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**NATIONAL SECURITY AGENCY/CENTRAL SECURITY  
SERVICE**



**INSPECTOR GENERAL**

**REPORT OF INVESTIGATION**

**21 August 2015**

**IV-15-0014**

**Alleged Hostile Work Environment**

(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.

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Approved for Release by NSA on 09-03-2019, FOIA Case # 85643 (litigation)

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## **(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.

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## I. (U) SUMMARY

(U//FOUO) On 29 October 2014, the NSA/CSS Office of the Inspector General (OIG) received a complaint of a hostile work environment in the [redacted] organization within the [redacted]. The complainant alleged that [redacted] engaged in behavior that denigrated the members of the branch through her menacing conduct, disrespectful and offensive behavior, and offensive words and gestures. [redacted] was also alleged to have removed [redacted] a [redacted] employee, from his contract position in [redacted].

(U//FOUO) The OIG found that on 5 August 2014, [redacted] physically grabbed a contract employee's hair and threatened to cut it with a pair of scissors in view of several of his co-workers. On at least three occasions, [redacted] asked members of the office whether they were gay despite being informed that the question was not appropriate. [redacted] used denigrating hand gestures including one that simulated sexual intercourse and another that mocked the ethnic physical characteristics of an employee's eyes. [redacted] attempted to engage in unwelcome conversations of a sexual nature that included inquiring about an employee's sexual activity and discussions of offensive subject matters.

(U//FOUO) The OIG concluded that [redacted] behavior adversely impacted the work environment by creating an atmosphere described by her employees as uncomfortable, awkward, and miserable. Nearly every witness felt that [redacted] had lost the respect of her subordinates in the office. A contract employee stated that he avoided interacting with [redacted] despite needing to work with her in his position as Contract Lead for the organization. Another employee donned headphones so that she could not hear the offensive language and discussions occurring in her work area. [redacted] behavior was a distraction such that her supervisor sent an email to office personnel asking them to cease talking about [redacted] and refocus on the mission.

(U//FOUO) The preponderance of the evidence supports the conclusion that:

- (U//FOUO) [redacted] failed to exercise courtesy and respect in dealings with fellow workers, in violation of NSA/CSS PMM, Chapter 366, Section 1-3E.
- (U//FOUO) [redacted] used actions and words that denigrated individuals and used offensive gestures directed against employees that adversely impacted the work environment in violation of NSA/CSS PMM, Chapter 366, Section 2-1A.

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- (U//FOUO) [redacted] created a disturbance, and engaged in threatening behavior and menacing conduct in violation of NSA/CSS PMM, Chapter 366, Section 2-1E.

(U//FOUO) The OIG also examined whether [redacted] alleged removal of [redacted] from his contract position in [redacted] was an abuse of authority.<sup>1</sup> In doing so, the OIG applied NSA/CSS PMM, Chapter 366, Section 1-3E, and the definition provided by the Merit Systems Protection Board (MSPB) in *Jessup v. Department of Homeland Security*, which defines an abuse of authority as an “arbitrary or capricious exercise of power by a federal official or employee that adversely affects the rights of any person or results in personal gain or advantage to himself or preferred other persons.”

(U//FOUO) Witness testimony and documentary evidence demonstrated that the decision to reassign [redacted] was made by [redacted] contract managers following reports from his co-workers of his poor work performance. Therefore, the OIG found that [redacted] did not engage in an arbitrary or capricious act that adversely affected the rights of any person or resulted in personal gain or advantage to herself in violation of NSA/CSS PMM, Chapter 366, Section 1-3A.

(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) and [redacted] supervisor.

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<sup>1</sup> (U//FOUO) The OIG did not investigate the allegations as a Whistleblower-Reprisal matter because there was no action taken, directed, or threatened that would have affected [redacted] eligibility to classified information. NSA/CSS Policy 1-62 and NSA/CSS Policy Memorandum 2013-03, which were in effect at the time of the activities investigated, implemented Intelligence Community Directive (ICD) 120, Intelligence Community Whistleblower Protection, dated 20 March 2014, which implements the provisions of Presidential Policy Directive/PPD-19, Protecting Whistleblowers with Access to Classified Information, dated 12 October 2012. Under these regulations, contract employees are included in the definition of “employee” and protected from reprisal when a person with competent authority takes, directs others to take, recommends, or approves any action affecting an employee’s eligibility to classified information. No action was taken by a government official that affected [redacted] access to classified information.

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## II. (U) BACKGROUND

### (U) Introduction

(U//FOUO) [redacted] is the Branch Chief for [redacted] where she has worked since December 2013. She has been an Agency employee since July 2001. [redacted] Deputy Chief, [redacted] is her supervisor. Her duties as Branch Chief are primarily administrative. She handles employee awards, evaluations, training and other personnel matters related to employees assigned to her branch. The organization has approximately [redacted] employees and [redacted] contract employees. In general, the mission of the organization is to [redacted].

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(U//FOUO) [redacted] worked as a contract employee assigned to support [redacted] under the [redacted] contract from about [redacted]. His employer is [redacted] a subcontractor under [redacted] for this particular contract. [redacted] was the contract "Project Lead" and a [redacted] in [redacted]. On 5 August 2014, [redacted] reported to a [redacted] contract manager that [redacted] physically grabbed his hair and threatened to cut it in the presence of his co-workers. Three of [redacted] subordinates who witnessed the incident reported it to [redacted] supervisory chain. [redacted] continued to work in [redacted] until October 2014.

(U//FOUO) [redacted] remains an employee of [redacted] pending placement in another organization under the [redacted] contract. [redacted] personal conduct during the 5 August 2014 incident with [redacted] along with additional allegations regarding a hostile work environment became the basis for the DIG's investigation.

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### (U) Applicable Authorities

(U//FOUO) The investigation examined potential violations of the following authorities:

(U) NSA/CSS PMM Chapter 366, Section 1, 1-3, General Principles for on the Job Conduct.

(U) NSA/CSS PMM, Chapter 366, Section 2, 2-1, Personnel and Security Standards, 2-1, Work Environment

(U) NSA/CSS PMM, Chapter 366, Section, 1-3E

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(U) NSA/CSS Policy 1-37, Annex D: Prohibition of Harassment.<sup>2</sup>

(U//~~FOUO~~) Full citations are contained in Appendix A.

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<sup>2</sup> (U//~~FOUO~~) The OIG did not examine the allegations against NSA/CSS Policy 1-37, Annex D: Prohibition of Harassment, as such conclusions would fall under the purview of the NSA Equal Employment Opportunity & Diversity Directorate and its processes and procedures.

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III. (U) FINDINGS

(U//~~FOUO~~) ALLEGATION 1: Did [redacted] fail to exercise courtesy or respect in dealings with fellow workers in violation of NSA/CSS PMM, Chapter 366, Section 1-3E?

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

(U//~~FOUO~~) ALLEGATION 2: Did [redacted] use actions or words that denigrated individuals and use offensive gestures against fellow workers in violation of NSA/CSS PMM, Chapter 366, Section 2-1A?

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

(U//~~FOUO~~) ALLEGATION 3: Did [redacted] create a disturbance and engage in threatening behavior and menacing conduct in violation of NSA/CSS PMM, Chapter 366, Section 2-1E?

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

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(U) Documentary Evidence

(U//~~FOUO~~) Appendix D - Email, [redacted] to ER, dated 6 August 2014, Subject: Request for Guidance. In his email, [redacted] reports [redacted] incident with [redacted] that occurred on 5 August 2014. His email addresses the hair and scissors incident only and does not reference any other allegations against [redacted]. [redacted] requests that the matter be resolved "internally, without need to tarnish a good officer's record." [redacted] subsequently issued an internal MFR to [redacted].

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(U//~~FOUO~~) Appendix E – Email, [redacted] to [redacted] dated 1 October 2014, Subject: [redacted] Incident, Final Adjudication Received. [redacted] notifies [redacted] that because she had had no “repeated altercations” following the MFR, ER considers the matter closed.

**(U) Testimonial Evidence**

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

(U//~~FOUO~~) On 16 December 2014, [redacted] contractor employee, [redacted] was interviewed and provided the following sworn testimony.

(U//~~FOUO~~) During the morning of 5 August 2014, [redacted] was participating in an office potluck breakfast. The event was held in [redacted] common spaces on the [redacted] of the [redacted] building. During the breakfast, approximately [redacted] employees, including [redacted] and [redacted] were socially conversing and eating breakfast. During the event, [redacted] retrieved a pair of scissors from her desk, grabbed a portion of [redacted] hair on the front of his head, and held it between the blades of the open scissors and asked if she could cut his hair. Surprised by [redacted] unexpected behavior toward him, [redacted] attempted to back away, but had nowhere to go because his back was to a wall. He immediately told [redacted] that what she was doing was inappropriate and she backed away. [redacted] probably meant the gesture as a joke; she had asked him previously on a couple of occasions if she could cut his hair commenting that the way he wore it was not masculine. However, [redacted] “crossed the line” with this incident. Later, after the group dispersed, [redacted] asked [redacted] if he was upset, but did not seem to appreciate the seriousness of what had occurred.

(U//~~FOUO~~) Later that day, [redacted] learned from co-workers [redacted] and [redacted] that they had met with [redacted] Deputy Chief, [redacted] to report the incident. The following morning, [redacted] met with [redacted] at [redacted] behest. During the meeting, [redacted] said he had already met with [redacted] and that she had offered to “step down” from her position because of the incident. Although [redacted] did not explicitly say he was accepting [redacted] offer, [redacted] believed that [redacted] would be removed from the organization. On or about 8 August 2014, [redacted] verbally apologized to [redacted] in a meeting in the presence of [redacted]. However, [redacted] did not perceive the apology to be sincere, believing it to have been forced by [redacted].

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(U//FOUO) On at least two earlier occasions [redacted] asked [redacted] whether he is gay. [redacted] asked the question of [redacted] sometime prior to 5 August 2014. On one occasion, [redacted] asked the question after commenting about a pink necktie [redacted] was wearing that particular day. After responding that he was not, [redacted] followed-up by asking, "Are you sure?" [redacted] informed [redacted] that he felt the question was not appropriate. [redacted] has overheard [redacted] ask at least one other male employee in the office [redacted] whether he is gay.

(U//FOUO) The overall effect of [redacted] behavior was that it caused a tense, awkward and uncomfortable atmosphere in the office.

(U//FOUO) [redacted]

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(U//FOUO) On 23 January 2015, [redacted] GG12, Team Lead, [redacted] was interviewed and provided the following sworn testimony.

(U//FOUO) [redacted] is an analyst Team Lead working in [redacted] where he has worked for the past five years. His duties include assisting the analysts and providing leadership to junior employees in various mission projects. [redacted] supervisor is [redacted].

(U//FOUO) [redacted] is friendly and cordial with employees in [redacted] but does not "joke around" as much and she did before the incident that occurred with [redacted] in August 2014. She has "toned it down" since then. [redacted] tried to be "one of the guys." She would join in on "military-type" conversations and participate in jokes of questionable subject matter. Instead of intervening to stop the inappropriate jokes or conversations, she participated in them. Most of the inappropriate conversations and jokes were about ethnicity or sex.

(U//FOUO) [redacted] also sometimes made comments that were "border-line" insulting, but did so in a joking manner. For example, on more than one occasion he observed [redacted] making "squinty-eye gestures" toward [redacted] employee [redacted] who is of Chinese descent. She did this by pulling up on the outsides of her eyes to simulate the physical characteristics of Asian eyes. [redacted] performed the gesture once while responding to a question from [redacted] stating, "I don't know. [redacted] I don't speak Chinese." [redacted] does not know if [redacted] was offended because she is a very reserved person who would never report or complain about anything. It is also possible that [redacted] did not see [redacted] perform the gesture.

