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**NATIONAL SECURITY AGENCY/CENTRAL SECURITY
SERVICE**



INSPECTOR GENERAL

REPORT OF INVESTIGATION

2 March 2016

IV-14-0110

Alleged Hostile Work Environment and Reprisal

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(U) OFFICE OF THE INSPECTOR GENERAL

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

(U) AUDITS

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

(U) INVESTIGATIONS

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

(U) INTELLIGENCE OVERSIGHT

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

(U) FIELD INSPECTIONS

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

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I. (U) SUMMARY

(U//FOUO) On 17 April 2014, the NSA/CSS Office of the Inspector General (OIG) received an allegation of a hostile work environment in the [redacted] NSA Texas (NSAT). The complaint alleged that NSA employees [redacted] Reporting Team Lead [redacted] and [redacted] Branch Chief [redacted] engaged in menacing conduct through threats, swearing, and personal insults directed toward [redacted] contract employee [redacted] thereby creating a hostile work environment in [redacted]

(U//FOUO) The OIG found that on 24 January 2014, a heated discussion occurred in [redacted] office spaces between [redacted] and [redacted] also a [redacted] employee. The discussion concerned responsibility for a poor-quality intelligence report produced and released from the office the previous day. The report contained inaccuracies that necessitated its recall from the customer. The discussion quickly escalated into a heated argument between [redacted] and [redacted]. At one point during the argument, [redacted] referred to [redacted] work as "garbage." The situation escalated further when [redacted] and [redacted] began arguing and aggressively approached each other exchanging comments of "You don't know me." The situation was eventually de-escalated when [redacted] walked away from the confrontation while [redacted] stepped between [redacted] and [redacted] and urged everyone to calm down.

(U//FOUO) The OIG concluded that neither [redacted] nor [redacted] engaged in behavior that created a hostile work environment in [redacted]. Nearly every witness testified that the heated verbal exchange that occurred in [redacted] was the result of a workplace disagreement over a mission matter that became animated, loud, and boisterous. The OIG found no evidence of abusive or offensive language, threats, gestures, or menacing conduct by any Agency employee.

(U//FOUO) The preponderance of the evidence does not support a conclusion that [redacted] or [redacted] engaged in conduct that created a hostile work environment in violation of NSA/CSS PMM, Chapter 366, Section 2-1 and NSA/CSS Policy 1-37, Annex D.

(U//FOUO) [redacted] and [redacted] were also alleged to have made false accusations regarding [redacted] work performance, which resulted in his removal from the [redacted]. Witness testimony along with documentary

¹ (U//FOUO) Another contract employee, [redacted] was also alleged to have contributed to the creation of a hostile work environment. Had we found evidence of a hostile work environment, we would have referred that information to [redacted] for their action.

² (U//FOUO) In addition, [redacted] and [redacted] are alleged to have added false information to intelligence reports. However, the OIG did not find sufficient evidence to merit analysis of this allegation. Rather, while performing Quality Control (QC) functions both [redacted] and [redacted] made corrections to [redacted] work product with which he disagreed and considered "false." Witness

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evidence established a history of performance problems with [redacted] that culminated in his removal from the contract. [redacted] and [redacted] were only two among many people who observed and reported problems concerning [redacted] performance to both government and [redacted] officials. The OIG found no evidence to suggest that [redacted] provided any false information concerning [redacted] work performance to his employer.

(U//FOUO) The preponderance of the evidence does *not* support a conclusion that [redacted] or [redacted] made false statements regarding [redacted] work performance in violation of NSA/CSS PMM, Chapter 366, §2-1(K) and NSA/CSS PMM, Chapter 366, §2-2(B).

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testimony established a history of [redacted] embellishing or adding "non-SIGINT fact" to his reports, which frequently required revisions.

II. (U) BACKGROUND

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(U) Introduction

(U//FOUO) [redacted] held the position of intelligence analyst and Reporting Team Lead in the [redacted] at NSAT from late 2013 until March 2014. Generally, [redacted] supports the [redacted] mission. [redacted] job included review and quality control of intelligence reports before release to the IC community and other authorized consumers of the intelligence.

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(U//FOUO) [redacted] has been assigned as Branch Chief, [redacted] since early 2013. His duties as Branch Chief are primarily administrative. He handles employee awards, evaluations, training and other personnel matters as well as addressing any mission matters that may arise. The branch has approximately [redacted] employees and [redacted] contract employees.

(U//FOUO) [redacted] worked as a contract employee supporting [redacted] as an intelligence analyst under the [redacted] contract from early 2012 until 5 February 2014.

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(U//FOUO) On 23 January 2014, personnel from [redacted] produced an intelligence report that was submitted to an external customer within the Intelligence Community (IC). The [redacted] of the report was transcribed by [redacted] and [redacted]. The report contained [redacted] Standard Identifier (SID) and [redacted] was listed as the QC'er (quality control).

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(U//FOUO) On 24 January 2014, [redacted] were notified of significant analytical errors in an intelligence report. [redacted] called [redacted] in to work to address the errors. A heated argument ensued within [redacted] spaces between [redacted] and [redacted] over who was responsible for the errors in the report.

(U//FOUO) On 27 January 2014, [redacted] Division Chief, [redacted] notified [redacted] contract, of his desire that [redacted] be removed from the contract based on a two-year history of "analytical embellishments" and "co-worker frustrations."

(U//FOUO) On 30 January 2014, [redacted] Program Manager, notified [redacted] that he will begin processing a replacement for [redacted] on the [redacted] contract.

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(U//~~FOUO~~) On 5 February 2014, [REDACTED] VP, [REDACTED] notified [REDACTED] via letter that he was being removed from the [REDACTED] contract and laid off for "unsatisfactory performance."

(U) Applicable Authorities

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

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

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

(U) NSA/CSS PMM, Chapter 366, Section 2-2B.

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

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III. (U) FINDINGS

(U//~~FOUO~~) **ALLEGATION 1:** Did [redacted] engage in conduct that created a hostile work environment in violation of NSA/CSS PMM, Chapter 366, Section 2-1 and NSA/CSS Policy 1-37, Annex D?

