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**NATIONAL SECURITY AGENCY/CENTRAL SECURITY
SERVICE**



INSPECTOR GENERAL

REPORT OF INVESTIGATION

10 February 2015

IV-14-0101

Alleged Failure to Follow Supervisor's Instructions

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

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(U) OFFICE OF THE INSPECTOR GENERAL

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

(U) AUDITS

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

(U) INVESTIGATIONS

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

(U) INTELLIGENCE OVERSIGHT

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

(U) FIELD INSPECTIONS

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

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I. (U) SUMMARY

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(U//~~FOUO~~) On 15 May 2014, the National Security Agency/Central Security Service (NSA/CSS) Office of the Inspector General (OIG) received a referral from the Associate Directorate for Security and Counterintelligence (ADS&CI) regarding information reported during [redacted] a periodic polygraph examination on [redacted] [redacted] a [redacted] reported that she intentionally took no action on a decision rendered by her supervisor and did not file debt collection paperwork on an employee returning from a Permanent Change of Station (PCS) assignment because she disagreed with her supervisor's decision to deny the employee's request to waive the debt. [redacted]

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(U//~~FOUO~~) In addition to obtaining sworn testimony from [redacted] we conducted an interview of the former Chief of [redacted] who denied the waiver request. His testimony indicated that the waiver denial would have equated to a direct tasking to the [redacted] [redacted] to process the debt. [redacted] testified that the file "had gotten lost in the shuffle," but that she disagreed with the waiver decision and her disagreement with the decision was a factor in her continued procrastination. At the time of the interview with the OIG, [redacted] had not yet processed the debt initiated by the waiver denial. [redacted] has been in possession of the file, with no action taken, from 21 June 2011 to 1 December 2014.

(U//~~FOUO~~) The preponderance of the evidence supports the conclusion that [redacted] failed to perform her assigned duties by deliberately not processing a debt waiver denial issued in June 2011. Her actions were in violation of 5 C.F.R. 2635.101(b)(5), and NSA/CSS Personnel Management Manual (PMM) 30-2, Chapter 366 §§ 1-3 (E) and 2-1 (L).

(U//~~FOUO~~) A copy of this report will be forwarded to Employee Relations (MR) for information and any action deemed appropriate. Also, a summary of the findings will be forwarded to the ADS&CI, Special Actions (Q242).

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

(U//~~FOUO~~) [redacted] is a GS12/03 Human Resources (HR) [redacted] employed in [redacted]. [redacted] entered on duty with NSA on [redacted]. She has worked in HR for the entirety of her tenure, first as an HR Generalist, and then as a [redacted] [redacted] a position in which she has remained for the past five years.

(U//~~FOUO~~) The NSA OIG received a referral from ADS&CI stating that [redacted] reported a failure to complete her assigned duties during her aperiodic polygraph interview on [redacted]. [redacted] reported that she disagreed with [redacted] June 2011 decision to deny a request for a debt waiver made by an employee whose PCS had been curtailed. [redacted] was the Chief of [redacted] at the time. At the time of the polygraph interview, [redacted] remained in possession of the employee's file and had not taken action to process the debt for payment with the Finance Office.

(U) Applicable Authorities

(U//~~FOUO~~) The investigation looked at possible violations of the following authorities. Full citations are contained in Appendix A.

(U) 5 C.F.R. 2635.101 - Basic Obligation of Public Service

(U) NSA/CSS PMM 30-2, Chapter 366 – Personal Conduct
Section 1-3 General Principles for On-The-Job Conduct
Section 2-1 Work Environment

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(b) (6)**III. (U) FINDINGS**

(U//~~FOUO~~) **ALLEGATION 1:** Did [redacted] fail to perform her assigned duties by deliberately not processing a debt waiver denial file in June 2011 in violation of regulation or policy?

(U//~~FOUO~~) **CONCLUSION:** *Substantiated.* The preponderance of the evidence supports the conclusion that [redacted] failed to perform her assigned duties by deliberately not processing a debt waiver denial issued in June 2011. Her actions were in violation of 5 C.F.R. 2635.101(b)(5), and NSA/CSS PMM 30-2, Chapter 366 §§ 1-3 (E) and 2-1 (L).