(U//FOUO) In approximately March 2014, [redacted] came to [redacted] desk and asked him whether he is gay. [redacted] felt it was an inappropriate question, but he was not necessarily offended by it. He was more confused by why she would ask him such a question. [redacted] has

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heard that [redacted] asked [redacted] if he was gay and she may have asked others the question.

(U//FOUO) [redacted] appeared to have problems interacting with [redacted] [redacted] made derogatory comments about [redacted] manner of dress and hair style, but did so in a joking manner. Her behavior toward [redacted] escalated on the morning of 5 August 2014 when [redacted] retrieved a pair of scissors from her desk and approached [redacted] with scissors in-hand. While holding the scissors near [redacted] head with one hand, she grabbed a portion of his hair with the other and threatened to cut it. Everyone "froze" because they did not know what she was going to do. [redacted] appeared to realize from everyone's startled reaction that they were uncomfortable so she walked away. The incident appeared to be "a joke that went really bad." [redacted] appeared stunned and did not know how to respond.

(U//FOUO) [redacted] immediately encouraged [redacted] to report the incident to the [redacted] leadership. However, [redacted] later learned from [redacted] that he only reported it to the [redacted] contract manager. Later in the day and after much discussion, [redacted] and [redacted] decided to report [redacted] behavior to [redacted] management themselves. They requested a meeting with [redacted] supervisor, [redacted] Chief, [redacted] During the meeting, [redacted] and [redacted] described to [redacted] what had occurred between [redacted] and [redacted] Deputy Chief, [redacted] was also present, but [redacted] controlled the meeting.

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(U//FOUO) [redacted] assured the group that she would handle the situation, but did not say in what way. [redacted] believed that [redacted] was going to be removed from her position, but that never transpired. [redacted] believes [redacted] searched for a new job for a while following the incident, but then began acting more like a supervisor again and has remained in the Branch Chief position.

(U//FOUO) [redacted] felt compelled to report the incident because the behavior had escalated into a physical act. Although it may have been intended as joke, [redacted] actions were physically threatening and could possibly be construed as an assault on [redacted]. In a worst-case scenario, it could have resulted in someone getting hurt. [redacted] did not ask them to report the incident. They made the decision on their own.

(U//FOUO) [redacted] has never felt threatened or intimidated by [redacted] but her behavior in [redacted] was a distraction; time was often spent by employees talking about [redacted] behavior instead of doing actual mission work. For example, [redacted] and [redacted] spent almost the entire day on 5 August 2014 discussing and deciding what to do about [redacted] behavior.

(U//FOUO) [redacted]

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(U//FOUO) On 30 January 2015, [REDACTED] GG09, [REDACTED] was interviewed and provided the following sworn testimony.

(U//FOUO) [REDACTED] has been employed by the Agency for 22 months and has worked the entire time in [REDACTED]. His duties consist of [REDACTED] writing reports, and collaborating with other agencies. His supervisor is [REDACTED] [REDACTED] was already working in [REDACTED] in January of 2014 when [REDACTED] arrived to assume the Branch Chief position. [REDACTED] has daily contact with [REDACTED] throughout the workday [REDACTED] mostly treats employees with courtesy and respect. [REDACTED] has never displayed any hostility toward [REDACTED]

(U//FOUO) [REDACTED] appeared to treat [REDACTED] differently than other male members of the office. [REDACTED] believed [REDACTED] to be lacking in masculinity and seemed to be somewhat bothered by it. On at least two occasions, [REDACTED] heard [REDACTED] ask [REDACTED] if he was gay. One occurrence was right after [REDACTED] joined the office in January 2014 and the other several weeks later. During the second occasion, [REDACTED] told [REDACTED] that she was asking an inappropriate question and she should stop asking it. [REDACTED] also witnessed [REDACTED] asking [REDACTED] whether he is gay. [REDACTED] never asked [REDACTED] whether he is gay.

(U//FOUO) The morning of 5 August 2014, [REDACTED] employees held a potluck breakfast in their office space. During the breakfast, [REDACTED] commented that she was going to cut [REDACTED] hair. She went to her cubicle and returned with a pair of scissors. [REDACTED] walked up to [REDACTED] grabbed a portion of his hair, and held the scissors approximately six to eight inches from his head. [REDACTED] backed away from [REDACTED] and became visibly upset. [REDACTED] commented that she was "only kidding" and walked away.

(U//FOUO) [REDACTED] and [REDACTED] met with [REDACTED] and [REDACTED] that afternoon to report the incident. During the meeting, [REDACTED] assured the group that the situation would be addressed. However, [REDACTED] was unaware if any action was taken against [REDACTED] changed her demeanor after the incident becoming more serious and formal during her interactions with employees.

(U//FOUO) [REDACTED] has not acted inappropriately with [REDACTED] and her behavior has not adversely affected his work performance.

(U//FOUO) [REDACTED]

(U//FOUO) On 29 January 2015, [REDACTED] GG13, Analyst, [REDACTED] was interviewed and provided the following sworn testimony.

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(U//FOUO) [redacted] is an Analyst working in [redacted] under [redacted] supervision. In [redacted] work spaces, where partitions are low enough to see over from a standing position. Conversations held in individual cubicles or in open areas can easily be overheard by other employees including those in an adjacent organization; the Division Chief of [redacted] once complained about being disturbed by the language and conversations that occurred in [redacted]

(U//FOUO) [redacted] is open and straightforward in her interactions with employees. She displays courtesy and respect toward everyone. However, she uses profane language on occasion when "joking around" with some employees. [redacted] is one of many employees in the office who uses profanity, usually in a joking manner. [redacted] does not like to hear profanity, so she occasionally wears ear phones to block it out.

(U//FOUO) [redacted] is not respected by her employees because, in order to "fit in," she participates in inappropriate joking activity instead of curtailing it. [redacted] was not well received by the members of the office when she first arrived. Prior to her arrival, the Branch Chief position had been vacant for a long time. Therefore, some employees felt she was not needed and may have resented her presence.

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(U//FOUO) [redacted] and [redacted] appeared to have a friendly relationship and would joke with each other often. [redacted] would sometimes stand behind [redacted] while he sat at his desk and place her chin on his shoulder while viewing his computer screen. [redacted] found this type of behavior to be somewhat strange.

(U//FOUO) [redacted] did not witness the incident that occurred between [redacted] and [redacted] on 5 August 2014, but heard from other employees that [redacted] attempted to cut his hair. She was aware of the incident because it was a "hot topic" of discussion for everyone in the office including [redacted]. [redacted] was open about the fact that he had filed a complaint against [redacted].

(U//FOUO) [redacted] does not joke or use profanity in her interactions with [redacted] because she knows [redacted] does not approve. [redacted] has never made a joke or made any gestures relating to [redacted] Asian ethnicity. [redacted] behavior has never impacted or interfered with [redacted] ability to do her job. However, [redacted] has advised [redacted] that she should start acting like a manager, stop joking with the employees and trying to be their friend.

(U//FOUO) [redacted]

(U//FOUO) On 19 February 2015, [redacted] GG12 Team Lead, [redacted] was interviewed and provided the following sworn testimony.

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(U//FOUO) [redacted] worked in [redacted] from May 2013 until her move to [redacted] in October 2014. She has been employed by the Agency for about 36 months after separating from the United States Air Force [redacted] had daily contact with [redacted] as a subordinate.

(U//FOUO) [redacted] is a very socially awkward person. At times, [redacted] shared very private information about her herself and became emotional to the point of crying. This made people very uncomfortable. [redacted] does not have very good social skills or the ability to effectively communicate. She is very averse to public speaking to the point that even the prospect of it makes her physically ill. [redacted] interactions with employees are not always respectful or courteous, but this may not be intentional.

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(U//FOUO) [redacted] often broached topics of conversation that were offensive in nature, normally sexually related. For example, [redacted] once attempted to discuss the virtues of "Prince Albert" piercings with [redacted]. On another occasion, [redacted] asked [redacted] details about her sex life and made an extremely offensive hand gesture. [redacted] performed the hand gesture by forming a circle with the tips of the index finger and thumb of one hand, while inserting the other index finger into and out of the circle to simulate sexual intercourse. [redacted] was appalled and told [redacted] "Oh my God! Don't ever do that to me again," or words to that effect. This incident occurred in early 2014 in [redacted] cubicle with no other witnesses.

(U//FOUO) On separate occasions, [redacted] heard [redacted] ask [redacted] and Air Force [redacted] whether they were gay. She has also heard from [redacted] that she had asked him whether he was gay.

(U//FOUO) During a team "Pig-in" breakfast in August of 2014, an extremely awkward incident occurred between [redacted] and [redacted] that was witnessed by the entire branch. [redacted] while holding a pair of scissors, grabbed a portion of [redacted] hair and threatened to cut it. Had she closed the scissors, she would have cut it. [redacted] had long curly hair and was obviously proud of it. He became very upset and everyone else was taken aback and did not know how to react. [redacted] appeared to intend her actions to be a joke, but it was not perceived in that manner by anyone who saw it. No one believed that [redacted] would actually cut his hair, but it was a very awkward moment. [redacted] appeared humiliated. [redacted] approached [redacted] immediately after the incident and told her that she had "crossed-the-line" with her behavior toward [redacted]. [redacted] appeared distraught and left work early.

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<sup>3</sup> (U//FOUO) Prince Albert is a type of body piercing of the male genitalia usually with a ring or a stud.  
<sup>4</sup> (U//FOUO) [redacted] was a former US Air Force service member working in [redacted] spaces in 2014. Having since left the Agency and the service, he was unavailable for interview.

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(U//FOUO) Later that day, [redacted] and [redacted] reported the incident to [redacted] management due to the seriousness of the matter. [redacted] told the group that the situation with [redacted] would be addressed, but did not say in what manner. [redacted] seemed more alarmed about the incident than [redacted] heard from [redacted] that [redacted] told him [redacted] would probably be removed from her position. There was speculation in the branch about when that was going to occur. However, in September 2014, [redacted] sent an email expressing her faith in [redacted] leadership and asking everyone to cease discussions and speculation about her future in the organization.

(U//FOUO) [redacted] and [redacted] appeared to have a personality conflict and did not get along even prior to the 5 August 2014 incident. [redacted] was a stylish dresser and [redacted] would often make joking comments about his apparel or choice of colors. He would usually try to "laugh it off" and continue about his business. [redacted] and [redacted] did not appear to speak to one another after the 5 August 2014 incident.

(U//FOUO) [redacted] believes [redacted] interfered with her ability to do her job because she spent so much time dealing with the "drama" surrounding [redacted] persistent inappropriate behavior in [redacted] behavior negatively affected the morale of the workforce and was a perpetual distraction. In her position as Operational Lead, [redacted] had many employees complain to her about [redacted] behavior. [redacted] time was consumed not only by her own negative interactions with [redacted] but also from hearing complaints from other employees. The entire workforce was miserable under [redacted] [redacted] never felt personally threatened or intimidated by her.

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(b) (6)

(U//FOUO) [redacted]

(U//FOUO) On 3 February 2015, [redacted] contractor employee, [redacted] Deputy Program Manager for the [redacted] contract, was interviewed and provided the following sworn testimony.

(U//FOUO) On 5 August 2014, [redacted] reported to [redacted] an incident that occurred in [redacted] reported that [redacted] threatened to cut his hair while physically grabbing it and holding a pair of scissors near his head. This incident occurred in the presence of several employees and was an escalation of [redacted] previous jokes and references to cutting his hair. [redacted] was extremely uncomfortable with what had occurred and wanted something done about it.

