NATIONAL SECURITY AGENCY/CENTRAL SECURITY SERVICE



INSPECTOR GENERAL

REPORT OF INVESTIGATION

8 July 2015; Revised 21 July 2015

IV-15-0015

Alleged Falsified Doctor's Note

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(U) OFFICE OF THE INSPECTOR GENERAL

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

(U) AUDITS

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

(U) INVESTIGATIONS

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

(U) INTELLIGENCE OVERSIGHT

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

(U) FIELD INSPECTIONS

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

I. (U) SUMMARY

(b) (3) -P.L. 86-36
(U/ FOUO) On 21 July 2015, the OIG revised this report to make two administrative changes. Please refer to Appendix E for information concerning the changes.
(U//FOUC) The NSA Office of the Inspector General (OIG) opened an investigation based on an allegation that an NSA employee, submitted a false doctor's note to his supervisor.
(U/ FOUO) In addition to obtaining sworn testimony from, the OIG reviewed the doctor's notes submitted, interviewed supervisor, and obtained relevant information from his doctor's office.
(U//FOUO) Analysis of nine doctor's notes (also known as verification letters) revealed that one dated 23 September 2014 appeared to have been copied and manufactured from an earlier note dated 03 September 2014
(U/ FOUO) The OIG concluded based on a preponderance of the evidence that: (b) (3) -P (b) (6)
 knowingly made a false statement to his supervisor in September 2014, when he provided her a doctor's note that he admittedly forged; and knowingly made false statements to the OIG on 16 March 2015, when he told the OIG that he had never made his own doctor's note, to include copying another note and changing the date on the note,
in violation of NSA/CSS Personnel Management Manual (PMM) Chapter 366, Sections 2-1(K) and 2-2(E).
(U//FOUO) A copy of this report will be forwarded to Employee Relations (MR) for information and any action deemed appropriate. Additionally, a summary of the investigative findings will be provided to Special Actions. Q242, ands supervisor.
may have also violated 18 U.S.C. § 1001 by knowingly and willfully submitting the fraudulent doctor's note to his supervisor in September 2014, and making false statements to the OIG on 16 March 2015. The OIG reported this potential criminal violation to the U.S. Attorney's Office for the District of Maryland on

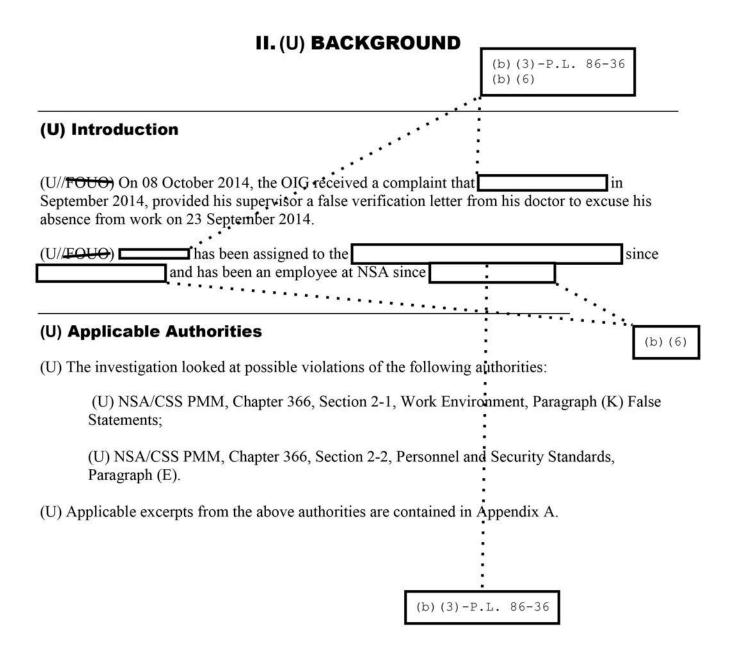
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(3)-P.L. 86-36 (6)	III. (U) FINDINGS
	GATION 1: Did knowingly make or present a false pervisor in violation of NSA/CSS PMM, Chapter 366, Sections 2-1(K)
5. 6.	CLUSION: Substantiated.
OIG in violation of	GATION 2: Did knowingly make false statements to the FNSA/CSS PMM, Chapter 366, Sections 2-1(K) and 2-2(E)?
(U/ FOUO) CONC	CLUSION: Substantiated.
(U) Evidence (U) Documentary	Evidence (b) (6
	nentation (doctor's notes; also known as verification letters).
	October 2014,''s supervisor, provided the OIG provided to her by from in Baltimore, Maryland. The doctor's
В.	in dates from 16 June 2014 to 23 September 2014, are attached in Appendix
(U //FOUO) The doc This is to ve September 2	경영 선생님, 경영 (전)
block with letters also have a b	ters dated 03 September 2014 and 23 September 2014 contain a signature signed in cursive and typed beneath. Both of these black dot in the left margin between the last paragraph and the signature block. etters have this black dot.
	etter dated 23 September 2014, in the first paragraph, "September 23, 2014" nt font than the rest of the letter and is not aligned with the other text in the
900 3 (M. 17 (19 (M. 17))	(b) (3)-P.L. 86-36