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

(U) Documentary Evidence

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(U//~~FOUO~~) **Appendix B - Email correspondence** between [redacted] Program Manager and [redacted] Contracting Officer's Representative (COR), dated 30 January 2014, Subject: [redacted] Statement. This email documents a discussion between the COR and [redacted] regarding [redacted] performance problems and includes information provided by [redacted]

(U//~~FOUO~~) **Appendix C - Letter.** [redacted] Vice President and Manager for [redacted] to [redacted] dated 5 February 2014. In his letter, [redacted] informed [redacted] that he is being "laid off" due to customer dissatisfaction.

(U) Testimonial Evidence

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

(U//~~FOUO~~) On 20 November 2014, [redacted] former contractor employee, [redacted] was interviewed and provided the following sworn testimony.

(U//~~FOUO~~) On Friday, 24 January 2014, NSAT was experiencing inclement weather so very few people were working in the office. [redacted] was called into work by his company and arrived around 1100 or 1200. Shortly after arriving, [redacted] was approached by [redacted] told [redacted] that a report he

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had issued the previous evening was "garbage." However, it was actually [redacted] who quality controlled the report before it was sent out.

(U//FOUO) [redacted] began to raise his voice and use profanity. At the end of this discussion, [redacted] saw [redacted] make a fist and punch a nearby locker. [redacted] felt this was [redacted] way of enticing [redacted] to fight him. [redacted] has a bad temper and has caused a "ruckus" before, but he never punched the locker before. [redacted] went back to his desk and determined that the report was completed by an unqualified junior analyst. Though the analyst was not qualified, [redacted] felt the report was completely accurate.

(U//FOUO) Later in the day, [redacted] arrived in the office and immediately sat down at his desk and slammed his keyboard down. [redacted] sat near [redacted] and heard him say that none of the people in the office are worth a damn. [redacted] said to [redacted] "You haven't even logged in and you are already complaining." [redacted] said he did not say this in an angry way. [redacted] stood-up and said, "You don't know me!" to [redacted] [redacted] immediately stepped in between them and [redacted] walked away.

(U//FOUO) According to [redacted] there had been multiple occasions when [redacted] or [redacted] told him and other co-workers to add information to their reports where intelligence evidence did not support such information. For example, the 24 January 2014 report that caused the argument contained information about [redacted] [redacted] but [redacted] believed that the [redacted] [redacted] did not agree there was enough information to make the identification.

(U//FOUO) On 27 January 2014, [redacted] told [redacted] Division Chief, [redacted] that he did not write the report. [redacted] verified that a junior analyst actually wrote the report. However, on the same day, [redacted] received a letter from [redacted] stating that he was being laid-off for poor performance.

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

(U//FOUO) On 23 March 2014, [redacted] Contracting Officer's Representative (COR), [redacted] Program, was interviewed and provided the following sworn testimony.

(U//FOUO) [redacted] has been the COR of [redacted] since it began in 2010. [redacted] works at NSAW, but visits NSAT about twice a year and meets with contractors and leadership to discuss any problems or issues. Site leadership has complained about [redacted] on multiple occasions in the past. One complaint pertained to [redacted] frequently reading newspapers at work. Other complaints were related to [redacted] not working well with fellow employees in [redacted] was moved to three or four different positions because of his inability to work with others. Mr.

[redacted] has also received information that [redacted] work ethic was poor and he frequently needed to be refocused on the work at hand. [redacted] has not received any complaints regarding [redacted]

(U//FOUO) [redacted]

(U//FOUO) On 17 June 2014, [redacted] Team Lead, [redacted] was interviewed and provided the following sworn testimony.

(U//FOUO) According to [redacted] there was a history of exaggeration in transcripts written by [redacted] which he had previously brought to the attention of management in 2013. In January 2014, there was a very significant reporting stream involving [redacted] [redacted] had produced some very erroneous analysis in this stream. A report was released to the IC community, but had to be recalled after senior analysts identified errors. The report had a significant adverse impact on all of their analysis and reporting.

(U//FOUO) Once the errors were reported on this particular report, [redacted] began reading through the traffic and the transcripts to identify the errors and make the necessary corrections. [redacted] had to use [redacted] work station at his desk to access the traffic. During their review, [redacted] approached the group and attempted to shift blame for the errors to [redacted] [redacted] was an inexperienced and junior language analyst who had only been in working the mission for a few months. [redacted] said that since the traffic appeared on [redacted] watch and she was the first person to encounter the traffic, the errors were all her fault. [redacted] believed it was very unprofessional of [redacted] to cast blame on a junior analyst for the errors when he also reviewed the report.

(U//FOUO) The discussion quickly escalated into an argument between [redacted] and [redacted] because of [redacted] refusal to accept any responsibility and immediately blame others. All of their voices were elevated, to include [redacted] [redacted] began pointing out specific areas where [redacted] analysis was erroneous and stressing that it was [redacted] responsibility as the more experienced analyst to catch these errors. [redacted] then turned his attention to [redacted] and began arguing with him over who was responsible for the report. Finally [redacted] told [redacted] the report was "garbage" and walked away from the group.

(U//FOUO) [redacted]

(U//FOUO) On 13 June 2014, [redacted] Branch Chief, [redacted] was interviewed and provided the following sworn testimony.

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(U//FOUO) [redacted] attempted to explain to [redacted] that the information contained in one of his high-level reports was incorrect. [redacted] used the word "garbage" to describe the transcript, but he did not use profanity. This was initially a civil conversation between the three of them until [redacted] raised his voice at [redacted] then raised his voice to [redacted] stating, "This is the third or fourth time you messed-up. You need to accept it when you make a mistake," or words to that effect.

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(U//FOUO) [redacted] initially denied any responsibility for the report, but finally acknowledged that he put his SID on the transcript. However, he still insisted that [redacted] produced the transcript and he had nothing to do with it. [redacted] reminded [redacted] that when he put his SID on the transcript, it meant he QC'd it. [redacted] then began to blame [redacted] in a loud manner stating that [redacted] had "set him up for failure." [redacted] began shouting back at [redacted]. [redacted] stepped-in between the two and deescalated the situation. He told them both to relax and calm down, which they did.

