

~~SECRET//REL TO USA, FVEY~~

**NATIONAL SECURITY AGENCY/CENTRAL SECURITY  
SERVICE**



**INSPECTOR GENERAL  
REPORT OF INVESTIGATION**

**27 May 2015**

**IV-14-0107**

**Alleged Nepotism**

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

(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.

Classified By: [redacted]  
Derived From: NSA/CSSM 1-52  
Dated: 20070108  
Declassify On: ~~20400501~~

~~SECRET//REL TO USA, FVEY~~

Approved for Release by NSA on 11-29-2019, FOIA Case # 85643 (litigation)

~~SECRET//REL TO USA, FVEY~~

## (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

Classified By:   
Derived From: NSA/CSSM 1-52  
Dated: 20070108  
Declassify On: 20400501

~~SECRET//REL TO USA, FVEY~~

~~SECRET//REL TO USA, FVEY~~

with Inspectors General of the Service Cryptologic Elements and other IC entities to jointly inspect consolidated cryptologic facilities.

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

Classified By   
Derived From: NSA/CSSM T-52  
Dated: 20070108  
Declassify On: ~~20400501~~

~~SECRET//REL TO USA, FVEY~~

**I. (U) SUMMARY**

(U//~~FOUO~~) On 30 May 2014, the NSA/CSS Office of the Inspector General (OIG) received an allegation that [redacted] advocated for the hiring of his wife, [redacted] as an Agency employee. The OIG conducted interviews with [redacted] and [redacted]. Additionally, the OIG obtained documentary evidence from a variety of sources.

(b) (6)

(U//~~FOUO~~) The preponderance of the evidence supports the conclusion that [redacted] gave the appearance of violating the law and ethical standards, in breach of 5 C.F.R. §§2635.101(b)(14) and 2635.502(a), and NSA/CSS PMM, Chapter 366, §1-2, J, and gave preferential treatment to his wife during her NSA employment application process, in violation of 5 C.F.R. §2635.101(b)(8) and NSA/CSS Personnel Management Manual (PMM), Chapter 366, §1-3, G. The OIG did not find, by a preponderance of the evidence, that [redacted] violated 5 U.S.C. §3110.

(U//~~FOUO~~) A copy of the NSA/CSS OIG report will be forwarded to Employee Relations (MR) for information and any action deemed appropriate. Also, a summary of the findings will be forwarded to the Associate Directorate for Security and Counterintelligence (ADS&CI), Special Actions (Q242), and [redacted] supervisor.

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

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

Classified By: [redacted]  
Derived From: NSA/CSSM 1-52  
Dated: 20070108  
Declassify On: 20400501



## II. (U) BACKGROUND

(b) (6)

### (U) Introduction

(U//~~FOUO~~) Between 2006 and 2013, [redacted] wife of NSA employee, [redacted] applied for multiple external Agency vacancies. Between 2012 and May 2014, [redacted] contacted at least ten Agency employees regarding his wife's application and hiring process. [redacted] signed an NSA Nepotism Statement in February 2014.

### (U) Applicable Authorities

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

- (U) 5 U.S.C. § 3110  
Employment of Relatives; Restrictions
- (U) 5 C.F.R. § 2635.101  
Basic Obligation of Public Service
- (U) 5 C.F.R. § 2635.502  
Personal and Business Relationships
- (U) NSA/CSS PMM, Chapter 366, § 1-2  
Responsibilities
- (U) NSA/CSS PMM, Chapter 366, § 1-3  
General Principles for On-the-Job Conduct

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

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

Classified By: [redacted]  
Derived From: NSA/CSSM 1-52  
Dated: 20070108  
Declassify On: ~~20400501~~

### III. (U) FINDINGS

~~(U//FOUO)~~ ALLEGATION: Did [redacted] violate ethical standards by advocating for his wife's employment at the Agency.

~~(U//FOUO)~~ CONCLUSION: **Substantiated.** The preponderance of the evidence supports the conclusion that [redacted] gave the appearance of violating the law and ethical standards, in breach of 5 C.F.R. §§2635.101(b)(14) and 2635.502(a), and NSA/CSS PMM, Chapter 366, §1-2, J, and gave preferential treatment to his wife during her NSA employment application process, in violation of 5 C.F.R. §2635.101(b)(8) and NSA/CSS PMM, Chapter 366, §1-3, G. The OIG did not find, by a preponderance of the evidence, that [redacted] violated 5 U.S.C. §3110.

#### (U) Documentary Evidence

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

#### (U) NSA Nepotism Statement

~~(U//FOUO)~~ [redacted] received and electronically confirmed the NSA Nepotism Statement (Appendix B) in HRMS on 10 February 2014. By confirming the statement, [redacted] agreed that he had not advocated or recommend the appointment of his wife for Agency employment. He further acknowledged that he was prohibited from advocating for his wife's appointment in any way and agreed to disassociate himself from any and all actions that related directly or indirectly to the consideration of his wife for future assignments within the Agency.

~~(U//FOUO)~~ E-mail message from [redacted] to [redacted] MB2, 9 October 2012

~~(U//FOUO)~~ In this e-mail message (Appendix C), [redacted] inquired as to whether [redacted] had been contacted by either the Senior Language Authority or another Agency employee regarding "a polyglot applicant." He stated, "I am not asking for any detailed information as I understand this information is private. I only aim to raise awareness to this applicant who speaks 5 languages..."

~~(U//FOUO)~~ E-mail message from [redacted] to [redacted] [redacted] 25 October 2012

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

3

Classified By: [redacted]

Derived From: NSA/CSSM 1-52

Dated: 20070108

Declassify On: 20400501

(U//FOUO) In this e-mail message (Appendix D), [redacted] stated, "I was provided your contact information as a person who might be able to advise on the hiring of folks with outstanding language skills...I know a lady who speaks fluently five languages... Would her skills be of interest of the Agency? Could you advice [sic] on which path she may take?"

**(U//FOUO) E-mail message from [redacted] to [redacted]  
26 October 2012**

(U//FOUO) In this e-mail message (Appendix E), [redacted] referred to "an applicant" who speaks five European languages and "has had a hard time standing out over applicants with mastery of one language." He asked [redacted] for any "guidance or information pertaining to current cross training programs or vacancies."

**(U//FOUO) E-mail message from [redacted] to [redacted]  
MB2, 16 November 2012**

(U//FOUO) After sending the 26 October 2012 e-mail message (Appendix E) to [redacted] [redacted] sent an e-mail message to [redacted] (Appendix F) and asked, "Would you mind giving me an indication if [redacted] application is being considered? Realize you cannot share details of her application, I simply would like to get a sense if there is interest out there for her skills or not. I often see requirements for [redacted] speakers and [redacted] is a native fluent [redacted] speaker, so it prompted me to ask this question."

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

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

**(U//FOUO) E-mail message from [redacted] to [redacted]  
[redacted] 14 January 2013**

(U//FOUO) In this e-mail message (Appendix G), [redacted] inquired as to whether [redacted] office was in need of a linguist, and stated, "I know a person who speaks not only native fluent [redacted] but also [redacted] and [redacted] She would also be able to satisfy an outstanding [redacted] requirement with [redacted]"

(b) (6)

**(U//FOUO) E-mail messages between [redacted] to [redacted]  
[redacted] 18 January 2013**

(U//FOUO) In the first of three e-mail messages, [redacted] stated that he had spoken with the Deputy Chief of the [redacted] Division regarding an outstanding Agency requirement for [redacted] and inquired as to whether [redacted] office was hiring external candidates. He referred to a particular (unidentified) "outside civilian" and

Classified By: [redacted]  
Derived From: NSA/CSSM 1-52  
Dated: 20070108  
Declassify On: ~~20400501~~

stated, "The person I have in mind is a [redacted] speaker. Might you have any thoughts on who I might talk to about outside hires...?"