(U) Documentary Evidence

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(U//~~FOUO~~) **Report of Polygraph Examination** for [redacted] dated [redacted] [redacted] was obtained from ADS&CI and reviewed. The report stated the following. Appendix B

(U//~~FOUO~~) **POST-TEST:** When questioned about SUBJECT's significant physiological reactions to the question regarding [redacted] SHE provided the following information. Approximately 2-3 years prior to this interview, SUBJECT was given a file regarding a female NSA employee who received a Permanent Change of Station (PCS) to [redacted]. The NSA employee, name unrecalled by S[UBJECT], requested a local move, and received [redacted] from NSA to pay for moving costs from MD to [redacted]. At the time the NSA employee [redacted] Her supervisors felt she was taking too much leave and not performing to their expectations, and decided to curtail her PCS assignment. The NSA employee worked [redacted] for approximately 11 months. Per NSA policy, agency employees are required to complete at least 12 months of a PCS assignment, or they are required to reimburse NSA for moving costs. The NSA employee requested a waiver relieving her of the debt, however S[UBJECT]'s supervisor at the time, [redacted] denied the waiver. S[UBJECT] told [redacted] SHE felt the employee should not be required to pay [redacted] in moving costs as it was the supervisor's decision to curtail her assignment and it was not "morally or ethically right." S[UBJECT] intentionally kept the file at HER desk and did not file it with the debt team/payroll to collect the money, as SHE did not feel the employee should have to pay the money back. Approximately 1 year ago, SHE noticed the file was still at her desk. S[UBJECT] went to HER current supervisor, [redacted] who told her to "hold on to it." When asked her future intentions with the file, SHE stated SHE plans on taking the file to current management to find a resolution.

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(U//~~FOUO~~) NSA Staff Processing Form (SPF), "Subject: Request of Tour Curtailment for [REDACTED]" was obtained from [REDACTED] and reviewed. The SPF indicates the purpose of the document is, "To seek concurrence for waiver of payment of Transportation charges during PCS move." [REDACTED] then-Chief, [REDACTED] non-concurred on the request, as indicated by his signature, on 21 June 2011. Appendix C

(U) Testimonial Evidence

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

(U//~~FOUO~~) On 1 December 2014, [REDACTED] HR [REDACTED] was interviewed and provided the following sworn testimony.

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(U//~~FOUO~~) During her August 2013 aperiodic polygraph examination, [REDACTED] reported that she had not properly filed a debt collection for a PCS curtailment, as she had been tasked. [REDACTED] explained that in late 2011, an NSA employee was curtailed from a local PCS assignment prior to fulfilling a 12-month requirement for local PCS entitlements. The employee consulted with [REDACTED] her HR Advisor, prior to the employee's curtailment and confided details of her struggles both personally and professionally. The employee planned to request a curtailment, but wanted to wait until she reached the 12 month mark so that she was not burdened with the debt of repaying the local moving expenses. In the meantime, the employee's supervisor requested an immediate curtailment. The supervisor's request for curtailment was approved and as a result, the employee owed a debt of approximately [REDACTED] moving expenses. The employee filed a debt waiver request which was denied by then-Chief [REDACTED]. [REDACTED] disagreed with the waiver denial because she felt the employee was not at fault for not meeting the 12 month requirement for the entitlements. [REDACTED] has never processed a debt collection before and put the file "on the back burner" after the waiver was denied and waited for additional information she needed to file the debt with Finance. Although [REDACTED] never directly instructed [REDACTED] to complete the debt processing, [REDACTED] stated that after his disapproval of the waiver, he would have expected the debt to be processed. After an unrecalled time, [REDACTED] realized that she still had the file and spoke to the then-Deputy Chief, [REDACTED] about the debt and her opinion that the employee should not owe the money back. [REDACTED] advised [REDACTED] to complete another SPF to have the waiver reconsidered. Shortly after that conversation, [REDACTED] left her position as Deputy Chief. [REDACTED] never completed another SPF.

