

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

---

**NATIONAL SECURITY AGENCY/CENTRAL SECURITY  
SERVICE**



**INSPECTOR GENERAL**

**REPORT OF INVESTIGATION**

**25 July 2014**

**IV-14-0059**

**False Statements**

(U) This report might not be releasable under the Freedom of Information Act or other statutes and regulations. Consult the NSA/CSS Inspector General Chief of Staff before releasing or posting all or part of this report.

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

Approved for Release by NSA on 02-01-2019, FOIA Case # 79204 (litigation)

Release: 2019-01

NSA:06604

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

## **(U) OFFICE OF THE INSPECTOR GENERAL**

(U) Chartered by the NSA Director and by statute, the Office of the Inspector General conducts audits, investigations, inspections, and special studies. Its mission is to ensure the integrity, efficiency, and effectiveness of NSA operations, provide intelligence oversight, protect against fraud, waste, and mismanagement of resources by the Agency and its affiliates, and ensure that NSA activities comply with the law. The OIG also serves as an ombudsman, assisting NSA/CSS employees, civilian and military.

### **(U) AUDITS**

(U) The audit function provides independent assessments of programs and organizations. Performance audits evaluate the effectiveness and efficiency of entities and programs and their internal controls. Financial audits determine the accuracy of the Agency's financial statements. All audits are conducted in accordance with standards established by the Comptroller General of the United States.

### **(U) INVESTIGATIONS**

(U) The OIG administers a system for receiving complaints (including anonymous tips) about fraud, waste, and mismanagement. Investigations may be undertaken in response to those complaints, at the request of management, as the result of irregularities that surface during inspections and audits, or at the initiative of the Inspector General.

### **(U) INTELLIGENCE OVERSIGHT**

(U) Intelligence oversight is designed to insure that Agency intelligence functions comply with federal law, executive orders, and DoD and NSA policies. The IO mission is grounded in Executive Order 12333, which establishes broad principles under which IC components must accomplish their missions.

### **(U) FIELD INSPECTIONS**

(U) Inspections are organizational reviews that assess the effectiveness and efficiency of Agency components. The Field Inspections Division also partners with Inspectors General of the Service Cryptologic Elements and other IC entities to jointly inspect consolidated cryptologic facilities.

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

IV-14-0059

(b) (3) - P.L. 86-36  
(b) (6)**I. (U) SUMMARY**

(U//~~FOUO~~) In the course of investigating an allegation that [redacted] had falsified his timesheets, it was alleged that his supervisor, [redacted] was complicit in the falsification. Consequently, the Office of the Inspector General (OIG) opened an investigation into [redacted] involvement.

(U//~~FOUO~~) An initial review of [redacted] timesheets and access control records over a 90 day period revealed that [redacted] arrived later than claimed and departed earlier than claimed on numerous occasions. Additionally, [redacted] frequently claimed on his timesheets that he earned more than 24 credit hours.

(U//~~FOUO~~) [redacted] testified that [redacted] was working long hours on a project and had exceeded the maximum allowable credit hours. [redacted] wanted [redacted] to be compensated for the hours he had worked and did not want him to lose credit time. Consequently, [redacted] suggested [redacted] document the extra hours in a separate record and "take a couple of hours here or there... over a period of time." Although they did not discuss the method of accounting or the format of the record, [redacted] expected that at the beginning or end of the day, [redacted] would use a couple of "off the books," credit hours and arrive later or leave earlier than he wrote on his timesheet. [redacted] understood that [redacted] would be writing down hours on his timesheet that were not accurate. He further understood that [redacted] would be marking himself as present on his timesheet when he was not actually present. [redacted] then signed those fraudulent timesheets.

(b) (3) - P.L. 86-36

(U//~~FOUO~~) The preponderance of the evidence supports the conclusion that [redacted]

- 1) knowingly made a false statement by certifying timesheets he knew to be fraudulent between March - September 2013, in violation of NSA/CSS Personnel Management Manual (PMM), Chapter 366, §2-1(K) and §2-2(B).
- 2) failed to ensure the accuracy of the timesheets submitted by [redacted] between March - September 2013, in violation of NSA/CSS PMM, Chapter 360, §1-3 (c) and NSA/CSS PMM, Chapter 360, §2-5(a.1),(i).

