. [REDACTED] documented [REDACTED] counseling and placed a note in [REDACTED] personnel file in COUN. [REDACTED] stated that, shortly after this counseling, [REDACTED] became [REDACTED] supervisor in December 2009. [REDACTED] was unable to credit or discredit [REDACTED] estimate that no more than 15 minutes per week of [REDACTED] duty time was spent on [REDACTED] outside employment. [REDACTED] stated that [REDACTED] knew nothing that would cause [REDACTED] to believe that [REDACTED] spent an excessive amount of [REDACTED] duty hours on outside cases, and [REDACTED] said that [REDACTED] performed [REDACTED] WMATA-related work satisfactorily.

[REDACTED] was shown the WMATA facsimile coversheets that [REDACTED] admitted [REDACTED] used in connection with the [REDACTED] EEOC case. [REDACTED] commented that it was an inappropriate use of WMATA resources and that COUN's office policy was consistent with WMATA policy instructions about outside employment and the use of WMATA resources.

A review of [REDACTED] WMATA Internet access during a three-month period from April 22, 2010 through July 23, 2010 (about 450 duty hours) reflected approximately 533 hours of WMATA Internet browser use for communications through access of Internet Web Chat, Internet Google General Email, Hotmail, Livechatinc.net and instant messaging websites. During this period, the total amount of data that was received into [REDACTED] Internet Chat, Instant Messaging Google General Email account and Hotmail account was in excess of 143,614,037 bytes of information. The total amount of data that was transmitted out of [REDACTED] Internet Chat, Instant Messaging and Google General Email and Hotmail accounts was in excess of 87,249,783 bytes of data. (OIG did not review the content of any of [REDACTED] emails or other electronic documents or transmissions.) According to an OIG computer technology specialist, the amount of information transmitted in and out of these accounts and websites in all likelihood reflects monitoring and some active use by [REDACTED].

[REDACTED] Security Engineer, Metro Information Technology Security (MITS), was shown the results of this analysis of [REDACTED] internet browse time (without revealing [REDACTED] identity). [REDACTED] noted that, based on the dates and times the browser was active, it appears that [REDACTED] leaves [REDACTED] WMATA Internet browser

open continuously while accessing the various Internet accounts during and after normal duty hours, and stated that this practice exposes WMATA Information Technology (IT) systems to unnecessary Internet security risks. However, he noted that the practice is not expressly prohibited.

Relevant Statutes, Regulations and Other Standards

(1) WMATA Policy Instruction 7.10/5, Standards of Conduct

- Subsection 6.01.01: Conflicts of Interest, Outside Employment and Other Activities -- WMATA personnel must not engage in outside employment or other professional or personal outside activity, with or without compensation, that: interferes, conflicts or is incompatible with the performance of their duties or with the purposes for which WMATA was created; violates this policy, including the requirements to avoid actions which reasonably can be expected to create a conflict or the appearance of a conflict of interest.
- Subsection 6.07: Use of WMATA Property and Services -- WMATA personnel shall protect and preserve WMATA property and shall not use such property other than for authorized purposes.

(2) WMATA Policy Instruction 15.3/2, Electronic Access Usage

- Subsection 5.01(c): Appropriate Usage -- Limited personal use is authorized, and each Director/General Superintendent is responsible for establishing appropriate standards. Employees are allowed to use electronic access for non-Metro purposes when such use involves minimal additional expense to Metro, is performed on the employee's non-work time, does not interfere with the mission or operations of a department or office, and does not violate any other P/I, law or regulation.
- Subsection 5.02 (I): Inappropriate Usage -- Maintaining or supporting a personal or private business, or support of "for-profit" activities or other outside employment or business activity. . . . This prohibition does not, however, apply to approved pro bono public projects engaged in by attorneys in the office of the General Counsel.

(3) WMATA Policy Instruction 7.28/1, Pro Bono Public Legal Services¹

¹ While WMATA Policy Instruction 7.28/1 applies by its terms only to pro bono activities, the same principles would logically apply with even more force to compensated outside legal work.

- Subsection 5.5.2: Attorneys do not represent the Authority. Attorneys are not permitted to use Authority letterhead, business cards or any other materials that identify them as Authority attorneys in connection with any communication, correspondence, pleading or activity related to their pro bono public service.
- Subsection 5.5.3: Attorneys are not permitted to represent in any way that they are acting on behalf of the Authority when they are engaging in activities related to the pro bono public legal services.
- Subsection 5.7.3: Use of Authority Equipment, Supplies, and Computer Information Resources. Telephone and fax calls may be made that do not require long distance calling.