(U//FOUO) After [redacted] responded that the potential applicant should apply online via nsa.gov, [redacted] replied, "By the way, and in the interest of full disclosure, my friend is also my spouse and her name is [redacted]. All three e-mail messages are attached in Appendix H.

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

(U//FOUO) E-mail message from [redacted] to [redacted] 22 January 2013

(U//FOUO) In this message, titled: "nepotism issue" (Appendix I), [redacted] forwarded [redacted] two messages that [redacted] sent to [redacted] (Appendix C & F). [redacted] stated: "So, you'll see that [redacted] was evidently unsatisfied with [redacted] response back in November and has continued to research job opportunities for his relative, [redacted] through a series of emails with [redacted] people... I'd ... like to know if he's signed a nepotism form."

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

(U//FOUO) E-mail messages between [redacted] and [redacted] 7 February 2014

(U//FOUO) This email chain begins with [redacted] e-mail to [redacted]. In it, [redacted] referred to "an applicant" who may be in the adjudication process who speaks over four languages and had a conditional job offer for [redacted]. He asked [redacted] if she expected to need any vacancies filled with someone who has such language skills and added that the applicant is "open to other languages given her skills and desires to have an EOD as soon as possible."

(b) (6)

(U//FOUO) [redacted] responded to [redacted] via e-mail and asked him to provide the applicant's resume.

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

(U//FOUO) In the third e-mail in this chain, [redacted] replied by stating, "She is in the system and working with [redacted] (Language Recruiter). Her name is [redacted] a native [redacted] speaker... She obviously has an affinity for languages, and is willing and interested in learning additional ones. Can you pull her resume through [redacted]" All three e-mail messages are attached in Appendix J.

(U//FOUO) E-mail messages between [redacted] and [redacted] [redacted] (at the time of the e-mails), 13 May 2014

Classified By: [redacted]  
Derived From: NSA/CSSM 1-52  
Dated: 20070108  
Declassify On: 20400501

(U//FOUO) [redacted] began the e-mail chain by informing [redacted] of his wife's applicant status. "Given after nearly a year of processing [redacted] is finally coming out the other end of the security tunnel, I am curious how we may get that little extra thrust to avoid being discarded or taken off consideration the moment [redacted] finds out today that I have orders and that we aim to go to [redacted]"

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

(U//FOUO) After two more e-mail exchanges between [redacted] and [redacted] in which [redacted] also asked about the availability of a spousal billet [redacted] stated, "Neither you nor [redacted] should be calling around looking for positions. It's fine to contact Recruitment, MG1, and [redacted] but that's really it. You also should be wary of the nepotism statement/policy at NSA." All e-mail messages in this chain are attached in Appendix K.

**(U//FOUO) E-mail message from [redacted] to [redacted] and [redacted] 19 May 2014**

(b) (6)

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

(U//FOUO) In this e-mail message (Appendix L), [redacted] inquired about positions for his wife in [redacted]. After explaining the situation, he stated, "My question for the group is, whether you may be aware of any options not considered by the recruiter. Could [redacted] come in as a Direct Hire? Might she be able to perhaps spend 6 months at NSAW fulfilling the first Milestone of the LADP program and then hope to be an integree with [redacted] Might telecommute be an option for her? Any insight on what is feasible or within the realm of the plausible would be greatly appreciated. I strongly believe given her natural language skills, she would be a great asset to NSA."

**(U//FOUO) E-mail message from [redacted] MB2, to [redacted] MB2, [redacted] MB2, and [redacted] MB2, 28 May 2014**

(U//FOUO) In this e-mail message (Appendix M), [redacted] stated that she believed it was time to engage the NSA Office of General Counsel (OGC) regarding [redacted] involvement in his wife's NSA employment applications.

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

Classified By [redacted]  
Derived From: NSA/CSSM 1-52  
Dated: 20070108  
Declassify On: 20400501

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

**(U) Testimonial Evidence**

(U//FOUO) On 1 July 2014, [redacted] was interviewed by the undersigned and provided the following sworn testimony:

(U//FOUO) [redacted] recently completed a deployment to [redacted] and is about to begin a permanent change of station (PCS) assignment to [redacted]. In [redacted] he was employed as a [redacted] and in [redacted] his position will be an [redacted]. Prior to his most recent deployment, [redacted] was employed as a Technical Director in [redacted] for approximately two years. In this position, he assisted the Chief, [redacted] in the interviewing process of internal applicants for Division Chief and Deputy Chief vacancies. Following the applicant interviews he conducted, [redacted] provided feedback to the Chief, [redacted]. [redacted] was not considered a hiring manager at that time. In approximately 2010, in a previous position as the Chief of the [redacted] [redacted] posted internal vacancy announcements, conducted the interviews, and made the selection of applicants for analyst positions. [redacted] does not think he was considered a hiring manager at that time.

(b) (6)

(U//FOUO) [redacted] wife, [redacted] applied to a language position at the Agency in approximately May 2013. In approximately April 2014, [redacted] was told by an NSA recruiter that she was about to receive a final job offer. Within one to two days after his wife corresponded with the recruiter, [redacted] received information that he was approved for a PCS assignment to [redacted]. At that point, [redacted] informed her recruiter, name unrecalled by [redacted] that she was interested in a position at [redacted] due to her husband's impending PCS assignment. The recruiter informed [redacted] that recruitment was unable to assist her with this request and instructed her to "only engage with the PCS officer," [redacted] from that point forward.

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

(U//FOUO) [redacted] initially stated that the only involvement he had in his wife's application and hiring process occurred in approximately April 2014, after she was told by a recruiter that she was about to be extended a final job offer and to speak with a PCS officer regarding available positions at [redacted]. At that time, [redacted] who was deployed to [redacted] contacted his PCS officer, an MG1 representative, the [redacted] Chief of Staff (COS), [redacted] and employees assigned to the Language Development Program, in an effort to gain information on employment options for his wife in [redacted]. [redacted] stated that because his wife was told by her recruiter that she was about to receive a final job offer, he no longer considered her an applicant; therefore, the inquiries he conducted were regarding the Married Agency Employees (MAE) program, not regarding his wife as an Agency applicant. In approximately 2013, when [redacted] initially applied for a position at the Agency, [redacted] completed the NSA employee referral process on the internal NSA website;

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

Classified By: [redacted]

Derived From: NSA/CSSM 1-52

Dated: 20070108

Declassify On: 20400501

however "once she submitted her package, I had no further engagement of any kind, up until the [final job offer]."

(U//FOUO) [redacted] signed the nepotism statement in February 2014. Prior to signing the statement, his assumption of NSA's nepotism policies was that "if [he] was in a position able to influence the hiring of a family member into [his] direct office, that would be viewed as nepotism." After signing the nepotism statement, [redacted] understanding of the nepotism policies changed in that he now understands the policies are broader than he originally assumed. Specifically, he stated that any advocating for the hiring of a family member into any NSA position constitutes nepotism.

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

(U//FOUO) Although [redacted] contacted several individuals, including his PCS officer, [redacted] representatives, the [redacted] COS, and Language Development Program employees, after signing the nepotism statement, he stated that his actions were not in violation of the nepotism policy because the Agency had decided to hire his wife; therefore, he no longer believed she was an applicant. He added that he had not asked for his wife's promotion or advancement, he was simply inquiring about the MAE accommodations available. However, [redacted] admitted that despite being told by a recruiter that she was about to receive a final job offer, [redacted] never received a final job offer and was never indoctrinated as an NSA employee.