(U//~~FOUO~~) Additionally, we concluded that by a preponderance of the evidence, [redacted] also violated criminal statute 18 U.S.C. §1001.

(U//~~FOUO~~) A copy of the NSA/CSS OIG report will be forwarded to Employee Relations for information and appropriate action. A summary of the findings will also be forwarded to the Associate Directorate for Security and Counterintelligence (ADS&CI).

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

## II. (U) BACKGROUND

(b) (3) - P.L. 86-36

(b) (3) - P.L. 86-36  
(b) (6)

### (U) Introduction

(U//~~FOUO~~) On 24 September 2013, the NSA/CSS Office of Inspector General (OIG) received an allegation that [redacted] had falsified his timesheets. Upon interviewing witnesses, it was alleged that [redacted] supervisor, had authorized [redacted] to keep an "off the books" record of his excess credit hours. Consequently, we opened an investigation into [redacted] alleged involvement.

(U//~~FOUO~~) [redacted] entered on duty with NSA on [redacted] He is the Team Lead, [redacted] has been [redacted] supervisor since July 2011, when IAD was reorganized.

(b) (6)

### (U) Applicable Authorities

(U) This investigation looked at possible violations of the following authorities. See Appendix A for the full citations.

- (U) 18 U.S.C. §1001
- (U) NSA/CSS PMM, Chapter 360, §1-3 (c) and §§2-5 (a.1), (i)
- (U) NSA/CSS PMM, Chapter 362A, §2.5(c)
- (U) NSA/CSS PMM, Chapter 366, §2-1(K) and §2-2(B)



(b) (3) - P.L. 86-36  
(b) (6)

### III. (U) FINDINGS

(U//~~FOUO~~) **ALLEGATION 1:** Did [redacted] knowingly make a false statement by certifying timesheets he knew to be fraudulent, between March - September 2013, in violation of NSA/CSS Personnel Management Manual (PMM), Chapter 366, §2-1(K) and §2-2(B) and 18 U.S.C §1001?

(U//~~FOUO~~) **CONCLUSION:** Substantiated.

(U//~~FOUO~~) **ALLEGATION 2:** Did [redacted] as certifying official, fail to ensure the accuracy of the timesheets submitted by [redacted] between March-September 2013, in violation of NSA/CSS PMM, Chapter 360, §1-3 (c) and NSA/CSS PMM, Chapter 360, §2-5(a)(1) and (i)?

(U//~~FOUO~~) **CONCLUSION:** Substantiated.

---

### (U) Documentary Evidence

(b) (3) - P.L. 86-36

#### (U//~~FOUO~~) Timesheets

(U//~~FOUO~~) The OIG reviewed [redacted] timesheets from 24 June 2013 through 20 September 2013. The timesheets, FORM P3091B 25 FEB 2012 REV 3.0, were all certified by [redacted]. The certification statement on the timesheets reads as follows:

CERTIFICATION: Attendances and absences certified correct. Overtime approved in accordance with existing laws and regulations. For non-exempt FLSA, I did not suffer or permit any overtime work other than as reported for this pay period.

(U//~~FOUO~~) According to the timesheets, [redacted] claimed to earn the following:

- 39 credit hours in the pay period ending 29 June 2013
- 48.5 credit hours in the pay period ending 24 August 2013
- 40.5 credit hours in the pay period ending 7 September 2013
- 25.5 credit hours in the pay period ending 21 September 2013

#### (U//~~FOUO~~) Timesheets and Access Control Record Comparison

(U//~~FOUO~~) The OIG compared [redacted] timesheets and access control records for 24 June 2013 through 20 September 2013. On 24 occasions, [redacted] arrived one or more hours

later than he reported on his timesheet and on 12 occasions, [redacted] departed one or more hours earlier than reported on his timesheet.

**(U//~~FOUO~~) "Off the Books" Record Template**

(U//~~FOUO~~) On 18 April 2014, [redacted] provided a copy of a template form he used to record his "off the books" credit time (Appendix B). He was unable to locate any of the records that he had filled in by hand.