OIG Investigative Findings

For the most part, [REDACTED] properly disclosed [REDACTED] outside employment, including the [REDACTED] EEOC case, and COUN approved the outside work in 2009 and 2010, with the possible exception of a pro bono case disclosed in 2009 but not in 2010.

Between March 2010 and June 2010, [REDACTED] improperly used WMATA facsimile coversheets and the WMATA facsimile machine on at least four occasions in conjunction with [REDACTED] private law practice, thereby creating the appearance that WMATA was party to the litigation, in violation of the conflict of interest prohibition in the WMATA Standards of Conduct. In addition, [REDACTED] actions violated the Standards of Conduct prohibition on use of WMATA property and services. These actions also violate, by logical extension, similar prohibitions in P/I 7.28/1. [REDACTED] demonstrated a lack of candor when initially questioned about [REDACTED] use of WMATA resources in conducting [REDACTED] outside legal work.

The magnitude of [REDACTED] Internet access during duty hours from [REDACTED] WMATA computer to web chat websites, instant messaging websites, Google General Email websites and a Hotmail.com website – more than the total number of duty hours for the period reviewed -- raises questions about [REDACTED] statement that [REDACTED] spends only minimal time on [REDACTED] non-WMATA business activities during duty hours. Using these electronic resources for [REDACTED] business purposes would be an inappropriate use under P/I 15.3/2, subsection 5.02(I). If used for personal purposes, the practice would fall outside the "limited personal use," allowed under subsection 5.01(c). At a minimum, use of these resources was not limited to non-work time. We did not determine what precisely [REDACTED] was doing when accessing these websites. Per P/I 15.3/2, subsection 5.01(c), COUN management is responsible for determining if this is an acceptable or unacceptable personal Internet usage.

Exhibits

- 1) WMATA Form 710-3: Confidential Statement of Affiliations and Financial Interests, for [REDACTED] Signature dated; April 24, 2009
- 2) WMATA Form 710-3: Confidential Statement of Affiliations and Financial Interests, for [REDACTED], Signature dated; May 12, 2010
- 3) Metro Facsimile Transmission Coversheets, dated; March 18, 2010, March 15, 2010, May 3, 2010, and June 1, 2010

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY - FORM 710-3
Confidential Statement of Affiliations and Financial Interests

I - BACKGROUND INFORMATION

DEPT/OFFICE

EMPLOYEE I.D. NUMBER

ANNUAL SALARY RATE

ION
☒ (am not) involved in the selection, award, or administration of contracts.

II - ACTIVITIES AND INTERESTS

I-WMATA EMPLOYMENT AND OTHER ACTIVITIES

Do you have any non-WMATA employment?

YES ☒ NO ☐

Are you or a member of your household employed by a party who has an actual or prospective business relationship with WMATA?

YES ☐ NO ☒

Are you or a member of your household engaged in any other activities which would interfere, conflict or be incompatible with the performance of your WMATA duties or with the purposes for which WMATA was created, or which could give the appearance of such a conflict?

YES ☐ NO ☒

FINANCIAL INTEREST

Do you or a member of your household or a business associate or an organization which employs or is about to employ any of the above have a financial interest in any entity which is a party to an actual or prospective financial transaction with WMATA?

YES ☐ NO ☒

If the answer is yes, does your interest exceed the three percent (3%) threshold contained in Section 6.01.02 of the Policy Instruction?

YES ☐ NO ☐

REAL PROPERTY

Do you or a member of your household have any real property interests located within the WMATA Transit Zone other than an interest in the primary residence which you occupy?

YES ☐ NO ☒

WMATA CONTRACT SELECTION, AWARD OR ADMINISTRATION

Do you or a member of your household or a business associate or an organization which employs or is about to employ any of the above have a financial or other interest in a contract, subcontract or a prospective prime contractor, subcontractor or supplier to the prime contractor?

YES ☐ NO ☒

If you answered "yes" to any questions above, you must explain, as indicated, in Part III, below.
If you answered "no" to all the questions, please go directly to the certification in Part IV.

PART III - REPORTABLE EMPLOYMENT, AFFILIATIONS, REAL ESTATE OR FINANCIAL INTERESTS

Describe any reportable non-WMATA employment or other activities specifying the employer and position or the voluntary activity. (Use attachment to fully describe, if necessary.)

(1) representation of [redacted] in monitoring Consent Decree and enforcement; (2) finalizing settlement of [redacted] class settlement (3) representation of [redacted] in EEO case (4) pro bono representation of disabled former law partner in guardianship proceeding.

