Alleged Misuse of Government Resources

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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.
I. (U) SUMMARY

(U//FOUO) On 7 October 2014, the NSA/CSS Office of the Inspector General (OIG) received an allegation regarding [REDACTED] and [REDACTED] employees. The allegation stated that [REDACTED] and [REDACTED] on more than one occasion, were engaging in inappropriate conduct, specifically sexual activity in a [REDACTED] during the workday. On 19 September 2014, [REDACTED] supervisor confronted the two about their conduct after observing them in a [REDACTED].

(U//FOUO) In addition to obtaining sworn testimony from [REDACTED] and [REDACTED], the OIG conducted interviews of seven witnesses. The OIG also reviewed “chat” traffic between [REDACTED] and [REDACTED] from 1 November 2013 through 30 November 2014.

(U//FOUO) The OIG found that from November 2013 until October 2014, [REDACTED] engaged in sexual activity in the workplace with [REDACTED] during duty hours once or twice per week. On those occasions, [REDACTED] would leave her office and meet [REDACTED] in a [REDACTED] typically for about fifteen or twenty minutes. Additionally, during the same time period, while on duty, [REDACTED] misused her NSA computer to conduct non-mission-related chats of a sexual nature with [REDACTED] for two to four hours per day. In the mornings, [REDACTED] chatted about, among other things, the upcoming meetings in [REDACTED] and often graphically discussing the anticipated sexual encounters. After the meetings, the two would engage in further chatting regarding their relationship and sexual activity.

(U//FOUO) Additionally, [REDACTED] inappropriately disclosed personnel privileged information regarding one co-worker’s Annual Contribution Evaluation (ACE) score, as well as the fact that another co-worker filed an EEO complaint, to [REDACTED].

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

- made sexual advances and engaged in physical conduct of a sexual nature in the workplace, in violation of PMM Chapter 366, Section 2-1(B);

- failed to give thorough, efficient and industrious service in the performance of her assigned duties, in violation of PMM Chapter 366, Section 1-3(E);

1 (U//FOUO) [REDACTED] involvement in this matter is addressed in a separate report of investigation.

2 (U//FOUO) Personnel privileged information is any information or records concerning an individual which are maintained and used in the personnel management or personnel policy setting process (NSA/CSS Policy Manual 6-3, Chapter 2).
used her federal government communication system to conduct non-mission-related "chats" of a sexual nature, in violation of DoD Joint Ethics Regulation (JER) 5500.7-R Subpart 2-301 and NSA/CSS Policy Manual 6-3; and

- inappropriately disclosed personnel privileged information to an unauthorized recipient, in violation of PMM Chapter 366, Section 2-4.

(U//FOUO) A copy of this report will be provided to Employee Relations (MR) for information and appropriate action. A summary of the findings will be provided to the Associate Directorate for Security and Counterintelligence, Special Actions (Q242), and supervisor.

(b) (3) - P.L. 86-36
(b) (6)
II. (U) BACKGROUND

(U) Introduction

(U/FOUO) She worked at NSA from 1991 until 2001 before voluntarily resigning. She re-entered on duty with NSA on [blank] and currently works in [blank] as a GS012.

(U/FOUO) Her employee profile is attached as Appendix B.

(U) Applicable Authorities

(U/FOUO) The investigation looked at possible violations of the following authorities.

(U) DoD Joint Ethics Regulation (JER) 5500.7-R Subpart 2-301: Use of Federal Government Resources

(U) NSA/CSS Policy Manual 6-3, Chapter Two, Information System User and Supervisor Responsibilities

(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, Personnel and Security Standards, 2-1, Work Environment

(U) NSA/CSS PMM, Chapter 366, Section 2, Personnel and Security Standards, 2-4, Safeguarding Information

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

(U/FOUO) ALLEGATION 1: Did □□□□ make sexual advances and engage in physical conduct of a sexual nature in the workplace, in violation of PMM Chapter 366, Section 2-1(B)?

(U/FOUO) CONCLUSION: Substantiated.

(U/FOUO) ALLEGATION 2: Did □□□□ fail to give thorough, efficient, and industrious service in the performance of her assigned duties, in violation of PMM Chapter 366, Section 1-3(E)?

(U/FOUO) CONCLUSION: Substantiated.

(U/FOUO) ALLEGATION 3: Did □□□□ use her federal government communication system to conduct non-mission-related “chat” of a sexual nature, in violation of DoD Joint Ethics Regulation (JER) 5500.7-R Subpart 2-301 and NSA/CSS Policy Manual 6-3?

(U/FOUO) CONCLUSION: Substantiated.

(U) Documentary Evidence

(U/FOUO) Appendix C – Chat conversations between □□□□ and □□□□

(U/FOUO) Twenty-one sample conversations, dated between December 2013 and October 2014, are included. The conversations typically start prior to 0600 hours, and last for an extended period. The conversations are often resumed later in the morning and again are lengthy. Their conversations contain numerous sexual innuendos, vulgar language, and otherwise inappropriate content for the workplace.

3 (U/FOUO) □□□□ is nicknamed □□□□ in the conversations.
(U) Testimonial Evidence

(U//FOUO) On 22 October 2014, [redacted] Chief, [redacted] was interviewed and provided the following sworn testimony.

