NATIONAL SECURITY AGENCY/CENTRAL SECURITY SERVICE



INSPECTOR GENERAL

REPORT OF INVESTIGATION

2 September 2015

IV-15-0046

Alleged Misuse of Government Resources

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(U) OFFICE OF THE INSPECTOR GENERAL

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

(U) AUDITS

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

(U) INVESTIGATIONS

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

(U) INTELLIGENCE OVERSIGHT

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

(U) FIELD INSPECTIONS

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

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I. (U) SUMMARY

(U//~~FOUO~~) On 7 October 2014, the NSA/CSS Office of the Inspector General (OIG) received an allegation regarding [redacted] and [redacted] Logistics Services (LL) employees. The allegation stated that [redacted] and [redacted] on more than one occasion, were engaging in inappropriate conduct, specifically sexual activity in a [redacted] during the workday.[1] On 19 September 2014, [redacted] supervisor confronted the two about their conduct after observing them in a [redacted]

(U//~~FOUO~~) In addition to obtaining sworn testimony from [redacted] and [redacted] the OIG conducted interviews of seven witnesses. The OIG also reviewed "chat" traffic between [redacted] and [redacted] from 1 November 2013 through 30 November 2014.

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(U//~~FOUO~~) The OIG found that from November 2013 until October 2014, [redacted] engaged in sexual activity in the workplace with [redacted] during duty hours once or twice per week. On those occasions, [redacted] would leave his office and meet [redacted] typically for about fifteen or twenty minutes. Additionally, during the same time period, while on duty, [redacted] misused his NSA computer to conduct non mission-related chats of a sexual nature with [redacted] for two to four hours per day. In the mornings, [redacted] chatted about, among other things, the upcoming meetings in [redacted] often graphically discussing the anticipated sexual encounters. After the meetings, the two would engage in further chatting regarding their relationship and sexual activity.

(U//~~FOUO~~) The preponderance of the evidence supports the conclusion that [redacted]

- made sexual advances and engaged in physical conduct of a sexual nature in the workplace, in violation of PMM Chapter 366, Section 2-1(B);
- failed to give thorough, efficient and industrious service in the performance of his assigned duties, in violation of PMM Chapter 366, Section 1-3(E);
- used his federal government communication system to conduct non-mission-related "chats" of a sexual nature, in violation of DoD Joint Ethics Regulation (JER) 5500.7-R Subpart 2-301 and NSA/CSS Policy Manual 6-3.

[1] (U//~~FOUO~~) [redacted] involvement in this matter is addressed in a separate report of investigation.

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(U//~~FOUO~~) A copy of this report will be provided to Employee Relations (MR) for information and appropriate action. A summary of the findings will be provided to the Associate Directorate for Security and Counterintelligence, Special Actions (Q242), and [redacted] supervisor.

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II. (U) BACKGROUND

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(U) Introduction

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(U//~~FOUO~~) [redacted] entered on duty with NSA on [redacted] He currently works in [redacted] the [redacted] as a GS-12 [redacted]

(U//~~FOUO~~) His employee profile is attached as Appendix B.

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(U) Applicable Authorities

(U//~~FOUO~~) The investigation looked at possible violations of the following authorities.

(U) DoD Joint Ethics Regulation (JER) 5500.7-R Subpart 2-301: Use of Federal Government Resources

(U) NSA/CSS Policy Manual 6-3, Chapter Two, Information System User and Supervisor Responsibilities

(U) NSA/CSS PMM Chapter 366, Section 1, 1-3, General Principles for on the Job Conduct.

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

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

III. (U) FINDINGS

(U//~~FOUO~~) *ALLEGATION 1*: ***Did [redacted] make sexual advances and engage in physical conduct of a sexual nature in the workplace, in violation of PMM Chapter 366, Section 2-1(B)?***

(U//~~FOUO~~) ***CONCLUSION: Substantiated.***

(U//~~FOUO~~) *ALLEGATION 2*: ***Did [redacted] fail to give thorough, efficient, and industrious service in the performance of his assigned duties, in violation of PMM Chapter 366, Section 1-3(E)?***

(U//~~FOUO~~) ***CONCLUSION: Substantiated.***

(U//~~FOUO~~) ALLEGATION 3: Did [redacted] use his federal government communication system to conduct non-mission-related "chat" of a sexual nature, in violation of DoD Joint Ethics Regulation (JER) 5500.7-R Subpart 2-301 and NSA/CSS Policy Manual 6-3?

(U//~~FOUO~~) CONCLUSION: Substantiated.

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(U) Documentary Evidence

(U//~~FOUO~~) Appendix C – Chat conversations between [redacted] and [redacted][2]

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(U//~~FOUO~~) Twenty-one sample conversations, dated between December 2013 and October 2014, are included. The conversations typically start prior to 0600 hours, and last for an extended period. The conversations are often resumed later in the morning and again are lengthy. Their conversations contain numerous sexual innuendos, vulgar language, and otherwise inappropriate content for the workplace. Their conversations contain numerous sexual innuendos, vulgar language, and otherwise inappropriate content for the workplace.

[2] (U//~~FOUO~~) [redacted] is nicknamed [redacted] in the conversations.

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(U) Testimonial Evidence

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(U//~~FOUO~~)

(U//~~FOUO~~) On 22 October 2014, Chief, was interviewed and provided the following sworn testimony.

(U//~~FOUO~~) Co-workers recently told that a few times a week, has been going in the with who works in . On a recent Tuesday, he noticed the key to was missing. He went back in the and saw near approached him and said "I know what you are watching…it happens all the time. We all know it. You are early. It usually does not happen until 0900."

(U//~~FOUO~~) At around 0900, while in observed and go into together. After about five minutes, he listened by the door. He could hear shuffling and movement in the room. He waited about 20 minutes but when they did not come out, he went back to his office. When returned to the office, he sent her and a message that he wanted to talk to them in the cafeteria. He subsequently met with them and told them they could not "have sex in " leaned back and nonchalantly patted on the back. was red-faced and embarrassed. Neither person said anything; it was a one way conversation. went into afterwards and saw a small metal table that he did not see before; he had the table removed from (U//~~FOUO~~) After left, asked how long the behavior had been going on, and she said about a year.

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(U//~~FOUO~~) About a week ago, apologized to appearing very remorseful. Her apology came after another incident in which an employee told that he saw the two come out of near the office, at 0530 or 0600 in the morning. The employee wondered what the two were doing in that area because the office was not opened for the day yet. A few days later, Office Manager, reported that was in the men's room with reported the matter to Chief of Staff, who referred the matter to Office Chief, and Employee Relations Counselor, then separately counseled both individuals.

(U//~~FOUO~~) Personnel in told that the two have been meeting in a few times a week for about a year. who works in told him he saw poke her head out of on one occasion to make sure the "coast was clear" before she left with

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(U//~~FOUO~~) [redacted] is irritated by their behavior, particularly because other people in his office have to access and use [redacted]

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

(U//~~FOUO~~) On 23 October 2014, [redacted] Office Manager, [redacted] was interviewed and provided the following sworn testimony.

(U//~~FOUO~~) [redacted] sees [redacted] a few times a week at work, and [redacted] about once every two weeks. She recently heard "hallway talk" from another [redacted] employee that the two were having a relationship and "messing around" at work. The employee told [redacted] she heard the information from someone else and did not have direct knowledge of it.

(U//~~FOUO~~) A week or two ago, [redacted] was in the bathroom of [redacted] and could hear two voices in the men's room next to her. She deduced from the voices that the two were [redacted] and [redacted]. She heard them talking for a minute or two, but they were gone before she left the women's room.

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(U//~~FOUO~~) [redacted] reported the matter to [redacted] supervisor. Subsequently, [redacted] was asked to schedule meetings for [redacted] the Office Chief, to counsel each individual. She thinks [redacted] told them to "knock it off" and "do it somewhere else."

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

(U//~~FOUO~~) On 29 October 2014, [redacted] was interviewed and provided the following sworn testimony.

(U//~~FOUO~~) [redacted] has known [redacted] and [redacted] since sometime in the 1990s. Working in [redacted] he heard rumors that the two were going in [redacted] together early in the morning for extended periods, but he has not personally observed them. He first heard the rumors a few months ago from colleagues.

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

(U//~~FOUO~~) On 30 October 2014, [redacted] was interviewed and provided the following sworn testimony.

(U//~~FOUO~~) Though he knows who he is, [redacted] does not interact or talk with [redacted] who "keeps pretty quiet." [redacted] works in the [redacted] in a SCIF area within [redacted] Since [redacted] personnel are always in and out of the SCIF, they keep a rolled up door open most of the time. From the SCIF, [redacted] personnel can see everyone coming in and out of [redacted] where [redacted] is located.

(U//~~FOUO~~) was coming in and out of about three times a day and going to there. noticed would walk in, and then would come in to about five minutes later. She would leave about 25 minutes later, and again, would leave about five minutes after her. This occurred almost daily, generally around 0700 or 0715. There is a lot of talk about the two in has been discussing the matter with a co-worker: "We kind of figured out what was going on right away, because we were both in Security before." Two other colleagues, and are aware of the behavior as well.

(U//~~FOUO~~) thinks they started noticing the two going into in about May or June 2014. He has not seen or in the for a few weeks.

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(U//~~FOUO~~)

(U//~~FOUO~~) On 31 October 2014, Team Lead, was interviewed and provided the following sworn testimony.

(U//~~FOUO~~) has been immediate supervisor for the past two and a half years. is a top performer. He is a for Agency customers. It is not unusual for to leave the office to meet with customers. He has not been out of the office any more than usual lately.

(U//~~FOUO~~) About a month ago, told that for the last six months or more, "something was going on" between and who is responsible for told him the two were allegedly caught in a back room together. He was surprised to hear it; he thought the two were just friends.

(U//~~FOUO~~) heard that supervisor, looked into the matter. A few weeks ago, Deputy Chief told him the front office needed to see who was at lunch. from MR then called him and asked for cell phone number. did not explain why she needed to talk to but she apparently counseled him that day. When returned from MR, he was called into office. Subsequently, brought into his office and informed him that and needed to avoid future contact at work.

(U//~~FOUO~~) did not discuss the issue with since upper management already addressed it with

(U//~~FOUO~~)

(U//~~FOUO~~) On 31 October 2014, [redacted] was interviewed and provided the following sworn testimony.

(U//~~FOUO~~) For an extended period, the bathroom in the main floor of the [redacted] was closed for maintenance. As a result, [redacted] and his co-workers would notice more when people came into the area near their office.

(U//~~FOUO~~) Beginning in August or so, almost every day, at approximately 0730 in the morning, [redacted] would see [redacted] walking towards [redacted] A few minutes later, [redacted] would walk back in the same direction. [redacted] never saw either of the two enter or exit [redacted] directly. However, there was considerable talk among civilians and contractors in [redacted] that the two were going in [redacted] together for extended periods. As far as [redacted] knows, [redacted] did not have any work-related reason to be in [redacted] has a legitimate reason to be in [redacted] given her job duties.

(U//~~FOUO~~) [redacted] is not sure what they have been doing, but would guess that "something has been going on" between the two.

(U//~~FOUO~~) [redacted] (b)(3)-P.L. 86-36 (b)(3)-P.L. 86-36 (b)(6)

(U//~~FOUO~~) On 7 November 2014, [redacted] was interviewed and provided the following sworn testimony.

(U//~~FOUO~~) Beginning in 2013, [redacted] would meet [redacted] for walks for fifteen to twenty minutes at lunchtime as well as in the mornings at [redacted] When they met in the mornings, he would rinse his coffee cup, they would talk about their home problems; and then they would go back to their respective offices. In late 2013, they became more than friends. One day, [redacted] slapped [redacted] butt and she did not object. Sometime later, in November, 2013, they kissed each other for the first time. They then began meeting almost every morning around 0530 or 0600 and kissing in the stairway.

(U//~~FOUO~~) In approximately January 2014, until September, 2014, they began touching and "groping" each other, either in the stairway or in the [redacted] They did not have time to have full intercourse on even one occasion, engaging more in sexual teasing, sometimes to the point of ejaculation.[3] [redacted] would also [redacted] in the mornings once every few weeks. They would meet every morning in the stairway to rinse his cup and talk; about once or twice a week they went into [redacted] and engaged in touching and sexual activity for about ten or twenty minutes. Two or three times, they would go to Perry's for lunch, for about an hour each time.

[3] (U//~~FOUO~~) [redacted] denied having full intercourse with [redacted] However, she later emailed the OIG and said "With regard to your question about intercourse, we tried but could not complete the full act of intercourse because he could not keep an erection which is why I said no, we did not have the time. However, if you believe that trying is the actual act of intercourse then my response should have been yes...."

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(U//~~FOUO~~) In August or September 2014, [redacted] supervisor, met with [redacted] and [redacted] and told them that people were saying they were coming out of [redacted] together, and that they should not be going in the room together any more. [redacted] told [redacted] to put herself down for a half hour leave, since he knew she was in [redacted] with [redacted] that particular day for an extended time. [redacted] and [redacted] ceased going in [redacted] after [redacted] talked to them; they continued to meet in the mornings to talk and wash [redacted] coffee cup. On occasion, they went back in a [al]cove area and kissed on the second floor of [redacted] which she knows was inappropriate.[4]

(U//~~FOUO~~) In the mornings, [redacted] would go to the men's room door and talk to [redacted] while he washed his cup out, but did not ever fully enter the bathroom. She did not go beyond the front door of the men's room at any point. [redacted] from MR called [redacted] over to her office and told her that people were reporting the two were having sexual relations in the bathroom of the [redacted] told both parties to avoid contact with each other in the workplace. [redacted] Office Chief, [redacted] and [redacted] Chief of Staff, also told the two the same thing. [redacted] and [redacted] have complied with the order, and now keep their relationship outside of the workplace.

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(U//~~FOUO~~) [redacted] was not thinking when she engaged in what she knows is "inappropriate behavior." The environment in the [redacted] is "blue collar", and more like a locker room, with sexual innuendos, etc.

(U//~~FOUO~~) She has chatted with [redacted] a few times on "Lync" since they were counseled. Prior to that, they would chat sporadically every day at work for anywhere from one hour to two hours total per day. Some days they might have chatted as much as three hours. In a given 40 hour week, the most they chatted was about ten hours on average. The chatting started in November, 2013, when the two started walking together, and continued until they were counseled. Now, they restrict their chatting to a "hi or bye", a minute or two at a time.

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

(U//~~FOUO~~) On 7 November 2014, [redacted], was interviewed and provided the following sworn testimony.

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

[4] (U//~~FOUO~~) The physical area described is referenced in [redacted] testimony. He told the OIG that an employee told him about seeing [redacted] and [redacted] coming from a "closet area" on the second floor of [redacted]

(U//~~FOUO~~) met in about 2006. For approximately the past nine months, the two have been involved in a relationship. She knew his situation was not good at home.

(U//~~FOUO~~) At some point, said her legs were "silky smooth" and said he wanted to feel them. One day, the two were walking and "whacked" her on the behind. was not offended and as a result, thought she might be interested in him.

(U//~~FOUO~~) Beginning in late spring or early summer 2013, and would see each other at work each day for five to ten minutes in the morning. He would wash his coffee cup out and she would talk to him from just outside the bathroom. At some point, maybe about seven months ago, they "made out" in the parking lot. They then met in parking lots or a hotel room on occasion.

(U//~~FOUO~~) mentioned she had where they could get away from it all and talk more. About once a week or so, they would meet in there for about ten to fifteen minutes, around 0900, and engage in kissing, hugging, oral sex and groping.[5] Once every few weeks, she would in which only took about ten minutes. On three occasions, they had "full intercourse" in while standing up. They never engaged in sexual activity in the bathroom.

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(U//~~FOUO~~) In probably August 2014, people told that he was being watched. He told they had to be careful. supervisor, "had a thing" for her, and used to tell he would like to "get at that" before he knew about their relationship. Chief of Staff, He wonders if either or would make trouble for him about his relationship with but admits he is "grasping at straws."

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(U//~~FOUO~~) In September 2014, brought the two to the cafeteria and told them he knew what was going on and that "it stops today." from MR then called them over to her office and said MR was getting calls that the two "were having sex every day," to include in the bathroom of Apparently someone told MR that she overheard the two having sex in the men's room from the adjacent women's room. The two were simply talking, though acknowledges should not have been standing at the men's room door. Office Chief, then called the two in and told them to stay apart from each other at work at all times. and have complied with his directive. When he sees her at work now, he heads the other way.

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[5] (U//~~FOUO~~) Following the interview, emailed the undersigned and said, "...now that I had time to clear my head I do believe we were in the room twice a week for a good 3 to 4 month stretch, but like I said not every week was about what we talked about."

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(U//~~FOUO~~) has met for lunch about four or five times over the past nine months, being away from work for about an hour or so. works 0530 to 1400 and four out of five days, he does not go to lunch. He feels like the extra time he puts in covers any time he spent with

(U//~~FOUO~~) and chatted about personal issues for approximately one half hour a day. At times, the conversations had a sexual tone, with fantasy talk, symbols such as kiss signs, and occasionally suggestive images. He has consistently had sexual chats with different women off and on ever since the chat capability was established at the Agency. and were engaging in these conversations every day on the "high side."

(U//~~FOUO~~) knew the behavior he was engaging in with was inappropriate, but in his mind, he was "behind a closed door." When rumors about the two were swirling around, he told they had to be careful. If he could do things over again, this would not happen. This is the only time in his Agency career he has been involved in a workplace relationship such as this. He is sorry for his actions and is willing to take the brunt of whatever punishment results. He is disappointed in himself right now.

(U//~~FOUO~~)

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(U//~~FOUO~~) was interviewed for a second time on 2 June 2015 and provided the following sworn testimony.

(U//~~FOUO~~) In September 2013, kissed for the first time. The two were in his office. They continued to meet and kiss in the mornings in either his office or the stairway until approximately November 2013, when they took their relationship further.

(U//~~FOUO~~) From November 2013 until October 2014, she met every workday morning while he washed his coffee cup. The two would kiss and spend about ten to fifteen minutes together. About twice a week, the two would meet in and engage in sexual activity for about fifteen minutes or so. "It's a fair assumption" that some days the two would spend most of the morning chatting about their meeting, then would meet and have sexual activity, and later would chat more about their meeting.

(U//~~FOUO~~) and would spend considerable work time chatting, typically exchanging content of a sexual nature. Some days they "maybe" spent five or six hours chatting. On average, estimates they were chatting four hours a day for about a year before their sexual activity in the workplace was discovered. "I did do some work." In November 2014, after the first interview with the OIG, deleted her chat account. She printed out all the conversations with prior to deleting the account because she wanted to keep them as mementos. She did so at the end of a work day, using a "ream of paper…250 to 500 sheets." Some of the conversations contained "sexual type" emoticons which she either

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downloaded from the low side or received from other Agency employees. There were maybe 50 to 100 emoticons available on the chat site. She would use some of the emoticons – a teeter totter, sticking out a tongue, a devil - for sexual connotations. The two have not had any physical contact at work since the November 2014 interview, and only spend a few minutes each day in non-sexual chats via Lync.

(U//~~FOUO~~) Regarding the graphic nature of several of their chats, [redacted] said, "It was inappropriate in the workplace to say that stuff…you just got caught into it like a drug. If your parents told you don't eat that candy in the jar, you want to eat the candy…it made me happy. You wanna do something that makes you happy…."

(U//~~FOUO~~) From the top down, a lot of things are accepted in [redacted] that should not be tolerated. It's a blue collar environment, and things like "hey sexy" are tolerated much more than they would be in other places.

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

(U//~~FOUO~~) [redacted] was interviewed for a second time on 2 June 2015 and provided the following sworn testimony.

(U//~~FOUO~~) [redacted] and [redacted] have stayed apart from each other at work since they were interviewed by the OIG in November 2014. "I am scared straight." They chat via Lync maybe four times a day, probably for less than a half hour total, keeping the brief conversations clean: "We are in love with each other."

(U//~~FOUO~~) The chats between the two prior to the interview were "maybe more than a half hour" as [redacted] estimated in the first interview. "If I had to go five days a week, if I had to guess, let's say ten hours a week. That could be high or it could be low." Some days he was looking for work and did not have enough to do. He has not allowed the chats to affect his performance.

(U//~~FOUO~~) Regarding the graphic nature of the conversations and the fact that they were taking place daily, [redacted] said he wasn't thinking. He was not aware that his conversations could be monitored or retrieved, despite the consent to monitoring sticker on his computer screen. "I wasn't thinking, just blind." He does not sign in on the chat account [Pidgeon] he used to use any more.

(U//~~FOUO~~) Every day the two would meet in the morning for ten to fifteen minutes while he washed his coffee cup and then would kiss. They would meet later in the day once or twice a week and engage in sexual activity in work spaces, for fifteen minutes or so. [redacted] cannot remember when exactly, but thinks they began meeting in [redacted] in early 2014. "The room thing started in '14.. [redacted] suggested that she had keys to a room and wanted to meet. I said sure…if I had to guess, I'd say that was in May or June 2014…."

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(U//~~FOUO~~) [redacted] said there are a lot of people on Pidgeon doing inappropriate things. He has been keeping a log on one person. He was encouraged to report any concerns to the OIG Hotline.

(U//~~FOUO~~) "I just didn't think. I apologize. It's embarrassing to hear that stuff [the chat conversations]…I am ashamed."

(U//~~FOUO~~) "I've been a loyal employee for 28 years…I'm a hard worker, a good worker." The chats were a "poor use of judgment…good people make mistakes…I don't know what else to say…." He has not talked about his chats or meetings with [redacted] with his supervisor, [redacted]

(U//~~FOUO~~) "My image has been tarnished…I'll do whatever it takes to restore that." People are looking at him differently now, which hurts. He will accept whatever punishment is deemed appropriate.

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(U) Analysis and Conclusions

(U//~~FOUO~~) NSA/CSS Policy PMM Chapter 366, section 2-1 states that employees will not engage in conduct that disrupts the workplace or interferes with work performance, and that employees will not make sexual advances or engage in physical conduct of a sexual nature, whether welcome or not, in the workplace. From November 2013 until October 2014, [redacted] met with [redacted] twice a week on average during the workday and engaged in sexual activity in [redacted] had access to [redacted] and suggested to [redacted] that the two begin meeting there. The meetings were during duty hours, and in NSA/CSS spaces, specifically [redacted] that belonged to the [redacted] organization.

(U//~~FOUO~~) NSA/CSS Policy PMM Chapter 366, section 1-3, states that employees should give thorough, efficient, and industrious service in the performance of their assigned duties. The DoD JER 5500.7-R states that "Federal Government communication systems and equipment…shall be for official use and authorized purposes only…." Additionally, NSA/CSS Policy Manual 6-3, Chapter 2, section 3.b states that all NSA/CSS IS users shall "Use Information Systems for official government and/or mission related purposes."

(U//~~FOUO~~) [redacted] estimated he spent two hours a day (on average over a one year period) on his government computer in non-work related chatting with [redacted] surmised that the two were spending on average four hours per day chatting. The chat conversations (Appendix C) were filled with sexual teasing, sexual innuendos and suggestive or vulgar remarks. The OIG review of the graphic chats revealed that many days, [redacted] would continuously chat for hours at a time with [redacted] about their relationship and their upcoming meeting in [redacted] He would then meet her in [redacted] and engage in inappropriate sexual activity. He would then return to his work space and spend additional

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extended time chatting about the meetings in the storeroom and discussing their relationship and next meeting. told the OIG it was a "fair assumption" that she was spending most of her mornings chatting with or meeting Given the extended and continuous nature of the conversations and meetings, the time and effort was performing work was clearly impacted, regardless of his assertion to the OIG that he has not allowed the chats or meetings to affect his performance. admitted to the OIG that the extended chat conversations and meetings he was having with showed poor judgment, and said he was ashamed of the behavior.

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

- made sexual advances and engaged in physical conduct of a sexual nature in the workplace, in violation of PMM Chapter 366, Section 2-1(B);

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(b)(6)

- failed to give thorough, efficient and industrious service in the performance of his assigned duties, in violation of PMM Chapter 366, Section 1-3(E);

- used his federal government communication system to conduct non-mission-related "chats" of a sexual nature, in violation of DoD Joint Ethics Regulation (JER) 5500.7-R Subpart 2-301 and NSA/CSS Policy Manual 6-3.