Detach, sign

2010-091 - Exhibit 1

all reportable financial interests in parties with an actual or prospective financial transaction with WMATA and where the interest exceeds three percent (3%). (Use attachment, if necessary)

is of Party

Is Interest in Excess of 3%?

none

all interests in real property located within the WMATA Transit Zone (including street address) other than an interest in the primary residence and all interest(s) in any contract, subcontract or prospective prime contractors, contractor, or supplier to a prime contractor, specifying the name of the entity, your financial interest in the entity, and the number of the WMATA contract. (Use attachment, if necessary.)

none

PART IV - CERTIFICATION

I certify that all statements I have made on this form 710-3 are true, complete, and correct to the best of my knowledge.

SIGNATURE

DATE

4/24/09

PART V - REVIEWING OFFICIAL

I have reviewed the above statement in light of the requirements of the Standards of Conduct and of the present and prospective duties of the individual to ensure that both actual and apparent conflicts of interest are avoided.

☐ No employment, affiliations or financial interests are reported.

☒ The employment, affiliations or financial interests disclosed do not present a real, apparent or potential conflict.

☐ A disclosure indicates real, apparent or potential conflict which has been resolved (attach separate explanation).

☐ A disclosure indicates real, apparent or potential conflict which must be reviewed by General Counsel.

☐ I recommend that a Waiver be granted as authorized by Section 6.01.09 (attach separate justification).

SIGNATURE of REVIEWING OFFICIAL

DATE

5-12-09

Print or Type Name and Title

PART VI - GENERAL COUNSEL (OR DESIGNEE) REVIEW

To be completed only if Part III above has been completed.

I have examined this statement and any attachments:

☒ I concur with the reviewing official's evaluation.

☐ I do not concur and I recommend the following action (use attachment, if necessary)..

SIGNATURE

DATE

Carol B. Druff

5-13-09

- end -

sign & return to supervisor

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY - FORM 710-3
Confidential Statement of Affiliations and Financial Interests

RT I - BACKGROUND INFORMATION

NAME [REDACTED] COUN DEPT/OFFICE [REDACTED] EMPLOYEE I.D. NUMBER [REDACTED]
POSITION [REDACTED] ANNUAL SALARY RATE [REDACTED]
I am ☒ (am not ☐) involved in the selection, award, or administration of contracts.

RT II - ACTIVITIES AND INTERESTS

NON-WMATA EMPLOYMENT AND OTHER ACTIVITIES

1. Do you have any non-WMATA employment? YES ☒ NO ☐
2. Is a member of your household employed by a party who has an actual or prospective business relationship with WMATA? YES ☐ NO ☒
3. Are you or a member of your household engaged in any other activities which would interfere, conflict or be incompatible with the performance of your WMATA duties or with the purposes for which WMATA was created, or which could give the appearance of such a conflict? YES ☐ NO ☒

FINANCIAL INTEREST

4. Do you or a member of your household or a business associate or an organization which employs or is about to employ any of the above have a financial interest in any entity which is a party to an actual or prospective financial transaction with WMATA? YES ☐ NO ☒
5. If the answer is yes, does your interest exceed the three percent (3%) threshold contained in Section 6.01.02 of the Policy Instruction? YES ☐ NO ☐

REAL PROPERTY

6. Do you or a member of your household have any real property interests located within the WMATA Transit Zone other than an interest in the primary residence which you occupy? YES ☐ NO ☒

WMATA CONTRACT SELECTION, AWARD OR ADMINISTRATION

7. Do you or a member of your household or a business associate or an organization which employs or is about to employ any of the above have a financial or other interest in a contract, subcontract or a prospective prime contractor, subcontractor or supplier to the prime contractor? YES ☐ NO ☒

If you answered "yes" to any questions above, you must explain, as indicated, in Part III, below.

If you answered "no" to all the questions, please go directly to the certification in Part IV.

PART III - REPORTABLE EMPLOYMENT, AFFILIATIONS, REAL ESTATE OR FINANCIAL INTERESTS

Describe any reportable non-WMATA employment or other activities specifying the employer and position or the voluntary activity. (Use attachment to fully describe, if necessary.)

1) Represent [REDACTED] at EEOC. 2) Represent [REDACTED] at EEOC, both in [REDACTED] discrimination claims

- continued -

Detach, sign and return to supervisor

2010-091 - Exhibit 2

List all reportable financial interests in parties with an actual or prospective financial transaction with WMATA and whether the interest exceeds three percent (3%). (Use attachment, if necessary)

Name of Party

Is Interest in Excess of 3%?