(U//FOUO) [redacted] has known [redacted] for about 15 years, and has directly supervised her for the past two years.

(U//FOUO) Co-workers recently told [redacted] that a few times a week, [redacted] has been going in the [redacted] with [redacted] who works in [redacted]. On a recent Tuesday, he noticed the key to [redacted] was missing. He went back in the [redacted] and saw [redacted] near [redacted]. He approached him and said "I know what you are watching... it happens all the time. We all know it. You are early. It usually does not happen until 0900."

(U//FOUO) At around 0900, while in [redacted], [redacted] observed [redacted] and [redacted] go into [redacted] together. After about five minutes, he listened by the door. He could hear shuffling and movement in the room. He waited about 20 minutes but when they did not come out, he went back to his office. When [redacted] returned to the office, he sent her and [redacted] a message that he wanted to talk to them in the cafeteria. He subsequently met with them and told them they could not "have sex in [redacted]." He leaned back and nonchalantly rattled [redacted] on the back. [redacted] was red-faced and embarrassed. Neither person said anything; it was a one way conversation. Afterwards and saw a small metal table that he did not see before; he had the table removed from [redacted].

(U//FOUO) After [redacted] left, [redacted] asked [redacted] how long the behavior had been going on, and she said about a year. He told her she needed to take a half hour of leave to cover the time the two spent in [redacted] on that Tuesday.

(U//FOUO) About a week ago, [redacted] apologized to [redacted] appearing very remorseful. Her apology came after another incident in which an employee told [redacted] that he saw the two come out of [redacted] near the [redacted] office, at 0530 or 0600 in the morning. The employee wondered what the two were doing in that area because the [redacted] office was not opened for the day yet. A few days later, [redacted], Office Manager, reported that [redacted] was in the men's room with [redacted]. The employee reported the matter to [redacted] Chief of Staff, who referred the matter to [redacted] Office Chief, [redacted] and [redacted] Employee Relations Counselor, then separately counseled both individuals.
(U//FOUO) __________ is an outstanding worker, the best in the office. __________ has never had any issues with her and does not want to lose her. She is dynamic and an almost perfect employee.

(U//FOUO) Personnel in __________ told __________ that the two have been meeting in the __________ a few times a week for about a year. __________ who works in the __________ told him he saw __________ poke her head out of __________ on one occasion to make sure the "coast was clear" before she left.

(U//FOUO) __________ is irritated by their behavior, particularly because other people in his office have to access and use __________

(U//FOUO) __________

(U//FOUO) On 23 October 2014 __________ Office Manager, __________ was interviewed and provided the following sworn testimony.

(U//FOUO) __________ sees __________ a few times a week at work, and __________ about once every two weeks. She recently heard "halley talk" from another __________ employee that the two were having a relationship and "messing around" at work. The employee told __________ she heard the information from someone else and did not have direct knowledge of it.

(U//FOUO) A week or two ago, __________ was in the bathroom of __________ and could hear two voices in the men's room next to her. She deduced from the voices that the two were __________ and __________. She heard them talking for a minute or two, but they were gone before she left the women's room.

(U//FOUO) __________ reported the matter to __________ supervisor. Subsequently, __________ was asked to schedule meetings for __________ the Office Chief, to counsel each individual. She thinks __________ told them to "knock it off" and "do it somewhere else."

(U//FOUO) __________

(U//FOUO) On 29 October 2014 __________ was interviewed and provided the following sworn testimony.

(U//FOUO) __________ has known __________ and __________ since sometime in the 1990s. Working in __________ he heard rumors that the two were going in __________ together early in the morning for extended periods, but he has not personally observed them. He first heard the rumors a few months ago from colleagues.
(U/FOUO) On 30 October 2014, [redacted] was interviewed and provided the following sworn testimony.

(U/FOUO) [redacted] has known [redacted] for a few years. He does not know who "keeps pretty quiet," works in the [redacted] in a SCIF area within [redacted]. Since personnel are always in and out of the SCIF, they keep a rolled up door open most of the time. From the SCIF, personnel can see everyone coming in and out of the [redacted] where [redacted] is located.

(U/FOUO) [redacted] was coming in and out of [redacted] about three times a day and going to [redacted] there. [redacted] noticed [redacted] would walk in, and then [redacted] would come into [redacted] about five minutes later. She would leave about 25 minutes later, and again, he would leave about five minutes after her. This occurred almost daily, generally around 0700 or 0715. There is a lot of talk about the two in [redacted] has been discussing the matter with [redacted], a co-worker. "We kind of figured out what was going on right away, because we were both in Security before." Two other colleagues, [redacted] and [redacted] are aware of the behavior as well.

(U/FOUO) [redacted] thinks they started noticing the two going into [redacted] in about May or June 2014. He has not seen [redacted] for [redacted] in the [redacted] for a few weeks.

(U/FOUO) On 31 October 2014, [redacted] Team Lead was interviewed and provided the following sworn testimony.

(U/FOUO) [redacted] has been [redacted] immediate supervisor for the past two and a half years.