(U//FOUO) After initially stating that the only involvement he had in his wife's application and hiring process occurred when he completed the employee referral, early in the application process, and again in approximately April 2014, as described above, [redacted] was questioned about many e-mails he sent to individuals involved in the hiring of language analysts. He stated that because he sent the e-mails prior to signing the nepotism statement, he did not feel that he violated any policies.

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

(U//FOUO) [redacted] was questioned about why he did not initially identify his wife as the potential applicant in many of the 2013 e-mails he sent inquiring about employment. He claimed he did not think it was relevant to identify his wife initially and stated, "I'm not advocating for a family member, I'm advocating for the skills."

(U//FOUO) On 17 July 2014, [redacted] was interviewed and provided the following sworn testimony:

(U//FOUO) [redacted] was formerly the [redacted] COS and had contact with [redacted] within the last year during his processing for his current position at [redacted]. When [redacted] was offered the [redacted] position, he informed [redacted] that his wife was processing as an Agency applicant. He explained that his wife was a language analyst, which [redacted] assumed meant that she had experience and training as a language analyst. In May 2014, [redacted] called [redacted] to inform her that his wife's clearance had been

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

Classified By: [redacted]  
Derived From: NSA/CSSM 1-52  
Dated: 20070108  
Declassify On: 20400501



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

granted; however, she had yet to accept a position or enter on duty (EOD). He told [redacted] that his wife's recruiter, [redacted] had not corresponded with him or his wife for two weeks and that she "refused" to speak with them. [redacted] found this situation questionable, because as a former recruiter, she was not aware of a situation where a recruiter would refuse to speak with someone. [redacted] then called the recruiter, [redacted] on behalf of [redacted]. [redacted] explained that she had spoken with [redacted] within the last week. She contacted [redacted] via e-mail (Appendix K) on 13 May 2014 and explained to him that he should be aware of NSA's nepotism policy. [redacted] stated that [redacted] had manipulated the facts of the situation and should not have contacted her regarding a potential [redacted] position for his wife.

(b) (6)

(U//FOUO) On 24 July 2014, [redacted] and Hiring Manager [redacted] was interviewed and provided the following sworn testimony:

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

(U//FOUO) [redacted] was first made aware of [redacted] e-mail messages regarding his wife's application process within the last few years when other language hiring managers forwarded him e-mail messages from [redacted]. [redacted] did not correspond directly with [redacted] at that time. When language hiring managers receive an unofficial referral, the standard practice is to document the applicant's information and inform the referring individual that they will not be advised of any future action regarding the applicant.

(U//FOUO) In February 2014, [redacted] contacted the Office of Recruitment (MB) regarding [redacted] frequent contacts with language hiring managers and other NSA employees about his wife's application for employment. [redacted] was concerned that [redacted] had not received the NSA Nepotism Statement.

(U//FOUO) In May 2014 [redacted] contacted [redacted] directly to request information regarding his wife's processing as an applicant and his pending PCS assignment. [redacted] responded by asking [redacted] if he had ever been counseled regarding the NSA Nepotism policies. [redacted] did not answer [redacted] question, instead he responded that he was deployed and would like to meet with [redacted] in person upon his return in approximately late June or early July 2014. [redacted] did not respond to the e-mail message; however, when [redacted] returned from his deployment, he arrived in [redacted] office to discuss the matter. [redacted] did not engage [redacted]

(U//FOUO) [redacted] actions of contacting multiple language hiring managers and other NSA employees involved in the recruitment and hiring process regarding his wife's applicant processing violated the NSA Nepotism Statement. Additionally in many e-mail messages, [redacted] did not identify his wife as his wife, instead, he referred to the applicant as, "I know somebody..." [redacted] actions of not initially identifying his wife as the applicant to whom he was referring was "deceptive" and "not above board." Although he often did not

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

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

Classified By: [redacted]  
Derived From: NSA/CSSM 1-52  
Dated: 20070108  
Declassify On: 20400501



~~SECRET//REL TO USA, FVEY~~

IV-14-0107

initially identify the applicant as his wife, he always ended the string of e-mail messages by revealing the applicant's identify. To [REDACTED] this "was a sign that there was an awareness there that you do have to reveal who it is you're advocating for..."

(U//FOUO) On 10 October 2014, [REDACTED] Chief, MB2, was interviewed and provided the following sworn testimony:

(U//FOUO) [REDACTED] was first made aware of [REDACTED] involvement in his wife's application process on 7 February 2014. At that time, [REDACTED] contacted her office to ask whether [REDACTED] had been given a copy of the NSA Nepotism statement. It was determined that although [REDACTED] should have received a copy of the statement, as his wife had applied to vacancy announcements at the Agency since 2006, due to oversight, he had not received one. [REDACTED] office immediately sent [REDACTED] the Nepotism statement, which he confirmed on 10 February 2014 (Appendix B).

(U//FOUO) In May 2014, [REDACTED] contacted [REDACTED] regarding e-mail correspondence he received from [REDACTED] regarding his wife's application and potential hiring. [REDACTED] agreed with [REDACTED] that [REDACTED] pushed the envelope and violated the agreement in the Nepotism Statement by advocating for the hiring of his wife in e-mail messages sent in May 2014.

(U//FOUO) The Nepotism Statement was not the first time [REDACTED] had agreed to cease involvement in his wife's application process. In 2006, 2010, and 2012, [REDACTED] completed the formal employee referral process regarding his wife. Part of the process consists of the referring employee agreeing to no further involvement with their referral's employment processing.

(U//FOUO) On 17 March 2015, [REDACTED] was contacted and provided the following information:

(U//FOUO) The Office of General Counsel, Administrative Law and Ethics, does not have any record of [REDACTED] contacting their office.

## (U) Analysis and Conclusions

(U//FOUO) 5 C.F.R. § 2635.101(b)(8) states, "Employees shall act impartially and not give preferential treatment to any private organization or individual. . . ." NSA/CSS PMM, Chapter

10

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

Classified By: [REDACTED]

Derived From: NSA/CSSM 1-52

Dated: 20070108

Declassify On: 20400501

~~SECRET//REL TO USA, FVEY~~

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

IV-14-0107

366, §1-3, similarly states "...every employee is expected to: . . . G. Act impartially and not give preferential treatment to any private organization or individual." [redacted] sent e-mail messages regarding his wife's language skills and potential hire to at least ten Agency employees (Appendices C through L). For example, in an e-mail message to [redacted] MB2, dated 9 October 2012 (Appendix C); [redacted] stated, "I only aim to raise awareness to this applicant who speaks 5 languages, given her language skills...and has a demonstrated ability to learning languages." In another e-mail message to [redacted] dated 26 October 2012 (Appendix E), [redacted] wrote, "I have an applicant who speaks 5 languages fluently and, given her demonstrated ability and interest in languages, is open to picking up additional languages, which may be more of a pressing operational need to NSA...she has applied to language analysts positions, however, given her European languages, she has had a hard time standing out over applicants with mastery of one language." [redacted] also advocated for his wife's hire and placement in a position at [redacted] (Appendices J and K). By contacting multiple individuals involved in the hiring process for language applicants and advocating for his wife's hire and placement in a position at [redacted] [redacted] gave preferential treatment to his wife during her application process with the Agency, in violation of 5 C.F.R. § 2635.101(b)(8) and NSA/CSS PMM, Chapter 366, §1-3, G.