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(U//~~FOUO~~) Around the time of her polygraph, [REDACTED] brought the file to the attention of her current supervisor, [REDACTED] has been [REDACTED] supervisor for approximately two years. [REDACTED] told [REDACTED] that the file needed to be taken care of, and advised [REDACTED] to speak to [REDACTED] the current Deputy Chief of [REDACTED] to resolve the matter. [REDACTED] stated, "It just never seemed like a good time," and that she never

¹ (U//~~FOUO~~) According to her NSA Employee Profile, [REDACTED] left her assignment as Deputy Chief, [REDACTED] effective 29 January 2012.

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approached [redacted] about the issue. [redacted] is unsure how long the debt process normally takes. She does not think that she ever received a final total for the cost of moving the household goods, but has not sought any additional advice or input from her coworkers or supervisors on how to execute the process. [redacted] testified that "every once in a while" she would realize she still had the file but it was "never the right time to take care of it."

(U//FOUO) At the time of this interview, [redacted] still had the employee's PCS file at her desk and had taken no action to further the debt processing waiver or collection since her polygraph in August 2013. She stated that the file "had gotten lost in the shuffle," but that her disagreement with the waiver decision was also a factor in her continued procrastination.

(U//FOUO) [redacted]

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(U//FOUO) On 10 December 2014 [redacted] was interviewed and provided the following sworn testimony.

(U//FOUO) [redacted] was the Division Chief of [redacted] from November 2008 to March 2013. In June 2011, he denied a waiver for payment of Transportation charges for an employee who was curtailed from an assignment [redacted] at the request of the host agency. [redacted] was the [redacted] for this case and, upon denial of the waiver, was responsible for forwarding the debt collection information to Finance. [redacted] testified that the denial of the waiver equated to a direct tasking to the [redacted] to process the debt. He did not recall [redacted] raising any concerns about the denial of the waiver and had no reason to believe that the debt collection processing was not completed. He stated that after the denial of the waiver, if there had been concerns about the decision by the [redacted] the decision could have been revisited. The debt could also be appealed by the employee, upon notification.

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(U) Analysis and Conclusions

(U//FOUO) 5 C.F.R. §2635.101(b)(5) states that employees shall put forth honest effort in the performance of their duties. Similarly, NSA/CSS PMM Chapter 306, §1-3 (E) states that every employee is expected to give "thorough, efficient and industrious service in the performance of assigned duties including . . . exercising reasonable care in carrying out one's assigned duties." The initial allegation came from [redacted] self-report that she had failed to complete a task as expected by her management. [redacted] reported this failure during a polygraph interview on [redacted] Fifteen months passed between the time of [redacted] report to ADS&CI and contact by the OIG. [redacted] acknowledged that, despite the passage of time, she still had not taken any action on the debt collection processing. In total, [redacted] held this waiver denial and took no action to process the debt from 21 June 2011 to 1 December 2014, just over

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three years and five months.² [redacted] failed to put forth an honest effort and to exercise reasonable care in carrying out her duties by purposely choosing not to complete an assigned task because she disagreed with her supervisor's decision. She had alternate avenues available to her, such as speaking to [redacted] who denied the waiver, or following the advice of his deputy, who suggested [redacted] write another SPF for reconsideration. Instead, [redacted] chose inaction, over a period of several years, continuing the lack of honest effort and exercise of reasonable care in executing her assigned duties. Furthermore, she admitted that she had not sought the advice of [redacted] supervisors after a complete management change, or any coworkers on how to go about processing the debt.

(U//~~FOUO~~) NSA/CSS PMM Chapter 366, § 2-1(L) prohibits employees from engaging in insubordination, stating that; "Employees will respect Agency rules, regulations and supervisory authority and comply with authoritative instructions from supervisors and/or individuals in leadership positions (to include carrying out work assignments in a timely manner.)" [redacted] failed to comply with a tasking issued in the form of the waiver denial signed by [redacted] her second line supervisor, on 21 June 2011. She was aware of the outstanding task, and was concerned enough about the issue to discuss it during her aperiodic polygraph interview, more than two years later in August 2013. Despite her concerns during her security processing, she continued to choose inaction, and had still not processed the debt when she was contacted and interviewed by the OIG on 1 December 2014. While [redacted] did claim to have periodically forgotten about the file, she admitted that a factor in her choosing not to process the debt was that she disagreed with the fact that the waiver was denied in the first place.

