
**NATIONAL SECURITY AGENCY/CENTRAL SECURITY
SERVICE**



**INSPECTOR GENERAL
REPORT OF INVESTIGATION**

5 April 2013

IV-11-0043

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.

UNCLASSIFIED

I. (U) SUMMARY

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

(U//~~FOUO~~) On 5 April 2011, Employee Relations (ER), National Security Agency/Central Security Service (NSA/CSS) referred to the NSA/CSS Office of the Inspector General (OIG) allegations that [redacted] (formerly with [redacted] harassed [redacted] then a high school work study (HSWS) student, and in doing so misused Government resources and divulged non-public information. Specifically, it was alleged that [redacted] harassed [redacted] by using offensive language and gestures and making denigrating comments in the workplace and by anonymously sending an email exchange and letter to [redacted] parents that demonstrated hostility toward him. It was further alleged that [redacted] used Government computers and printers in sending said letter and email exchange and that the documents involved revealed non-public information about [redacted] work performance and on-the-job conduct.

(U//~~FOUO~~) The preponderance of the evidence supports the conclusion that [redacted] misused Government resources and divulged non-public information in sending an anonymous package to [redacted] parents in violation of the Joint Ethics Regulation (JER), Chapter 2, Section 2-301(a. and b.) and the NSA/CSS *Personnel Management Manual* (PMM), Chapter 366, Section 2-4. The preponderance of the evidence also supports the conclusion that [redacted] used offensive language and gestures directed against [redacted] and others and also used actions and words that denigrated and showed hostility toward [redacted] thereby affecting his work performance, in violation of the PMM, Chapter 366, Section 2-1(A.).

(U//~~FOUO~~) A copy of the NSA/CSS OIG report will be forwarded to ER and the Associate Directorate for Security and Counterintelligence (ADS&CI) for information and action they deem appropriate.

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

II. (U) BACKGROUND

(U) Introduction

(U//~~FOUO~~) [redacted] was an administrative officer and supervisor within [redacted] from [redacted] to [redacted] when he left to assume a position in another organization. At that time, [redacted] was led by [redacted] Chief, and [redacted] Deputy Chief.

(b) (6)

[redacted] who was a minor at the time; was a [redacted] HSWS employee within [redacted] from September 2010 to April 2011, when the NSA Office of Student Programs moved him to an HSWS position in another organization. Although while assigned to [redacted] [redacted] reported to its chief, [redacted] he primarily received day-to-day tasking from [redacted]

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

(U//~~FOUO~~) In November 2010, [redacted] and his parents complained to the HSWS Program Manager (PM) regarding what they believed to be harassing behavior by [redacted]. The HSWS PM subsequently spoke with [redacted] and received assurances that the matter was resolved. She so informed [redacted] and urged him to inform her if problems persisted.

(U//~~FOUO~~) On 28 February 2011 [redacted] alleged to the HSWS PM that [redacted] was again making the work environment uncomfortable by picking on him. During subsequent meetings, [redacted] alleged that part of his discomfort was based on inappropriate sexual comments and questions by [redacted]. On 3 April 2011, [redacted] parents informed the HSWS PM that they had received an anonymous package in the mail accusing their son of workplace misconduct. The package made them uncomfortable, and they asked that NSA take appropriate action. Both the harassment and anonymous package allegations were brought to the attention of Employee Relations (ER), who referred the allegations to the OIG for investigation.

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

(U) Applicable Authorities**(U) The Joint Ethics Regulation, DoD Directive 5500.07-R, Chapter 2:
Standards of Ethical Conduct****...Section 3. DoD Guidance**

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 for by the Federal Government) shall be for official use and authorized purposes only...
- b. Other Federal Government Resources.... Federal Government resources, including personnel, equipment, and property, shall be used by DoD employees for official purposes only....

**(U) NSA/CSS Personnel Management Manual (PMM), Chapter 366-Personal
Conduct****...Section 2-Personnel and Security Standards****Part 2-1-Work Environment:**

A. 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.

...Part 2-4-Safeguarding Information:

(U//~~FOUO~~) Employees will protect all classified, Sensitive Compartmented Information (SCI), unclassified, sensitive, personnel privileged, Privacy Act, and non-public information and/or material in accordance with all applicable laws, regulations, and procedures.... The following definitions apply:

...F. Non-public Information – Information that the employee gains by reason of Federal employment and that he knows or reasonably should know has not been made available to the general public.

III. (U) FINDINGS

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

~~(U//FOUO)~~ Did [redacted] misuse Government resources and divulge non-public information in sending an anonymous package to [redacted] parents?

~~(U//FOUO)~~ **CONCLUSION:** Substantiated. The preponderance of the evidence supports the conclusion that [redacted] misused Government resources and divulged non-public information in sending an anonymous package to [redacted] parents, in violation of the JER, Chapter 2, Section 2-301(a. and b.) and the NSA/CSS PMM, Chapter 366, Section 2-4.

(U) Evidence

Documents

~~(U//FOUO)~~ In a memorandum for the record (MFR) dated 28 March 2011 (SUBJECT: [redacted] EMPLID: [redacted] supervisory concerns and expectations regarding [redacted] time and attendance (T&A) and work performance were documented by [redacted]. The MFR detailed specific [redacted] concerns about [redacted] failure to follow his established work schedule, accurately document on his timesheet hours worked on one particular day, wear a collared shirt while at work, follow direction regarding unclassified Internet usage, and be productive [redacted] had been observed reading a magazine and conducting personal research on the Internet rather than performing recurring tasks or requesting additional work). A copy of the MFR is attached as Appendix A.

(b) (6)

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

~~(U//FOUO)~~ The MFR also documented related meetings between HSWS personnel [redacted] and [redacted] management team, all of which were held on 15 March 2011. According to the MFR, during said meetings, [redacted] was reminded of the HSWS requirement to work a minimum of four hours a day five days a week during certain hours regardless of the alternative work schedule (AWS) to which he was assigned (Against HSWS policy, [redacted] had allowed [redacted] to be on AWS 4 because of [redacted]. However, [redacted] switched [redacted] back to the required AWS 2 schedule after [redacted] failed to work his assigned hours of duty and required minimum number of hours).

(U//~~FOUO~~) The MFR documented that during the meetings, an alleged timesheet concern was determined to have been the result of a miscommunication and was resolved. However, [redacted] acknowledged that he had stopped adhering to the HSWS dress code because of "frustrations with [the [redacted] organization." He was told that despite such frustrations, he was to dress and act professionally. In regard to Internet usage, [redacted] explained that he would "vent" to his mother in email regarding issues he was having with [redacted]. During a particular occasion on which [redacted] refused [redacted] direction to show [redacted] the website he was viewing [redacted] had minimized it upon [redacted] approach). [redacted] had been typing just such an email to his mother. [redacted] Internet access was revoked as a result. [redacted] further explained that when asked, his managers did not always have additional tasks for him to perform; his HSWS coordinator had suggested that he bring a magazine to work to occupy his down time.

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

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

(U//~~FOUO~~) The MFR also documented a separate issue raised by [redacted] during the 15 March 2011 meetings. During a meeting between [redacted] and the HSWS program personnel, [redacted] said that [redacted] had engaged in inappropriate "sex talk" in the office. Specifically, [redacted] claimed that on several occasions, [redacted] had asked whether [redacted] wanted to have sex with particular young women in the office. [redacted] purported response on each occasion was, "I don't look at my coworkers that way," and, "I have a girlfriend." According to the MFR, when [redacted] raised this topic during a subsequent meeting with the HSWS program personnel and [redacted] management team, [redacted] did not deny the allegation. Rather, he "apologized for the statements that he made." The MFR informed [redacted] that because of extenuating circumstances and issues involving his management, he would be transferred to another organization.

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

(U//~~FOUO~~) In a 3 April 2011 email (SUBJECT: "Mailing to Our Home") [redacted] parents informed [redacted] of an anonymous package they had received. The parents alleged that the package, which made them "uncomfortable," had been sent by an employee of NSA. They asked that the Agency take appropriate action and provided scanned images of the package and its contents as attachments to their email. [redacted] provided the email and attachments to ER, which referred the matter to the OIG. Copies of the [redacted] email and included attachments are in Appendix B.

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(U//~~FOUO~~) The package was sent via the U.S. Postal Service in an envelope date stamped 1 April 2011 and addressed (handwritten) to [redacted] at their home with no return address. It included a typed, unsigned letter accusing [redacted] of the following misconduct:

- Abusing work hours and Internet access,
- Failing to dress appropriately in the workplace,
- Disrespecting supervisors,
- Throwing "tantrums,"
- Using derogatory language in the workplace, and
- Submitting false timesheets.

(U//~~FOUO~~) According to claims made in the letter, [redacted] had been disciplined for his misconduct by being placed on a strict work schedule, having his Internet access cancelled, and receiving a verbal counseling. Furthermore, it was claimed that in retaliation, [redacted] had made false allegations against work colleagues that had "caused promotion packages to be pulled and lifelong federal careers to be placed in jeopardy based on the word of a 17 year old."

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

(U//~~FOUO~~) The letter writer alleged that [redacted] was not an innocent victim and provided "evidence" - hard copies of a 3 November 2010 email conversation (SUBJECT: [redacted] between [redacted] and an unidentified individual (all identifying information had been blacked out by hand). In the email exchange, [redacted] jokingly ("Hahahahaha") claimed

(b) (6)

[redacted] The other individual responded: [redacted] This unknown individual also commented: [redacted] [redacted] [redacted]

(U//~~FOUO~~) The anonymous letter to the [redacted] ended with the following:

(U//~~FOUO~~) [redacted] has been given the opportunity of a lifetime and he's abused it. Given the chance to be accountable for his actions, he chose to blame others. To date, his lack of accountability has worked. He's been reassigned to a new office while his old office is left picking up the pieces. He may be able to play the "I'm only 17 years old" card for now, but that isn't going to last long.

Personnel Privileged Information

(U//~~FOUO~~) The OIG obtained [redacted] email account and "private" directory on the NSA classified computer network. A review of his private directory revealed the letter sent to [redacted] parents saved under the file name "Mr." A review of [redacted] email account disclosed that on 30 March 2011, [redacted] forwarded to [redacted] with the Subject line "delete" a portion of the 3 November 2010 inappropriate email conversation that [redacted] parents received as part of the anonymous package. The email revealed that [redacted] had been the other individual involved in the relevant exchange with [redacted]. However, the version forwarded to [redacted] did not include the early part of the exchange during which the individual corresponding with [redacted] had commented that [redacted] [redacted] [redacted]. Copies of these documents are in Appendix C.

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

(b) (6)

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

Testimony

(U//~~FOUO~~) [redacted] NSA, a member of [redacted] from September 2010 until April 2011, was interviewed by the OIG on 17 June 2011 and said that while at [redacted] he received his day-to-day work tasks from [redacted]. According to [redacted] [redacted] sent the anonymous package his parents received – the email exchange it included had been between only him and [redacted]. Furthermore, [redacted] knew [redacted] address; during an earlier discussion about where each of them lived, [redacted] had gone online and brought up aerial views of both homes on GOOGLE EARTH. [redacted] also identified the handwriting on the package envelope as being [redacted].

(U//~~FOUO~~) [redacted] speculated that [redacted] sent the anonymous package because [redacted] had told others about the inappropriate sexual comments [redacted] made in the workplace. [redacted] had been trying to be transferred out of [redacted] for months, but [redacted] would not let him leave because she did not understand the seriousness of the situation. [redacted] finally informed her of [redacted] inappropriate comments and [redacted] related discomfort.

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

(U//~~FOUO~~) [redacted] stated that he and his parents believed the final sentence of the letter regarding his alleged on-the-job misconduct that was part of the anonymous package ("He may be able to play the 'I'm only 17 years old' card for now, but that isn't going to last long.") to be a threat – once [redacted] turned 18, [redacted] intended to somehow reprise against him for reporting [redacted] misconduct.

(U//~~FOUO~~) [redacted] Branch Chief, [redacted] was interviewed by the OIG on 30 June 2011. When asked whether she was aware of [redacted] and [redacted] bantering about sexual matters by email, [redacted] replied "One email only." She confirmed that this was the email sent to her by [redacted] on 30 March 2011. [redacted] had earlier told [redacted] that during a meeting with the HSWS PM about [redacted] work performance, [redacted] had complained about sexual comments made by [redacted]. He sent [redacted] the email titled "delete" to demonstrate that the inappropriate banter had been mutual and, in this instance, was initiated by [redacted]. At the time [redacted] noticed that the forwarded email stream, titled [redacted] was actually incomplete, but she did not question [redacted] about it. [redacted] asked her to read and delete it, which she did.

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

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

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(U//~~FOUO~~) Shortly after [redacted] sent her the "delete" email, [redacted] ran into [redacted] who had transferred out of [redacted]. [redacted] told her that he had anonymously sent [redacted] parents a sexually inappropriate email their son had written to demonstrate to them that their son did not necessarily tell the truth. At the time, [redacted] thought it strange that [redacted] would do such a thing. However, she did not ask him any questions. [redacted] had no knowledge of [redacted] sending an accompanying anonymous letter.

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

(U//~~FOUO~~) [redacted] Program Manager, [redacted] was interviewed by the OIG on 18 July 2011. [redacted] stated that he sent the [redacted] the package containing an anonymous letter and an email exchange (with his identifying information blacked out) between him and the [redacted] son. He had drafted the anonymous letter during his lunch period using his Government computer and printed it, as well as the related email exchange with [redacted] using a Government printer. He had not received supervisory approval to do so. [redacted] knew approximately where [redacted] lived and looked up the complete address on the Internet in order to send the package. At the time, it did not occur to him that the information contained in the anonymous letter was non-public, personnel privileged information.

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

(U//~~FOUO~~) According to [redacted] during a meeting involving the HSWS PM, [redacted] accused [redacted] who was one of [redacted] informal supervisors, of making inappropriate sexual comments. As a result, [redacted] management was notified. Even though he was preparing to transfer to another organization, [redacted] management

directed that he write a statement regarding his interactions with [redacted] It was during this same time period that [redacted] also learned he was not being forwarded for promotion. [redacted] suspected that the decision had been due to [redacted] complaint.

(U//~~FOUO~~) When asked why he had sent [redacted] part of the 3 November 2010 email exchange he had initiated with [redacted] [redacted] said that he and [redacted] frequently talked about [redacted] work performance and conduct. Therefore, he sent it to her to inform her of what was going on (“...basically I said, you know, this is the kind of stuff that I’ve had to deal with...”). [redacted] said that he did not know why he told [redacted] to delete the email exchange and could recall no further details.

(b) (6)

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

(U//~~FOUO~~) [redacted] denied any intent to be threatening in his letter to the [redacted] Rather, he was very upset by [redacted] allegation against him, given that [redacted] had himself been sexually inappropriate at work. [redacted] wanted to ensure that the [redacted] had “the whole story,” given that their son’s accusations may have hurt his career. He acknowledged that it had been both inappropriate and a bad decision to send such a package to the parents of an NSA employee. [redacted] said that he regretted his actions.

(U) Analysis and Conclusions

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

(U//~~FOUO~~) [redacted] acknowledged sending to the parents of an NSA employee an anonymous package that contained an email and a letter, and he also acknowledged having used Agency resources to draft and print the letter. The letter divulged specific incidents of on-the-job misconduct purportedly perpetrated by [redacted] as well as specific disciplinary action taken as a result. [redacted] was aware of this information in his official capacity as [redacted] informal supervisor. He both reported the information to the HSWS PM and was instrumental in the actions taken as a result of the incidents, which included an MFR to [redacted] as well as the cancellation of his Internet access and the switching of his AWS.

(U//~~FOUO~~) The PMM defines non-public information as information gained by a Federal employee by reason of Federal employment and that the employee knows or reasonably should know has not been made available to the general public. Such

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IV-11-0043

information includes personnel privileged information regarding disciplinary actions involving NSA personnel. We find it reasonable that as a [redacted] [redacted] knew the information he provided to [redacted] parents was not publicly available. [redacted] acknowledged that providing the package to non-NSA personnel was a poor decision that he regretted.

(U//~~FOUO~~) For an NSA employee to compile and send an anonymous, potentially threatening package detailing non-public information regarding a minor employee to that minor employee's parents reflects unfavorably on the Agency. That [redacted] did so using Government resources is particularly egregious. NSA employees are expected to conduct themselves, on and off the job, in a manner that reflects favorably on the Agency and the Federal Government. They are also expected to protect non-public information and to limit their personal use of Federal resources to ensure that such use would not reflect unfavorably on the Agency. In sending the letter and email exchange to [redacted] parents, [redacted] failed to fulfill his obligations as an NSA employee.

(U//~~FOUO~~) The preponderance of the evidence supports the conclusion that [redacted] misused Government resources and divulged non-public information in sending an anonymous package to [redacted] parents, in violation of the JER, Chapter 2, Section 2-301(a. and b.) and the NSA/CSS PMM, Chapter 366, Section 2-4.

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

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

(U//~~FOUO~~) Did [redacted] use offensive language or gestures directed against [redacted] or others or use actions or words that denigrated or showed hostility toward [redacted] that could affect [redacted] work performance?

(U//~~FOUO~~) CONCLUSION: Substantiated: The preponderance of the evidence supports the conclusion that [redacted] used offensive language and gestures directed against [redacted] and others and also used actions and words that denigrated and showed hostility toward [redacted] thereby affecting his work performance, in violation of the NSA/CSS PMM, Chapter 366, Section 2-1(A).

(U) Evidence

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(U) Documents

(U//~~FOUO~~) In an email to [redacted] dated 11 November 2010, [redacted] father, [redacted] complained about harassing behavior by [redacted] stating that it upset his son and must stop. He alleged that [redacted] had been discouraging [redacted] from his goal of full-time, permanent employment with NSA after high school and pressuring him to go to college instead. [redacted] initially rated [redacted] as [redacted] in all categories of his performance evaluation on 10 November 2010, telling [redacted] that doing so would ensure that he could not get a job at NSA and therefore would be forced to attend college. However, [redacted] ultimately rated [redacted] in all [redacted] categories.

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

(U//~~FOUO~~) [redacted] response, dated 23 November 2010, assured [redacted] that she had spoken with [redacted] and his management and that the issues between [redacted] and [redacted] were resolved. She urged [redacted] to have tell her if any additional problems arose. Copies of the relevant emails are in Appendix D.

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

(U//~~FOUO~~) On 22 November 2010, [redacted] had forwarded [redacted] an email he had received from [redacted] on 18 November 2010 in which [redacted] questioned whether [redacted] had a problem with either [redacted] or his assigned work and admonished [redacted] not to let a bad day affect his work performance. In a 23 November 2010 response, [redacted] assured [redacted] that she had spoken with his supervisor, [redacted] Chief, [redacted] and that the issues he was having with [redacted] "should no longer be a problem." She asked him to let her know if he continued to experience problems with [redacted] That same date, [redacted] emailed [redacted] to inform her that

[redacted] had just taken him to a private office and told him that he was "very irritated" with [redacted] and that [redacted] was "not trustworthy." [redacted] wrote that he felt "very awkward" in such a working environment and requested a transfer to another office. These emails are in Appendix E. When [redacted] checked in with [redacted] by email on 21 December 2010, [redacted] thanked her for her help and indicated that things were better in the office.

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

(U//~~FOUO~~) In an email also dated 23 November 2010, [redacted] reminded [redacted] leaders were cc'd, that [redacted] had been upset about the evaluation [redacted] had given him two weeks before. According to [redacted] [redacted] main concern was that he had been asked to provide input into the evaluation, which was contrary to guidance he had received from [redacted] (that his supervisor was to grade his performance). [redacted] said that he could find no written policy on how to evaluate an HSWS and asked for guidance to "prevent us from encountering these problems in the future."

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

(U//~~FOUO~~) The next day, [redacted] sent a follow-on email to [redacted] (without [redacted] leadership cc'd). In it, he reiterated guidance he had received telephonically from [redacted] - that the HSWS evaluation process parallels "the ACE program where the supervisor should be assigning the ratings and not asking the employee for their input." However, [redacted] argued that such guidance was inaccurate because in the ACE model, employees are asked to review their progress toward achieving objectives and to complete a self-report of accomplishments.

(U//~~FOUO~~) In the email, [redacted] said that he had completed the form only because [redacted] was out when [redacted] gave it to him 15 minutes before [redacted] departure from work and said that it had to be completed that same day. [redacted] had [redacted] do a detailed self-assessment in accordance with the ACE program guidelines. According to [redacted] he concluded the meeting by telling [redacted] that he had come a long way in the last two months and was doing a great job. [redacted] concluded his email by reiterating the need for written guidance to supervisors on the proper execution of the HSWS performance evaluation. These emails are in Appendix F.

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

(U//~~FOUO~~) In an email dated 10 February 2011, [redacted] informed [redacted] leadership was cc'd) that effective 13 February 2011, [redacted] would be assigned to AWS 2 and have a firm work schedule requiring that he take leave for any time that he was not present during designated work hours: "We

allowed you to be on AWS 4 to accommodate your personal schedule, but you've abused the privilege so you will be switched to the more stringent AWS 2." In his response that same day, [redacted] thanked [redacted] stating that having set hours would help him "with taking off for school [redacted]"

(U//FOUO) In an email the next day, [redacted] expressed displeasure with [redacted] response. [redacted] wrote that [redacted] should have been truly contrite and apologetic and should have added something to the effect of "[I] hope that I can prove to you over the coming weeks that I am responsible and can handle the privilege of working on AWS 4." The email ended, "Learn from it!" The emails are in Appendix G.

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

(U//FOUO) In an email to [redacted] dated 28 February 2011, [redacted] Teacher, [redacted] High School, reported that [redacted] was having issues with his colleagues. He had been on AWS 4 to allow him the flexibility to take off work early to [redacted] but was now assigned to AWS 2. [redacted] had not come to work at NSA one day the previous week because the school system had had a "snow day." However, because he had not officially requested the time off as required under AWS 2, an email was sent by his colleagues telling "all [redacted] that [redacted] was "abusing the [AWS] code." This had embarrassed [redacted] who asked that [redacted] not tell [redacted] about the incident because when he had previously complained about his evaluation by [redacted] "they were not happy with him!"

(b) (3)-P.L. 86-36
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(U//FOUO) According to [redacted] email, [redacted] colleagues were making things difficult for him in other ways: declining to give him additional work when he asked for it, refusing to show him the correct code for administrative leave, and admonishing him for failing to give appropriate notice when taking off work. In her response that same date, [redacted] expressed confusion because [redacted] would be excused from work any time his school was closed for inclement weather, and, on this occasion, NSA had been closed as well. She also noted that [redacted] should not have been on an AWS 4 schedule that allowed him to work fewer than four hours a day. She asked that [redacted] have [redacted] contact her to provide additional information. These emails are in Appendix H.