(U//FOUO) According to 5 C.F.R. § 2635.101(b)(14), "Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or ethical standards set forth in this part..." Further, 5 C.F.R. § 2635.502(a) states, "Where an employee knows that a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interest of a member of his household... and where the employee determines that the circumstance would cause a reasonable person with knowledge of the relevant facts to question his impartiality in the matter, the employee should not participate in the matter unless he has informed the agency designee of the appearance problem and received authorization from the agency designee..." Similarly, regarding personnel, security, and ethics standards, the NSA/CSS PMM, Chapter 366, § 1-2, J, states Agency employees should "avoid the appearance of violating the law or these standards." The appearance that [redacted] may have violated ethical standards and nepotism policies was noticed and addressed on at least four occasions. In February 2014, after contacting several [redacted] employees and language hiring managers regarding his wife's application, [redacted] was asked to review and confirm the nepotism statement, which he did on 10 February 2014. On 13 May 2014, after [redacted] continued to inquire about a possible PCS position for his wife, [redacted] told [redacted] "neither you nor [redacted] should be calling around looking for positions... You should also be wary of the nepotism statement/policy at NSA." On 19 May 2014, [redacted] sent an e-mail message to [redacted] and others inquiring about PCS employment opportunities for his wife at [redacted]. In response, [redacted] questioned [redacted] regarding whether he had been counseled about the nepotism policy and advocating for his spouse to be hired as an NSA employee. In May 2014, [redacted] MB2, considered contacting the NSA Office of General Counsel regarding the possible ethical standard and nepotism policy violations by

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

(b) (6)

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

Classified By: [redacted]

Derived From: NSA/CSSM 1-52

Dated: 20070108

Declassify On: 20400501

[redacted] actions of contacting at least ten Agency employees regarding his wife's language skills and application process created the appearance that he violated the law and ethical standards, specifically nepotism policies, on numerous occasions. Additionally, there is no evidence [redacted] informed the "agency designee," (the Designated Agency Ethics Official (DAEO) or the Office of General Counsel, Administrative Law & Ethics) of the appearance problem or received authorization from the agency designee to participate in his wife's hiring, as required by 5 CFR 2635.502(a). Furthermore, in the majority of [redacted] initial contacts with Agency employees regarding his wife's application, he did not identify that the individual to whom he was referring was his wife. Instead, he referred to his wife as "an applicant" or "a lady."

(U//FOUO) The NSA Nepotism Statement (Appendix B), that [redacted] confirmed on 10 February 2014, states "I have not advocated or recommended the appointment of my relative to this position in the Agency. I acknowledge that I am prohibited from advocating his appointment, promotion, or advancement in any way, pursuant to the anti-nepotism statute (5 U.S.C.3110)...I agree without reservation to disassociate myself in any and all actions that relate directly or indirectly to the consideration of my relative for future assignments or promotions to any positions within the Agency." Although [redacted] confirmed the statement, indicating that he had not advocated or recommended his wife for a position at the Agency, the numerous e-mail messages that [redacted] sent to Agency employees prove otherwise. [redacted] has advocated for his wife's employment at the Agency since at least 2012. Further, by confirming the Nepotism Statement, [redacted] agreed to disassociate himself with any further employment actions regarding his wife, including future assignments and promotions within the Agency. [redacted] breached this agreement when he contacted several Agency employees in May 2014 in an effort to find a PCS position for his wife in [redacted].

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

(U//FOUO) According to 5 U.S.C. § 3110(b), "[a] public official may not appoint, employ, promote, advance, or advocate for appointment, employment, promotion, or advancement, in or to a civilian position in the agency in which he is serving or over which he exercises jurisdiction or control any individual who is a relative of the public official." 5 U.S.C. § 3110(a) defines a "public official" as "... an employee and any other individual, in whom is vested the authority by law, rule, or regulation, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals, or to recommend individuals for appointment, employment, promotion, or advancement in connection with employment in an agency." Although [redacted] has held past Agency positions where he posted vacancy announcements, conducted interviews, and selected employees for positions in his office, he did not hold a position that included these duties during the timeframe investigated by the OIG. Therefore, the OIG found that [redacted] was not considered a "public official" as defined by 5 U.S.C. § 3110(a) and thus did not violate 5 U.S.C. § 3110(b).

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

Classified By: [redacted]  
Derived From: NSA/CSSM 1-52.  
Dated: 20070108  
Declassify On: 20400501

~~SECRET//REL TO USA, FVEY~~

IV-14-0107

(U//~~FOUO~~) The preponderance of the evidence supports the conclusion that [redacted] gave the appearance of violating the law and ethical standards, in breach of 5 C.F.R. §§2635.101(b)(14) and 2635.502(a), and NSA/CSS PMM, Chapter 366, §1-2, J, and gave preferential treatment to his wife during her NSA employment application process, in violation of 5 C.F.R. §2635.101(b)(8) and NSA/CSS PMM, Chapter 366, §1-3, G. The OIG did not find, by a preponderance of the evidence, that [redacted] violated 5 U.S.C. §3110.

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

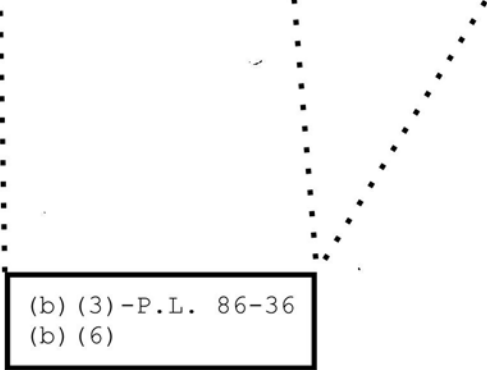
[redacted]  
(b) (3) - P.L. 86-36

Classified By: [redacted]  
Derived From: NSA/CSSM 1-52  
Dated: 20070108  
Declassify On: ~~20400501~~

~~SECRET//REL TO USA, FVEY~~

**V. (U) RESPONSE TO TENTATIVE CONCLUSIONS**

(U//FOUO) On 7 April 2015, the OIG sent [redacted] the tentative conclusions reached in the investigation. A copy of [redacted] response is attached in Appendix O. [redacted] response did not change the OIG's conclusions; therefore the tentative conclusions became final.



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

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

*Classified By:* [redacted]  
*Derived From:* NSA/CSSM T-52  
*Dated:* 20070108  
*Declassify On:* 20400501

~~SECRET//REL TO USA, FVEY~~

IV-14-0107

**V. (U) CONCLUSION**(b) (3) - P.L. 86-36  
(b) (6)

(U//~~FOUO~~) The preponderance of the evidence supports the conclusion that [redacted] gave the appearance of violating the law and ethical standards, in breach of 5 C.F.R. §§2635.101(b)(14) and 2635.502(a), and NSA/CSS PMM, Chapter 366, §1-2, J, and gave preferential treatment to his wife during her NSA employment application process, in violation of 5 CFR §2635.101(b)(8) and NSA/CSS PMM, Chapter 366, §1-3, G. The OIG did not find, by a preponderance of the evidence, that [redacted] violated 5 U.S.C. §3110.

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

15

Classified By: [redacted]

Derived From: NSA/CSSM 1-52

Dated: 20070108

Declassify On: ~~20400501~~~~SECRET//REL TO USA, FVEY~~

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

### VI. (U) DISTRIBUTION OF RESULTS

(U//~~FOUO~~) A copy of this report of investigation will be provided to MR, Employee Relations, and a summary of the findings will be provided to Q242, Special Actions, and [redacted] supervisor.