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(U/ /FOUO) Email from Office Manager at Baltimore, Maryland.
(U//FOUO) On 27 February 2015, the reporting Investigator sent summarizing a meeting earlier in the day between and the Investigator (during which reviewed the nine doctor's notes). On the same day, provided written confirmation that the Baltimore, Maryland location of which is the location provided in the letterhead on all nine of the aforementioned doctor's notes, has no record of providing a doctor's note (referenced in the email thread as a 'verification letter') dated 23 September 2014:
(U/ FOUO) also confirmed the validity of the other eight doctor's notes regarding and that her office keeps a copy of all verification letters provided to their patients. This email exchange is attached as Appendix C:
(U) <u>Testimonial Evidence</u> (b) (6) (b) (6) (c) (b) (6)
(U) Discussions: (U//FOUO) Office Manager at Baltimore, Maryland:
(U//FOUO) On 27 February 2015, the reporting Investigator met with at in Baltimore, Maryland. In chronological order and without drawing attention to any note in particular, the reporting Investigator provided the nine aforementioned doctor's notes (Appendix B), and asked her if she could confirm their validity:
(U //FOUO) After checking her office records, stated that eight of the notes match the records in her office, but that her office has no record of the note dated 23 September 2014.
provided to their patients. also stated that her office has no record of visiting the office on 23 September 2014.
(U) Interviews:
(U// FOUO) the was interviewed on 29 January 2015, and provided the following sworn statement:
(U//FOUO) works in the organization. She supervises four individuals, including She has supervised since August 2013. It is a Property Administrative Officer, and his work schedule is It is challenging for her to find duties for him, and some of his current duties include making
(U//FOUO) is the only employee she supervises that has to provide her leave documentation, a requirement which is in place per advice from Employee Relations (MR). She has presented numerous Memoranda for the Record (MFRs) to the due to actions such as