IV. (U) RESPONSE TO TENTATIVE CONCLUSIONS

(U//~~FOUO~~) The OIG provided [redacted] with tentative conclusions on 17 August 2015. On 24 August 2015, [redacted] responded to the OIG's tentative conclusions. Because [redacted] provided no new information requiring additional investigation, the tentative conclusions became final. His response is included as Appendix D.

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(b)(6)

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V. (U) CONCLUSION

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(b)(6)

(U//~~FOUO~~) The preponderance of the evidence supports the conclusion that [redacted]

- made sexual advances and engaged in physical conduct of a sexual nature in the workplace, in violation of PMM Chapter 366, Section 2-1(B);

- failed to give thorough, efficient and industrious service in the performance of his assigned duties, in violation of PMM Chapter 366, Section 1-3(E);

- used his federal government communication system to conduct non-mission-related "chats" of a sexual nature, in violation of DoD Joint Ethics Regulation (JER) 5500.7-R Subpart 2-301 and NSA/CSS Policy Manual 6-3.

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V. (U) DISTRIBUTION OF RESULTS

(U//~~FOUO~~) A copy of this report of investigation will be provided to Employee Relations (MR). Also, a summary memorandum will be provided to the Associate Directorate for Security and Counterintelligence, Special Actions (Q242), and [redacted] supervisor.

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(b)(6)

[redacted]
Senior Investigator

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

Concurred by:

[redacted]
Assistant Inspector General
for
Investigations

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APPENDIX A

(U) Applicable Authorities

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(U) DoD Joint Ethics Regulation (JER) 5500.7-R Subpart 2-301: *Use of Federal Government Resources*

A. Communication Systems. Federal Government communication systems and equipment (including Government owned telephones, facsimile machines, electronic mail, internet systems, and commercial systems when use is paid by the Federal Government) shall be for official use and authorized purposes only.

(U) NSA/CSS Policy Manual 6-3, Chapter Two, Information System User and Supervisor Responsibilities

3. (U) All NSA/CSS users shall:

b. (U) Use Information Systems for official government and/or mission related purposes.

(U) NSA/CSS PMM, Chapter 366 — *Personal Conduct*

Section 1-3 — (U) *General Principles for On-The-Job Conduct*

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

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.

B. Sexual Harassment – Employees will not: 1) make sexual advances or engage in physical conduct of a sexual nature (whether welcome or not) in the workplace…3) engage in conduct that interferes with work performance or creates an intimidating, hostile or offensive work environment, including sexual teasing (repeated offensive or unwelcome comments, advances, propositions, remarks, gestures, touching, or questions of a sexual nature); degrading words used to describe an individual; and the display in the workplace of sexually offensive writings, objects or pictures, including the use of software or computers for such display.

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APPENDIX B

(U) Employee Profile – [redacted]

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

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EMPLOYEE PRIVACY ACT
PERSONAL DATA: Dissemination or reproduction is limited to that authorized by the privacy act:. Users may be subject to civil or criminal penalties and disciplinary action for failure to comply with privacy act provisions. Furthermore, document may not be removed from NSA facilities without specific approval of the Freedom of Information & Privacy Office.

Employee Profile - Generated 07-OCT-2014

Employee ID:

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

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

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

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Employee Profile - Generated 07-OCT-2014

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

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Employee Profile - Generated 07-OCT-2014

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

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*** removed from NSA facilities without specific approval of the Freedom of Information & Privacy Office. ***
*** Request for approval should be emailed to DJ4_privacy with a copy of your profile attached. ***

Employee Profile - Generated 07-OCT-2014

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

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Employee Profile - Generated 07-OCT-2014

[redacted]

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

BENEFITS

Retirement:
Health Plan:
FEGLI Life Insurance:
Thrift Savings Plan:

[redacted]

TSP investment allocations are now maintained by the TSP Office.
Please refer to the Agency TSP Home Page for further information

LOCATOR INFORMATION

HOME INFORMATION:

(b)(6)

Address:

[redacted]

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PERSONNEL PRIVILEGED

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Employee Profile - Generated 07-OCT-2014

[redacted] Employee ID: [redacted]

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(b)(6)

Phones
Home: [redacted]

EMERGENCY INFORMATION:

Contact
Name:
Relationship:
Address: [redacted]

Phones
Home:
Mobile:
Other:

(b)(6)

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

APPENDIX C

(U) Sampling of Chat Conversations between [redacted] and [redacted]

December 2013 - October2014

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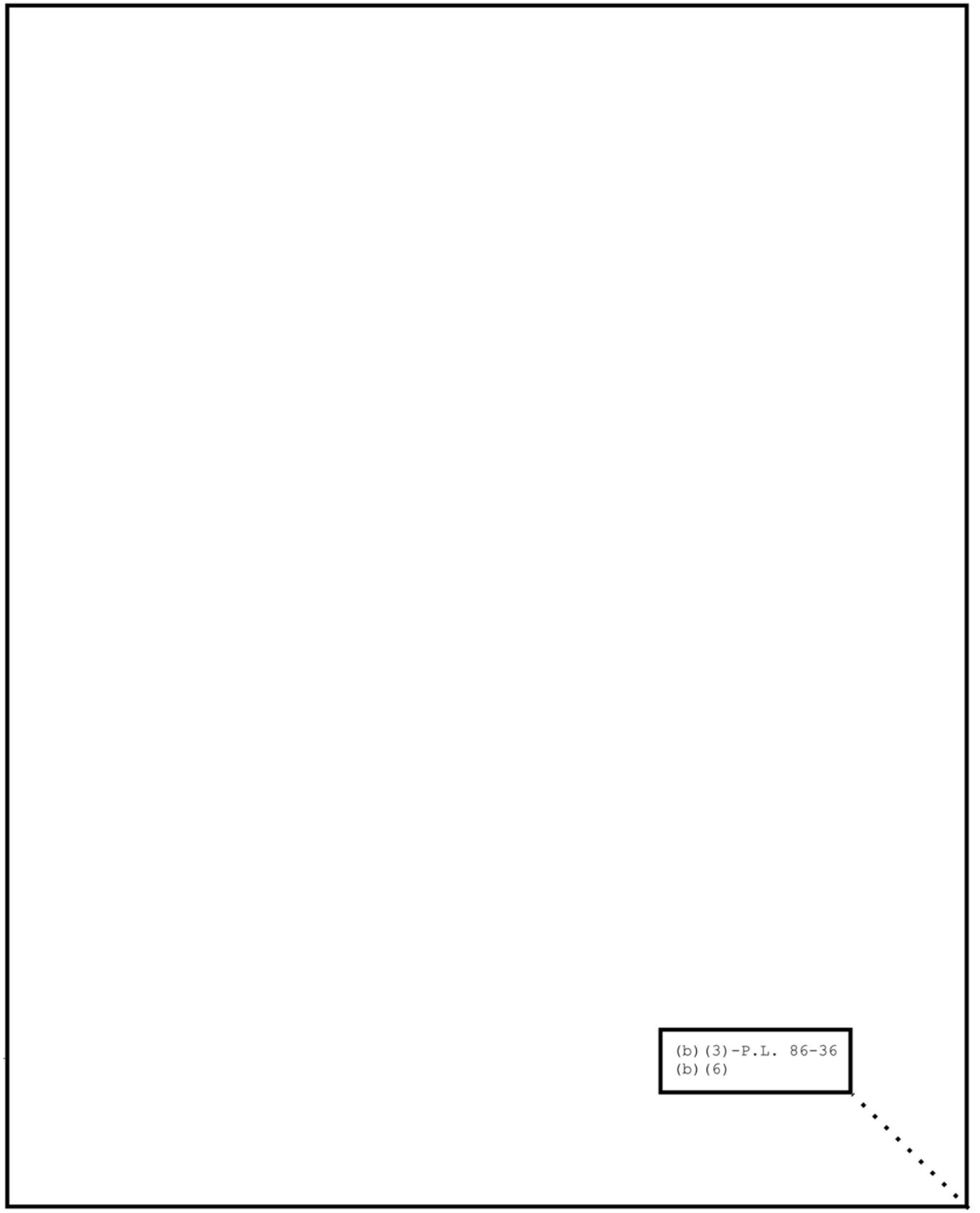
(b) (6)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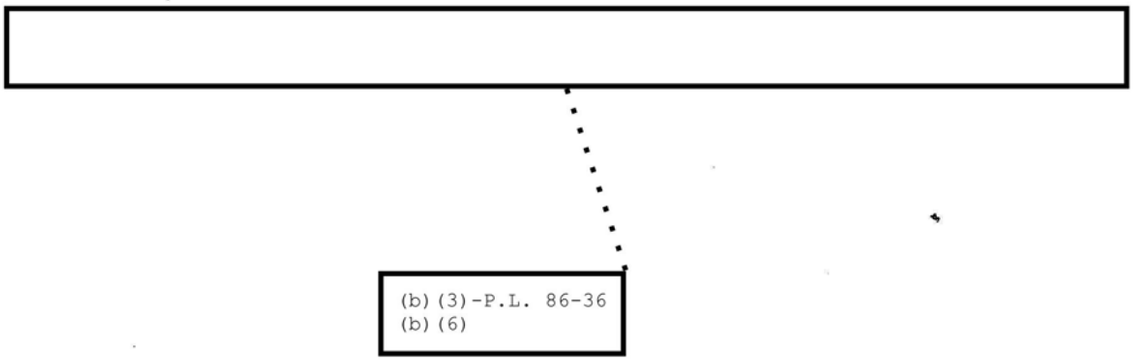

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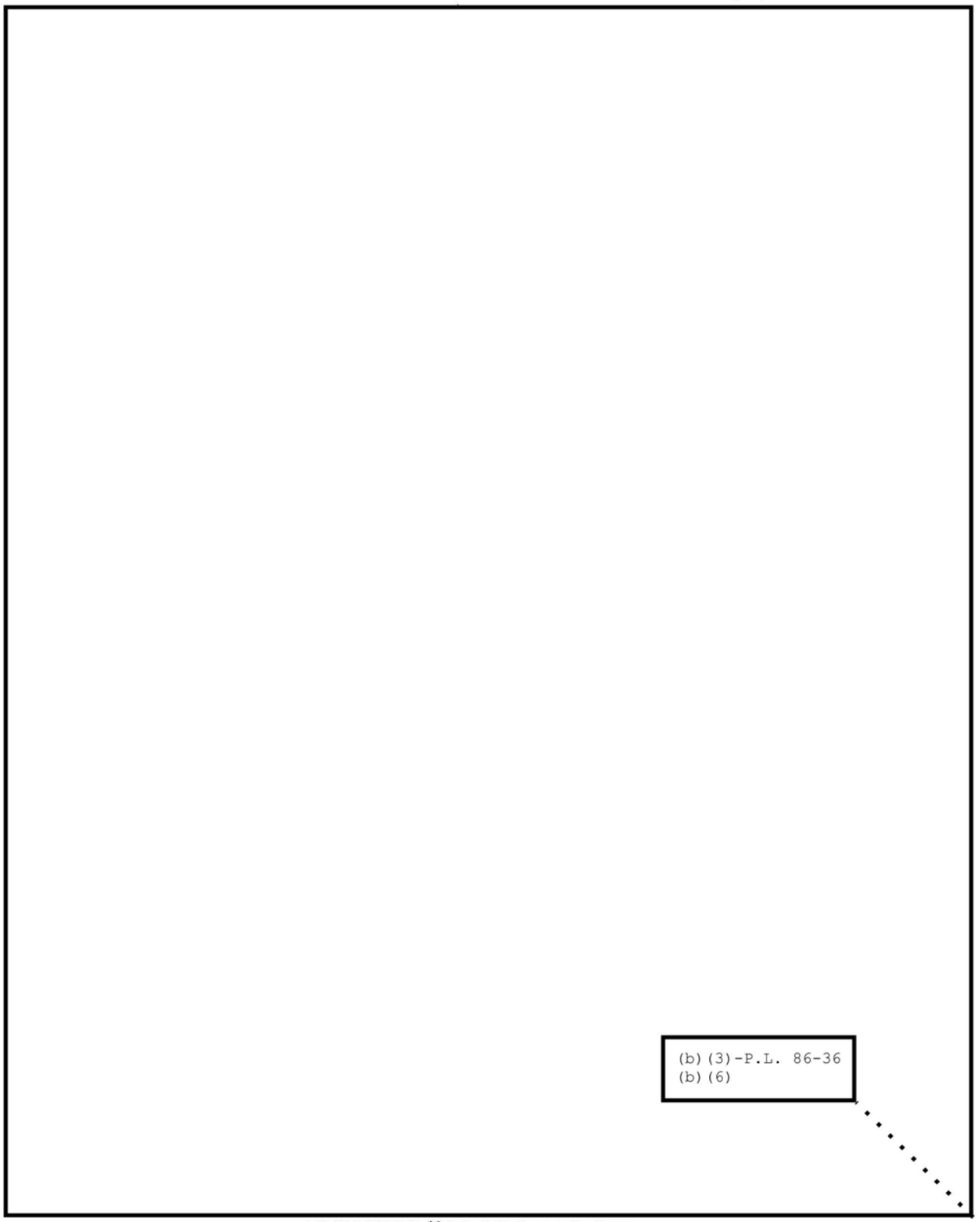
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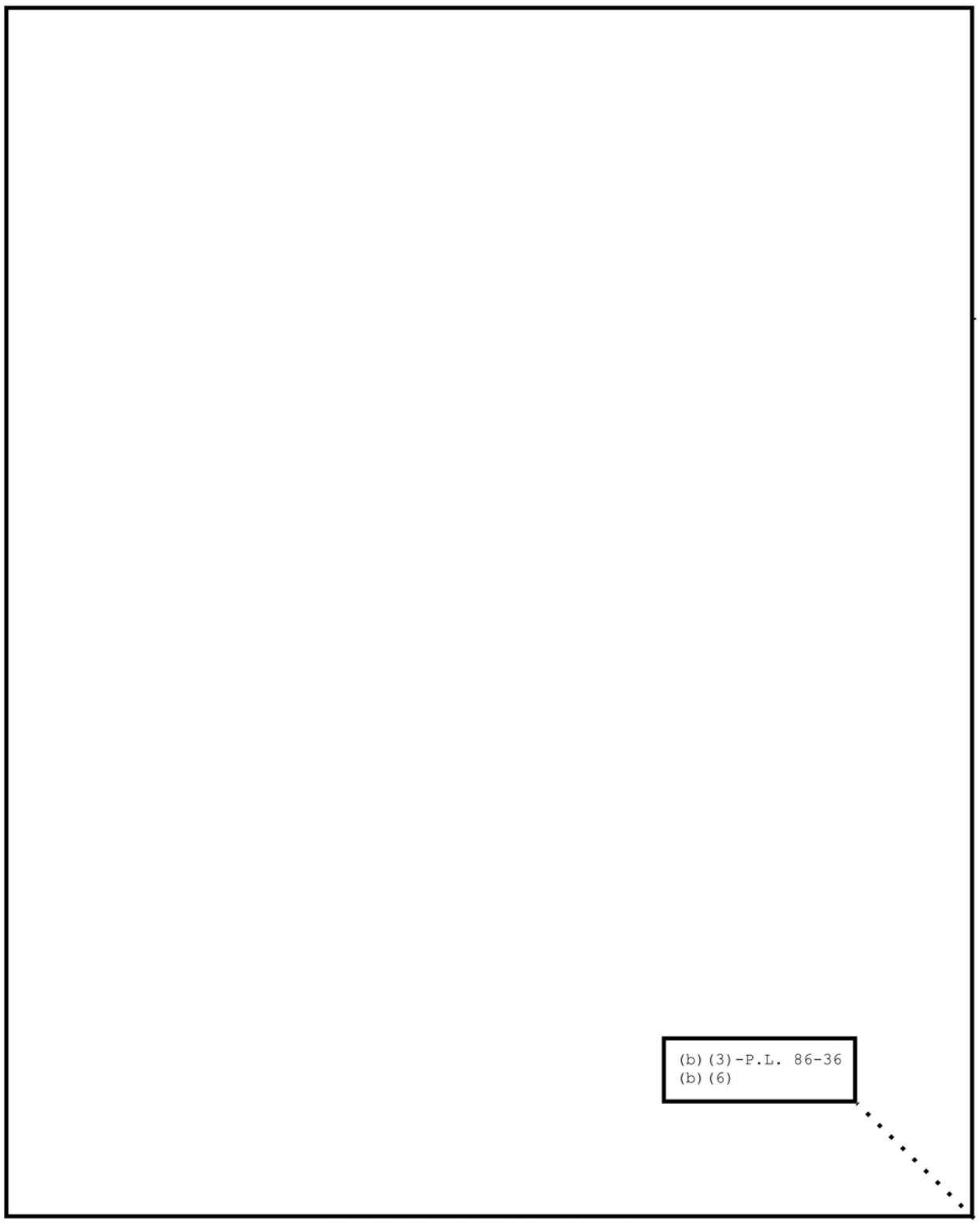
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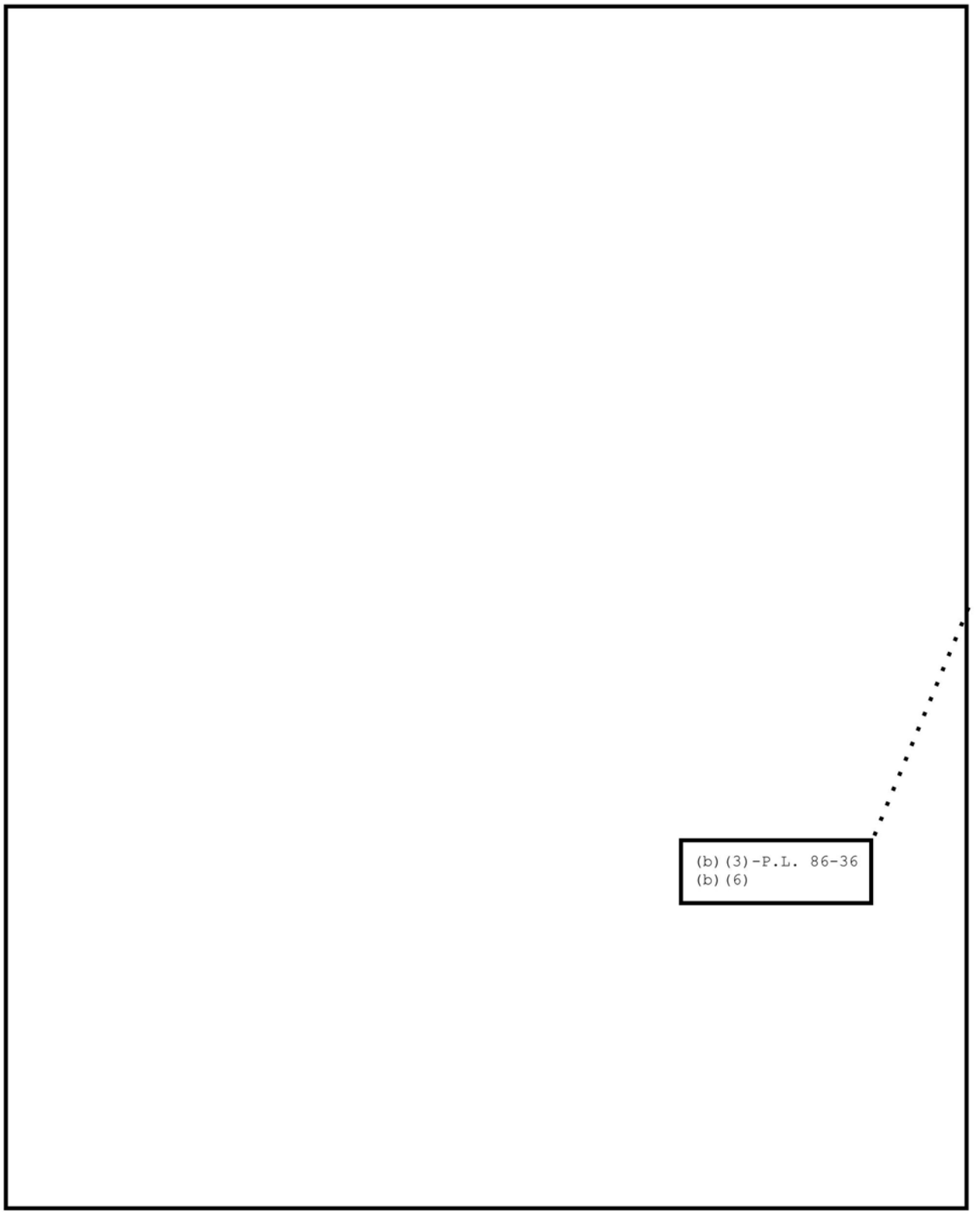
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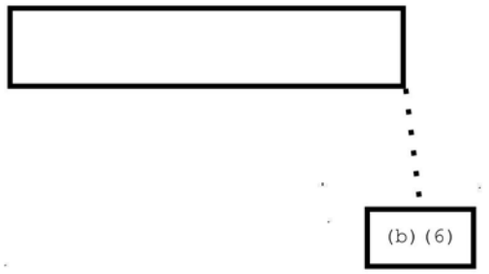