(U/FOUO) About a month ago, [redacted] told [redacted] that for the last six months or more, "something was going on" between [redacted] and [redacted] who is responsible for [redacted] told him the two were allegedly caught in a back room together. He was surprised to hear it; he thought the two were just friends.

(U/FOUO) [redacted] heard that [redacted] supervisor [redacted] looked into it. A few weeks ago, [redacted] Deputy Chief, [redacted] told him the front office needed to see who was at lunch. [redacted] from MR then called him and asked for cell phone number. [redacted] did not explain why she needed to talk to but she apparently counseled him that day. When [redacted] returned from ER, he was
called into office. Subsequently, brought into his office and informed him that and needed to avoid future contact at work.

(U//FOUO) did not discuss the issue with since upper management already addressed it with .

(U//FOUO)

(U//FOUO) On 31 October 2014, was interviewed and provided the following sworn testimony.

(U//FOUO) For an extended period, the bathroom in the main floor of the was closed for maintenance. As a result, and his co-workers would notice more people entering the area near their office.

(U//FOUO) Beginning in August or so, almost every day, at approximately 0730 in the morning, would see walking towards . A few minutes later, would walk back in the same direction. Never saw either of the two enter or exit directly. However, there was considerable talk among civilians and contractors in that the two were going in together for extended periods. As far as knows, did not have any work-related reason to be in to work. has a legitimate reason to be in given her job duties.

(U//FOUO) is not sure what they have been doing, but would guess that “something has been going on” between the two.

(U//FOUO)

(U//FOUO) On 7 November 2014, was interviewed and provided the following sworn testimony.

(U//FOUO) Beginning in 2013, would meet for walks for fifteen to twenty minutes at lunchtime as well as in the mornings at . When they met in the mornings, he would rinse his coffee cup, they would talk about their home problems, and then they would go back to their respective offices. In late 2013, they became more than friends. One day, slapped butt and she did not object. Sometime later, in November, 2013, they kissed each other for the first time. They then began meeting almost every morning around 0530 or 0600 and kissing in the stairway.

(U//FOUO) In approximately January 2014, until September, 2014, they began touching and “groping” each other, either in the stairway or in the They did not have time to engage in full intercourse on even one occasion, saying it was more sexual teasing, sometimes
indicated that she understood the policies regarding use of official time and avoiding inappropriate conduct in the workplace and agreed to comply with those policies in the future.

On 7 November 2014, [redacted] was interviewed and provided the following sworn testimony.

met [redacted] in about 2006. For approximately the past nine months, the two have been involved in a relationship.

At some point, [redacted] said her legs were "silky smooth" and [redacted] said he wanted to feel them. One day, the two were walking and [redacted] "whacked" her on the behind. [redacted] was not offended and as a result, [redacted] thought she might be interested in him.

Beginning in late spring or early summer 2013, [redacted] and [redacted] would see each other at work each day for five to ten minutes in the morning. He would wash his coffee cup out and she would talk to him from just outside the bathroom. At some point, maybe about seven months ago, they "made out" in the parking lot. They then met in parking lots or a hotel room on occasion.

mentioned she had [redacted] where they could get away from it all and talk more. About once a week or so, they would meet in there for about ten to fifteen minutes, around 0900, and engage in kissing, hugging, oral sex and groping. Once every few weeks, she would [redacted] in [redacted] which only took about ten minutes. On three occasions, they had "full intercourse" in [redacted] while standing up. They never engaged in sexual activity in the bathroom.

In probably August 2014, people told [redacted] that he was being watched. He told [redacted] they had to be careful. [redacted] supervisor "had a thing" for her, and used to tell [redacted] he would like to "get at that" before he knew about their relationship.

In September 2014, [redacted] brought the two to the cafeteria and told them he knew what was going on and that "it stops today." [redacted] from MR then called them over to her office and said MR was getting calls that the two "were having sex every day," to include in the bathroom of [redacted]. Apparently someone told MR that she overheard the two having sex in the men's room from the adjacent women's room. The two were simply talking, though [redacted] acknowledges [redacted] should not have been standing at the men's room

Following the interview, [redacted] called the undersigned and said, "...now that I had time to clear my head I do believe we were in the room twice a week for a good 3 to 4 month stretch, but like I said not every week was about what we talked about."
door. Office Chief, then called the two in and told them to stay apart from each other at work at all times, and have complied with his directive. When he sees her at work now, he heads the other way.

(U//FOUO) has met for lunch about four or five times over the past nine months, being away from work for about an hour or so. works 0530 to 1400 and four out of five days, he does not go to lunch. He feels like the extra time he puts in covers any time he spent with

(U//FOUO) and chatted about personal issues for approximately one half hour a day. At times, the conversations had a sexual tone, with fantasy talk, symbols such as kiss signs, and occasionally suggestive images. He has consistently had sexual chats with different women off and on ever since the chat capability was established at the Agency, and were engaging in these conversations every day on the “high side.” He has not accessed pornography or child pornography at work.

(U//FOUO) was interviewed for a second time on 2 June 2015 and provided the following sworn testimony.

(U//FOUO) In September 2013 kissed for the first time. The two were in his office. They continued to meet and kiss in the mornings in either his office or the stairway until approximately November 2013, when they took their relationship further.