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(U//FOUO) In September 2014, [redacted] reported that his relationship with [redacted] had "chilled" considerably. By October 2014, [redacted] was referring to his working environment in [redacted] as "hostile." However, [redacted] believed his work environment would improve because he thought [redacted] would soon leave the organization.

(U//FOUO) In October 2014, [redacted] was moved from his position in [redacted] for reasons of inability to fulfill the requirements of the position.

(U//FOUO) [redacted]

(U//FOUO) On 25 February 2015, [redacted] Deputy Chief, [redacted] was interviewed and provided the following sworn testimony.

(U//FOUO) [redacted] supervises [redacted] as a "direct report" and interacted with her daily until early February 2015. [redacted] and [redacted] work in different buildings. During the times that [redacted] observed [redacted] with employees, she displayed courtesy and respect. Her interactions with employees have appeared to be professional. Although he has not personally witnessed any hostile or abusive behavior from [redacted] he has received reports of that nature.

(U//FOUO) On 5 August 2014, [redacted] learned of an incident whereby [redacted] "feigned" cutting [redacted] hair in "jest" by grabbing a portion of it and holding scissors near his head. [redacted] told [redacted] that there had been a series of ongoing "jokes" by [redacted] about [redacted] hair being too long. [redacted] documented the incident in an email to Employee Relations (ER) requesting advice on how to resolve the matter. ER conducted an "examination of the affair" and determined that [redacted] request to issue an internal "Memorandum for Record" to [redacted] was appropriate. (Appendix D)

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

(U//FOUO) In mid-August, [redacted] drafted and issued the MFR, which stated that [redacted] had demonstrated behavior that "gave the appearance of creating a hostile work environment." The MFR was based solely on the hair incident and contained no references to any other misconduct by [redacted]. The MFR stated that should any such behavior occur again within 30 days, she could face more serious consequences including a permanent entry into her official personnel record. After 30 days, [redacted] sent an email to [redacted] stating that since there had been no further incidents, and based on his "professional testimony to her character, ER considers this matter closed with no punitive measures affecting your permanent record."<sup>5</sup> As such, [redacted] is surprised to learn the incident was the subject of an OIG

<sup>5</sup> (U//FOUO) On 17 Dec 2014, the OIG requested copies from ER of records of any adverse action taken against [redacted] in 2014. On 22 December 2014, the OIG was informed by [redacted] ER Consultant that ER had no records of any adverse action taken against [redacted] in 2014. On 25 February 2015, based on [redacted] testimony, the OIG again contacted ER requesting records of any

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investigation. [redacted] does not have a copy of the Memorandum for Record he issued to [redacted] because he destroyed it at the end of the 30-day evaluation period.

(U//FOUO) On the afternoon of 5 August 2014, [redacted] and [redacted] reported to [redacted] and [redacted] the incident between [redacted] and [redacted] had already departed for the day. She told [redacted] that she was leaving work early because she was not feeling well and made no mention of the morning's incident.

(U//FOUO) The following day, [redacted] met with [redacted] and [redacted] separately and found all accounts of the incident to be consistent. [redacted] told [redacted] that she was "caught up in the frivolity of the moment" when she acted as if she were going to cut [redacted] hair. It was meant as a joke, but she realized it was a mistake and she was sorry. During [redacted] meeting with [redacted] conveyed that this was approximately the fifth occasion that [redacted] had commented about his hair, but it was the first time it had gotten physical. [redacted] told [redacted] that the matter would be investigated and handled accordingly. When asked by [redacted] about possible outcomes, [redacted] replied that removal from her position was a possibility, but not entirely his decision.

(U//FOUO) [redacted] denied knowledge of any ethnic or sexual gestures displayed by [redacted] toward any of her employees. He acknowledged that on 6 August 2014, [redacted] had reported to him that [redacted] had asked him whether he was gay. [redacted] did not include this information in his report to ER or the MFR issued to [redacted]. According to [redacted] he did not include it because he did not "personally witness it" and had no information other than [redacted] allegation." However, when questioned by [redacted] [redacted] admitted that she had asked the question of [redacted] as a joke. [redacted] verbally counseled [redacted] regarding asking inappropriate questions of employees.

(U//FOUO) Based on his knowledge of [redacted] conduct, [redacted] does not believe she interfered with [redacted] employees' ability to do their jobs. [redacted] does not believe [redacted] would "go out of her way" to intentionally create a hostile work environment. However, [redacted] believes that it is possible that her actions did create a hostile work environment for those who were offended by the things she said or did in [redacted] including events that he may not know about.

(U//FOUO)

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(b) (6)

action taken against [redacted]. In her reply, [redacted] expanded on her previous response to include information that ER had provided advice to [redacted] supervisor [redacted] on the incident with [redacted]. ER provided [redacted] guidance regarding progressive discipline, but [redacted] did not wish to pursue further action. ER did not know whether an internal Memorandum for Record was ever issued to [redacted].

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(U//FOUO) On 27 March 2014, [redacted] Chief, [redacted] was interviewed and provided the following sworn testimony.

(U//FOUO) [redacted] is the "reviewer" on ACE personnel evaluations for branch managers in [redacted] including [redacted]. Her deputy, [redacted] is the "rater" on the evaluations. She interacts with [redacted] daily either in-person, by phone or email. [redacted] office is in [redacted] and [redacted] works in [redacted]. [redacted] displays courtesy and respect toward her employees, but is generally timid and appears to have a difficult time "standing up to them." [redacted] has some strong personalities in her branch and does not communicate very well with them. She does not seem to convey the direction she is given by her leadership on to her employees. [redacted] sometimes "stumbles" with communication and does not know where to "draw the line" in some of her personal interactions. [redacted] may interact differently with peers and seniors than with her employees, but that is human nature.

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(b) (6)

(U//FOUO) [redacted] did not personally witness the hair and scissors incident between [redacted] and [redacted]. She received an email from [redacted] requesting a "closed door" meeting" with her. [redacted] met with [redacted] employees [redacted] and [redacted] later that day. During the meeting, employees told [redacted] that [redacted] had physically grabbed [redacted] hair and placed scissors near his head acting as if to cut his hair. Although the action may have been meant as a joke, it was threatening to [redacted] and he was extremely upset about it. [redacted] was also present at the meeting. At the conclusion, [redacted] thanked the group for reporting the incident and told them that she would handle it appropriately.

(U//FOUO) The following day, [redacted] and [redacted] met with [redacted] to discuss the incident and to obtain her version of events. [redacted] version was consistent with what had already been reported by the [redacted] employees the previous day. [redacted] said she meant the gesture as a joke, but acknowledged that she had "crossed the line." [redacted] subsequently reported the incident to ER and to the contract program managers. There was discussion regarding whether [redacted] should remain in her position. However, after consulting with ER, [redacted] and [redacted] decided that [redacted] conduct could be addressed internally and that [redacted] should continue as the Branch Manager. [redacted] presented [redacted] with an internal MFR for her misconduct.

(U//FOUO) The MFR cautioned [redacted] that her actions were wrong and that should she have any similar incidents within a 30-day period, more stringent actions could be taken against her. [redacted] does not have a copy of the MFR. She believes it was destroyed after 30 days. Although there were no subsequent incidents, it was apparent [redacted] workforce did not respect her. Various minor complaints arose from the workforce mostly concerning [redacted] awkward interactions with employees during which she would share too much personal information about her herself.

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(U//FOUO) [redacted] recalled an incident in which [redacted] commented on [redacted] eyes. [redacted] made a gesture toward [redacted] who is of Asian descent by pulling back on the corners of her eyes to simulate the physical characteristics of Asian eyes. [redacted] self-reported the incident to [redacted] because she knew "she had screwed up." Since [redacted] had not reported the incident, [redacted] took no action and it was not addressed in the MFR.

(U//FOUO) [redacted] heard that [redacted] attended a leadership course or training event where it was taught that supervisors should get to know their employees by learning something new about them every week. [redacted] may have taken this too literally in asking personal questions of employees. [redacted] instructed [redacted] to stop asking employees such questions. During their coaching sessions, [redacted] advised [redacted] to curtail personal interactions with employees and stick with mission topics.

(U//FOUO) [redacted] has heard complaints of [redacted] touching employees, but not in a threatening way. [redacted] believes that it is a personality trait of [redacted] to reach out and touch people during conversations. [redacted] coached [redacted] to stop touching people because it could be perceived as inappropriate.

(U//FOUO) [redacted] has heard that [redacted] asked [redacted] whether he was gay. [redacted] also admitted this to [redacted] did not take any action because [redacted] had already presented [redacted] with an MFR and she had taken on a coaching role with [redacted] and told her to stop asking such questions. [redacted] was unaware of anyone else being asked by [redacted] whether they were gay.

(U//FOUO) [redacted] believes that [redacted] actions interfered with her employees' ability to do their jobs. It was at the very least a distraction. She believes [redacted] did correct her behavior after the 5 August 2014 incident. However, the branch had lost respect for [redacted] as a supervisor and became distracted. [redacted] tried to re-focus individual responsibilities and the entire branch on the mission. She held a meeting and encouraged the branch to work with [redacted]

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

(U//FOUO) [redacted] does not believe [redacted] intended to cause a hostile work environment. [redacted] made very bad choices in the manner in which she interacted with her employees. [redacted] has recently taken leadership training and improved her communication skills. She is currently looking for another job.

(U//FOUO) [redacted]

(U//FOUO) On 22 April 2015, [redacted] Branch Chief, [redacted] was interviewed and provided the following sworn testimony.

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(U//FOUO) [redacted] tried to take care of her employees and show respect. She may have "crossed the line" with her attempts to be friendly and make everyone happy. At times, she may have tried to be a friend more than a supervisor. As a result, she was not respected by her employees. [redacted] limited operational knowledge may have contributed to the lack of respect she received from her employees. There was also too much "joking around" in [redacted] which she allowed believing employees would be more relaxed and less stressed in the workplace.

(U//FOUO) Although some of the subject matter of the conversations that occurred in [redacted] may have been inappropriate, she did not initiate those types of conversations. She only participated in them. [redacted] served for seven years in the United States Army. Some of the offices she has worked in at the Agency, including [redacted] contained both active duty and ex-military personnel. Some of the language they use is considered foul and may be graphic or sexual. [redacted] joined in the use of foul language because she wanted to "fit in." She wanted people to like her. She has dropped "F-bombs," but only in conversation and never directed toward anyone. She acknowledged that as a supervisor she should have quelled such conversations and language in the workplace.

(U//FOUO) [redacted] did not make the transition from worker to supervisor very well. The [redacted] work area is an open cubicle-type workspace. It is possible some employees who overheard sexual or foul language conversations may have been offended by it. [redacted] tends to speak with her hands and sometimes becomes emotional and passionate. Sometimes she is perceived as being upset or angry when she is not. [redacted] tried to convey an open door policy whereby anyone who was ever offended could let her know.

(U//FOUO) On 5 August 2014, during a branch pot-luck breakfast, [redacted] physically grabbed a portion of [redacted] hair near his forehead and, while holding a pair of scissors near his head, acted as if she were going to cut his hair. She intended the act to be a joke, but it was interpreted by [redacted] and others very differently. [redacted] had an ongoing "joke" with [redacted] about the length of his hair. However, she realized that she "crossed-the-line" when she performed the physical act of touching him, especially while holding scissors near his head. [redacted] appeared to be shocked and everyone became awkwardly silent. [redacted] backed away and immediately tried to apologize, but [redacted] did not want to accept it or even talk to her. [redacted] departed work early because she was upset over the incident. The entire incident was a mistake that [redacted] "owns and accepts."