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(U//FOUO) According to [redacted] when someone tried to teach [redacted] or give him constructive criticism, he became defensive and argumentative. Conversely, [redacted] tried to take credit for everything successful that came out of the branch. He was supposedly a high-level linguist, but was not performing at a very high level.

(U//FOUO) [redacted]

(U//FOUO) On 24 March 2014, [redacted] Program Manager, [redacted] Program, was interviewed and provided the following sworn testimony.

(U//FOUO) [redacted] received complaints about [redacted] performance and conduct from both government and contract employees. Some of the complaints pertained to [redacted] "making-up stuff" in reports, which made the company look "stupid."

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(U//FOUO) [redacted] hired [redacted] believing he was a good fit for the office. However, [redacted] was given a number of different jobs, but could not seem to do well in any of them because he could not get along with others. The situation with [redacted] came to a "boiling point" after the 24 January 2014 "fight on the floor."

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(U//FOUO) [redacted] has no opinion on whether that incident constituted a hostile work environment. However, if it did, [redacted] most likely contributed to it based on his history of being argumentative. He has received reports from company employees that the environment in [redacted] has been less tense since [redacted] departure.

(U//FOUO) [redacted]

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(U//FOUO) On 5 June 2014, [redacted] Language Analyst, [redacted] was interviewed and provided the following sworn testimony.

(U//FOUO) [redacted] has been working in [redacted] since 2001. Her desk was in the same area as [redacted]. In late January 2014, [redacted] overheard an argument between some male members of the office over a report. [redacted] initially believed everyone was "goofing off," but soon realized they were arguing because everyone's voice was unusually loud, especially [redacted]. One said, "You don't know me" several times then the other said, "You don't know me" back. [redacted] kept her back turned to the incident. [redacted] eventually walked over and calmed them down. Later, she heard [redacted] say he was "tired of it" and would not be coming back to work. She is not sure what he meant by "it," but he never returned to work.

(U//FOUO) [redacted]

(U//FOUO) On 7 August 2014, the OIG interviewed [redacted] former Branch Chief, [redacted] via telephone. [redacted] provided the following sworn testimony.

(U//FOUO) [redacted] worked in [redacted] for approximately two years before leaving for another job in April 2013. During that period, [redacted] was the Branch Chief and Deputy Chief. [redacted] was a contractor in his organization and was generally a good performer. However, [redacted] was moved to several different positions because of complaints from the staff about personality conflicts with co-workers. [redacted] also received complaints that [redacted] kept adding his "own story" to reports instead of adhering to SIGINT facts. [redacted] spoke to [redacted] about these issues on at least two occasions in 2013. [redacted] blamed others for not getting along with him. [redacted] also tried to take credit for work he did not actually perform. [redacted] was "hardheaded," but well respected because he was a former officer in the military.

(U) Analysis and Conclusions

(U//FOUO) NSA/CSS PMM 366, Section 2-1, prohibits employees from engaging in any conduct that creates a hostile work environment and/or interferes with an individual's work performance. While the determination of hostile work environments is subjective, it is generally understood that precipitating conduct must be sufficiently severe or pervasive to adversely impact the work environment. Here, the allegations originate almost exclusively from a single incident that occurred in the work place between [redacted] and [redacted] on 24 January 2014. Witness testimony established that the incident was an internal office discussion about an erroneous intelligence report that evolved into a heated argument regarding who was to blame for the inaccuracies in the report.

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(U//FOUO) [redacted] apparently took personal offense to [redacted] referring to the report as "garbage." However, such reference was not sufficiently offensive or abusive so as to establish a hostile work environment. Moreover, [redacted] characterization was of the report and not [redacted]. Therefore, it was not personally denigrating or disrespectful toward [redacted] when considered within the context of the disagreement. An examination of the remaining actions of [redacted] and [redacted] revealed no threats, offensive language, gestures, or other conduct that impacted an individual's work performance or the work environment in violation of NSA/CSS PMM 366, Section 2-1A.

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(U//FOUO) NSA/CSS PMM 366, Section 2-1E, also prohibits employees from engaging in threatening behavior or creating a disturbance in the workplace. Such behavior includes physical or verbal aggression or other menacing conduct. The OIG determined that a reasonable person with knowledge of the facts of the matter would not conclude that [redacted] or [redacted] engaged in any threatening behavior toward [redacted]. In fact, both employees acted to deescalate the encounter; [redacted] by simply walking away from the argument and [redacted] [redacted] by stepping between [redacted] and [redacted] and urging them calm down.

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(U//FOUO) Accordingly, the OIG determined that neither [redacted] nor [redacted] engaged in conduct that created a hostile work environment in violation of NSA/CSS PMM, Chapter 366, Section 2-1A and NSA/CSS Policy 1-37, Annex D.

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(U//FOUO) ALLEGATION 2: Did [redacted] and [redacted] knowingly make false statements concerning [redacted] work performance, resulting in his removal from the [redacted] contract in violation of NSA/CSS PMM, Chapter 366, §2-1(K) and NSA/CSS PMM, Chapter 366, §2-2(B)?

(U//FOUO) CONCLUSION: Unsubstantiated

(U) Documentary Evidence

(U//FOUO) Appendix B – Email correspondence between [redacted] Program Manager and [redacted] Contracting Officer's Representative (COR), dated 30 January 2014, Subject: [redacted] Statement. This email documents a discussion between the COR and [redacted] regarding [redacted]'s performance problems and includes information provided by [redacted].

(U//FOUO) Appendix C – Letter [redacted] Vice President and Manager for [redacted] to [redacted] dated 5 February 2014. In his letter, [redacted] informed [redacted] that he is being "laid off" due to customer dissatisfaction.

(U//FOUO) Appendix D – Email from [redacted] to C. Paul Acron, Director, Human Resources, NSAT dated 14 April 2014. In his email, [redacted] alleged that he was removed from the [redacted] contract because of "false accusations" made against him by two NSA employees (presumably [redacted] and [redacted]). He wrote that he had excellent performance appraisals and not a single corrective counseling. He questioned the timing and attributed his removal to complaining about [redacted] to [redacted]. He did not articulate what "false accusations" were allegedly made about him.