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(U//~~FOUO~~) The preponderance of the evidence supports the conclusion that [redacted] failed to perform her assigned duties by deliberately not processing a debt waiver denial issued in June 2011. Her actions were in violation of 5 C.F.R. 2635.101(b)(5), and NSA/CSS PMM 30-2, Chapter 366 §§ 1-3 (E) and 2-1 (L).

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² (U//~~FOUO~~) After [redacted] interview with the OIG on 1 December 2014, the OIG notified [redacted] Chief, [redacted] of the outstanding debt waiver denial action. Whether the debt should have been (or should be) waived or collected is outside the scope of this investigation.

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IV. (U) RESPONSE TO TENTATIVE CONCLUSION

(U//~~FOUO~~) On 9 February 2015, [REDACTED] was notified of the tentative conclusion. She responded that she had nothing to add.

[REDACTED]
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V. (U) CONCLUSION

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(U//~~FOUO~~) The preponderance of the evidence supports the conclusion that [redacted] failed to perform her assigned duties by deliberately not processing a debt waiver denial which was issued in June 2011. Her actions were in violation of 5 C.F.R. 2635.101(b)(5), and NSA/CSS PMM 30-2, Chapter 366 §§ 1-3 (E) and 2-1 (L).

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V.(U) DISTRIBUTION OF RESULTS

(U//~~FOUO~~) A copy of this report of investigation will be provided to:

Employee Relations (MR) for action deemed appropriate.

(U//~~FOUO~~) A summary of the investigative findings will be provided to ADS&CI, Special Actions, (Q242) for information.

[Redacted Signature]

Investigator

Concurred by:

[Redacted Signature]

Assistant Inspector General
for
Investigations

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APPENDIX A

(U) Applicable Authorities

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5 C.F.R. 2635.101 - Basic Obligation of Public Service.

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

(5) Employees shall put forth honest effort in the performance of their duties.

NSA/CSS Personnel Management Manual 30-2, Chapter 366 - Personal Conduct, Section 1-3 General Principles for On-The-Job Conduct. Generally, every employee is expected to:

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

NSA/CSS Personnel Management Manual 30-2, Chapter 366- Personal Conduct, Section 2-1 Work Environment. Employees will not engage in any conduct that creates a hostile work environment and/or interferes with an individual's work performance.

L. Insubordination - Employees will respect Agency rules, regulations and supervisory authority and comply with authoritative instructions from supervisors and/or individuals in leadership positions (to include carrying out work assignments in a timely manner.)