(U//~~FOUO~~) The template is dated 1 July 2013 and titled, "Personal Credit Hours accounting." [redacted] wrote as his objective, "Keep track of credit hours when you go over 24 hours per pay period that you are unable to burn."

[redacted] (b) (3) - P.L. 86-36

**(U) Testimonial Evidence**

(U//~~FOUO~~) [redacted]

(U//~~FOUO~~) [redacted] Team Lead, [redacted] was interviewed on 10 January and 14 May 2014, and provided the following sworn testimony.

(U//~~FOUO~~) [redacted] worked a development project that supported a DoD-wide board, with customers who were very interested in the results. His duties often took him out of FANX for meetings. He had a weekly meeting with contractors, sometimes in contractor spaces. [redacted] also went to the [redacted] to meet with customers to gather requirements and plan strategy. These meetings were not regularly scheduled.

(U//~~FOUO~~) Due to cut-backs in contractor support, the project was understaffed. [redacted] worked long hours to get the job done. However, his time management skills were not "perfect." [redacted] provided a lot of flexibility to [redacted] as long as he made progress on the assigned tasks, [redacted] was satisfied. [redacted] estimated that [redacted] worked about 9.5 hours a day, though [redacted] would not be surprised to see him work a 10-12 hour day at least once a week.

(U//~~FOUO~~) At one point<sup>1</sup>, [redacted] complained to [redacted] about all of the work he had to do. [redacted] asked [redacted] how he would accomplish it all and if he was about to "max-out" his credit time. [redacted] replied that he had already earned 26 or 27 credit hours. [redacted] explained that he was not allowed to earn more than 24 credit hours in a pay period. [redacted] wanted [redacted] to be compensated for the hours he had worked and did not want him to lose credit time. Consequently, [redacted] suggested

<sup>1</sup>(U//~~FOUO~~) Initially, [redacted] thought that the conversation took place in December 2012/January 2013. In a subsequent interview, [redacted] said that perhaps the conversation took place in February 2013.

[redacted] (b) (3) - P.L. 86-36  
(b) (6)

[redacted] document the extra hours in a separate record and "take a couple of hours here or there... over a period of time." Although they did not discuss the method of accounting or the format of the record, [redacted] expected that at the beginning or end of the day, [redacted] would use a couple of "off the books" credit hours and arrive later or leave earlier than he wrote on his timesheet. [redacted] understood that [redacted] would be writing down hours on his timesheet that were not true. He further understood that [redacted] would be marking himself as present on his timesheet when he was not actually present.

(U//FOUO) [redacted] was unable to identify the timecard on which [redacted] first began to use his "off the books" credit hours. Nevertheless, [redacted] understood that any timecard that he signed subsequent to his authorization of the "off the books" record could be fraudulent.

(b) (3) - P.L. 86-36

(U//FOUO) [redacted] intended for it to be a "one-time thing," but he discovered in August 2013<sup>2</sup> that [redacted] was continuing to keep a record of excess credit hours and taking them "off the books." When it was pointed out to [redacted] that he signed a timecard in June 2013, in which [redacted] claimed to earn 39 credit hours, [redacted] admitted that he did not look closely at it.

(U//FOUO) In August, while enrolled in [redacted] submitted a timesheet claiming approximately 20 hours labor in a single day, which alarmed [redacted]. At that time, [redacted] showed [redacted] his "off the books" record. When [redacted] saw it, he told [redacted] to cease keeping the record. [redacted] admitted that he never explicitly told [redacted] in their initial conversation that taking the hours "off the books" was meant to only occur only once; he just assumed [redacted] understood. [redacted] is aware that it was a violation of policy to authorize [redacted] to take time "off the books."

(U//FOUO) In retrospect, [redacted] agreed that he should have sought compensatory time or overtime for [redacted]. He did not do so because it would have been time consuming to request and he was under time constraints himself. Obtaining help for [redacted] was not feasible because contractor funding was unavailable and the other team members lacked the requisite skills and time to assist. [redacted] made a poor decision in an attempt to compensate a hard-working employee. He did not do his due diligence to find a way to do it properly; he is still learning how to be a manager.