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

(U//FOUO) In an email also dated 28 February 2011, [redacted] told [redacted] that he was once again experiencing problems with [redacted] and felt uncomfortable at work. In an email distributed to [redacted] leadership, [redacted] had removed [redacted]

from AWS 4 because he had purportedly "'abused' the code." However, [redacted] denied any abuse, stating that [redacted] had allowed him to be on AWS 4 to accommodate his [redacted] schedule. [redacted] claimed to have taken off work three or four times for emergencies and to have occasionally switched his work hours to [redacted] which he thought he could do: "I know I proved for [redacted] but I do not appreciate being called out in front of everyone that got the message and being changed to a new code in which I didn't do anything wrong."

(U//FOUO) In the email (Appendix I), [redacted] also said that after a day off because of Agency closure for bad weather, he had asked his co-workers what remarks to make on his timesheet for the administrative leave that had been granted. [redacted] directed him to look up the information on the web ("I thought that was kind of mean..."). [redacted] was uncomfortable when shortly thereafter, [redacted] came to his desk and sternly told him what to do. Additional behaviors on the part of [redacted] made [redacted] even more uncomfortable:

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

(U//FOUO) One last thing that has happened is that [redacted] stopped talking to me for about a week and a half but what I don't understand is that I walk in today and he brings me lunch which I feel is a little weird because he does these [mean] things and then [is suddenly] nice. I might add in there that since [redacted] doesn't talk to me much anymore he is the one that gives me projects, and without him talking to me I do not get any work. So I have been coming to work the last week and have been working for an hour and a half to two hours and then just sit at my desk for the rest of the time. I do get up and ask if anybody has work but they all say no. I feel uncomfortable working in this environment [redacted] and I would appreciate it if I got a transfer.

(b) (6)

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

(U//FOUO) In an email to [redacted] dated 4 March 2011, [redacted] reported that [redacted] had heard that [redacted] would be meeting with [redacted] and therefore wanted to meet with her as well. [redacted] expressed confusion about what was going on in the workplace: "[redacted] never minds when they are discussing work, but it appears that there is a level of bullying going on here, that I personally find unacceptable and [redacted] as a HSWS student, definitely should not be required to tolerate." These emails are in Appendix J.

(U//~~FOUO~~) In an email dated 7 March 2011 (Appendix K), [redacted] advised [redacted] that he had not yet met with [redacted] but intended to do so later in the week:

(U//~~FOUO~~) I'd like to give you the opportunity to meet with me prior to me talking with [redacted]. Please reply to this email stating that you want to meet with me or not. My intent is to understand your side of the story before I brief her on my side of the story.

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

(U//~~FOUO~~) In an email to [redacted] dated 14 March 2011, [redacted] requested that his and [redacted] planned meeting with [redacted] be rescheduled. During the ensuing email conversation [redacted] stated that although he was "not really sure" what [redacted] concerns were regarding the work environment, he had his own concerns regarding [redacted] conduct. One was that despite [redacted] accommodating [redacted] schedule by allowing him to be on AWS 4, [redacted] did not follow guidance to work 10 days each pay period and provide advance notice if he could not come to work or had to leave early. During the pay period ending 12 February 2011, [redacted] called in the first Monday and said he would make up the hours. On the second Tuesday, [redacted] said that he could work only an hour that day and would not be in at all the next day: "Three times in an 8 day period was enough." [redacted] switched [redacted] to AWS 2.

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

(b) (6)

(U//~~FOUO~~) [redacted] expressed other concerns in the email. He said that [redacted] had submitted an inaccurate timesheet and then lied about it. Furthermore, [redacted] professional appearance had deteriorated. Upon starting work at [redacted] he had worn dress pants and a dress shirt with tie although the only requirement was to wear a collared shirt ("quite impressive"). However, since approximately late October 2010, [redacted] dress had become much less professional. By early January 2011, [redacted] almost every day.

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

(U//~~FOUO~~) According to [redacted] email, [redacted] also abused his Internet access and was on it almost constantly. After he had been observed viewing Craig's List on 25 February 2011, [redacted] was told his Internet account would be suspended if he went to the site again. On 7 March 2011, [redacted] minimized the site he was on as [redacted] approached and then refused to say what he had been viewing. As a result, [redacted]

revoked his access. Similarly, [redacted] had also been observed viewing NSA Trading and reading a computer gaming magazine.

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

(U//~~FOUO~~) According to [redacted] [redacted] was also disrespectful. On 11 March 2011 [redacted] asked [redacted] to meet with him. While walking toward the meeting, [redacted] stopped and turned around, stating that he was not going to speak with [redacted] [redacted] told him that he did not have a choice, so they met. However, [redacted] refused to speak openly, stating only that he would address his concerns with [redacted] and wanted to be reassigned to a new office. [redacted] complained that [redacted] also had bad days when he avoided speaking with anyone. According to [redacted] [redacted] demonstrated a lack of credibility, accountability, integrity, and respect. The email is in Appendix L.

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

(U//~~FOUO~~) As previously mentioned in this report, a 28 March 2011 MFR documented meetings related to [redacted] work performance that were held on 15 March 2011. During the meeting between [redacted] and the HSWS program personnel that date, [redacted] raised the issue of [redacted] engaging in inappropriate "sex talk" in the office. Specifically, on several occasions, [redacted] asked [redacted] whether he wanted to have sex with particular young women in the office. [redacted] response on each occasion was, "I don't look at my co-workers that way," and, "I have a girlfriend." According to the MFR, when [redacted] again raised the topic during a meeting with the HSWS program personnel and [redacted] management team, [redacted] did not deny the allegation. Rather, he "apologized for the statements that he made" (see Appendix A).

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

(U//~~FOUO~~) In emails dated 24 March 2011 to those who participated, [redacted] Chief of Staff, [redacted] documented a meeting that same date between her, [redacted] and [redacted] to discuss alleged inappropriate discussions of a sexual nature between [redacted] and [redacted]. During the meeting, it was established that in November 2010, [redacted] had counseled [redacted] managers, including [redacted] about making inappropriate jokes in [redacted] presence. Also during the meeting, [redacted] directed [redacted] to have [redacted] document inappropriate discussions between him and [redacted] by close of business 28 March 2011. The emails are in Appendix M.

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

(U//~~FOUO~~) In emails to [redacted] dated 28 March 2011, [redacted] summarized three separate occurrences in which [redacted] had engaged in offensive sexual discussions. In late

November 2010, [redacted] was at [redacted] desk assisting him with a task when [redacted] stopped by to tell [redacted] something. As she left [redacted] looked at [redacted] and then looked at [redacted] and said, [redacted]. According to [redacted] his response was something to the effect of, [redacted] "I'm not answering that because I don't look at co-workers like that." [redacted] then dropped the matter.

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

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

(U//~~FOUO~~) The emails detailed a second incident that occurred in mid to late December 2010, after [redacted] had had a short conversation with [redacted] at [redacted] desk. As [redacted] left [redacted] watched her walk away and then leaned down to ask [redacted]. [redacted] reiterated that he did not view co-workers in those terms. [redacted] concurred and then finished assisting him.

(b) (6)

(U//~~FOUO~~) The third incident occurred in mid-January 2011 when new [redacted] were rotated into the office. A new [redacted] stopped to speak with [redacted] who was at [redacted] desk at the time. As she left [redacted] watched her walk away. He then looked over the top of the cubicles to check whether anyone was nearby and asked [redacted] to which [redacted] responded, "No." On this occasion [redacted] stated [redacted]. [redacted] sole response was to say, "Ok," because there was no point in saying more: "I told him twice before that I don't look at co-workers and he didn't listen to me." These emails are in Appendix N.

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

(U//~~FOUO~~) In an email dated 29 March 2011, [redacted] directed [redacted] to document his knowledge of inappropriate discussions between [redacted] and [redacted] as well as to remind [redacted] to provide his summary of events, which was overdue. In the email [redacted] noted that during a conversation with [redacted] had told her about the meeting that had occurred between [redacted] and [redacted]. After [redacted] left the meeting early, [redacted] told [redacted] that "the sex talk needed to stop." Rather than deny it, [redacted] apologized in [redacted] presence. [redacted] asked [redacted] to have [redacted] document what happened during the exchange.

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

(U//~~FOUO~~) In his response that same date, [redacted] told [redacted] that [redacted] was on leave. However, neither he nor

[redacted] had ever heard [redacted] make inappropriate sexual jokes or comments in [redacted] presence. He relayed that the only inappropriate joking had occurred in November 2010, during the two [redacted] branch chiefs' ([redacted] and [redacted] completion of [redacted] performance evaluation. Initially, [redacted] "jokingly" gave [redacted] all 0's after being told it had to be filled out quickly. According to [redacted] he wrote [redacted] at the time that both [redacted] and [redacted] had admitted joking with [redacted] "as usual" about his performance, which was actually very good. "They never intended to scare him and they have apologized and talked to him about everything in a professional manner."

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

(U//FOUO) In the email, [redacted] noted that the complaint from [redacted] in November 2010 included "a slew of things" beyond inappropriate jokes and his evaluation. It also involved concerns about inappropriate comments related to [redacted] post high school plans. [redacted] According to [redacted] in November 2010, he had counseled [redacted] [redacted] and [redacted] that not only was [redacted] a teenager, it was inappropriate to discuss situations or jokes of a sexual nature with anyone of any age while at work: "So post November EVERYONE was very careful about what they said within earshot of [redacted]" Furthermore, although on three occasions between November 2010 and March 2011 [redacted] told [redacted] to see him if ever bothered, uncomfortable, or underutilized, [redacted] had never done so.

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

(b) (6)

(U//FOUO) In his email, [redacted] said it seemed that every time [redacted] was corrected for T&A, work ethic, appearance, attitude, or Internet issues, he complained to the HSWS PM that he was "being treated poorly." He referred to [redacted] allegation regarding sexual comments made by [redacted] as "complete hyperbole" - [redacted] was unaware of any sexually explicit jokes or comments having been made to [redacted] after the November 2010 incident. Whereas [redacted] and [redacted] recommended that [redacted] remain in [redacted] to be "brought back to his former work ethic," [redacted] recommended that he be moved because of his immaturity. These email exchanges are in Appendix O.

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

(U//FOUO) On 29 March 2011, as an attachment to an email to [redacted] (subsequently forwarded to [redacted], [redacted] provided his response to [redacted] request. He said that from almost the beginning of [redacted] employment, he had had concerns regarding [redacted] credibility, even directing

[redacted] to look up the word in the dictionary and read aloud the definition to him.

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

(b) (6)

(U//~~FOUO~~) According to the information in [redacted] summary, [redacted] had also counseled [redacted] for an incident in which he used derogatory terms to refer to homosexuals. Furthermore, it was [redacted] who engaged in inappropriate sexual discussions in the workplace and had to be told to stop. On one occasion, [redacted] talked about [redacted] going on in the locker room at school: "I asked him what it was and as he described it[,] [redacted] told [redacted] 'you shouldn't be talking about that stuff [at] work.'" In addition, it was [redacted] who frequently asked sexual questions - [redacted] had to tell [redacted] that it would be inappropriate for him to answer such questions until [redacted] was 18 years old: "In fact, I wouldn't even let [redacted] swear in the workspace; however, as time went on, I wasn't as strict with him as I should have been."

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

(U//~~FOUO~~) [redacted] claimed that after the November 2010 evaluation incident, he informed [redacted] that from that time forward they would have a "strictly work-related professional relationship." Thereafter, [redacted] was on "pins and needles" to ensure that [redacted] had no subsequent workplace concerns ("he thought he could get away with anything"). He noted that [redacted] performance began to decline in February 2011, as did his T&A practices. As a result, [redacted] placed him on AWS 2.

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

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

(U//~~FOUO~~) According to [redacted] summary, as of 1 March 2011, [redacted] would no longer speak to [redacted] and on 2 March 2011, [redacted] reported to the HSWS program that his colleagues "were being mean." Thereafter, [redacted] provided the HSWS PM with a summary of [redacted] "performance issues," and a meeting was held on 15 March 2011 to address them. During the meeting, [redacted] stated that "the sex talk needed to stop," and [redacted] responded by asking [redacted] what that meant. [redacted] then said that [redacted] had asked whether [redacted] was his type of girl." Although [redacted] did not specifically recall asking [redacted] about [redacted] he immediately apologized:

(U//~~FOUO~~) At that point, [redacted] stated, "look, there may have been some lines crossed on everyone's part here to include [redacted] and if there was ever a time that [redacted] felt offended, I apologize, I was the adult in the situation and I should have

made sure that he wasn't offended" and I assured [redacted] that we wouldn't have any additional problems.

(U//~~FOUO~~) In his summary, [redacted] said that he felt blindsided by the allegation because [redacted] had never said he had been offended by anything [redacted] said before and had also never seemed to be offended. He speculated that in his immaturity, [redacted] may have taken out of context something [redacted] said in order to be allowed to transfer offices and avoid accountability for his own actions. A copy of the relevant emails and attachment are in Appendix P.

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

(U//~~FOUO~~) As previously mentioned in this report, at the beginning of April 2011, [redacted] parents received an anonymous package that made them uncomfortable. The package contained a letter, which [redacted] acknowledged to the OIG that he wrote, claiming that [redacted] had been disciplined for misconduct and in retaliation had made false allegations against work colleagues that "caused promotion packages to be pulled and lifelong federal careers to be placed in jeopardy based on the word of a 17-year old." The letter ended with the following, which [redacted] told the OIG he and his parents perceived to be a threat of reprisal:

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

(U//~~FOUO~~) [redacted] has been given the opportunity of a lifetime and he's abused it. Given the chance to be accountable for his actions, he chose to blame others. To date, his lack of accountability has worked. He's been reassigned to a new office while his old office is left picking up the pieces. He may be able to play the "I'm only 17 years old" card for now, but that isn't going to last long.

(U//~~FOUO~~) The package also contained a copy of an inappropriate email exchange between [redacted] and an unidentified individual (identity blacked out), who [redacted] acknowledged to the OIG was him. The email appeared to include sexual banter between both participants. In the email exchange, [redacted] jokingly ("Hahahahaha") claimed to get [redacted]. The other individual responded, [redacted].

(b) (6)

[redacted] As also documented earlier in the report, an OIG review of [redacted] email account on the NSA classified computer network revealed that [redacted] had forwarded to [redacted] a portion of this inappropriate email

exchange. The version sent to [redacted] did not include an early part of the exchange during which the unidentified individual determined to be [redacted] commented that [redacted] [redacted] Please refer to Appendices B and C for copies of the relevant documents.

(b) (6)

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

(U//~~FOUO~~) In an email dated 5 April 2011 in response to a request from ER, [redacted] provided ER a summary of the three 15 March 2011 meetings involving [redacted] and his management, specific to the allegations of inappropriate comments by [redacted]. In the email, [redacted] expressed bafflement over statements made by [redacted] during the initial meeting site and [redacted] (also with MB3) held with [redacted] and [redacted] related to [redacted] conduct and performance. [redacted] opened the meeting with comments such as that he "feared for his employees" who had to "walk on eggshells" around [redacted]. He also said that he did not want senior management made aware of any issues related to [redacted] because that could affect his employees' promotions and future careers: "...we could not understand how issues regarding time and attendance/time card discrepancies, dress code, and misuse of external internet and other seemingly minor issues [redacted] doesn't take notes and he tries to get others to do his work) would affect the management team's potential for promotion and/or future careers."

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

(U//~~FOUO~~) According to the email, at the conclusion of a subsequent related meeting between [redacted] and [redacted] said that [redacted] had "a few inappropriate conversations" with him, which he referred to as "sex talk": On several occasions, when young female co-workers exited [redacted] work area, [redacted] asked him whether he would "have sex with them." [redacted] responded by telling [redacted] that he either had a girlfriend or did not view his co-workers in that manner.

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

(U//~~FOUO~~) In the email, [redacted] also described the third meeting, which included her, [redacted] and [redacted] management team (absent [redacted]). At the end of the discussion related to [redacted] performance and conduct, [redacted] brought up the sex talk issue, telling [redacted] that it had to stop. He repeated the statement after [redacted] said he did not hear it. Rather than deny the allegation, [redacted] apologized for the statements he had made and said that as the adult he should have known better than to have made them. A copy of ER's request and [redacted] response is in Appendix Q.

same thing during their November 2010 email exchange, [redacted] did not interpret the comment as sexual innuendo.

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

(U//~~FOUO~~) However, [redacted] explicitly sexual comments, especially in regard to female co-workers, made [redacted] uncomfortable. In November 2010, after a female colleague, [redacted] had stopped by [redacted] desk, [redacted] asked him [redacted] [redacted] declined to answer, telling [redacted] that he did not look at co-workers from a sexual perspective and had a girlfriend. Furthermore, if he wanted to talk about sex, he would do so with his friends outside of work, not with co-workers: "He goes, 'I understand. I understand.' But, he just kept doing it."

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

(U//~~FOUO~~) [redacted] was already aware that [redacted] liked [redacted]. However, in mid to late December 2010, [redacted] asked [redacted] whether he wanted to have sex with her. [redacted] again tried to brush off the question, reiterating that he did not look at co-workers that way. Similarly, in January 2011, after [redacted] finished a discussion with [redacted] at [redacted] desk and walked away, [redacted] peered over the top of the cubicles and then leaned back down to ask [redacted]

[redacted]

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

(U//~~FOUO~~) Although those were the only sexually inappropriate comments [redacted] made about specific colleagues, he was sexually inappropriate in other ways that made [redacted] uncomfortable. On one occasion in approximately January 2011, [redacted] asked [redacted] why he had [redacted]

(b) (6)

[redacted] explained that [redacted]

[redacted] then went online to look up and show [redacted]

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

(U//~~FOUO~~) During the same conversation, [redacted] made a comment about [redacted] which he referred to as [redacted] [redacted] went on to joke that [redacted] would know about the practice from his high school locker room. When [redacted] questioned the term,

[redacted] overheard and also asked what it meant. [redacted] continued to tease [redacted] repeatedly saying that [redacted] would participate in [redacted] (despite [redacted] offended denials).

(U//~~FOUO~~) [redacted] denied ever asking any sexual questions of or initiating sexual discussions with [redacted] Rather, as a

[redacted]

(U//~~FOUO~~) Although [redacted] never told [redacted]

According to [redacted] while the two were returning some supplies after Christmas 2010 [redacted]

[redacted] When [redacted] responded by asking why it mattered, [redacted] replied that he just wanted to know. [redacted] then told him

[redacted]

(U//~~FOUO~~) [redacted] found such remarks offensive, but he did not directly say so to [redacted] "I didn't want to hear it and I made it look like I didn't want to hear it." He tried to divert such conversations back to work, but [redacted] would bring them back to sex, either asking [redacted] questions that were too personal or talking about his own sex life.

(U//~~FOUO~~) When asked whether [redacted] was trying to get close to him, [redacted] said that [redacted] was "too personal" from the start. "He was trying to be, like, my dad, I guess.... I could all see it progressing. I knew, I knew, he was trying to get close, personal with me." When asked whether he ever thought that [redacted] was "hitting" on him, [redacted] hesitated and finally stated that, being heterosexual, he had not previously considered that possibility. However, given the sexual discussions initiated by [redacted] and that [redacted] also frequently talked about [redacted] it was possible that [redacted] was trying to gauge whether [redacted] might have a sexual interest in him.

(U//~~FOUO~~) [redacted] was asked about an incident that occurred when he first started at [redacted] wherein he allegedly used a derogatory term to refer to homosexuals. [redacted] said that he and a new female colleague had been discussing tourist

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

(b) (6)

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

attractions for her to visit locally. When he recommended that she visit [redacted] [redacted] it was one of his favorite places. [redacted] emphasized that he had not meant to offend (he had not known that his colleague was a lesbian) – it was just his high school culture coming out. [redacted] subsequently spoke to him about the incident with [redacted] present. When he asked what to do to remedy the situation, [redacted] suggested that he apologize. [redacted] immediately did so, and the incident was resolved.

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

(U//FOUO) When asked about the 28 February 2011 email to [redacted] in which he said that he was uncomfortable around [redacted] [redacted] responded that the discomfort was nothing new: "I was uncomfortable the whole time [in [redacted] because he gets a little too personal." [redacted] engaged in other behavior that [redacted] found odd and harassing. On this same date, after not speaking to [redacted] for several days, [redacted] unexpectedly brought him his favorite [redacted] for lunch.

(U//FOUO) [redacted] had virtually stopped speaking to [redacted] by February 2011. However, in late February 2011, after not speaking to and acting as if he hated [redacted] [redacted] also unexpectedly showed up [redacted] [redacted] According to [redacted] when he first came to [redacted] he had invited [redacted] but [redacted] had not done so until this particular occasion: "I felt a little weird when I saw him there." Furthermore, the next day, [redacted] was nice to him again at work: "I thought that this guy had a real emotional problem or something like that." Because he thought [redacted] behavior "weird," [redacted] started to avoid speaking with [redacted] who subsequently returned to not speaking to [redacted]

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

(b) (6)

(U//FOUO) During this same timeframe, [redacted] stopped giving [redacted] work to do, even though [redacted] asked for it multiple times a day, which made him bored and even more uncomfortable. On his HSWS coordinator's advice, he brought in a magazine to occupy his time. However, [redacted] got upset upon seeing [redacted] reading it, telling him that to do so was unacceptable. [redacted] also began [redacted]

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

[redacted] and other office members frequently [redacted] thought that [redacted] was trying to disparage and harass him by [redacted]

(U//~~FOUO~~) [redacted] changed [redacted] AWS code, alleging that he had abused the flexibility provided by AWS4. [redacted] had previously been allowed to flex his work days and hours because of his [redacted] schedule. However, on one occasion, [redacted] realized that he needed to leave early because of a [redacted] he had forgotten. He told [redacted] and his colleagues that he needed to leave and would also not be in the next day because of [redacted] for which he had little notice. Although they said it was fine, [redacted] could tell they were upset and he apologized before leaving. When he returned to work, he apologized again, but [redacted] yelled at him and told him he had abused his flexibility and would be taken off his AWS code.

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

(U//~~FOUO~~) [redacted] said that [redacted] ongoing harassing behavior affected his work performance and conduct. For example, [redacted] stopped dressing professionally as a result of his frustration over the evaluation incident. Also, as time progressed and [redacted] frustration and discomfort with [redacted] grew, his productivity declined. [redacted] believed that [redacted] intended to continue his harassment. He considered the final sentence in the anonymous letter sent to his parents to have been a threat that [redacted] would try to get him in trouble at work once he turned 18.