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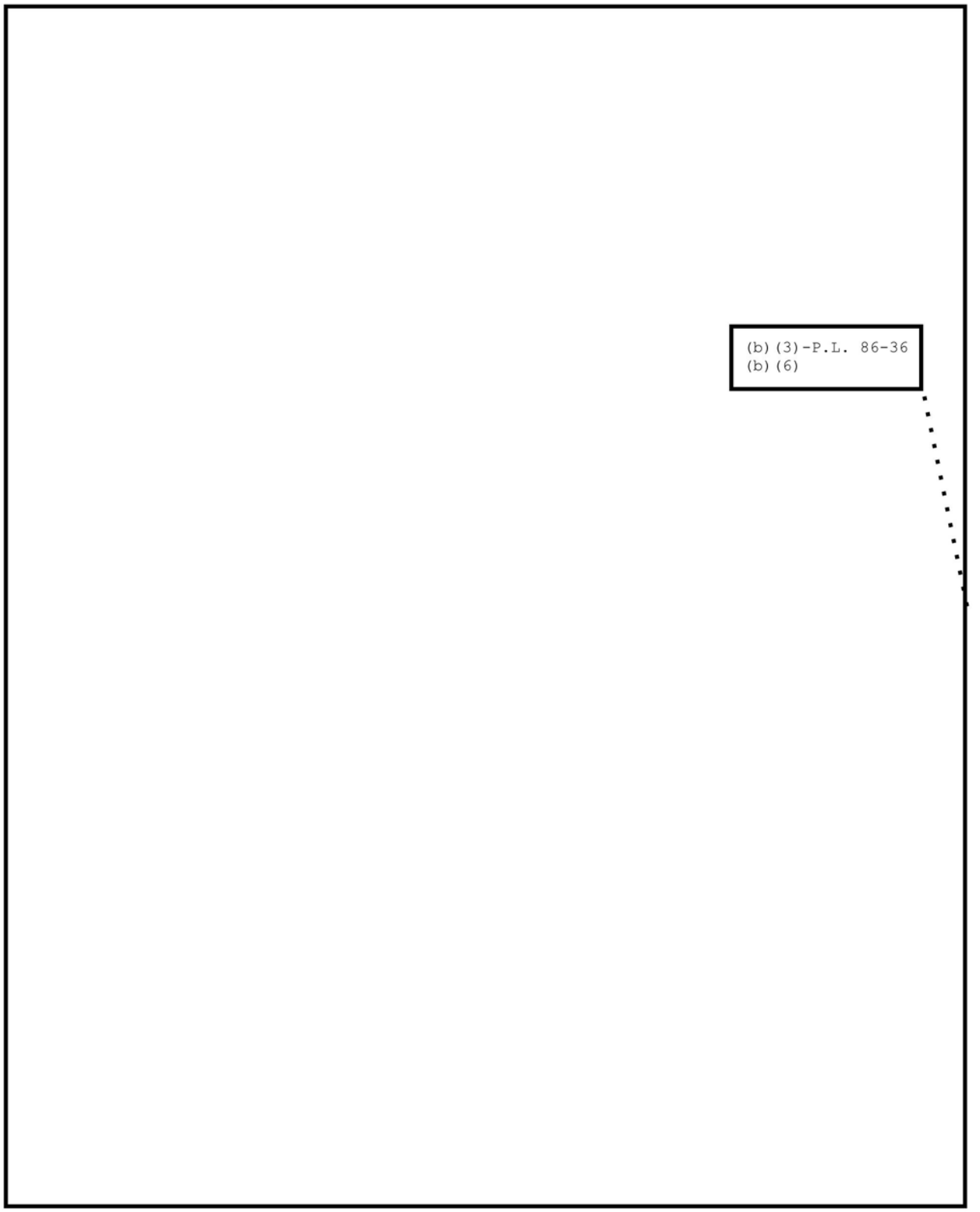
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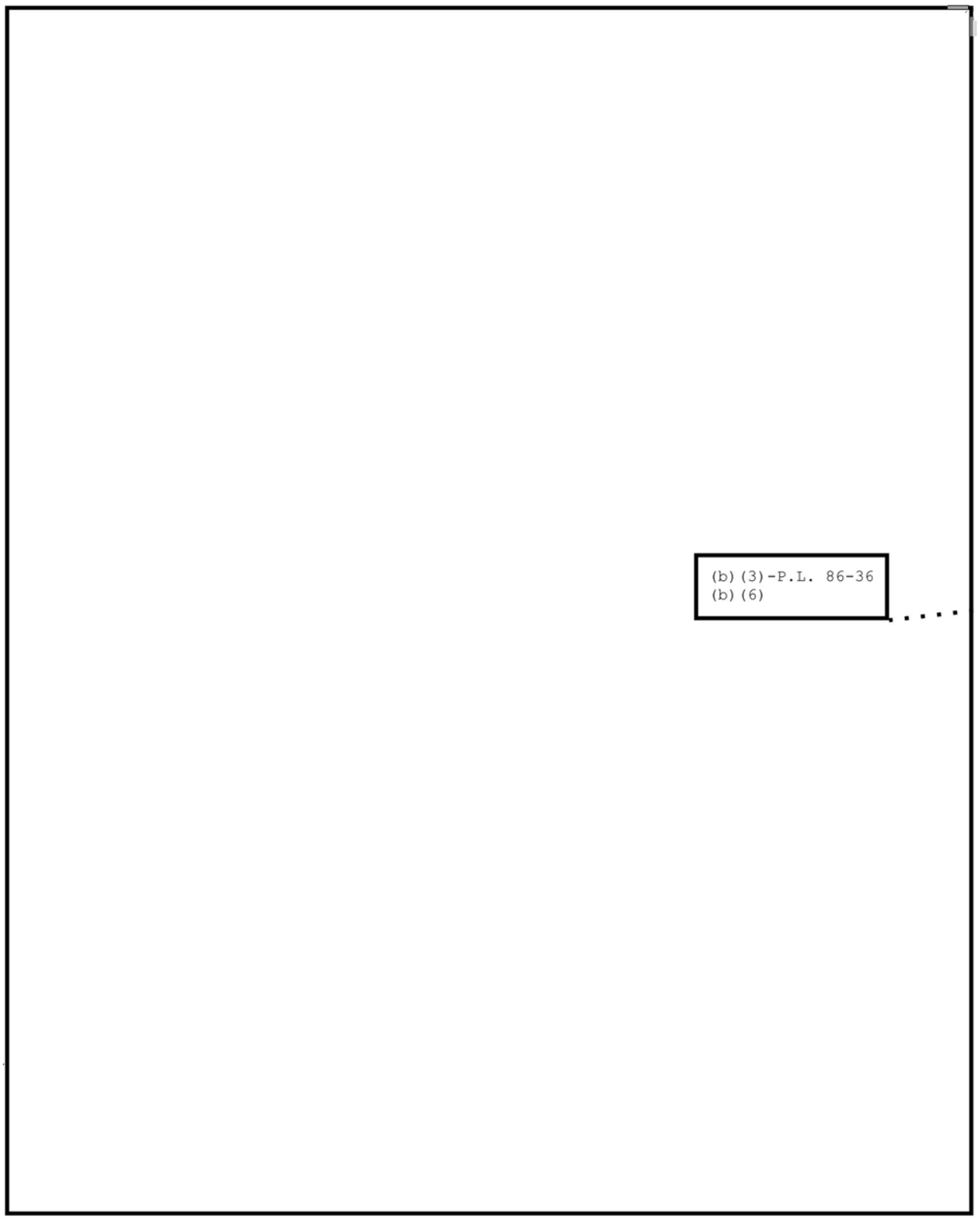
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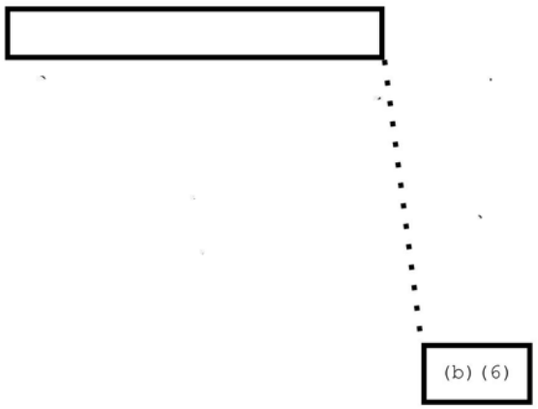

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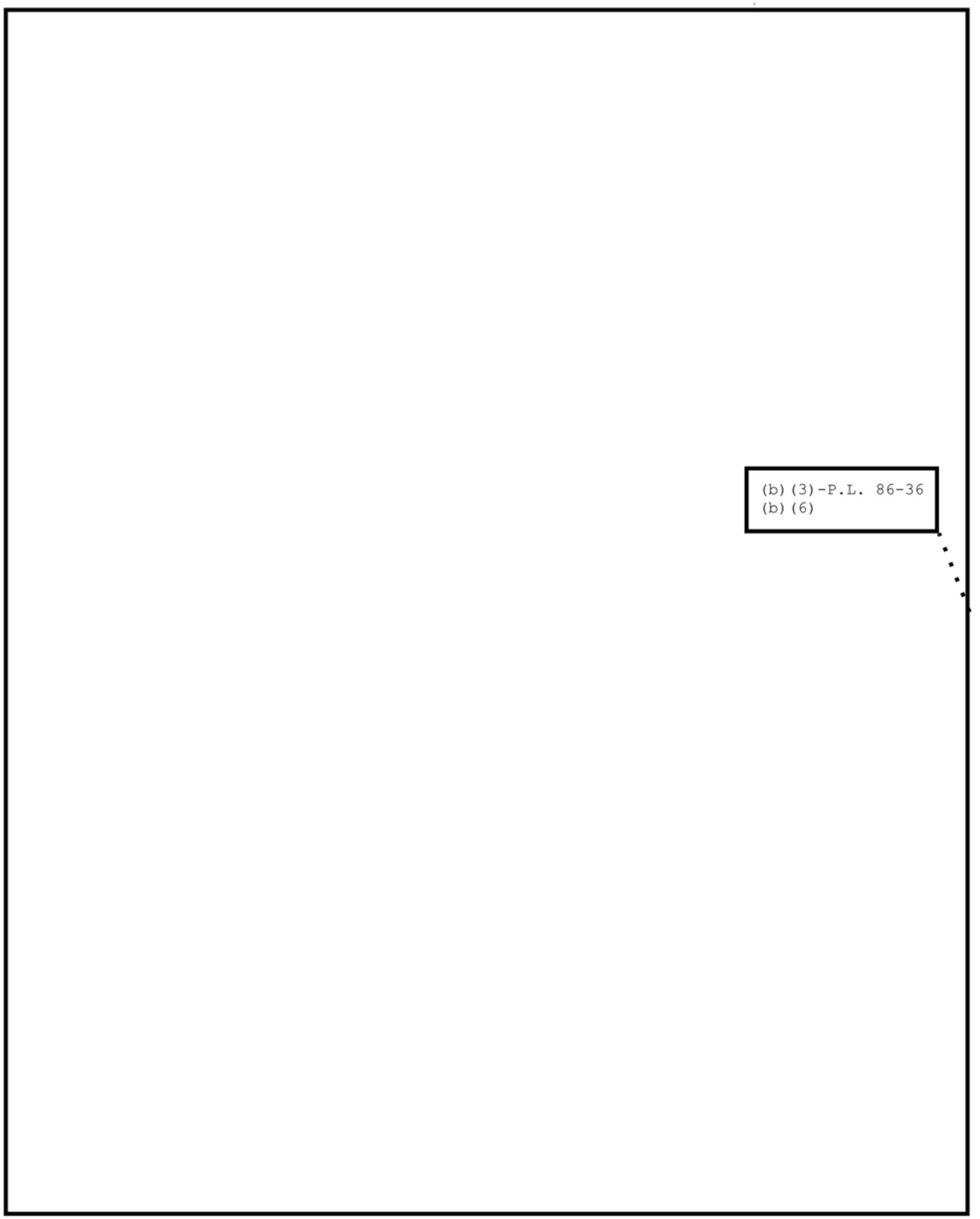
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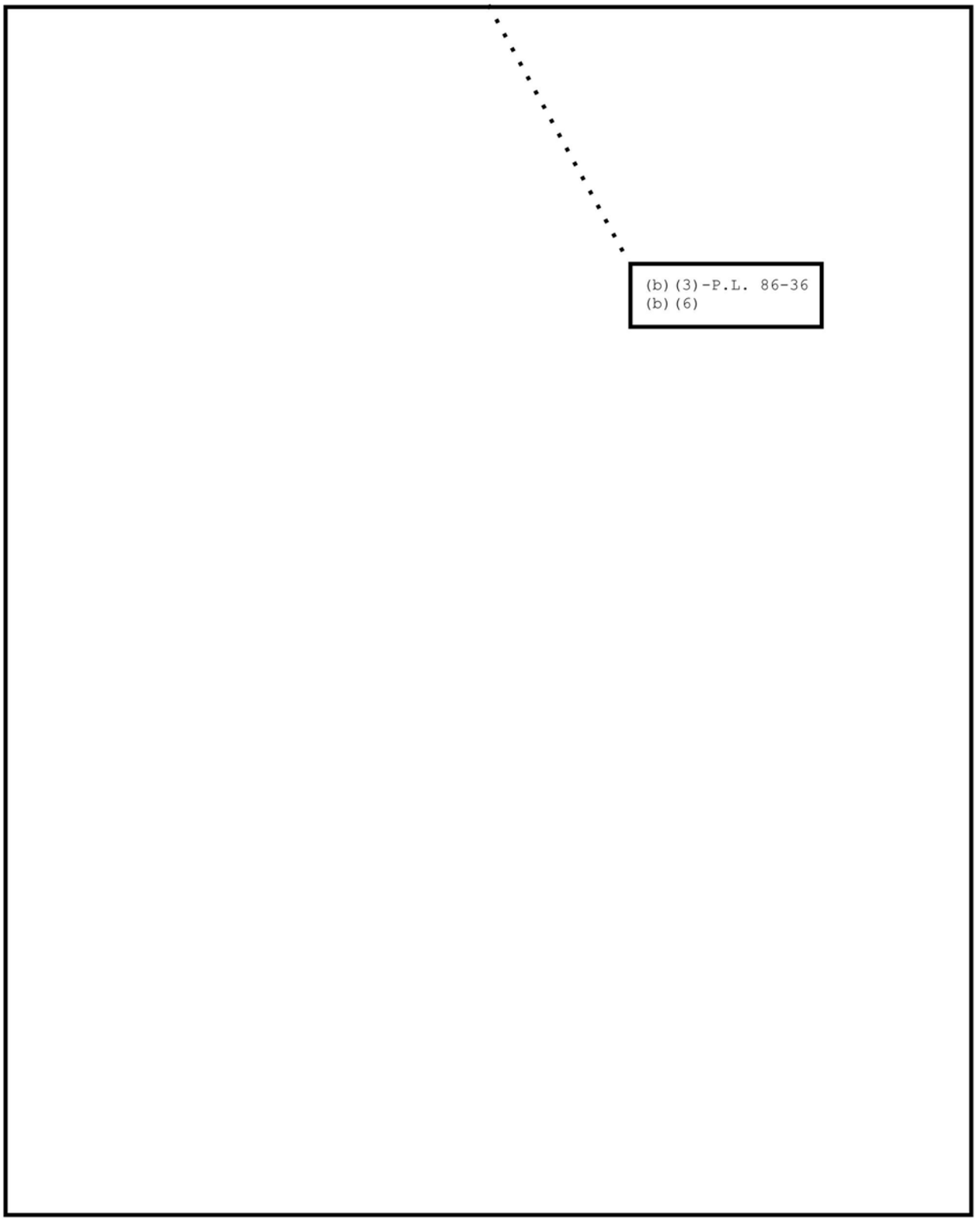
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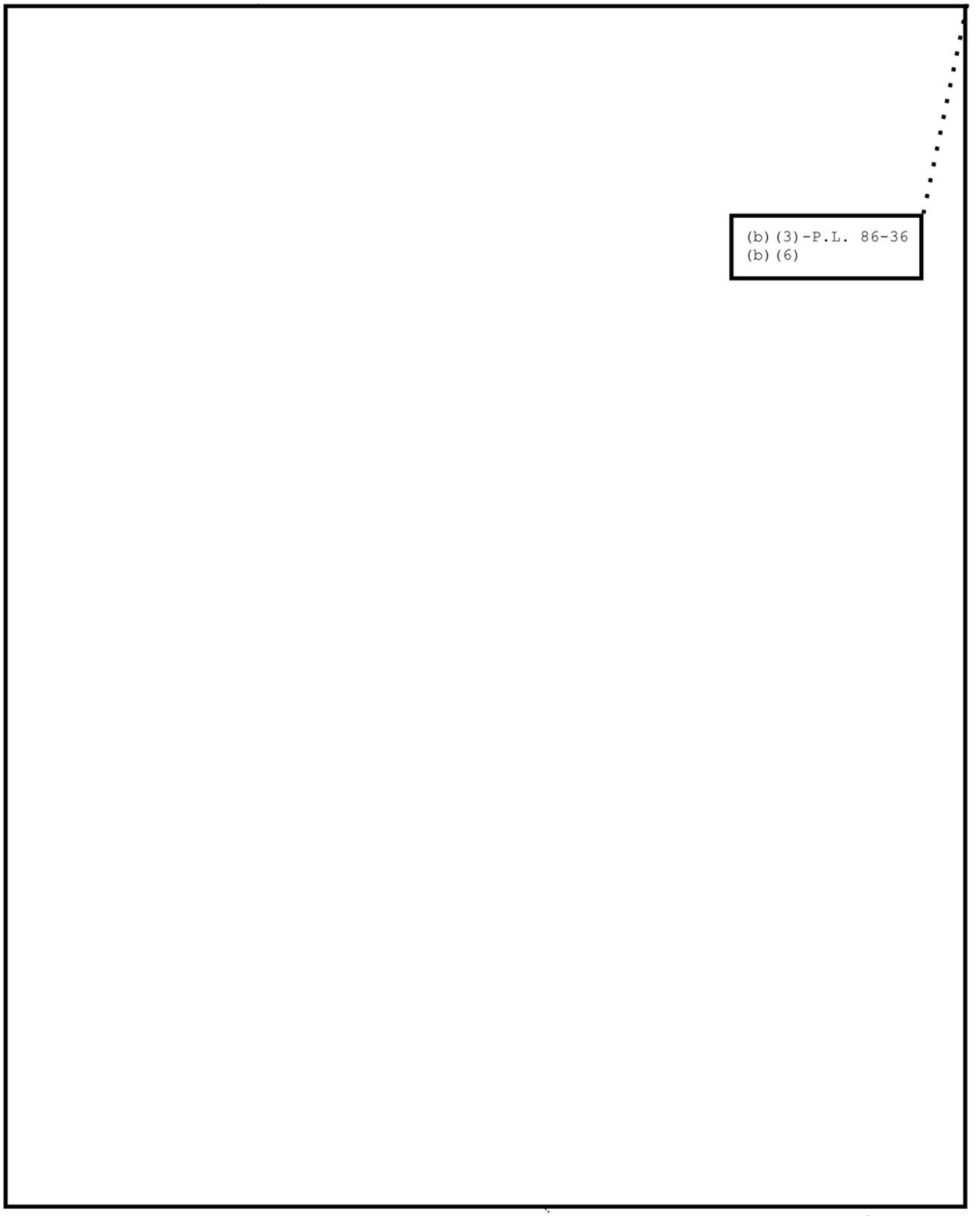

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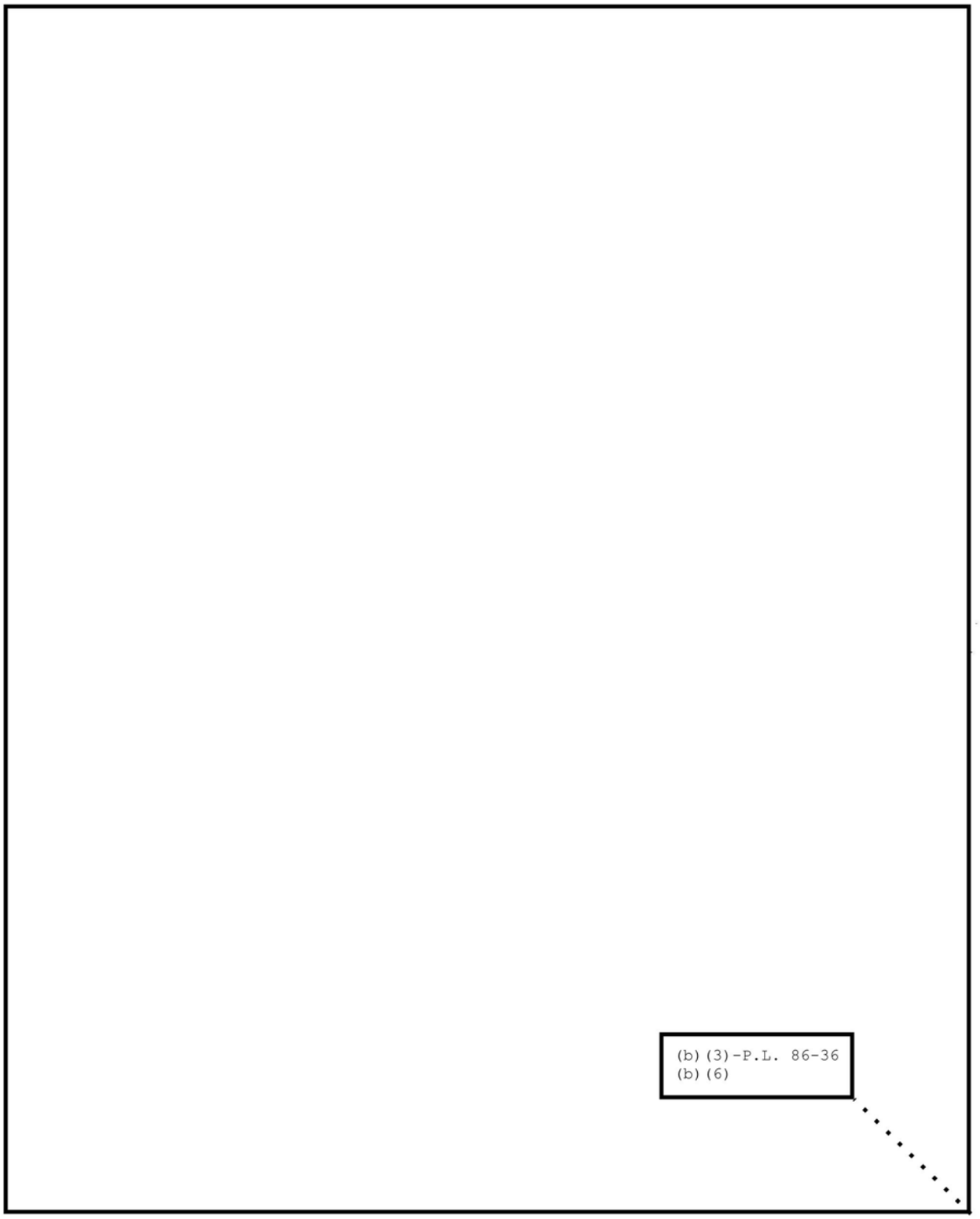
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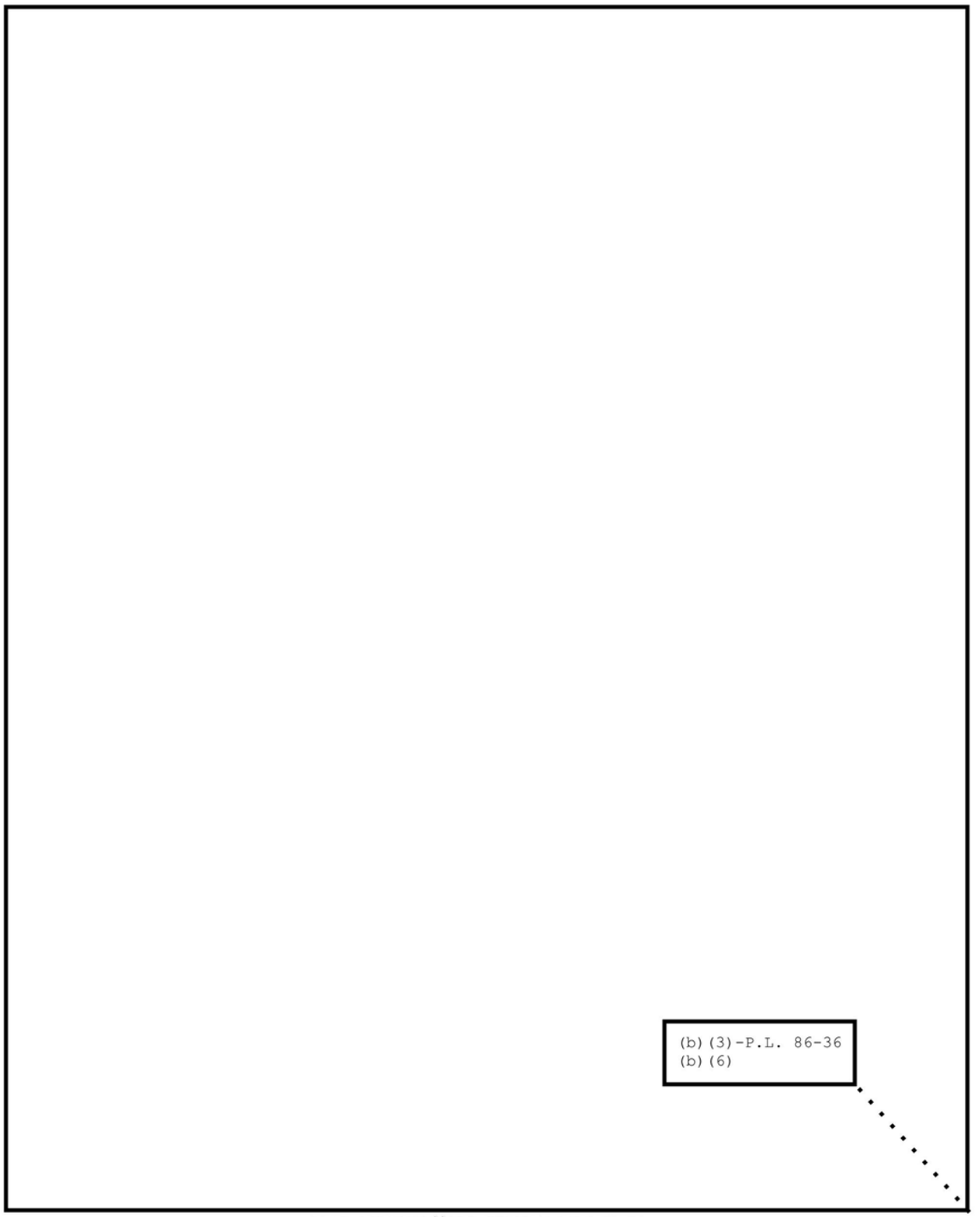
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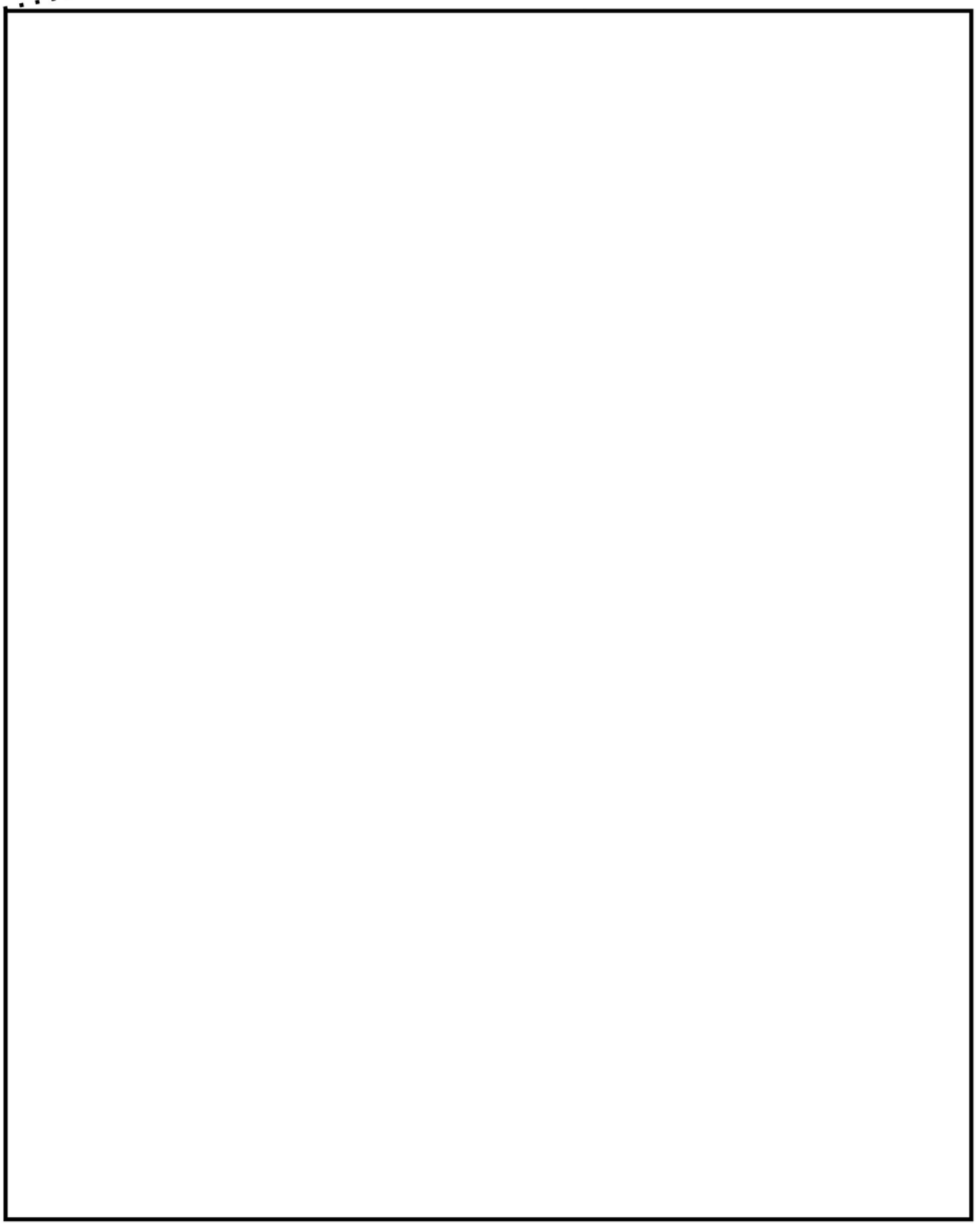