[redacted]

Investigator

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

Concurred by:

[redacted]

Assistant Inspector General  
for Investigations

Classified By [redacted]

Derived From: NSA/CSSM 1-52

Dated: 20070108

Declassify On: ~~20400501~~

~~SECRET//REL TO USA, FVEY~~

## APPENDIX A

### (U) Applicable Authorities

~~SECRET//REL TO USA, FVEY~~



~~SECRET//REL TO USA, FVEY~~

---

**(U) 5 U.S.C. § 3110 — Employment of Relatives; Restrictions**

(a) For the purpose of this section—...

... (2) “public official” means an officer (including the President and a Member of Congress), a member of the uniformed service, an employee and any other individual, in whom is vested the authority by law, rule, or regulation, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals, or to recommend individuals for appointment, employment, promotion, or advancement in connection with employment in an agency; and

(3) “relative” means, with respect to a public official, an individual who is related to the public official as... wife...

(b) A public official may not appoint, employ, promote, advance, or advocate for appointment, employment, promotion, or advancement, in or to a civilian position in the agency in which he is serving or over which he exercises jurisdiction or control any individual who is a relative of the public official. An individual may not be appointed, employed, promoted, or advanced in or to a civilian position in an agency if such appointment, employment, promotion, or advancement has been advocated by a public official, serving in or exercising jurisdiction or control over the agency, who is a relative of the individual.

---

**(U) 5 C.F.R § 2635.101 — Basic Obligation of Public Service**

... (b) General Principles. The following general principles apply to every employee and may form the basis for the standards contained in this part. Where a situation is not covered by the standards set forth in this part, employees shall apply the principles set forth in this section in determining whether their conduct is proper. . . .

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

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

---

**(U) 5 C.F.R § 2635.502 — Personal and Business Relationships**

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

---

**(U) NSA/CSS PMM, Chapter 366, § 1-3 — General Principals for On-The-Job Conduct**

Generally, every employee is expected to:

...G. Act impartially and not give preferential treatment to any private organization or individual.

~~SECRET//REL TO USA, FVEY~~

~~SECRET//REL TO USA, FVEY~~

**APPENDIX B**

**(U) Confirmed NSA Nepotism Statement  
10 February 2014**

~~SECRET//REL TO USA, FVEY~~

UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

Statement of [redacted]

(Statute 3110, Title 5, United States Code, restricts a public official from advocating a relative's appointment, employment, promotion, or advancement anywhere in a public official's own agency or in an agency over which the official exercises jurisdiction or control.)

I, [redacted], have not advocated the assignment of my  
Wife, [redacted] to a position in the National Security Agency.

(b) (6)

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

I have not advocated or recommended the appointment of my relative to this position in the Agency. I acknowledge that I am prohibited from advocating his appointment, promotion, or advancement in any way, pursuant to the anti-nepotism statute (5 U.S.C.3110). I further acknowledge that I must not exercise authority, jurisdiction or control of any appointment, promotion or advancement concerning my relative and that he/she has been appointed to a position outside my chain-of-command.

I agree without reservation to disassociate myself from any and all actions that relate directly or indirectly to the consideration of my relative for future assignments or promotions to any position within the Agency.

The content of this form was confirmed(denied) by:

SID [redacted]  
NAME [redacted]  
DATE 02/10/2014

UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

~~SECRET//REL TO USA, FVEY~~

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

APPENDIX C

(U) E-mail message from [redacted] to [redacted]  
9 October 2012

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

~~SECRET//REL TO USA, FVEY~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

**From:** [redacted]

**Sent:** Tuesday, October 09, 2012 1:03 PM

**To:** [redacted]

**Subject:** (U) Polyglot Applicant

Classification: UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

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

Good afternoon [redacted]

I was curious if by any chance you may have been contacted by the Senior Language Authority or [redacted] pertaining to a polyglot applicant. I am not asking for any detailed information as I understand this information is private. I only aim to raise awareness to this applicant who speaks 5 languages, given her language skills. She is also interested in learning additional mission related languages and has a demonstrated ability to learning languages. Additionally, I believe someone mentioned there may have been a recent requirement or need for [redacted]

Sincerely,  
[redacted]

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

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

~~SECRET//REL TO USA, FVEY~~

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

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

**APPENDIX D**

**(U) E-mail message from [redacted] to [redacted]  
25 October 2012**

~~SECRET//REL TO USA, FVEY~~

UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

**From:** [Redacted]  
**Sent:** Thursday, October 25, 2012 3:04 PM  
**To:** [Redacted]  
**Subject:** (U) Polyglot - 5 Languages

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

Classification: UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~  
Dear [Redacted]

I was provided your contact information as a person who might be able to advise on the hiring of folks with outstanding language skills. If by chance I am mistaken, please forgive me and disregard this email.

I know a lady who speaks fluently five languages, and given her predisposition and skill, is willing to learn a 6th or 7th language. She speaks conversational [Redacted]

[Redacted] She is seeking employment preferably via the agency route but might be willing to consider a contractor position. She is also willing to participate in cross training for additional languages. Her resume was uploaded via the website and she applied to language analysts type roles. Would her skills be of interest to the Agency? Could you advise on which path she may take?

(b) (6)

Sincerely,

[Redacted Signature]

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

UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

~~SECRET//REL TO USA, FVEY~~

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

APPENDIX E

(U) E-mail message from [redacted] to [redacted]  
26 October 2012

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

~~SECRET//REL TO USA, FVEY~~



UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

**From:** [redacted]  
**Sent:** Friday October 26, 2012 8:36 AM  
**To:** [redacted]  
**Subject:** (U) Polyglot Applicant

Classification: UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

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

Dear [redacted]

I was referred to you as the ultimate authority pertaining to languages and needs at the Agency.

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

I am seeking guidance or information pertaining to current cross training programs or vacancies available for new folks coming into the Agency. I have an applicant who speaks 5 languages fluently and, given her demonstrated ability and interest in languages, is open to picking up additional languages which may be of a more pressing operational need to NSA.

She currently speaks [redacted] in addition to English (of course). Her resume was submitted via the NSA.gov web site and she has applied to language analysts positions, however, given her European languages, she has had a hard time standing out over applicants with mastery of one language. Any insight you could share would be greatly appreciated.

(b) (6)

Sincerely,

[redacted signature box]

UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

~~SECRET//REL TO USA, FVEY~~

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

**APPENDIX F**

**(U) E-mail message from** [redacted] **to** [redacted]  
**16 November 2012**

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

~~SECRET//REL TO USA, FVEY~~

UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

**From:** [redacted]  
**Sent:** Friday, November 16, 2012 1:23 PM  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** RE: (U) Polyglot Applicant

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

Classification: UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

[redacted]  
Don't mean to bug you with this but ... Was in communication with [redacted] and others about [redacted] a polyglot applicant. I know her resume was being passed around S2 and S3, but it was not clear to me if her application via the web site was being processed. Would you mind giving me an indication if her application is being considered? Realize you cannot share details of her application, I simply would like to get a sense if there is interest out there for her skills or not. I often see requirements from F6 [redacted] [redacted] speakers and [redacted] so it prompted me to ask this question.