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using Sick Leave (S/L) for going to the vet, sleeping on the job, watching TV	on the high-side (e'g
), and his improper use of work hours/breaks. did no	t always sign the
MFRs presented to him, but the presentations were witnessed. In November	
for five days for sleeping while on duty. Recently,	es found sleening
again, but this has not been presented to him yet.	rvisor was
again, but this has not been presented to min yet.	i visoi was
	•
b) (6) (U/ /FOUO) was previously an office manager for but had provided by the bound of the bou	ablems performing
his duties. was previously an office manager for but had proviously to do.	requested
a management consultation concerning and hallowes it is schooled	nd for next week
a management consultation concerning, and believes it is scheduled believes that is stubborn, and demonstrates problems with	outhority (including
	has
with past supervisors). Also, does not cooperate with	4F. (2)
approval to use leave pursuant to the Family Medical Leave Act (FMLA), and	
low leave balances, and believes he uses his leave as he accrues i	l.
(LE/FOHO) applied out of work on 22 September 2014 and	inded him
(U //FOUO) called out of work on 23 September 2014, and	reminded him
that he needed to provide her a doctor's note verifying his absence. On 30 Se	September 2014,
found a doctor's note on her desk concerning leave on 2	.3 September, 2014.
believes thatleft the doctor's note on her desk.	••
(II/E(NHO) When the reviewed the 222 September 2014 note	
(U/ FQUO) When she reviewed the 23 September 2014 note, be	ileved something was
'off' with letter. She never told of her concerns as to the authentic	
of her concerns is that some of the language on the note appears to be slanted	
other text. She then compared the 23 September 2014 document to other S/L	
provided her, and thought that the 23 September 2014 note looked similar to	
September 2014. For example, both notes appear to have the exact same place	and any to be in the
above the 'signature block. Further, a similar 'dot' a same place on both notes (above and to the left of "Sincerely" – see Appendix	ppears to be in the
same place on both notes (above and to the left of Sincerely – see Appendix	(B)tdoes
not provide her original copies of doctor's notes. he always provides copies	o ner.
(U //FOUO) a Property Officer in the	 -
	t
was interviewed on 16 March 2015; and voluntarily provided the foll	owing sworn
testimony:	:
(IJ(TALIO)	
(U //TOUO) is a Property Officer in	and
has been in the office for about six or seven years.	
(II//IOIIO) A 6	
(U// FOUO) After reviewing the mine doctor's notes (Appendix B);	
verify the authenticity of the notes. However, offered to verify the	
doctor's office. After being told that the OIG had already validated the notes	withs
doctor's office, stated that he still needed "to verify that to make s	ure that you re
[OIG] correct on your verification as well."	•
(II/FOLIO) WI - 1.1.1.1.1.1.1.1.22.5 1. 201.1.1.22	11.
(U//FOUO) When asked whether he provided the 23 September 2014 doctor	s note to his
supervisor, tated that "if you [OIG] have it, I must have." Every	record that he has
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provided to his supervisor regarding medical leave is from a doctor's office. He has never made his own doctor's note, nor has he ever copied a note and changed the date.

(U//FOUO) Regarding the apparent peculiarities concerning the 23 September 2014 doctor's note, to include that the signature of the medical provider on it appears to be a perfect match to the signature on the 03 September 2014 doctor's note and the pronounced slant of the 'September 28, 2014' portion of the note, he stated that he would "have to investigate this one because I don't know."

(b) (6)

(U/FOUO) could think of no reason why the Baltimore office would have all of the doctor's notes (Appendix B) except for the 23 September 2014 note. Even if the 23 September 2014 note is "off," he still wants to check to see if he was actually at the doctor's office that day and if the office has some other record of him being there.

(U#FOUO) explained: "I'm almost certain I was there on the 23rd, but I need to check to see if I was there because the only reason is, I could think of ... because it's been awhile is, this could have probably been put together, but I still think I was there on the 23rd ... the date's there because I didn't give her a form from the ... doctor, so I put that there, but I'm pretty sure I was there because I didn't get the regular ones like these [indicating the other leave records from ... and this was added until I got one from them."

(U//FOUO) added the date on the 23 September 2014 doctor's note, and did so while at work. Although he stated that he did not use the 03 September 2014 note as template for the 23 September 2014, he also stated that "he made a copy and typed that in." "I just copied over it and typed that date in there because I know I was seen on the 23rd and that was the note that I provided."

(U/FOUO) Currently, due to his use of FMLA, he does not provide leave documentation to his supervisor. However, it was a requirement for him to do so in the Fall 2014 timeframe. Generally, he would hold all of his leave documentation until the end of a pay period, at which time he would provide it to his supervisor. He confirmed that he made a copy of a previous doctor's note and typed the date in. He believes that he went to the doctor's office on the 23 September 2014 and received medical treatment. However, because he did not get a note, he subsequently tried to provide a note. He does not remember adding the '09/23/2014' language to the note, but recalls adding the 'September 23, 2014' language ("I know I put that [the 'September 23, 2014' language] there"). However, he acknowledges that the insertion of the '09/23/2014' language "probably did co-inspire [sic] with" adding the 'September 23, 2014' language.