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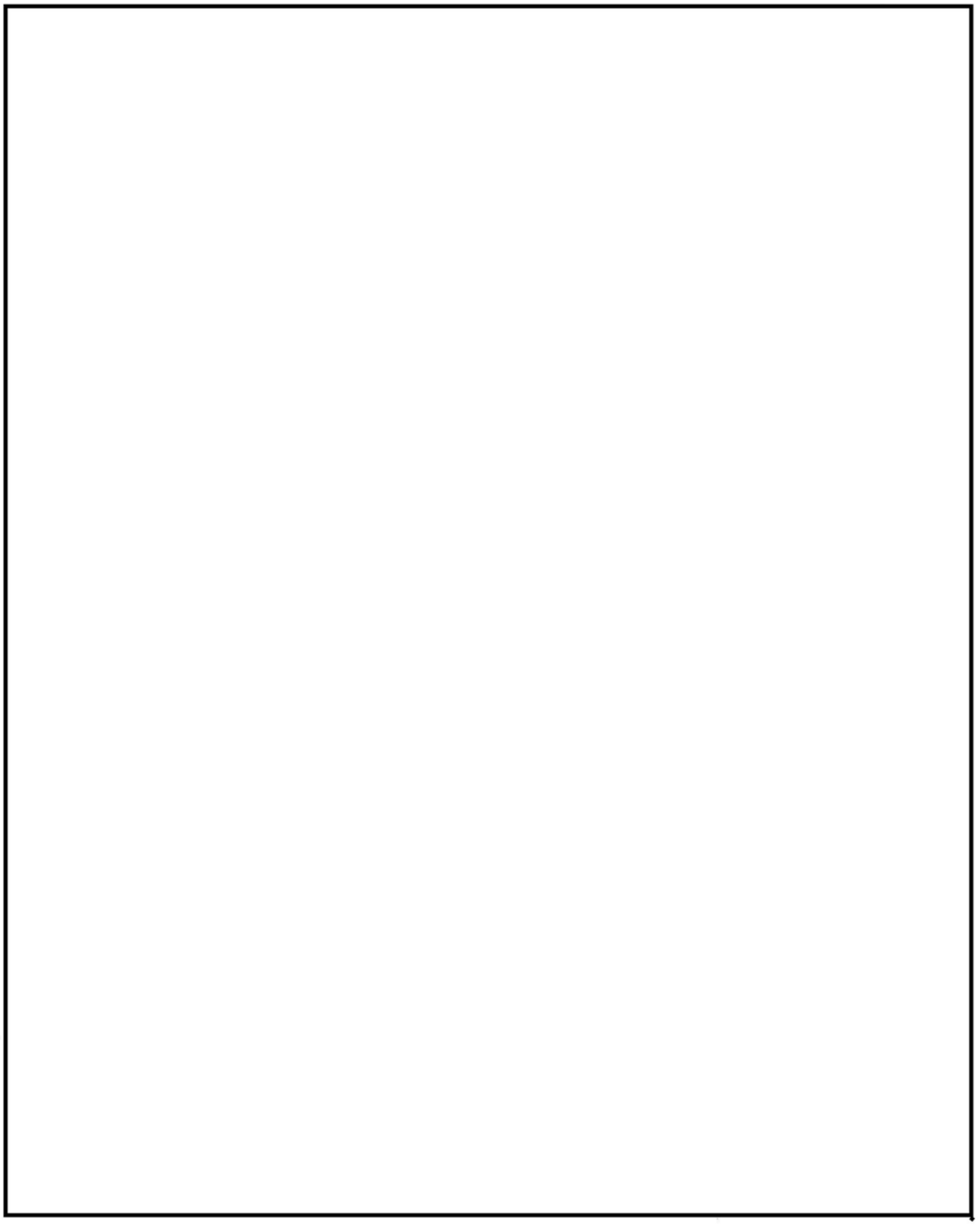

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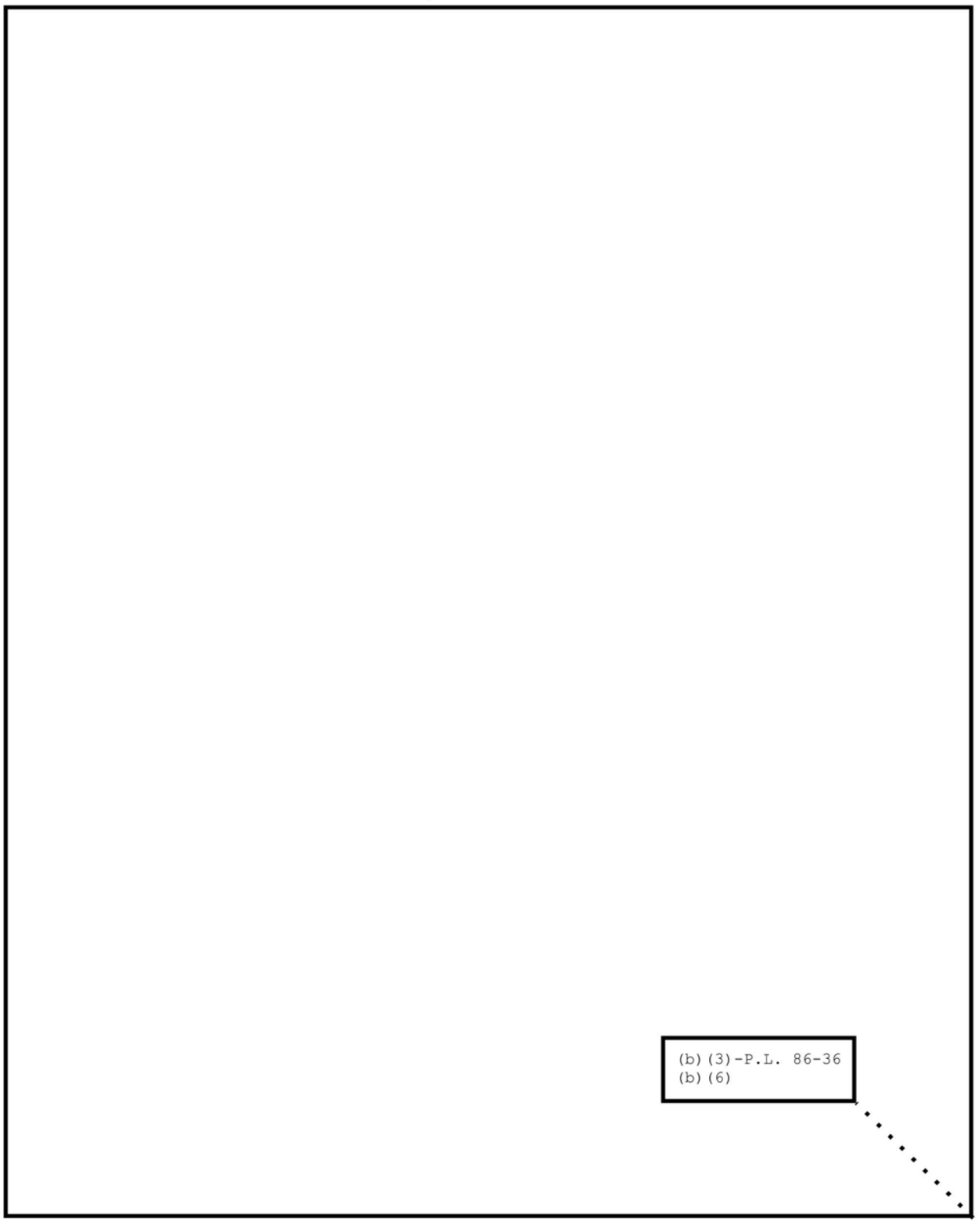
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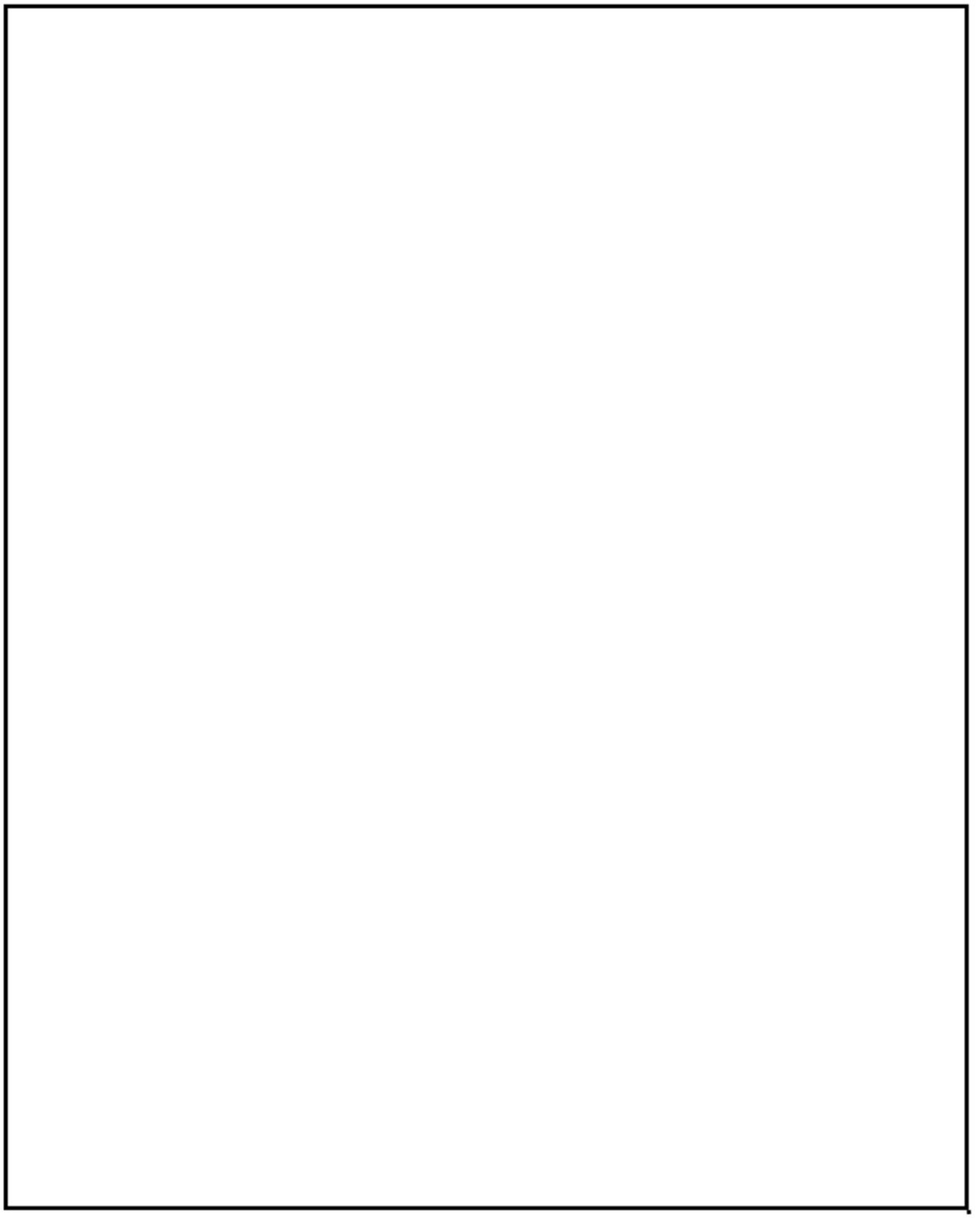

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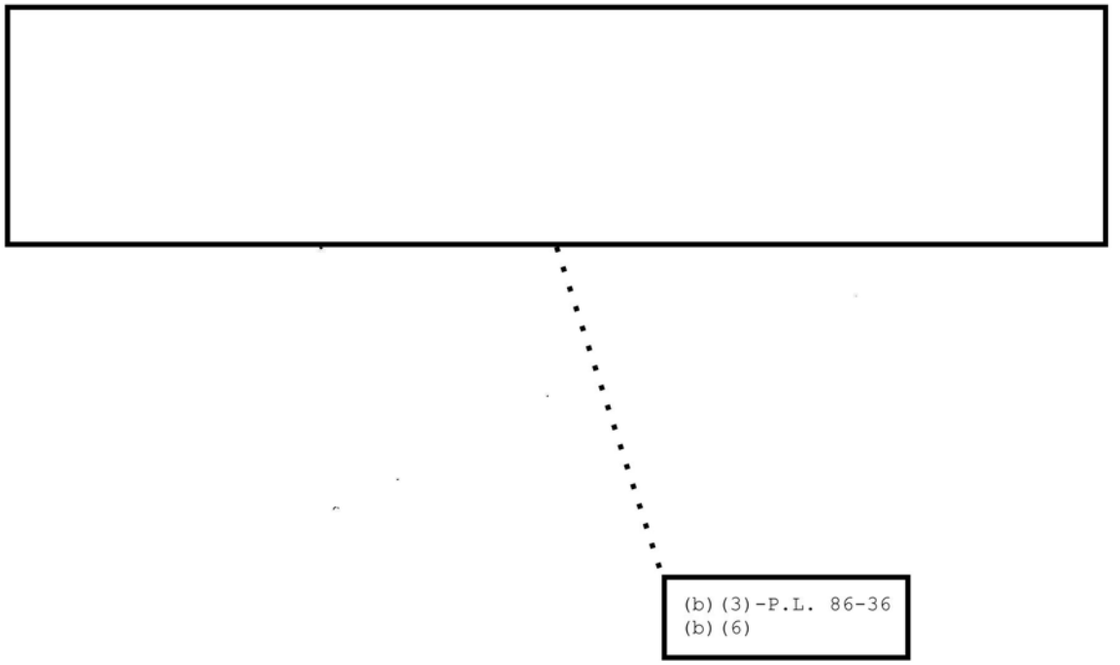

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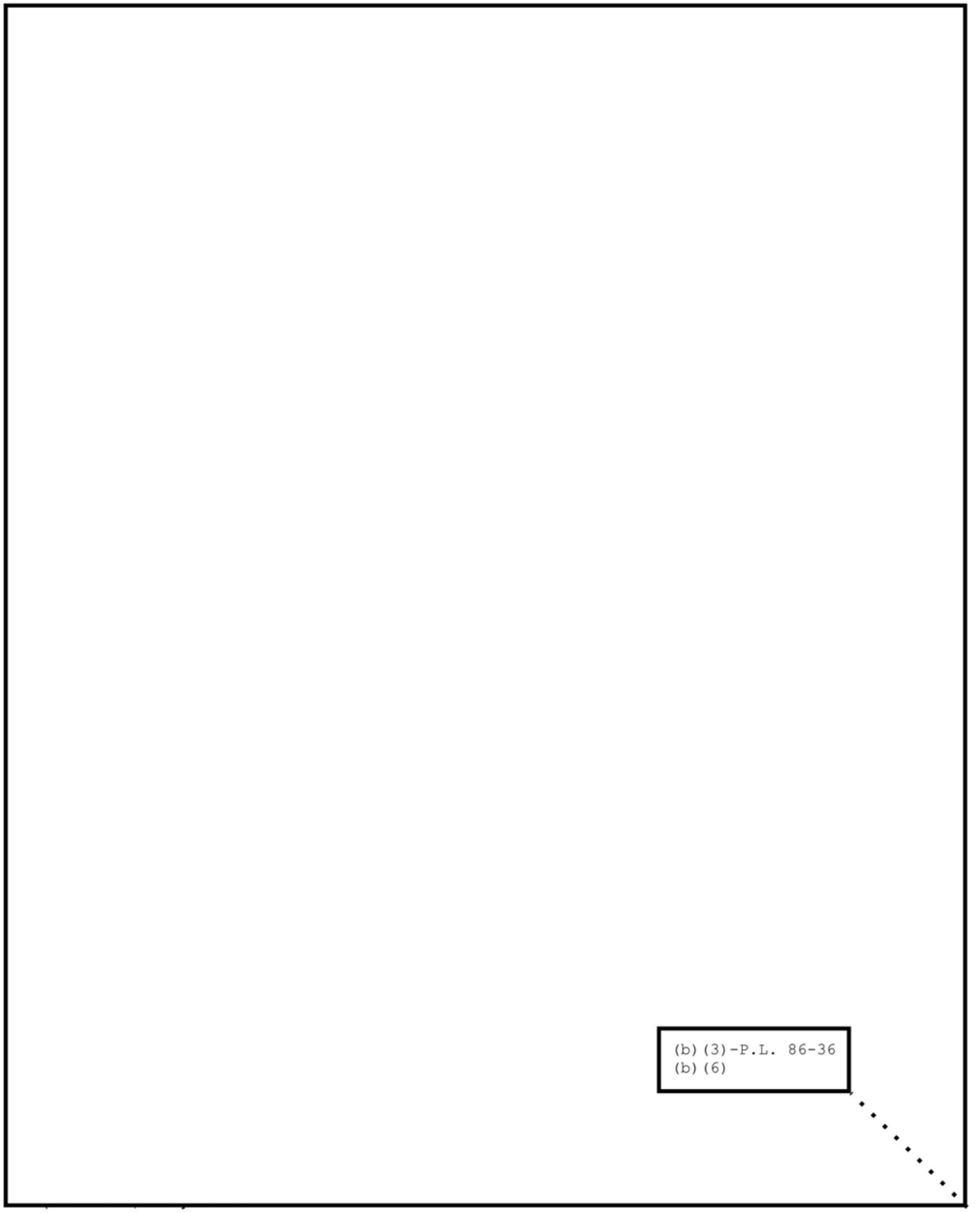
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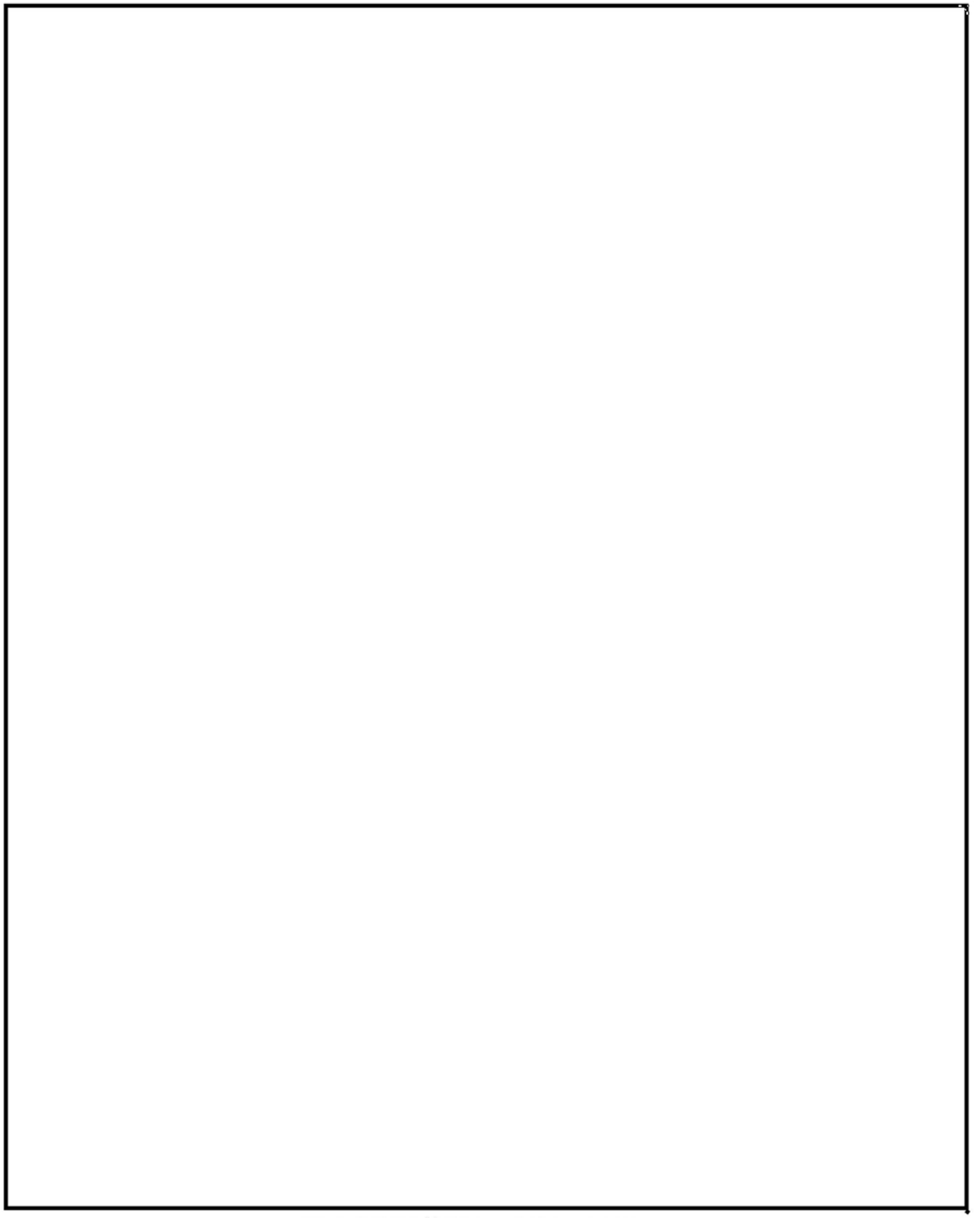