³ (U//FOUO) The OIG did not investigate the allegations as a Whistleblower-Reprisal matter because the policies in effect at the time of the activities being investigated were not applicable to contractor-employees. Under NSA/CSS Policy 1-62, NSA/CSS Policy Memorandum 2013-03, and Presidential Policy Directive/PPD-19, Protecting Whistleblowers with Access to Classified Information, dated 12 October 2012, which were in effect at the time, contractor-employees are not included in the definition of "employee" for cases of reprisal involving a personnel action. These policies are applicable to contractor employees, but only in limited circumstances where access to classified information is denied or revoked

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(U) Testimonial Evidence

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

(U//FOUO) On 20 November 2014, [redacted] contractor employee, [redacted] was interviewed and provided the following sworn testimony.

(U//FOUO) [redacted] complained to [redacted] about multiple incidents of harassment by [redacted] and others. According to [redacted] told him that he valued civilian employees over contractors and that he could get rid of [redacted] to prove a point.⁴

(U//FOUO) [redacted]

(U//FOUO) On 18 March 2015, [redacted] Division Chief, [redacted] was interviewed and provided the following sworn testimony.

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(U//FOUO) [redacted] denied causing [redacted]'s termination from his job with [redacted] but he was not surprised at the company's decision to terminate him. [redacted] passed complaints about [redacted] to the COR, [redacted] who went to the company about [redacted]. According to [redacted] he knew [redacted] prior to his working in [redacted] and still does not have any personal animosity toward him. He just was not a good performer.

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(U//FOUO) [redacted]

(U//FOUO) On 24 March 2014, [redacted] Contract Employee and Program Manager, [redacted] Program, was interviewed and provided the following sworn testimony.

(U//FOUO) [redacted] had received previous complaints about [redacted] performance and conduct prior to the 24 January 2014 incident. [redacted] claimed that he had superior expertise over other members of the office. However, he was given a number of jobs and did not seem to do well at any of them. [redacted] "got into it" with people on a recurring basis.

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(U//FOUO) [redacted] hired [redacted] because he thought he was going to be a good performer. However, he never seemed to be "in sync" with the rest of the team. [redacted] discussed the issues regarding [redacted] with the COR, [redacted]. However, the situation

as reprisal, but there was no action taken by a government official that affected [redacted]'s access to classified information.

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finally came to a "boiling point" after the "fight on the floor." In addition, there were some "power issues" between [redacted] and [redacted]. [redacted] discussed the matter with [redacted] and they agreed it would be best if [redacted] were removed from the contract.

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(U//FOUO) [redacted]

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(U//FOUO) On 23 March 2014, [redacted] COR for [redacted] was interviewed and provided the following sworn testimony.

(U//FOUO) [redacted] normally received feedback on the [redacted] contractor employees from [redacted]. He had received reports in the past several months of [redacted] arguing with other employees and being moved to different positions. [redacted] informed him of a "screaming match" between [redacted] and [redacted] that occurred in the office during January 2014. [redacted] discussed the incident with [redacted] who assured him he would meet with the all contractor employees to tell them this type of behavior would not be tolerated in the workplace. Ultimately, [redacted] removed [redacted] from the contract following this incident.

(U//FOUO) [redacted]

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(U//FOUO) On 13 June 2014, [redacted] Branch Chief, [redacted] was interviewed and provided the following sworn testimony.

(U//FOUO) [redacted] was removed from the contract by the company because of his overall performance issues, and not just because of the transcript they argued about on 24 January 2014. There had been multiple prior instances of poor performance by [redacted].

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(U//FOUO) [redacted]

(U//FOUO) On 17 June 2014, [redacted] Team Lead [redacted] was interviewed and provided the following sworn testimony.

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(U//FOUO) [redacted] reported many instances of [redacted] unsatisfactory reporting to his management. [redacted] analysis was consistently inaccurate or exaggerated, which led to erroneous conclusions and inaccurate reports. However, there was no one to question [redacted] analysis until someone read the raw traffic and did some analysis, which [redacted] decided to do. In 2013, [redacted] QC'd [redacted] analysis on three separate occasions and found inaccuracies in each one. He sent them to his management noting the issues with them. No action was taken at the time, but they acknowledged there was a problem.

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(U//FOUO) [redacted] was initially a language analyst. The language analysts in that division were dissatisfied with his performance and he was removed from the language team and transferred to [redacted] team to work as a reporter. [redacted] willingly accepted [redacted] on the team because he was told [redacted] was a reporter in the Navy and [redacted] assumed he

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was competent. However, it quickly became very clear that he was not prepared to be a SIGINT reporter. [redacted] attempted to train him for two or three weeks, but [redacted] continued to see exaggerations in [redacted] reporting. He verbally addressed the issues with [redacted], but it did not seem to get through to him. Eventually, [redacted] asked his branch chief to remove [redacted] from the reporting team. Thereafter, [redacted] was transferred to the DNI language processing team. However, [redacted] was not proficient in that role either.

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(U//FOUO) [redacted]

(U//FOUO) On 5 August 2014, [redacted] Co-Lead, [redacted] was interviewed via telephone. [redacted] provided the following sworn testimony:

(U//FOUO) [redacted] was the former Branch Chief in [redacted] for two years and nine months. [redacted] changed positions in April 2014.

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(U//FOUO) [redacted] was already working in [redacted] when [redacted] was assigned there. [redacted] became aware of mounting frustration with [redacted] poor performance and inability to accept responsibility for his work. Therefore, [redacted] moved [redacted] to several different positions within the organization, but complaints persisted from co-workers about his demeanor and performance.

(U//FOUO) [redacted]

(U//FOUO) On 19 March 2015, [redacted] Site Lead, [redacted] contractor supporting [redacted] was interviewed and provided the following sworn testimony:

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(U//FOUO) [redacted] has reviewed [redacted] work and found errors. When he made corrections to [redacted] work, [redacted] would not accept the corrections. Mr. [redacted] was moved to a few different positions within a year because people were not getting along with him. [redacted] considered each move a promotion even though the moves did not increase his pay and were actually due to poor performance. [redacted] does not think the management ever told [redacted] the real reason he was being moved. It probably would have been better if they were just honest with [redacted] and told him he was not doing well. [redacted] believed the leadership was trying to go the "nice route" with [redacted].