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

(b) (6)

(U//~~FOUO~~) According to [redacted] on 28 February 2011, he contacted [redacted] rather than [redacted] about his concerns for several reasons. [redacted] and [redacted] had a close relationship and frequently joked together about [redacted]. Furthermore, after making his initial complaint in November 2010, [redacted] spoke with [redacted] about [redacted] behavior (he did not mention the inappropriate sexual comments) but was not taken seriously. [redacted] did nothing and seemed to side with [redacted].

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

(U//~~FOUO~~) On 15 March 2011, during meetings with HSWS personnel and his supervisors, [redacted] brought up the offensive sexual comments, asking [redacted] to stop "the sex talk." According to [redacted] when he raised the topic, [redacted] immediately acted guilty. He became obviously angry and apologized repeatedly: "I'm sorry, I'm sorry." When [redacted] reacted with surprise and asked what they were talking about, [redacted] started to explain but was quickly cut off by [redacted] "Well, I'm sorry. I had some sexual discussions with [redacted] and I just apologize." Given that it was his word as an HSWS against a long-time NSA employee, [redacted] was

surprised by [redacted] quick admission. However, the apology ended the conversation—no further details were discussed.

(U//~~FOUO~~) [redacted] MB3, was interviewed by the OIG by telephone on 6 July 2011. [redacted] said that in November 2010, [redacted] complained that he was being harassed by [redacted] had been pressuring him to go to college rather than accept full-time employment with the Agency and even left college information on his desk. Furthermore, [redacted] initially gave [redacted] all 0's and 1's on his performance evaluation and then made [redacted] justify the receipt of better ratings. According to [redacted] HSWS evaluations are typically completed by the supervisor, yet [redacted] wanted [redacted] to do them himself.

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

(U//~~FOUO~~) After telling [redacted] supervisor, [redacted] to make [redacted] discontinue such behaviors, [redacted] believed the matter was resolved. At the time, she did not consider [redacted] alleged harassment to have been egregious.

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

(U//~~FOUO~~) According to [redacted] in March 2011, she and her supervisor [redacted] met with [redacted] and his [redacted] supervisors regarding problems both between [redacted] and [redacted] and with [redacted] work performance and attitude. First, they met with [redacted] and [redacted] to discuss problems with [redacted] performance and conduct. Both she and [redacted] thought it strange that [redacted] opened the meeting by stating that he did not like that his staff "had to walk around on eggshells" with [redacted] and worry about their careers or promotions being affected by him. [redacted] and [redacted] did not understand how [redacted] concerns with [redacted] T&A, attitude, dress, and work performance could have a negative effect on the careers of others: "It was the weirdest comment that I had ever heard from a supervisor."

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

(U//~~FOUO~~) During a separate meeting between [redacted] and [redacted] informed them that [redacted] had made inappropriate comments "on more than one occasion" wherein he asked [redacted] whether he would like to have sex with various female colleagues. [redacted] had also sent him inappropriate emails. [redacted] emphasized that the women involved did not dress or act provocatively at work and that [redacted] comments made him uncomfortable. After their meeting with [redacted] and [redacted] speculated that it was this inappropriate sexual conduct by [redacted] that [redacted] had been referencing when expressing concern for his subordinates' careers.

(U//~~FOUO~~) According to [redacted] she and [redacted] subsequently met with [redacted] and [redacted] [redacted] had left). After they discussed [redacted] concerns about [redacted] work conduct, [redacted] told [redacted] the sex talk has to stop." [redacted] immediately apologized, acknowledging that they had had inappropriate conversations ("You're right. I apologize."). When [redacted] asked to what they were referring, [redacted] was unable to explain further because [redacted] got defensive and cut him off."

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

(U//~~FOUO~~) During her 30 June 2011 interview with the OIG, [redacted] said that when [redacted] first started at [redacted] he had made derogatory references about homosexuals while telling a new employee (whom [redacted] knew to be lesbian) about [redacted]

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

[redacted] subsequently counseled [redacted] that the use of such derogatory terms was offensive as well as completely inappropriate in the workplace and suggested that he apologize to the new employee, which he did. [redacted] said that she frequently had to tell [redacted] to watch his language in the workplace.

(U//~~FOUO~~) [redacted] said that [redacted] did not make inappropriate sexual comments about female colleagues in her presence and she was unaware of his ever having made such comments. However, when specifically asked whether [redacted] engaged in a lot of sexual joking or teasing, her response was vague: "I wouldn't say a lot. I can't say it never happened." She elaborated that the talk was nothing she ever found offensive or "over the top."

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

(U//~~FOUO~~) According to [redacted] before a November 2010 incident related to [redacted] evaluation, [redacted] and [redacted] had bantered with each other, but she could not recall specifics (she did recall that [redacted]

(b) (6)

[redacted]. As mentioned earlier in the report, [redacted] was aware of one email in which they had engaged in inappropriate sexual banter, because [redacted] had forwarded her part of the exchange. Furthermore, [redacted] often complained about [redacted]

However, [redacted] was unaware of [redacted] calling [redacted] by the nickname [redacted] or of [redacted] joking about [redacted]

(U//~~FOUO~~) When asked about a discussion regarding [redacted] [redacted] said that because her cubicle was catty-corner to [redacted] she had overheard parts of a conversation between [redacted] and [redacted] regarding the topic. However, all [redacted] could specifically recall was hearing [redacted] ask [redacted] whether he knew what the term meant. When she then asked what it meant, someone told her to look it up on the Internet outside work.

(U//~~FOUO~~) [redacted] said that she witnessed the November 2010 evaluation incident. [redacted] brought in a performance evaluation sheet from his high school and asked [redacted] to complete the form because [redacted] was out of the office and the evaluation was due the next day. When [redacted] asked him to fill it out with the ratings he thought he deserved, [redacted] declined, stating that a supervisor should do it. To teach [redacted] to stand up for himself and "defend his ratings," [redacted] rated him very low in several categories but had made a copy of the form without [redacted] knowledge.

(U//~~FOUO~~) When [redacted] provided the completed evaluation to [redacted] [redacted] asked him what he had accomplished that would support better ratings. [redacted] verbally provided the input. [redacted] asked whether he had another copy of the evaluation form [redacted] knew he did not. [redacted] subsequently gave [redacted] the clean copy he had already made and had given [redacted] a very good evaluation. At the time, [redacted] did not seem upset.

(U//~~FOUO~~) However, about a week after receiving his performance evaluation, [redacted] did seem upset and suddenly avoided speaking to [redacted]. [redacted] heard that during this same timeframe, [redacted] had complained to his parents and the HSWS PM about his evaluation and being pressured to attend college after high school. Because [redacted] had frequently asked his colleagues for their advice and opinions regarding college versus immediate employment, [redacted] did not believe that he had been pressured.

(U//~~FOUO~~) Although [redacted] did not recall whether it was [redacted] silence or his complaint that precipitated the action, [redacted] took [redacted] to the cafeteria with [redacted] as a witness to talk about [redacted] concerns, as well as his recent moodiness. [redacted] had already sent [redacted] an email telling him not to let his poor attitude affect his work. During the meeting, [redacted] made a general apology to [redacted] saying that they had not meant to push him in a particular

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

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

direction or upset him about his evaluation. [redacted] then said that perhaps he had gotten "too close" or "familiar" with [redacted]. Furthermore, now that [redacted] knew [redacted] to be "sensitive," they would have a strictly professional relationship. [redacted] took this statement to be related to [redacted] being offended by [redacted] jokes related to the evaluation.

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

(U//~~FOUO~~) [redacted] did not recall [redacted] scolding [redacted] for putting jobs on the line with his complaint during the meeting. She had no knowledge of [redacted] having directed [redacted] apology to [redacted] or whether said apology was related to any other inappropriate jokes or comments [redacted] may have made. [redacted] did not recall [redacted] ever telling her and her colleagues that it was inappropriate to discuss sexual matters at work, especially in front of [redacted].

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

(U//~~FOUO~~) According to [redacted] before November 2010, [redacted] had had a mentoring relationship with [redacted]. [redacted] provided [redacted] guidance and tried to get him to do "the right thing," confronting [redacted] about his credibility when he told outrageous stories. After November 2010, [redacted] became more and more "grouchy" and withdrawn and his relationship with [redacted] changed. [redacted] avoided going to [redacted] for work or with questions and instead approached [redacted] or her. "He would just not want to talk to [redacted]."

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

(U//~~FOUO~~) [redacted] work performance and conduct also declined. When he started at [redacted] constantly asked for work and expeditiously completed it. He also over-dressed, always wearing a dress shirt, tie, and slacks, even though he was told he could wear a polo shirt and khakis. Over time, [redacted] began [redacted] and on one occasion [redacted]. He stopped asking for work and was observed accessing inappropriate Internet sites after being told not to do so. [redacted] attendance slipped as well. He began calling in sick frequently, arriving late without calling in, and telling his colleagues at the last minute that he had to leave early. Other than possible displeasure over the evaluation incident and having to juggle his [redacted] [redacted] had no explanation for the change in [redacted] attitude and performance.

(b) (6)

(U//~~FOUO~~) In regard to [redacted] behavior toward [redacted] [redacted] said that after November 2010, he stopped bantering and joking with [redacted] and discussed only

work-related matters. However, there was an occasion when [redacted] seemed upset with [redacted] and did not speak to him for several days. As time progressed, the tension between [redacted] and [redacted] was obvious. However, despite the change in their relationship, [redacted] occasionally brought back lunch for [redacted] after being out with the rest of the office. [redacted] speculated that [redacted] felt sorry for him. [redacted] also attended one of [redacted] [redacted] in February 2011 after attending a nearby after-work office function.

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

(U//~~FOUO~~) According to [redacted] she first heard about [redacted] complaint regarding sexual comments made by [redacted] in March 2011 after [redacted] returned from a meeting with the HSWS PM regarding [redacted] work performance. [redacted] told [redacted] that during the meeting, [redacted] accused [redacted] of having asked him whether he [redacted] [redacted]. However, [redacted] never seemed offended by talk in the office and, at least initially, seemed to be a willing participant. [redacted] expressed skepticism that [redacted] would have waited so long to report something that he found to be offensive. She speculated that he used office hunter as an excuse for why he was unhappy and to get transferred from the office.

(b) (6)

(U//~~FOUO~~) [redacted] was not interviewed by the OIG. Inquiries revealed that he was on extended leave because of a family medical emergency.

(U//~~FOUO~~) [redacted] Chief of Staff [redacted] was interviewed by the OIG on 15 July 2011. She described [redacted] as an aggressive, hard-working young man who always sought to assist his colleagues. However, on either 7 or 8 March 2011 and then again on either 16 or 17 March 2011 the following week, [redacted] told [redacted] that [redacted] was having problems with him:

(U//~~FOUO~~) It was [a] performance based issue [in] that [redacted] wasn't doing what he was supposed to do and [redacted] made the comment to me on at least two occasions that they wanted to get rid of the kid and he said, "because heads are going to roll, careers will be ruined."

(U//~~FOUO~~) [redacted] repeated comments confused [redacted] who found them "really bizarre." She reassured [redacted] that nothing would happen to him or others in [redacted] as a result of [redacted] failure to perform and did not probe further.

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

(U//~~FOUO~~) On 17 March 2011, the Chief [redacted] asked [redacted] to obtain details regarding [redacted] performance issues and [redacted] desire to remove him from the office. [redacted] telephoned [redacted] and learned about the accusation against [redacted] [redacted] informed [redacted] that during a meeting, [redacted] told [redacted] that "the sex talk needed to stop." Furthermore, [redacted] apologized, although the other [redacted] employee present, [redacted] seemed taken aback by the accusation.

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

(U//~~FOUO~~) [redacted] then met with [redacted] on 18 March 2011 to obtain additional details. He told her that [redacted] had engaged in sexually inappropriate behavior from November 2010 through January 2011. On one occasion, [redacted] [redacted] On another, while they were walking down a corridor, [redacted] commented to [redacted] [redacted] said that [redacted] also became "too personal" when talking about body parts and made sexual comments about [redacted] and [redacted] including that [redacted]

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

(b) (6)

(U//~~FOUO~~) According to [redacted] on 29 March 2011, before he provided his written summary regarding [redacted] interactions with [redacted] met with her and expressed shock at the accusations against [redacted] During the meeting, [redacted] mentioned that he had counseled his division in November 2010 after becoming aware that [redacted] had told a sexual joke in front of [redacted] However, he did not say how he became aware of the joke and whether [redacted] had complained about it. [redacted] noted that [redacted] office is at the opposite end of a long, narrow room from [redacted] [redacted] and [redacted] work area and he could not overhear what went on there.

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

(U//~~FOUO~~) According to [redacted] told her that he was unaware of [redacted] engaging in any type of inappropriate sexual discussions with [redacted] after November 2010. Furthermore, [redacted] did not believe the allegation against [redacted] and referred to [redacted] as a liar. This "flabbergasted" [redacted] who had found [redacted] to be an honest person. Furthermore, she found [redacted] credible because of the level of detail he provided regarding the incidents ("I did believe [redacted] how could a 17 year old make up stuff like this?").

(U//~~FOUO~~) According to [redacted] [redacted] was very critical of [redacted] [redacted] told her that he had been clear with everyone about his plan to obtain regular employment with the

Agency after graduation. However, in completing [redacted] evaluation, [redacted] told [redacted] that he would not receive good ratings because [redacted] wanted him to go to college instead. [redacted] also expressed confusion to [redacted] regarding [redacted] not speaking to him for a period of time and then unexpectedly bringing him lunch. In speaking with [redacted] and reading the related written statements, "the one thing that came through very clearly" to [redacted] was that [redacted] picked on [redacted] "almost to an extreme."

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

(U//FOUO) During his 18 July 2011 interview with the OIG, [redacted] stated that [redacted] was "making a big ordeal over nothing." According to [redacted] he and [redacted] got along very well until the November 2010 incident in which he asked [redacted] for input into his performance evaluation. [redacted] did so because asking subordinates for such input was standard practice at NSA. It was because [redacted] refused to detail his accomplishments that he was initially assigned poor performance ratings. [redacted] denied felling [redacted] that the ratings were to ensure that he went to college instead of staying at NSA.

(U//FOUO) According to [redacted] the evaluation incident did not become an issue until two weeks later, when [redacted] [redacted] He speculated that [redacted] was frustrated because he "didn't want to work here, he wanted [redacted] and therefore [redacted] made the complaint about his evaluation and about feeling pressured to go to college. Although [redacted] acknowledged having told [redacted] that he should go to college instead of seeking full-time employment at NSA, [redacted] denied ever pressuring him to go to college.

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

(b) (6)

(U//FOUO) After [redacted] November 2010 complaint, [redacted] asked [redacted] for his side of the story. [redacted] advised [redacted] to be careful in the future about what he said and did around [redacted]. He made no specific mention of sexual joking. [redacted] apologized to [redacted] and also told [redacted] that he should address problems directly with the person involved and ensure that his emotions did not adversely affect his work.

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

(U//FOUO) When asked whether he had engaged in sexual banter with [redacted] [redacted] replied that it "depends on how you describe it." For example, [redacted] frequently mentioned having a girlfriend but never seemed to actually spend time with her. When colleagues asked what [redacted] and his girlfriend did together on the weekends, [redacted] was vague

[redacted] began teasing [redacted] about having made up a girlfriend.

(U//FOUO) Furthermore, on at least two occasions, [redacted] had asked [redacted] [redacted] In response, [redacted] simply said that [redacted] On one occasion, [redacted] also told [redacted] that he should not yet [redacted] Without prompting [redacted] told him that he already had. [redacted] responded by telling [redacted] to wait until he was done with college.

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

(b) (6)

(U//FOUO) [redacted] denied having been in Daytona, FL, during his senior week of high school. However, he [redacted] acknowledged that he might have told [redacted] that he had [redacted] while in high school. [redacted] said that he was unsure of the context. [redacted] also recalled an incident, but not specific details, in which he looked up on the internet the meaning for [redacted] However, he did not recall [redacted] being present. [redacted] denied ever having a [redacted]

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

(U//FOUO) In regard to the [redacted] incident, [redacted] stated that it was [redacted] who first mentioned the term. He thought that [redacted] may also have been present. Although he knew what the term meant, [redacted] asked [redacted] what he was talking about. [redacted] explained the meaning of the term and said that it went on in his school. [redacted] told [redacted] that if such activity occurred, it was inappropriate and needed to be reported.

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

(U//FOUO) According to [redacted] during the 15 March 2011 meeting with the HSWS PM, [redacted] made a comment that "the sex talk needs to stop." When [redacted] asked what he meant, [redacted] said something about [redacted] and sex." [redacted] recalled only one discussion with [redacted] regarding [redacted] and it was not sexual. On that occasion, he had pointed out [redacted] and asked whether she was the type of girl [redacted] liked and [redacted] had responded, "No." However, because he was the adult and [redacted] was only 17, during the meeting [redacted] apologized for anything he may have done to offend [redacted]

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

(U//FOUO) [redacted] stated that he did not recall asking [redacted] in November 2010 [redacted] [redacted] Although [redacted] also said he did not recall asking [redacted] in December 2010 whether he would "do" [redacted]

he acknowledged that they had occasionally "joked around" about sex. [redacted] said that he did not recall a January 2011 incident during which he allegedly asked [redacted] and [redacted]. When asked if he could have made the comments alleged, [redacted] said, "I, you know, anything is possible, but, you know?"

(U//~~FOUO~~) According to [redacted] when [redacted] got a [redacted] he complained that he had no money for lunch. Therefore, [redacted]. On one such occasion, [redacted] made the statement that his colleagues must think he was an [redacted] because he had no money. It was because of this conversation that in initiating the 3 November 2010 email exchange he later printed and sent to [redacted] parents, [redacted] titled the email to [redacted]. It was not otherwise a steady joke between them. Furthermore, they did not banter about [redacted].

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

(b) (6)

(U//~~FOUO~~) According to [redacted] the [redacted] email exchange demonstrated that any sexual banter between him and [redacted] was mutual. He explained that his response of [redacted] to [redacted] line, [redacted] was in reference to their earlier [redacted]. During that conversation, [redacted] indicated that although [redacted].

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

(U//~~FOUO~~) When asked whether such banter was appropriate for someone in his position to engage in with a minor HSWS student, [redacted] claimed that the email exchange had been a singular one. Furthermore, after the exchange, he chastised [redacted] for sending such inappropriate emails: "In fact, after that e-mail, I said, 'What are you, what are you doing? You can't be sending e-mails like that.'"

(U//~~FOUO~~) [redacted] said that he "got mad" at [redacted] on both occasions that [redacted] complained to the HSWS PM. [redacted] had been told in November 2010 after his first complaint that if he had a problem, he should tell [redacted]. At the time, [redacted] also told [redacted] that his colleagues just liked to joke around and did not mean to offend him or hurt his feelings. According to [redacted] after November 2010, he even made a point to say, "You know I'm only kidding, right?" whenever he was trying to be funny or joke around with

[redacted] He also teased [redacted] by saying that he would not say or do certain things because he did not want [redacted] to call the HSWS PM on him.

(U//~~FOUO~~) According to [redacted] over a period of months after November 2010, [redacted] grew disrespectful and began to do whatever he wanted. He failed to come to work on time and abused the work schedule he had been placed on to accommodate [redacted] work attire went from being very professional to being unprofessional. He and another HSWS student [redacted] without permission. As a result, [redacted] grew more firm with him "to get him headed in the right direction." According to [redacted] he legitimately cared for [redacted] and tried to help him do well. He denied not speaking to [redacted] in early February 2011 and stated that by that time [redacted] knew his assigned tasks and no longer required regular tasking.

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

(U//~~FOUO~~) Because of [redacted] T&A issues, on 10 February 2011, [redacted] removed [redacted] from AWS 4. He also counseled [redacted] about his irritating behaviors and T&A problems: "I'm leaving [for a new position]. I won't be here to babysit you anymore. You need to knock it off." Because the conversation obviously upset [redacted] [redacted] sent him a text late that afternoon that read, "I hope you don't think I'm just being mean 2 u. U know I only want 2 see u succeed." He received a text back from [redacted] that read, in part, "I know thank you for helping me out."

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

(U//~~FOUO~~) [redacted] said that the next day, he also surprised [redacted] by [redacted] and could tell that [redacted]. As a result, [redacted] believed they were back on good terms. When asked the significance of other hand-written dates on the text message print-out he provided (Appendix R), [redacted] explained that they were two dates that he, [redacted] and other members of the office went to lunch together [redacted] on 30 September 2010 and [redacted] on 22 October 2010), demonstrating that he and [redacted] got along well together and "never had any problems."

(b) (6)

(U//~~FOUO~~) According to [redacted] before the 15 March 2011 meeting with the HSWS PM, [redacted] had not said anything about being upset by his sexual joking; therefore, [redacted] did not believe that [redacted] had ever actually been offended by anything he said or did. Rather, [redacted] was "just too cool" and only cared about [redacted]

not his job. [redacted] blamed [redacted] for his getting in trouble over his work schedule and also wanted to leave the office, so he made the allegation to get [redacted] "in trouble."

(U//FOUO) [redacted] and [redacted] never discussed in detail [redacted] accusation of 15 March 2011. Rather, [redacted] asked [redacted] about the "sex talk" and [redacted] told him about the incident in which he had asked whether [redacted] was the type of girl that [redacted] liked. Although [redacted] was concerned about the impact of the allegation on his career, he did not discuss these concerns with [redacted] asked [redacted] to document his interactions with [redacted]. However, [redacted] was in the process of moving to a new position and initially did not do so. It was only when [redacted] sent him the email from [redacted] asking for his side of the story that [redacted] realized the seriousness of the situation ("Oh no, I'm [perceived as] the bad guy").

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

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

(U//FOUO) [redacted] described [redacted] as "the worst story teller in the world" with the maturity level of a 12-year-old. According to [redacted] he had done everything he could to be a mentor to [redacted] yet [redacted] would not accept personal responsibility ("everything that goes wrong with [redacted] life is someone else's fault"). As a result, [redacted] career was affected. As noted earlier in this report, this upset [redacted] to such an extent that he sent the anonymous package to [redacted] parents to inform them of what their son was like.

(U) Analysis and Conclusions

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

(U//FOUO) Although [redacted] contended that he did not engage in conduct in the workplace that demonstrated hostility toward [redacted] or was offensive, the weight of the evidence in the case indicates otherwise. The principle reasons follow:

According to [redacted] emails and testimony, on or about 9 November 2010, he intentionally gave [redacted] an underage HSWS with approximately two months of experience, a poor performance evaluation because [redacted] based on guidance he had received from the HSWS PM, declined to rate himself. The HSWS PM confirmed that [redacted] direction to [redacted] had been inappropriate – the evaluation was to be completed by the supervisor, not the student. [redacted] confirmed that [redacted] initially gave [redacted] low ratings to

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

Personnel Privileged Information

teach him a lesson and then made [redacted] think that no other form was available to allow the negative ratings to be changed. Finally, despite [redacted] assertion that [redacted] was not offended by the incident and made a complaint two weeks later because [redacted] [redacted] emails revealed him to have felt so denigrated and devastated that his parents felt compelled to lodge a complaint of harassment on 11 November 2010.