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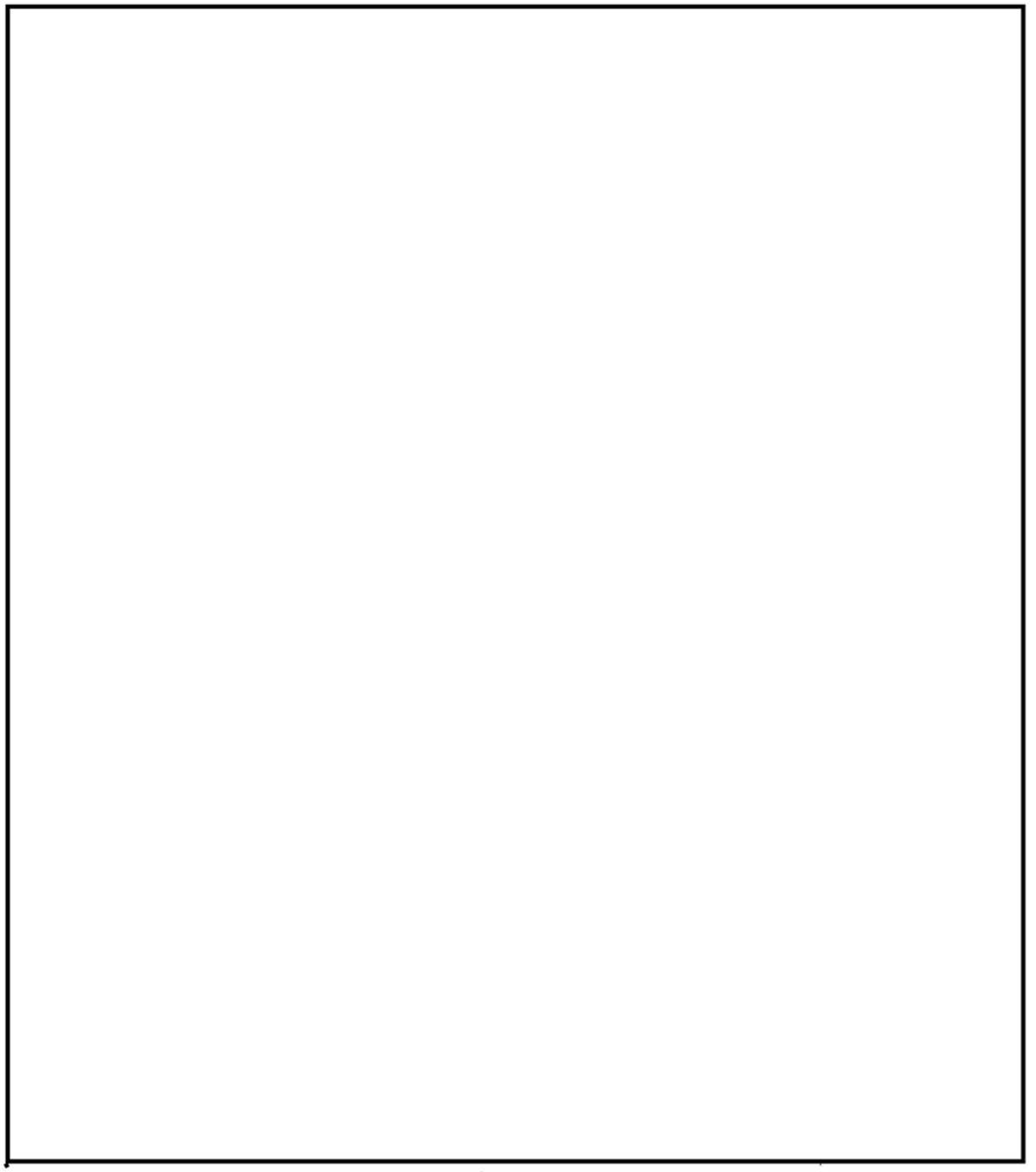

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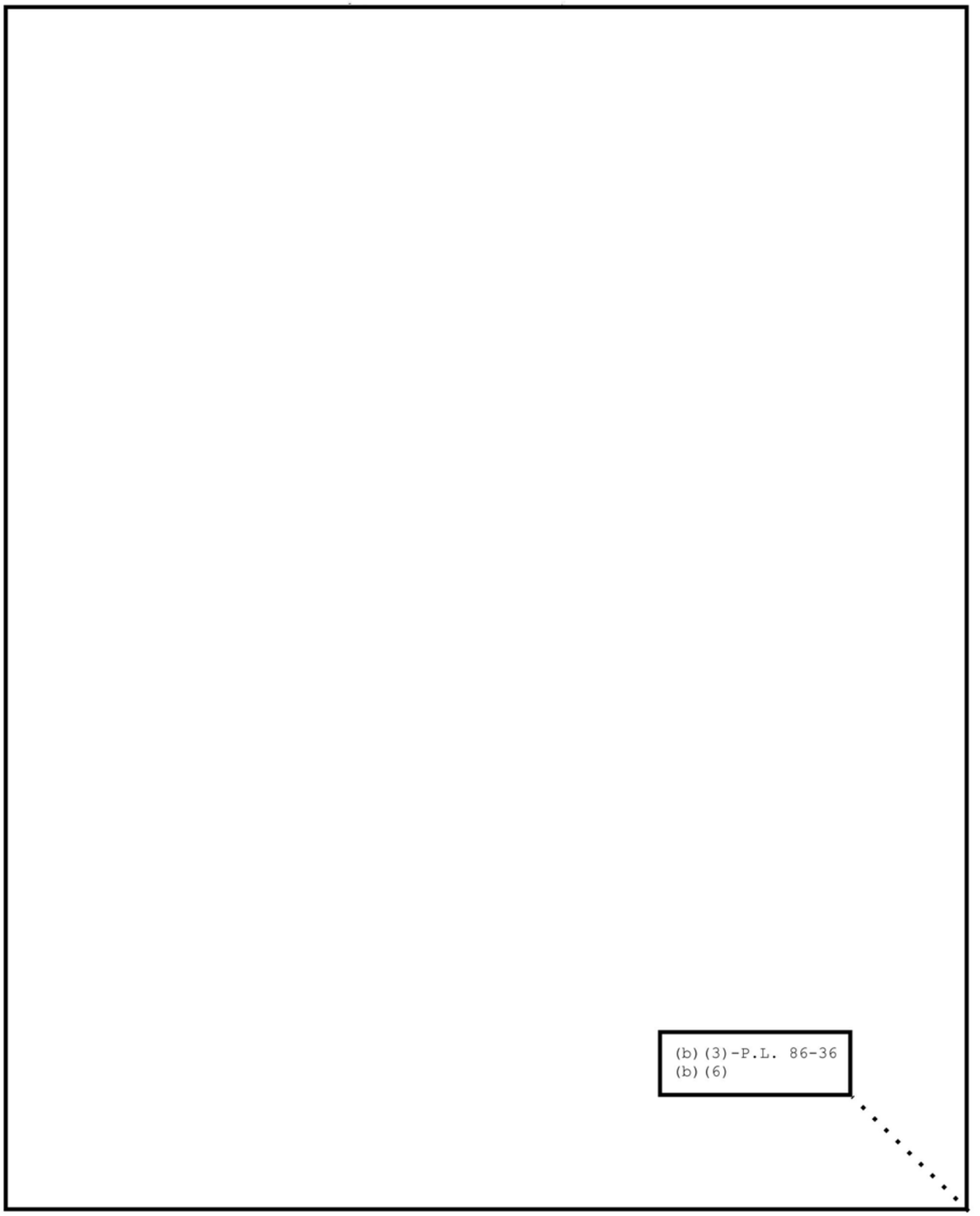
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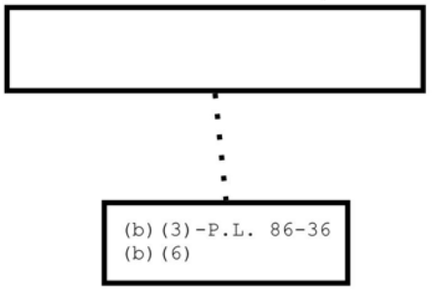

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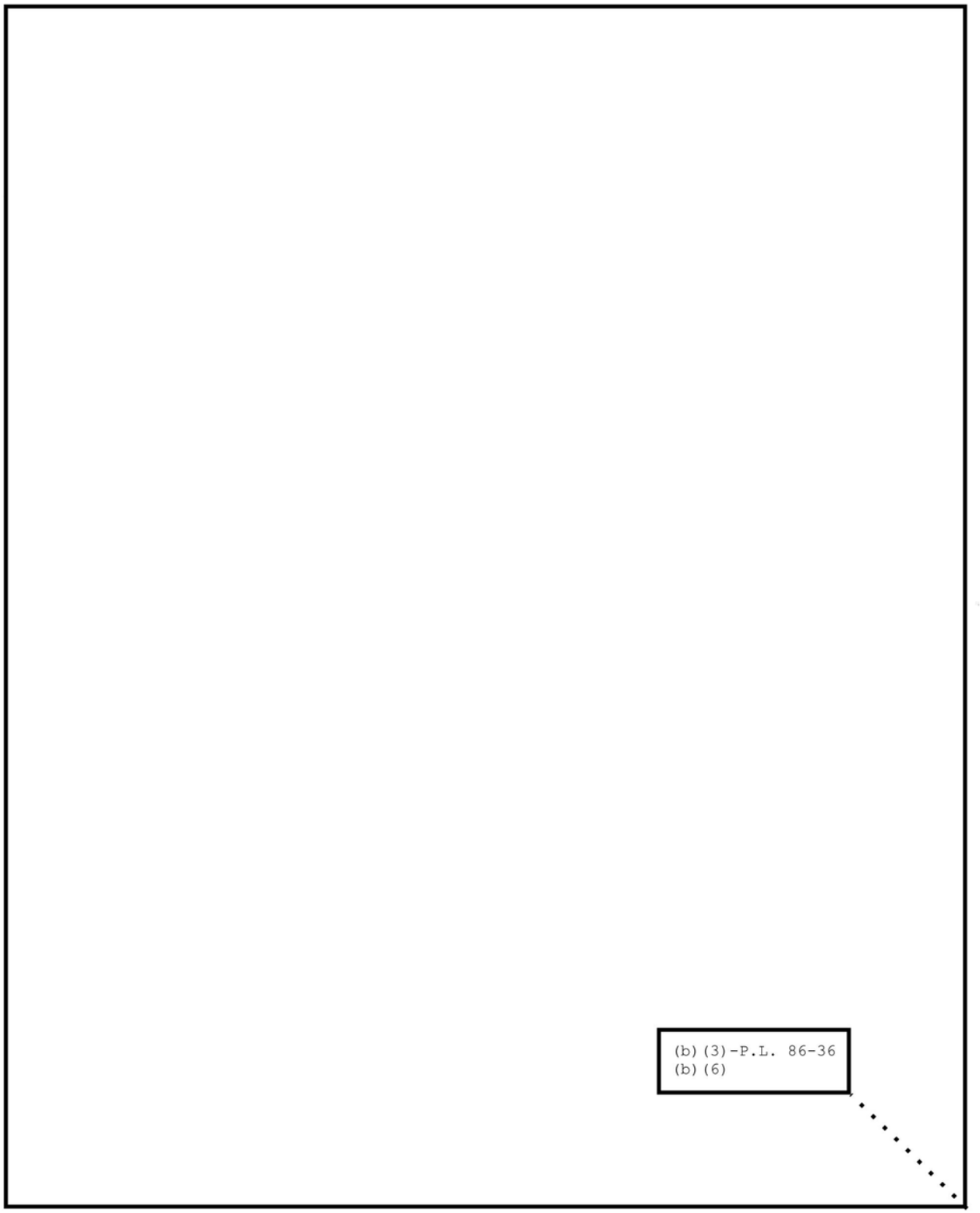
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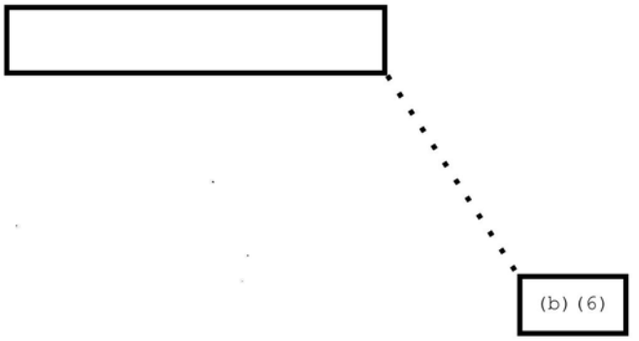

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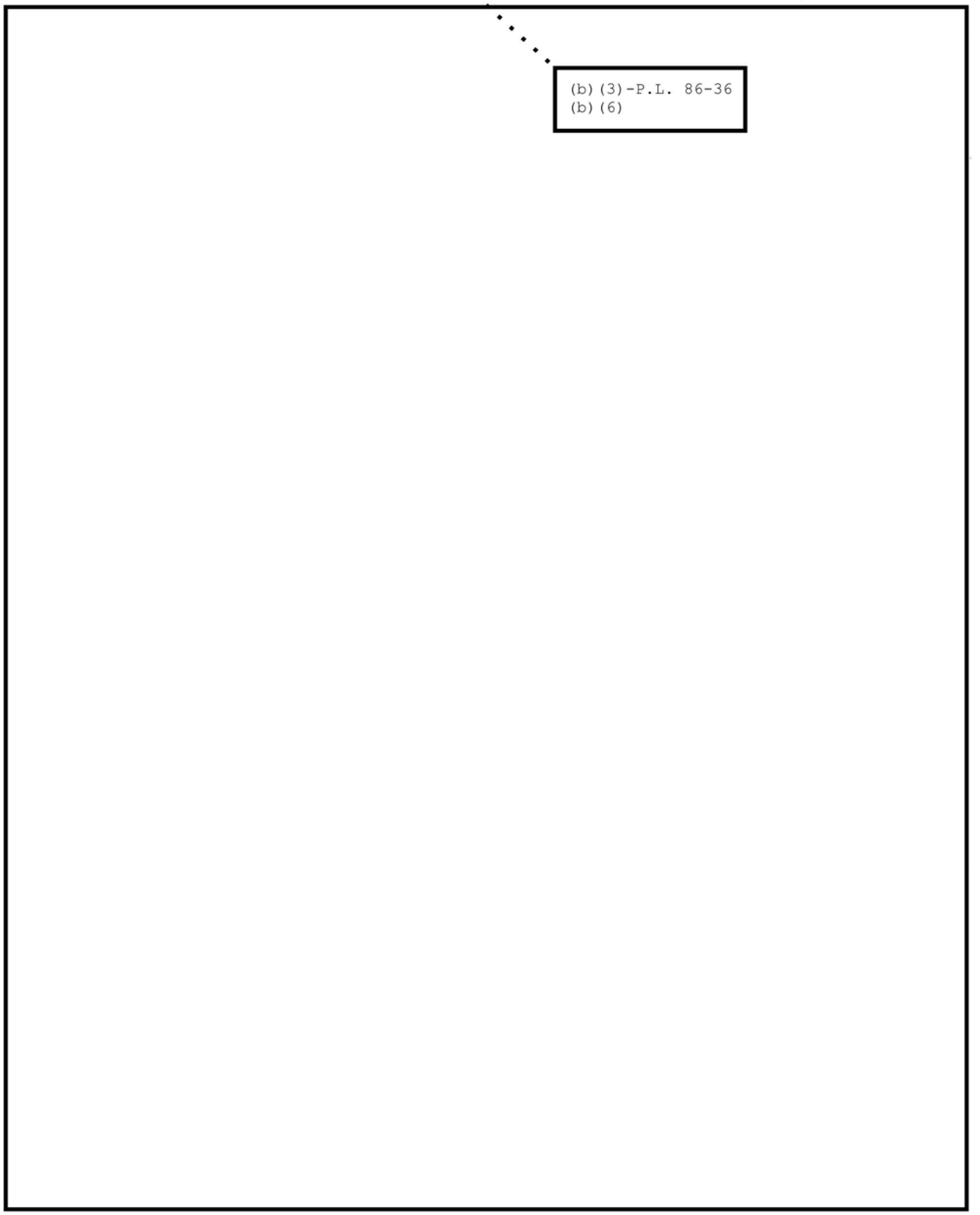
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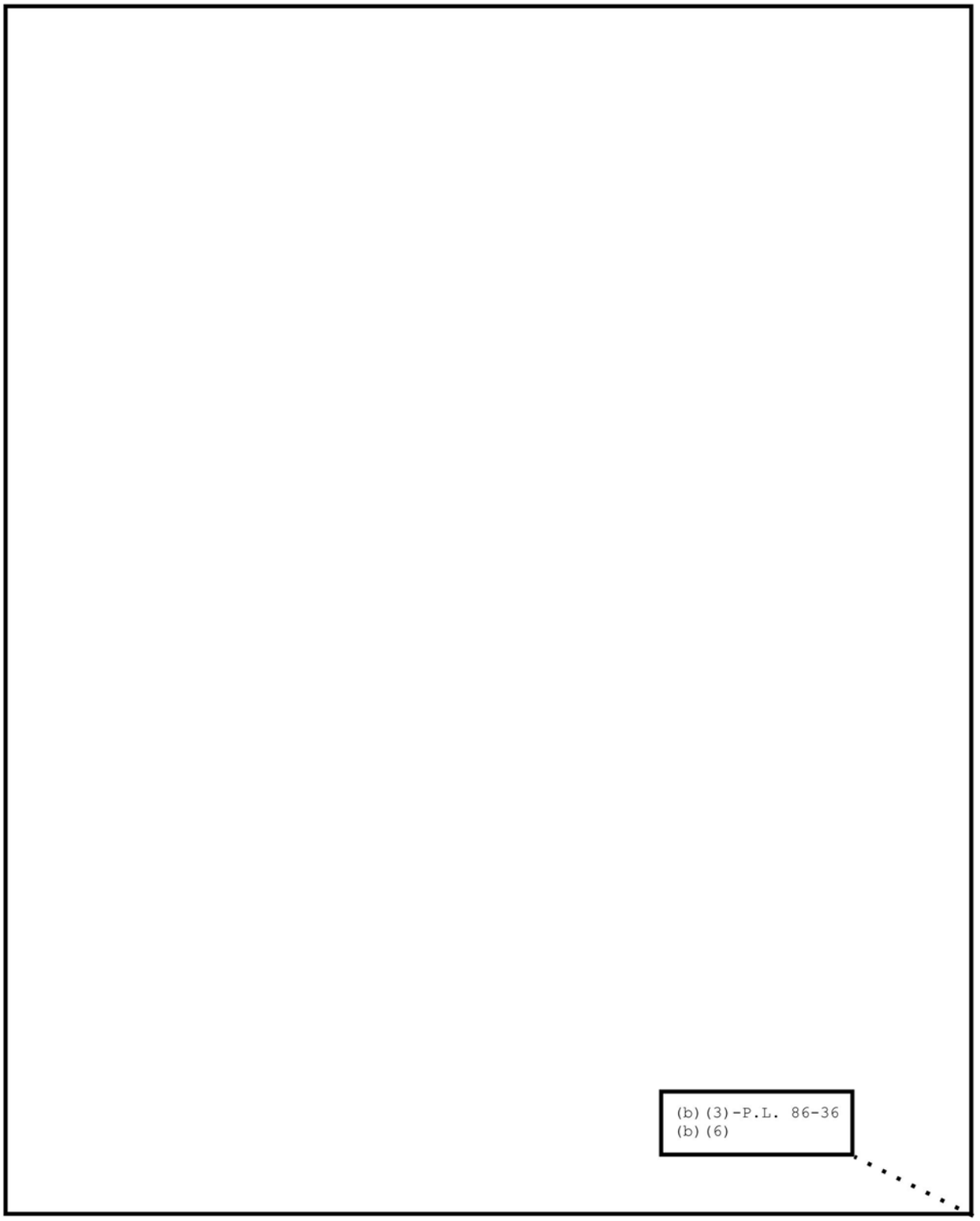
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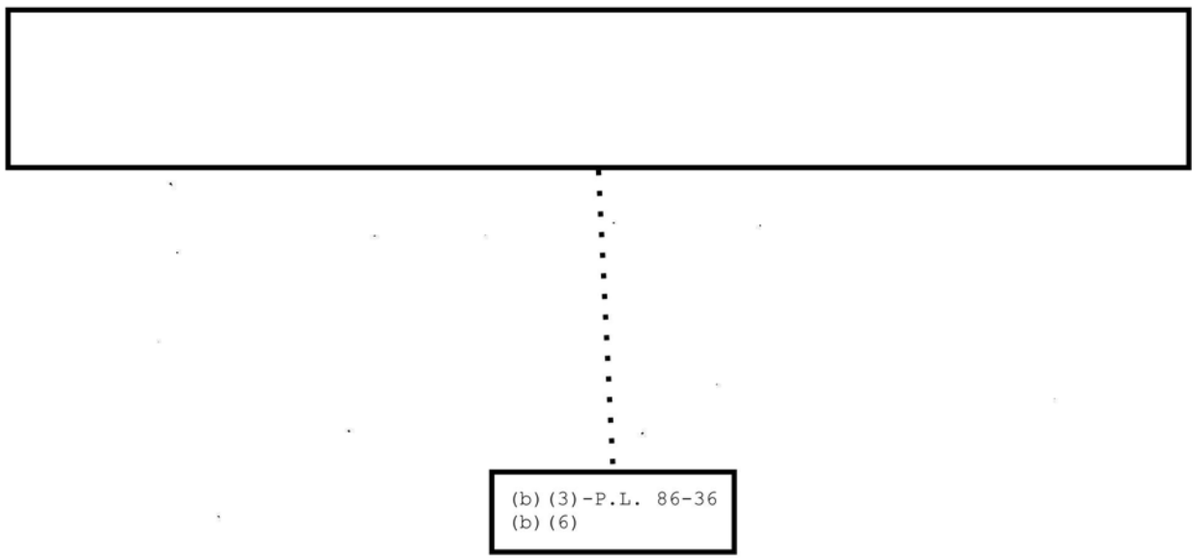