(U//FOUO) From November 2013 until October 2014, she met every workday morning while he washed his coffee cup. The two would kiss and spend about ten to fifteen minutes together. About twice a week, the two would meet in a and engage in sexual activity for about fifteen minutes or so. "It’s a fair assumption" that some days the two would spend most of the morning chatting about their meeting, then would meet and have sexual activity, and later would chat more about their meeting.

(U//FOUO) and would spend considerable work time chatting, typically exchanging content of a sexual nature. Some days they "maybe" spent five or six hours chatting. On average estimates they were chatting four hours a day for about a year before their sexual activity in the workplace was discovered. "I did do some work." In November 2014, after the first interview with the OIG, deleted her chat account. She printed out all the conversations with prior to deleting the account because she wanted to keep them as mementos. She did so at the end of a work day, using a "ream of paper...250 to 500 sheets." Some of the conversations contained "sexual type" emoticons which she either downloaded from the low side or received from other Agency employees. There were maybe 50 to 100 emoticons available on the chat site. She would use some of the emoticons – a teeter toter, sticking out a tongue, a devil - for sexual connotations. After a while disposed of the printed conversations. She said she did so because she did not want the temptation: "If you were locked up for drugs, do you want to keep drugs in your house?...If the
temptation to drink’s not there, then hopefully you don’t drink. That was my thinking....” The
two have not had any physical contact at work since the November interview, and only spend a
few minutes each day in non-sexual chats via Lync.

(U//FOUO) Regarding the graphic nature of several of their chats, said, “It was
inappropriate in the workplace to say that stuff...you just got caught into it like a drug. If your
parents told you don’t eat that candy in the jar, you want to eat the candy...it made me happy.
You wanna do something that makes you happy....”

(U//FOUO) came to the Agency as a High School Work Study and through her
various jobs developed a knack for information technology (IT). She is a Systems
Administrator, basically loading scanners and different software on the computer for . She
has the special access PRIVAC. She did not think about misuse of the system when she was
engaged in the sexual chats: “Misusing the system is putting a USB drive in, taking information
you shouldn’t be taking...messing with your computer....” She was not thinking about being
monitored on the system either, or the chats being discovered.

(U//FOUO) can do multiple things at a time, and is very fast with her job, quicker
than most. “I can do ten hours of work in a couple hours.” It is fair to say she can perform her
job in a lot less than eight hours a day. The chats and meetings with have not impacted
her performance; she just received a 4.2 score on her ACE. Nobody has told her that her work
has declined or need to improve.

(U//FOUO) said her inappropriate conduct was “acting like a child.” She thinks the
Agency should retain her as an employee because she does good work quickly and makes things
happen for people, as evidenced by her strong ACE score.

(U//FOUO) From the top down, a lot of things are accepted that should not be tolerated.
It’s a blue collar environment, and things like “hey sexy” are tolerated, much more than they
would be in other places.

(U//FOUO)

(U//FOUO) was interviewed for a second time on 2 June 2015 and provided the
following sworn testimony.

(U//FOUO) and have stayed apart from each other at work since they
were interviewed by the OIG in November 2014. “I am scared straight.” They chat via Lync
maybe four times a day, probably for less than a half hour total, keeping the brief conversations
clean: “We are in love with each other.”

(U//FOUO) The chats between the two prior to the interview were “maybe more than a half
hour” as estimated in the first interview. “If I had to go five days a week, if I had to
guess, let’s say ten hours a week. That could be high or it could be low.” Some days he was
looking for work and did not have enough to do. He has not allowed the chats to affect his performance.

(U//FOUO) Regarding the graphic nature of the conversations and the fact that they were taking place daily, said he wasn’t thinking. He was not aware that his conversations could be monitored or retrieved, despite the consent to monitoring sticker on his computer screen. “I wasn’t thinking, just blind.” He does not sign in on the chat account [Pidgeon] he used to use any more.

(U//FOUO) Every day the two would meet in the morning for ten to fifteen minutes while he washed his coffee cup and then would kiss. They would meet later in the day once or twice a week and engage in sexual activity in work spaces, for fifteen minutes or so. cannot remember when exactly, but thinks they began meeting in the in early 2014. “The room thing started in ’14. suggested that she had keys to a room and wanted to meet. said sure...if I had to guess, I’d say that was in May or June 2014....”

(U//FOUO) “I just didn’t think. I apologize. It’s embarrassing to hear that stuff [the chat conversations]...I am ashamed.”

(U//FOUO) “I’ve been a loyal employee for 28 years...I’m a hard worker, a good worker.” The chats were a “poor use of judgment...good people make mistakes...I don’t know what else to say....” He has not talked about his chats or meetings with with his supervisor,

(U//FOUO) “My image has been tarnished...I’ll do whatever it takes to restore that.” People are looking at him differently now, which hurts. He will accept whatever punishment is deemed appropriate.