(U//FOUO) [redacted]

(b) (3) - P.L. 86-36  
(b) (6)

<sup>2</sup> (U//FOUO) Initially, [redacted] testified that he discovered in February 2013 that [redacted] was continuing to keep the "off the books" record. In a subsequent interview, [redacted] testified that he may have been confused, because after the initial discussion about the "off the books" record, they never discussed it again until August 2013.

<sup>3</sup> (U//FOUO) [redacted] was enrolled in the [redacted] from [redacted]

(b) (6)

(U//FOUO) [redacted] was interviewed on 13 March 2014, and provided the following sworn testimony.

(U//FOUO) [redacted] office has been very flexible with work schedules. For the past two years, excepting the last six months (i.e. October 2013-March 2014), [redacted] worked 12-14 hour days. He worked from 0700 until the point at which he got tired and had to go home. He worked such long hours because he was the only person running his high visibility project. He felt a moral obligation to "get it right."

(U//FOUO) When [redacted] worked more than 80 hours in a pay period, he earned credit hours. In approximately September 2012, [redacted] noted that he was losing credit hours because he had exceeded the 24 hour maximum. He asked his supervisor, [redacted] what to do and [redacted] replied that they had to do what was necessary to continue the project. Therefore, to solve the problem, he instructed [redacted] to keep track of all of his lost hours in a separate record. He further instructed [redacted] to mark on his timesheet that he was present when he was not and thus use the credit hours he was losing. "In essence, I had credit time off the books." [redacted] explained, "If I came in at 8, then I would put down I came in at 7 and that's how I would use an hour of it. So you are going to see time fraud all over the place." Similarly, [redacted] sometimes left an hour earlier than what he wrote on his timesheet. [redacted] predicted one would see "small discrepancies all over the place" when looking at his timesheets and access control records.

(b) (3) - P.L. 86-36

(U//FOUO) [redacted] was asked why, during one pay period, he put that he earned 39 credit hours, even though the maximum was 24 and he was keeping this "off the books" record. [redacted] explained that even though he knew that hours in excess of 24 would be cut off by payroll, he had to keep an accurate record of the time he had worked. He did not want to lie on his timesheet. However, he did acknowledge that he was putting inaccurate information on his timesheet when it came to the hours that he took off.

(U//FOUO) Hypothetically, [redacted] explained that if earned 30 credit hours in a pay period (assuming a previous balance of zero), he would put all 30 on his timesheet, then take the 6 he knew would be truncated (for going over the 24 maximum) and put it on his "off the books" record. If he then came in the office at 0800, but wrote 0700 on his timesheet, he would remove an hour from his "off the books" record and essentially put it back "on the books." His goal was to eventually get all of those hours back on the record.

(U//FOUO) [redacted] knew he could only earn a maximum of 24 credit hours, but he couldn't afford to take a whole day off to "burn" what he had earned. If he did, a meeting would not happen, the project would suffer, and he would get further behind. At "its height," [redacted] had accumulated 180 hours of "off the books" credit time that he did not get paid for.

(U//FOUO) [redacted] expressed concern to [redacted] that they were violating a policy by keeping the record. [redacted] reiterated that they had to do what was necessary for the

(b) (3) - P.L. 86-36  
(b) (6)

UNCLASSIFIED//FOR OFFICIAL USE ONLY

(b) (3) - P.L. 86-36  
(b) (6)

IV-14-0059

project. At one point, [redacted] inquired about obtaining compensatory time in lieu of credit time, but [redacted] said that leadership would never approve it.

(U//FOUO) [redacted] and [redacted] never discussed an end date for the "off the books" record keeping. [redacted] assumed he would keep the record until they hired more people to help him with the project. [redacted] never said it was a "one-time thing." In fact, many months after their initial conversation, [redacted] saw [redacted] hand-written record and expressed concern about how many hours [redacted] had accumulated. He did not appear shocked that [redacted] was still keeping the record; rather he was concerned about [redacted] welfare. However, [redacted] never told [redacted] to cease keeping the record.