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APPENDIX B

(U) Polygraph Report

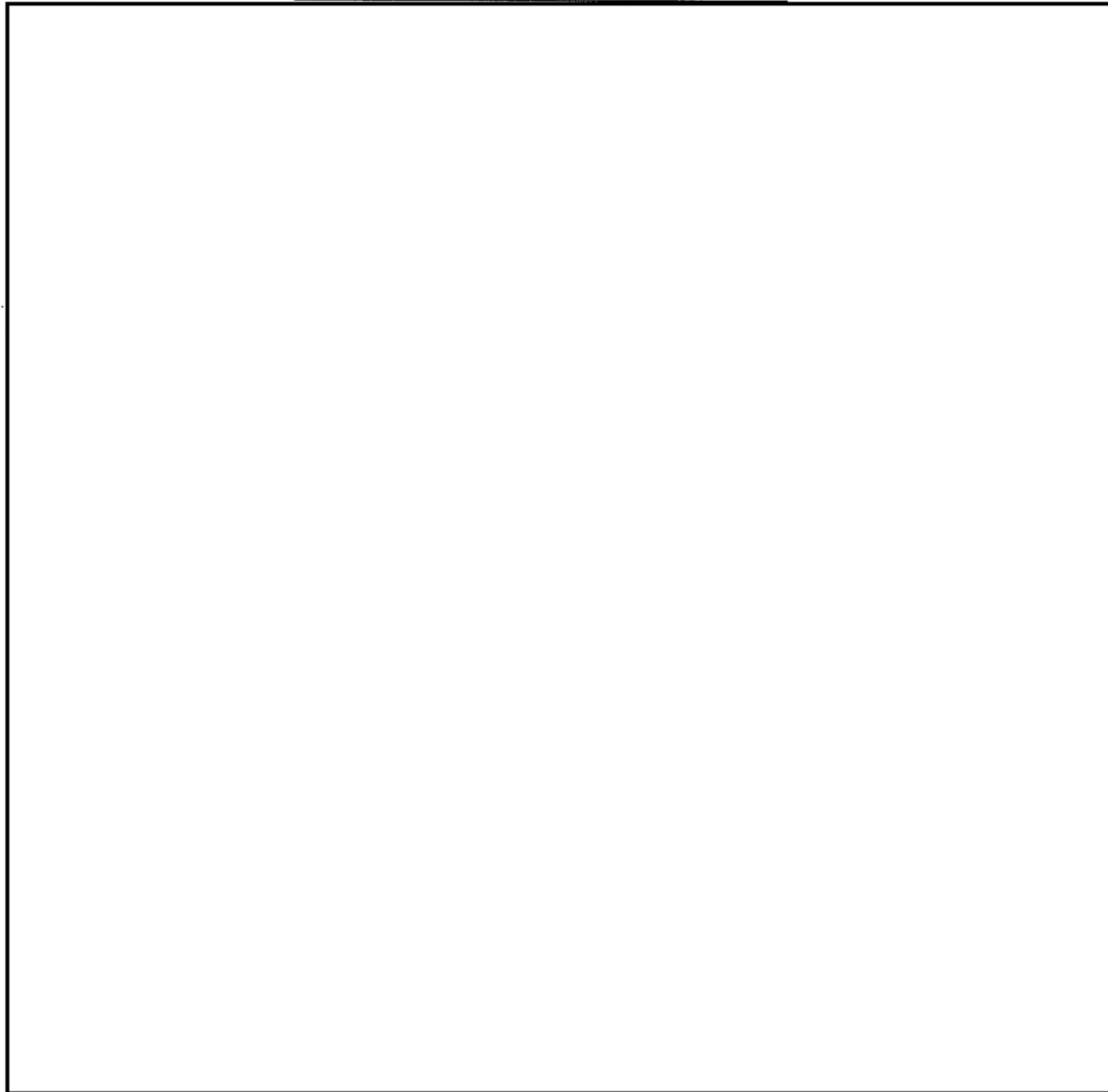
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