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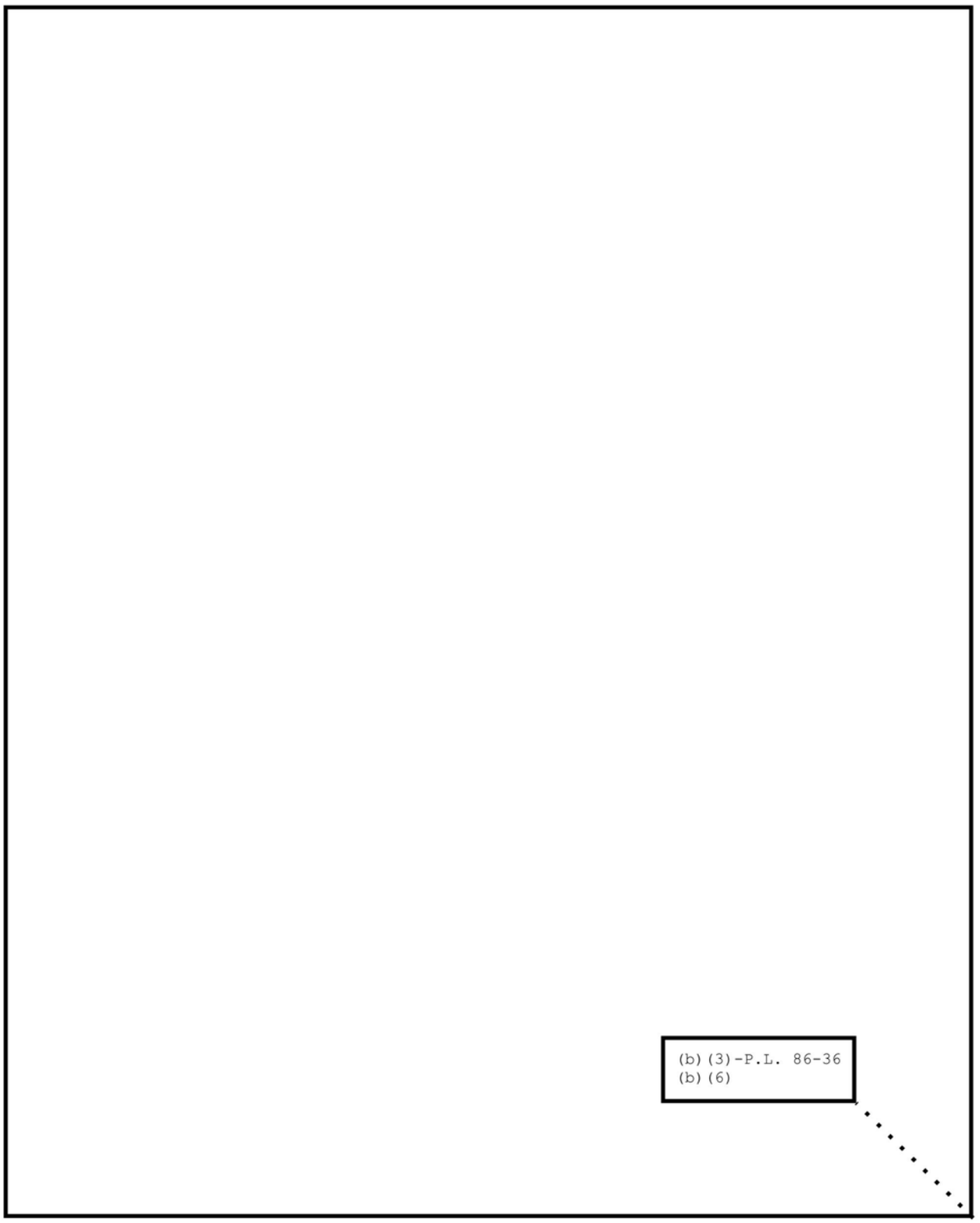

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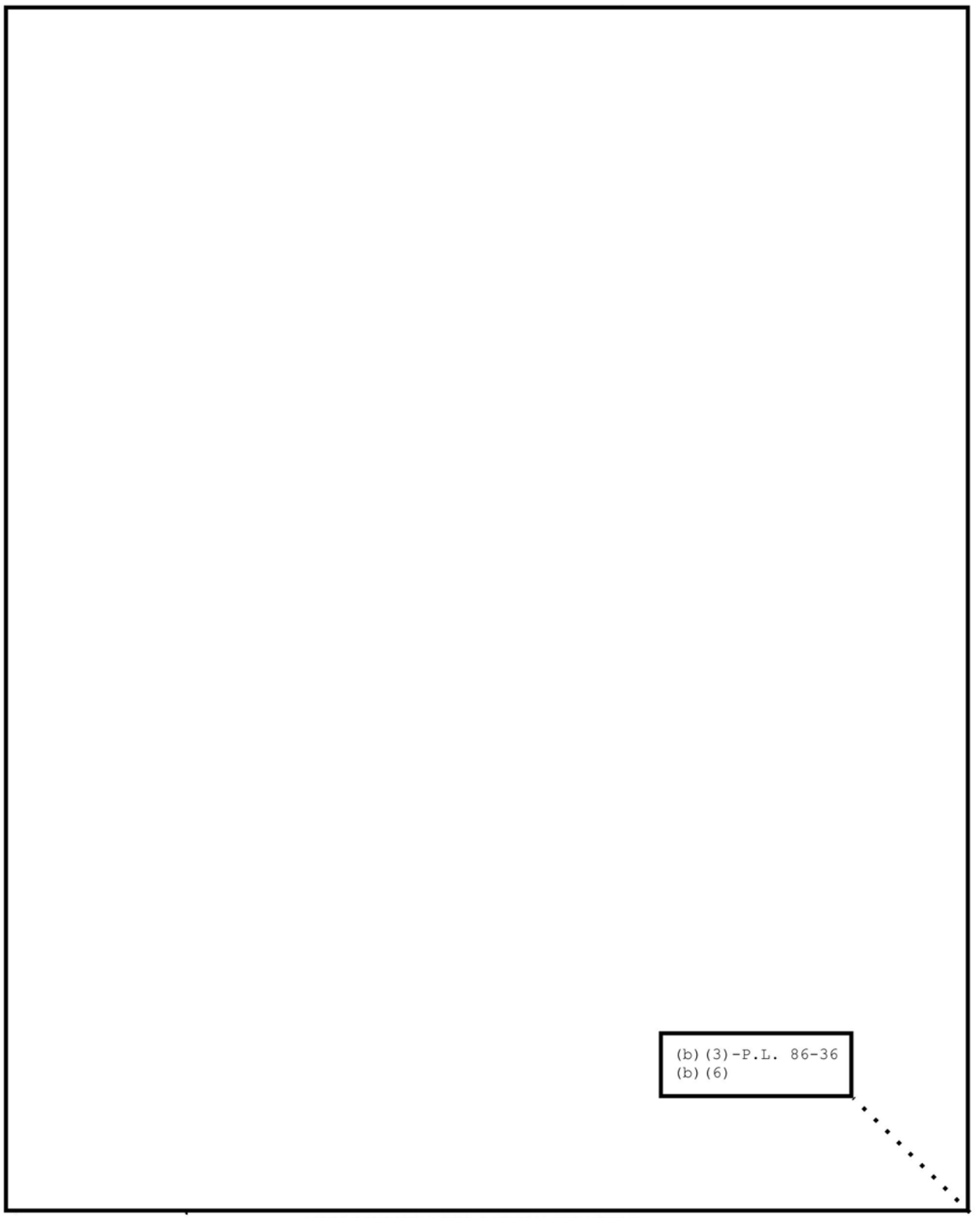
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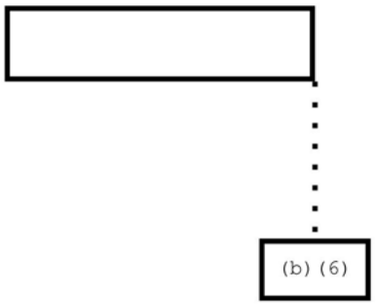

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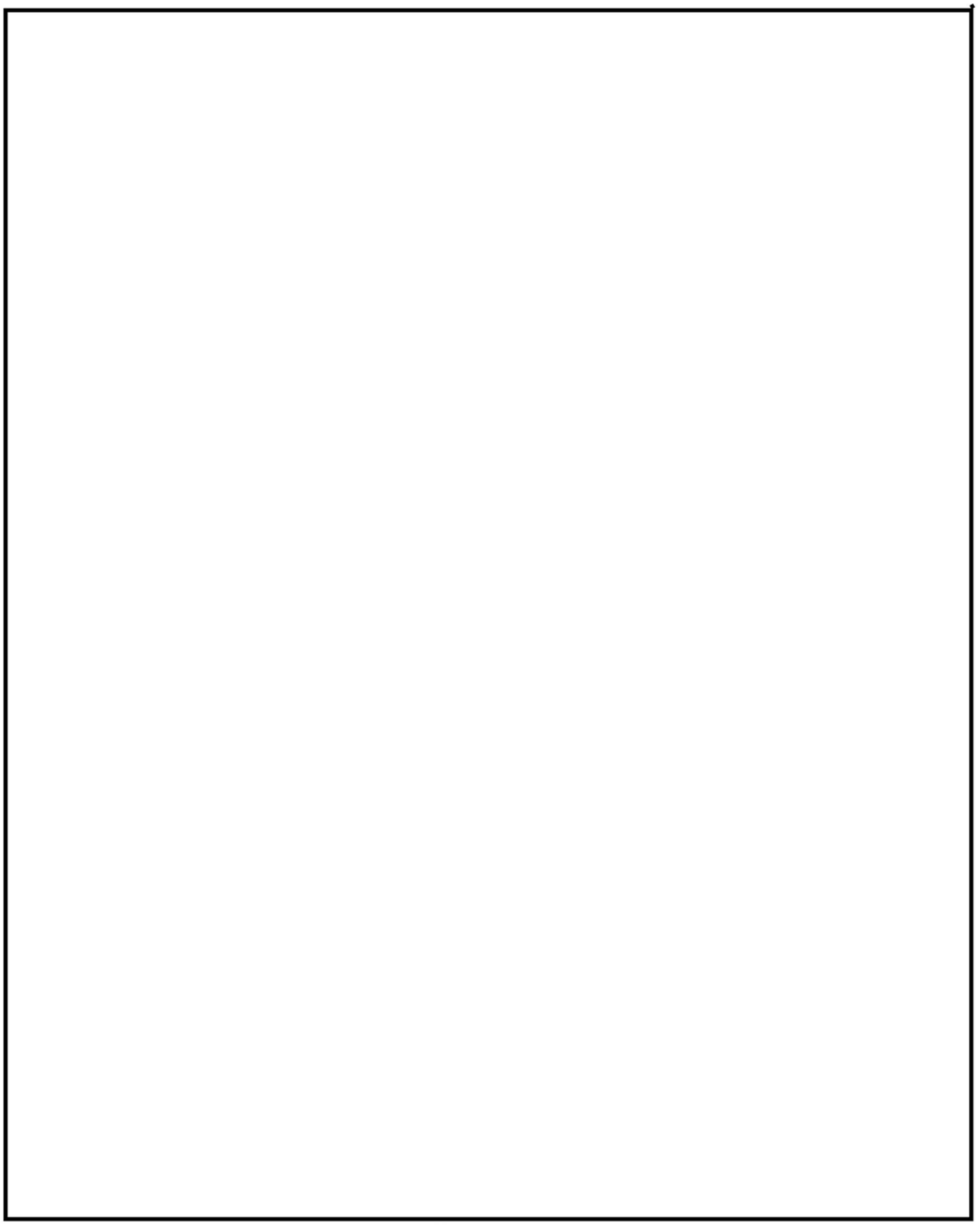
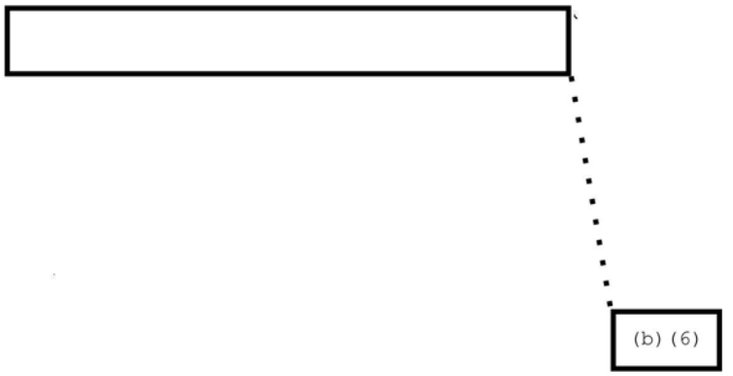
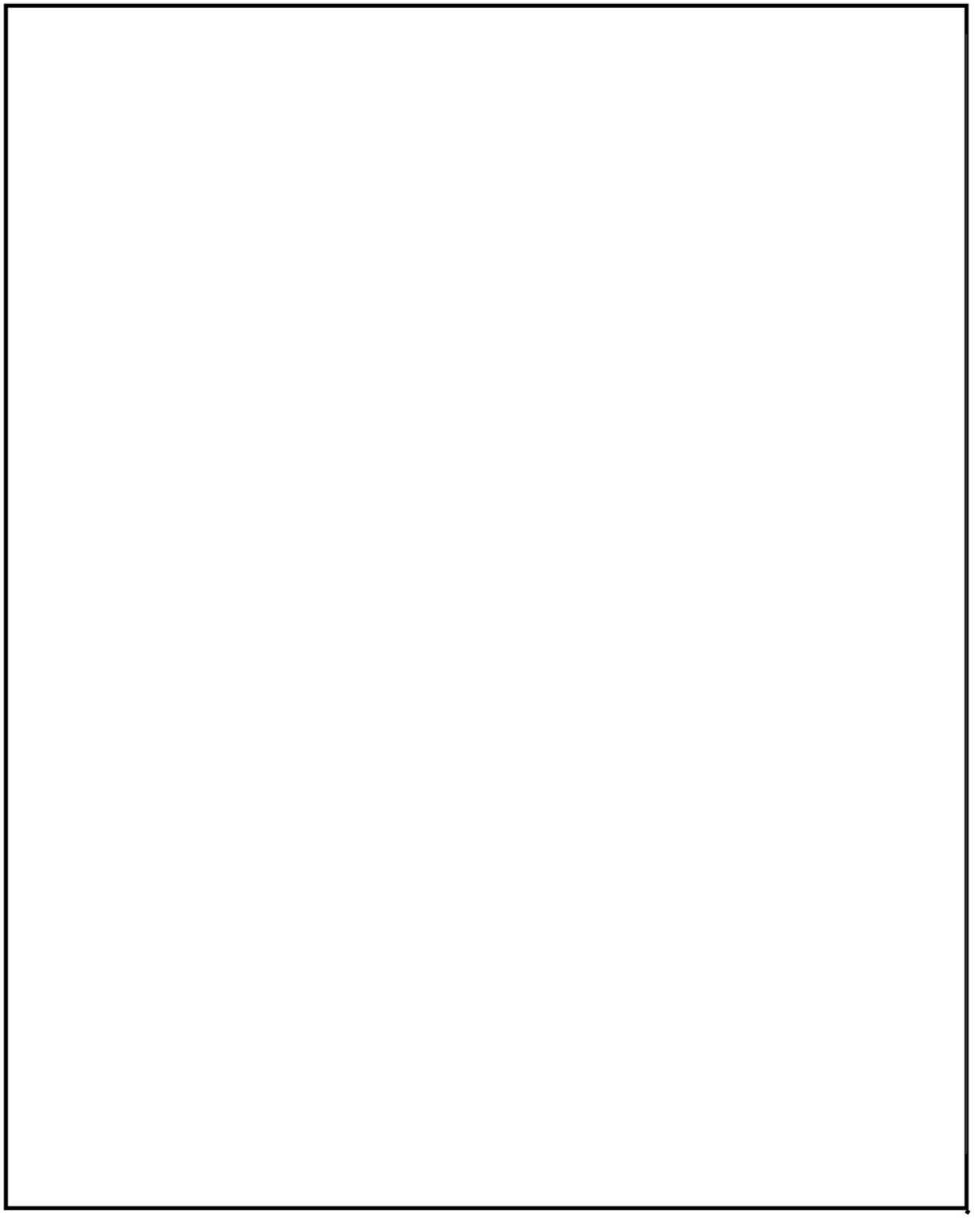




Release 2021 - 6
NSA15606



(b)(3)-P.L. 86-36
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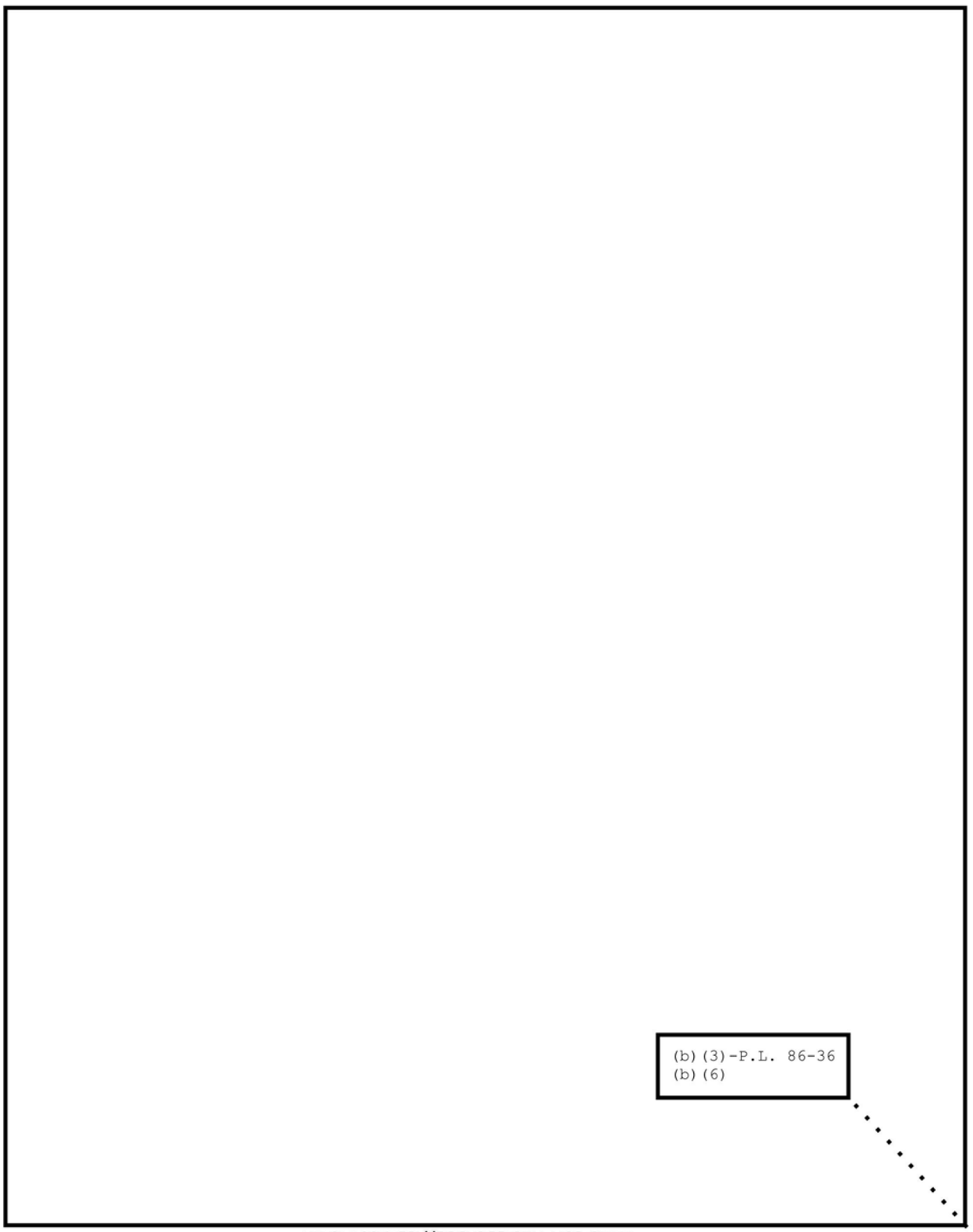
Release 2021 - 6
NSA15607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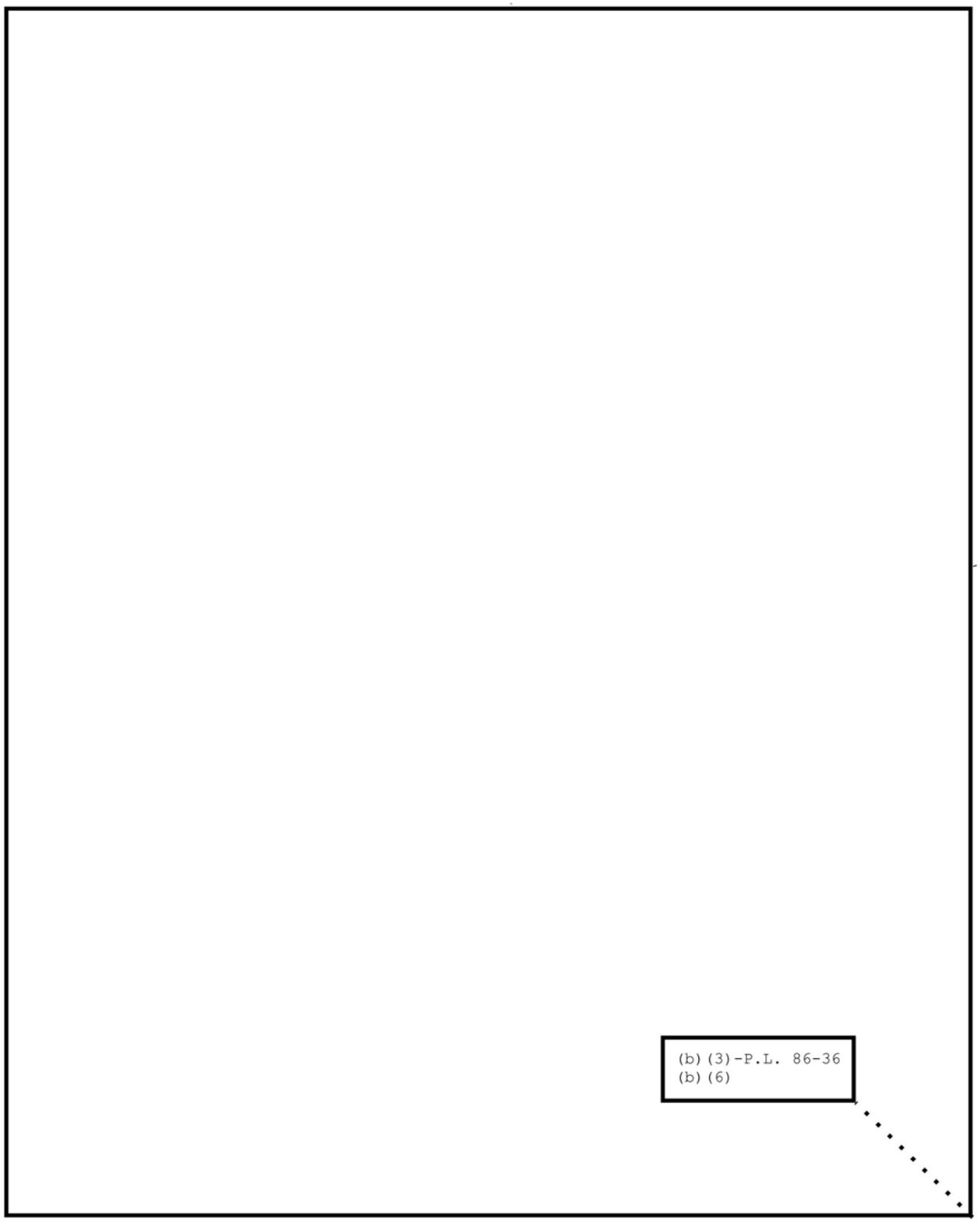
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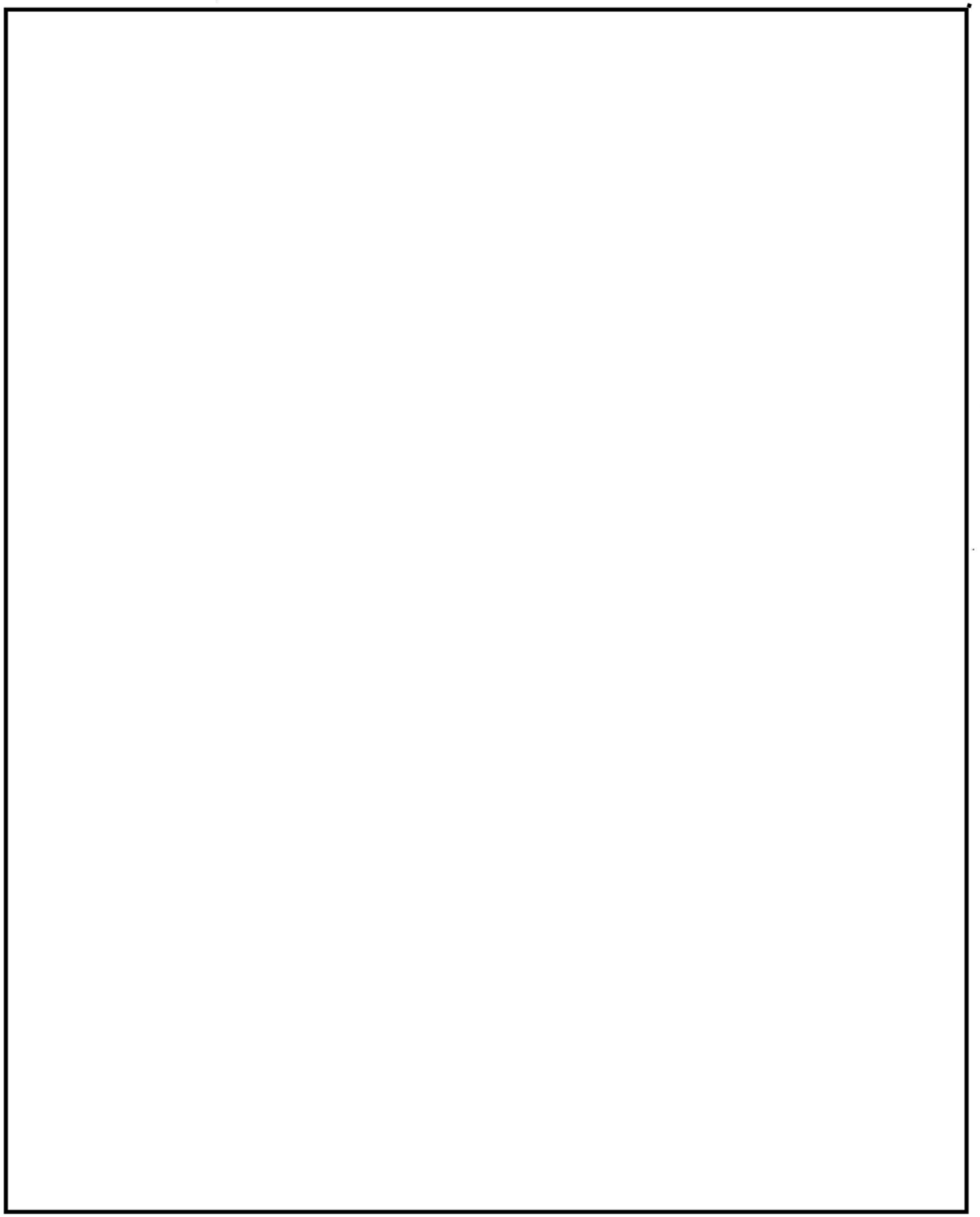