N/A

List all interests in real property located within the WMATA Transit Zone (including street address) other than an interest in the primary residence and all interest(s) in any contract, subcontract or prospective prime contractors, subcontractor, or supplier to a prime contractor, specifying the name of the entity, your financial interest in the entity, and the number of the WMATA contract. (Use attachment, if necessary.)

N/A

PART IV - CERTIFICATION

I certify that all statements I have made on this form 710-3 are true, complete, and correct to the best of my knowledge.

SIGNATURE

DATE

5/12/10

PART V - REVIEWING OFFICIAL

I have reviewed the above statement in light of the requirements of the Standards of Conduct and of the present and prospective duties of the individual to ensure that both actual and apparent conflicts of interest are avoided.

- ☒ No employment, affiliations or financial interests are reported.
- ☐ The employment, affiliations or financial interests disclosed do not present a real, apparent or potential conflict.
- ☐ A disclosure indicates real, apparent or potential conflict which has been resolved (attach separate explanation).
- ☐ A disclosure indicates real, apparent or potential conflict which must be reviewed by General Counsel.
- ☐ I recommend that a Waiver be granted as authorized by Section 6.01.09 (attach separate justification).

SIGNATURE of REVIEWING OFFICIAL

DATE

6/15/10

Print or Type Name and Title

PART VI - GENERAL COUNSEL (OR DESIGNEE) REVIEW

To be completed only if Part III above has been completed.

- I have examined this statement and any attachments: ☐ I concur with the reviewing official's evaluation.
- ☐ I do not concur and I recommend the following action (use attachment, if necessary).

SIGNATURE

DATE

- end -

sign & return to supervisor

FACSIMILE TRANSMISSION



Date: 3/8/10
To: Judge [REDACTED]
EEOC, Los Angeles
Facsimile Number: 213-894-5482
From: [REDACTED]
Facsimile Number: [REDACTED]
Telephone Number: (202) 962-
Total Number of Pages: 4

Comments:

Cc: [REDACTED] fax: 213 830-5088

Washington
Metropolitan Area
Transit Authority

600 F Street, NW
Washington, D.C. 20001
202/632-1234

By MetroLink
Judiciary Square-Fred Line
Gallery Place-Cross Metro
Red, Green and
Yellow Lines

A Division of Columbia
Maryland and Virginia
Transit Partnership

Please confirm upon receipt:

☐ Yes

☐ No

2010-091 - Exhibit 3



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Los Angeles District Office

255 E. Temple Street, 4th Floor
Los Angeles, CA 90023
Los Angeles Field Line: (866) 408-3378
Los Angeles Direct Dial: (213) 894-1096
TTY (213) 894-1121
FAX (213) 894-1112

Administrative Judge: Larry A. Abrams
Direct No. (213) 894-1068
Fax No. (213) 894-2482

In the Certification of:

[REDACTED]

[REDACTED]

v.

Janet Napolitano, Secretary,
Department of Homeland Security
(Citizenship and Immigration Services),

Agency.

EEOC No. [REDACTED]

Agency No. [REDACTED]

DESIGNATION OF REPRESENTATIVE

I hereby designate the following individual as the representative for the Class in the above-captioned EEOC case:

Name of Representative

Telephone No.

Facsimile No.

Address

To the Class Agent: Please provide your current address, telephone number, fax number (if any), and e-mail Address (if any):

Address:

Phone No.:

Fax No.:

E-Mail Address:

NONE

Date:

2/23/10

Class Agent Signature

FACSIMILE TRANSMISSION



Date: 3/15/10

To: [REDACTED]

6206 Los Angeles

Facsimile Number: 213-894-5482

From: [REDACTED]

Facsimile Number: (202) 962-2550 204-1682

Telephone Number: (202) 962-2820

Total Number of Pages: 12

Comments:

cc: [REDACTED]

Dear [REDACTED] please find
also attached ms. [REDACTED]
typewritten address confirmation.
[REDACTED] states [REDACTED] receives all Agency
mail.

[REDACTED]

Washington
Metropolitan Area
Transit Authority

600 Fth Street, NW
Washington, D.C. 20001
202/962-1234

By MetroRail
Ardenly Square-Red Line
Gallery Place-Chinatown
Red, Green and
Yellow Lines

A District of Columbia
Maryland and Virginia
Transit Partnership

Please confirm upon receipt:

☐ Yes

☐ No

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

[REDACTED]
v.