(U/FOUO) The 23 September 2014 doctor's note is the only one that he ever made up. He is taking medicine for depression and for anxiety. His supervisor is pressuring him. He is getting help from the Agency's Disability Affairs Office (DAO) and external to the Agency. "I needed a note . . . I needed something to take care of that situation [supervisor pressure]." He made up the

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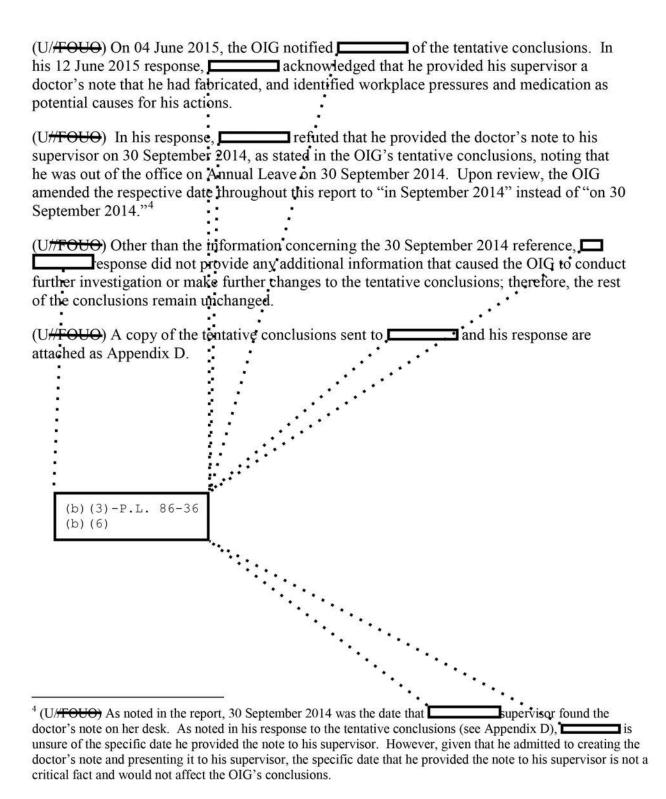
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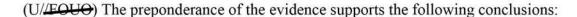
note and gave it to in order to avoid confrontation. The stress he feels in the office
and the effects of his medication may have influenced his decision to forge the doctor's note.
<u> </u>
(U) Analysis and Conclusions
(U//FOUO) NSA/CSS PMM Chapter 366, Section 2-1(K), states: "Employees will not knowingly make or present a false or fraudulent statement or claim" Under applicable legal standards, a person "knowingly" makes a false statement whenever he or she acts with knowledge of its falsity or acts with reckless disregard of whether the statement is true. ³
(U //FOUO) PMM Chapter 366, Section 2-2, states that employees must be trustworthy, reliable, and of excellent character, judgment and discretion, and "dishonest" conduct would bring into question these character traits.
(U//FOUO) During his interview, eventually admitted that he knew that the 23 September 2014 doctor's note he presented to his supervisor, was not authentic. testified that he created the 23 September 2014 doctor's note by changing the dates used on a doctor's note dated 03 September 2014. In an attempt to justify his absence from work, deliberately created a false document and presented it to his supervisor.
(U//FOUO) Before admitting to his misconduct, also provided sworn testimony to the OIG that he had never created his own doctor's note. Further, denied that he had ever used another doctor's note as a template in order to create a new doctor's note with a different date. subsequently acknowledged that he created the 23 September 2014 doctor's note by changing the dates used on a legitimate doctor's note.
(U //FOUQ) The preponderance of the evidence supports the conclusions that:
1. knowingly made a false statement to his supervisor in September 2014, when he provided her a doctor's note that he admittedly forged; and
2. Example 2015, when he told the OIG that he had never made his own doctor's note, to include copying another note and changing the date on the note,
in violation of NSA/CSS PMM Chapter 366, Sections 2-1(K) and 2-2(E).
(b) (3) -P.L. 86-36 (b) (6)

³ See, e.g., U.S. v. Lange ,528 F.2d 1280 (5th Cir., 1976); 31 U.S.C. 3729.