(U//FOUO) On 6 August 2014, [redacted] met privately with [redacted] about the incident. She admitted to him what had occurred the previous day and offered to move her desk out of [redacted] spaces or leave the organization altogether. [redacted] strongly suggested that [redacted] apologize to [redacted] and [redacted] met in [redacted] office and with [redacted] presiding; [redacted] told [redacted] she was sorry for what she did. [redacted]

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[redacted] asked [redacted] if he accepted [redacted] apology. [redacted] responded that he did and then suggested that maybe [redacted] should close out everyone's ACE and depart the organization. [redacted] appeared to know that [redacted] had offered to leave the organization and acted as if it were a forgone conclusion.

(U//FOUO) [redacted] did not know who reported the 5 August 2014 incident to [redacted]. She assumed it was [redacted]. She eventually received an MFR for the incident. She was told by [redacted] that the MFR was an internal document that would not harm her career if she did not commit further incidents within a 30-day period. After the 30-day period ended, she received an email from [redacted] stating that the matter was closed. (Appendix E) Following the incident with [redacted] [redacted] isolated herself from everyone in her branch and made a concerted effort to not discuss anything personal or unrelated to official business with anyone. Several employees approached her and asked whether they had offended her in some way because she did not engage them in friendly discussions as she had done before.

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(b) (6)

(U//FOUO) [redacted] did not recall pulling up on the corners of her eyes to make a gesture toward [redacted] to simulate the physical characteristic of her eyes. It was possible that she did it, but did not recall doing it.<sup>6</sup> [redacted] "probably did" make an offensive hand gesture toward [redacted] when asking about her date over the weekend, but does not specifically recall doing it.<sup>7</sup> [redacted] considers the gesture to be inappropriate and stated, "I should not have done that in the workplace." [redacted] stated she was just trying to be friends with [redacted].

(U//FOUO) [redacted] asked [redacted] whether he is gay "once or twice" prior to 5 August 2014. She assumed he is gay, but was not sure so she asked. [redacted] does not recall asking [redacted] whether he is gay. She is not sure why she would ever ask him such a question. [redacted] recalled asking [redacted] whether he is gay. She assumed he was gay by his mannerisms and speech so she asked. [redacted] does not recall her supervisors ever counseling her about asking her employees if they are gay. [redacted] acknowledged that asking employees whether they are gay could be considered a form of harassment.

(U//FOUO) [redacted] recalls participating in conversations in the workplace about Prince Albert piercings, but she did not bring up the topic. She does not recall with whom she was discussing the subject. [redacted] believes that this is not an appropriate workplace topic of discussion because others who overhear such conversation may be offended by it. However, nobody ever came to her and told her they were offended. She was just trying to be friendly and part of the team.

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<sup>6</sup> (U//FOUO) [redacted] testified that [redacted] self-reported to her that she did make the gesture toward [redacted].

<sup>7</sup> (U//FOUO) When questioned about making an offensive gesture toward [redacted] [redacted] volunteered a description of the gesture as "finger in the circle" before the OIG investigator mentioned the type of gesture.

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(U//FOUO) [redacted] does not recall touching male members of the office in any way that could be construed as inappropriate such as placing her chin on their shoulder. The culture growing-up in New York as an Italian was accepting of innocent and friendly touching. She is a "touchy-feely" person and will sometimes ask people if they need a hug. She intends no harm from such behavior and never intended to offend anyone by touching them. After the incident with [redacted] both [redacted] and [redacted] told her that she should not touch employees at all.

(U//FOUO) [redacted] stated that her behavior in [redacted] during 2014 made the work environment awkward for employees. Her use of inappropriate language, asking employees questions regarding sexual orientation, and the use of offensive hand gestures were wrong. Although she created some awkwardness in the branch, she does not believe she interfered with her employees' ability to do their jobs. This was [redacted] first supervisory position. She had problems conforming to new expectations of a leader and often "put her foot in her mouth." She has since attended leadership training and has tried to make changes in her leadership style.

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### (U) Analysis and Conclusions

(U//FOUO) NSA/CSS PMM 366, Section 1-3E requires Agency employees to use courtesy and respect in dealing with co-workers. Nearly every witness described [redacted] as engaging in disrespectful conduct with members of her branch. Sworn testimony from [redacted] and [redacted] confirmed that [redacted] on multiple occasions, inquired of her subordinate employees' sexual orientation. [redacted] testified that he was asked by [redacted] whether he was gay on at least two occasions and that she would follow-up with the question, "Are you sure?" He told [redacted] that the question was inappropriate. However, she did not cease asking the question. [redacted] testified that he found the question to be inappropriate and that it left him confused. [redacted] admitted to asking the question of Air Force service-member [redacted]. Her stated reason for asking such questions of members of her office was that she suspected them of being gay, but wanted to confirm it.

(U//FOUO) [redacted] testified that [redacted] was neither courteous nor respectful in her interactions with her. She was appalled by an offensive hand gesture [redacted] demonstrated toward her that simulated sexual intercourse. She also described attempts by [redacted] to engage in what [redacted] considered to be offensive topics of discussion including Prince Albert genital piercings.

(U//FOUO) [redacted] frequently overheard profanity and offensive jokes from [redacted] and others, which she did not condone. The language affected [redacted] such that she felt it

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necessary to wear headphones to block it out. Her co-workers testified that [redacted] is a quiet and reserved person who would never complain. [redacted] appeared to shift responsibility for her behavior to her subordinates by suggesting that it was their responsibility to tell her when they had had enough of her disrespectful behavior. Further, her defense of not initiating profane or inappropriate workplace conversations, but only participating in them, demonstrates a lack of understanding of her responsibilities as supervisor.

(U//FOUO) NSA/CSS PMM 366, Section 2-1A prohibits denigrating behavior toward employees for any reason, "especially because of race [. . . or] national origin." [redacted] witnessed [redacted] making "squirry eye" gestures toward [redacted] who is of Chinese ethnicity. [redacted] told the OIG she did not recall performing the eye gesture toward [redacted]. However, according to [redacted] self-reported to her that she had performed this gesture toward [redacted] and admitted that she "screwed up." Therefore, the OIG found it more likely than not that [redacted] displayed the gesture toward [redacted]. [redacted] demonstration of such a gesture was in violation of NSA/CSS PMM 366, Section 2-1A.

(U//FOUO) [redacted] inappropriate behavior adversely impacted the work environment in V2221 in violation of NSA/CSS PMM 366, Section 2-1A. [redacted] admitted that he intentionally avoided any interaction [redacted] following the hair incident despite needing to work with her on the mission. He described the office atmosphere in [redacted] as uncomfortable because of [redacted] behavior. [redacted] echoed that description and described the entire workforce as "miserable" under [redacted]. [redacted] donned headphones at her desk when she heard profane language and jokes by [redacted] and others so that she could no longer hear it. [redacted] testified that [redacted] conduct was a distraction that caused employees to spend time discussing [redacted] behavior instead of performing mission work. [redacted] concurred that this distraction interfered with [redacted] employees' ability to do their jobs and that she sent an email to the workforce attempting to refocus them on the mission. [redacted] also acknowledged that her employees lost respect for her as a supervisor and that she created an awkward work environment.

(U//FOUO) NSA/CSS PMM 366, Section 2-1E, prohibits employees from making threats, creating disturbances, engaging in menacing conduct and disorderly or unusual behavior that disrupts the workplace. Testimony of the witnesses and [redacted] were consistent in establishing that [redacted] created a disturbance during the office breakfast on 5 August 2014 when she grabbed [redacted] hair and threatened to cut it with a pair of scissors. Although the act may well have been in jest, it created a workplace disruption that impacted several members of the workforce. [redacted] testified that the incident left him shocked and humiliated especially since it occurred in an open office setting in front of his co-workers. [redacted] testified that she was so shaken by her own actions that she left work to go home. Three employees spent an entire day discussing how to deal with what they had witnessed instead of performing mission work. [redacted] surmised that in a worst-case scenario, [redacted]

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physical threat with a pair of scissors near [redacted] head could have resulted in someone getting hurt. Although the investigation disclosed that this incident was previously addressed through internal disciplinary action, we find that [redacted] created a disturbance and engaged in menacing and threatening conduct in violation of NSA/CSS PMM, Chapter 366, Section 2-1, E.

(U//~~FOUO~~) In light of the above, we find that the preponderance of the evidence supports the conclusion that:

- (U//~~FOUO~~) [redacted] failed to exercise courtesy and respect in dealings with fellow workers, in violation of NSA/CSS PMM, Chapter 366, Section 1-3E.
- (U//~~FOUO~~) [redacted] used actions and words that denigrated individuals and used offensive gestures directed against fellow workers that adversely impacted the work environment in violation of NSA/CSS PMM, Chapter 366, Section 2-1A.
- (U//~~FOUO~~) [redacted] created a disturbance, and engaged in threatening behavior and menacing conduct in violation of NSA/CSS PMM, Chapter 366, Section 2-1E.

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(U//~~FOUO~~) **ALLEGATION 4:** Did [redacted] engage in an arbitrary or capricious act that adversely affected the rights of any person or result in personal gain or advantage to herself in violation of NSA/CSS PMM, Chapter 366, Section 1-3A?

(U//~~FOUO~~) **CONCLUSION:** Unsubstantiated

**(U) Documentary Evidence**

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

(U//~~FOUO~~) **Appendix F – Email,** [redacted] to [redacted] dated 26 September 2014, **Subject: Accountability Issues.** [redacted] describes to [redacted] the problems she is experiencing due to [redacted] lack of accountability for his work. According to [redacted] [redacted] does not demonstrate initiative despite her coaching and guidance.

(U//~~FOUO~~) **Appendix G – Email,** [redacted] to [redacted] dated 30 February 2014, **Subject: Evaluation of [redacted] Moving Forward.** In his email to [redacted] [redacted] states that [redacted] is positioned incorrectly for his skill set and lacks an analytic mindset. He asks [redacted] to consider re-evaluating [redacted] position in the branch.

(U//~~FOUO~~) **Appendix H – Email,** [redacted] to [redacted] dated 16 October 2014, **Subject: Contracting Issues.** [redacted] requests that [redacted] provide “concrete feedback” to [redacted]. She requests that [redacted] either “get him on track” or find an alternate means to solve the problem.

**(U) Testimonial Evidence**

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

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

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Declassify On: ~~20400801~~

(U//FOUO) On 16 December 2014, [redacted] contractor employee, [redacted] was interviewed and provided the following sworn testimony.

(U//FOUO) Following the scissors incident, [redacted] avoided [redacted]. During the remainder of August and September 2014, [redacted] attempted to do his job without interacting with her because it was awkward and uncomfortable. On or about 27 October 2014, [redacted] met with his contract manager [redacted] to find out what the [redacted] management was going to do about [redacted]. [redacted] had expected that [redacted] was going to be moved, but she was still in the office. Instead, [redacted] informed [redacted] that he was going to be moved to another position outside of [redacted].

(U//FOUO) [redacted]

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

(U//FOUO) On 23 January 2015, [redacted] GG12, Team Lead, [redacted] was interviewed and provided the following sworn testimony.