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

[redacted] testified that he was angry at [redacted] for making the November 2010 complaint and that to keep [redacted] going in "the right direction," he became more firm with him. This corresponded with [redacted] emails and testimony that he had been belittled and maligned; in November 2010 [redacted] took [redacted] aside to say that he was very irritated with him and that he was not trustworthy; in February 2011 [redacted] directed him to look up on the Intranet how to account for administrative leave on his timesheet rather than just explain it to him, and that same month removed him from AWS2 for having "abused" it in an email for which all [redacted] leaders were on distribution. Furthermore, when [redacted] provided an innocuous response to the email, [redacted] lectured him, telling [redacted] that he should have been more contrite and apologetic and to "Learn from it!" [redacted] told the OIG that he found such behaviors "mean," offensive, and harassing.

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

[redacted] noticed the change in [redacted] and [redacted] relationship after the November 2010 evaluation incident. She testified that for a period of several days, [redacted] did not speak to and seemed upset with [redacted]. Furthermore, [redacted] avoided speaking with [redacted]. This corroborated the testimony of [redacted] who said that as a result, he was uncomfortable when [redacted] [redacted]

(b) (6)

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

Despite the obvious and negative change in their relationship, [redacted] continued to tease [redacted]. [redacted] testified that because [redacted] his colleagues regularly [redacted]. In his 29 March 2011 email to [redacted] noted that [redacted] regularly joked about [redacted] performance. [redacted] testified that in January 2011, [redacted] teased him repeatedly about engaging in [redacted] [redacted] despite his repeated denials. In addition,

[redacted] acknowledged regularly teasing [redacted] about having an imaginary girlfriend. In testimony and emails, [redacted] expressed his discomfort with such teasing by [redacted]

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

[redacted] went to the HSWS PM alleging problems with [redacted] performance and conduct only after learning that [redacted] had made a second complaint against him. [redacted] acknowledged to the OIG that he was angry at [redacted] for his complaints to the HSWS PM. In light of this information, the previously unknown list of alleged inappropriate conduct by [redacted] that [redacted] laid out in response to [redacted] second complaint seems to have been an act of hostility and retaliation against [redacted] and lacks credibility.

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

During the 15 March 2011 meeting in which he was accused of engaging in "sex talk," [redacted] apologized rather than deny the allegations. In his summary to [redacted], [redacted] claimed that during the meeting, he had asked what [redacted] meant by "sex talk" and [redacted] explained that the phrase referred to [redacted] asking whether [redacted] was "his type of girl." [redacted] reiterated this version of events during his testimony to the OIG and stated that he apologized to [redacted] despite having no recollection of engaging in a sexual discussion related to [redacted]. We do not find it reasonable that [redacted] would have considered a question as to whether someone was "his type of girl" to equate to "sex talk." Furthermore, both [redacted] and [redacted] testified to the OIG that during the meeting, [redacted] had been unable to explain what was meant by "sex talk" - He had been immediately interrupted by [redacted] who acknowledged having engaged in inappropriate conversations with [redacted] and apologized. Finally, in her testimony to the OIG, [redacted] said that it was [redacted] who, immediately after his meeting with the HSWS PM, told her that he had been accused of asking [redacted] [redacted] - a contradiction to [redacted] version of events.

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

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

(b) (6)

In his 29 March 2011 response to [redacted] request that he document inappropriate discussions between him and [redacted], [redacted] also omitted and misrepresented several incidents. He asserted that it was [redacted] not he, who had engaged in sexual discussions in the

workplace and had to be told to stop, while neglecting to mention the inappropriate emails he sent during the [redacted] exchange (a portion of which he forwarded to [redacted] the following day). Furthermore, he claimed that [redacted] told [redacted] to stop defining what was meant by the term [redacted] (implying that she was offended by such a discussion in the workplace). However, in her testimony to the OIG, [redacted] provided a different narrative – she heard [redacted] ask [redacted] if he knew what the term meant and then when she asked for the definition was told by someone to look it up. Such omissions and misrepresentations are indicative of an attempt by [redacted] to cover up behavior that he knew would be considered inappropriate and offensive.

In his testimony to the OIG, [redacted] did not deny engaging in the specific sexual discussions described by [redacted]. Rather, he asserted that he could not recall. However, he acknowledged teasing [redacted] about having a made-up girlfriend and said that he could have told [redacted]

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

[redacted]. Furthermore, although [redacted] denied [redacted]

(b) (6)

[redacted] as described by [redacted] he acknowledged having used his Government computer to research the meaning to [redacted]

Finally, because they "joked around" about sex, [redacted] said that although he did not recall having done so, it was possible that he could have made sexual comments to [redacted] about his female colleagues as alleged.

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

For making the latest allegations against him and in an attempt to discredit [redacted] [redacted] sent an anonymous letter (drafted on a Government computer) to [redacted] parents on 1 April 2011 telling them that their son had engaged in extensive misconduct for which he had been punished. This final act of denigration and hostility toward [redacted] is demonstrative of the pattern of inappropriate conduct in which [redacted] engaged.

(U//FOUO) [redacted] asserted that [redacted] was never offended by his conduct in the workplace. According to [redacted] the [redacted] email exchange demonstrated that any sexual banter had been mutual. Furthermore, [redacted] had never directly told [redacted] that he was offended by any of

[redacted] conduct. Finally, [redacted] was angry at [redacted] for changing his work schedule. [redacted] speculated that [redacted] made false allegations to get [redacted] in trouble and to receive a transfer:

(U//~~FOUO~~) We found [redacted] arguments disingenuous for many reasons. The [redacted] email was written in early November 2010, before the evaluation incident and first complaint. Other than this email and [redacted] testimony, we found no other testimonial or documentary evidence that [redacted] ever engaged in sexual banter with [redacted]. In contrast, [redacted] acknowledged that he might have told [redacted] that [redacted] [redacted] vividly detailed the incident to the OIG, which he said occurred in late December 2010.

(U//~~FOUO~~) [redacted] poor evaluation and [redacted] related "joke" about not having another form to fix it created an obvious tipping point that negatively affected their relationship. Although they may have initially engaged in mutual sexual banter (as the [redacted] email seems to indicate), we find it reasonable that [redacted] would find subsequent "teasing" and sexual banter from a mentor who had otherwise become critical and cold to be offensive and harassing.

(U//~~FOUO~~) Furthermore, as an adult and informal supervisor, [redacted] knowingly engaged in inappropriate conduct with an underage subordinate – behavior that reflects unfavorably on the Agency. During his interview with the OIG, [redacted] acknowledged that in the 3 November 2010 [redacted] email exchange with [redacted] he used inappropriate language directed toward [redacted] in writing the line, [redacted]

[redacted] He further acknowledged having intentionally used sexual innuendo during the exchange. Specifically, his line about [redacted] [redacted] initiated this exchange with a 17-year-old and kept it going, despite his admission that such emails were inappropriate.

(U//~~FOUO~~) Given [redacted] admissions regarding sexually inappropriate conduct, we do not find credible his lack of recall regarding specific sexually explicit comments and gestures he allegedly made to [redacted] in regard to specific female employees. We believe it reasonable that a long-time Federal employee would know that sexual comments and gestures directed against specific employees would be considered offensive

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

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

(b) (6)

as well as inappropriate in the workplace, especially when made to an underage employee, and therefore would deny that such comments and graphic gestures had been made. [redacted] vague responses to the OIG's questions regarding these specific alleged incidents ("anything is possible") are indicative of a desire to avoid lying under oath without being completely honest.

(U//~~FOUO~~) Similarly, we do not find it reasonable that an employee wrongly accused of sexual impropriety would immediately apologize, rather than deny the misconduct and demand to know the specific allegations. Therefore, [redacted] reaction during the 15 March 2011 meeting – to interrupt [redacted] allegation by apologizing for having engaged in inappropriate conduct with him – seems to have been a knowing attempt to avoid having the details of said misconduct revealed to others.

(U//~~FOUO~~) Finally, [redacted] knew that [redacted] found some of his conduct offensive – [redacted] complained about the "fake" evaluation and the pressure to go on to college and as a result, [redacted] told [redacted] to be careful in his interactions with [redacted]. Despite this, [redacted] continued to "tease" [redacted] and even teased him about being teased ("You know I'm only joking, right?").

(U//~~FOUO~~) In contrast to [redacted] we found [redacted] testimony and responses to management questions to be detailed and consistent and his responses to the circumstances to be reasonable. In November 2010, he complained to the HSWS PM when he felt bullied into attending college and was initially given a poor evaluation. That [redacted] felt harassed and again approached the HSWS PM in early February 2011 after being abruptly switched to a more stringent AWS via an email [redacted] sent to all of [redacted] leadership, experiencing problems with obtaining assistance in completing his timesheet, and being given the silent treatment by [redacted] and at the same time [redacted] [redacted] is credible.

(U//~~FOUO~~) We also found it reasonable that [redacted] approached [redacted] and his HSWS coordinator rather than his supervisors, [redacted] and [redacted] with concerns related to [redacted] conduct in the workplace. [redacted] testified that he was confused by and uncomfortable with [redacted] strange and offensive conduct and tried to avoid speaking with him. Furthermore, he believed that [redacted] had not taken seriously his initial concerns – a belief borne out by the continued lack of

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

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

(b) (6)

concern expressed in the summary of events [redacted] provided to [redacted] on 29 March 2011.

(U//~~FOUO~~) We also found credible [redacted] testimony that he had tried to avoid telling [redacted] about the "sex talk" and only did so to make her understand how serious his discomfort was and why he needed to be transferred. As a result, although no witnesses other than [redacted] were present to corroborate the three specific incidents described by [redacted] we found his testimony credible. That he found [redacted] behavior in general controlling, belittling, offensive, and harassing seems reasonable given the circumstances and his age and experience.

(U//~~FOUO~~) [redacted] acknowledged that [redacted] performance and conduct declined over time. However, we did not find credible his contention that the decline was due to [redacted] rather than [redacted] conduct in the workplace.

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

(U//~~FOUO~~) All documentary evidence and witness interviews in the case revealed [redacted] to have been an initially conscientious, hard-working, and capable HSWS student who received a positive appraisal for his performance and conduct from September through November 2010. Furthermore, testimonial evidence revealed that the circumstances of [redacted] performance evaluation in November 2010 were a tipping point. [redacted] contention that [redacted] was only upset at having to rate himself, not at having initially received poor ratings is irrelevant. [redacted] acknowledged that [redacted] performance deteriorated thereafter. Furthermore, [redacted] testified that [redacted] treatment of him during the evaluation caused him to stop dressing professionally and to avoid interacting with [redacted]

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

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(U//~~FOUO~~) Given such circumstances, we find it reasonable that [redacted] found [redacted] subsequent teasing, sexual comments, questions, and gestures, and odd conduct offensive, denigrating, and hostile and that his performance suffered as a result. [redacted] disregarded [redacted] November 2010 cautions as to what constituted professional behavior toward an HSWS student and continued to engage in harassing conduct toward [redacted]

(U//~~FOUO~~) The preponderance of the evidence supports the conclusion that [redacted] used offensive language and gestures directed against [redacted] and others and also used actions and words that denigrated and showed hostility toward [redacted]

thereby affecting his work performance, in violation of the PMM, Chapter 366, Section 2-1(A.).

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IV. (U) RESPONSE TO TENTATIVE CONCLUSIONS

(U//~~FOUO~~) On 07 February 2013, the OIG sent [redacted] the tentative conclusions reached in the investigation. He provided his response in an email dated 22 February 2013. A copy of [redacted] response and related emails are in Appendix S.

(U//~~FOUO~~) We made no change in the tentative conclusions based on [redacted] response. In his response, [redacted] asserted that, at the time, he did not know that the information he sent to [redacted] parents was non-public information. Further, he asserted that the letter he wrote and sent to [redacted] parents was not meant to be a hostile act. Rather, it was intended as an informative "plea for help." [redacted] also reiterated his assertion that he had never said anything that [redacted] found to be offensive and was careful (subsequent to November 2010) when saying anything that could possibly be misconstrued to tell [redacted] not to take it "the wrong way" and report him. According to [redacted] he tolerated [redacted] was nice to him, and tried to help him succeed, despite [redacted] immaturity.

(U//~~FOUO~~) [redacted] provided no new information requiring additional investigation. As a result, our preliminary conclusions became final.

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

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

V. (U) CONCLUSIONS

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

(U//~~FOUO~~) The preponderance of the evidence supports the conclusion that [redacted] misused Government resources and divulged non-public information in sending an anonymous package to [redacted] parents, in violation of the JER, Chapter 2, Section 2-301(a. and b.) and the NSA/CSS PMM, Chapter 366, Section 2-4. The preponderance of the evidence also supports the conclusion that [redacted] used offensive language and gestures directed against [redacted] and others and also used actions and words that denigrated and showed hostility toward [redacted] thereby affecting his work performance, in violation of the PMM, Chapter 366, Section 2-1(A).

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

VI. (U) DISTRIBUTION OF RESULTS

(U//~~FOUO~~) A copy of this report of investigation will be provided to ER and ADSCI for information and any action they deem appropriate.

Concurred by:

[Redacted Signature Box]

Senior Investigator

[Redacted Signature Box]

Assistant Inspector General
for Investigations

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

APPENDIX A

(U) MFR, Dated 28 March 2011

Personnel Privileged Information

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MEMORANDUM FOR THE RECORD

March 28, 2011

SUBJECT: [redacted]

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

This Memorandum for the Record is being provided to you in order to communicate some of my concerns as well as my expectations regarding your participation in the High School Work Study (HSWS) Program, the HSWS Program rules as well as your time, attendance and performance.

According to your former management, they have had issues with you in the following five areas:

AWS Schedule:

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- In December, [redacted] agreed to move you to AWS 4 [redacted]. [redacted] Though he was aware of the fact that HSWS participants should be on AWS 2, he used the additional guidance from one of my e-mails which stated "if your office requires you to be on a different AWS Code, I am okay with that". My e-mail continued by stating that HSWS's were still required to follow the rules of an AWS 2 (set Monday-Friday schedule with a set report time between 1030-1230 daily, and work a minimum of four hours each day).
- Even though your management had discussed with you the need to identify any schedule change in your work schedule in advance, they indicated that you did not stick with your established schedule. On several occasions you called in and stated that you were not coming in but would make up the hours later in the pay period. [redacted] then told you that that was not the intent of putting you on AWS 4 code and reminded you that an AWS 4 code required you to work 10 days in the pay period.
- For the pay period ending on February 12, 2011, you called in on the first Monday and said you'd make up the hours within the pay period. On the second Tuesday, you showed up and said that you'd only be here an hour today and wouldn't be here tomorrow". [redacted] reminded you of the requirement to request leave in advance and in coordination with [redacted] they decided to put you back on AWS 2.

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

Time card discrepancy:

- You submitted a timesheet dated February 26, 2011 stating that on the second Friday (February 25) of the pay period you left at 1600. On March 1, 2011, [redacted] was notified that you left early on Friday February 25 so he sent you an email asking what time you actually left. On March 1 you submitted an updated timesheet with the correct departure time.

Appearance:

- Your management indicated that you were aware of the requirement to wear a collared shirt every day upon reporting to [redacted]. For the first four weeks you wore a dress shirt with a tie and dress pants every day except Friday. Your management thought this was quite impressive.
- Starting in late October/early November, you started wearing [redacted].
- In early January, you [redacted] almost every day. There was also an instance when you wore [redacted].

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Internet usage:

- When you first started working in [redacted] you were given a [redacted] unclassified internet account to use for research. [redacted] told you that you could check your web-based e-mail during lunch (when you worked enough hours to qualify for lunch).
- On Friday, February 25, you were caught [redacted] on Craigslist.com. [redacted] informed you that if you caught on that website again during work hours, you would lose your access to the unclassified internet.
- On Monday, March 7, while on the unclassified system, you minimized your web browser when [redacted] walked up. [redacted] asked you what you were looking at and you said nothing. When asked again, you said you were not doing anything. [redacted] asked you to show him the browser history and you said "it's none of your concern". Due to these incidents, your unclassified internet access was revoked.
- Even though you had tasks that needed to be completed, you also were observed spending a significant amount of time on NSA trading.

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

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

Lack of concern:

- On Monday, February 28, [redacted] found you reading a computer gaming magazine at your desk. Even if you were not directly tasked, you had recurring tasks that you could have done, or you could have asked the [redacted] leadership for things to do, but you did not.

On Tuesday, 15 March 2011, [redacted] and I met with you and your management team [redacted] and [redacted] to discuss the above referenced issues, as well as other issues of concern. We first met with your management team, then with you, and finally we met with everyone. During that meeting we were able to get additional information regarding each of the areas of concern.

AWS Schedule:

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- Though you and your management were fully aware of the work schedule rules and requirements for the HSWS Program, you still decided not to follow them, which led to issues with your work schedule. During the meeting you were again reminded about the fact that regardless of the AWS code that you are on, you must still follow the rules of an AWS 2 code and you must work a minimum of four hours a day, Monday-Friday, with a scheduled report time between 1030-1230 and core hours from 1230-1430.

Time Card Discrepancy:

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

- This was an area of miscommunication. Since your organization collects timesheets on the Friday morning prior to the end of the pay period, you had completed your timesheet as though you were going to work a full day on February 25. Later in the day you realized that you needed to leave a few minutes early and received permission from [REDACTED]. You stated that until you received the e-mail from [REDACTED] you had forgotten to fix your timesheet from the previous Friday. Once you received the e-mail, you adjusted your timesheet accordingly and submitted a new timesheet.

Appearance:

- You stated that your organization never discussed their dress code with you. However, based on the New Employee Orientation and my discussion regarding the dress code, you were under the impression that you had to wear a collared shirt and dress pants daily. You stated to me that you had stopped dressing appropriately due to your frustrations with your organization. On the day of our meeting, you were wearing [REDACTED]. You stated that you knew you were not dressed professionally. I informed you of the fact that even if you are not happy with your organization; you still need to not only dress professionally, but act professionally as well. Since our discussion, you have been dressing appropriately every day.

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Internet Usage:(b) (3) - P.L. 86-36
(b) (6)

- You informed me that you used your personal e-mail so you could communicate with your mother. When you would have issues with [REDACTED] you would vent to your mother via e-mail. On the particular day when you refused to show [REDACTED] which website you were viewing, you did not refuse because of the site, but you refused because you were in the middle of typing an e-mail to your mother; the e-mail was about [REDACTED] and the issues you were having that day.

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UNCLASSIFIED ~~FOR OFFICIAL USE ONLY~~**Lack of Concern:**

- You informed me that you did request work from your management team, but they did not always have work available for you to complete or they were not always available to give you more work. Based on guidance you had received from your school coordinator, you brought a magazine into work to occupy your down time.

Other Issues:

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

- During our one on one meeting, you also informed me of the fact that [redacted] had a few inappropriate conversations with you. You referred to this as "Sex Talk". You stated that there are a few younger women in your office and on several occasions, when the ladies exited your area, [redacted] [redacted] [redacted] You stated that you told him, "I don't look at [redacted] my coworkers that way" and "I have a girlfriend". When we had our group meeting, you brought this up and [redacted] did not deny the allegation and apologized for the statements that he made. This issue has been discussed with [redacted] management team.

(b) (6)

As a participant in the High School Work Study (HSWS) Program, you are required to complete all work assignments, request additional work as needed, have a set daily schedule, request leave in advance except under extenuating circumstances, as well as follow the rules and procedures as stated in the HSWS Policy, HSWS FAQ's, and miscellaneous e-mails from the HSWS Program Manager.

Per the HSWS Policy, HSWS participants must have a scheduled daily report time between the hours of 1030-1230 and must work a minimum of four hours daily or take leave for the hours missed. This guidance was provided to all HSWS applicants during their interview (all applicants were required to sign the HSWS Student Agreement form- you signed your agreement on 12/17/09 and were given a copy for your records), and once again when the Final Job Offer was extended. This was reiterated during the HSWS New Employee Orientation.

I am providing you with the following guidance to ensure that your performance and time and attendance meet the HSWS Program requirements as well as your organization's needs:

- During your duty hours, you are expected to work on your assigned tasks. If you need additional work, you must contact a supervisor to discuss your workload.
- You must complete your assigned tasks for the day prior to leaving each day. If you will not be able to complete your tasks before you leave, you must contact a supervisor to discuss the situation.

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- You must use the most up-to-date timesheet as required by Payroll. You must also complete your timesheet accurately, asking for assistance if necessary; validate your timesheet at the end of every pay period; and digitally sign your timesheet after validating your timesheet (so it will have an accurate date stamp).
- You must follow the instructions provided to you by your supervisor.
- Your duty hours will be from 1200-1600 Monday through Friday. Should you need to change these hours, you must ensure the report time is scheduled between 1030-1230 daily and submit a written e-mail request to your supervisor. Since 1230-1430 are considered as the core hours for the HSWS Program, if you arrive later than 1230, you are required to use your personal leave to account for the time missed until your arrival. If late arrivals continue to be an issue, they could result in disciplinary action to include your removal from the HSWS Program and from NSA.
- Credit hours may be earned or taken only with prior supervisory approval. Leave requests (Credit and Annual) must be made in advance and either via e-mail or Leave Request form.
- Failure to report to duty and failure to be on approved leave may result in AWOL charges.
- When requesting unscheduled leave, you must contact a supervisor within the first hour of your workday. If you are unable to contact a supervisor, leave a message where you can be reached. You will be carried in an AWOL status until you receive supervisory approval for leave.
- If your supervisor does not approve your leave request, you will be expected to report for work. If you are not able to report to work due to medical reasons, management reserves the right to request medical certification to support your absence. You will be carried in an AWOL status until you have provided sufficient documentation and your absence from duty has been approved.
- Failure to notify your supervisor of your inability to report to duty within the first hour of your workday will result in AWOL procedures being initiated.

Failure to abide by Agency policy, the rules and instructions of the HSWS Program and your supervisor's instructions may lead to further administrative action up to and including termination from NSA employment.

Based on our meeting and follow-up discussions, these issues were a result of both your misconduct, and miscommunication involving your management. As we have discussed, due to extenuating circumstances and issues involving your management, you will be placed in a new organization to finish out your time as a HSWS. However, if your attendance, misconduct, or performance issues resurface, I will have to give

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consideration to recommending your termination from NSA employment. If these issues do not resurface, you would be eligible for conversion to permanent employment, should positions become available.