(U//FOUO) The "off the books" record of credit time came to light when someone from the [redacted] sent a letter to [redacted] supervisors about his poor performance in class. Because he was struggling in class, [redacted] had spent almost an entire weekend at work studying. Excepting a few gaps when he went home to eat or nap, he was within access control for nearly 48 hours straight. Deputy Chief [redacted] saw his timesheet and inquired who had given him permission to claim those hours. [redacted] explained that he was accustomed to earning credit hours and had 180 "off the books." [redacted] told him to stop his "off the books" accounting and informed him that all accumulated hours were lost.

(U//FOUO) [redacted] estimated that between 1/3 to 1/2 of the discrepancies between his timesheets and access control records are due to work-related meetings at [redacted] and other locations. The remaining discrepancies are the "off the books stuff." He emphasized that everything he did was sanctioned by his supervisor.

(U//FOUO) [redacted] (b) (3) - P.L. 86-36

(U//FOUO) On 7 March 2014, [redacted] Deputy Chief, [redacted] was interviewed and provided the following sworn testimony.

(U//FOUO) For all practical purposes, Deputy Chief [redacted] considers himself [redacted] supervisor, though [redacted] is rated by the Chief of [redacted] [redacted] assessed that [redacted] was an excellent employee but not a great manager. He is very technical, doesn't delegate well, and has to be advised on how to manage his personnel.

(U//FOUO) In late September, the instructors leading the [redacted] called [redacted] and informed him that [redacted] had not passed the class. The instructors told him that [redacted] had consistently arrived late and had taken excessive breaks. As a result, [redacted] drafted a Memorandum of Counseling in consultation with an ER counselor. On 30 September 2013, [redacted] used the MFR to verbally counsel [redacted] was also present.

(U//FOUO) During the counseling session, [redacted] mentioned that had been banking so many credit hours that he could not use them before he hit the ceiling of 24. So, he "worked out

UNCLASSIFIED//FOR OFFICIAL USE ONLY

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

IV-14-0059

(b) (3) - P.L. 86-36  
(b) (6)

a deal with [REDACTED] whereby he could continue to accumulate credit hours in excess of the allowable 24. [REDACTED] was keeping a record of these excess credit hours in a spreadsheet and then using them at a later date. He said he had been keeping this "off the books" record as far back as March 2013. This immediately "sent up a red flag" for [REDACTED]. However, he opted not to ask [REDACTED] any questions about it, or about the credit hours he claimed during training, because he was concerned it could interfere with an OIG investigation.

(U//FOUO) Later, [REDACTED] informally counseled [REDACTED] about the "off the books" record. [REDACTED] admitted that he had made this arrangement with [REDACTED] and apologized. He did not realize he had violated any regulations. He admitted he knew [REDACTED] was collecting these excess hours and agreed that it had been going on since March. [REDACTED] told him not to do it again and informed him that any credit hours that [REDACTED] worked in excess of 24 were lost.

(U//FOUO) Technically, [REDACTED] could have requested senior leadership grant [REDACTED] compensatory time or overtime. However, he did not make such a request and thought it was unlikely it would have been approved. "The project [REDACTED] was working on was not one that we would have authorized overtime for."

(b) (3) - P.L. 86-36

### (U) Analysis and Conclusions

(U//FOUO) The NSA/CSS PMM, Chapter 366, §2-1(K) prohibits employees from "knowingly making or presenting a false or fraudulent statement or claim." NSA/CSS PMM, Chapter 366, §2-2(B) prohibits "deliberate misrepresentations, falsifications, or omission of material facts in any Agency document." 18 U.S.C. §1001 punishes by fine and/or imprisonment those who "falsify, conceal, or cover up by any trick, scheme, or device a material fact..." The law defines "knowingly" as acting with knowledge of the falsity, acting with reckless disregard of whether the statement is true, or making a conscious effort to avoid learning the truth. The preponderance of the evidence shows that the timesheets signed by [REDACTED] were false and [REDACTED] knew they were false.