(b) (6)

Appreciate your help,

Regards,  
[redacted]

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

UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

~~SECRET//REL TO USA, FVEY~~

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

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

**APPENDIX G**

**(U) E-mail message from [redacted] to [redacted]  
14 January 2013**

~~SECRET//REL TO USA, FVEY~~

UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

**From:** [redacted]  
**Sent:** Monday, January 14, 2013 3:13 PM  
**To:** [redacted]  
**Subject:** [redacted]

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

[redacted]  
Noticed you were listed as a POC for a German "Tour" at [redacted] I am curious if by any chance you have a need for a Polyglot. I know a person who speaks not only native fluent [redacted] but also [redacted]. She would also be able to satisfy an outstanding [redacted] requirement with [redacted]

Please advise,

(b) (6)

Sincerely,

[redacted signature block]

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

UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

~~SECRET//REL TO USA, FVEY~~

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

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

**APPENDIX H**

(U) E-mail message from [redacted] to [redacted]  
18 January 2013

~~SECRET//REL TO USA, FVEY~~

UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

To: [redacted]  
Cc: [redacted]  
Subject: RE: (U) RE: [redacted]

Classification: UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

[redacted]

Thank you so much for the quick response. She has already applied and uploaded her resume. She has applied to the Language Analyst positions and has highlighted her language skills in [redacted] as well as her interests in developing additional language skills. By the way, and in the interest of full disclosure, my friend is also my spouse and her name is [redacted]. Appreciate your suggestions, and will sync up with recruitment based on this new information pertaining to the outstanding requirement as communicated by [redacted] folks.

(b) (6)

Regards,

Sincerely,

[redacted signature block]

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

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

From: [redacted]  
Sent: Friday, January 18, 2013 6:29 PM  
To: [redacted]  
Cc: [redacted]  
Subject: RE: (U) RE: [redacted]

Classification: UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

[redacted]

(U//FOUO) Please have your friend go to the www.nsa.gov site. They will be able to see which career fields NSA is hiring for and can (must) apply via that site. They should be able to upload their resume for more than one career field (Language and Intelligence Analyst). If there is an outstanding requirement for [redacted] the Language Hiring team should already have this information and be looking for qualified individuals.

I hope this helps,

[redacted]

(U//FOUO)

UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

[Redacted]

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

**From:** [Redacted]  
**Sent:** Friday, January 18, 2013 5:02 PM  
**To:** [Redacted]  
**Subject:** FW: (U) RE: [Redacted]

Classification: ~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

[Redacted]

This individual in question is an outside civilian. Are you folks hiring from the outside for any languages or cross training? Also, spoke with the Deputy of the [Redacted] Division and he highlighted the fact the is an outstanding requirement for [Redacted] but the Agency only has [Redacted] who understand this language. The person I have in mind is a [Redacted] [Redacted] speaker. Might you have any thoughts on who I might talk to about outside hires to satisfy this requirement?

(b) (6)

Regards,  
Sincerely,

[Redacted]

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

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~



~~SECRET//REL TO USA, FVEY~~

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

**APPENDIX I**

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

**(U) E-mail message from** [redacted] **to** [redacted]  
**22 January 2013**

~~SECRET//REL TO USA, FVEY~~

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

[Redacted]

**From:** [Redacted]  
**Sent:** Tuesday, January 22, 2013 6:29 AM  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** FW: (U) nepotism issue - Polyglot Applicant

Classification: ~~SECRET//REL TO USA, AUS, CAN, GBR, NZL~~

(b) (6)

[Redacted] So, you'll see that [Redacted] was evidently unsatisfied with [Redacted] response back in November and has continued to research job opportunities for his relative, [Redacted] through a series of emails with [Redacted] people. I'm not sure what to do, but I'm not inclined to bend over backwards for this one. She claims fluent [Redacted] but no related work experience in [Redacted] at all. I'd kind of like to know if he's signed a nepotism form.

[Redacted]  
(U//FOUO)

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

[Redacted]

This document may contain Privacy Act (1974, as amended) information which must be protected (AW NSA/CSS Policy 1.4) or removed prior to further disclosure. This information is for official use only (FOUO)

**From:** [Redacted]  
**Sent:** Monday, November 19, 2012 9:59 AM  
**To:** [Redacted]  
**Subject:** FW: (U) Polyglot Applicant

Classification: ~~SECRET//REL TO USA, AUS, CAN, GBR, NZL~~

FYI. I told him that we currently do not have [Redacted] requirements for external hiring.

Thanks,

[Redacted]

Recruiter, Office of Recruitment

[Redacted]

Personnel Privileged Information

Do not release without permission of DMAP

Do not further release without approval from originator

~~SECRET//REL TO USA, FVEY~~

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

APPENDIX J

(U) E-mail message from [redacted] to [redacted]  
7 February 2013

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

~~SECRET//REL TO USA, FVEY~~

UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

**From:** [redacted]  
**Sent:** Friday, February 07, 2014 2:41 PM  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** RE: (U) [redacted]

Classification: UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

[redacted]

(b) (6)

Thanks for the quick reply on this. She is in the system and working with [redacted] (Language Recruiter). Her name is [redacted] a native [redacted] speaker although the agency has only tested her for [redacted] thus far (her current CJO). She obviously has an affinity for languages, and is willing and interested in learning additional ones. Can you pull her resume through [redacted]?

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

I believe she is scheduled to go into adjudication any second now, took care of poly, psych, and all that back during the early summer 2013.

Sincerely,

[redacted signature block]

**From:** [redacted]  
**Sent:** Friday, February 07, 2014 2:34 PM  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** RE: (U) [redacted]

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

Classification: UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

Good Afternoon [redacted]

We are currently discussing at the [redacted] level the projected new hire requirements for [redacted] language analysts for FY14. I was told by the [redacted] Hiring Manager that it is also being discussed at the S2 level. Would you happen to have a copy of her resume that you could forward?

V/R,  
[redacted]

(U//FOUO)  
[redacted]

UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

[Redacted]

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

(U//~~FOUO~~) DropBox

[Redacted]

**From:** [Redacted]  
**Sent:** Friday, February 07, 2014 11:02 AM  
**To:** [Redacted]  
**Subject:** (U) [Redacted]

Classification: UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

Good Morning [Redacted]

I am wondering if you would not mind giving me a sense for your projected new hire requirements during FY14. I know if an applicant who may be in Adjudication at the moment who speaks 4+ languages, including [Redacted] dialect. Do you expect to be needing anyone with such a skill set ? She currently has a CJO for [Redacted] but is open to other languages given her skills and desires to have an EOD as soon as possible.

(b) (6)

Thanks for any insight you might be able to share with me.

Sincerely,

[Redacted]

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

UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

~~SECRET//REL TO USA, FVEY~~

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

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

**APPENDIX K**

(U) E-mail messages between [redacted] and [redacted]  
13 May 2014

~~SECRET//REL TO USA, FVEY~~

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

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

**From:** [redacted]  
**Sent:** Tuesday, May 13, 2014 2:15 PM  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** RE: (U) All packed out and ready to go ?

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

Classification: ~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

Hi [redacted] I've spoken to [redacted] twice today, I do not believe this is what is intended; and, [redacted] has never spoken to [redacted] Neither you nor [redacted] should be calling around looking for positions. It's fine to contact Recruitment, MG1, and [redacted] but that's really it. You also should be wary of the nepotism statement/policy at NSA.

(b) (6)

[redacted] had a CJO and FJO for the Language Development program; and, as such there is no opportunity for her in [redacted] She could accept the position and work in Maryland, but I do not believe your family would want to be separated. (Please correct me if I'm wrong.)

There is no list of MAE opportunities anywhere - if that does not exist. Any positions that are in the field as MAE are for employees who are already in the system working, and when that employee ends their tour, the billet goes right back into the corporate pot. As I've mentioned to you several times previously, mission elements are more than likely not going to offer telecommuting, nor are they going to give up any billets that they will lose for three years, - but I have no decision/control over any of this.

Leave without pay, and any telecommuting all require a billet for the employee which [redacted] is "not".

Would suggest that you look at the bright side of all this in that she has her clearance. This can be helpful after you arrive in competing for positions at [redacted] as they require TS clearance...but not necessarily the TS/SCI.