Should similar misconduct occur, this Memorandum could be used to support additional action. If there are any issues that may be affecting your ability to become a successful and productive NSA employee, please bring them to my attention so we can resolve these issues.



MB3

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

I HEREBY ACKNOWLEDGE RECEIPT OF THIS MEMORANDUM:

[Redacted Signature]

Employee Signature

3-28-11
Date

[Redacted Signature]

Witness Signature

28 Mar 11
Date

Distribution:

- Employee
- HSWS Program Manager

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APPENDIX B

Email with Attachments from Parents to

Dated 03 April 2011

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

[Redacted]

From: [Redacted]
Sent: Sunday, April 03, 2011 8:03 PM
To: [Redacted]
Subject: Mailing to Our Home
Attachments: CCF04032011_00000.jpg; CCF04032011_00001.jpg; CCF04032011_00002.jpg; CCF04032011_00003.jpg; CCF04032011_00004.jpg

Importance: High

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

Dear [Redacted]

On April 2, 2011, we received the attached mailing to our home with no return address or return addressee provided in the correspondence. We discussed the mailing with [Redacted] and he indicated that in the email conversation, a number of emails are missing. These missing emails, when included, provide for different conclusional meanings and are not accurate in their arranged sequence as contained per this mailed correspondence. My wife and I felt that you should have a copy of this mailing. We feel uncomfortable receiving this mailing. We believe a letter, sent to our home residence, from an employee of the National Security Agency, is out of protocol. We have faith in the Agency's management authorized to handle such matters, and feel this communication should be directed from this authority. We appreciate any time and attention to this matter, and would like confirmation that you received this email and attachments. Thank you for your cooperation.

Sincerely,

[Redacted]
(Parent's of [Redacted])

(b) (6)

BALTIMORE MD 212
NOV 20 1957



(b) (6)



[Redacted]

I'm not sure what [Redacted] tells you about what goes on at his work, so let me provide a brief summary of his actions:

- He's abused his working hours to the point that he had to be put on a strict schedule
- He's abused his Internet access to the point that he lost his account
- He's failed to follow the basic dress code of wearing a collared shirt on a daily basis
- He's disrespected his supervisors
- He's thrown tantrums where he won't speak to anyone
- He's used homosexual derogatory terms in the work space and had to be counseled
- He's introduced terms like [Redacted], just to name a few (he can explain the terms to you)
- He's left early and failed to submit corrected timesheets

(b) (6)

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

These actions led to a disciplinary meeting in which the issues were addressed. Instead of [Redacted] acknowledging any wrong doing on his part, he chose to make allegations against his fellow employees that didn't exactly present the whole story. These allegations have resulted in an ongoing investigation that has caused promotion packages to be pulled and lifelong federal careers to be placed in jeopardy based on the word of a 17 year old. I say based on the word of a 17 year old because the evidence is anecdotal and the case is solely based on accounts from memory. The only real evidence is the email that I've enclosed for you to read. After you read the enclosed email and [Redacted] explains to you what it means that [Redacted] I ask that you assist [Redacted] in finding the integrity to do the right thing and stop playing the victim.

[Redacted] has been giving the opportunity of a lifetime and he's abused it. Given the chance to be accountable for his actions, he chose to blame others. To date, his lack of accountability has worked. He's been reassigned to a new office while his old office is left picking up the pieces. He may be able to play the "I'm only 17 years old" card for now, but that isn't going to last long.

[Redacted]

From: [Redacted]
Sent: Wednesday, November 03, 2010 3:11 PM
To: [Redacted]
Subject: RE: (U) [Redacted]

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[Redacted]

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

(U//~~FOUO~~)

[Redacted]

From: [Redacted]
Sent: Wednesday, November 03, 2010 3:10 PM
To: [Redacted]
Subject: RE: (U) [Redacted]

(b) (3) - P.L. 86-36
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Classification: UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

[Redacted]

From: [Redacted]
Sent: Wednesday, November 03, 2010 3:09 PM
To: [Redacted]
Subject: RE: (U) [Redacted]

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

(b) (6)

I don't know what that means. [Redacted]

(U//~~FOUO~~)

[Redacted]

From: [Redacted]
Sent: Wednesday, November 03, 2010 3:08 PM
To: [Redacted]
Subject: RE: (U) [Redacted]

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

[Redacted]

From: [redacted]
Sent: Wednesday, November 03, 2010 3:06 PM
To: [redacted]
Subject: RE: (U) [redacted]

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

[redacted]

(U//~~FOUO~~)

[redacted]

From: [redacted]
Sent: Wednesday, November 03, 2010 3:05 PM
To: [redacted]
Subject: RE: (U) [redacted]

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

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

[redacted]

From: [redacted]
Sent: Wednesday, November 03, 2010 2:59 PM
To: [redacted]
Subject: RE: (U) [redacted]

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

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

[redacted]

(b) (6)

(U//~~FOUO~~)

[redacted]

From: [redacted]
Sent: Wednesday, November 03, 2010 2:57 PM
To: [redacted]
Subject: RE: (U) [redacted]

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

[redacted]

From: [redacted]
Sent: Wednesday, November 03, 2010 2:55 PM
To: [redacted]
Subject: RE: (U) [redacted]

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

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

[redacted]

(U//~~FOUO~~)

[redacted]

From: [redacted]
Sent: Wednesday, November 03, 2010 11:36 AM
To: [redacted]
Subject: RE: (U) [redacted]

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(b) (3) - P.L. 86-36
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Classification: UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

[redacted]

From: [redacted]
Sent: Wednesday, November 03, 2010 11:35 AM
To: [redacted]
Subject: (U) [redacted]

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

[redacted]

(U//~~FOUO~~)

[redacted]

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

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

Relevant Document & Email from NSA Computer Network
Accounts

(b) (6)

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I'm not sure what [redacted] tells you about what goes on at his work, so let me provide a brief summary of his actions:

- He's abused his working hours to the point that he had to be put on a strict schedule
- He's abused his Internet access to the point that he lost his account
- He's failed to follow the basic dress code of wearing a collared shirt on a daily basis
- He's disrespected his supervisors.
- He's thrown tantrums where he won't speak to anyone
- He's used homosexual derogatory terms in the work space and had to be counseled
- He's introduced terms like [redacted], just to name a few (he can explain the terms to you)
- He's left early and failed to submit corrected timesheets

These actions led to a disciplinary meeting in which the issues were addressed. Instead of [redacted] acknowledging any wrong doing on his part, he chose to make allegations against his fellow employees that didn't exactly present the whole story. These allegations have resulted in an ongoing investigation that has caused promotion packages to be pulled and lifelong federal careers to be placed in jeopardy based on the word of a 17 year old. I say based on the word of a 17 year old because the evidence is anecdotal and the case is solely based on accounts from memory. The only real evidence is the email that I've enclosed for you to read. After you read the enclosed email and [redacted] explains to you what it means that [redacted], I ask that you assist [redacted] in finding the integrity to do the right thing and stop playing the victim.

[redacted] has been given the opportunity of a lifetime and he's abused it. Given the chance to be accountable for his actions, he chose to blame others. To date, his lack of accountability has worked. He's been reassigned to a new office while his old office is left picking up the pieces. He may be able to play the "I'm only 17 years old" card for now, but that isn't going to last long.

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

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Release: 2019-02
NSA:07137

" Mr. docx in

[Redacted]

From: [Redacted]
Sent: Wednesday, March 30, 2011 3:50 PM
To: [Redacted]
Subject: (U) delete

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

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

From: [Redacted]
Sent: Wednesday, November 03, 2010 3:10 PM
To: [Redacted]
Subject: RE: (U) [Redacted]

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

[Redacted]

From: [Redacted]
Sent: Wednesday, November 03, 2010 3:09 PM
To: [Redacted]
Subject: RE: (U) [Redacted]

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

I don't know what that means.. [Redacted]

(U//FOUO)

[Redacted]

(b) (6)

From: [Redacted]
Sent: Wednesday, November 03, 2010 3:08 PM
To: [Redacted]
Subject: RE: (U) [Redacted]

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

[Redacted]

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

From: [Redacted]
Sent: Wednesday, November 03, 2010 3:06 PM
To: [Redacted]
Subject: RE: (U) [Redacted]

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

[Redacted]

(U//~~FOUO~~)

[Redacted]

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

From: [Redacted]
Sent: Wednesday, November 03, 2010 3:05 PM
To: [Redacted]
Subject: RE: (U) [Redacted]

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

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

[Redacted]

(b) (6)

APPENDIX D

[Redacted] 11 November 2010 Complaint & [Redacted] Response
⋮
[Redacted] (b) (6)
⋮
[Redacted] (b) (3) - P.L. 86-36

[Redacted]

From: [Redacted]
Sent: Tuesday, November 23, 2010 8:16 AM
To: [Redacted]
Cc: [Redacted]
Subject: (b) (6) RE: Inappropriate Evaluation Procedure

Good Morning [Redacted]

Sorry for the delay in responding to your e-mail. Thank you for providing the below information regarding the problems your son was facing at work. I have spoken with [Redacted] and his management so this should no longer be a problem. If [Redacted] shares any other information with you regarding problems he is having in the work place, please tell him to make sure he provides the information to me as well so I can address the issues. I want to make sure this is a positive learning experience for all of the HSWS participants.

Thanks again and have a great week,
[Redacted]

Mailing Address:
National Security Agency
9800 Savage Road
Ft. Meade, MD 20755-6779
ATTN:HSWS

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

-----Original Message-----

From: [Redacted]
Sent: Thursday, November 11, 2010 8:15 AM
To: [Redacted]
Subject: Inappropriate Evaluation Procedure

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

Dear [Redacted]

On 11/10/10, my son, [Redacted] came home with his Work-based Learning Assessment. [Redacted] explained that he had received a rating of Unacceptable (0) on all categories. He explained that [Redacted] who wrote the evaluation, told him he needed to go to college. [Redacted] after receiving this unacceptable Learning Assessment, explained to [Redacted] that he thought his progress on the Learning Assessment categories was more acceptable meeting expectations and performance. After debating the criteria in the Assessment, they both came to terms in category levels 3 and 4 - Good/Outstanding Performance. In the past, [Redacted] explained to [Redacted] that he would like to go to college part time while hopefully ascertaining a full time position with NSA. In the past several months, [Redacted] has explained to us that [Redacted] at NSA had been advising him not to seek full time employment with NSA post his Internship. [Redacted] has repetitively stated over the last several months that [Redacted] should not work at NSA but should seek attendance full time at college after high school.

[Redacted] was upset upon explaining the above information to me. I am surprised that an agency, with a reputation of professionalism, would utilize information biasly in what has been constructed to be an objective based learning environment. I feel this type of behavior

is harrasing, in its nature, subjugated [redacted] to make biased choices. My son, although an Intern, is still considered an NSA employee. As an Intern, I would expect Superiors, or employees of Seniority, to accomplish most importantly instruction during a learning internship objectively. I would expect an immediate conclusion to this behavior and would appreciate your immediate involvement and/or the person or persons that oversee the policies and/or regulations that govern this program with your agency.

I look forward to hearing from you in the near future.

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

Sincerely yours,

[redacted]

[redacted] (b) (6)

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

APPENDIX E

Email Correspondence between [redacted] & [redacted] Dated

22-23 November 2010

[Redacted]

From: [Redacted]
Sent: Tuesday, November 23, 2010 8:58 AM
To: [Redacted]
Cc: [Redacted]
Subject: RE: (U) Hey

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

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Good Morning [Redacted]

I wanted to let you know that I spoke with your supervisor [Redacted] on Friday to discuss the issues you were having with [Redacted]. Based on our conversation, this should no longer be a problem. If for some reason you do continue to have any problems, please let me know right away.

Thanks,

[Redacted]

(U//FOUO)

[Redacted]

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

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From: [Redacted]
Sent: Monday, November 22, 2010 12:18 PM
To: [Redacted]
Subject: FW: (U) Hey

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

[Redacted]

Here is the email that [Redacted] had sent me.

Thanks,

[Redacted]

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

From: [Redacted]
Sent: Friday, November 19, 2010 3:04 PM
To: [Redacted]
Subject: FW: (U) Hey

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

Here's the email I sent you yesterday.

(U//~~FOUO~~)

[Redacted]

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

From: [Redacted]
Sent: Thursday, November 18, 2010 1:26 PM
To: [Redacted]
Subject: (U) Hey

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

[Redacted]

It's obvious that you're having a bad day...which seems to tie in to the generally bad week. I just want to make sure that you don't have a problem with me or your work here. If you do, then you need to address it. If you're just having a bad day, then that's fine, but don't let it impact your work.

[Redacted]

(U//~~FOUO~~)

[Redacted]

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

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

[REDACTED]
From: [REDACTED]
Sent: Tuesday, November 23, 2010 2:11 PM
To: [REDACTED]
Subject: (U) Untitled Message

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

[REDACTED]
[REDACTED] walked me to a private office and had a conversation with me. We discussed what had happened last week. He said he was very irritated with me and that he I am not trustworthy we had discussed the evaluation and how I felt I was pressured to go to college. He said he gave me the option on whatever I wanted to do with my life and that I wasn't pushing him. I agreed to keep the conversation rolling. We discussed about part of the evaluation in which I got a bad score with dressing appropriately he said I was not professional in how I dressed. I feel as if everything I say, it gets twisted and gets turned back on me. I feel that to have a nice high school work study experience, I think I should be transferred to another office or organization because working in this office will be very awkward for it is a very biased working environment.

Thanks,

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

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

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

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

APPENDIX F

Email Correspondence between [redacted] & [redacted] Dated
23-24 November 2010

[Redacted]

From: [Redacted]
Sent: Wednesday, November 24, 2010 10:28 AM
To: [Redacted]
Subject: RE: (U) Important HSWS Information- Please Read

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

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

As a follow up to our phone call a few minutes ago, I wanted to add to your comment that the HSWS program parallels the ACE program where the supervisor should be assigning the ratings and not asking the employee for their input.

Obviously it's not the same performance evaluation system, but I actually asked for input based on the ACE model where the employee's responsibility is the following:

- Review progress toward achieving objectives
- Complete a self report of accomplishments in the ACE automated tool.
- Openly discuss progress, strengths, and areas for improvement with rater.

Source: [Redacted]

Normally [Redacted] would have filled out the form, but he was out for the day so when [Redacted] gave me the form 15 minutes before his departure time and said that he had to turn it in the next day it limited our discussion time. Based on the ACE program guidelines I had him do a self assessment while sitting with me and we discussed every trait. I closed out the meeting by telling him what a great job he was doing and that I thought he came a long way in only two months.

I'm sure we won't have any further problems in our office, but I did want to document that I think the evaluation form should be provided upon entry of the HSWS into an office. Additionally, as I stated on the phone, some written guidance should be provided on executing the evaluation.

Thanks for your time,

[Redacted]

(U//~~FOUO~~)

[Redacted]

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

From: [Redacted]
Sent: Tuesday, November 23, 2010 3:20 PM
To: [Redacted]
Cc: [Redacted]
Subject: FW: (U) Important HSWS Information- Please Read

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

Hi [Redacted]

[Redacted] works in our office and as you know he was upset about his Work-based Learning Assessment that I gave to him two weeks ago. I've discussed this with him and his main concern was that I asked him for his input. He feels that I should have graded him on his performance without his input based on guidance he received from you. I've read all of the HSWS documents/instructions that I can find and haven't found anything that specifically addresses the Work-based Learning Assessment and input from the HSWS. Can you please provide any guidance you may have that can prevent us from encountering these problems in the future?

Thanks,

[Redacted]

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

(U//FOUO)

[Redacted]

From: [Redacted]

Sent: Thursday, September 30, 2010 7:31 AM

Cc: [Redacted]

Subject: (U) Important HSWS Information- Please Read

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

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PLEASE READ THIS ENTIRE E-MAIL AND RETAIN IT FOR YOUR RECORDS AND YOUR REFERENCE

Good Morning HSWS's,

I hope everyone has been doing well in their first few weeks at the Agency, and I hope you are enjoying your jobs. Please know that if you ever have any questions or concerns please email or call me at any time. My core hours are 0800-1500, but I am usually here before and after those times. Also, my work schedule allows me to have off one day a pay period, and my scheduled day off is currently the second Monday of each pay period. I have attached a softcopy of the HSWS FAQ's for your reference. I have also included some additional information which will hopefully answer some/most of your questions.

Work Schedules: REMINDER: You **MUST** work a **MINIMUM** of 4 hours a day, Monday-Friday (**NO EXCEPTIONS**) and you should be reporting to work between the hours of 1030-1230. You **MUST** have core hours between 1230-1430 and **MUST** have a set schedule. If you need to adjust your work schedule, please make sure you receive your supervisor's approval, then e-mail both me and your appropriate [Redacted] POC as follows:

[Redacted] **POC's for the different organizations:**

[Redacted]

We will need to know the number of hours you will be working each day. Please note: Once we receive your request, the work schedule change will be made effective the next full pay period.

AWS Codes: All HSWS's should be on an AWS 2 code (which can be found towards the top left hand side of your timesheet) since your work schedule is set for a minimum of 4 hours daily. If your office requires you to be on a different AWS Code, I am okay with that, however, you **MUST** still have a set Monday-Friday work schedule as indicated above.

Holidays and Leave: We touched on this briefly on your first day, but it is important that you know and understand the rules. Unless the Agency has a scheduled holiday or your school is closed due to inclement weather (see Inclement Weather Policy below for additional information) you are **required** to report to work or use your Annual leave or Credit hours. Do not forget, all of your leave requests **MUST** be approved by your supervisor in advance. Please remember to account for your work hours daily by signing in and out on your timesheet. This will ensure you have an accurate timesheet at the end of the pay period.

Annual and Sick Leave: A HSWS earns one hour Annual and one hour Sick leave for every 20 hours worked.

Credit Hours/Overtime: If your office has additional work for you to do on your days off from school and your supervisor approves you to work additional hours, you are more than welcome to do so, but keep in mind that you cannot work more than 8 hours a day (plus your half hour for lunch). The additional hours can be counted as Credit hours or Overtime Unscheduled.

Overtime Unscheduled- You will not get paid time and a half for the overtime hours, you will only receive straight pay. This MUST be approved by your supervisor in advance because the funding will come out of your organizations overtime budget. FYI- I have been informed that the OU code will not work for AWS 2 schedules but will work for AWS 4 and 5 schedules. If you are on an AWS 2 work schedule and you find that you have been approved to earn Overtime Unscheduled, your timekeeper will need to go in to DCIPS and do a work schedule change to switch your AWS code to 4 or 5 for that pay period. HR does not have to put anything in the system to make this change effective.

Credit Hours- The amount of credit hours one can earn and carry from pay period to pay period is based on the total number of hours the HSWS is scheduled to work within a pay period (1/4 the total number worked). If the HSWS works more credit hours than they are allowed to carry over, they must use those additional hours by the end of the pay period, or they will lose them.

Our next holiday here at NSA is 11 October. On that day, you will not report to work, and you will receive holiday leave for the number of hours you are scheduled to work. If the Agency is authorized a 2 hour early release prior to a holiday (this sometimes happens right before our major holidays such as Thanksgiving, Christmas and the 4th of July) and you report to work on that (meaning you did not make plans to take leave for that entire day), then you would be entitled to the 2 hours of Administrative leave. If you have **ANY** questions about leave please do not hesitate to ask me.

Moral Building Activities (MBA): (this is taken from PMM 363 Leave, SECTION 6, Administrative Leave - Excused Absences - Duty Status):

6-17. Administrative Leave for Morale Building Activities.

Morale Building Activities (MBA) are defined as activities planned for the purpose of promoting employee morale within the employee's assigned organization and are scheduled to take place twice a year during normal duty hours. These activities are generally conducted outside the workplace and may include, but are not limited to, luncheons, picnics, bowling, movies, ball games, etc.

- **Approval Level - Designated to the lowest possible level within the organizational chain.**
- **Supervisors may authorize up to 4 hours of administrative leave for employees to attend each of the two MBAs per calendar year. These two events may not take place on the same day.**
- **Administrative leave for MBA purposes may only be received for attendance at events in the employee's current organizational chain, and may not be used for the purposes of attending events planned by an employee's former organization, a spouse or friend's organization, or a private organization.**
- **Employees may combine the administrative leave authorized for an MBA with personal leave. Absences which exceed the authorized administrative leave must be charged to personal time off, or must be made up by flexing the work schedule as authorized by management and in accordance with the employees' assigned AWS code.**
- **Employees who do not attend the morale building activity, or for whom the day or time of the MBA does not fall within their scheduled hours of duty, are not authorized the administrative leave.**

Administrative leave for attendance at MBAs must be posted on the employee timesheet in quarter hour increments. The amount of administrative leave authorized will be recorded as 'LN' and annotated in the remarks section "IAW NSA/CSS PMM 363, Section 6-17"

Example: An employee scheduled to work an 8 hour day arrives at 0800 and works until 1200. If the employee does not take a meal period during these hours, they will check the "no meal" box. The employee will then record 4 hours of administrative leave for their MBA from 1200-1600.

As a HSWS, you are entitled to attend your office's Moral Building Activity. Please keep in mind that you are not authorized a meal period (unless you are scheduled to work more than 5 hours a day), so the maximum number of hours you would be authorized would be 4 hours (if you are entitled to the meal period based on your work schedule, then you would be authorized 4.5 hours- 4 hours of Admin Leave then would mark "No Meal" for the additional 0.5 hours). If you do

not report to your office first, and you go directly to the MBA, that is fine. However you must still account for your regularly scheduled work day and will be required to take either Annual Leave or Credit Hours to make up the difference.

Dress Code: Please make sure that you are acting professionally in your jobs. When you got to your organization your supervisor should have gone over the dress code with you. Please do your best to follow the guidelines of your office when it comes to dress and your professionalism. I do understand how hard it can be to transition from school to work, but I know that you all realize that this a professional work environment and will do your best.

Orientation Evaluations: Could you please complete the attached evaluation from your orientation and provide your response to me by 13 October (please CC Deneen Ward on these evaluation e-mails as she will be compiling the information for me). You can provide your response in the Word document and e-mail it back to me when you have completed it. This evaluation will help us to improve the HSWS Orientation for the future HSWS's.

Required Courses: Many of you were given information regarding the Mandatory courses that need to be completed ASAP. I have heard that some of you have had difficulty finding the links or locations for these courses. I have attached an updated copy of the required courses (with new links or additional information for finding the course locations). If you have any problems finding these courses (using this updated information), please let me know and I will look into it.

