

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

---

**NATIONAL SECURITY AGENCY/CENTRAL SECURITY  
SERVICE**



**INSPECTOR GENERAL**

**REPORT OF INVESTIGATION**

**30 June 2014**

**IV-14-0042**

**Misuse of GOV**

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

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

Approved for Release by NSA on 11-01-2018, FOIA Case # 79204 (litigation)

Release: 2018-11

NSA: 05435

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

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

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

### **(U) AUDITS**

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

### **(U) INVESTIGATIONS**

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

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

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

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

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

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

**I. (U) SUMMARY**

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

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

(U//~~FOUO~~) On 17 September 2013, the NSA/CSS Office of Inspector General (OIG) received an anonymous allegation that [redacted] an Agency contractor assigned to [redacted] and employed by [redacted] misused a Government owned vehicle (GOV) by taking it to [redacted] restaurant, located on Route 198, in Laurel, Maryland.

(U//~~FOUO~~) In addition to obtaining sworn testimony from [redacted] we also obtained the Technical Task Order (TTO) for [redacted] contract, [redacted] and other documentary evidence from various sources. [redacted] asserted that his understanding of the guidance regarding meal stops in GOV's was that they were allowed on one's direct route regardless of the distance from NSA facilities.

(U//~~FOUO~~) The preponderance of the evidence supports the conclusion that although [redacted] violated Agency guidance by using of a GOV to obtain lunch at a local fast food restaurant, between official stops, he did not do so willfully.

(b) (6)

**II. (U) BACKGROUND**

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

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

**(U) Introduction**

(b) (6)

(U//~~FOUO~~) [redacted] is employed by [redacted] as a [redacted] and assigned to [redacted] since 2001.

(U//~~FOUO~~) On 17 September 2013, the OIG received an allegation that [redacted] misused a GOV by taking it to a fast food restaurant in Laurel, Maryland.

**(U) Applicable Authorities**

(U) Below is a listing of cites. A complete Table of Authorities is located in Appendix A to the report

- (U) The Guide to the Use of NSA Vehicles, Meals and Personal Stops
- (U) 31 U.S.C., §1344, Passenger Carrier Use
- (U) DoD Directive 4500.36R, Management, Acquisition, and Use of Motor Vehicles
- (U) Chapter 2, Operation & Resource Management, C2.5, Official Use of Vehicles, §5.1.1-3

### III. (U) FINDINGS

**(U//~~FOUO~~) ALLEGATION:** Did [redacted] misuse a GOV, in violation of applicable authorities, and was the misuse willful?

**(U//~~FOUO~~) CONCLUSION:** Partially Substantiated. The preponderance of the evidence supports the conclusion that [redacted] misused a GOV by taking it to a fast food restaurant between official stops; however, the misuse was not considered willful.

#### **(U) Documentary Evidence**

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

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

#### **(U) Lunch Stops While Using NSA Vehicles**

**(U//~~FOUO~~)** This document, located in every Agency vehicle binder, including those operated by [redacted] states, "Stopping for a lunch break inside the 10-mile radius is permitted only when employee's schedule prohibits a return to their duty station, but these stops should still be avoided if at all possible." According to [redacted] this document is located in every Agency vehicle binder. A review of the vehicle binders maintained by [redacted] revealed that this document is located in all of the [redacted] vehicle binders. Please refer to Appendix B for additional information.

#### **(U) MapQuest Directions from [redacted] Maryland to NSAW**

**(U//~~FOUO~~)** Using mapquest.com, the route from [redacted] Maryland to NSAW was calculated. According to mapquest.com, there are two routes from which one can choose to get from [redacted] to NSAW. The shortest route is [redacted] and includes driving on MD-198 East. The other route is via MD-295 North and is [redacted]. Please refer to Appendix C for specific route information and maps.

#### **(U) CTC iDrive and Defense Driving Training (OHES1002); Defensive Driving (SAH0471); Defensive Driving Fundamentals [redacted]**

**(U//~~FOUO~~)** These training modules, located in the Virtual University Portal (VUport), are the only training courses regarding use of GOV's offered by the Agency. These courses do not provide information regarding meal stops in GOV's.

#### **(U//~~FOUO~~) [redacted] NSA Training Record**

**(U//~~FOUO~~)** [redacted] official NSA training record was obtained and reviewed. There is no documented training regarding the use of GOV's on [redacted] training record.