JANET NAPOLITANO, Secretary.
Department of Homeland Security,

Agency.

[REDACTED]
[REDACTED]
June 1, 2010

BRIEF OF [REDACTED] IN SUPPORT OF APPEAL OF
ADMINISTRATIVE JUDGE'S DECISION OF APRIL 2, 2010

[REDACTED] appeals from the Administrative Judge's ("AJ") decision of April 2, 2010, in which he dismissed her complaint of race discrimination on the grounds that she had not sought counseling in a timely manner and that her prior Merit Systems Protection Board ("MSPB") complaint barred the instant action. [REDACTED] contends that the AJ erred as a matter of law because he failed to consider the rebuttable presumption of equitable tolling enunciated by the U.S. Supreme Court in *Irwin v. Dept. of Veterans Affairs*, 498 U.S. 89, 95-96 (1990). Given that [REDACTED] case is based upon clear evidence of affirmative, misleading agency conduct in connection with the information provided her in connection with her removal; the AJ's decision must be reversed and remanded to consider the allegations of discrimination on their merits as contained in her complaint below. The AJ woodenly applied the

Commission's regulations without considering [REDACTED] Declaration attached hereto. That Declaration was not contravened by the Agency, and even if it had been, the AJ would have been required to resolve factual inquiries in favor of [REDACTED] on the preliminary decision as to whether the case should go forward to discovery, or, at the very least, an evidentiary hearing. 29 C.F.R. § 1614.109(g)(3).

STANDARD OF REVIEW

"In rendering [an] appellate decision we must scrutinize the AJ's legal and factual conclusions, and the agency's final order adopting them de novo. See 29 C.F.R. § 1614.405(a) (stating that a "decision on an appeal from an agency's final action shall 7] be based on a de novo review . . ."). *Baca v. Dept. of the Air Force, Appeal No. 20070005TX, 2010 EEO PUB LEXIS 1295, *6-7 (May 14, 2010).*

QUESTION PRESENTED

Is the Agency barred by considerations of equitable estoppel, waiver and tolling from enforcing the election of remedies set forth in 29 C.F.R. § 1614.107(a) when the Agency's EEO Counselor told Complainant that she "didn't have an EEO case" and that "because she was challenging an adverse action, her only remedy was with the MSPB?

FACTUAL BACKGROUND

[REDACTED] had been employed by the [REDACTED] [REDACTED] (now Homeland Security) for [REDACTED] years prior to her abrupt removal, and had received "exceeds successful" performance

evaluations, when she was removed from her [REDACTED]

[REDACTED] This "misconduct"

consisted of [REDACTED] See [REDACTED] v. Dept.

Homeland Security, [REDACTED], an

[REDACTED] was removed effective [REDACTED]

had sought informal EEO Counseling on [REDACTED] She was

told by the EEO Counselor (without any apparent serious investigation) that

she "didn't have an EEO case." See [REDACTED]

attached hereto. [REDACTED] was further told that because it was an adverse

action, the proper forum was the MSPB – a clear misstatement of the law.

Id. Accordingly, [REDACTED] filed her MSPB complaint on November 27,

2007. Because of the misleading advice from the EEO counselor, [REDACTED]

[REDACTED] never raised any EEO complaint before the MSPB. It was only

after [REDACTED] received a final decision on that MSPB complaint that she

learned, in mid-October, 2009, while networking with other terminated

[REDACTED], that Ms. [REDACTED], the Director of the

[REDACTED] in which [REDACTED] was employed, had

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]. She immediately contacted the undersigned, [REDACTED] and immediately initiated informal EEO counseling on October 15, 2009, within 45 days of learning these additional facts.¹ Because [REDACTED] had heard this information from so many other sources, she filed [REDACTED] in a timely manner. Although [REDACTED] current complaint was filed well after 45 days from her removal, and she mistakenly elected to pursue MSPB remedies without raising "mixed case" issues, her failure was the result of affirmative agency misconduct in the original EEO counseling process.

THE AJ'S DECISION

The AJ mechanically applied the rule of 29 C.F.R. § 107(a) to dismiss the case without considering cases in which the Commission has allowed an EEO case to proceed despite that provision. The AJ never addressed the doctrines of equitable tolling and waiver, much less the Commission's decisions applying that doctrine. Instead, he relied upon two decisions, *Hodges v. Dept. of Transportation*, Appeal No. 0120081292, 2009 EEOPUB LEXIS 2883 (September 24, 2009), and *Jones v. Dept. of Education*, Appeal No. 0120081621, 2008 EEOPUB LEXIS 1581 (May 5,

¹ The Agency has not challenged the timeliness of [REDACTED] October, 2009 EEO counseling with respect to her discovery of the facts that support these additional class's individual disparate impact allegations. The Agency argues only that [REDACTED] should have raised these unknown facts within 45 of her initial removal.