IV. (U) RESPONSE TO TENTATIVE CONCLUSION



V. (U) CONCLUSIONS



- 1. knowingly made a false statement to his supervisor in September 2014, when he provided her a doctor's note that he admittedly forged; and
- 2. knowingly made false statements to the OIG during his testimony on 16 March 2015, when he told the OIG that he had never made his own doctor's note, to include copying another note and changing the date on the note,

in violation of NSA/CSS PMM Chapter 366, Sections 2-1(K) and 2-2(E).

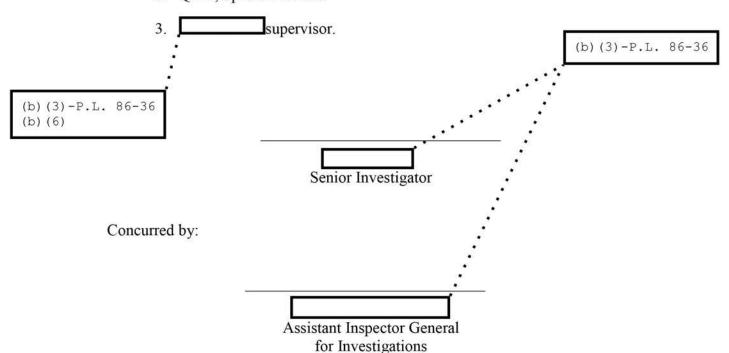
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VI. (U) DISTRIBUTION OF RESULTS

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

- 1. MR, Employee Relations.
- 2. Q242, Special Actions.



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APPENDIX A

(U) Applicable Authorities

(U/FOUO) NSA/CSS PMM, 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.

. . .

K. False Statements- Employees will not knowingly make or present a false or fraudulent statement or claim ... or, knowingly and willfully falsify or conceal a material fact by a trick, scheme, or device.

(U<u>//FOUO)</u> NSA/CSS PMM, Chapter 366, Personal Conduct, Section 2-2 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:

. . .

E. Criminal, dishonest, or other conduct that would reflect adversely on the individual's reliability or trustworthiness

APPENDIX B

(U) Doctor's Notes

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(b) (6)	
·	
	·.
	· Today's Date: June 16, 2014 (b) (3) -P.L. 86-36
	Name of Patient: (b) (6)
	The above named patient had a medical visit today
	Please take this into consideration when reviewing the time away from work/school.
	Special Instructions:
	[x] None
	[] To be off the remainder of today, returning to the normal work / school schedule tomorrow.
	[] To be off until the next scheduled appointment on
	[] Other
	The patient was seen by:
	Office Representative Si
	If there are any questions

(b) (6)	
:	07/09/2014 (b) (3)-P.L. 86-36
:	To Whom it May concern:
,	This is to verify that was seen at or treated by this
:	medical center on July 9, 2014. Please feel free to contact or write our office if there are any
	questions or problems. Thank you for your cooperation.
•	Sincerely

(6)	
:	
:	07/23/2014
:	(b) (3) -P.L. 8 (b) (6)
:	To Whom it May concern:
:	This is to verify that was seen at or treated by this
:	medical center on 07/23/2014
	Please feel free to contact or write our office if there are any
	questions or problems. Thank you for your cooperation.
:	

(b) (6)		
]	
	08/06/2014	_
	(b) (3) -P.L. 86-(b) (6) To Whom it May concern:	-36
	This is to verify that was seen at or treated by this medical center on August 6, 2014.	
	Please feel free to contact or write our office if there are any	
	questions or problems. Thank you for your cooperation.	
	Sincerely,	

]		
(b) (6)		
	08/20/2014	(b)(3)-P.L. 86-36
	To Whom it May concern:	(b) (6)
	This is to verify that was seen at or treated medical center on 08/20/2014	by this
:	Please feel free to contact or write our office if there are	e any
	questions or problems. Thank you for your cooperation.	
	Sincerely,	