Hope this clarifies, [redacted]

(U//FOUO) [redacted]

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

**From:** [redacted]  
**Sent:** Tuesday, May 13, 2014 11:39 AM  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** RE: (U) All packed out and ready to go ?

Classification: UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

Hi [redacted] Greetings [redacted] !;

Thank you for the quick reply, much appreciated ! Ok, so late breaking news ... [redacted] spoke to [redacted] today. [redacted] clearance came through this past Friday and [redacted] is asking her to engage directly with [redacted] for any MAE opportunities or otherwise. From this I understand [redacted] is essentially releasing [redacted] to seeking any available opportunities (??).

(b) (6)

Based on the above, curious, believe [redacted] wife was at [redacted] under a spousal billet. Would that billet be available ?

[redacted]

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

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

**From:** [redacted]  
**Sent:** Tuesday, May 13, 2014 7:13 PM  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** RE: (U) All packed out and ready to go ?

Classification: UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

Hi [redacted] We actually don't talk to MB [redacted] office so they would not have been in communiqué with me. However, just to reiterate the facts to help you discuss this with MB and MG as you should be working with [redacted]

- 1) She will need to get a "billet". First and foremost, that will be your issue. MG1 (Corp HR) has no more spousal billets -and I only know this because we have had issues securing our first one. That means it will need to come from the mission element who makes her the offer.
- 2) Even if they put her on SLWOP they still need to "give up" a billet for her in S2 for three years. That means no one is working on a valid position.
- 3) Waiver for the move, definitely. That will need to happen.
- 4) They would not waive her probation though—and could actually defer it regardless of which path is taken (or not).

I did tell you it would be complicated. But, that's what I know if the process. Definitely work with MG/MB.

I've cc'ed [redacted] as she is replacing me here as I transition out  
Good luck! Stay safe!!

(U//FOUO) [redacted]

UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~



UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

From: [redacted]  
Sent: Tuesday, May 13, 2014 2:49 AM  
To: [redacted]  
Subject: (U) All packed out and ready to go?

Classification: UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

Good Morning [redacted]

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

Hope all is well at your end. Presume getting ready to go? When do you depart?? Will I see you?

Hey, need your insight, advice, and anything else we may be able to think of on this little dilemma.

(b) (6)

[redacted] was contacted last night asking to setup a phone call for today Tuesday to "move forward". I presume [redacted] (Recruiter) wants to ask her availability and pick an EOD date. Given after nearly a year of processing [redacted] is finally coming out the other end of the security tunnel, I am curious how we may get that little extra thrust to avoid being discarded or taken off consideration the moment [redacted] finds out today that I have orders and that we aim to go to [redacted]. Ideally [redacted] would hope for moving forward with an EOD immediately and then request an exception to the 2-year commitment. Plan B would be for her to still EOD and then immediately go into Spousal LWOP. Any thoughts on either approach, any advice on how to handle this with [redacted]?

As you said before, one step at a time and it was always a very very very long shot to start with. Remember [redacted] no longer handles my file.... Should I talk to my new PCS officer - [redacted]??

Sincerely,  
[redacted]

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

UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

~~SECRET//REL TO USA, FVEY~~

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

**APPENDIX L**

**(U) E-mail message from [redacted] to [redacted]  
[redacted]  
19 May 2014**

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

~~SECRET//REL TO USA, FVEY~~

UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

**From:** [redacted]  
**Sent:** Monday, May 19, 2014 9:25 AM  
**To:** [redacted]  
**Subject:** (U) Direct Hire Options?

Classification: UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

Dear [redacted]

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

I was referred to you by [redacted] for ideas on whether there is a solution on a little dilemma we are dealing with.

Following approximately 12 months of processing, my wife was recently informed by a recruiter she was about to be offered an FJO for the LADP in [redacted] is a polyglot, speaking fluent [redacted] and of course, English. She is also interested in learning additional languages given her talent and very much desires to join NSA. However, at about the same time as her clearance was finalized, my orders came through for a PCS assignment to [redacted] as the next [redacted] integrated with [redacted] starting in August 2014.

(b) (6)

As a result, the recruiter withdrew the FJO and took her off consideration pointing out there are no language positions available for [redacted] at [redacted]

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

My question for the group is, whether you may be aware of any options not considered by the recruiter. Could [redacted] come in as a Direct Hire? Might she be able to perhaps spend 6 months at NSA fulfilling the first Milestone of the LADP program and then hope to be an integree with [redacted]? Might telecommute be an option for her? Any insight on what is feasible or within the realm of the plausible would be greatly appreciated. I strongly believe given her natural language skills, she would be a great asset to NSA.

Sincerely,  
[redacted]

UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

~~SECRET//REL TO USA, FVEY~~

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

APPENDIX M

(U) E-mail message from [redacted] to  
[redacted] and [redacted]  
28 May 2014

~~SECRET//REL TO USA, FVEY~~

~~SECRET//REL TO USA, FVEY~~

**From:** [redacted]  
**Sent:** Wednesday, May 28, 2014 8:56 AM  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** RE: (U) [redacted]

Classification: ~~SECRET//REL TO USA, FVEY~~

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

I believe its time to engage the GC òn this.

Thanks for the update April

[redacted]  
Chief, MB2  
Recruitment Division

**From:** [redacted]  
**Sent:** Wednesday, May 28, 2014 8:25 AM  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** RE: (U) [redacted]

Classification: ~~SECRET//REL TO USA, FVEY~~

(b) (6)

Just so that everyone is aware. I never made the final offer to [redacted] I emailed her on Monday, 12 May to let her know that she was fully cleared and we would like to discuss the details of a final offer. The very next morning, before I even spoke to the applicant, I was called by the CoS in her husband's office (her name escapes me) asking what I could do about finding [redacted] a position at [redacted] because they were scheduled to PCS.

In all my time dealing with [redacted] she never mentioned a PCS. She did however call and email me multiple times on April 25 asking if we could rush her clearance. When I told her that I had no control in that situation, she insisted I put her in touch with the Hiring Manager, [redacted] who agreed to reach out to her.

A few hours after that CoS called, [redacted] contacted me. At that time, I asked her about the intention to PCS, which she finally admitted. She also admitted that she and her husband were planning to have her take the position and then apply for a waiver from her commitment to find a position at [redacted] I explained to her that there were no language positions at [redacted] and that her lack of technical training would not allow her to be exempted from training. I offered to see if there were any other options for her as a fully cleared spouse of an Agency employee (administrative work, etc). After making a few calls,

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

Classified By [redacted]

Derived From: NSA/CSSM 1-52

Dated: 20070108

Declassify On: 20400301

~~SECRET//REL TO USA, FVEY~~

(b) (6)

~~SECRET//REL TO USA, FVEY~~

I got in touch with [redacted] (CoS [redacted]) She explained that options were few and at this time, there were no billets onto which [redacted] could even be considered a direct hire. She did suggest that [redacted] apply to the [redacted] which was right near the site and required a lower level clearance than the one she received from us. I passed that information on to the applicant.

She and her husband however, had a different story. [redacted] and I spent a good deal of the day emailing and calling one another regarding our separate conversations with the [redacted] [redacted] went so far as to tell [redacted] that I gave his wife the name and contact info for [redacted] in MG1 as someone who could help place her in a position. I had never heard of [redacted] before May 13.

I informed [redacted] and the hiring manager of these developments and let them know that I did not formally make the offer. There was no discussion of start dates, exact salaries, positions, etc.

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

In addition [redacted] has had to be reminded of the Nepotism Agreement more than once in his wife's process. See the attached from February.

I'd also be happy to provide all the high and low side correspondence I have regarding this matter if it is needed.