(U) Analysis and Conclusions

(U//FOUO) NSA/CSS Policy PMM Chapter 366, section 2-1 states that employees will not engage in conduct that disrupts the workplace or interferes with work performance, and that employees will not make sexual advances or engage in physical contact of a sexual nature, whether welcome or not, in the workplace. From November 2013 until October 2014, met with twice a week on average during the workday and engaged in sexual activity in a had access to the and suggested to that the two begin meeting there. The meetings were during duty hours, and in NSA/CSS spaces, specifically that belonged to the organization.

(U//FOUO) NSA/CSS Policy PMM Chapter 366, section 1-3, states that employees should give thorough, efficient, and industrious service in the performance of their assigned duties. The DoD JER 5500.7-R states that “Federal Government communication systems and equipment...shall be
for official use and authorized purposes only....” Additionally, NSA/CSS Policy Manual 6-3, Chapter 2, section 3.b states that all NSA/CSS IS users shall “Use Information Systems for official government and/or mission related purposes.”

(U//FOUO) estimated he spent two hours a day (on average over a one year period) on his government computer in non-work related chatting with surmised that the two were spending on average four hours per day chatting. The chat conversations (Appendix C) were filled with sexual teasing, sexual innuendos and suggestive or vulgar remarks. The OIG review of the graphic chats revealed that many days, would continuously chat for hours at a time with about their relationship and their upcoming meeting in . She would then meet him in and engage in inappropriate sexual activity. She would then return to her workspace and spend additional extended time chatting about the meetings and discussing their relationship and next meeting. told the OIG it was a “fair assumption” that she was spending most of her mornings chatting with or meeting . Given the extended and continuous nature of the conversations and meetings, the time and effort was performing work was clearly impacted, regardless of her assertions to the OIG, and supported by her supervisor’s testimony, that her performance remained stellar. admitted to the OIG that the extended chat conversations and meetings she was having with were inappropriate in the workplace.

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

- made sexual advances and engaged in physical conduct of a sexual nature in the workplace, in violation of PMM Chapter 366, Section 2-1(B);

- failed to give thorough, efficient and industrious service in the performance of her assigned duties, in violation of PMM Chapter 366, Section 1-3(E); and

- used her federal government communication system to conduct non-mission-related “chat” of a sexual nature, in violation of DoD Joint Ethics Regulation (JER) 5500.7-R Subpart 2-301 and NSA/CSS Policy Manual 6-3.

(U//FOUO) ALLEGATION 4: Did inappropriately disclose personnel privileged information to an unauthorized recipient, in violation of PMM Chapter 366, Section 2-4?

(U//FOUO) CONCLUSION: Substantiated

(U) Documentary Evidence
(U//FOUO) Appendix C – Chat conversations between [redacted] and [redacted]

(U//FOUO) Sample conversations, dated between December 2013 and October 2014, are included. In conversations with [redacted] makes reference to an ACE score for [redacted], an employee’s EEO complaint and the cut off for bonuses. [redacted] was able to access the information via her role as the [redacted] with privileged access to information systems.

(U) Testimonial Evidence

(U//FOUO) [redacted]

(U//FOUO) [redacted] was interviewed for a second time on 2 June 2015 and provided the following sworn testimony.

(U//FOUO) [redacted] does not supervise her and does not provide input into her ACE score. She could not explain a chat comment to [redacted] on 15 October 2014 where she said “I gave [redacted] a 4.0 ACE score.” She probably was just saying [redacted] got a 4.0. [redacted] is a “drama queen” who cries and screams and still gets good scores and got promoted this year. She does not really care for [redacted] who did not deserve a 4.0.

(U//FOUO) When asked about the 15 October 2014 chat comment on the cutoff for bonuses, she said she “hears things” working in the [redacted] front office. She stated that “[i]t’s not from going on someone’s computer and looking for information, it’s from hearsay... usually, I hear it from [redacted]... I have never ever gotten on anyone’s computer to look at personnel information... [redacted] denied looking at anyone’s conversations or emails.

(U//FOUO) When asked how she knew [redacted] ACE score, [redacted] said [redacted] showed her the scores in a folder on a shared drive. [redacted] stated: “I have access to all the folders...[and I tell others that] if you have trouble with it, I can help.” [redacted] admitted she looked at people’s ACE scores on the [redacted] restricted folder, and that telling someone like [redacted] another person’s score was “inappropriate.” She does not think doing so was a misuse of her system administrator privileges: “I wasn’t on someone’s computer... I don’t feel that it was a misuse of system administration purposes... [redacted] said it was fine that I had access to it. To share that information was not the correct thing to do...I’ve sat at [redacted] desk...he approved access to it...I am like a co-person of his.” He does not expect her to tell other people the scores “but he does too...He gives out a lot of information that he shouldn’t...” [redacted] said permission for access to the shared folder is not limited to system administrators, just to those with a need for it.
(U/FOUO) _______ who works next to _______ is an employee in _______. _______ was also chatting with _______ about _______. score and the fact that _______ submitted an EEO complaint. _______ told her about her score and the complaint, and _______ saw paperwork on it on the office fax machine. At one point _______ supervisor, asked _______ to scan information about it in so that he could send it to somebody. _______ probably did not think _______ would tell _______ about the EEO complaint but _______ told _______ because “I trust _______ he found out anyway (through the fax)...I don’t know if he saw it on the fax after or before I told him...whether she told him or not, I don’t know.”