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(U//FOUO) [redacted]

(U//FOUO) On 18 March 2015, [redacted] Language Analyst, [redacted] contractor supporting [redacted] was interviewed and provided the following sworn testimony:

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(U//FOUO) [redacted] is a Language Analyst and Subject Matter Expert (SME). [redacted] reviewed [redacted] analysis reports. [redacted] noticed on multiple occasions that Mr. [redacted] analysis did not make sense or was inaccurate. [redacted] often worked late and would chat and joke around with the swing shift for an hour or more. [redacted] witnessed this because

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he also worked late. [redacted] often acted as if he knew what he was talking about when he obviously did not.

(U//FOUO) [redacted]

(U//FOUO) On 18 March 2015, [redacted] Language Analyst, [redacted] contractor, [redacted] provided the following sworn testimony.

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(U//FOUO) [redacted] has worked in [redacted] since 2010. [redacted] sat next to [redacted] for a few months. [redacted] continually compared himself to her. He asked her how many transcripts she completed each day and then comment that he had completed more than her. [redacted] sometimes looked over her shoulder to see her work. Occasionally, [redacted] would review Ms. [redacted] monthly activity report and then inflate the numbers in his report to exceed hers. Ms. [redacted] believed [redacted] was attempting to give the appearance that he was a better performer than her. Sometimes she just put her headphones on to make it clear to [redacted] that she did not want to talk to him.

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(U//FOUO) [redacted] asked [redacted] if she could move desks because [redacted] kept bothering her. She moved a few desks over and then [redacted] seemed to "calm down." She did not have insight into the quality of his analysis. However, [redacted] was constantly "butting heads" with [redacted] and others over his reports. She thinks the office environment improved when [redacted] left.

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

(U) Analysis and Conclusions

(U//FOUO) The NSA/CSS PMM, Chapter 366, §2-1(K) prohibits employees from "knowingly making or presenting a false or fraudulent statement or claim." NSA/CSS PMM, Chapter 366, §2-2(B); prohibits "deliberate misrepresentations, falsifications, or omission of material facts in any Agency document." The law defines "knowingly" as acting with knowledge of the falsity, acting with reckless disregard of whether the statement is true, or making a conscious effort to avoid learning the truth. The OIG found no evidence to support the allegation that [redacted] and [redacted] made false statements about [redacted] work performance, resulting in his removal from the [redacted] Contract.

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(b) (6)

(U//FOUO) Witness testimony along with documentary evidence established a history of performance problems with [redacted]. [redacted] testified that he brought the problems concerning [redacted] work product to management's attention on three occasions in 2013. According to [redacted] [redacted] did not accept instruction or criticism despite multiple instances of mistakes and poor performance. [redacted] testified that [redacted] made errors, but became defensive and refused to accept corrections to his work. [redacted]

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

testified that she believed [redacted] inflated his "monthly reports." According to [redacted] [redacted]'s analysis sometimes did not make sense or was inaccurate.⁵

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

(U//FOUO) There is no evidence to suggest that any false information regarding [redacted] work performance was provided by anyone to his employer. As the witness testimony demonstrated, the history of complaints about [redacted] performance and demeanor were well-known within the organization and extended beyond [redacted] and [redacted]. The Division Chief, [redacted] was clearly dissatisfied with [redacted] work performance and inability to work with others. In the 27 January 2014 email, he informed the contract COR of "continued frustrations" within his organization regarding [redacted].

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

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

(U//FOUO) [redacted] Program Manager for the [redacted] Program, testified that he received complaints about [redacted] performance and conduct from both government and contract employees. Some of the complaints pertained to [redacted] "making-up stuff" in reports, which made the company look "stupid." [redacted] also stated that [redacted] had to be moved repeatedly because of his inability to "get along with people" and perform well.

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

(U//FOUO) Furthermore, neither [redacted] nor [redacted] had any contract authority and therefore could not cause his removal from the [redacted] contract. Any decisions regarding [redacted] future employment with his company were at the discretion of his employer, the [redacted]. [redacted] removal is documented in [redacted] Vice President [redacted] 5 February 2014 letter to [redacted].

(U//FOUO) Therefore, the OIG found that neither [redacted] nor [redacted] made false statements concerning [redacted] work performance, resulting in his termination from the [redacted] Contract.

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

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

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

⁵ (U//FOUO) It is noteworthy that [redacted] are fellow employees of [redacted] with the [redacted] yet their characterizations of his work performance are particularly candid, critical and consistent.

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

IV. (U) CONCLUSION

(U//~~FOUO~~) The preponderance of the evidence does *not* support a conclusion that [redacted] or [redacted] engaged in conduct that created a hostile work environment in violation of NSA/CSS PMM, Chapter 366, Section 2-1 and NSA/CSS Policy 1-37, Annex D.

(U//~~FOUO~~) The preponderance of the evidence does *not* support a conclusion that [redacted] or [redacted] made false statements regarding [redacted] work performance in violation of NSA/CSS PMM, Chapter 366, §2-1(K) and NSA/CSS PMM, Chapter 366, §2-2(B).

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

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

V. (U) DISTRIBUTION OF RESULTS

(U//~~FOUO~~) [redacted] and [redacted] will be informed of the results of this inquiry.

[redacted]

Senior Investigator

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

Concurred by:

[redacted]

Deputy Assistant Inspector General
for
Investigations

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APPENDIX A

(U) Applicable Authorities

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(U) NSA/CSS PMM, Chapter 366 — *Personal Conduct***Section 2-1 — (U) *Work Environment***

Employees will not engage in any conduct that creates a hostile work environment and/or interferes with an individual's work performance.

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

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

K. False Statements – Employees will not knowingly make or present a false or fraudulent statement or claim; enter into an agreement or conspiracy to defraud the Government by obtaining or aiding in the payment or allowance of a false or fraudulent claim; or, knowingly and willfully falsify or conceal a material fact by a trick, scheme, or device.....