2008). In both cases, contrary to the case at hand, the complainant had raised issues of discrimination before the MSPB, although in *Jones*, one of the allegations had not been raised before the MSPB, but *could have been*. Neither case asserted equitable estoppel or waiver. Here, by contrast, the [REDACTED] seeks to raise before the Commission could not have been raised before the MSPB because she did not have knowledge of the facts and was told that the facts of which she did have knowledge did not constitute an EEO claim. [REDACTED] Nowhere did the AJ address the doctrine of equitable estoppel that [REDACTED] raised below.

ARGUMENT

In at least 39 decisions the Commission has recognized the applicability of *Inwin* and the doctrines of equitable waiver and estoppel, which have been applied by the federal and state courts over 4,500 times. "By both statutory and common law standards, a waiver must be knowing and voluntary." *Garcia v. Dept. of Defense*, Appeal No. 01A02318, 2002 EEO PUB LEXIS 1105. * 4-5 (February 12, 2002). [REDACTED] waiver of her EEO rights was neither knowing nor voluntary.

Without evidence that the complainant knowingly elected her exclusive remedy with the MSPB. The EEOC cannot dismiss the complaint. *McGinnis v. Dept. of*

TRANSPORTATION, Appeal No. 01941288, 1994 EEO PUB LEXIS 1154, *3. (March 15, 1994). As the Commission stated in *Rivera v. Dept. of Justice*, Appeal No. 01982089, 2001 EEO PUB LEXIS 1827, *13-14 (August 21, 2001):

The Commission has, however, excused a complainant's noncompliance with procedural requirements where an agency engaged in conduct that fostered the complainant's actions. Cf. *Santiago v. U.S. Postal Service*, EEOC Request No. 05950272 (July 5, 1995) (EEO counselor's misconduct in persuading a complainant not to file a complaint estops the agency from raising timeliness as a defense); *Ong v. Department of the Army*, EEOC Request No. 05880290 (August 8, 1988) (Prohibiting complainant from meeting with an EEO counselor improper); see also, *Donald Washington v. WMATA*, 160 F.3d 750 (D.C. Cir. 1998); *Paul Currier v. Radio Free Europe*, 159 F.3d 1363 (D.C. Cir. 1998) (Equitable estoppel applied where the employer made affirmative statements to lull plaintiff away from filing suit on the issue of retaliation); *Martinez v. Orr*, 738 F.2d 1107 (10th Cir. 1984) (tolling of time requirements permissible where agency lulls complainant into taking no action or actively misleads or prevents complainant from asserting rights).

The Commission and the federal courts have utilized these equitable principles in allowing a complainant to proceed with an EEO case despite having elected to proceed before the MSPB on the same adverse action. For example, in *Roman-Cavallero v. U.S. Postal Service*, Appeal No. 01961743, '996 EEO PUB LEXIS 4074 (December 18, 1996), the Commission found that because the information in the removal letter did not contain any information about election of remedies between the EEO process and the MSPB "it is questionable whether appellant was initially properly advised of her election rights ... " *Id.* at *4. The Commission further found that "the agency misled appellant by informing

her that her EEO complaint was accepted for processing. "We find that appellant did not make an informed decision, under our regulations, about whether to raise illegal discrimination claims as part of her appeal to the MSPB." *Id.* (emphasis added). Here, as well, ████████ did not make an informed decision whether to raise discrimination issues before the MSPB because she was told she did not have an EEO case.

Similarly, in *King v. U.S. Postal Service*,, Appeal No. 01941431, 1995 EEO PUB LEXIS 4031 * 8 (August 14, 1995), the Commission discussed its previous decision in *Zuniga v. United States Postal Service*, EEC Request No. 05920857 (April 26, 1993)(not available on LEXIS or the EEOC's web site), where appellant sought EEO counseling several months after filing an MSPB appeal, without being made aware of the process for election, the agency would be estopped from relying upon the MSPB appeal to support its dismissal.