(U//FOUO)

[Large redacted box]

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

Personnel Privileged Information  
Do not release without permission of DJ4P  
Do not further release without approval from originator

This document may contain Privacy Act (1974, as amended) information which must be protected IAW NSA/CSS Policy I-34 or removed prior to further disclosure. This information is for official use only (FOUO).

~~(S//REL)~~

~~SECRET//REL TO USA, FVEY~~

~~SECRET//REL TO USA, FVEY~~

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

**APPENDIX N**

(U) Record of [redacted] Employee Referrals  
for his wife, [redacted]

(b) (6)

~~SECRET//REL TO USA, FVEY~~

~~SECRET//REL TO USA, FVEY~~

Employee NAME	Employee ORGANIZATION	DATE/TIME Referred	Referred NAME	Referral Skill Set	RELATIO NSHIP TO EMPLOY EE
[REDACTED]	[REDACTED]	6/5/2006 15:57	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	1/19/2010 12:26	[REDACTED]	[REDACTED]	Spouse
[REDACTED]	[REDACTED]	9/5/2012 13:48	[REDACTED]	[REDACTED]	Spouse

(b) (6)

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

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

Classified By [REDACTED]  
Derived From: NSA/CSSM 1-52  
Dated: 20070108  
Declassify On: 20400501

~~SECRET//REL TO USA, FVEY~~



~~SECRET//REL TO USA, FVEY~~

## APPENDIX O

(U)  **Response to the Tentative Conclusions**

.....

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

~~SECRET//REL TO USA, FVEY~~

UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

[REDACTED]

In response to your April 7, 2015 email, I have had an opportunity to review your draft conclusions. As I understand your email and tentative conclusions, it appears to me the investigation focused on three key distinct areas:

1. The first topic appears to pertain to employees acting impartially and not giving preferential treatment to any private organization or individual.
2. The second topic area seems to focus on employees avoiding any actions creating the appearance that they are violating the law or ethical standards.
3. The third topic appears to cover the period under which I served as a manager in [REDACTED] and whether I utilized my position and role as someone advertising vacancies and interviewing applicants (internal) to the benefit of my wife.

Before I respond to each of these points, I would like to emphasize that I do not have detailed email records readily available for review, thus a complete review of activities since 2005 (my EOD date) is not available nor was it performed ahead of our in-person interview or as part of this written response. Additionally, over the years and with changing positions and corresponding email PSTs, records were purged. As a result, I do not currently have a copy of the 10 February 2014 NSA Nepotism Statement you reference in your email. Furthermore, the impromptu interview held in late June of 2014 was conducted immediately upon return from a four month deployment to [REDACTED] still on [REDACTED] time and following approximately 120 exhaustive continuous days of War Zone work without a single rest day – hardly the best circumstances for optimal recollection of every interaction held on this particular topic. I believe it is important to let the record show these key facts.

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

With respect to the first topic area pertaining to employee impartiality and the giving of preferential treatment, I do not understand from your statements how reaching out or contacting individuals reflects upon me as “giving preferential treatment” since I had none to give. Upon review of the few emails I have found on this topic, it is clear I contacted a number of individuals. However, I was not in a position to give preferential treatment. I viewed my actions in May 2014 as no different from any other Agency couple selected for PCS. As previously stated, I engaged and actively communicated with Language Authority personnel, PCS desk officers, and my future organization Chief of Staff [REDACTED] as a way to resolve a Spousal Accommodation issue given a Final Job Offer was imminent (by our understanding). While in [REDACTED] it was communicated to [REDACTED] that her clearance investigation was completed and final adjudication was performed. This took place at approximately the same time as our PCS orders being finalized. Further engagement with her recruiter led us to understand a final job offer was being prepared. Given the difference in time zones and limited communication, I communicated with the above referenced parties mostly via email. It was my recollection clear and unambiguous discussions were held on exploring options for identifying this spousal position. Furthermore, during a telephone conversation with the Chief of Staff at [REDACTED] at the time, I was clearly and explicitly informed I could have these discussions with her and with the PCS desk officer. I believe my communication via email with the PCS officer may reflect this understanding at the time. Actions taken in May of 2014 in anticipation of our upcoming PCS to [REDACTED] were viewed as part of the PCS process and dialogue applicable to couples employed by the Agency. Additional Senior/Mentor advice coupled with statements

(b) (6)

UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

made by the [redacted] Chief of Staff led me to believe these actions were within acceptable allowable guidelines.

On the second point pertaining to the appearance of violation of ethical standards you indicated "The appearance that you may have violated ethical standards and nepotism policies was noticed and addressed on several occasions." It is unclear to me what particular instances you reference by that statement. Please provide additional specific detail and / or written documentation of admonishment or corrective actions. I believe I stated during our interview that I had not been previously admonished for any actions taken. I was provided with a NSA Nepotism Statement for review and signature, this statement was viewed as a general statement believed to be presented to every family relative associated with an applicant. It is not my recollection I was being singled out or explicitly being admonished at the time. You also emphasize the fact that "...in the majority of your initial contacts with Agency employees regarding your wife's application, you did not identify that the individual to whom you were referring was your wife." My contacts with individuals were focused on the fact that a polyglot, an individual with an obvious and clear language skill and ability to speak, read, and write five languages, would be an asset to the National Security Agency. It is not my recollection that I ever asked for [redacted] [redacted] to be hired because of her relation to me. I requested the skill set be considered just as we would highlight any other qualified applicant in the Go Referral website. Over the years we have been collectively encouraged to highlight qualified applicants for Agency recruiters to evaluate. I believe the exact quote used by some Seniors was to "bubble an application to the top of the stack for evaluation." I viewed these actions in a similar light, just as I have previously entered her name in the referral forms managed by Human Resources. It should be reasonably obvious to all recipients of my email communications that [redacted] is related to [redacted] [redacted]. There is only one [redacted] last name in Searchlight as this is not a very common last name. The last name was never obfuscated; In fact, [redacted] was clearly identified in the resumes shared and did not use her maiden last name but rather her married name. Whether this person is my spouse, daughter, or other family relative, any person receiving a copy of the resume from me would have clearly realized a family relation. Having said this, I reiterate my recollection was always to highlight a significantly unique skill set and allow the qualifications for language positions to speak for themselves. Lastly, information currently published in "Go Referral" [redacted] makes no mention that relatives should be excluded from the referral program. The web form asks explicitly the relation between the applicants being referred and the Agency employee. However the definition you provided in 5 U.S.C.3110 would seem to imply to me such referral actions might be construed as advocating for family members.

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

(b) (6)

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

With respect to the third topic of your investigation, let the record clearly and unambiguously show that when I held a management role in which positions were advertised and applicants were interviewed (2008-2012), no evidence of any violation of 5 U.S.C. § 3110 was identified. To reiterate, when a position of influence on the selection of individuals was held, no evidence of wrong doing could be identified at the conclusion of the investigation.

Lastly, request your assistance in providing the following or answering these questions:

1. Would you please provide an explanation of the OIG investigative process and subsequent steps to be taken at the conclusion of this investigation?

UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

2. Will there be a subsequent hearing or may I request a hearing be held?
3. Could you provide me with a copy of the NSA Nepotism Statement signed on 10 February 2014?
4. Would you please provide additional clarification on the statement : "*The appearance that you may have violated ethical standards and nepotism policies was noticed and addressed on several occasions.*" Of particular interest is the addressing of these noticed actions on repeated occasions.
5. Am I to understand interviews held with the [redacted] Chief of Staff refute statements I have made pertaining to advice given to me on allowed discussion of the topic with the CoS and PCS Desk officer ?

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

UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~