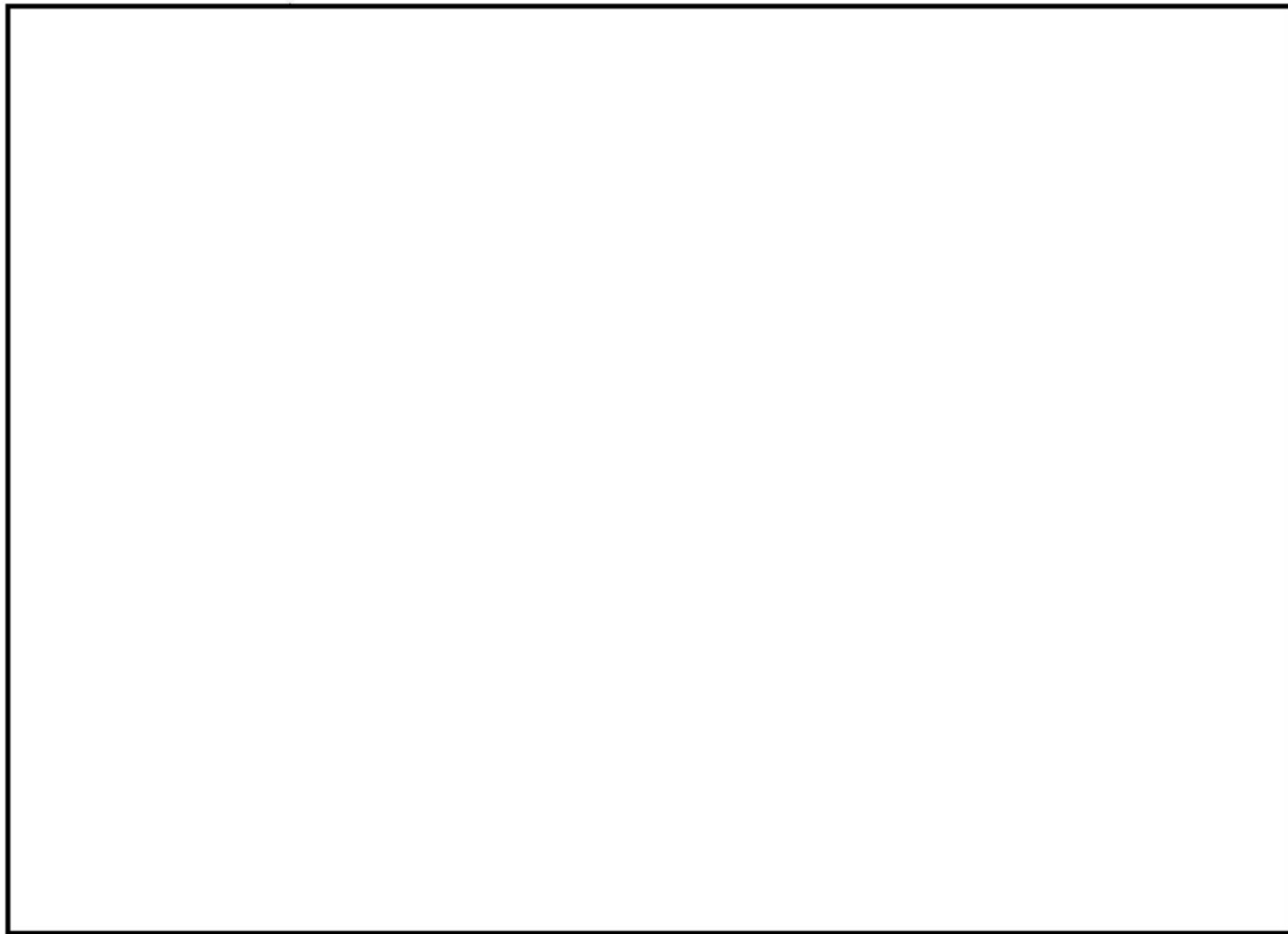
**NATIONAL SECURITY AGENCY / CENTRAL SECURITY SERVICE
ASSOCIATE DIRECTORATE FOR SECURITY AND COUNTERINTELLIGENCE
POLYGRAPH DIVISION**