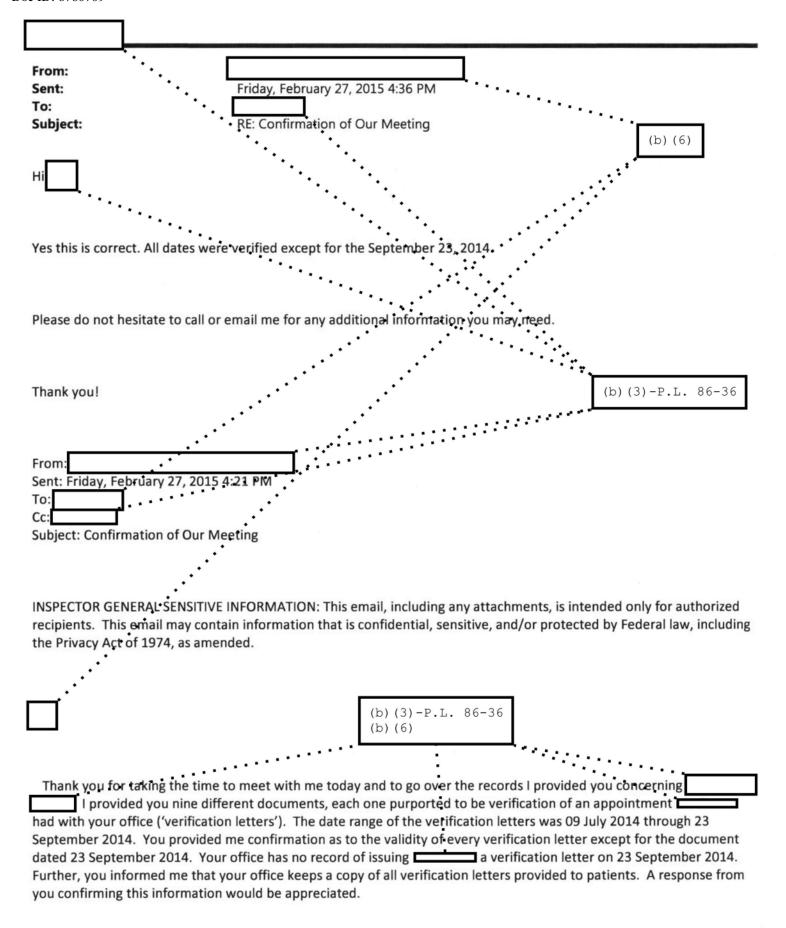
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 :	•	
	09/03/2014	(b) (3)-P.L. 86-36 (b) (6)
:	To Whom it May concern:	
	This is to verify that was seen at or treate medical center on September 3, 2014.	d by this
	Please feel free to contact or write our office if there are questions or problems. Thank you for your cooperation.	ce any
-	Sincerely,	

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	(b) (3)-P.L. 86-36 (b) (6)
(b) (6)	
\ _{i,}	Today's Date: September 15, 2014
·	Name of Patient:
*	The above named patient had a medical visit today.
	Please take this into consideration when reviewing the time away from work/school.
	Special Instructions:
	[7 None ·
	[x] To be off the remainder of today, returning to the normal work / school schedule tomorrow.
	[] To be off until the next scheduled appointment on
	[] Other
	The patient was seen by:
	Office Representative Signature
	If there are any questions, please call the office at

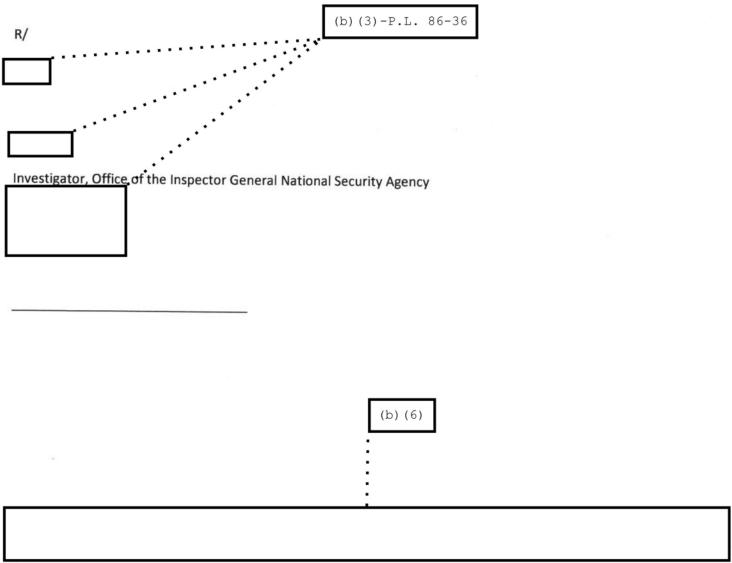
(6)	
i	09/17/2014
	(b) (3) -P.L. (b) (6) To Whom it May concern:
	This is to verify that was seen at or treated by this
	medical center on Septemebr 17, 2014.
	Please feel free to contact or write our office if there are any
	questions or problems. Thank you for your cooperation.
:	Sincerely,