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

**(U) Testimonial Evidence**

(U//FOUO) [redacted]

(U//FOUO) On 15 November 2013, [redacted] was interviewed and provided the following sworn testimony:

(U//FOUO) On 17 September 2013, [redacted] and coworker, [redacted] were driving back to Fort Meade from [redacted] Maryland, in a GOV when they stopped for lunch at [redacted] on route 198 in Laurel, Maryland. They took "the back way" from [redacted] to Fort Meade via route 198 and therefore [redacted] was directly on their route. On this occasion, [redacted] and [redacted] ordered their lunch through the drive-thru window and ate in the GOV in the parking lot. [redacted] was not aware of the guidance that meal stops in GOV's were prohibited within ten miles of NSA facilities. He believed lunch stops in GOV's were permissible within ten miles of NSA sites if they were on the direct route being traveled. He was unable to recall any formal training regarding the use of GOV's.

(b) (6)

(U//FOUO) [redacted] estimated that he has stopped for lunch in a GOV within 10 miles of NSA sites approximately once every couple of months. He never deviated from his route and explained he only stopped at establishments that were directly on the road on which he was traveling. [redacted] denied ever signing out a GOV for the express purpose of going to lunch. The last time he stopped for lunch within ten miles of an NSA site was on 17 September 2013, the date of the incident in review. He explained that after he was made aware that the OIG had received an allegation regarding his use of the GOV, he reviewed the NSA *Guide to the Use of Government Vehicles*, which states no lunch stops are allowed within ten miles of an NSA site. He is now aware of the guidance and agreed to abide by them. He explained that he is allowed to operate GOV's per his NSA contract. [redacted]

**(U) Analysis and Conclusions**

(U//FOUO) Currently, NSA does not have a formal policy, issued in accordance with NSA/CSS Policy 1-1, regarding the use of GOV's for meal stops. However, there is Agency guidance<sup>1</sup>, including *The Guide to the Use of NSA Vehicles* (Appendix A). According to the guide, "meal stops should be avoided if possible. Stops, should they be necessary, shall occur only along the most direct route. In addition, for appearance reasons, stops shall always be avoided within 10

<sup>1</sup> The contract permitted [redacted] to use the government vehicle. Because DOD 4500.36-R, Management, Acquisition, and Use of Motor Vehicles, §C8.2.4 states that "procedures for managing the . . . use [and] operation . . . of all DoD motor vehicles are applicable to vehicles furnished to contractors", we analyzed [redacted] use of the government vehicle using agency guidance on use of motor vehicles.

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

miles of any NSA facility.” However, the *Lunch Stops While Using NSA Vehicles* document (Appendix B), which is located in every NSA vehicle binder, states “stopping for a lunch break inside the 10-mile radius is permitted only when employee’s schedule prohibits a return to their duty station, but these stops should be avoided if at all possible.” Because [redacted] returned to his duty station immediately after stopping at the fast food restaurant, his actions were in violation of Agency guidance that permits stopping for meals only when one’s schedule prohibits a return to their duty station.

(U//~~FOUO~~) [redacted] asserted that his understanding of the NSA guidance regarding meal stops in GOV’s was that they were allowed on one’s direct route regardless of distance from NSA facilities. A MapQuest driving direction query (Appendix F) showed that MD Route-198 East, where the fast food restaurant is located, is the most direct route between [redacted] Maryland and NSAW. Therefore, [redacted] believed a short meal stop at the [redacted] restaurant on his direct route was permissible

(U//~~FOUO~~) [redacted] denied any knowledge of guidance that prohibits lunch stops within 10 miles of NSA facilities or additional guidance that prohibits meal stops within 10 miles if one’s schedule permits a return to their duty station. [redacted] testimony and training record reveal that he has never taken any formal training regarding the use of GOV’s. Further, the formal training that is offered by the Agency does not address the use of GOV’s for meal stops. Due to [redacted] lack of training and knowledge regarding the guidance that prohibits meal stops within 10 miles of NSA facilities (unless the individual’s schedule prohibits a return to their duty station), the OIG determined that [redacted] actions were not willful.

(b) (6)

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

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

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

IV-14-0042

#### IV. (U) RESPONSE TO TENTATIVE CONCLUSION(S)

(U//~~FOUO~~) [redacted] did not provide a response to the tentative conclusions; therefore the tentative conclusions became final.

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

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~



~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

IV-14-0042

### V. (U) CONCLUSION

(U//~~FOUO~~) The preponderance of the evidence supports the conclusion that although  violated Agency guidance by using of a GOV to obtain lunch at a local fast food restaurant, between official stops, he did not do so willfully.