REPORT OF POLYGRAPH EXAMINATION



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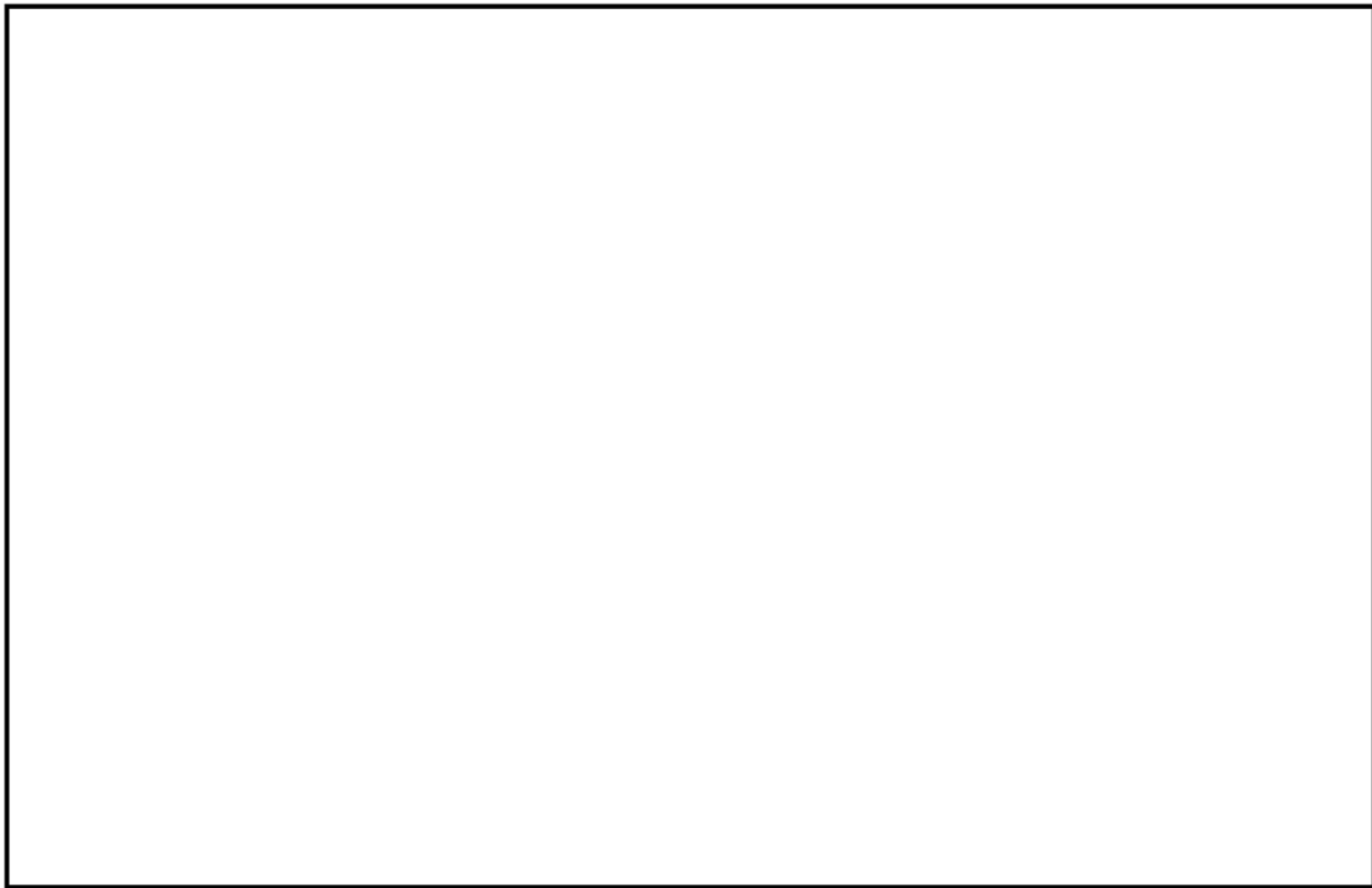
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APPENDIX C

(U) Staff Processing Form

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SECURITY CLASSIFICATION
NSA STAFF PROCESSING FORM

TO Chief [redacted]	EXREG CONTROL NUMBER	KCC CONTROL NUMBER
THRU [redacted] Desk Officer	ACTION <input checked="" type="checkbox"/> APPROVAL <input type="checkbox"/> SIGNATURE <input type="checkbox"/> INFORMATION	EXREG SUSPENSE
SUBJECT (U//FOUO) Request Tour Curtailment for [redacted]		KCC SUSPENSE
EMPL ID [redacted]		ELEMENT SUSPENSE
DISTRIBUTION		

SUMMARY
PURPOSE: (U//FOUO) To seek concurrence for waiver of payment of Transportation charges during PCS move.

BACKGROUND: (U//FOUO) Deputy Chief [redacted] informed [redacted] on [redacted] that her supervisor [redacted] had submitted a Curtailment of Tour Request two weeks prior. Her last day was to be [redacted] with report date to [redacted] offices on Monday, 20 JUNE 2011. Had prior notice been given, the transportation agreement issue could have been raised. Since the matter was handled without input from the employee or due notice given, the transportation fees to be paid according to the Transportation Agreement should not have to be paid by the employee. The employee had no choice in the matter or the timing of departure.

Name:
EMP ID:
SID:
Org:
Location
Office:
Phone: 966-7614

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RECOMMENDATION: (U//FOUO) [redacted] provide concurrence on curtailment for re-assignment.

[redacted] CONCUR: [redacted] Date: _____
NONCONCUR: [redacted] Date: 6/21/11

COORDINATION/APPROVAL					
OFFICE	NAME AND DATE	SECURE PHONE	OFFICE	NAME AND DATE	SECURE PHONE
Old ME					
Old Site					
[redacted]					

ORIGINATOR	ORG. Gaining	PHONE (Secure)	DATE PREPARED
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FORM A6796DE REV NOV 2008(Supersedes A6796 FEB 05 which is obsolete)
NSN: 7540-FM-001-5465
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Dated:
Declassify On:

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