(b) (6)		
	09/23/2014	(b) (3)-P.L. 86-3
:	To Whom it May concern:	(b) (6)
	This is to verify that was seen at or t medical center on September 23, 2014	reated by this
:	Please feel free to contact or write our office if the	ere are any
	questions or problems. Thank you for your cooperation	
	Sincerely,	

	APPENDIX C	
(b) (6)	(U) Email Exchange	



Thank you again for your time – I appreciate it, especially now that I have seen how busy it is in your office.

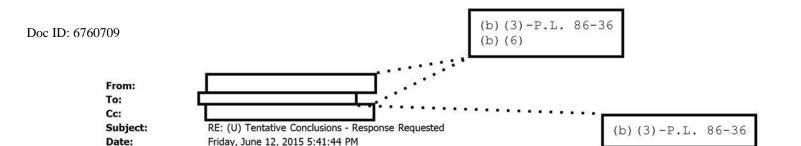


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APPENDIX D

(U) Response to Tentative Conclusion



Introduction

I did not remember knowingly making a false statement to my supervisor by providing an altered Doctor's note until the OIG showed the note to me during the testimony on 16 March 2015. During the time in question, I was in a hostile work environment involving my supervisor. The environment caused me to take more medications than normal to treat my anxiety, depression and other conditions. I can only assume that the pressures I was under, along with the additional medication caused me to produce the doctor's note to avoid further harassment from my supervisor. The situation I was dealing with is well documented within EEO, Disability Affairs, Dispute Resolutions and Grievances as well as the OIG.

Comments

I am having trouble remembering details of making a false document on 23 September 2015. I am having repeated loss of concentration of producing a false document on 23 September 2015. Sometime during that day while feeling Pressure from supervisor and with me feeling my anxiety, Stress and Depression and High blood pressure, I took my medications to ease the pain and suffering I was receiving from my supervisor.

That must be when I reproduced this doctor's note, I actually thought that I had went to the doctor's as I had told OIG on 16 March 2015 and thought that I left slip there. When OIG asked about me making doctor's note, I had told truth, because I had no recollection of doing so. When I meet the OIG at their office, I had asked them to show me what their talking about and that is when I saw the comparison of duplicate forms and then that is when I said O, I must have done this and reproduced this. It is on the tape.

This is when I had realized that I made a stupid mistake, I feel now that it must be true and the worst things will happen to me and I am motivated to criticize myself for what happened.