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

(U//FOUO) There had been "grumbings" around the office about [redacted] poor performance, but no substantial complaints occurred until after the scissors incident. Shortly after the incident, [redacted] was asked to evaluate [redacted] job performance. He was asked for the evaluation by either [redacted] or [redacted] but could not recall who specifically. [redacted] did review [redacted] work-product during the course of normal business, but this was the first time he had been asked to provide feedback to anyone else on it. [redacted] provided verbal feedback stating that [redacted] performance was overall satisfactory, but his level of expertise was less than what was needed for the job:

(U//FOUO) [redacted] was somewhat lazy, lacked motivation, and spent too much time away from his desk. He would come in around 0630 or 0700, go to breakfast for about an hour, and then disappear for another hour or two throughout the day. He would be away from his desk chatting with someone in the office when he was most needed, such as when a critical report was due. [redacted] did not seem to have any motivation or concern for the mission. Although he stated on his resume he was qualified to write reports, his written reports were poor. [redacted] level of comprehension was inadequate and he missed things in his analysis. The mission suffered as a result. There were occasional comments from various people about his lack of performance, but no substantial complaints came about until after the 5 August 2014 incident. Until the incident, there appeared to be mindset among the leadership that some work was better than none so they tolerated [redacted] poor performance. They also were concerned with how long it would take to get a replacement for him if he were let go.

(U//FOUO) [redacted]

Classified By: [redacted]  
Derived From: NSA/CSSM 1-52  
Dated: 20130930  
Declassify On: 20400801

(U//FOUO) On 29 January 2015, [redacted] GG13, Analyst, [redacted] was interviewed and provided the following sworn testimony.

(U//FOUO) [redacted] wasted time chatting excessively with other employees in the office, making trips to the drugstore, and spending too much time away from his desk. His written reports were poor and would have to be consistently "fixed." [redacted] had no work ethic. [redacted] made a point to avoid conversations with [redacted] because he would try to have her do his work.

(U//FOUO) [redacted]

(U//FOUO) On 19 February 2015, [redacted] Team Lead, [redacted] was interviewed and provided the following sworn testimony.

(U//FOUO) [redacted] was never a good performer in [redacted] periodically complained to [redacted] about his lack of linguistic or analytical skills. She first complained in May or June of 2014. [redacted] conducted quality control of some of [redacted] work and attempted to provide him with constructive criticism. [redacted] was a [redacted] although he claimed to have experience. It quickly became apparent that [redacted] did not have the experience [redacted]. He still could have been successful in the job had he been motivated to learn. He seemed more interested in working his eight hours and going home. [redacted] only gave him good feedback because of her lack of leadership skills. [redacted] has no knowledge of the process that brought about [redacted] removal from [redacted] since it occurred after her departure from the organization.

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

(b) (6)

(U//FOUO) [redacted]

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

(U//FOUO) On 3 February 2015, [redacted] contractor employee, [redacted] Deputy Program Manager for the [redacted] contract, was interviewed and provided the following sworn testimony.

(U//FOUO) During a 23 October 2014 meeting, [redacted] and [redacted] commented negatively about [redacted] work performance. The meeting was requested by [redacted] in conjunction with contract feedback that was due in October. The common theme among the three was that [redacted] was not performing to the level expected of him, especially with written reports. Despite assistance from other analysts in [redacted] was repeating the same mistakes and he was not willing to learn. Since it was apparent [redacted] was not meeting the needs of the position he was filling, [redacted] and [redacted] agreed to move [redacted] to another organization under the [redacted] contract. Everyone agreed [redacted] should finish remainder of the month in [redacted] and then be moved.

(U//FOUO) [redacted]

Classified By: [redacted]  
Derived From: NSA/CSSM 1-52  
Dated: 20130930  
Declassify On: 20400801

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IV-15-0014

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

(U//FOUO) On 11 February 2015, [redacted] Contracting Officer Technical Representative (COTR) and Program Manager for the [redacted] contract.

(U//FOUO) [redacted] duties entail staffing the contract with qualified contractor employees, reviewing resumes, validating skills, and ensuring linguists have taken the appropriate language tests. [redacted] language skills were adequate for the position in [redacted]. The primary concern of [redacted] managers was his failure to "grasp the [redacted] mission" and a willingness to learn. This was the only occasion that [redacted] complained about anyone's performance. The [redacted] leadership expected resolution of the problem and everyone understood the issue could only be resolved by removing [redacted] from the organization. No one in [redacted] had the authority to move [redacted] or recommend that he be moved. After the meeting, [redacted] and [redacted] decided to reassign [redacted] to a new requirement in the [redacted] organization. However, [redacted] was unable to pass the required [redacted] language test for the new position.

(U//FOUO) [redacted]

(U//FOUO) On 25 February 2015, [redacted] Deputy Chief, [redacted] was interviewed and provided the following sworn testimony.

(U//FOUO) [redacted] was not in a position to personally observe [redacted] work performance. However, part of his job involved monitoring programs and the contracts. There had been a lack of production identified in [redacted] that was attributed to [redacted]. Specifically, [redacted] was taking extended breaks and spending too much time "socializing" instead of producing reports. [redacted] first received reports of [redacted] unsatisfactory performance in the June-July 2014 timeframe although he has no written records.

(U//FOUO) On 23 October 2014, a meeting was held between [redacted] leadership, the [redacted] Program Manager and Contracting Officer Representatives regarding [redacted] poor performance. The meeting was requested by the [redacted] leadership. [redacted] and [redacted] represented [redacted] at the meeting. [redacted] could not recall if [redacted] attended the meeting or the names of the COR or program manager. At the meeting, [redacted] conveyed to the program manager and COR a summary of [redacted] poor performance. In short, [redacted] was not receiving the level of support from [redacted] position that they were supposed to receive. [redacted] denied specifically requesting [redacted] be removed from the organization, only that [redacted] be provided the level of support obligated by the contract. Ultimately, it was agreed upon by all parties present at the meeting that [redacted] would be [redacted] last day in [redacted].

(b) (6)

(U//FOUO) [redacted]

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

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

Classified By: [redacted]

Derived From: NSA/CSSM 1-52

Dated: 20130930

Declassify On: 20400801

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~~SECRET//SI//NOFORN~~

IV-15-0014

(U//FOUO) On 27 March 2014, [redacted] Chief, [redacted] was interviewed and provided the following sworn testimony.

(U//FOUO) In October 2014, a meeting was held with the [redacted] program managers to discuss [redacted] poor work performance. How to resolve the issue was left to the contract managers, but it was understood that [redacted] was not fulfilling the requirements of the position. [redacted] and [redacted] made the decision to move [redacted] to another position in a different organization.

(U//FOUO) [redacted]

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

(U//FOUO) On 22 April 2015, [redacted] Branch Chief, [redacted] was interviewed and provided the following sworn testimony.

(U//FOUO) [redacted] relied on her Team Leads to monitor [redacted] performance and to let her know of any problems since she is not a linguist. [redacted] only focused on his administrative needs such as training. [redacted] gave good feedback initially in the Spring of 2014 on [redacted] because Team Lead [redacted] said he was doing well.

(U//FOUO) Eventually, problems started to surface regarding [redacted] competence and work ethic. In the fall of 2014, [redacted] began receiving negative comments about [redacted] language ability and his written reports. Analysts [redacted] and [redacted] sent emails to [redacted] complaining about [redacted] poor performance. [redacted] did not solicit the emails. [redacted] also received information that [redacted] was trying to get other members of the office to do his work. He would do so under the guise of asking for help, but really just wanted someone else to do his job.

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

(U//FOUO) The second evaluation of the contract was due to the [redacted] program manager in September 2014. [redacted] forwarded the negative information she had received from the analysts to [redacted]. [redacted] decided the situation with [redacted] was untenable and decided to seek a resolution with the COR. In October, a meeting was held between [redacted] and the [redacted] program managers to discuss the level of support being received from [redacted] and [redacted] did most of the talking at the meeting. The gist of the discussion was the [redacted] did not provide the level of performance that was needed for the position. The contract team made the decision that 31 October 2014 would be [redacted] last day in [redacted].

(U//FOUO) [redacted] denied seeking [redacted] removal from [redacted]. In fact, [redacted] believed [redacted] was "salvageable" as a member of the office and would remain in the job. She advocated for him to go TDY to the West Coast in September 2014. The goal of the TDY was to

<sup>8</sup> (U//FOUO) Please see Appendices F, G and H.

Classified By [redacted]  
Derived From: NSA/CSSM 1-52  
Dated: 20130930  
Declassify On: 20400801

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meet with customers and foster relationships. She was successful in getting [redacted] TDY approved and he went. At the time, [redacted] fully expected [redacted] to continue to work in [redacted] Otherwise, she would not have recommended him for the TDY as it would have been a waste of resources and no return on the investment.

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

**(U) Analysis and Conclusions**

(U//FOUO) The OIG examined whether [redacted] alleged removal of [redacted] from his contract position in [redacted] was a potential abuse of authority. In doing so, the OIG applied NSA/CSS PMM, Chapter 366, 1-3A, General Principles for On-the-job Conduct, and the definition provided by the Merit Systems Protection Board (MSPB) in *Jessup v. Department of Homeland Security*. The MSPB defines an abuse of authority as an "arbitrary or capricious exercise of power by a federal official or employee that adversely affects the rights of any person or results in personal gain or advantage to himself or preferred other persons."

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

(U//FOUO) [redacted] participated in a meeting on 23 October 2014 with [redacted] contract managers [redacted] and [redacted]. The meeting was requested by [redacted] and coincided with scheduled October 2014 [redacted] contract feedback. The purpose of the meeting was to discuss the lack of support being received from [redacted] contract position in [redacted]. Since [redacted] is a contract employee, the decision to remove and reassign [redacted] rested with [redacted] and [redacted] as [redacted] contract managers. [redacted] acknowledged in her testimony that no one in [redacted] had the authority to move [redacted] or even recommend that he be moved. Ultimately, [redacted] and [redacted] made the decision to remove [redacted] from [redacted] and place him into new contract position in a new organization.

(U//FOUO) Within a month prior to the meeting, [redacted] had received emails from three [redacted] employees complaining about [redacted] work performance. [redacted] stated that [redacted] "was positioned incorrectly for his skill set." According to [redacted] [redacted] lacked a "basic understanding of what is required of an analyst working a particular project or mission and even how to do the job." In her email, [redacted] suggested to [redacted] that she either get [redacted] "on-track" or "find another means to solve the problem." [redacted] passed her employees' concerns regarding [redacted] to her supervisor which prompted [redacted] request for the meeting. [redacted] mere participation in the meeting was not an abuse of authority.

(U//FOUO) [redacted] advocated for [redacted] to travel TDY to the West Coast on an important mission to build customer relationships. The TDY occurred several weeks after the

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

Classified By [redacted]  
Derived From: NSA/CSSM 1-52  
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hair and scissors incident. [redacted] testified that she would not have sent [redacted] TDY knowing he would not remain in the organization. [redacted] decision to send [redacted] TDY on behalf of the organization demonstrates that it is unlikely she intended to cause his removal from [redacted]. Ultimately, it was the testimony of four of his co-workers and three emails to [redacted] that established [redacted] work performance to be less than satisfactory for the position he was filling in [redacted].

(U//FOUO) [redacted] attendance at the 23 October 2014 meeting concerning [redacted] position was not an arbitrary or capricious act. There is insufficient evidence to establish that [redacted] abused her authority or failed to uphold the ethical principles expected of government employees with respect to [redacted] removal from his position in [redacted].

(U//FOUO) Therefore, we find that [redacted] did not engage in an arbitrary or capricious act that adversely affected the rights of any person or resulted in personal gain or advantage to herself in violation of NSA/CSS PMM, Chapter 366, Section 1-3A.