Continued Employment: This is a reminder, employment after the HSWS Program is NOT guaranteed. At this point in time, it is WAY too early for me to know whether or not we will even have available positions for HSWS conversions. My best advice is to work hard and go above and beyond what you are expected to do. As soon as I know ANYTHING about HSWS conversions to permanent employment, I will let you know (this probably will not happen until the May timeframe). Just a heads-up... if you are eligible to convert to permanent employment, I will need either a letter or a transcript from your high school which indicates that you have graduated (or you have met ALL of your high school requirements and will be graduating on date). I will provide more information about this in the May timeframe.

Resume Review: Please do not forget, if you would like to include information regarding your HSWS employment on your unclassified resume, you will need to visit the following website and follow the instructions on the page: This process could take a few days, so please make sure you plan accordingly.

Inclement Weather Policy: This can be difficult to understand, but is important that you understand when you do and do not need to report to work. Below are the rules for Inclement Weather. You **MUST** follow these rules.

- If schools are closed for inclement weather for a **FULL DAY** then all students are **NOT** to report to work. You will receive Administrative Leave for the scheduled hours missed. You **MUST** call your supervisor to let them know that your school has been closed for a full day due to inclement weather and you will not be coming into work.

You will use the Administrative Leave (LN) code for your timesheet, and will be required to include the following in the comments section of your timesheet: ***“LN granted in accordance with Manual IAW 4-15A, Chapter 3, I, D”***

- *This one is confusing* If school is closed for a **HALF DAY** due to inclement weather then the following is true:

1. All students who would normally leave school earlier then the closure should report to work and follow the Agency inclement weather policies.

EXAMPLE: If school closes at 12 pm and you would normally leave school prior to the closure time of 12 pm then you **ARE** required to report to work on time and follow the Agency's inclement weather policy from that point.

2. All students who would normally leave school on or after the time of the closure should **NOT** report to work for that day.

EXAMPLE: If school closes at 12pm and a student would normally leave on or after the closure time of 12 pm then you **DO NOT** report to work. Please call your supervisor and let them know that your school closed prior to your departure and you will not be able to make it into the office. You will receive Administrative leave for the scheduled hours missed for that day. You cannot change your work schedule to make it so that you do not have to report to work.

- If there is a **delayed opening** of school, all students are to report to work and work their full work day. If you will be late for work due to time changes in your school schedule you must call your supervisor and let them know of the changes for that day.

If you are to report to work on one of these days and you do not feel comfortable driving or having someone drive you in these weather conditions, you are authorized to use your own Annual Leave or Credit Hours to take off for that day. Call your supervisor and let them know that you are scheduled to work, but you do not feel comfortable driving in the weather, and you will be using your own Annual Leave/Credit Hours for the time missed.

In times of bad weather, be sure to always check the Agency's operating schedule [redacted] If the Agency is closed, you obviously do not have to report to work or notify your supervisor.

I do hope that all of you are enjoying your positions here at the Agency. Please let me know if you have any problems, questions or concerns. REMEMBER... If you have questions, I (or one of my MD POC's) am the person you should be coming to for the answers.

I hope that you will enjoy your time here at NSA. Like I said previously, if you have any questions at all please do not hesitate to email or call me.

Have a great day!

[redacted]

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

(U//FOUO)

[redacted]

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(b) (6)

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

APPENDIX G

Email Correspondence between [redacted] & [redacted] Dated
10-11 February 2011

[Redacted]

From: [Redacted]
Sent: Monday, February 28, 2011 2:18 PM
To: [Redacted]
Subject: FW: (U) [Redacted] AWS and Workhours Form

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

From: [Redacted]
Sent: Friday, February 11, 2011 7:43 AM
To: [Redacted]
Subject: RE: (U) [Redacted] AWS and Workhours Form

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

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[Redacted]

I think you missed an opportunity here...

What sounds better?

I apologize that I had a few unexpected appointments come up over the past couple of weeks that made you think I abused the privilege of being on AWS4. I understand that you are moving me back to AWS2 and hope that I can prove to you over the coming weeks that I am responsible and can handle the privilege of working on AWS4. I plan to do a better job of notifying you of my leave plans and working within my set hours.

Or

(b) (6)

These new hours should help me [Redacted]

Learn from it!

[Redacted]

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

(U//FOUO)

[Redacted]

From: [Redacted]
Sent: Thursday, February 10, 2011 12:47 PM
To: [Redacted]
Cc: [Redacted]
Subject: RE: (U) [Redacted] AWS and Workhours Form

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[Redacted]

These new hours should help me

[Redacted]

(b) (6)

Thanks

[Redacted]

From: [Redacted]

Sent: Thursday, February 10, 2011 12:17 PM

To: [Redacted]

Cc: [Redacted]

Subject: FW: (U) [Redacted] AWS and Workhours Form

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

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[Redacted]

When you fill the attached form you can put that effective 2/13/2011 (pay period 5) you will be switched to AWS 2.

As a reminder AWS 2 for you means 5 work days each week, 4-hrs/day; flexible start and stop times agreed to by management and each employee; credit hours earned after 4 duty hrs/day with supervisory approval. Once your start and stop times are agreed to (see me) you can put them in the attached document and you will be expected to be here at those times. If you are not here, you will be on annual leave/credit or sick leave.

We allowed you to be on AWS 4 to accommodate your personal schedule, but you've abused the privilege so you will be switched to the more stringent AWS 2.

Let me know if you have any questions.

[Redacted]

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

(U//~~FOUO~~)

[Redacted]

From: [Redacted]

Sent: Wednesday, February 09, 2011 1:09 PM

To: [Redacted]

Subject: (U) [Redacted] AWS and Workhours Form

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

Hello Everyone,

Over the past few months a few incidents on the ops floor have driven home the need for all of us to have a set duty hours schedule with our supervisor. As I said during the Division meeting, knowing your normal work schedule is critical for managers because they need to understand what is normally late or unusual about your daily routine. Remember at NSA you only have 1 hour before leadership is supposed to begin tracking you down and you can be assessed AWOL status.

Therefore attached is a form explaining [redacted] set core hours, regulations on the work-day and extra references to guide you to further info on Overtime and premium pay... Obviously many of these issues will not apply to military members but they are still required to observe our core hours and set a schedule with their supervisors. So please take the time to read through this document, collaborate with your supervisor on you normal hours, then sign the document and send it to them.

If you have any questions don't hesitate to let me know.

Cheers

[redacted]

[redacted]

[redacted]

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

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

UNCLASSIFIED

From: [REDACTED] Division Chief

Subj: [REDACTED] **Working Hours Policy**

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

Ref: (a) PMM 362A Alternative Work Schedule Program
[REDACTED]

1. (U) The following details the [REDACTED] duty hours policy and sets both the Alternate Work Schedule (AWS) and official work hours for [REDACTED] personnel.

2. (U) [REDACTED] duty hours policy:

Flexibility. (U) [REDACTED] has flexibility to adjust work hours to meet mission requirements or accommodate an employee's schedule. However, any deviation in arrival and departure times of the set hours must be pre-approved by the supervisor.

Core Hours. (U) [REDACTED] daily core hours are from 1000-1400. Employees must be at their appointed place of duty, i.e., your desk, a meeting location, training classroom, etc. during those hours. Missed core hours must be charged as leave unless arrangements have been pre-approved by the supervisor. Leave includes authorized paid leave, compensatory leave (comp time), credit hours or time-off award hours. If prior arrangements have not been made and an employee cannot charge the missed core hours as leave, then the missed hours will be counted as 'absent without leave' (AWOL) for that period of time. Alternatively, the [REDACTED] Chief may, at their discretion, approve leave without pay.

Workday Starts. (U) The workday begins upon arrival at your duty location for the day, i.e., your desk, a meeting location, training classroom, etc. The duty day does not include preliminary activities such as time spent driving through the vehicle gate, parking, walking to the building, entering through CONFIRM, or walking to the office. Similarly, the workday ends when you leave your duty location at the end of your workday and does not include walking to and exiting through CONFIRM, walking to your car, etc. Additionally, per federal regulations, your normal home-to-work commute, and vice versa, is not compensable.

(U) If for any reason, an employee is not going to arrive at their duty location on time, they must notify their supervisor as soon as possible but no later than one hour after their designated start time. If the supervisor has not heard from the employee within one hour after their designated start time they will be determined to be AWOL and security procedures will be initiated in accordance with NSA policy. Notification has not taken place until acknowledgement is received from the supervisor.

Meal Periods. (U) Employees must account for a 30-minute, non-duty, meal period when working five (5) hours or more during the same workday. Employees who work less than five hours in the same day are not required to account for a meal period. High School Work Study (HSWS) employees must also account for a 30-minute, non-duty, meal period after five hours of work on the same workday. Employees are only authorized to deviate from this policy upon pre-approval from the supervisor.

Optional Flex Days (Saturday and Sunday). (U) Work on these days must be pre-approved by the supervisor. These days have no daily core times and do not require meal periods. Regular (RG) and credit (CD) hours may be earned during Flex days.

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Basic Work Requirement. (U) AWS Code 4 has an 80-hour, ten day work requirement. Workdays can be longer or shorter than the normal 8 hours without the need to supplement the short days with paid leave or equivalent. However, any deviation to a 8 hour day must be coordinated with, and approved by, the supervisor.

Individual Work Schedules. (U) Employees must have an authorized, and documented, daily/weekly work schedule. This document will suffice for the requirement. All schedules must indicate set hours. Additionally, the [redacted] J-Signout will list the set hours for all government employees.

Credit Hours. (U) Credit hours can only be earned with supervisory pre-approval. After 80 work hours have been accrued in Week 2 under AWS Code 4, credit hours may be earned. See reference (a), para 2-5 for specific guidance.

Premium Pay. (U) See reference (a), para 2-7 for specific guidance.

Overtime. (U) See reference (a), para 2-7.B. for specific guidance.

Temporary Duty (TDY). (U) Work schedule(s), premium pay applications, and the earning and use of credit hours while TDY will be discussed with supervisor before departing on TDY.

3. (U) NSA employees are responsible for accurately documenting their time and attendance. Failure to annotate timesheets accurately may result in administrative action.

4. (U) This paragraph documents the AWS code and duty hours for the following individual:

- Effective as of 02/13/2011 and Pay Period 5, your AWS code is: 2
- Your duty hours are: 1200-1600

I have read and fully understand the [redacted] Working Hours policy contained in this memo.

Employee: [redacted]

Date: 02/13/2011

[redacted]

Supervisor: _____

Date: _____

UNCLASSIFIED

(b) (6)

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

APPENDIX H

Email Correspondence between [] & [] Dated
28 February 2011

[Redacted]

From: [Redacted]
Sent: Monday, February 28, 2011 10:00 AM
To: [Redacted]
Subject: RE: [Redacted]

No problem...he worked this all out with his supervisor [Redacted] so that he was able to complete his hours [Redacted] and it should not be a problem going forward anyway. There is some confusion about last Tuesday - - the way he was called out on giving notice about his hours - he was never approached, but an e-mail was sent out announcing his abuse of his hours... I will have him contact you directly.

Thanks for your attention to this.

[Redacted]

Teacher

[Redacted]

(b) (6)

From: [Redacted]
Sent: Monday, February 28, 2011 9:32 AM
To: [Redacted]
Cc: [Redacted]
Subject: RE: [Redacted]

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

Good Morning [Redacted]

Thank you for the e-mail. We too were closed on Tuesday, so I am a little confused about what they are giving him a hard time about. Even if we were not closed, since school was closed all day due to the inclement weather, he would have been excused from work (he just would have been required to notify his supervisor, but since we were closed, that was not necessary).

In regards to [Redacted] he should not have been approved to leave early to do that (at least not on a daily/weekly basis). As you are aware, HSWS participants are required to work a minimum of four hours a day, Monday through Friday, and report to work between 10:30am and 12:30pm each day. If he was not doing this, then he was not meeting the HSWS Program Requirements.

Could you please have [Redacted] contact me? I need to get additional information/clarification before I can proceed. I am sorry that he is having so many problems.

Thanks again for the information,

[Redacted]

[Redacted]

Mailing Address:

National Security Agency
9800 Savage Road
Ft. Meade, MD 20755-6779
ATTN:HSWS

-----Original Message-----

From: [redacted]
Sent: Monday, February 28, 2011 8:29 AM
To: [redacted]
Cc: [redacted]
Subject: [redacted]

(b) (6)

Hi [redacted]

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

Hope all is going well for you in the processing of new applicants.

One of our current HSWS students, [redacted] is having issues with his colleagues. This is the same student who had issues with [redacted] back when evaluations were due.

[redacted] was on a AWS-4 (I personally do not understand what this is, but apparently it is important) where he could take off early [redacted] Last Tuesday the County schools had a snow day.

Well, he is now on a AWS-2 and they told him that he did not request the time off. His understanding, as is ours, is that when it is a snow day for schools, they do not work.

In response to this supposed transgression, rather than approach the student, [redacted] and [redacted] sent an e-mail message to all [redacted] (again do not know what this is) telling them that [redacted] is abusing the code.

He is embarrassed by this and did not want me to tell you because apparently the last time we spoke to you about evaluations, they were not happy with him!

[redacted] loves his job, but they are making things a little difficult. He finishes all work by 1:30, asks for more, but is not given any. They did not want to show him where to look up the code for the snow day. They are telling him that he is not giving appropriate notice, etc.

Wanted to keep you in the loop.

Thanks for your attention,

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

[redacted]

Teacher

[redacted]

Please consider the environment before printing this e-mail.

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

APPENDIX I

Email from [redacted] to [redacted] Dated 28 February 2011

From:
Sent:
To:
Subject:

[Redacted]
Monday, February 28, 2011 12:51 PM
[Redacted]
(U) Untitled Message

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

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

[Redacted] (b) (6)

Hello again we recently discussed a couple months ago about a coworker named [Redacted] and how I had some problems with him. Well the problems are happening again and I feel uncomfortable working in the environment that I am in. First there was a incident where I was taken off a AWS code because I "abused" the code. What I mean by this is that I was AWS 4 and from what I was told you can work and get your 20 hours however you want too but you have to have 20 hours a week but you can take off every once in a while in case of emergency. Now [Redacted] and im still in highschool and I was moved to AWS 4 for the [Redacted] so I can work out my schedule so I don't miss work [Redacted] In the last 5 months that I have been working here I have taken off 3-4 times unless and left early a couple of times [Redacted] and everything. [Redacted] sent me a email that also was forwarded to the [Redacted] leaders which im guessing is all the chiefs and supervisors in [Redacted] and he had told me that I am moving to AWS 2 because I abused the code. Now I have too say that I do not think I abused the code. I know I moved for [Redacted] but I do not appreciate being called out in front of everyone that got the message and being changed to a new code in which I didn't do anything wrong. I will send you the message. Another thing I have to bring up is that we had off on Tuesday due to bad weather and I went into the office and I asked what remarks we have to make on our timesheet when we put down administrative leave and another coworker of mine [Redacted] and she said I should have known. I told her I didn't know because I have never received LN for coming in late or having off. She told me find it. I asked what do I look for because I didn't know what to type in google to help me look for an answer. All of a sudden [Redacted] comes in without saying a single word and said well why don't you look for it. I thought that was kind of mean because you know me being a hsws and not having worked in NSA before. I think I have the right to ask and get help from people who are working at NSA. So about 10 min passed and he got up walked over to my desk and told me what to do in a stern voice and I felt uncomfortable. One last thing that has happened is that [Redacted] stopped talking to me for about a week and a half but what I don't understand is that I walk in today and [Redacted] which I feel is a little weird because he does these things and then nice. I might add in there that since [Redacted] doesn't talk to me much anymore he is the one that gives me projects, and without him talking to me I do not get any work. So I have been coming to work the last week and have been working for a hour and a half to two hours and then just sit at my desk for the rest of the time. I do get up and ask if anybody has work but they all say no. I feel uncomfortable working in this environment [Redacted] and I would appreciate it if I got a transfer. Thank you,

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

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

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

APPENDIX J

Email from [redacted] to [redacted] Dated 04 March 2011

⋮

(b) (6)

[Redacted]

From:
Sent:
To:
Subject:

[Redacted]
Friday, March 04, 2011 7:47 AM
[Redacted]

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

Hi [Redacted]

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

[Redacted] understands that you are meeting with [Redacted] today. He also would like a meeting with you. I am not sure what is going on. He never minds when they are discussing work, but it appears that there is a level of bullying going on here, that I personally find unacceptable and [Redacted] as a HSWS student, definitely should not be required to tolerate.

Let me know steps can be taken in this regard. Thanks,

[Redacted]

Teacher

[Redacted]

(b) (6)

Please consider the environment before printing this e-mail.

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

APPENDIX K

Email from [redacted] to [redacted] Dated 07 March 2011

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

[Redacted]

From: [Redacted]
Sent: Monday, March 07, 2011 2:58 PM
To: [Redacted]
Subject: (U) Meeting

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

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

[Redacted]

I haven't met with [Redacted] yet, but will later this week. I'd like to give you an opportunity to meet with me prior to me talking with her. Please reply to this email stating that you want to meet with me or not. My intent is to understand your side of the story before I brief her on my side of the story.

[Redacted]

(U//~~FOUO~~)

[Redacted]

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

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

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

APPENDIX L

Emails between [redacted] & [redacted] Dated 14 March 2011

⋮

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

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

From:
Sent:
To:
Cc:
Subject:
Attachments:

[redacted]
Monday, March 14, 2011 2:22 PM
[redacted]
RE: (U) HSWS Meeting reschedule
[redacted] Timesheets.pdf; [redacted] Timesheet resubmit.pdf; RE: (U) What time did you leave on Friday 2/25?; RE: (U) [redacted] AWS and Workhours Form

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

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

[redacted] has 3/15 from 1500-1600 and 3/17 from 1400-1600 open on his calendar...is there a time in there that will work for you?

I'll address some of the concerns in advance from my point of view, however, I'm not really sure what concerns [redacted] has relayed to you.

Returning to AWS 2:

- In December, after the last time [redacted] contacted you with concerns, I agreed to move him to AWS 4 so that he could [redacted]. I was aware of your mail dated 9/30 to the HSWS members stating that they needed to be on AWS 2, but it also said "if your office requires you to be on a different AWS Code, I am okay with that" so I used that as a basis for changing his AWS to accommodate his desires.
- Even though we had discussed with him the need to identify any schedule change in advance, he could never stick to it. On several occasions he would call in and state that he wasn't coming in and he would make up the hours later in the pay period. At that time I told him that was not the intent of putting him on AWS 4 and reminded him that AWS 4 required him to work 10 days in the pay period.
- For the PP ending 2/12, he called in the first Monday and said he'd make up the hours. On the second Tuesday, he showed up and said that he'd "only be here an hour today and wouldn't be here tomorrow". Three times in an 8 day period was enough...I had [redacted] talk with him about requesting leave in advance and we both agreed to put him back on AWS 2.
- When he came back to work, I told him that he had been abusing AWS 4 by not working 10 days in the period and that he would be placed back on AWS 2. He didn't understand why we didn't have him on AWS 5 to begin with so that he could only work 8 days. I explained to him that he is a HSWS and is required to work 4 hours every day.
- In attached email (re [redacted] AWS and Workhours form), he stated, "These new hours should help me [redacted]"

(b) (6)

Time card discrepancy:

- He submitted timesheet dated 2/26/11 (attached in file [redacted] timesheets) stating that on the second Friday (2/25) he left at 1600.
- On 3/1 I was notified that he left early on 2/25 so I sent him the attached email (RE: what time did you leave on Friday 2/25). On 3/1 he submitted a second timesheet (attached - [redacted] timesheet resubmit) and stated that that it was the timesheet he originally submitted to me and that he didn't know where I got the first one from. The timesheet that he claims to be the original is time stamped 3/1 13:03 in his digital signature. Although he argued with me that it was the timesheet he submitted on Friday 2/25.
- He asked me to sign it and I said I wouldn't until I discussed it with you.

Appearance:

- Upon reporting to [redacted] he was aware of the requirement to wear a collared shirt every day.

- For the first four weeks he wore a dress shirt with a tie and dress pants every day except Friday. It was actually quite impressive.
- Starting in late October/early November, he started wearing [redacted] over his dress clothes. (this was discussed the last time we had a problem)
- In early January, he has started wearing [redacted] almost every day. In fact, a couple of weeks ago he wore an [redacted]. When [redacted] asked him about it, he [redacted] said, "it has a collar". I'm replaying the scene here but understand that it was done with a certain lack of respect.

(b) (6)

Internet usage:

- When [redacted] first started he was given a [redacted] account (unclass internet) to use for research. I told him he could check his web-based e-mail during lunch.
- That access has deteriorated to near constant usage. On 2/25 he was caught on Craigslist.com [redacted]. [redacted] he was told that if he was on there again he would lose his access.
- On Monday (3/7) he minimized the browser when I walked up on him. I asked him what he was looking at and he said nothing. I ask again and he said he wasn't doing anything. I asked him to show me the browser history and he said "it's none of your concern". We've since revoked his access.
- He does continue to spend significant time on NSA trading even though he has tasks that need to be completed.

Lack of concern:

- On 2/28 I walked up on him reading a computer gaming magazine at his desk. Even if he wasn't directly tasked, he has reoccurring tasks that he keeps up with or he could have come to [redacted] leadership to see if we had anything for him to do, but he didn't. Just the fact that he had the magazine with him demonstrates intent.

Quarterly evaluation:

- We filled out a quarterly evaluation on him in November (that was the basis for the first phone call to you). At the time he told me that it was a requirement before he could get his grade.
- Since that November evaluation, we've never filled out another evaluation even though he's completed another semester.
- In the same timeframe, the other [redacted] ISWS who goes to the same school and has completed an additional evaluation.
- Can you check with the school to see if they've received one or two evaluations on [redacted]?

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

Lack of Respect:

- After I talked with you on 3/10, you stated that you wanted to know the office's intent. (stay in [redacted] move to new office, etc.)
- On 3/11 I asked [redacted] to meet with me so that I could find out what his desires were.
- While walking to the meeting he turned back, started walking away and said, "I'm not going to talk with you". I told him he didn't have a choice, so we met.
- At the meeting the only thing that he would say to me is "I want to be reassigned to a new office" and "I'll tell [redacted] my concerns".

Summary:

[redacted] demonstrates a lack of:

- Credibility
- Accountability
- Integrity
- Respect

[redacted] desire is to move to another office. He's created his environment here by demonstrating a lack of all of the above and continues to blame us. [redacted] is out today, so I won't speak for him, but I believe that [redacted] should remain in our office. I've spent a lot of time mentoring and helping [redacted] adjust to work here at NSA. I enjoy working

with him when he represents himself as a young professional willing to work. However, he goes through phases when he has a bad day and doesn't want to talk with anyone. It is a surly attitude which is unprofessional and intolerable to his office coworkers and supervisors. He needs to understand the opportunity that he is wasting. I fully support him staying here in [redacted] and getting back on track, but right now he consumes way too much of our time and we receive little return on our investment.