(U/FOUO) _______ helped _______ with reconsideration of his ACE score because he received a 3.8 and did not get a bonus. For years, he was getting a 3.9 and she was trying to help him get his score raised. She thinks _______ told her that 3.9 was a “cut-off” score, although some people with that score did not get bonuses. _______ did not consider knowing everyone’s scores and the cutoff score and helping _______ with his reconsideration a conflict of interest.

(U/FOUO) All the managers tell people personnel privileged information about their employees. They tell _______ these things, but “not just me...it depends on who’s in the room... _______ is on that spreadsheet all the time and he doesn’t really need to be...” _______ thinks the personnel privileged information has been handled appropriately for years by branch and division chiefs and team leaders. The issue was raised at a recent town hall, but nothing changed. The talk about promotions and scores across the 250-300 person organization is widespread.

(U/FOUO) Regarding the personnel privileged information she shared, _______ hopes that everyone, to include the managers that have been sharing information, will be held to the same standard as she is being held. She should not be singled out just because she is “under investigation.”

(U/FOUO) _______ was interviewed for a second time on 2 June 2015 and provided the following sworn testimony:

(U/FOUO) _______ is a co-worker who is “a Jekyll and Hyde...flies off the handle too quick.” _______ told him about her ACE score one day, which was a 4.0. _______ does not like _______ “I think the two of them had a run in about an order because _______ orders for her office.” _______ who is not a supervisor, has no input into _______ or anyone else’s ACE, so he does not understand why she would be saying she gave _______ a 4.0. _______ has told _______ some ACE scores and relayed promotion news about others to him. “She gets some inside scoops here and there...it’s no big deal because everyone knows everyone’s scores...” _______ must have been told by someone about the scores because she does not have access to ACE information. She is well-
respected by people in___ so maybe someone confided in her. She has never shown him a list of scores or anything of that nature.

(U//FOUO)___

(U//FOUO) On 27 August 2015, ______ Purchasor, ______ in her response to the OIG tentative conclusions (Appendix D). ______ provided the following sworn testimony.

(U//FOUO) ______ has known ______ and ______ for about the past three years. ______ acts as the “IT person” for her office, helping out when there is a problem with the computers or phones. ______ is a Purchaser in ______ has a friendly relationship with both ______ and ______

(U//FOUO) ______ supervisor, ______, gave ______ her ACE score for 2014. Following the presentation of ACE scores, there was “two weeks of fuel and gossip” about the scores within the ______ branch. ______ Subsequently, ______ Chief ______ met with the branch members and admonished them, emphasizing that ACE scores and bonuses were private matters that should not be discussed. After ______ meeting, the branch members stopped talking about the ACE scores: ______ squelched it. You don’t mess with ______

(U//FOUO) ______ only shared her ACE score with her boyfriend, ______ and a good personal friend, ______, both of whom are Agency employees.

(U//FOUO) ______ has never discussed her ACE score with ______

(U) Analysis and Conclusions

(U//FOUO) NSA/CSS-PMM Chapter 366 Section 2-4 states that employees will protect all unclassified sensitive, personnel privileged, and Privacy Act information in accordance with all applicable laws, regulations and procedures.

(U//FOUO) The chat logs indicate that on at least one occasion, ______ disclosed an ACE score of another employee to ______. She also told him, that a second employee in the ______ organization filed an EEO complaint. Additionally, she commented to ______ about the “cut-off” score for bonuses. The employees ______ chatted about with ______ potentially compete with him for bonuses, promotions and awards. ______ testified to the OIG that ______ “gets some inside scoops here and there”, and that he thinks people confide in her because she is “well-respected.”

7 (U//FOUO) ______ said the people that may have been involved in the ACE discussions were ______ and ______ all employees in ______
(U//FOUO) _______ job as a Systems Support Specialist provides her the ability to view privileged information such as performance data on other _______ employees. She admitted: “I have access to the folders…[and that she tells others] if you have trouble with it, I can help.”

Nonetheless, she told the OIG she did not access anyone’s computer or files to look at personnel privileged information. She testified that_________ revealed the ACE scores to her and also admitted looking at the scores in a shared folder. She also said that the _______ managers regularly reveal personnel privileged information to unauthorized recipients.

(U//FOUO) _______ testimony about the _______ managers, although alarming, does not excuse her inappropriate disclosures of personnel privileged information to _______. Whether she accessed the personnel privileged information through the access she has, or was told the information by an _______ manager, she should not have disclosed it to _______. Her disclosures are particularly concerning given her continued trusted work role as a Systems Support Specialist with access to PRIVAC.  

(U//FOUO) The preponderance of the evidence supports the conclusion that _______ disclosed personnel privileged information to an unauthorized recipient, in violation of PMM Chapter 366, Section 2-4.