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

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

Classified By: [redacted]  
Derived From: NSA/CSSM 1-52  
Dated: 20130930  
Declassify On: ~~20400801~~

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IV-15-0014

#### IV. RESPONSE TO TENTATIVE CONCLUSIONS

(U//~~FOUO~~) On 20 August 2015, [redacted] responded to the OIG's tentative conclusions. Her response is included as Appendix C. Because [redacted] provided no new information that would impact our analysis, our 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 1-52  
Dated: 20130930  
Declassify On: ~~20400801~~

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IV-15-0014

## VI. (U) CONCLUSION

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

(U//~~FOUO~~) The preponderance of the evidence supports the conclusion that:

- (U//~~FOUO~~) [redacted] failed to exercise courtesy and respect in dealings with fellow workers, in violation of NSA/CSS PMM, Chapter 366, Section 1-3E.
- (U//~~FOUO~~) [redacted] used actions and words that denigrated individuals and used offensive gestures directed against employees that adversely impacted the work environment in violation of NSA/CSS PMM, Chapter 366, Section 2-1A.
- (U//~~FOUO~~) [redacted] created a disturbance, and engaged in threatening behavior and menacing conduct in violation of NSA/CSS PMM, Chapter 366, Section 2-1E.

(U//~~FOUO~~) The OIG also found that [redacted] did *not* engage in an arbitrary or capricious act that adversely affected the rights of any person or resulted in personal gain or advantage to herself in violation of NSA/CSS PMM, Chapter 366, Section 1-3A.

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

Classified By [redacted]

Derived From: NSA/CSSM 1-52

Dated: 20130930

Declassify On: ~~20400801~~~~SECRET//SI//NOFORN~~

V. (U) DISTRIBUTION OF RESULTS

(U//~~FOUO~~) A copy of this report of investigation will be provided to Employee Relations (MR). Also, a summary memorandum will be provided to the Associate Directorate for Security and Counterintelligence, Special Actions (Q242), and [redacted]

[redacted] supervisor: .....

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

[redacted]

Senior Investigator

Concurred by:

[redacted]

Assistant Inspector General  
for  
Investigations

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

.....

Classified By [redacted]

Derived From: NSA/CSSM 1-52

Dated: 20130930

Declassify On: ~~20400801~~

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*IV-15-0014*

**APPENDIX A**

**(U) Applicable Authorities**

~~SECRET//SI//NOFORN~~

~~SECRET//SI//NOFORN~~

IV-15-0014

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

A. Uphold the public trust by placing the Constitution, the laws and ethical principles above private gain.

E. Give thorough, efficient, and industrious service in the performance of assigned duties including presenting oneself for duty in a condition to perform work effectively; exercising courtesy and respect in dealings with fellow workers and the public; and exercising reasonable care in carrying out one's assigned duties.

**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.

A. (U//~~FOUO~~) Harassment/Intimidation – Employees will not use actions or words that denigrate or show hostility toward an individual for any reason, but especially because of race, color, religion, gender, national origin, age, or disability. Likewise, employees will not use abusive or offensive language, gestures, or other conduct (e.g. display of offensive writings, objects or pictures) directed against other employees that could affect the individual's work performance or impact the work environment.

E. (U//~~FOUO~~) Violence, Threatening Behavior, OR Creating a Disturbance – Employees will not make threats, create a disturbance, engage in threatening behavior or perform acts of violence against Agency persons...This behavior includes physical or verbal aggression, other threatening communications (e.g. writing or gestures,) menacing conduct and disorderly or unusual behavior that disrupts the workplace....”

**(U) NSA/CSS Policy 1-37, Annex D: *Prohibition of Harassment***

1. (U//~~FOUO~~) NSA/CSS shall maintain a work environment free of conduct that interferes with another's individual performance or that creates an intimidating, hostile, or offensive environment. All NSA/CSS personnel are responsible for ensuring a harassment-free workplace.

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IV-15-0014

**APPENDIX B**

**(U) Employee Profile** —

⋮

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

~~SECRET//SI//NOFORN~~

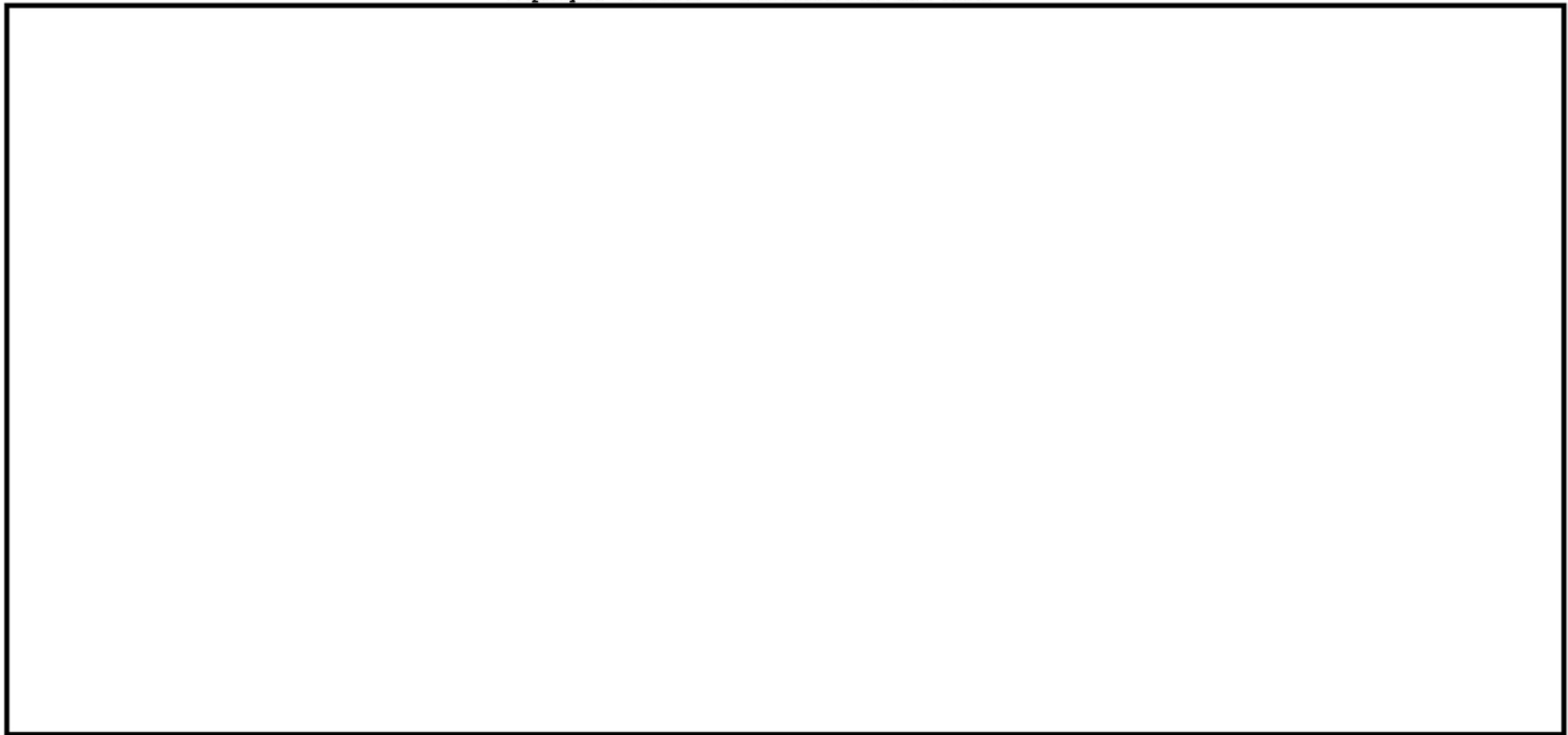
PERSONNEL PRIVILEGED

\*\*\* The classification of this document could range from FOUO to TS/SI; therefore this document may not be \*\*\*  
\*\*\* removed from NSA facilities without specific approval of the Freedom of Information & Privacy Office. \*\*\*  
\*\*\* Request for approval should be emailed to DJ4\_privacy with a copy of your profile attached. \*\*\*

EMPLOYEE PRIVACY ACT

PERSONAL DATA: Dissemination or reproduction is limited to that authorized by the privacy act. Users may be subject to civil or criminal penalties and disciplinary action for failure to comply with privacy act provisions. Furthermore, document may not be removed from NSA facilities without specific approval of the Freedom of Information & Privacy Office.

Employee Profile - Generated 29-OCT-2014



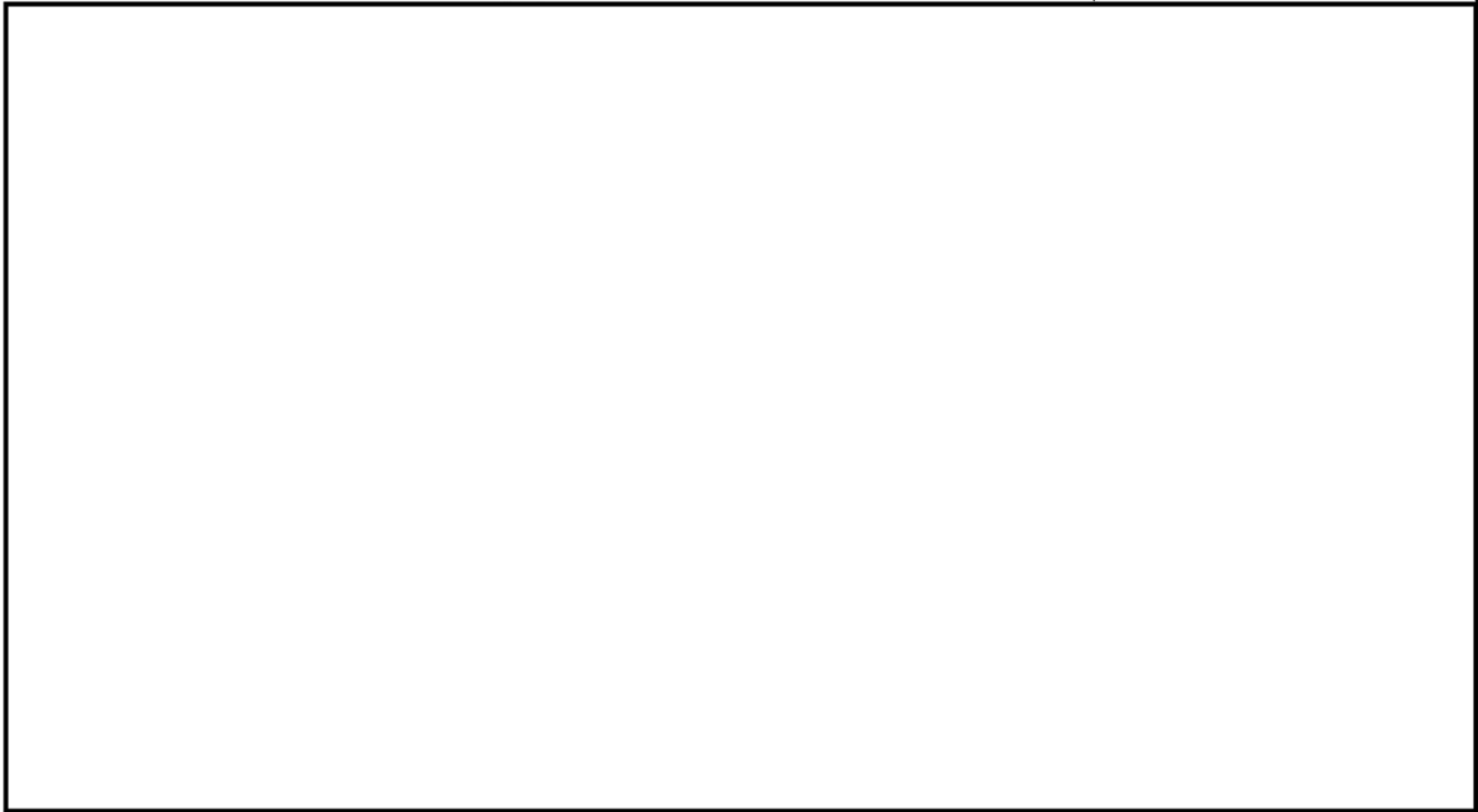
(b) (3) -P.L. 86-36  
(b) (6)