In a case presenting a situation similar to the case at hand, in *Snyder v. Dept. of Defense*, , Appeal No. 017A4489, 2003 EEO PUB LEXIS 506 *5 (September 3, 2003), complainant was discouraged by union officials from bringing a discrimination claim, but rather to rely upon the grievance process. Moreover,, the agency personnel officer had informed him that if he had any problems, he had to speak to the union. *Id.* The union official had told him that he could not claim disability discrimination because the Department of Labor had not certified him as disabled. Based upon this (clearly wrong) advice, when he was notified by

the DOL that he was considered a disabled person, he contacted an EEO counselor, and the Commission found that he had acted promptly upon "reasonable suspicion" of the discrimination. *Id.* at *8. The Commission therefore remanded for a determination that complainant was misled. Here despite the misinformation given to [REDACTED] by the EEO Counselor, she acted "reasonably promptly" upon discovering [REDACTED] [REDACTED] and sought EEO counseling.

All of these Commission decisions, as well as federal court precedent, hold that an election to proceed before the MSPB is not an absolute bar to pursuing a later EEO complaint if the complainant is misled by the agency. Principles of estoppel and waiver prevent the Agency from relying upon her initial election to bar the EEO claim. Ms. [REDACTED] was told (1) that she did not have an EEO case and (2) that because it was an adverse action, the MSPB was the correct forum to pursue. The fact that [REDACTED] originally thought she might have an EEO case does not prevent her from relying upon these equitable doctrines, for that was the situation in *Snyder*, who thought he had a disability claim but was told he didn't because the DOL had not so certified. He abandoned his EEO claim until later receiving information indicating that he did have an EEO claim and promptly filed an EEO claim, as did [REDACTED]

Discerning a pattern of disparate treatment or impact in removals is much more difficult for a complainant to ferret out than a promotion denial, for example, where the identity of the person who got the job instead of complainant is known and a comparison immediately possible. [REDACTED]

[REDACTED] instinct of discrimination was correct – it was just based upon the wrong theory. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] For these reasons, her election to proceed initially before the MSPB should not bar her later EEO claim.

With respect to the AJ's alternative decision on the numerosity requirement of the class aspect of the complaint, factual issues exist, for which [REDACTED] is entitled to limited discovery.² The facts presented by the agency on numerosity to the AJ differ from the facts presented in EEO counseling. The vast majority of persons identified in counseling had no racial identifier. The agency's sudden ability to come up with racial

² In *Flournoy v. Nat'l Aeron & Space Admin.*, , EEOC Appeal No. 01941801, 1994 EEOPUB LEXIS 4371 (November 17, 1994), for example the class agent alleged racial discrimination in NASA's multi-staged promotion process. The AJ denied class certification, and the Commission reversed on the ground that the AJ did not have before her sufficient information to support her denial of class certification. The Commission remanded to the AJ "so that the AJ [could] utilize her authority under 29 C.F.R. 1614.204 et seq. to obtain the necessary information" to evaluate, *inter alia*, numerosity, commonality, typicality. *Id.*; see); *Yovan v. Dept. of Treasury*, , EEOC Appeal No. 01955786, 1999 EEOPUB LEXIS 6265 (October 28, 1999) (finding that complaint met requirements for class certification, "AJ based his decision in large part on statistical data provided by the agency").

identifiers compels an explanation. This inconsistency must be explored before the class complaint may be dismissed.

CONCLUSION

The AJ's decision must be reversed on principles of equitable estoppel, waiver and tolling. Reviewing the facts in the light most favorable to the complainant, sufficient factual support exists to invoke these doctrines at this initial stage of the proceeding..

Respectfully submitted,

A large, irregular black redaction mark covers the signature and any accompanying text in the signature block.

CERTIFICATE OF SERVICE

I, [REDACTED] hereby certify that I served a copy of the foregoing [REDACTED]
Brief on Appeal and Declaration of [REDACTED] on June 1, 2010 Order to
[REDACTED] by fax at (214) 830-5088.
[REDACTED]
[REDACTED]
[REDACTED]

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

v.

JANET NAPOLITANO, Secretary,
Department of Homeland Security,
Agency.