(U//FOUO) Between March 2013<sup>4</sup> and September 2013, [REDACTED] submitted false and inaccurate timesheets. [REDACTED] admitted in his testimony that he marked on his timesheet that he was present when he was not and departed an hour earlier or arrived an hour later than what he wrote on his timesheet. An analysis of [REDACTED] timesheets and access control records confirms the fact that [REDACTED] arrived later than claimed and departed earlier than claimed on numerous occasions.<sup>5</sup>

<sup>4</sup> (U//FOUO) The three witnesses interviewed disagreed about when [REDACTED] began keeping the "off the books" record. To give the subject the benefit of the doubt, the OIG selected the most recent date offered by a witness, and therefore the shortest duration of the violation.

<sup>5</sup> (U//FOUO) Although some of the late arrivals and early departures may have been attributable to [REDACTED] off-campus business meetings, the timesheets corroborate [REDACTED] testimony.

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~



~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

IV-14-0059

(b) (3) -P.L. 86-36  
(b) (6)

(b) (3) -P.L. 86-36

(U//~~FOUO~~) When [redacted] signed [redacted] timesheets, he acted with knowledge of their falsity. It was [redacted] who suggested [redacted] document the extra hours in a separate record and "take a couple of hours here or there, over a period of time." Although they did not discuss the method of accounting or the format of the record, [redacted] expected that at the beginning or end of the day, [redacted] would use a couple of "off the books" credit hours and arrive later or leave earlier than he wrote on his timesheet.

[redacted] understood that [redacted] would be writing down hours on his timesheet that were not true. He further understood that [redacted] would be marking himself as present on his timesheet when he was not actually present. Thus, by signing a timesheet that he knew to be fraudulent, [redacted] presented a false statement.

(U//~~FOUO~~) [redacted] claimed that he thought the arrangement with [redacted] was a "one-time thing" and did not know that [redacted] had continued to keep a record of his "off the books" time. However, [redacted] admitted that he never explicitly told [redacted] in their initial conversation that taking the hours "off the books" was meant to only occur only once; he just assumed [redacted] understood. He also never followed-up with [redacted] to make sure that he had ceased documenting and expending excess credit hours. In fact, he signed timecards in which [redacted] claimed to earn more than 24 hours credit time, a clear indication that it was still going on. Therefore, [redacted] acted with reckless disregard of whether the timesheets were true when he certified them and sent them to payroll.

(U//~~FOUO~~) Furthermore, NSA/CSS PMM, Chapter 360, §1-3(c) requires certifying officials to "certify the accuracy of all Timesheets for employees under his or her supervision...." NSA/CSS PMM, Chapter 360, §§2-5(a)(1) and (i) requires that certifying officials "ensure that all entries on timesheets are correct" and "ensure that all periods of absence are reported...." [redacted] failed in these responsibilities when he certified timesheets that he knew were not accurate and did not report all of [redacted] periods of absence.

(U//~~FOUO~~) The preponderance of the evidence supports the conclusion that [redacted]

- 1) knowingly made a false statement by certifying timesheets he knew to be fraudulent, between March - September 2013, in violation of NSA/CSS Personnel Management Manual (PMM), Chapter 366, §2-1(K) and §2-2(B).
- 2) failed to ensure the accuracy of the timesheets submitted by [redacted] between March - September 2013, in violation of NSA/CSS PMM, Chapter 360, §1-3 (c) and NSA/CSS PMM, Chapter 360, §§2-5(a)(1) and (i).

(U//~~FOUO~~) Additionally, we concluded that by a preponderance of the evidence, [redacted] also violated criminal statute 18 U.S.C. §1001.

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~



IV. (U) RESPONSE TO TENTATIVE CONCLUSION

(U//~~FOUO~~) On 22 July 2014, [redacted] responded to the tentative conclusions reached in the investigation. [redacted] took responsibility for his "error in judgment" that resulted in "the filing and signing of false statements." Although [redacted] wrote that he wished to "amplify the context" that resulted in his actions, the information he provided had already been included in this report.

(U//~~FOUO~~) A copy of [redacted] response is in Appendix C.