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

PERSONNEL PRIVILEGED

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\*\*\* removed from NSA facilities without specific approval of the Freedom of Information & Privacy Office. \*\*\*  
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Employee Profile - Generated 29-OCT-2014

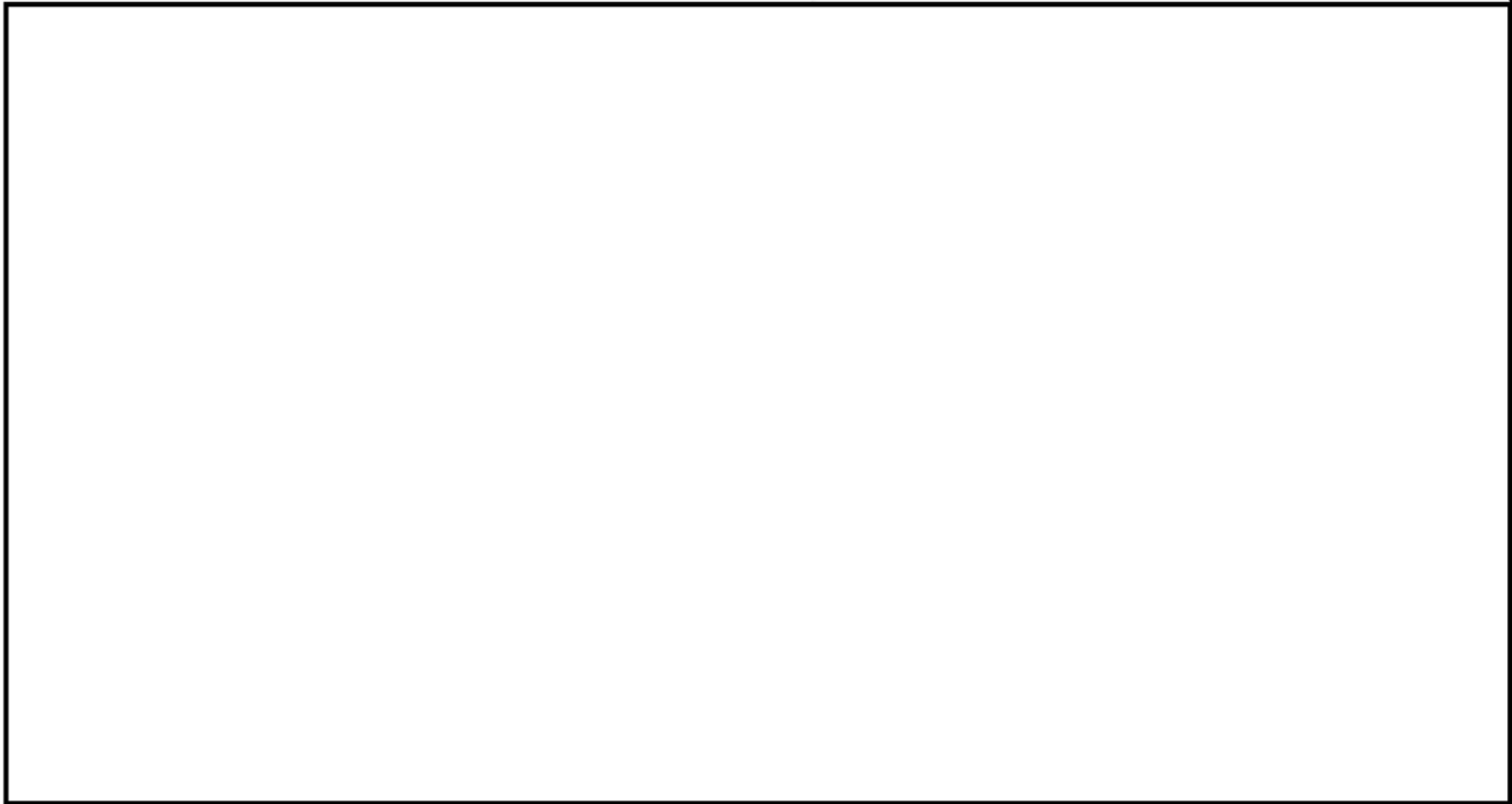


(b) (3) - P.L. 86-36  
(b) (6)

PERSONNEL PRIVILEGED

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Employee Profile - Generated 29-OCT-2014

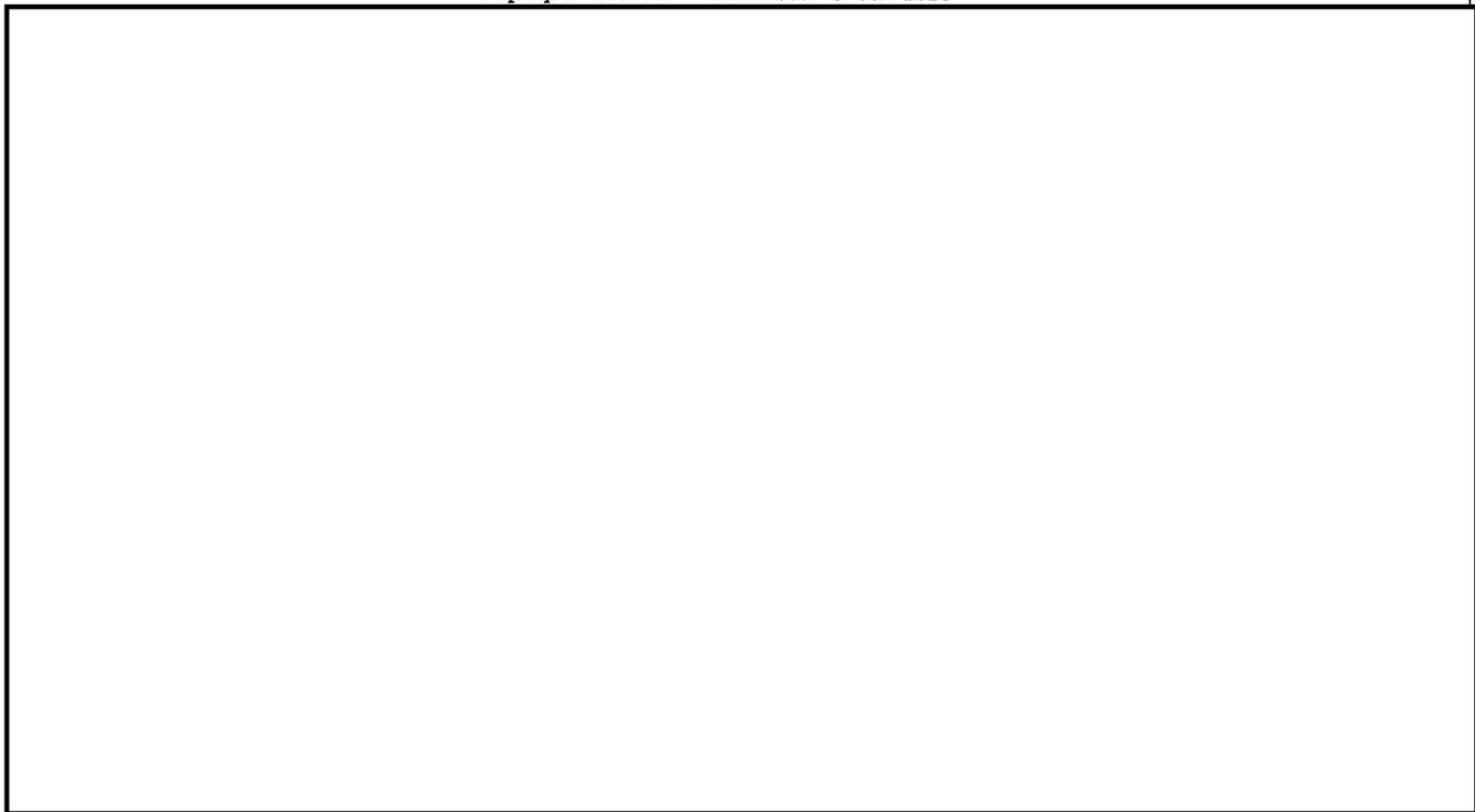


(b) (3) - P.L. 86-36  
(b) (6)

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

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

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

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*IV-15-0014*

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

**APPENDIX C**

(U) [redacted] **Response to the Tentative Conclusions**

~~SECRET//SI//NOFORN~~

From: [redacted]  
To: [redacted]  
Subject: RE: (U) Notification of Tentative Conclusions  
Date: Thursday, August 20, 2015 3:43:17 PM

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

I am looking into registering some interpersonal courses being offered by ADET.

cheers,

[redacted]

U//~~FOUO~~

[redacted]

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

From: [redacted]  
Sent: Thursday, August 13, 2015 1:49 PM  
To: [redacted]  
Subject: (U) Notification of Tentative Conclusions

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

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

**INSPECTOR GENERAL SENSITIVE INFORMATION:** This email, including any attachments, is intended only for authorized recipients. This email message may contain information that is confidential, sensitive, and/or protected by Federal law, including the Privacy Act of 1974, as amended.

Good Afternoon [redacted]

(U//~~FOUO~~) The Office of the Inspector General (OIG) has reached tentative conclusions in our investigation into allegations that while assigned to [redacted] you failed to use courtesy or respect in dealing with your co-workers; used actions or words that denigrated individuals and used offensive gestures against fellow workers; created a disturbance and engaged in threatening behavior and menacing conduct; and engaged in an arbitrary or capricious act that adversely affected the rights of any person or resulted in personal gain or advantage to yourself.

(U//~~FOUO~~) The preponderance of the evidence supports the conclusion that:

- (U//~~FOUO~~) You failed to exercise courtesy and respect in dealings with fellow workers, in violation of NSA/CSS PMM, Chapter 366, Section 1-3E.
- (U//~~FOUO~~) You used actions and words that denigrated individuals and used offensive gestures directed against employees that adversely impacted the work environment in

violation of NSA/CSS PMM, Chapter 366, Section 2-1A.

- (U//~~FOUO~~) You created a disturbance, and engaged in threatening behavior and menacing conduct in violation of NSA/CSS PMM, Chapter 366, Section 2-1E.

(U//~~FOUO~~) The OIG found that you did *not* engage in an arbitrary or capricious act that adversely affected the rights of any person or resulted in personal gain or advantage to yourself in violation of NSA/CSS PMM, Chapter 366, Section 1-3A.

(U//~~FOUO~~) In accordance with the investigative process, we are affording you the opportunity to comment on the tentative conclusion and/or offer additional information before we close our inquiry. You are not required to respond to our conclusion. However, if you choose to respond, please do so in writing by close of business, 20 August 2015. If you have no comment, please let me know as soon as practicable. Thank you.

(U//~~FOUO~~)

[Redacted]

Investigator, Office of Investigations  
Office of the Inspector General

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

[Redacted]

969-7318 NSTS

[Redacted]

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

~~SECRET//SI//NOFORN~~

*IV-15-0014*

**APPENDIX D**

**(U) Email, SUBJECT: Request for ER Guidance, dated 6 August 2014**

~~SECRET//SI//NOFORN~~



**From:** [Redacted]  
**To:**  
**Subject:** FW: (U) request for guidance  
**Date:** Monday, August 11, 2014 7:02:30 AM

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

FYSA

[Redacted]

**From:** [Redacted]  
**Sent:** Wednesday, August 06, 2014 3:31 PM  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** RE: (U) request for guidance

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

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

[Redacted]

Thanks so much for the information. We will review the notes below and get back to you soon.