DECLARATION OF

I, [REDACTED], hereby declare:

1. I have personal knowledge of the facts set forth herein and make this Declaration on that basis.
 2. Before my removal from office, I was made aware [describe how] that the Agency was proposing to remove me for misconduct.
 3. At that time, in approximately November 15, 2007, "[insert date]" I contacted an EEO Counselor, [REDACTED], to find out what action I should take.
 4. I believed that since there was no basis for my proposed removal and that I was [REDACTED] at that time on my team that the removal may possibly be due to my race.
 5. [REDACTED] later sent me an email (see attached) which indicated that I should not pursue an EEO complaint, but rather should go to the MSPB.
 6. [REDACTED] told me that because this was an adverse action, the MSPB was the proper place to challenge my removal and not the EEOC. She specifically told me that I did not have an EEO case. In reliance on her statements, I did not pursue any discrimination allegations before the MSPB.
 7. [REDACTED] did not provide me with any information to indicate that my case was anything other than an isolated instance and did not, to my knowledge, investigate whether [REDACTED]
- [REDACTED]
- 2

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PAGE 05/05

T was only after my MSPB decision that I learned of a pattern of terminating

[REDACTED]

8. I sought informal EEO counseling within 45 days of finding out about this pattern.

I declare the above is true under penalty of perjury under 28 U.S.C. §1746/

[REDACTED]

Date 3/11/2010

FACSIMILE TRANSMISSION

Date: 5/3/10To: EEOCOFFICE OF FEDERAL OPERATIONSFacsimile Number: 202-663-7022From: [REDACTED]Facsimile Number: [REDACTED]Telephone Number: [REDACTED]Total Number of Pages: 10

Comments:

cc [REDACTED] 213-830-5088

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Trade Authority

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Washington, D.C. 20001
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A District of Columbia
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Please confirm upon receipt:

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No.

WMATA OFFICE OF INSPECTOR GENERAL

OFFICE OF INVESTIGATIONS

Report of Investigation

Complaint No.: 2010-095

(Improper Operation of WMATA Vehicle)

Date: July 30, 2010

Allegation and Background

On June 29, 2010, the Office of Inspector General (OIG) received a written complaint from an individual, who did not provide his full name, alleging that on June 18, 2010, at approximately 7:25 pm, he observed WMATA Office of Emergency Management (OEM) vehicle number 21644 travelling on Virginia Route 267 West (Toll Road) and that the operator of the vehicle, who he identified only as a white male, took the exit for the Dulles Airport. The complainant observed the vehicle travel along the roadway (later identified as the Dulles Access Highway) and then the operator took a "buses only" ramp and got back on the Toll Road. The complainant alleged this was done in an effort to evade the toll. The complainant further alleged that there were two small children in the vehicle at the time.

OIG determined the vehicle was being operated by [REDACTED] [REDACTED] has been employed by WMATA since February 1988 and has held his current position for the past three years.

The OEM is part of the Metro Transit Police Department (MTPD). Its primary function is to respond to various Metro emergencies and create a cohesive atmosphere between first responders and Metro officials during an incident.¹ Members of the OEM respond to Metro emergencies on a 24/7 basis, and are on a rotating on-call schedule. Because of their need to be readily available to respond to an emergency, an OEM employee who is on-call utilizes a WMATA OEM vehicle which the employee takes home.

Summary of Investigation

[REDACTED] admitted to OIG that on June 18, 2010, while driving WMATA OEM vehicle number 21644 on the Toll Road, he did utilize the Dulles Access Highway and then took a "buses only" ramp to get back onto the Toll Road. [REDACTED] said he did this so he would not have to pay the \$1.00 toll. [REDACTED] said he has been doing this several times a month for the past three years. [REDACTED] alleged that several years ago a lieutenant with the

1 [REDACTED]

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Washington Metropolitan Airports Authority Police Department advised him he could do this.

He also admitted his children were in the WMATA vehicle with him. He said that he had a take-home vehicle because he was the emergency duty officer. An emergency arose late in the day when he did not have a babysitter, and he transported the children to a relative and then went to the scene of the emergency. He acknowledged that it was not appropriate to transport the children in a WMATA vehicle.

Relevant Statutes, Regulations, and Other Standards

- 1) WMATA P/I 1.95, ¶ 5.94: Non-revenue vehicles should be used for "conducting official Authority business" only.
- 2) WMATA P/I 1.9/5, ¶ 5.10.1: Requiring that employees assigned a non-revenue vehicle operate the vehicle in a safe manner, complying with all applicable traffic laws, and in accordance with all WMATA procedures concerning vehicle operation.
- 3) MTPD General Order 250 III C. 1 & 2: Take-home vehicles are (1) operated only in the performance of official duties and (2) for exclusive use of MTPD members.

OIG Investigative Findings

The OIG investigation revealed that [REDACTED] violated P/I 1.95 and MTPD General Order 250 by transporting his children in the vehicle and by failing to comply with all applicable traffic laws, specifically related to use of the Toll Road without paying a toll.

[REDACTED]
Special Agent

[REDACTED]
Assistant Inspector General for Investigations

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