(b) (3) - P.L. 86-36

(U//~~FOUO~~) On 21 July 2014, [redacted] forwarded a memorandum signed by himself and [redacted] that purported to respond to the tentative conclusions. The joint MFR stated that [redacted] directed [redacted] to keep the "off the books" record and enter fraudulent times on his timesheets.

(U//~~FOUO~~) A copy of the joint response is in Appendix D.

(U//~~FOUO~~) Given that neither of the responses contained new information that would impact the OIG analysis, the tentative conclusion became final.

(b) (3) - P.L. 86-36  
(b) (6)

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

IV-14-0059

**V. (U) CONCLUSION**

(b) (3) - P.L. 86-36  
(b) (6)

(U//~~FOUO~~) The preponderance of the evidence supports the conclusion that [redacted]

- 1) knowingly made a false statement by certifying timesheets he knew to be fraudulent, between March – August 2013, in violation of NSA/CSS Personnel Management Manual (PMM), Chapter 366, §2-1(K) and §2-2(B).
- 2) failed to ensure the accuracy of the timesheets submitted by [redacted] between March-August 2013, in violation of NSA/CSS PMM, Chapter 360, §1-3 (c) and NSA/CSS PMM, Chapter 360, §§2-5(a.1.),(i).

(b) (3) - P.L. 86-36

(U//~~FOUO~~) Additionally, we concluded that by a preponderance of the evidence, [redacted] also violated criminal statute 18 U.S.C. §1001.


~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~


**VI. (U) DISTRIBUTION OF RESULTS**


(U//~~FOUO~~) A copy or summary of this report of investigation will be provided to:

1. M/ER for information and any appropriate action.
2. OGC, Administrative Law & Ethics, D23, for information, and;
3. Q234, Special Actions, for information and any appropriate action.

Concurred by:

  
Investigator

  
Assistant Inspector General  
for  
Investigations

 (b) (3) - P.L. 86-36

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

IV-14-0059

**APPENDIX A**

**(U) Applicable Authorities**

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

IV-14-0059

---

**(U) NSA/CSS PMM, Chapter 360 — *Time and Attendance*****Section 1-3 — (U) Policy:**

All NSA/CSS civilian personnel receive compensation based on federal law. The Comptroller General of the United States determines the procedures that govern the administration of timesheets for civilian employees. To ensure full compliance with these procedures, the Agency has established the following policies:

- (c) The certifying official must certify the accuracy of all Timesheets for employees under his or her supervision....

**Section 2-5. Supervisors Designated as Certifying Officials or Alternate Certifying Officials:**

- a. Ensure that all entries on timesheets are correct:
  - 1. The correct number of hours in each pay, nonpay, and leave status are recorded on the timesheet daily, or no later than the next workday for which hours are posted;
- i. Ensure that all periods of absence are reported, including TDY and school situations....

---

**(U) NSA/CSS PMM, Chapter 362A — *Alternative Work Schedules (AWS) Program*****Section 2.5 — (U) Credit Hours and Flexible Work Schedules:****2.5.C. Earning Credit Hours**

Full-time employees may earn and accumulate a maximum balance of 24 credit hours. Credit hours earned in excess of 24 will be forfeited. DCPS (the Agency's payroll system) is programmed to prevent employees from exceeding 24 credit hours.

---

**(U) NSA/CSS PMM, Chapter 366—*Personal Conduct*****Section 2-1 — (U) Work Environment:**

Employees will not engage in any conduct that creates a hostile work environment and/or interferes with an individual's work performance.

...

K. False Statements – Employees will not knowingly make or present a false or fraudulent statement or claim; enter into an agreement or conspiracy to defraud the Government by obtaining or aiding in the payment or allowance of a false or fraudulent claim; or, knowingly and willfully falsify or conceal a material fact by a trick, scheme, or device.....

**Section 2.2 — (U) Personnel and Security Standards:**~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

IV-14-0059

Employees granted access to classified information and Sensitive Compartmented Information must be stable; trustworthy; reliable; of excellent character, judgment and discretion; and of unquestioned loyalty to the United States. Any conduct, including off-duty conduct that brings into question these character traits may be cause for appropriate security action and in some cases administrative action. The following illustrations are provided as examples and are not inclusive:

...