Section 2.2 — (U) *Personnel and Security Standards*

Employees granted access to classified information and Sensitive Compartmented Information must be stable; trustworthy; reliable; of excellent character, judgment and discretion; and of unquestioned loyalty to the United States. Any conduct, including off-duty conduct that brings into question these character traits may be cause for appropriate security action and in some cases administrative action. The following illustrations are provided as examples and are not inclusive:

...

B. Deliberate misrepresentations, falsifications, or omission of material facts in any Agency document.....

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

1. (~~U//FOUO~~) NSA/CSS shall maintain a work environment free of conduct that interferes with another's individual performance or that creates an intimidating, hostile, or offensive

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environment. All NSA/CSS personnel are responsible for ensuring a harassment-free workplace.

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APPENDIX B

(U) [redacted] Email, dated 30 January 2014

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

From: [redacted]
Sent: Thursday, January 30, 2014 12:39 PM
To: [redacted]
Subject: (U) [redacted] Statement

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

FYI [redacted] Statement about last Friday's incident.

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

As soon as I get your request for the position, I will start the wheels turning to send the incumbent on his way.

[redacted] last name is [redacted]
[redacted]

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

Statement of Events for 24 January 2014

On 24 January 2014 at approximately 12:00 AM I was called into work by [redacted] at the request of the Operation Officer (civilian and ex [redacted] employee) [redacted] due to an unspecified work related issue. Due to the weather conditions I was able to come to work till after 1:00 PM and stayed to approximately 4:00 PM that afternoon. I am not aware of anything that happened at work before my arrival.

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

After being told of the issues with a QC'd [redacted] which had many issues/ errors, I apologized to the NSA Senior Civilian Reporter [redacted] (ex- [redacted] employee) who assured me that he understood why the issues may have occurred and that he [redacted] had no issues from my end and appreciated and accepted my apology. I apologized for allowing the [redacted] to get through the process without a thorough QC, and fully accept this error and it will not occur again, which I made clear to my NSAT supervisors.

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

Afterwards, I commented to [redacted] that this type of situation ((work related issue)) could be taking place due to my excessive work load and me being the only branch QC'r. I explained to [redacted] that another QC'r was needed to support me and the mission with the excessive work load and commented why other "individuals" in the branch (leaders) did not realize this need; **jokingly way I referred to these individuals as the "people with PHD" (degrees / leaders).**

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During that work period / day (Friday / from 1:00 -4:00 PM) I made no comments to / at [redacted], I did not go to [redacted] working station / area. I did not make any references, direct or indirect comments towards him, or said anything related to or involving [redacted]. I also **did not blamed [redacted] for the work related issues ([redacted]) which we were both called in for.** I only presented to [redacted] a solution to avoid this type of incident ever occurring again in the future (the need for a second QC'r to support the QC'g operations).

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(b) (6)

At approximately 3:00 PM, as I worked together with [redacted] at my working station (desk) on the final QC of the [redacted] in question, [redacted] **approached me at my desk, interrupted me, and "invaded my work space" (was pretty much in my face and pointing at my computer while I sat)** in an unprofessional, unethical, and in some way kind of threatening manner. [redacted] made comments that he was not at fault / responsible for this work related issue, but that he would be the one "to take the heat for it". Then [redacted] questioned me and stated that I was the person to blame for the work related issue (QC'g) and that I had referred to him as the "people with PHD" (last time i checked, [redacted] is not a doctor or has a PHD). [redacted] kept going and going with his comments while in my workspace while increasing his infuriated attitude.

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

At certain moment after listening to [redacted] rude, insolent, and disrespectful attitude I decided to defend my personal space and told Mr. [redacted] that he was wrong, that I never make any comments about him, did not know what he was talking about, that he was making a huge mistake by trying to confront me, and that he was mistaken about me and my integrity. I told [redacted] that if I needed to blame him for anything I could and would have told him directly to his face and not behind his back.

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During my portion of the conversation I was seated the whole time (never stood up); but in order to make [redacted] stop his ongoing rant and hopefully depart from my work station, in a strong tone told him to moved away from my desk / work area, which he did.

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

After finishing the needed QC with [redacted] I departed the area at 4:00 PM.

[redacted] was seated beside me during [redacted] rant and witnessed the incident.

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(b) (6)

For the most part I stood up for my right to be in a professional work environment, especially while seated at my desk. I could care less what Mr. [redacted] states / rants to me from his desk because I can and have ignored

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him in the past; but coming to my desk to continue his rant was unacceptable.

I would like to point out that no verbal insults, yelling, or physical contact between us and no further incidents since.

End of statement.

VR,



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From: [Redacted]
Sent: Monday, January 27, 2014 4:46 PM
To: [Redacted]
Cc: [Redacted]
Subject: FW: (U) [Redacted] Contractor

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

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



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

Per my conversation this morning with [Redacted] I am providing several instances in which the Branch has addressed [Redacted] role as a Senior Analyst with continued frustration. At this point, and at the request of several government analysts within the Branch, we are requesting that Mr [Redacted] be moved to another contract outside of the [Redacted] organization. Separately, I will address the issue concerning "heated discussions" (below) in the common areas with the Branch Chiefs, so that they in turn provide guidance to all employees. Debates or disagreements about intelligence, or personal disagreements of any kind should be taken off the floor and into one of the enclosed caves to maintain a professional environment. Further, there appears to have been a lapse in the QC process that involved one of

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the Contractors, and that may have exacerbated the current issue with Mr [redacted] I will address that issue with everyone on the reporting team separately.

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

Please take into consideration that some of the verbiage below appears to be personal, but it is as it was given to me and apparently after several instances of attempting to take action to address the embellishment issues with [redacted] From what I am being told, over the course to two years the Branch leadership has made several attempts adjust his participation in various positions, and positions commensurate to his designator as a Senior Language Analyst. His apparent continued analytical embellishments and the lack of accepting any responsibility for his actions are at the root of the frustration of his coworkers.

If you have any further questions or concerns, please let me know immediately.