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

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

IV-14-0042

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

(U//~~FOUO~~) A summary of the investigative findings will be provided to the Maryland Procurement Office, BA3, and ADS&CI, Q234 (Special Actions), for information and any action deemed appropriate.

[Redacted]

Investigator

Concurred by:

[Redacted]

Assistant Inspector General  
for  
Investigations

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

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

IV-14-0042

## APPENDIX A

### (U) Applicable Authorities

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

IV-14-0042

---

~~(U//FOUO)~~ **The Guide to the Use of NSA Vehicles**

~~(U//FOUO)~~ Meals and Personal Stops

(U//FOUO) Meal stops should be avoided if possible. Stops, should they be necessary, shall occur only along the most direct route. In addition, for appearance reasons, stops shall always be avoided within 10 miles of any NSA facility.

---

**(U) 31 U.S.C., § 1344, Passenger Carrier Use**

(U) Funds available to a Federal agency, by appropriation or otherwise, may be expended by the Federal agency for the maintenance, operation, repair of any passenger carrier only to the extent that such carrier is used to provide transportation for official purposes.

---

**(U) DoD Directive 4500.36R, Management, Acquisition, and Use of Motor Vehicles, March 16, 2007**

(U) Chapter 2, Operation & Resource Management, C2.5. Official Use of Vehicles

(U) The use of all DoD motor vehicles, including those leased using DoD funds, or from other Government Agencies or commercial sources shall be restricted to official purposes only. FMR, Section 102-34.220-260 provides that each Federal Agency shall ensure that Government carriers are used for official purposes only; e.g., to perform the mission of the DoD Components as authorized by the DoD Components. When questions arise about the official use of a motor vehicle, they shall be resolved in favor of strict compliance with statutory provisions and this Regulation.

C2.5.1. (U) The determination as to whether a particular use is for official purposes is a matter of administrative discretion to be exercised within applicable law and regulations. In making such a determination, consideration shall be given to all pertinent factors including whether the transportation is the following:

2.5.1.1. (U) Essential to the successful completion of a DoD function, activity, or operation, and

2.5.1.2. (U) Consistent with the purpose for which the motor vehicle was acquired.

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

IV-14-0042

## APPENDIX B

### (U) Lunch Stops While Using NSA Vehicles

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

## **LUNCH STOPS WHILE USING NSA VEHICLES**

This office frequently receives complaints about NSA vehicles being seen at local eateries. Government vehicles should **NOT** be used to stop for meals. In those cases where the situation necessitates the use of a vehicle for a stop, the following guidance was developed to set a standard by which vehicles may be used.

Employees should **NOT** stop for lunch while using government vehicles **UNLESS** they exceed a 10-mile radius from AGENCY sites. If you are outside of the 10-mile radius and need to stop for lunch, the eating facility must be located along the direct route. Stopping for a lunch break inside the 10-mile radius is permitted only when employee's schedule prohibits a return to their duty station, but these stops should still be avoided if at all possible. **Employees must never use a government vehicle to accomplish personal business, even in conjunction with an official trip.** Food and/or beverages may **NOT** be consumed or transported in a government vehicle.

The bottom line is to protect yourself by adhering to the above guidance.

Any report to Motor Fleet Services of suspected misuse of a government vehicle will be referred to the Office of the Inspector General for further investigation.

## **SMOKING IS PROHIBITED IN GOVERNMENT VEHICLES**



~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

IV-14-0042

**APPENDIX C**

**(U) MapQuest Driving Directions**

From [REDACTED] MD to NSAW

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

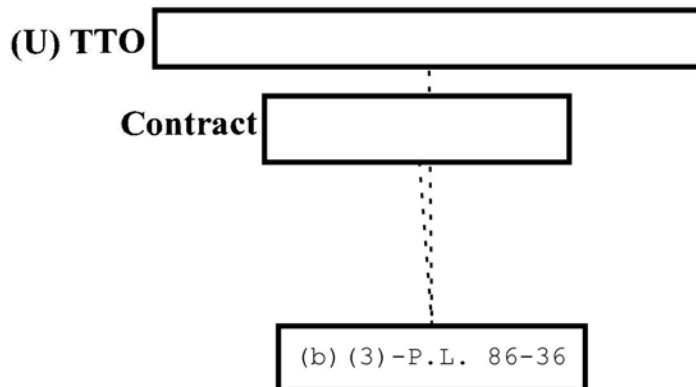
~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