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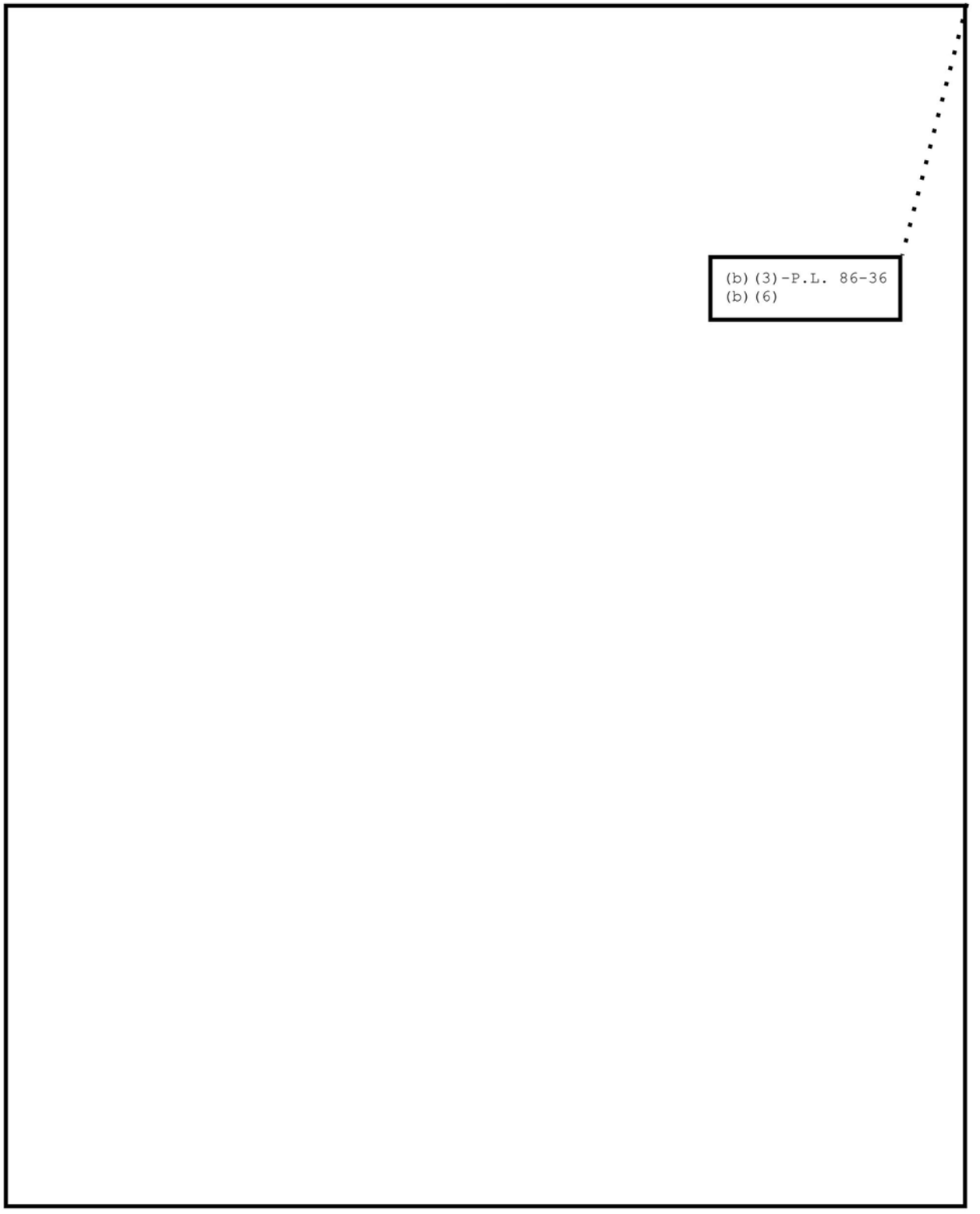
Release 2021 - 6
NSA15611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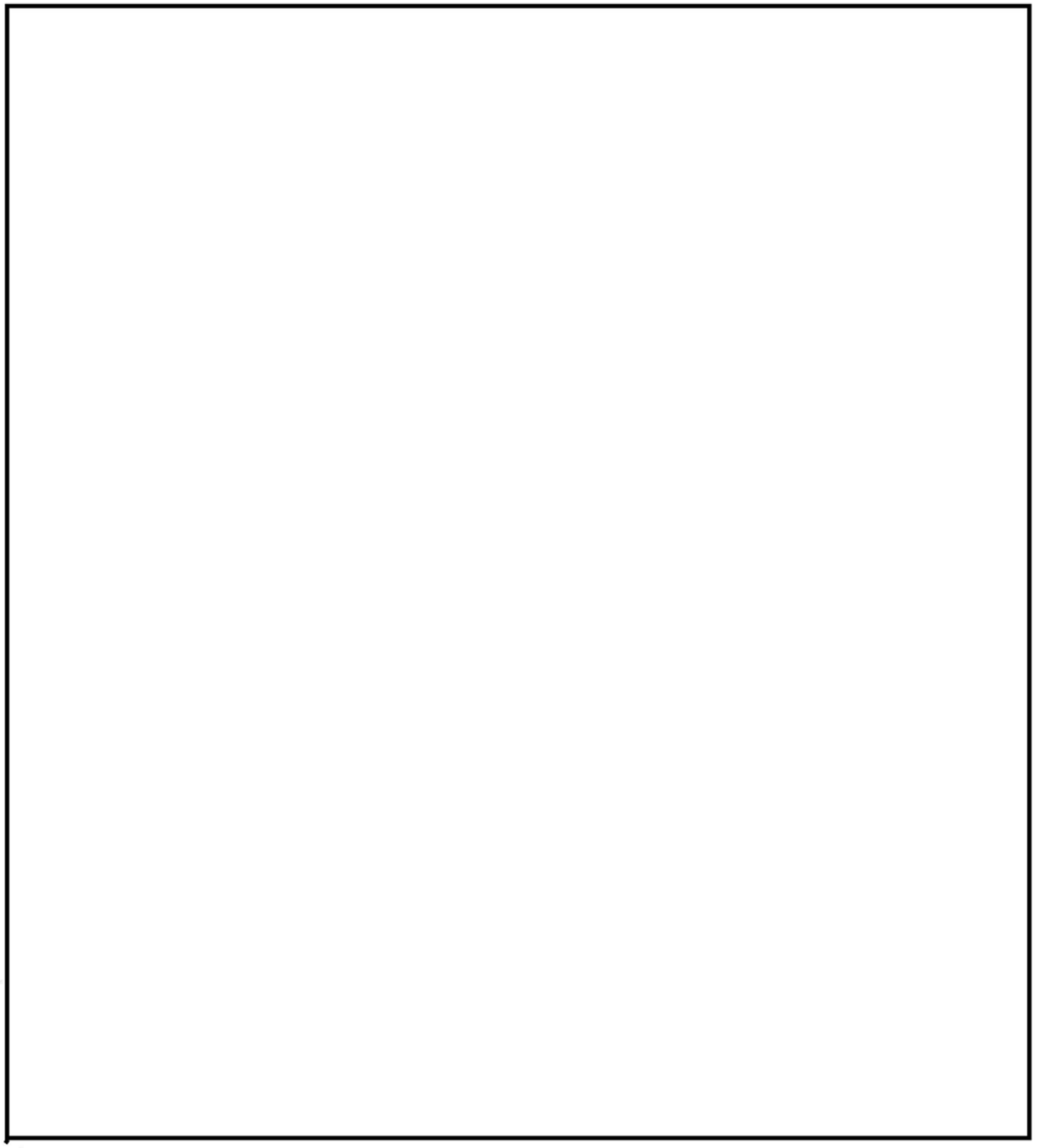

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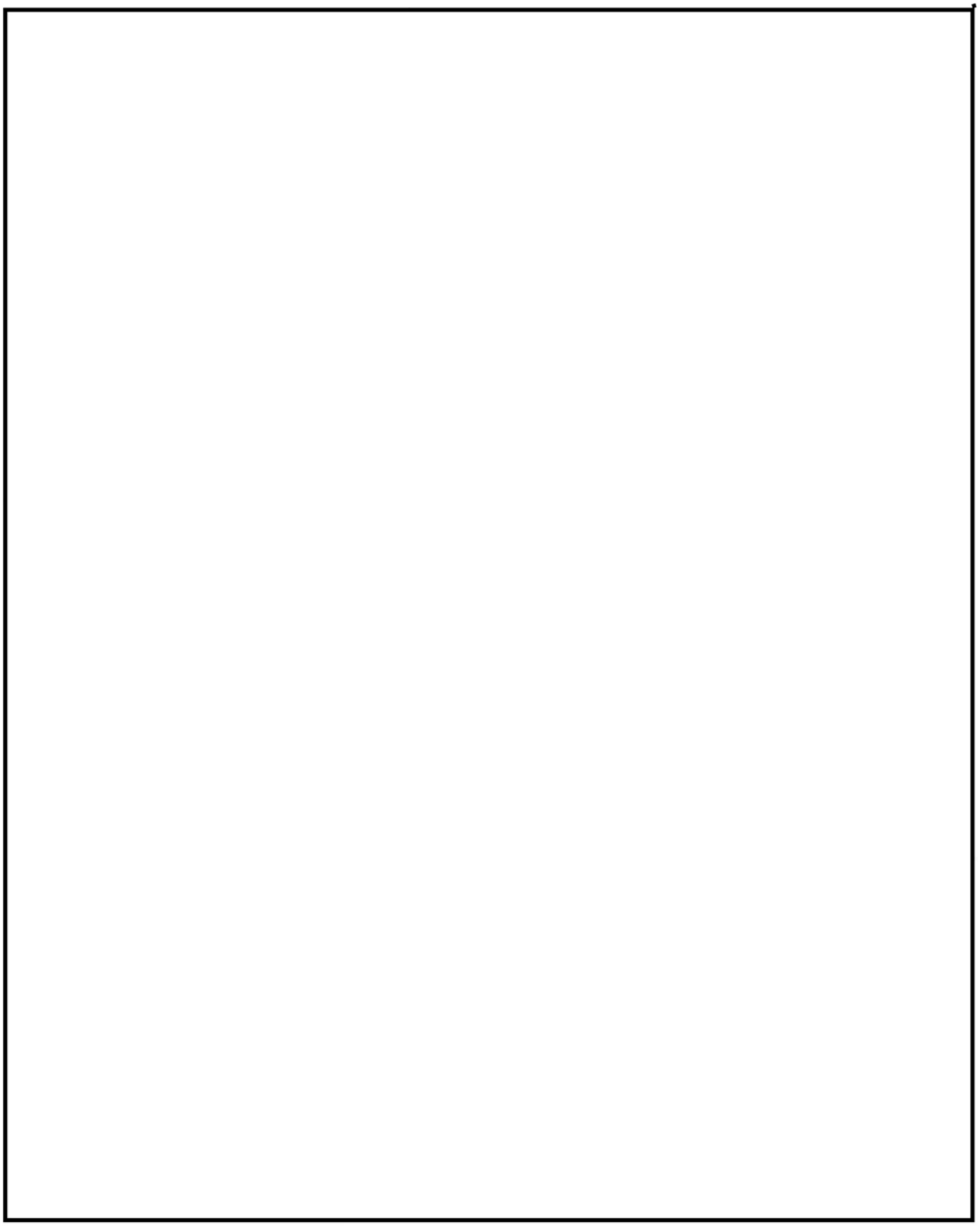

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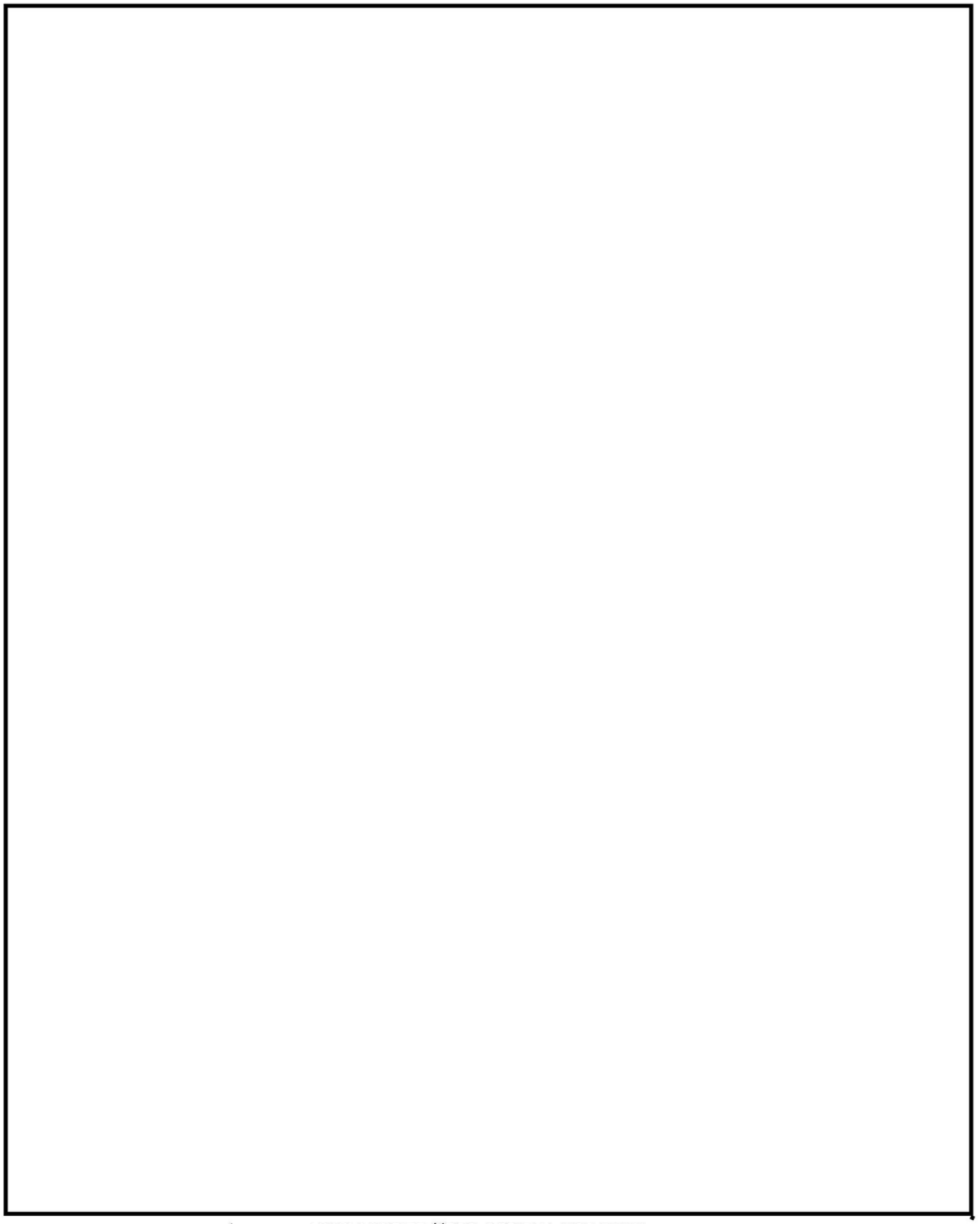

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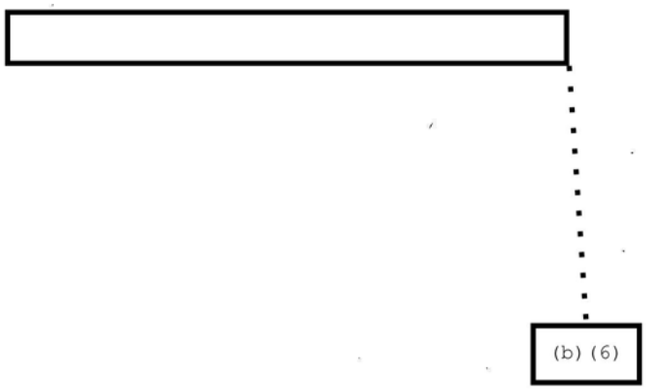
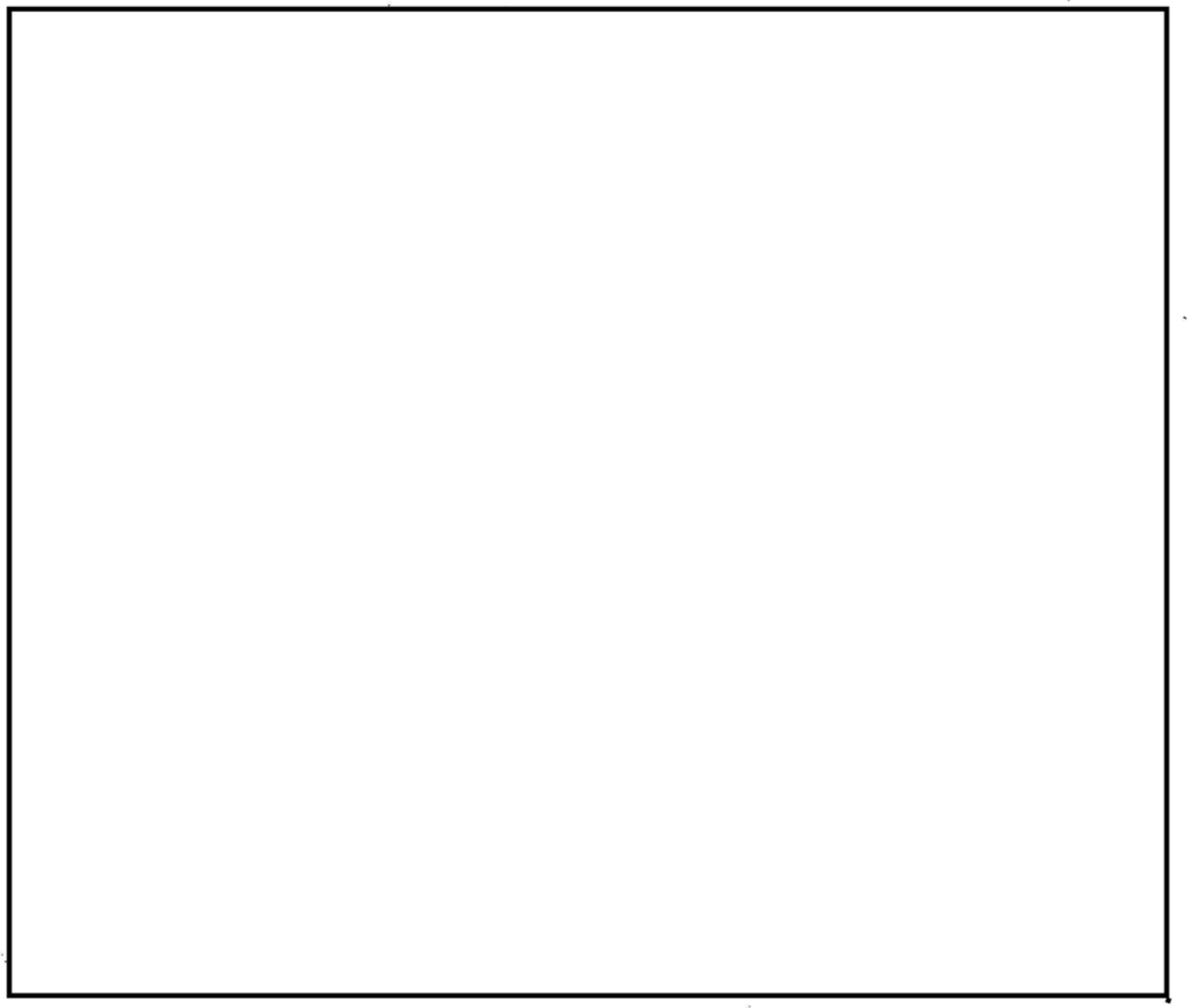
Release 2021 - 6
NSA15617