Regards,

[redacted]

From: [redacted]

Gentlemen,

On the morning of Friday, 24 January, I received a call from a customer at [redacted] who noted a substantial error in a report we had issued the afternoon before. Subsequently, I checked both the transcript and the raw traffic and found severe discrepancies between both, and learned that [redacted] and [redacted] had transcribed the [redacted] and a QC had been performed by [redacted] Given prior incidents involving [redacted], which I had submitted an official complaint against, I knew immediately that his pattern exaggeration of SIGINT facts and omission of key details had led to multiple substantial analytic errors in the report text ultimately forcing me to cancel the report without reissue. When [redacted] came in to the office, Senior Language Analyst [redacted] attempted to address these analytic issues with [redacted], but [redacted] simply made excuses and blamed other analysts, such as Team SME [redacted] even going so far as to blame [redacted] who has only been with the mission for seven months. [redacted] conducted a verbatim transcription of the raw traffic and discovered completely erroneous analyses of the remaining SIGINT facts, of

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

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

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

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which are currently the most sought after from [redacted] and above all other subject matter.

Respectfully,

[redacted]

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

From: [redacted]

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

[redacted]

On Friday evening I received a call from the [redacted] NCOIC to let me know of an incident that had just happened late Friday afternoon. I was informed that two of the contractors had a loud argument in the area of their desks and the volume was loud enough to be heard across the area. The NCOIC ended up having to go over there to get them to quiet down because she was concerned about what the perceptions of the jr. military analysts would think of two senior contractors behaving in such a manner. The NCOIC also informed me that there was an NSA civilian involved also.

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

I called [redacted] (the NSA civilian) to find out what happened. He told me that [redacted] and [redacted] got into an argument about the processing of some traffic that ended up having mistakes, causing a report to be recalled. [redacted] said that he was discussing the details with [redacted] and Mr. [redacted] injected himself into the discussion and the argument ensued.

This is what I know of the incident on Friday afternoon 24 January 2014.

From: [redacted]

Gentlemen,

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

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I drafted this official complaint against [redacted] on March 25th, 2013, at which time I cited three separate examples of the same issue we encountered today. This was also not the first time I voiced my concern, as I had verbally made known the issues I was having with [redacted] when he was assigned as a reporter, and those issues were identical in terms of making exaggerated or plain, unfounded analytic conclusions.

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

This was the bottom line of that e-mail...

Again, nit-picking? Slight alterations in SIGINT fact? I'd also like to state for the record that [redacted] is widely known for fabricating or exaggerating information he provides in his scripts. You can gain a relevant picture of this by speaking with either three of the branch Senior LAs [redacted] or [redacted] or [redacted] senior reporters [redacted] or the [redacted] team [redacted]. He was initially kicked off the LA team because of this, then became a reporter, because he alleged he had been a SIGINT reporter, when it became quickly, plainly obvious he was not prepared for SIGINT reporting either. Now he's processing [redacted] and is providing QCs in fulfillment of this, and now you have the result of not having documented constant half-truths and exaggerated [redacted]

Thanks for your time in reviewing this matter.

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(b) (6)

Respectfully,

[Redacted signature block]

[Redacted address block]

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APPENDIX C

(U) Letter from **to**

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

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

[Redacted]

February 5, 2014

[Redacted]
[Redacted]

(b) (6)

Dear [Redacted]

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

Due to our customer's dissatisfaction with your work performance, I regret to inform you that your employment with [Redacted] will be terminated immediately. Our customer on the [Redacted] Contract, for which you are performing work under, contacted us on January 27, 2014 and stated that due to your unsatisfactory performance they are unwilling to allow you to continue working in your present position on their contract. Therefore, since there is not another position available that would utilize your skills, you are being laid off.

Your final paycheck will include payment for any remaining vacation time you may have accrued. A summary of your benefits will be sent to your home. If you have any questions regarding your options, I encourage you to call [Redacted] at our Corporate Office, at [Redacted]

Sincerely,

[Redacted Signature]

Cc: Personnel File

[Redacted]

CORPORATE HEADQUARTERS

[Redacted]

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IV-14-0110

APPENDIX D

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

(U) Email, dated 14 April 2014

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

[Redacted]

From: [Redacted]
Sent: Monday, April 21, 2014 3:48 PM
To: [Redacted]
Cc: [Redacted]
Subject: FW: Formal Grievance - Hostile Environment and Physical Threats/Threatening Language
Attachments: Remedies Under EEO Law.pdf

[Redacted]

Here is the information Mr. Acron forwarded to me today.

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

Thank you,

[Redacted]

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

From: Acron, Curtis P CIV (US) [Redacted]
Sent: Monday, April 21, 2014 3:24 PM
To: [Redacted]
Cc: [Redacted]
Subject: FW: Formal Grievance - Hostile Environment and Physical Threats/Threatening Language

Hello [Redacted]

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

Per our phonecon, here's the additional information sent forward by [Redacted]

I advised him his grievance has been turned over to OAG and OIG, per [Redacted] email. In regards to my role, wondering if I should recuse myself from further dialogue and refer him to the OIG and/or OAG? If so, would like to send him a contact name/number from one of those offices.

Please advise.

V/R,
Paul

C. Paul Acron
Director, Human Resources
NSA-Texas

[Redacted]

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

From: [Redacted] [Redacted]
Sent: Friday, April 18, 2014 3:27 PM
To: Acron, Curtis P CIV (US)
Subject: Re: Formal Grievance - Hostile Environment and Physical Threats/Threatening Language

(b) (6)

Hello Mr. Acron,

Mr. Acron,

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

I thank you for your quick response. I've attached an excerpt of the EO federal law given to me by the EEOC representative. I'm amicable to what the law prescribes in these cases. Additionally, It would only be fair that if I was let go from my position, that [redacted] and [redacted] be let go as well. Their thug-like behavior is an embarrassment to NSA and it creates an extremely volatile environment potentially leading to work related violence. Of note, and possibly related to this incident, [redacted] may have had an alcohol related incident, possibly a DUI, that may have been kept secret by the chain of command. If so, I believe that [redacted] irrational behavior may be connected to possible substance abuse issues. As a member of the intelligence community, I clearly recall the requirement to report all issues with the law, or problems with substance abuse which, in this case, is having a negative effect on the work environment.