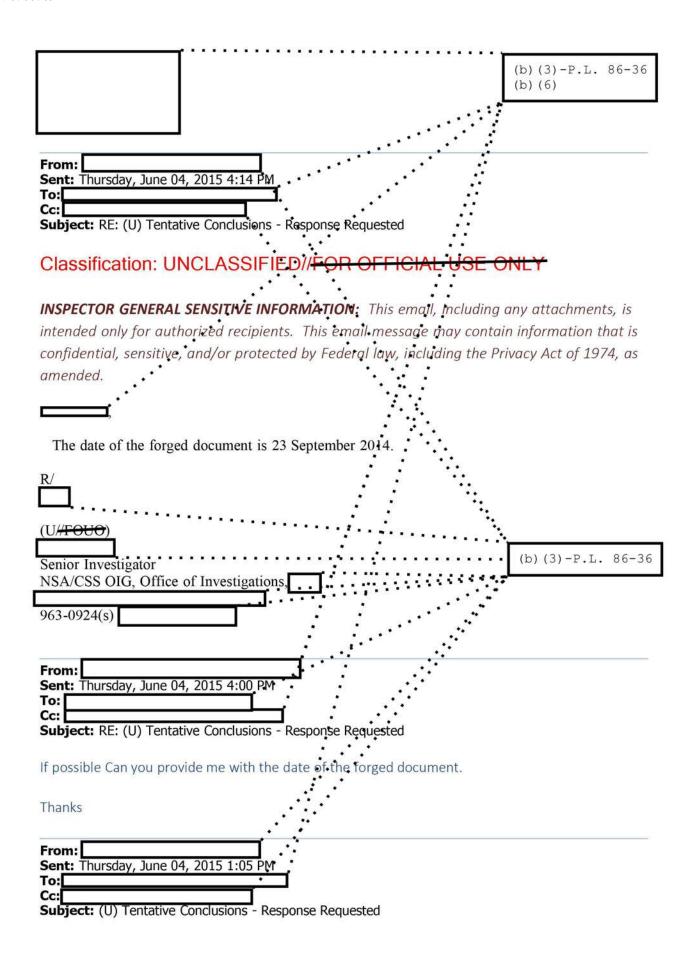
Conclusion

I am not sure of the actual date the doctor's slip was turned in, but it was not on 30 Sep 2014. I was on A/L that day. This is what I saw when I pulled up my timesheet for this date. As far as I know, It could have been turned in on 23 September 15.

Suspension/Reprimand?

Do I need to involve my Phscharist, Primary Doctor's and any other Attorneys to fight my case?

Thanks



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INSPECTOR GENERAL SENSITIVE INFORMATION: This email, including any attachments, is intended only for authorized recipients. This email message may contain information that is confidential, sensitive, and/or protected by Federal law, including the Privacy Act of 1974, as amended.

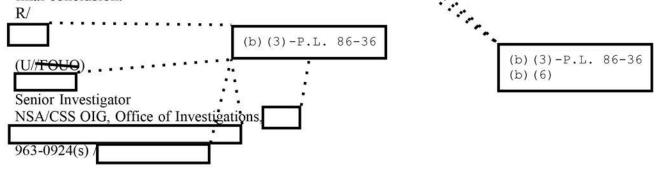
(U/POUO) This is to notify you of the tentative conclusion the Office of the Inspector General (OIG) reached in our investigation regarding the allegation that you submitted a false doctor's note to your supervisor. Our tentative conclusion reads as follows:

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

- 1. knowingly made a false statement to his supervisor on 30 September 2014, when he provided her a doctor's note that he admittedly forged; and
- 2. _____knowingly made false statements to the OIG during his testimony on 16 March 2015, when he told the OIG that he had never made his own doctor's note, to include copying another note and changing the date on the note,

in violation of NSA/CSS PMM Chapter 366, Sections 2-1(K) and 2-2(E).

(U/FOUC) In accordance with the investigative process, you now have the opportunity to comment on the tentative conclusion and/or offer additional information before we close our investigation. You are not required to respond with regard to our tentative conclusion, and if you choose not to, please simply acknowledge receipt of this notification. However, if you choose to respond, please do so in writing by 12 June 2015. Any comments and/or additional information you provide will be given full consideration in reaching our final conclusion.



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APPENDIX E

(U) Administrative Revisions

On 21 July 2015, the OIG made two administrative changes to the language in the report. Change One: (b) (3)-P.L. 86-36 (b) (6) In the Summary section, (U//FOUO) The OIG concluded based on a preponderance of the evidence that: knowingly made a false statement to his supervisor in September 2014, when 1. C he submitted a doctor's note that he manufactured; was changed to: (U//FOUO) The OIG concluded based on a preponderance of the evidence that: knowingly made a false statement to his supervisor in September 2014, when he provided her a doctor's note that he admittedly forged; Change Two: In the Conclusion section (U/FOUO) The preporterance of the evidence supports the following conclusions: knowingly made a false statement to his supervisor in September 2014, when he provided her a doctor's note that he manufactured; was changed to: (U/FOUO) The preponderance of the evidence supports the following conclusions: knowingly made a false statement to his supervisor in September 2014, when he provided her a doctor's note that he admittedly forged; Senior Investigator (b) (3)-P.L. 86-36