B. Deliberate misrepresentations, falsifications, or omission of material facts in any Agency document.....

---

**(U) 18 U.S.C. §1001 — *Statements or Entries Generally***

- (a) Except as provided in this section, whoever, in any matter within the jurisdiction of the executive ... of the Government of the United States, knowingly and willfully—
- (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;
  - (2) makes any materially false, fictitious, or fraudulent statement or representation; or
  - (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry ; shall be fined under this title, imprisoned not more than 5 years or ... both.

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

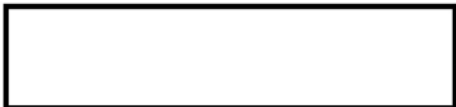
IV-14-0059

**APPENDIX B**

**(U) “Off the Books” Record Template**

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~





UNCLASSIFIED

7/1/13

# PERSONAL Credit Hours accounting

## JULY 2013

OBJECTIVE: (Keep track of credit hours when you go over 24 hours per pay period that you are unable to burn.)

M	T	W	T	F	S	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

(b) (3) -P.L. 86-36

#	Pay Period	Hours	Comments	Used
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

IV-14-0059

(b) (3) - P.L. 86-36  
(b) (6)

APPENDIX C

(U) [redacted] Response to the Tentative Conclusions

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

(b) (3) - P.L. 86-36

22 July 2014

### Memorandum

Subject: Comments on the Tentative Office of Inspector General (OIG) Conclusion.

[redacted]  
I do not have any additional changes to my testimony.

I would only like to amplify the context which does not change the facts.

[redacted] was working an important project that did require considerable time and effort. My expectation as his supervisor was that he was managing his time within the limits of the official time system.

When I became aware that he had already expended additional hours over and above the limits for which he would not be compensated, I unfortunately recommended the "off the books" procedure for the hours he had already accumulated to allow him to be compensated for hours already worked. I did not see a way to compensate for hours already worked above the credit hour limit and not previously approved as compensatory time.

My expectation was that this approach was to apply to only the additional hours he had already worked. This apparently was misunderstood as also authorization for future hours as well.

Had I realized earlier the extent of hours [redacted] was actually expending and forfeiting, I would have sought permission to authorize compensatory time so we would not have been in the position of trying to compensate him for already worked hours.

This was an error in my management judgment that resulted in the filing and signing of false statements for not only the set of hours already worked, but through misunderstanding extending to a set of additional hours.

I did not intend to defraud the government. My intent was to try to compensate a hard working employee trying to get mission work done for hours already worked that I thought he might have to forfeit.

I take responsibility for my error in judgment and action. I have requested from my management that as of [redacted] that I be removed from supervisory duties so that there will not be any opportunity for future supervisory errors on my part. They have granted my request.

(b) (6)

[redacted]  
(b) (3) - P.L. 86-36  
(b) (6)

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

IV-14-0059

(b) (3) - P.L. 86-36

(b) (3) - P.L. 86-36  
(b) (6)

**APPENDIX D**

(U) [redacted] and [redacted]

**Joint Response to the Tentative Conclusions**

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

UNCLASSIFIED

(b) (3) - P.L. 86-36  
(b) (6)

July 8, 2014

MEMORANDUM FOR RECORD

From: [redacted] and [redacted]

(b) (3) - P.L. 86-36

To: The Office of the Inspector General (OIG)

Attn: [redacted]

Subject: Response to the OIG's Notification of Tentative Conclusion

1. Due to extended hours working on a high visibility project, [redacted] accrued and forfeited large amounts of credit time during this period.
2. Upon discussion with his immediate supervisor [redacted] [redacted] was directed to:
  - a. Develop and maintain a word document of credit time that exceeded the agency standard of 24 hours
  - b. Enter fraudulent times on timesheets to recoup credit time
  - c. Under the direction of [redacted] submit the amended timesheets to him for signature
3. The motive was to keep the project on track and meet customer demands.

Very Respectfully,

[redacted signature box]

[redacted signature box]

UNCLASSIFIED