Lastly, once an external investigation demonstrates my unfair and unlawful firing from a position for fraudulent reasons, I request that someone from senior leadership at your site contact [redacted] both telephonically and in writing to clear my name. Along with this clarification, I believe I am due compensation for the missed work caused by these false accusations and termination.

Again, thank you for your attention to this very important matter and I make myself available for any interviews as a part of this complaint or the subsequent investigation.

Very respectfully,

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

[redacted]
[redacted]

(b) (6)

On Wed, Apr 16, 2014 at 3:34 PM, Acron, Curtis P

[redacted]

Hello [redacted].

Thanks for sending the email. My apologies for the late response, but we've been having email problems, and I've been teaching a class this week.

To help you (if I can), when I liaise with NSA EEO, the one thing they usually asks is..."what can we do to make it right?" Essentially, what exactly do you want me to do to help "clear your name," especially considering you stated it's not your job?

Admittedly, I am not very familiar with grievances/complaints from contractors, so I have to get spun on what we can do, if anything. It may be that you file the complaint, and once your grievance is substantiated, it is then turned over to the Agency to discuss with the aforementioned Agency employees. But again, I'm only speculating.

Please advise as to how you want me (or the Agency) to assist.

Regards,
Paul

C. Paul Acron
Director, Human Resources
NSA-Texas

[Redacted]

(b) (6)

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

From: [Redacted]
Sent: Monday, April 14, 2014 8:32 PM
To: Acron, Curtis P CIV (US)
Cc: [Redacted]
Subject: Formal Grievance - Hostile Environment and Physical Threats/Threatening Language

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

Mr. Acron,

I'm writing this e-mail in response to a conversation I had with [Redacted] regarding my recent attempt to file hostile environment and other charges against employees at NSA Texas.

Background: On January 24, after being summoned to work in the middle of an inclement weather day, I was repeatedly verbally threatened, insulted and sworn at by [Redacted] a contractor for [Redacted] by Mr. [Redacted], an NSA civilian who works in the section to which I was assigned. After falsely accusing me of producing a bad work product, I was insulted, and [Redacted] went as far as to antagonize me by physically threatening me and punching a locker. The work product, or script, was actually initially produced by an unqualified operator (U/I female operator) and was supposed to have been QC'd by [Redacted]. Once I offered to review the script, it became abundantly clear that he never reviewed it at all.

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(b) (6)

Later, [Redacted] ordered me to change to wording on the script (remember, this is not my product) to say what they wanted it to say in order to meet higher national requirements. When I refused, the two men again physically threatened me. I've been in the intelligence business and worked with the agency for 26 years and, as the SME for this material, I was absolutely certain that what these two gentlemen were asking me to do was both illegal and immoral. What's more intriguing is the fact that as shift/section supervisors, they did not need me at all, because they could have just changed the script as they saw fit. So, I feel that besides the hostile work environment, physical threats, et al., I was set up to take the fall because there's no way that this report to senior-level decision makers reflected reality.

I truly appreciate any help that you can provide as I feel like I've been done a grave injustice. I have written letters to the Department of Labor, to my local Congressional Representative and am adamant that this matter be investigated, and the guilty parties held accountable. At the same time, I would like to reinstate my good name and reputation. Please understand, I am not asking for my job back. I fully understand that my employment depends upon the leadership at [Redacted] however, it was the false accusations of both the NSA employees, in conjunction with [Redacted] that caused me to lose the opportunity to continue to serve. Oddly enough, a quick review of my personnel file will reveal excellent performance appraisals, and not a single corrective counseling so why all of a sudden, immediately after I verbally complained to [Redacted] was I laid off from my position...for poor performance?

On Monday, January 27, 2014, I verbally complained to [Redacted] and was writing a formal complaint. I was asked by [Redacted] the [Redacted] Program Manager, to write up a formal complaint. Two days

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later, I received notice from [redacted] that I was laid off. I still have not heard back from [redacted] regarding my formal complaint.

I am forwarding to you copies of my letter to [redacted]. Please don't hesitate to contact me with any questions you may have concerning this urgent matter, and I thank you, in advance for your assistance!

Very respectfully,

[redacted signature]

[redacted signature block]

(b) (6)

A charging party may file a lawsuit within 90 days after receiving a notice of a "right to sue" from EEOC, as stated above. Under Title VII and the ADA, a charging party also can request a notice of "right to sue" from EEOC 180 days after the charge was first filed with the Commission, and may then bring suit within 90 days after receiving this notice. Under the ADEA, a suit may be filed at any time 60 days after filing a charge with EEOC, but not later than 90 days after EEOC gives notice that it has completed action on the charge.

Under the EPA, a lawsuit must be filed within two years (three years for willful violations) of the discriminatory act, which in most cases is payment of a discriminatory lower wage.

XIII. What Remedies Are Available When Discrimination Is Found?

The "relief" or remedies available for employment discrimination, whether caused by intentional acts or by practices that have a discriminatory effect, may include:

- back pay,
- hiring,
- promotion,
- reinstatement,
- front pay,
- reasonable accommodation, or
- other actions that will make an individual "whole" (in the condition s/he would have been but for the discrimination).

Remedies also may include payment of:

- attorneys' fees,
- expert witness fees, and
- court costs.

Under most EEOC-enforced laws, compensatory and punitive damages also may be available where intentional discrimination is found. Damages may be available to compensate for actual monetary losses, for future monetary losses, and for mental anguish and inconvenience. Punitive damages also may be available if an employer acted with malice or reckless indifference. Punitive damages are not available against state or local governments.

In cases concerning reasonable accommodation under the ADA, compensatory or punitive damages may not be awarded to the charging party if an employer can demonstrate that "good faith" efforts were made to provide reasonable accommodation.

An employer may be required to post notices to all employees addressing the violations of a specific charge and advising them of their rights under the laws EEOC enforces and their right to be free from retaliation. Such notices must be accessible, as needed, to persons with visual or other disabilities that affect reading.

The employer also may be required to take corrective or preventive actions to cure the source of the identified discrimination and minimize the chance of its recurrence, as well as discontinue the specific discriminatory practices involved in the case.

THE COMMISSION

XIV. What Is the EEOC and How Does It Operate?

EEOC is an independent federal agency originally created by Congress in 1964 to enforce Title VII of the