Looking forward to meeting with you later this week.

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

(U//FOUO)

[redacted]

From: [redacted]
Sent: Monday, March 14, 2011 9:59 AM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) HSWS Meeting reschedule

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

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Good Morning [redacted]

I just checked my calendar and it looks like I should be available any day but Wednesday. Please let me know when we can reschedule. Also, if you have any information I can start reviewing prior to the meeting, could you please send that to me as well?

Thanks,

[redacted]

(U//FOUO)

[redacted]

Personnel Privileged Information

Do not release without permission of DJHP

Do not further release without approval from originator

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From: [redacted]
Sent: Monday, March 14, 2011 9:56 AM
To: [redacted]
Subject: (U) HSWS Meeting reschedule

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

[Redacted]

We are scheduled to meet today @ 1200, however, [Redacted] has called in sick today. Would it be possible to reschedule for later in the week? If so, can you provide your availability?

Thanks,

[Redacted]

(U//~~FOUO~~)

[Redacted]

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

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

APPENDIX M

Emails from [] to [] & [] Dated
24 March 2011

[Redacted]

From: [Redacted]
Sent: Thursday, March 24, 2011 1:49 PM
To: [Redacted]
Cc: [Redacted]
Subject: (U) Correction: M/R - Meeting on 24 March 2011
Signed By: [Redacted]

(U//FOUO) [Redacted] counseled [Redacted] managers in Nov 2010 (not 2011).

[Redacted]

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

From: [Redacted]
Sent: Thursday, March 24, 2011 1:44 PM
To: [Redacted]
Cc: [Redacted]
Subject: (U) M/R - Meeting on 24 March 2011

Purpose: (U//FOUO) To document a meeting on Thursday, 24 March 2011, regarding alleged inappropriate discussions of a sexual nature between [Redacted] and [Redacted] (HSWS assigned to [Redacted])

Attendees: (U//FOUO) [Redacted] and [Redacted] (b) (3) - P.L. 86-36 (b) (6)

Discussion: (U//FOUO) (REL) The purpose of the meeting was to discuss alleged inappropriate discussions of a sexual nature that took place between [Redacted] and [Redacted] in 2010 and 2011 on at least two occasions, as reported by [Redacted]

- (U//FOUO) In Nov 2011, [Redacted] counseled [Redacted] managers, including [Redacted] about inappropriate jokes in [Redacted] presence.
- (U//FOUO) [Redacted] asked [Redacted] to direct [Redacted] to document the alleged inappropriate discussions between him, [Redacted] and [Redacted] by COB Monday, 28 March 2011. [Redacted] is to send his documentation to [Redacted] and [Redacted]
- (U//FOUO) [Redacted] will ask the HSWS, [Redacted] to have [Redacted] document what happened.
- (U//FOUO) [Redacted] and [Redacted] will meet during the week of 28 Mar - 1 April to discuss after they have an opportunity to review [Redacted] documentation.
- (U//FOUO) There is no need for [Redacted] and [Redacted] to meet on 25 March to discuss this issue as previously planned.
- (U//FOUO) [Redacted] will meet with the HSWS, [Redacted] and her supervisor, to discuss the [Redacted] course of action.

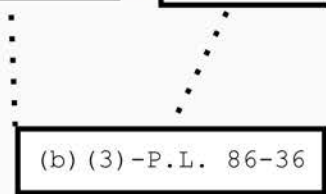
[Redacted]



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

APPENDIX N

Emails between [redacted] & [redacted] Dated 28 March 2011



[Redacted]

From: [Redacted]
Sent: Monday, March 28, 2011 1:28 PM
To: [Redacted]
Subject: RE: (U) [Redacted]

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

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[Redacted]

The first I would say the end of November towards thanksgiving and the next was mid-December or end of December I know it was right around winter break which are for schools, may I ask if [Redacted] is getting investigated?

From: [Redacted]
Sent: Monday, March 28, 2011 1:26 PM
To: [Redacted]
Subject: RE: (U) [Redacted]

Hi [Redacted] - the first was when he commented on [Redacted] the second on [Redacted] Do you remember when that was?

[Redacted]

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

From: [Redacted]
Sent: Monday, March 28, 2011 1:11 PM
To: [Redacted]
Subject: RE: (U) [Redacted]

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

Ms [Redacted]
Sorry but what 2 occurrences are you talking about?
Thank you,

[Redacted]

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

From: [Redacted]
Sent: Monday, March 28, 2011 1:10 PM
To: [Redacted]
Cc: [Redacted]
Subject: (U) [Redacted]

Hi [Redacted] - Thank you for writing this up. One more question for you - do you remember when two occurrences happened?

[Redacted]

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

From: [Redacted]
Sent: Monday, March 28, 2011 12:41:PM
To: [Redacted]
Cc: [Redacted]
Subject: (U) [Redacted]

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

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

Hey [Redacted]
How are you?

From what I was told you would like me to tell you everything about the inappropriate talks regarding people in the office I had with [Redacted] to understand my side of the story?

Ok here it is....

The first occurrence would be that I was doing a task with [Redacted] I do not remember what the task was but I had asked him to come over to my desk and help me with the task because I didn't understand what I was doing and I didn't mess up. [Redacted] walk over and said something...I think it was your wife is on hold or something like that. After [Redacted] walked away to go back to her desk, [Redacted] looked at her and then looked at me and said [Redacted] I said [Redacted] I'm not answering that because I don't look at co-workers like that." [Redacted] said something on the lines as "ok fair enough"..... I'm sorry if I don't remember exactly what he said.

The second occurrence was on the same lines as the first occurrence because again I needed help on a assignment and [Redacted] walked over to my desk to help me out. This is different because this time a different lady walked over whose name is [Redacted]. sorry if I missed spelled that. Anyway she walked over to talk to [Redacted] about something she was working on. After their short maybe 5 min conversation which was next to my desk, [Redacted] walked away and [Redacted] watched her walk away and that leaned down and said to me [Redacted] I said [Redacted] no I wouldn't I told you I do not look at co-workers like that" [Redacted] says "your right" and finishes helping me do my project.

The third time was when all the [Redacted] and the [Redacted] [Redacted] A [Redacted] by the name of [Redacted] was in the [Redacted] office where [Redacted] and I were working. After I talked to [Redacted] about a assignment I walked back to my desk to do the project. A Co-worker named [Redacted] came and talked to me about a different project and told me I needed to know some people cause those were the people I would be working with to do the project. [Redacted] was one of them. [Redacted] brought me over to introduce me to her. She was talking to someone at the time and [Redacted] interrupted and introduced me we exchange names and said nice to meet you to each other. I told her I was the HSWS (high school work study) of the office and if she needed anything just let me know. She said ok and we all [Redacted] and I) began to talk about the project [Redacted] was talking to me about earlier. After all that happened I walked back to my desk and [Redacted] came over and started talking to me about the project. I didn't need help at the time, but [Redacted] talked to me about. That [Redacted] came over and talked to [Redacted] right by my desk, just like the first two occurrences. [Redacted] introduced us but we had already met and we told [Redacted] that. After the y had gotten done talking, [Redacted] watches her walk away and looks over all the cubbies I guess to see if anybody was around and said [Redacted] I say "no" he says [Redacted] after he said that he said [Redacted] and he said [Redacted] I go "ok" I told him twice before that I don't look at co-workers and he didn't listen to me.

I would say the first occurrence happened in November, the second occurrence happened towards the end of December, and the third occurrence happened when the [Redacted] came in because that was [Redacted] first day from what I was told by [Redacted] who introduced me that day. I would say that is Mid-January.

I hope this helps you better understand what the inappropriate talks were about.

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

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

Release: 2019-02 (6)
NSA:07178

I also want to Thank you again for offering me a job in [redacted] but I'm sorry but I am declining the offer. I am working in a different office so I can get away the other people in [redacted] so there is not a awkward situation.

Thank you,

[redacted]

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

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APPENDIX O

Emails between [redacted] & [redacted] Dated 24-29 March 2011

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

From: [redacted]
Sent: Tuesday, March 29, 2011 12:39 PM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) Please Read - Action - HSWS Issues

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

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

Below is the statement of what you asked and some background on this case as I know it. As directed, [redacted] was asked to provide his part of what happened in November and [redacted] will be asked to document his point of view but neither [redacted] or I were present during the "alleged" inappropriate jokes/comments. [redacted] is currently on leave and will return next Monday.

As far as I know [redacted] complaints about his environment and the inappropriate comments in [redacted] began in November of 2010 after his first evaluation. His complaint came about a week after his eval was completed by the Branch chiefs [redacted] and [redacted]. I was not involved because I was on leave at the time. [redacted] brought the evaluation to their attention shortly before it was due and [redacted] jokingly gave him all 0's because he was told to quickly fill it out. After what the Branch chiefs contend was funny banter about the grade, [redacted] methodically went through the eval with [redacted] asking him to discuss his performance and what he thought he deserved in each category. [redacted] received high marks because we all thought his performance was great and we all thought it showed in his eval. When I first heard of his displeasure about the eval I demanded to see it. When I saw it I then asked, "What's wrong here? This looks great." As you can see from my email to the HSWS coordinator on 19 November we were all surprised by his complaint at the time:

"They admit they were lightly joking with him like usual during the assessment [redacted] filled out but that they walked him through a fair assessment of his performance. (as you can see in the scores) Also they gave him the report on Wednesday of last week and last Friday he seemed fine so they are again unsure what went wrong.

They insist that while they were jokingly writing down "0"s on his form at first, they had a friendly banter about his actual performance. They also explained that his work measured up to their expectations and that is why he received the good score that he did. They never intended to scare him and they have apologized and talked to him about everything in a professional manner. In their defense, the Branch chiefs and my deputy, talk to him and task him primarily during the day and have **Nothing** but good things to say about his performance. Granted he is a high schooler so he has not been perfect but we have no real complaints... I believe the stress of [redacted] and misunderstandings with the Branch chiefs led to his complaint and I have made it clear to him that he needs to bring any more issues or complaints to me if he is bothered in the work place. After the Branch chiefs and I talked to him today he seemed fine and I think we can all get back to work without any further misunderstandings."

Keep in mind that in November his complaint to his parents and the HSWS coordinator included a slew of things to include the inappropriate joke, the eval, our advice about his post high school plans, comments on [redacted]. He mostly came to us asking for advice on these issues much like the previous HSWS student [redacted]. For her, we helped review her resume, recommend her to other

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NSA:07181

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

offices and I personally talked to her perspective employers recommending her. **So this was so strange to us that we were now being chastised for providing the advice that he sought.** The sexual "joke/s" incident was not seen as a major part of his complaint, it looks like it was thrown in there to top off the list. We believe that he reiterated the advice we gave him about going to college instead of working here full time after High school to his parents and they were angered. That is likely why his dad called the HSWS program coordinator complaining that we were trying to control him and making him feel uncomfortable. **We were blindsided by the odd complaint because he showed no outward signs of discomfort.**

Regardless I talked to [redacted] immediately about the sexual comments made to [redacted] and told him this was not appropriate within the work center and especially to a HS student. **He agreed and apologized to [redacted] right away. [redacted] has repeatedly admitted that this occurred in November and that he apologized.** Just for good measure I had the same discussion about inappropriate discussions at work to anyone within possible earshot (at the time [redacted] and [redacted] I wanted everyone to understand that [redacted] was a teenager and that it is inappropriate to discuss situations or jokes of a sexual nature at work period, regardless of age...

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

So post November **EVERYONE** was very careful about what they said within earshot of [redacted]. Everyone in [redacted] chain of command is currently or former military so we all have had a considerable amount of sexual harassment training and know the issues that can arise if someone files a complaint. Also I had no less than 3 discussions with [redacted] between November and this March telling him that if he felt uncomfortable, underutilized or bothered by anyone in the division that he needed to come talk to me or our deputy immediately. He never did. I never escalated any of these issues to [redacted] leadership because each time we were able to handle [redacted] concerns or issues with the HSWS coordinator as far as we could tell. But it seemed that every time [redacted] was corrected for his time & attendance issues, work ethic, appearance, inappropriate internet usage or attitude he would complain to the HSWS coordinator that we were treating him poorly. **He also had good days and bad days depending on how [redacted] conflicted with his work responsibilities,** this is documented in my previous email and the email [redacted] wrote detailing his problems with [redacted] to the HSWS coordinator this month.

(b) (6)

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

Therefore after this one inappropriate incident that occurred in November I am unaware of any other sexually explicit jokes or comments made to [redacted]. I am not sure what [redacted] will state but As far as I can tell [redacted] comment at the end of his last meeting with the HSWS and our Branch Chiefs is complete hyperbole. After the meeting the HSWS coordinator told me about [redacted] comment and I told her again that he is exaggerating the situation because I have no reports or evidence that any other inappropriate comments were made to him after November. I also told her that [redacted] was counseled after the incident and others were briefed on appropriate conversations in the workplace.

Even with [redacted] comment during the meeting last week and his behavior, [redacted] and [redacted] still recommended that he stay in the division so that he could be brought back to his former work ethic. I disagreed with them and recommended to the HSWS that he move as he requested to another office because he obviously was too immature to stick to his schedule, report his work hours correctly, work with direction, follow his dress code or act professionally in [redacted]. My Branch chiefs spent many valuable hours trying to correct his behaviors and in the final analysis I did not think his contribution to the division was worth the continued effort to correct his behaviors.

If you have any further questions about [redacted] I am of course at your disposal.

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

Sincerely,

[Redacted]

[Redacted]

From: [Redacted]

Sent: Tuesday, March 29, 2011 9:49 AM

To: [Redacted]

Cc: [Redacted]

Subject: (U) Please Read - Action - HSWS Issues

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

Hi [Redacted]

~~U//FOUO~~

1. Please ask [Redacted] to send a summary of the alleged inappropriate discussions that took place between him and [Redacted] former HSWS. It was due COB Monday, 28 March 2011. The HSWS provided a statement. (If [Redacted] sent it to you, please send a copy to [Redacted] and me.)

~~U//FOUO~~

2. The HSWS Program Manager had said that on the day when [Redacted] managers [Redacted] and [Redacted] met with her, the HSWS said during the meeting *'the sex talk needed to stop'*. [Redacted] didn't deny it and apologized. You had already left, but [Redacted] was there. Please ask [Redacted] to document this part of the discussion.

~~U//FOUO~~

3. Lastly, please document any discussions you had regarding [Redacted] and the alleged inappropriate discussions between him and the HSWS.
 - o You mentioned counseling [Redacted] at one time about an inappropriate joke(s). Please provide details.
 - o Please write up a summary of your discussion with:
 - the HSWS [Redacted] after she called to let you know that she had followed up with EEO regarding the HSWS's comment that *'the sex talk needed to stop'*. What follow-up actions did she say you needed to take regarding [Redacted] and did you take them? Please document any follow-up discussions you had with [Redacted]

Thank you.. [Redacted]

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

[Redacted]

From: [Redacted]

Sent: Thursday, March 24, 2011 1:49 PM

To: [Redacted]

Cc: [Redacted]

Subject: (U) Correction: M/R - Meeting on 24 March 2011

(U//FOUO) [Redacted] counseled [Redacted] managers in Nov 2010 (not 2011).

[Redacted]

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

From: [Redacted]

Sent: Thursday, March 24, 2011 1:44 PM

To: [Redacted]

Cc: [Redacted]

Subject: (U) M/R - Meeting on 24 March 2011

Purpose: (U//FOUO) To document a meeting on Thursday, 24 March 2011, regarding alleged inappropriate discussions of a sexual nature between [Redacted] and [Redacted] (HSWS assigned to [Redacted])

Attendees: (U//FOUO) [Redacted] and [Redacted]

Discussion:

(U//FOUO) (C//REL) The purpose of the meeting was to discuss alleged inappropriate discussions of a sexual nature that took place between [Redacted] and [Redacted] in 2010 and 2011 on at least two occasions, as reported by [Redacted]

- (U//FOUO) In Nov 2011, [Redacted] counseled [Redacted] managers, including [Redacted] about inappropriate jokes in [Redacted] presence.
- (U//FOUO) [Redacted] asked [Redacted] to direct [Redacted] to document the alleged inappropriate discussions between him [Redacted] and [Redacted] by COB Monday, 28 March 2011. [Redacted] is to send his documentation to [Redacted] and [Redacted]
- (U//FOUO) [Redacted] will ask the HSWS [Redacted] to have [Redacted] document what happened.
- (U//FOUO) [Redacted] and [Redacted] will meet during the week of 28 Mar - 1 April to discuss after they have an opportunity to review [Redacted] documentation.

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

- (U//~~FOUO~~) There is no need for [redacted] and [redacted] to meet on 25 March to discuss this issue as previously planned.
- (U//~~FOUO~~) [redacted] will meet with the HSWS [redacted] and her supervisor, to discuss the [redacted] course of action.

[redacted]

[redacted]

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

Derived From: NSA/CSSM 1-52

Dated: 20070108

Declassify On: ~~20360301~~

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

APPENDIX P

Emails with [redacted] Summary of Events Attached, Dated
29 March 2011

[Redacted]

From: [Redacted]
Sent: Tuesday, March 29, 2011 3:36 PM
To: [Redacted]
Subject: FW: (U) HSWS issue
Attachments: [Redacted].Statement.doc

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FYI... [Redacted] comments
Cheers

[Redacted]

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

[Large Redacted Block]

From: [Redacted]
Sent: Tuesday, March 29, 2011 3:19 PM
To: [Redacted]
Cc: [Redacted]
Subject: RE: (U) HSWS issue

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

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[Redacted]

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I've attached a statement to address the concerns.

Please let me know if you have any questions.

[Redacted]

(U//FOUO)

[Large Redacted Block]

From: [redacted]
Sent: Tuesday, March 29, 2011 1:02 PM
To: [redacted]
Cc: [redacted]
Subject: (U) HSWS issue

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

Classification: ~~CONFIDENTIAL//REF TO USA, AHS, CAN, GRR, NZI~~
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Hi [redacted]

Below is the guidance from [redacted] (section 1) About what you need to include in the writ-up. She wants you to list your interaction with him because all they have is [redacted] story. You need to defend your position. [redacted] she has asked that you write up an email detailing your point of view about the meeting as well. Please see section 2. Her request below:

(U//~~FOUO~~)

1. (U//~~FOUO~~) Please ask [redacted] to send a summary of the alleged inappropriate discussions that took place between him and [redacted] former HSWS - [redacted] It was due COB Monday, 28 March 2011. The HSWS provided a statement. (If [redacted] sent it to you, please send a copy to [redacted] and me.)

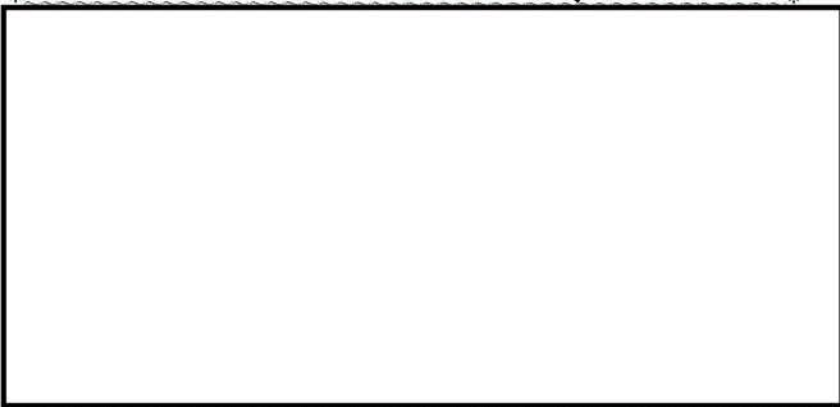
(U//~~FOUO~~)

2. (U//~~FOUO~~) The HSWS Program Manager had said that on the day when [redacted] managers [redacted] [redacted] and [redacted] met with her, the HSWS said during the meeting 'the sex talked needed to stop.' [redacted] didn't deny it and apologized. You had already left, but [redacted] was there. Please ask [redacted] to document this part of the discussion.

Cheers

[redacted]

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



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Dated: 20070108
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(b) (3) - P.L. 86-36
(b) (6)

March 29, 2011

From: [redacted]

Subject: Statement concerning interactions with [redacted] (b) (3) - P.L. 86-36

The following statement is submitted based on facts that I can recall to the best of my ability:

[redacted] started working in [redacted] in September 2010. He was directly assigned to [redacted]. The understanding in the office was that [redacted] would take his day to day tasking from [redacted] and me. [redacted] presented himself very well and immediately hit the ground running. He would complete tasks very quickly and be at the ready to complete additional tasks. Often times he would swing by just to chat during down times. He always had a story to tell, some of which didn't always make sense. From nearly the start, I talked with [redacted] about credibility. I had him look the word up in the dictionary and read it back to me. I told him that he is going to have credibility; he needed to tell the same consistent story, preferably the truth, because as it stood his stories were all over the place.

Within weeks of arriving to [redacted] I was off on a Friday. When I returned on Monday I was told by [redacted] that [redacted] had used homosexually derogatory terms [redacted] to one of our gay employees. She told [redacted] that he needed to apologize, but he didn't want to. When [redacted] arrived at work on Monday, I immediately pulled him aside and had him describe the situation from the previous Friday. I told him it was wrong and I'd have to figure out what we would do about it. I made the decision to have him apologize to the person and made it clear to him that this kind of behavior would not be tolerated. I also asked [redacted] to check with the employee to see if she was okay. From that point on, I became somewhat of a mentor to [redacted]. I believe he looked up to me and respected me. We often told [redacted] to tone it down if his conversations weren't appropriate for the work space, sometimes [redacted] would tell me stories, which as the adult I felt needed more prying. For example, he told me that [redacted]. I asked him what that was and as he described it, [redacted] told [redacted] "you shouldn't be talking about that stuff and work". I stated to [redacted] that what he described was [redacted]. I explained to him what [redacted] was and that if he felt things had gotten out of hand, then he needed to report it. He also told me of a High School Work Study friend of his that he knew was smoking pot. I then had him describe the situation to me and said that if he saw the friend smoking pot, then he needed to report it. [redacted] stated that he had not actually seen him; he just knew he was, and I recommended that he report it. [redacted] often asked me questions that I would not answer because I didn't feel it was appropriate, in fact I once told him that he'd have to wait until he was 18 before I would answer his questions. I never talked with [redacted] about anything that you wouldn't see on TV. In fact, I wouldn't even let [redacted] swear in the workspace; however, as time went on I wasn't as strict with him as I should have been.