[Redacted]

[Redacted]

Employee Relations Counselor

[Redacted]

PERSONNEL PRIVILEGED INFORMATION  
Do not release without approval from Employee Relations

**From:** [Redacted]  
**Sent:** Wednesday, August 06, 2014 1:38 PM  
**To:** [Redacted]  
**Cc:** [Redacted]

**Subject:** RE: (U) request for guidance

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

Just received confirmation by phone from the contractor that they're not pursuing the matter further.



**From:** [redacted]  
**Sent:** Wednesday, August 06, 2014 11:55 AM  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** RE: (U) request for guidance

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

Hello [redacted]

Per our conversation, here's the accounting of the event and a little more back-story. I'm also looping in [redacted] our Senior Staff Officer for her awareness.

The following is a chronological accounting of an event that occurred between [redacted] Chief [redacted] and [redacted] an [redacted] subcontractor on the [redacted] contract:

On 8/5/14, during a branch celebration breakfast, [redacted] feigned to cut [redacted] hair by physically grabbing a handful of his hair on the forefront of his head with one hand and with a pair of scissors in her other hand, made as if she were going to snip the hair, "joking" about helping to give him a haircut. According to [redacted] this was the last in a series of 5 separate occasions in "a couple month's time" where "jokes" had been made by [redacted] to "help him cut his hair"; none of the prior engagements involved the presence of scissors or physical contact. It was this occasion, accompanied by physical contact that made [redacted] uncomfortable enough to file a record with his Program Manager. None of the other "incidents" were documented. This last incident was witnessed by no less than 3 people, whose testimony matches with the account of the event by [redacted] and [redacted]

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[redacted] acknowledges that her behavior was totally inappropriate, and takes responsibility for that poor decision. There has been a history of verbal bantering back and forth between these individuals, and [redacted] may have believed she had a stronger camaraderie connection there than actually existed. She acknowledges that this does not excuse the behavior.

I feel compelled to point out that in the time that I've known her, I have found her to be a capable, competent supervisor, receiving several accolades and awards for effectiveness in fulfilling organizational goals; contrary to what this incident may suggest, [redacted] is fiercely protective of the people in her charge. I understand as a supervisor that an incident of this nature must carry repercussions, and I would ask that if it's determined that reprisals must be assessed, that they be to the least degree possible, as I believe through my conversations with her that she has "learned her lesson". I offer the following email from [redacted] to his Program Manager as evidence that he is satisfied with the resolution of the matter internally, without need to tarnish a good officer's record:

[redacted]

[redacted] is who I spoke with earlier this morning about the incident and, as we discussed, I believe he has everything under control, so it is my hope that nothing needs to be escalated any higher. Of course, I will keep you all informed of any new developments, but it sounds like there should be no need for further concern. I appreciate everyone's consideration and support in handling this quickly and effectively so we can all get back to focusing on the mission.

[redacted]

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[redacted]

**From:** [redacted]  
**Sent:** Wednesday, August 06, 2014 9:02 AM  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** RE: (U) request for guidance

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Please call me at your earliest convenience to discuss.

Thank you,

[Redacted]

[Redacted]

Employee Relations Counselor

[Redacted]

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PERSONNEL PRIVILEGED INFORMATION  
Do not release without approval from Employee Relations

**From:** [Redacted]  
**Sent:** Wednesday, August 06, 2014 7:23 AM  
**To:** DL M/ER  
**Subject:** (U) request for guidance

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

Please provide me with the contact details for someone whom I can speak with regarding how to proceed with handling an event involving inappropriate physical contact between a branch chief who reports to me, and a contractor who works for her.

Thank you for your quick attention to this matter,

[Redacted]

[Redacted]

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*IV-15-0014*

**APPENDIX E**

**(U) Email, SUBJECT: Final Adjudication, dated 1 October 2014**

~~SECRET//SI//NOFORN~~



From: [redacted]  
To: [redacted]  
Cc: [redacted]  
Subject: (U) [redacted] incident, final adjudication received  
Date: Wednesday, October 01, 2014 7:50:06 AM

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[redacted]

I spoke with [redacted] in ER this morning, and because there have been no repeated altercations reported and on my assessment that you have "learned your lesson" and my professional testimony to your character, **ER considers this matter closed with no punitive measures** affecting your permanent record to be taken. ER and I recommend that you consider your interactions carefully in the future and use this as a learning opportunity to seek ways improve your interpersonal communication skills.

V/R,

[redacted]

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[Large redacted area]

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IV-15-0014

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

APPENDIX F

(U) Email, [redacted] to [redacted] dated 26 September 2014, Subject:

Accountability Issues

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

~~SECRET//SI//NOFORN~~

From: [redacted]  
To: [redacted]  
Subject: (U) accountability issues  
Date: Friday, September 26, 2014 1:18:56 PM

Classification: ~~CONFIDENTIAL//SI//NOFORN~~

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(b) (6)

Hi [redacted]

I wanted to bring to your attention some accountability issues that I think are deserving of immediate attention, and I apologize in advance if any of these come off as direct. These are related to report writing and basic SIGINT analysis.

Report Writing:

I received a report draft a couple days ago that came in the form of a direct copy and paste of

[redacted]

The only effort that appeared to be put into the report that was not a direct copy and paste was a 2-3 sentence summary, which was completely off marker and did not reflect the actual focus of the report. This report was something that was laid out by team leads for the analyst and discussed extensively several months ago with the analyst. The report was actually started early last week, [redacted]

[redacted]

I sat with the analyst for 2 hours yesterday to go over my concerns regarding the report, among other analytic related issues that I will touch on in the later section. The excuse I kept hearing was that no one helped the analyst understand how the report was to be written, despite having the report laid out for him months before and despite the subject of the report one of the top priorities for the particular project.

SIGINT analysis:

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There is a lack of a basic understanding of what is required of an analyst working a particular project or mission and even how to do the job. It is exceptionally difficult when trying to answer an analyst's questions about [redacted] to then find out that the analyst, who has been here for what I think is almost 10 months, does not have an understanding of [redacted]

[redacted]

Additionally, in my two hour long discussion with this same analyst, he does not even understand that he needs to communicate with other people from different teams working the same mission,

[redacted]

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[redacted]  
[redacted] is simply unacceptable, especially when this information was almost certainly provided to them in the many months they have been here. The lack of accountability for even how an analyst is responsible for *knowing* how to do SIGINT is extremely worrisome.

These are some of the issues that have been problematic and frustrating to deal with. I have trained and am also in the process of training people who have no prior experience with SIGINT and even interns new to the mission, however, each of those persons in their own right have been eager and willing to learn and are proactive in trying. In the many conversations I have had with [redacted] (CON), he has shown no initiative to learn despite constant coaching and guidance from others. He has continually expressed to me that he cannot "handle too many things at once" and the blame for his lack of knowledge [redacted] or basic SIGINT processes has always been displaced to someone else. Based on what I know of this branch and of capabilities of the people in it, I can almost guarantee that the blame is unfounded. Based on these issues, I am recommending that he be taken off of [redacted] or be put strictly on a [redacted] role.

Please let me know if you have questions. I am definitely open to suggestions and further discussion.

Thanks,  
[redacted]

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[redacted]

Classified By: [redacted]  
Derived From: NSA/CSSM 1-52  
Dated: 20070108  
Declassify On: ~~20390901~~

Classification: ~~CONFIDENTIAL//SI//NOFORN~~

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

**APPENDIX G**

(U) Email, [redacted] to [redacted] dated 30 February 2014, Subject:

Evaluation of [redacted] Moving Forward

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

**From:** [redacted]  
**To:** [redacted]  
**Subject:** FW: (U) Evaluation of [redacted] moving forward  
**Date:** Thursday, February 19, 2015 4:00:25 PM

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

**From:** [redacted]  
**Sent:** Tuesday, September 30, 2014 9:12 AM  
**To:** [redacted]  
**Subject:** (U) Evaluation of [redacted] moving forward

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

[redacted]

I believe that we need to have a discussion about [redacted] position moving forward, and I think you should talk to him on where he would be comfortable being as well.

From talking to you, [redacted] and other analysts, I believe he has been positioned incorrectly for his skill set. [redacted] has been performing adequately on covering the [redacted] project, but his skills and the project are slowly fading because of incorrect placement. The contract that [redacted] is assigned to, and is trained for, is [redacted] for our mission. His [redacted] skills are excellent and he provides great feedback, questions, and [redacted] every single time this task is given to him. What [redacted] lacks is the analytic mindset and drive that we need to be the lead analyst for a project like [redacted] is able to [redacted]

[redacted]

[redacted] into well written complete reports, and the knowledge of the subject matter in [redacted]. This is not [redacted] fault because there is no training plan for the Division, it's not his original work role, and no training for individual tools are setup for contractors. Everything has to be learned on the job, and while [redacted] is very talented [redacted] he does lack the analytic mindset that most of the analysts that are here have. [redacted] is a hard worker, but he needs to have clear concise deadlines and directions in order to move forward.

Please consider re-evaluating [redacted] position in the branch to help everyone succeed. He is an excellent worker when given the drive; he is just overwhelmed with his current project and needs assistance.

(U//FOUO)

[redacted]

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

Classified By: [redacted]

Derived From: NSA/CSSM 1-52  
Dated: 20070108  
Declassify On: ~~20390901~~

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

Classified By:   
Derived From: NSA/CSSM 1-52  
Dated: 20070108  
Declassify On: ~~20400201~~

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

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IV-15-0014

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(b) (6)

APPENDIX H

(U) Email, [redacted] to [redacted] dated 16 October 2014, Subject:  
**Contracting Issues**

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

~~SECRET//SI//NOFORN~~



**From:** [redacted]  
**To:** [redacted]  
**Subject:** FW: (U) Contracting Issues  
**Date:** Thursday, February 19, 2015 3:56:35 PM

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

**From:** [redacted]  
**Sent:** Thursday, October 16, 2014 2:16 PM  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** RE: (U) Contracting Issues

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

[redacted]

Thank you. I hear you. And I will be having a discussion with the COR.

cheers,  
[redacted]

~~U//FOUO~~

[redacted]

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

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

**From:** [redacted]  
**Sent:** Thursday, October 16, 2014 12:49 PM  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** (U) Contracting Issues

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

[redacted]

It is my suggestion that you provide some concrete feedback to [redacted]. There is an increased amount of stress for the analysts in the office due to his interactions and I cannot keep fielding these issues. As the branch chief, I believe it is your responsibility to work with him and help either 1. Get him on track or 2. Find alternate means to solve the issue. This is a problem that cannot be avoided. [redacted] and [redacted] have both offered you suggestions on what to do mission wise. As far as I can tell, neither suggestions have been accepted. You are placing a burden on your leads by not remedying this problem. I do not believe that all the blame should be placed on [redacted] but we are all adults and have equal responsibility at performing to the standards set.

Continued problems in the branch are going to isolate your productive analysts and discourage them from being effective and from staying in the branch. Please understand that [redacted] and I are doing the best we can to keep this team afloat but are losing the ability to cope with all that is going wrong.

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

(U//FOUO)  
[redacted]

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

Classified By: [redacted]  
Derived From: NSA/CSSM 1-52  
Dated: 20070108  
Declassify On: ~~20391001~~

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

Classified By: [redacted]  
Derived From: NSA/CSSM 1-52  
Dated: 20070108  
Declassify On: ~~20400201~~

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