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



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

**APPENDIX D**



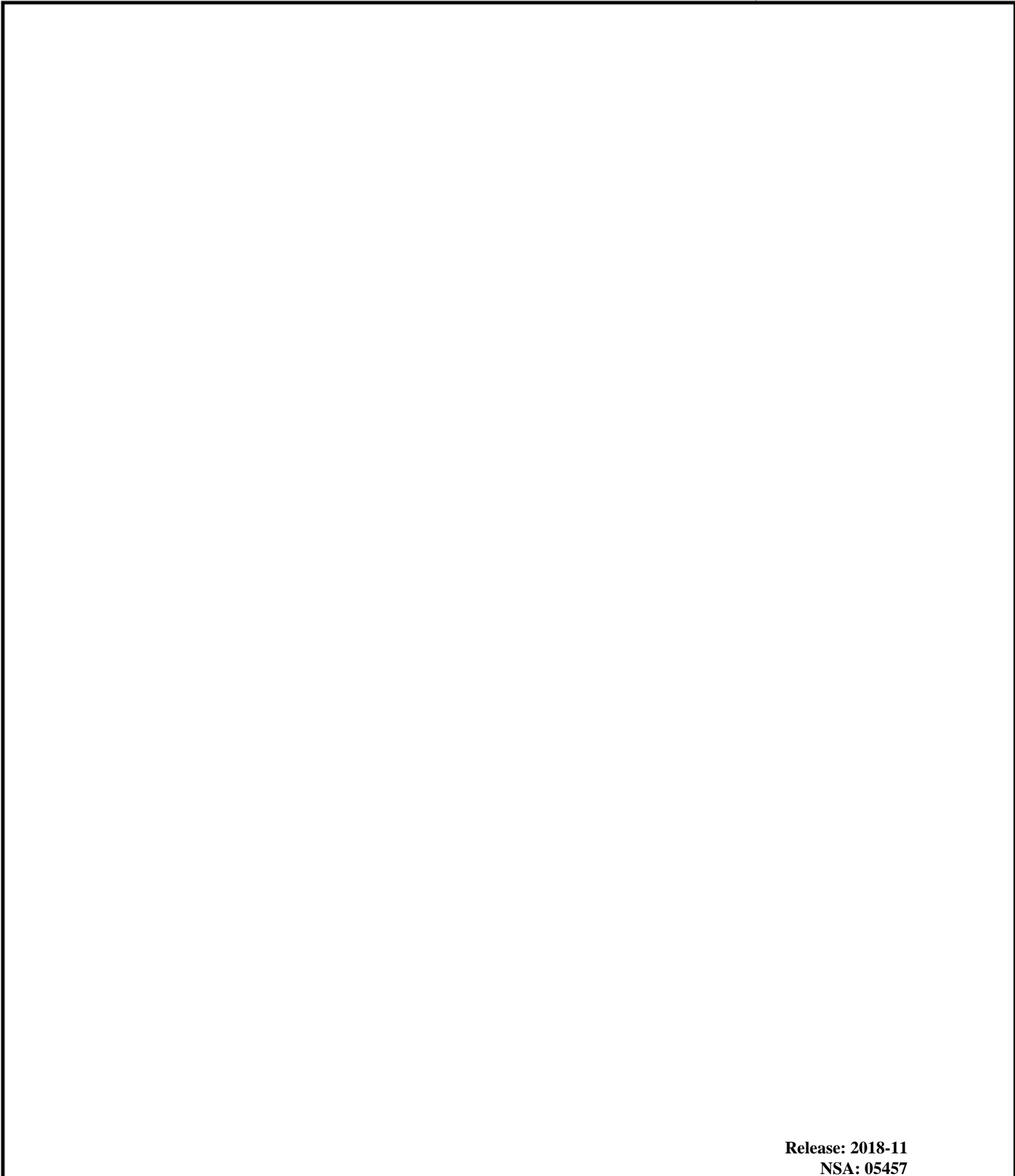
(b) (3) - P.L. 86-36  
(b) (4)

(b) (3) - P.L. 86-36  
(b) (4)  
(b) (6)

(b) (3) - P.L. 86-36  
(b) (4)

(b) (3) -P.L. 86-36  
(b) (4)

(b) (3) - P.L. 86-36  
(b) (4)  
(b) (6)



(b) (3) - P.L. 86-36  
(b) (4)



(b) (3) - P.L. 86-36  
(b) (4)  
(b) (6)

(b) (3) - P.L. 86-36  
(b) (4)