(b) (6)

On November 9, [redacted] asked me to complete his evaluation that he was required to turn in the next day at school. Since he had brought it to me at the last minute, I asked him to sit down and we'd go over each criteria and I asked him to explain to me what he deserved and why. After we completed the

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

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

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evaluation he went home and seemed satisfied with the evaluation. On November 18th eleven days later [redacted] came to work very upset and wouldn't talk to anyone. I sent him the following email:

[redacted]

It's obvious that you're having a bad day...which seems to tie in to the generally bad week. I just want to make sure that you don't have a problem with me or your work here. If you do, then you need to address it. If you're just having a bad day, then that's fine, but don't let it impact your work.

[redacted]

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

He never responded to the email and when I addressed him in person, he said everything was fine. The next day [redacted] received a call from [redacted] stating that [redacted] had reported us for giving him a hard time with his evaluation and strong arming him into going to college. Immediately I discussed the situation with [redacted] and discovered that he was upset that I had asked him for input to his evaluation. I asked him about "strong arming him into college" and he said that he told his parents that the people at work were telling him that he needed to go to college and his mother didn't like that. I made it clear to [redacted] that from that point on, I didn't want there to be anymore communication issues and we would have a strictly work-related professional relationship. He stated that was fine with him. As time went on I maintained a professional relationship with [redacted]

From November when [redacted] had first contacted the HSWS coordinator until now, I have worked extra hard to make sure that we didn't ruffle his feathers, in fact, I was probably too easy on him which lead to his decline in performance. I feel that he thought he could get away with anything. I've walked on pins and needles to make sure that he didn't have any issues. Recently, while sitting with [redacted] and me, [redacted] brought up a story about [redacted]

[redacted]

[redacted] I told [redacted] to knock it off; I'm tired of his "stupid stories".

(b) (6)

In February, as [redacted] performance declined and he was calling into work more and more stating that he would make up the hours later in the pay period. He then came to work one day and said I can only work an hour today and I'll be off tomorrow. I had enough, so I told him that he would be put on AWS 2. Starting March 1st, [redacted] would not talk to me anymore and his performance declined. On March 2nd [redacted] called the HSWS coordinator and said that we were being mean to him. I immediately contacted to HSWS coordinator and requested that we meet. [redacted] performance issues are addressed in an email that I sent to [redacted] on 3/14/2011) (b) (3) - P.L. 86-36

On March 15, 2011, the HSWS [redacted] came to [redacted] spaces and we conducted a meeting addressing the issues. As the meeting was coming to a close, [redacted] asked if there were any more issues that needed to be addressed. At that time [redacted] stated 'the sex talk needed to stop', I questioned [redacted] as to what he was talking about. He stated that I had asked him if [redacted] was his type of girl. At that point I stated, "look, there may have been some lines crossed on everyone's part here to include [redacted] and if there was ever a time that [redacted] felt offended, I apologize, I was the adult in the situation, and I should have made sure that he wasn't offended" and I assured [redacted]

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[redacted] that we wouldn't have any additional problems. I don't recall specifically asking him about [redacted] for me to address the comment would only be guessing at the context of what was being said at the time. He never alerted me that I stepped over any line or offended him and I don't recall any specifics. At the meeting, I minimized [redacted] comment as I was quite blindsided and didn't specifically understand the accusation, but felt that if at any time [redacted] felt uncomfortable while working in [redacted] then I would make sure it didn't happen again. After [redacted] left the meeting, I stated to [redacted] "He just took a swipe at me".

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

I can assure you that [redacted] never appeared offended by anything that I said and surely never said anything to me about being offended.

(b) (6)

In late February, I knew that I was leaving the [redacted] office to work in [redacted] and I heard [redacted] say to [redacted] "I know you think you're being funny, but you're not" in a stern voice. I immediately took [redacted] out in the hall and found that he had once again [redacted] [redacted] [redacted]. At that point I said, "look, I'm leaving here in a couple of weeks and I won't be here to babysit you anymore, you need to grow up and take advantage of the opportunity you have in front of you. There is no place for your games in the work space and the people in the office don't have time for it. You need to start doing your job and cut out all of this crap". At that point he asked me, "why don't they just move me to another office". I asked him, "why do you think they should do that, you have a place to work here, you just need to do your job". I believe at that point [redacted] decided he wanted to move offices and decided that he would do whatever he had to do to get moved. He had created an environment where his immaturity was wearing thin with the entire office. I feel that [redacted] is taking something that I may have said out of context, and it trying to divert the attention and blame on to me so that he would be moved from the office without being held accountable for any of his actions.

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

APPENDIX Q

Email Correspondence between [redacted] & ER, Dated 29 March and
05 April 2011

[Redacted]

From:
Sent:
To:
Cc:
Subject:

[Redacted]
Tuesday, April 05, 2011 12:12 PM

[Redacted]

RE: (U) Need information- [Redacted]

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

Good Morning [Redacted]

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

Per your request, here is our recap of what happened (I ran this by [Redacted] to make sure I did not miss anything):

On Tuesday, 15 March 2011, [Redacted] and I met with [Redacted] and his management team [Redacted] and [Redacted] to discuss several issues they were having with [Redacted]. We first met with the management team, then with [Redacted] and finally we met with everyone (minus [Redacted]).

When we met with the management team to discuss the issues they were having with [Redacted] [Redacted] opened the meeting by making comments such as: he "feared for his employees" and he did not want his "employees to have to walk on eggshells" around this student; that he did not want [Redacted] parents calling him (or me) to discuss issues their son was having at work; and he did not want the issues with this 17 year old student to reach more senior level management which could then affect the promotions and future careers of his employees. When he made these comments, [Redacted] and I were a little baffled because we could not understand how issues regarding time and attendance/time card discrepancies, dress code, and misuse of the external internet and other seemingly minor issues (he doesn't take notes and he tries to get others to do his work) would affect the management team's potential for promotion and/or future careers.

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

[Redacted] and I then met with [Redacted] to discuss the previously mentioned areas of concern (which are also outlined in a Memorandum for the Record). Before we ended the meeting, we asked if there was anything else that we needed to know or should know regarding the issues he was facing with his organization. At that time, he informed us of an issue that he had with his manager, [Redacted].

[Redacted] informed us of the fact that [Redacted] had a few inappropriate conversations with him. [Redacted] referred to this as "Sex Talk". He stated that there are a few younger women in his office and on several occasions, when the ladies exited his area, [Redacted] [Redacted] stated that he told [Redacted] "I don't look at my coworkers that way" and "I have a girlfriend".

[Redacted] had to leave prior to our group meeting. When we had our group meeting, [Redacted] and I had discussed the issues with both parties (minus the "Sex Talk" issue). Before we

(b) (6)

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

ended the meeting, we gave both parties the opportunity to discuss any other issues that were looming that needed to be brought to the other parties attention. At that time, [redacted] brought up the "Sex Talk" issue. He told [redacted] that the "Sex Talk" had to stop. [redacted] who was sitting next to [redacted] did not hear what [redacted] had said so he repeated it again. [redacted] looked shocked by the accusation. [redacted] did not deny the allegation. In fact, he apologized for the statements that he made and said that as the adult he should have known better and he should not have made those comments.

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

After the meeting was over, [redacted] was released so we could discuss what would happen next. After [redacted] exited the room, [redacted] made the comment that [redacted] only brought up the "Sex Talk" issue as a "dig" to him. He said that [redacted] was mad because of the other issues that were brought up, and that is why he said it. Neither [redacted] nor I made any additional comments regarding that topic.

If you need any additional information, please let me know.

Thanks,

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

(U//FOUO)

[redacted]

Personnel Privileged Information

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Do not further release without approval from originator

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From: [redacted]
Sent: Tuesday, March 29, 2011 9:39 AM
To: [redacted]
Subject: (U) Need information

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

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

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[redacted]

Would you send me a summary of the conversation that occurred at the meeting with [redacted] and the his managers regarding [redacted] inappropriate comments?

I don't need information on the entire meeting, just the part that involved the inappropriate comments.

If you have any questions, let me know.

[Redacted]

Employee Relations

[Redacted]

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

Please consider using my DropBox for large files:

[Redacted]

PERSONNEL PRIVILEGED INFORMATION

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APPENDIX R

Text Messages Dated 10 February 2011 and Handwritten Notes

Provided by



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



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

(b) (6)

2/11/2011 7:00 PM

[Redacted]

10/22/2010

[Redacted]

9/30/2010

[Redacted]

APPENDIX S

Response to the Tentative Conclusions and Related Emails

[Redacted]

From: [Redacted]
Sent: Wednesday, February 27, 2013 7:03 AM
To: [Redacted]
Subject: RE: (U) Results of OIG Inquiry

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

[Redacted]

(U//~~FOUO~~)

[Redacted]

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

From: [Redacted]
Sent: Tuesday, February 26, 2013 10:02 AM
To: [Redacted]
Subject: RE: (U) Results of OIG Inquiry

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

[Redacted]

I received your response. It will be included in its entirety as an attachment to the report of investigation.

In your response, you mention speaking with your female supervisor over the phone in late March 2011 regarding an incident involving [Redacted]. Can you please tell me who that was?

Also, just to clarify, the NSA/CSS Equal Employment Opportunity and Diversity Office (EEOD) investigates alleged violations of EEO law and only upon receipt of a complaint from the alleged victim, who has 45 days to contact EEOD. The NSA/CSS Office of the Inspector General (OIG) does not investigate alleged violations of EEO law. Further, we do not require that an alleged victim be the individual to make a complaint. The OIG investigates credible allegations of employee misconduct that are brought to our attention - in this case, alleged violations of regulation and the PMM (policy). There is no time limit for when such misconduct may have occurred.

Thank You,

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

[Redacted]

[Redacted]

Senior Investigator
Investigations, D14
Office of the Inspector General
963-0920s, [Redacted]

PRIVACY SENSITIVE - any misuse or unauthorized disclosure may lead to disciplinary action

From [redacted]
Sent: Friday, February 22, 2013 2:45 PM
To [redacted]
Subject: RE: (U) Results of OIG Inquiry

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

[redacted]

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

Thank you for providing me the opportunity to comment.

As I stated in the July 18, 2011 interview, I did not know that the information I sent to [redacted] parents was considered non-public information. The real failure here is that the National Security Agency has a program, the High School Work Study (HSWS) program, but doesn't have an instruction or manual to provide guidance to employees on how to handle the personnel or the information related to the personnel. On November 9, 2010, [redacted] asked me to fill out his evaluation form. This entailed providing [redacted] work performance (non-public information as described in NSA/CSS Personnel Management Manual (PMM), Chapter 366, Section 2-4) to his high school on their form. In this instance, the release of non-public information is required as part of the HSWS program. When [redacted] reported my performance at work (non-public information as described in NSA/CSS Personnel Management Manual (PMM), Chapter 366, Section 2-4) to his mother shortly after I gave him the evaluation by telling her that he didn't like the way that I handled the completing of the high school evaluation form or the presentation of the form resulting in her calling the National Security Agency, that is apparently acceptable. But, when I send an informative plea for help to his parents containing factual information, it is concluded through this investigation that I disclosed non-public information and misused government equipment. Same information interpreted three different ways.

The letter that I wrote was not hostile. I'm not sure you have the copy that I sent if it was concluded that the letter demonstrated hostility toward him. Who made the determination that it was hostile? The intent of the letter was to be informative, it was a plea for help. When I talked with my supervisor over the phone in late March 2011, she asked me to make a statement on this incident. I stated to her that this whole thing was ridiculous and that I was thinking about writing a letter to [redacted] parents to let them know the chaos that he had been causing. She said, "I don't blame you". In retrospect, writing the letter was wrong, I was extremely upset at the tactics [redacted] was using to keep his job. But the thought of sending the letter didn't trip any red flags with my supervisor either.

As discussed in our interview, I joked around with [redacted] at work and I tolerated him. On November 9, 2010, [redacted] asked if I could fill out his school performance evaluation form because [redacted] his supervisor of record, was not in and the form was due the next day at school. I sat down with [redacted] and went over the form and we discussed every factor, I then presented him with a signed/dated form that he presumably turned in to school. On November 15, 2010, [redacted] became distant toward me at work. I was busy and didn't put much thought into it. On November 19, 2010, [redacted] told me that [redacted] mother had talked to the High School Work Study coordinator and reported that he didn't like the way his evaluation was conducted and something about me forcing him to go to college (I was confused). At that time [redacted] asked me what happened and told me to "just watch what I say to [redacted]". Later that day [redacted] and I talked with [redacted] in the OPS2B cafeteria, I explained that I was sorry if there was any misunderstanding, and that if he had a problem with anything that happened he should have let someone at work know and should let someone know from here on out if he has a problem. The next work day, [redacted] continued to be distant, this continued until November 24, 2010. At that point I pulled [redacted] aside and asked him why he was being distant. He stated that it was because of his evaluation and that I had asked him for input. I said, "I'm not sure why you are so upset, I thought it was a good evaluation". He said, "I don't think you should have asked me for input". I said, "That doesn't make sense to me, but if that's what you are upset about, then I'm sorry and the next time I won't ask you for input. From here on out I'm not going to joke around with you anymore and our relationship is going to be strictly professional". He said, "that's fine, that's the way it should be". We shook hands and he left.

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

From November 24, 2010 on, I carefully chose every word that I said to [redacted] and we got along pretty well. If I said anything that could be construed the wrong way I would say to him, "Don't take that the wrong way, I don't need you to report me to your mother again". It got to the point where he would say, "you don't have to keep saying that". I would say, "yes I do, I don't want any problems with you". I helped [redacted] with projects and I tried to assist him with being successful in the NSA environment. On December 17, 2010 [redacted]

[redacted] On December 23 or 24, 2010, [redacted] and I were having a conversation with the HSWS from [redacted] and [redacted] stated how much he liked working in the office and liked working with me because he had learned so much. In January, [redacted] asked that [redacted] I said I would, and eventually I did [redacted].

On 31 January 2011, I gave [redacted] [redacted] I gave it to him because I knew how much [redacted] he was very appreciative. I often would [redacted] and if I didn't see him before I left, [redacted] anyhow. He generally acted immature, interrupting people's conversations in the office, he would [redacted] trying to be funny, but I ignored most of that because I had accepted another position within the Agency and looked forward to leaving the [redacted] office. I was more concerned about completing my tasks, then [redacted] performance. I wasn't his supervisor of record, so I asked [redacted] if he could oversee his tasks. Throughout [redacted] time in [redacted] I'd overhear conversations that he was having and break in and tell him to "stop, you can't talk like that here". In addition to the statement I already made about his inappropriate conversations with [redacted]

Here are some examples:

- [redacted] and I overheard him tell [redacted]
- He was telling [redacted] that he didn't come in to work straight after school because he was, [redacted] then starting laughing.
- He was sitting in [redacted] desk and told [redacted] that he wouldn't get up, "until you call me Sir".

(b) (6)

[redacted] came to me and asked me to "do something about this kid, all he does is surf Craigslist and disrupt the contractors".

On February 10, 2011, over the cubicle wall I heard [redacted] say, "I know you think you are being funny [redacted] but I don't think you are one bit funny". I found out that [redacted] had once again [redacted] I had heard/saw enough, on that day, I pulled [redacted] aside and told him that he needs to stop playing games in the office and just do his job. I told him that he can't keep bothering everyone and the management team [redacted] I said these are the people that are going to give you a recommendation to be hired on, and if you keep irritating them all, they're not going to give you a good recommendation. I said, "you just need to do your job and stop playing games, I'm not going to be here to help you out anymore". [redacted] then stated, "Well, then I'll just move offices", I said, "they don't let high school work studies change offices, you just need to do a good job in the office you are in". The conversation ended with him asking me as he smiled, "Do you still love me?", I said "no, I don't", and walked away. Later that night I sent him a text and said I hope you don't think I'm being mean, I just want you to be successful. [redacted] stated that he knew and thanks. (Copy was provided in July 2011)

Over the next couple of days [redacted] became distant. He started coming to work and not doing anything productive. He would sit at his desk and read magazines and surf the Internet. I stated to [redacted] "if I didn't know any better, I'd say he's trying to get fired." I kept telling [redacted] to find something to do. As time went on he wouldn't talk to me at all. I then found out that the week of Feb 28, 2011, [redacted] had contacted the HSWS coordinator. I sent [redacted] the attached mail (RE: Meeting) on March 7, 2011 to see what was bothering him. [redacted] refused to offer any response. On March 8 2011, I contacted the HSWS coordinator to schedule a meeting to talk about [redacted] attached email: Request meeting to discuss [redacted] HSWS). I believe the meeting actually ended up happening on March 14, 2011. At that meeting [redacted] stated something to the fact that he wanted to stay in the office, but all of the sex talk needed to stop.

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

I tell this sequence of events with timelines, because the timeline is important. According to Public Law 107-174 107th Congress, Notification and Federal Employee Antidiscrimination and Retaliation (NO FEAR) Act of 2002, dated May 15,

2002, employees must contact an Equal Employment Opportunity (EEO) counselor within 45 days of the alleged discriminatory event before filing a formal complaint with the Agency. This is relevant and applicable to this inquiry.

Did I say something that [redacted] found offensive? I don't think so, and [redacted] didn't think so until he got himself in a bind. Did it happen after November 24, 2010? Definitely not. From the day that I told [redacted] that we would have a strictly professional relationship and the joking would stop (November 24, 2010), we did, and I did everything I could to help him be successful. When [redacted] decided that he wanted to move offices, he used me (the person that was transferring offices in two weeks) as the excuse to get moved to another office. If I was the problem, it only makes sense that [redacted] could remain in [redacted] and still be successful, but [redacted] knew he had caused so much havoc in the office, that he needed to move if he had any chance of getting hired on after his HSWS program ended.

I agree that I was ignorant of the NSA/CSS Personnel Management Manual (PMM), Chapter 366, Section 2-4 details on what entails non-public information. As a National Security Agency employee I should have known the Agency's policy and definition of non-public information. However, I did not violate the PMM, Chapter 366, Section 2-1(A). [redacted] made accusations to distract the focus away from him in an attempt to change offices and blame it on me.

Once [redacted] made these allegations, my promotion package in which I was the number one recommended person for promotion in my category was dropped and my evaluation markings were lowered without justification. I thought all of these details would come out in the investigation. I also expected that every person that [redacted] worked with would be interviewed, to establish how inappropriate and disruptive he was and to get to the truth.

Regardless of the outcome of this inquiry, one of the recommendations should be for the Agency to establish a directive or manual that addresses how to handle HSWS personnel and related information to prevent anyone from dealing with similar situations in the future.

Thank you,

[redacted]

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

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

(U//FOUO)

[redacted]

From: [redacted]
Sent: Thursday, February 07, 2013 1:56 PM
To: [redacted]
Subject: (U) Results of OIG Inquiry

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

[redacted]

This is to notify you of the tentative conclusions reached in the OIG inquiry into allegations that while with [redacted] you harassed [redacted] then a high school work study student, and in doing so misused Government resources and divulged non-public information. Specifically, it was alleged that you harassed [redacted] by using offensive language and gestures and making denigrating comments in the workplace and by anonymously sending an email exchange and letter to [redacted] parents that demonstrated hostility toward him. It was further alleged that you used Government computers and printers in sending said letter and email exchange and that the documents involved revealed non-public information about [redacted] work performance and on-the-job conduct.

In accordance with the investigative process, we are affording you the opportunity to comment on the tentative conclusions and/or offer additional information before we close our inquiry. Your comments will be given full consideration in reaching our final conclusions.

The preponderance of the evidence supports the conclusion that you misused Government resources and divulged non-public information in sending an anonymous package to [redacted] parents, in violation of the Joint Ethics Regulation, Chapter 2, Section 2-301(a. and b.) and the NSA/CSS Personnel Management Manual (PMM), Chapter 366, Section 2-4. The preponderance of the evidence also supports the conclusion that you used offensive language and gestures directed against [redacted] and others and also used actions and words that denigrated and showed hostility toward [redacted] [redacted] thereby affecting his work performance, in violation of the PMM, Chapter 366, Section 2-1(A.).

We request your comments by close of business on Friday, 22 February 2013. Once the OIG final conclusions are reached, a report will be issued for appropriate action. If you have any questions, please contact me by email or at the telephone number below.

Thank You,

[redacted]

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

[redacted]

Senior Investigator
Investigations, D14
Office of the Inspector General
963-0920s [redacted]

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

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

[Redacted]

From: [Redacted]
Sent: Tuesday, March 08, 2011 12:59 PM
To: [Redacted]
Subject: RE: (U) Meeting

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

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

Sorry for the confusion. We being myself and others from the [Redacted] readership.

(U//~~FOUO~~)

[Redacted]

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

From: [Redacted]
Sent: Tuesday, March 08, 2011 12:58 PM
To: [Redacted]
Subject: RE: (U) Meeting

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[Redacted]

Thanks but no thanks ill tell her my side as you say to [Redacted] Myself. And We? You said you would meet with her not me

From: [Redacted]
Sent: Tuesday, March 08, 2011 12:44 PM
To: [Redacted]
Subject: RE: (U) Meeting

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There is a "your side of the story" because you obviously had a problem with something in the office and reported it to the HSWS coordinator. If you don't want to take this opportunity to talk about it before we meet with her that is fine. We'll just present her the facts and she can handle you as she wishes based on our recommendations. We'll be meeting with her on Thursday. If you change your mind, feel free to talk with me at your convenience.

[Redacted]

(U//~~FOUO~~)

[Redacted]

From: [redacted]
Sent: Tuesday, March 08, 2011 12:02 PM
To: [redacted]
Subject: RE: (U) Meeting

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

[redacted]
No I am fine there is not a side of my story
Thanks,

[redacted]

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

From: [redacted]
Sent: Monday, March 07, 2011 2:58 PM
To: [redacted]
Subject: (U) Meeting

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

[redacted]
I haven't met with [redacted] yet, but will later this week. I'd like to give you an opportunity to meet with me prior to me talking with her. Please reply to this email stating that you want to meet with me or not. My intent is to understand your side of the story before I brief her on my side of the story.

[redacted]
(U//FOUO)

[redacted]

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

[Redacted]

From: [Redacted]
Sent: Tuesday, March 08, 2011 12:58 PM
To: [Redacted]
Cc: [Redacted]
Subject: (U) Request meeting to discuss [Redacted] HSWS

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

[Redacted]

From my understanding you've been in contact with [Redacted] trying to coordinate a meeting to discuss our HSWS, [Redacted] but haven't been able to connect. [Redacted] will be out the remainder of this week, but I'd like to propose that we meet on Thursday. [Redacted] and I have acted as [Redacted] immediate supervisor since his arrival to [Redacted] and I'd recommend that [Redacted] attend the meeting as well. Could you please advise of your availability to meet on Thursday (3/10)? If possible I'd like to meet in our office [Redacted] so that you can get a feel for our working environment.

Thank you,

[Redacted]

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

(U//~~FOUO~~)

[Redacted]

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