8 (U//FOUO) Privileged access – Privileged access is that access which is above that required for normal data acquisition or operation of U.S. government information systems, such as is required for system maintenance and operations. Individuals possessing root passwords, "super user" privileges or similar capability to manipulate or modify data to a degree greater than that of an individual system user are considered to have privileged access. PRIVAC is an access that allows a privileged user to complete the work required as part of individual job responsibilities (NSA/CSS Policy Manual 6-3, Chapter 2).
IV. (U) RESPONSE TO TENTATIVE CONCLUSIONS

(U//FOUO) On 17 August 2015 the OIG sent the tentative conclusions reached in the investigation. In her 24 August 2015 response, objected to the OIG’s conclusion that she had failed to properly protect personnel privileged information. To address comments, the OIG reviewed her sworn testimony, reviewed the chat logs, and interviewed an additional witness.

(U//FOUO) wrote that no manager has ever shared sensitive personnel information with her, and that no information was placed on a shared drive to which she had access. However, this statement is inconsistent with the testimony she provided under oath. On 2 June 2015, testified that showed her a list of the ACE scores in a shared folder (Appendix E). Later in the interview, she admitted she had looked at people’s scores on the shared drive:

**OIG:** Have you looked at people’s scores on the shared drive?

Yes, on the restricted folder. Correct.

**OIG:** Okay. Why?

It was just. I don’t know, just have.

**OIG:** Just for your information?

Mmm, hmm.

**OIG:** What do you think about telling somebody like about somebody’s score?

That’s probably inappropriate.

(U//FOUO) Additionally, during their chat conversations, (Appendix page 159), and had this exchange:

: how long should I wait to hear about the ace

: I guess u could check with what’s going on

: ok

and I guess is the final approver.
Damn I could be in trouble

and I saw in the system that u did get a 3.9 and they were told to change
it back to a 3.8

really

they randomly choose a lot of people so don't feel targeted

also claimed in her response to the OIG tentative conclusions that

told her and her ACE score. However, this statement is inconsistent

with testimony. stated that she never discussed her ACE score

with or

testimony, 2 June 2015 testimony, and a review of

the chat logs all support the OIG conclusion that inappropriately disclosed

personnel privileged information to an unauthorized recipient. As a result, the tentative

conclusions became final. A copy of full response is included as Appendix D.
V. (U) CONCLUSION

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

- made sexual advances and engaged in physical conduct of a sexual nature in the workplace, in violation of PMM Chapter 366, Section 2-1(B);

- failed to give thorough, efficient and industrious service in the performance of her assigned duties, in violation of PMM Chapter 366, Section 1-3(E);

- used her federal government communication system to conduct non-mission-related "chats" of a sexual nature, in violation of DoD Joint Ethics Regulation (JER) 5500.7-R Subpart 2-301 and NSA/CSS Policy Manual 6-3; and

- inappropriately disclosed personnel privileged information to an unauthorized recipient, in violation of PMM Chapter 366, Section 2-4.
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 Director for Security and Counterintelligence, Special Actions (Q242), and supervisor.

Concurred by:

Assistant Inspector General for Investigations
APPENDIX A

(U) Applicable Authorities
(U) DoD Joint Ethics Regulation (JER) 5500.7-R Subpart 2-301:
Use of Federal Government Resources

A. Communication Systems. Federal Government communication systems and
equipment (including Government owned telephones, facsimile machines, electronic mail,
internet systems, and commercial systems when use is paid by the Federal Government) shall be
for official use and authorized purposes only.

(U) NSA/CSS Policy Manual 6-3, Chapter Two, Information System User and
Supervisor Responsibilities

3. (U) All NSA/CSS users shall:

b. (U) Use Information Systems for official government and/or mission related purposes.

(U) NSA/CSS PMM, Chapter 366 — Personal Conduct

Section 1-3 — (U) General Principles for On-The-Job Conduct

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.

B. Sexual Harassment – Employees will not: 1) make sexual advances or engage in physical
conduct of a sexual nature (whether welcome or not) in the workplace…3) engage in conduct
that interferes with work performance or creates an intimidating, hostile or offensive work
environment, including sexual teasing (repeated offensive or unwelcome comments,
advances, propositions, remarks, gestures, touching, or questions of a sexual nature);
degrading words used to describe an individual; and the display in the workplace of sexually
offensive writings, objects or pictures, including the use of software or computers for such
display.
Section 2-4 – (U) Safeguarding Information

Employees will protect all...unclassified sensitive, personnel privileged, Privacy Act...information in accordance with all applicable laws, regulations and procedures....
APPENDIX B

(U) Employee Profile

(b) (3) - P.L. 86-36
(b) (6)
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 Profile - Generated 07-OCT-2014
PERSONNEL PRIVILEGED

*** The classification of this document could range from FOUO to TS/SCI; therefore this document may not be ***
*** removed from NSA facilities without specific approval of the Freedom of Information & Privacy Office. ***
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Employee Profile - Generated 07-OCT-2014
PERSONNEL PRIVILEGED

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Employee Profile - Generated 07-OCT-2014
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Employee Profile - Generated 07-OCT-2014
PERSONNEL PRIVILEGED

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*** 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 Profile - Generated 07-OCT-2014

BENEFITS

Retirement:
Health Plan:
FEGLI Life Insurance
Thrift Savings Plan:

TSP investment allocations are now maintained by the TSP Office. Please refer to the Agency TSP Home Page for further information

LOCATOR INFORMATION

HOME INFORMATION:
Address:

Phones
Home:
Mobile:

(b) (3)-F.L. 86-36
(b) (6)
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 Profile - Generated 07-OCT-2014

Employee ID:

EMERGENCY INFORMATION:

Contact
Name:
Relationship:
Address:

Phones
Home:
Other:

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

(b)(6)
APPENDIX C

(U) Sampling of Chat Conversations between [redacted] and [redacted]

December 2013 - October 2014

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

(b)(6)
APPENDIX D

(U) Response to Tentative Findings

(b)(6)-P.L. 86-36
(b)(6)
EMPLOYEE COMMENTS REGARDING OIG CONCLUSIONS

Efficient performance of assigned duties:

- Dispute the charge: “failed to give thorough, efficient and industrious service in the performance of your assigned duties, in violation of PMM Chapter 366, Section 1-3(E)”.

- Have statistics and documentation to dispute this statement. As you stated above, supervisor indicated “stellar performance.”

- Chatted and worked at the same time - all work duties were always completed, and I have received numerous awards and excellent ACE scores for my work. These actions never impacted my job duties, and there are no complaints, or negative comments, to any one in my management chain regarding my performance in the organization to support this claim.

- Regarding the spending of 2-4 hours every day chatting for one year. That amount of time on some days, possibly on some weeks, maybe, but this did not occur every day. Again, when it did occur, my work was still completed at all times. My job as a Systems Support Specialist is largely based on customer demand, and at no time did my work suffer from these actions. I am extremely dedicated to all of my customers, and I am quite certain that any one of them would confirm the excellent level of service I have provided during my time in this job.

- Arrive at work between 0430-0445, stay until 1330, do not earn credit hours, and do not take a lunch, extra time given because I am dedicated to the mission of NSA and go above and beyond normal expectations.

PRIVAC statements/Personal Information:

- Dispute the charge "NSA/CSS PMM Chapter 366 Section 2-4 states that employees will protect all unclassified sensitive, personnel privileged, and Privacy Act information in accordance with all applicable laws, regulations and procedures."

- Have held a clearance for 24 years and have never abused any systems, or accesses of any kind. Trust with data systems and accesses have never been questioned, and have never committed any act to give anyone reason to question trust in this area, and would never do so in the future. I am completely aware of the importance of protecting unclassified sensitive, personnel privileged information. The only purpose for having PRIVAC access is for the installation of scanners, software, and hardware, which is required in my position as a Systems Support Specialist in the organization.

- Have not now, nor have I ever had access to any sensitive personnel information obtained from my computer. This charge is referring to information that was obtained verbally, by rumor, or the individuals to which the information (scores, complaints, etc.) refers. No manager has ever shared this information with me personally, and no information was ever placed on a shared drive to which I had access.
- Bonus cut off scoring/calibration of scores, not obtained by shared directory, manager, or using PRIVAC accesses. Many employees in ___ were already aware of this information, and it was discussed openly. This type of information gets out, just as promotion information leaks out before promotions are officially announced.

- ___ and I were verbally told by ___ that her ACE score was 4.0. This score was not accessed on a shared drive, or told to us by a manager. Any ACE data placed on any shared drive to which I may have access is strictly historical data, which is irrelevant to any current ACE cycle.

- Calibrated ACE scores - have written documentation that scores are changed by ___ Management to __ Management giving the employee an unfair advantage for promotions and/or bonuses. I received a score of 4.2 and was later told they were calibrating it to 4.0. Management did not agree with the calibration, and requested that it remain at the original 4.2. After strongly justifying the original score, it was approved to be changed back to the original score of 4.2. ___ was told he received a 3.9 score on his ACE, but was then advised by his management they had to “calibrate” the score to 3.8, which would take him out of the bonus range.

- The statement: “she helps when there is trouble with it” refers to assisting with the draft of a reconsideration of ___ ___ ACE score. I am not now, nor have I ever been in a position of influence, or have access to any means to give ___ ___ an unfair, or competitive advantage to receive bonuses, promotions, or any other type of recognition.

- ___ (the EEO Complaint Filer) informed ___ and me all the details of her pending case, and no information regarding her case was discussed further. The EEO Office faxed information to the ___ office fax. ___ went to retrieve an unrelated fax and inadvertently picked up the fax sent by EEO. He saw his name on the complaint, and noticed a comment regarding him receiving more work than ___ ___ This does not seem to be the appropriate manner to transmit personnel privilege EEO case information. When the case was discussed with ___ ___ no details were ever placed on a shared drive, shared by any manager, or myself.

- I can obtain at a minimum of 50-100 written statements from co-workers, peers, and managers to state that I am a valued, respected, trusted, employee with sensitive data and have an excellent work ethic.
APPENDIX E

(U) Transcript of Portion of OIG Interview with [Redacted]

Dated 2 June 2015

(b)(6) F.L. 86-36
(b)(3)
UNCLASSIFIED//FOR OFFICIAL USE ONLY

Transcript of OIG Interview with...

(Select Portions Related to Her Response to the Tentative Conclusions)

2 June 2015
(U//FOUO) The remainder of the interview was captured in the writeup of interview with the OIG on 2 June 2015.