Release 2021 - 6
NSA15618



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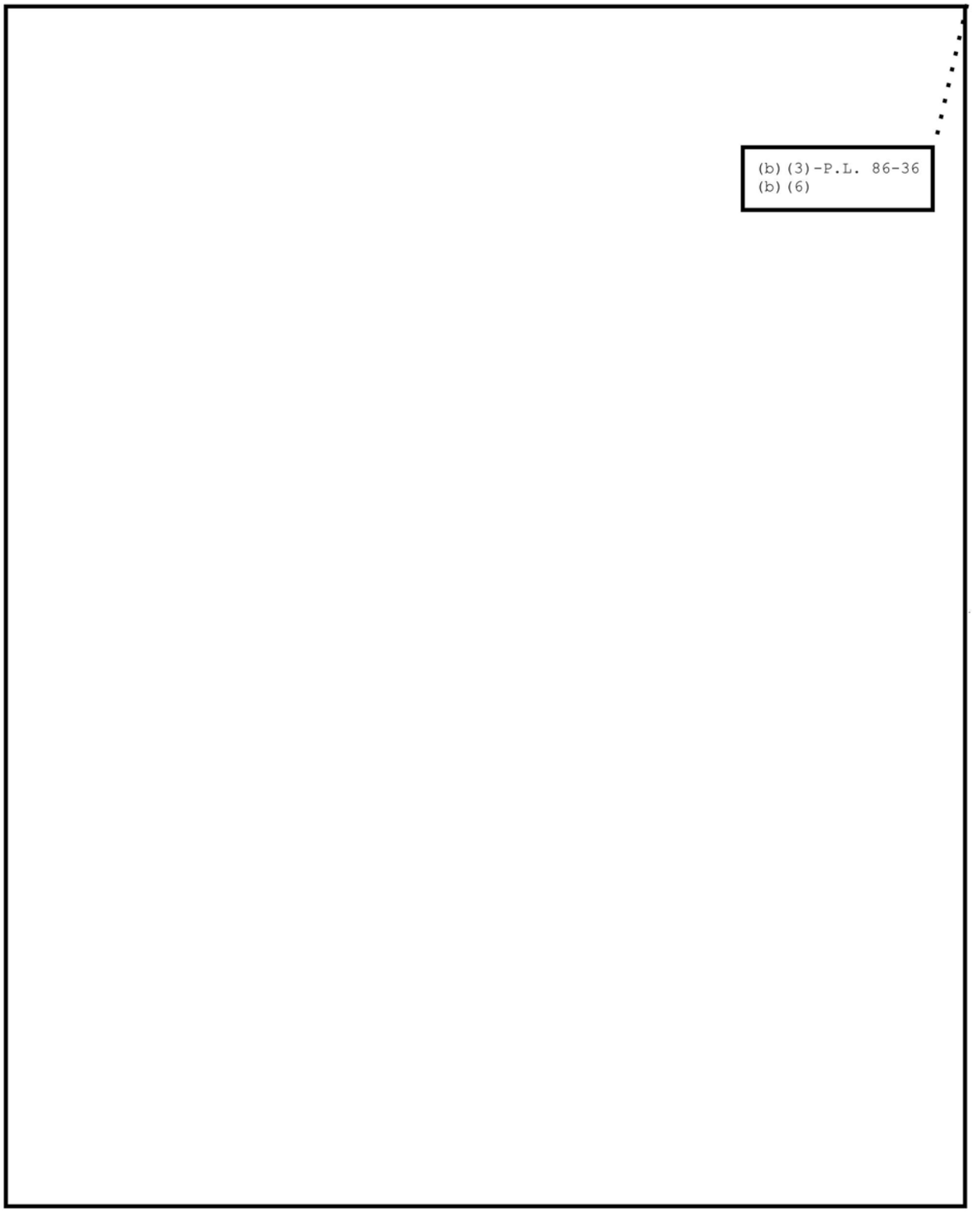
Release 2021 - 6
NSA15619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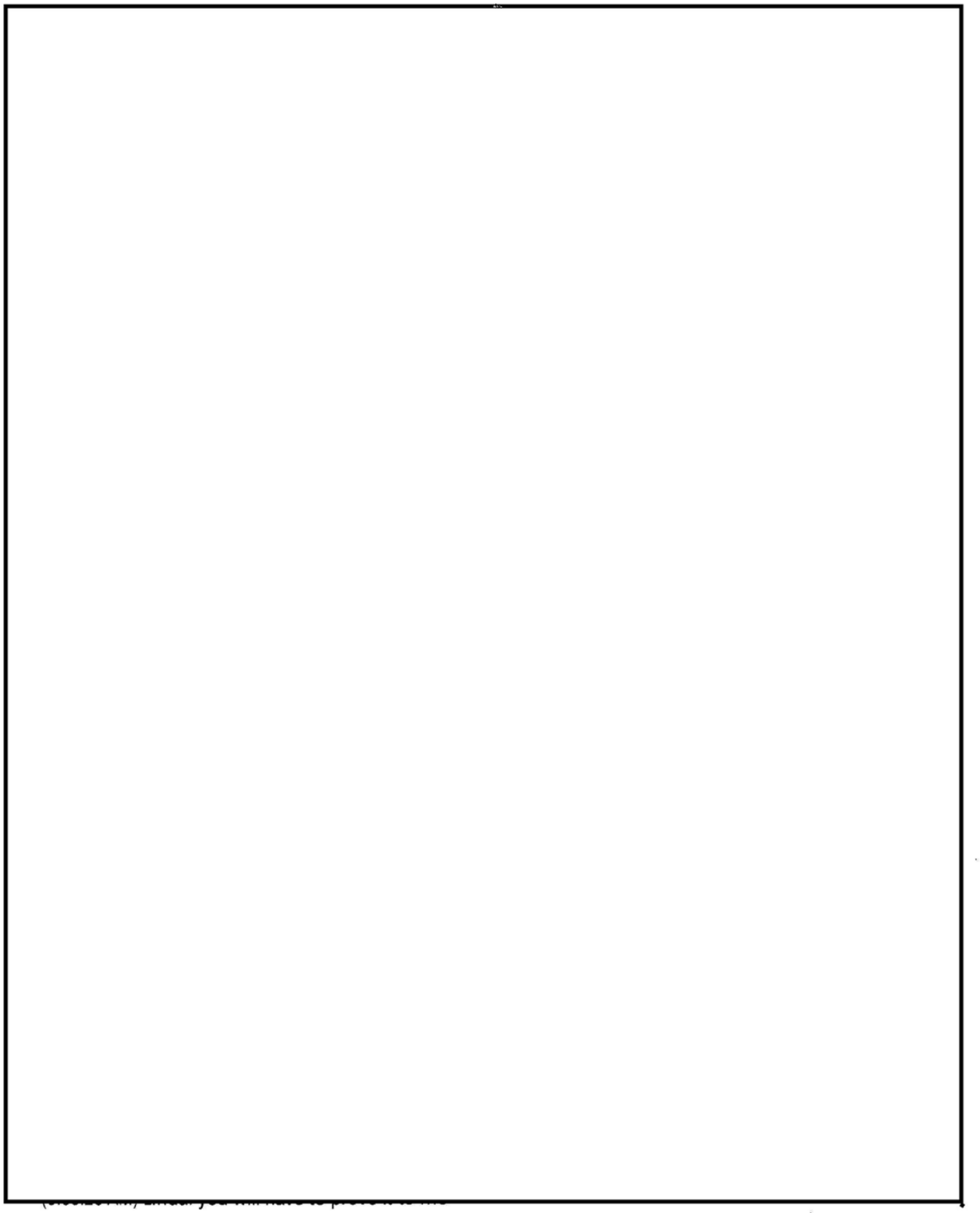
Release 2021 - 6
NSA15621



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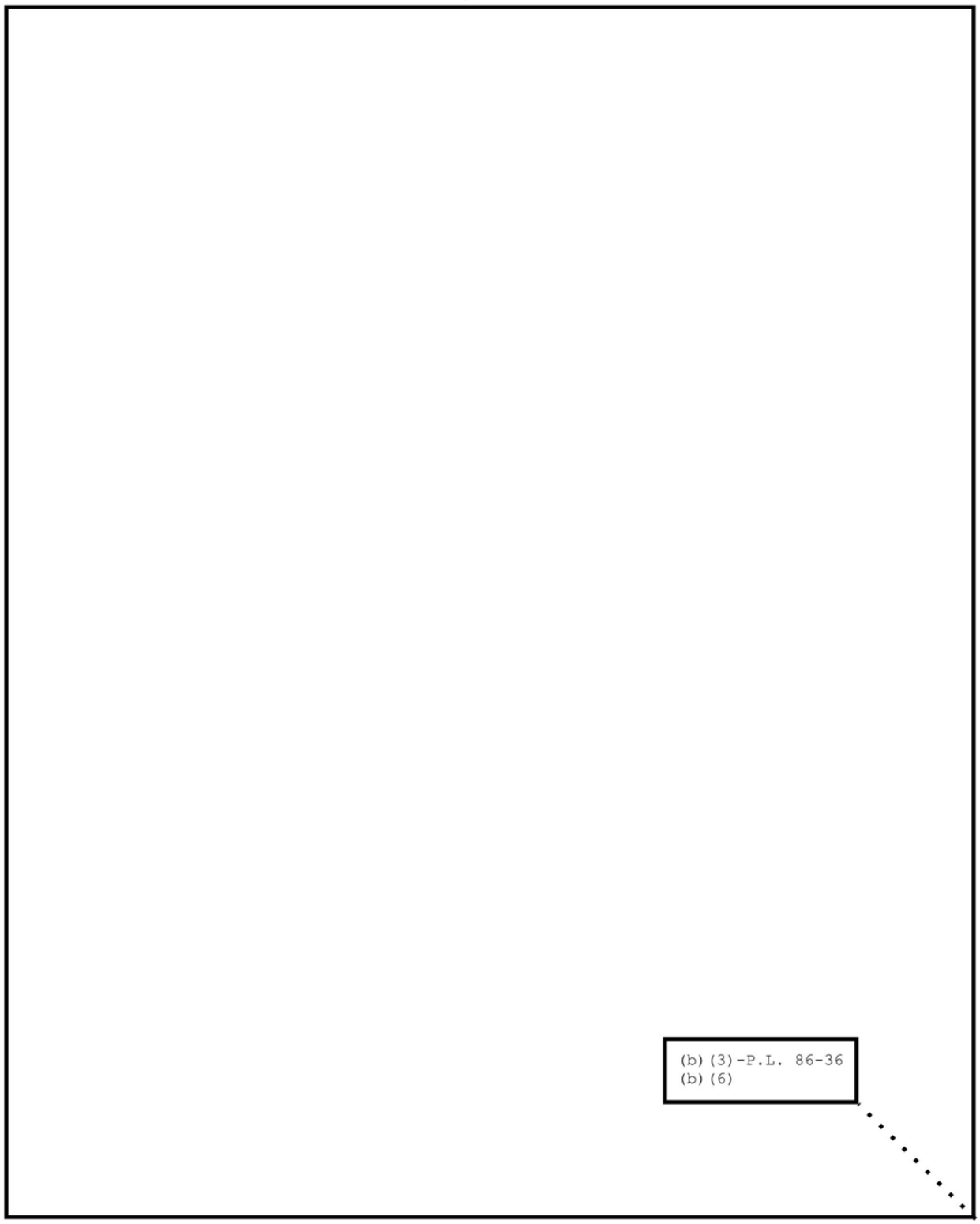
Release 2021 - 6
NSA15622



Release 2021 - 6
NSA15623

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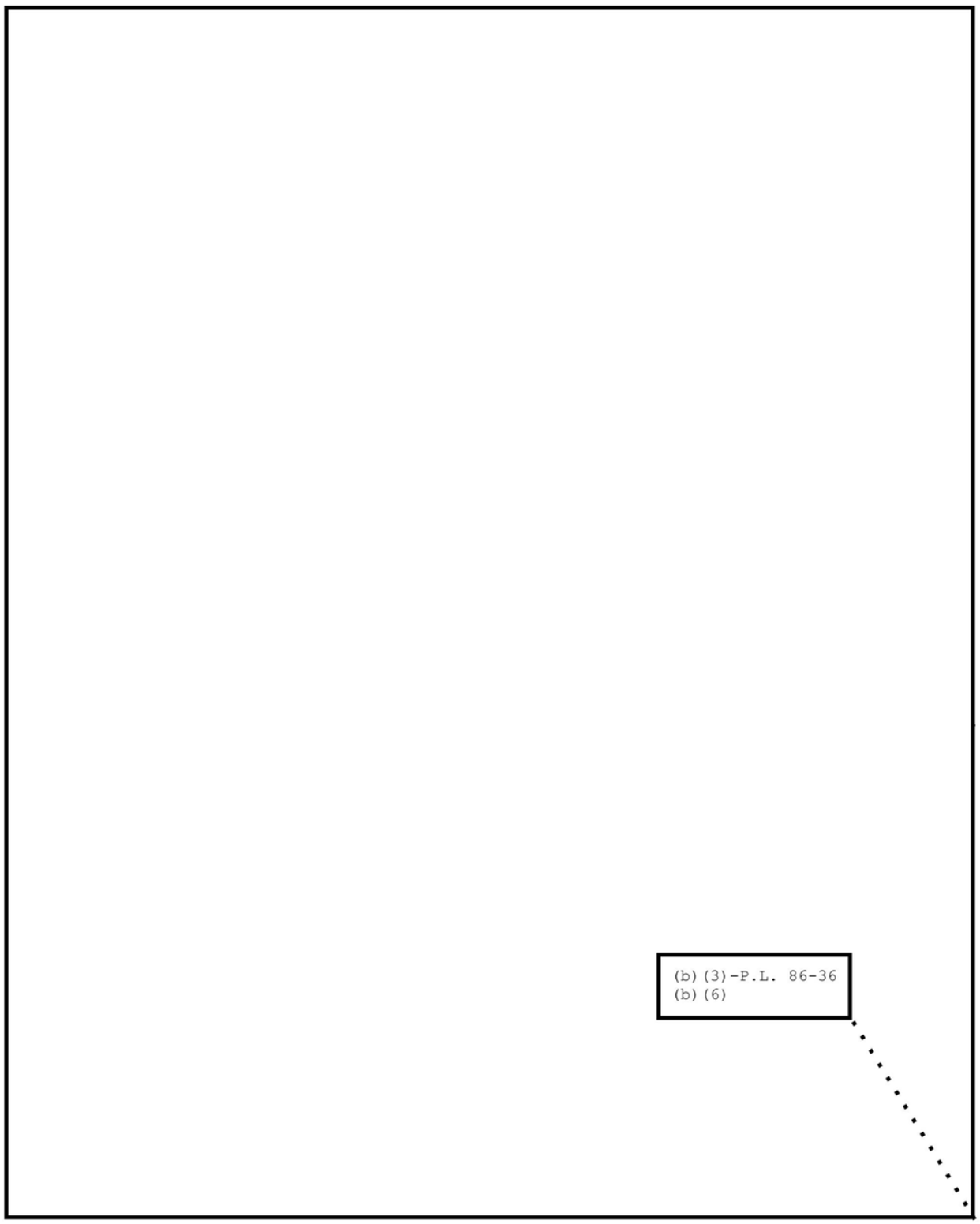
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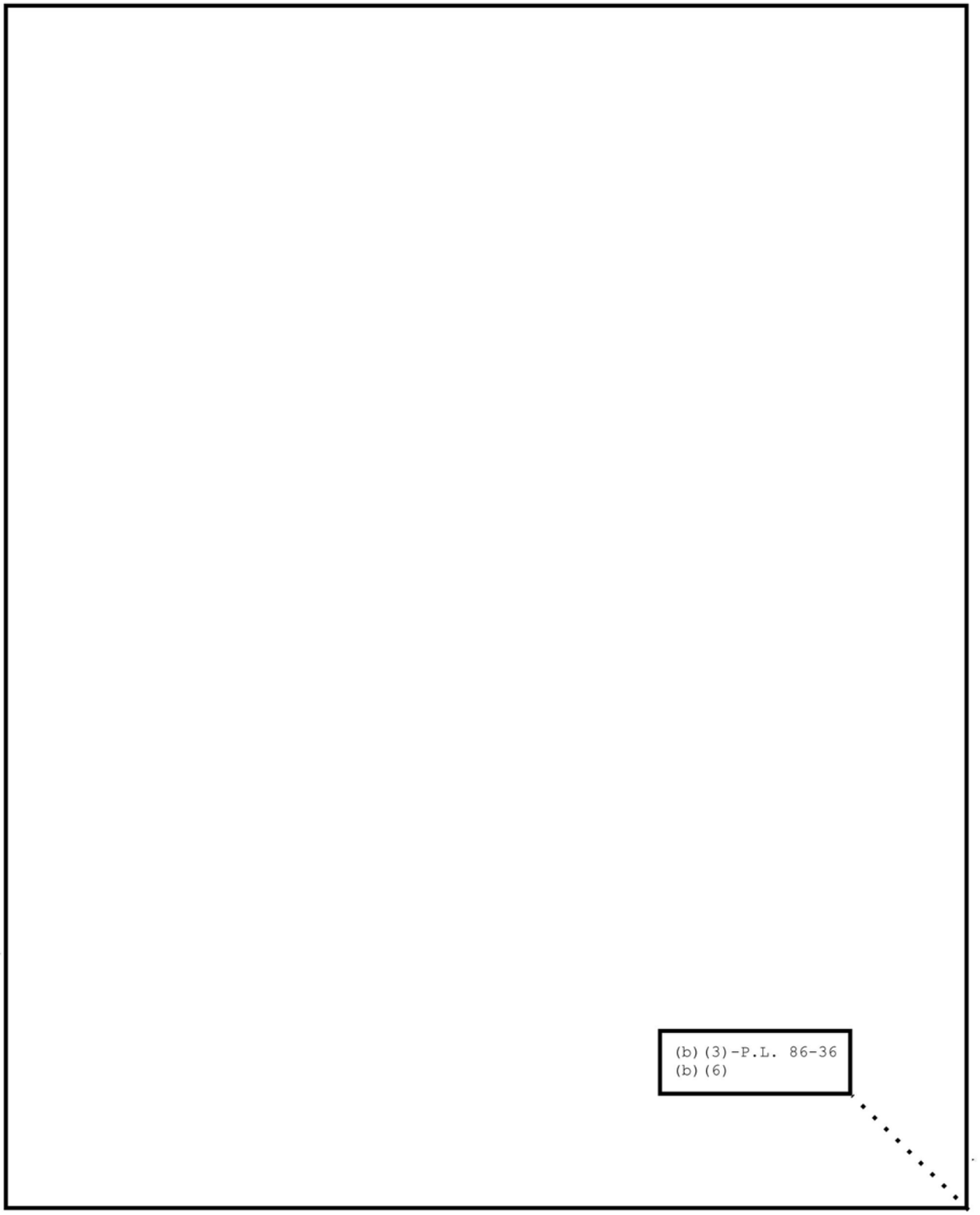
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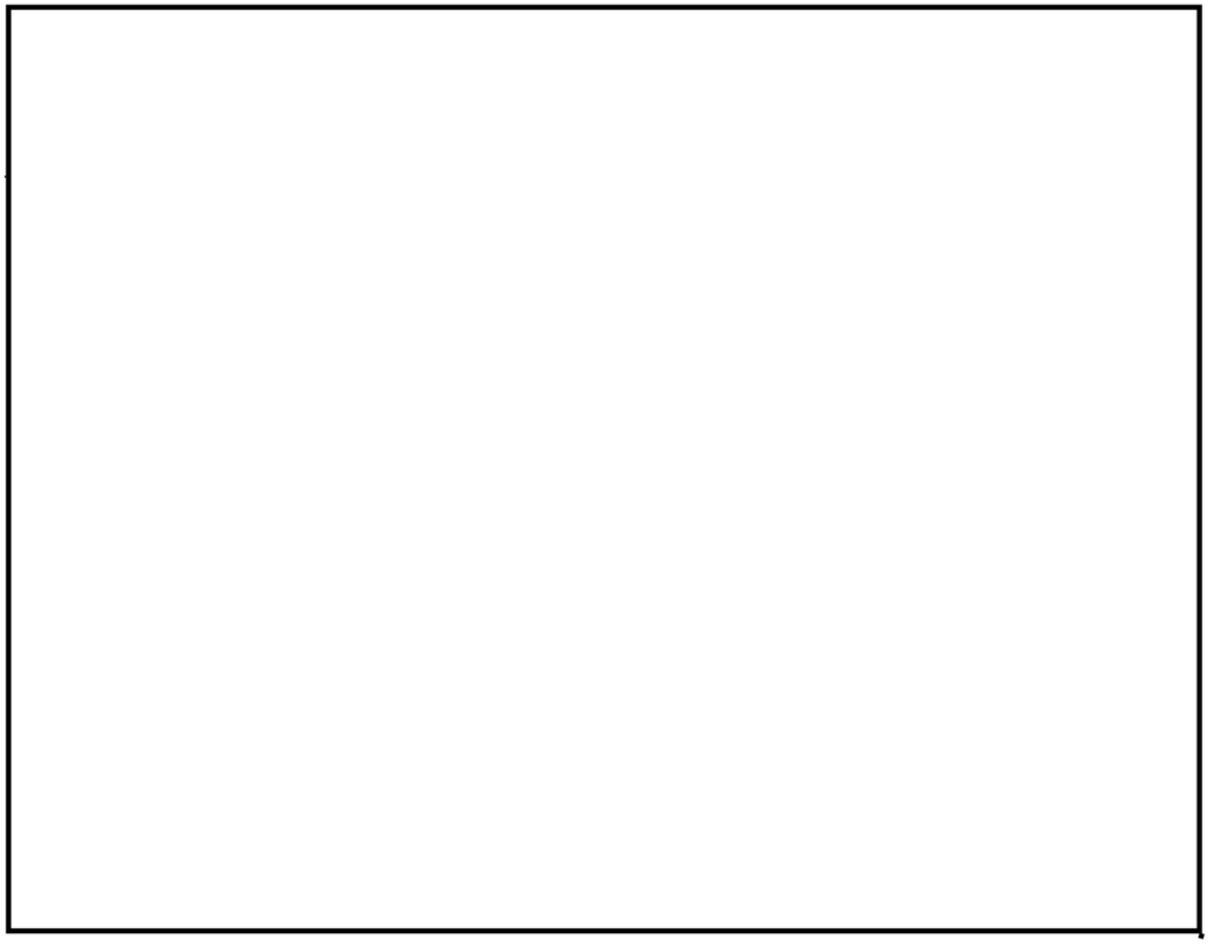

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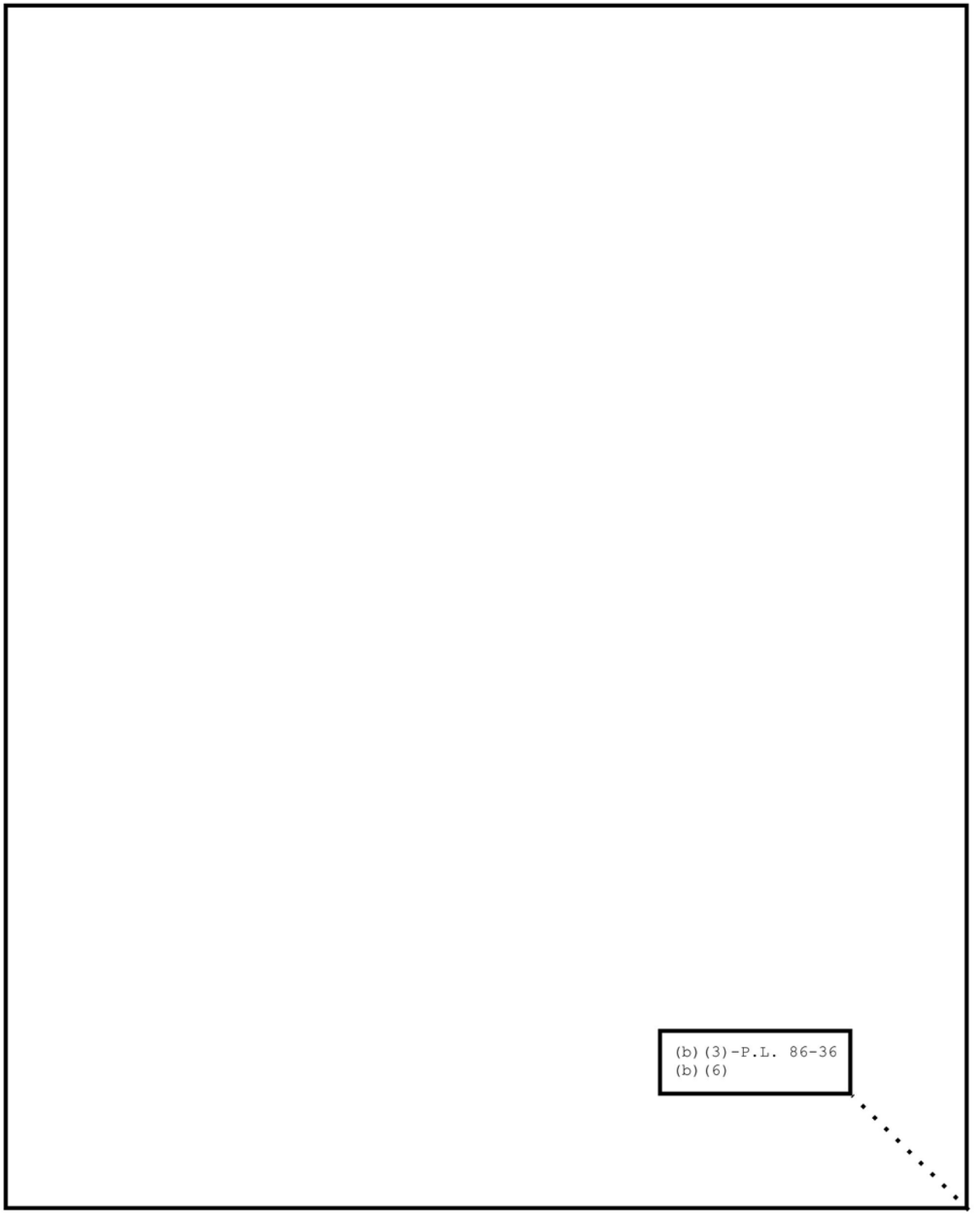
Release 2021 - 6
NSA15627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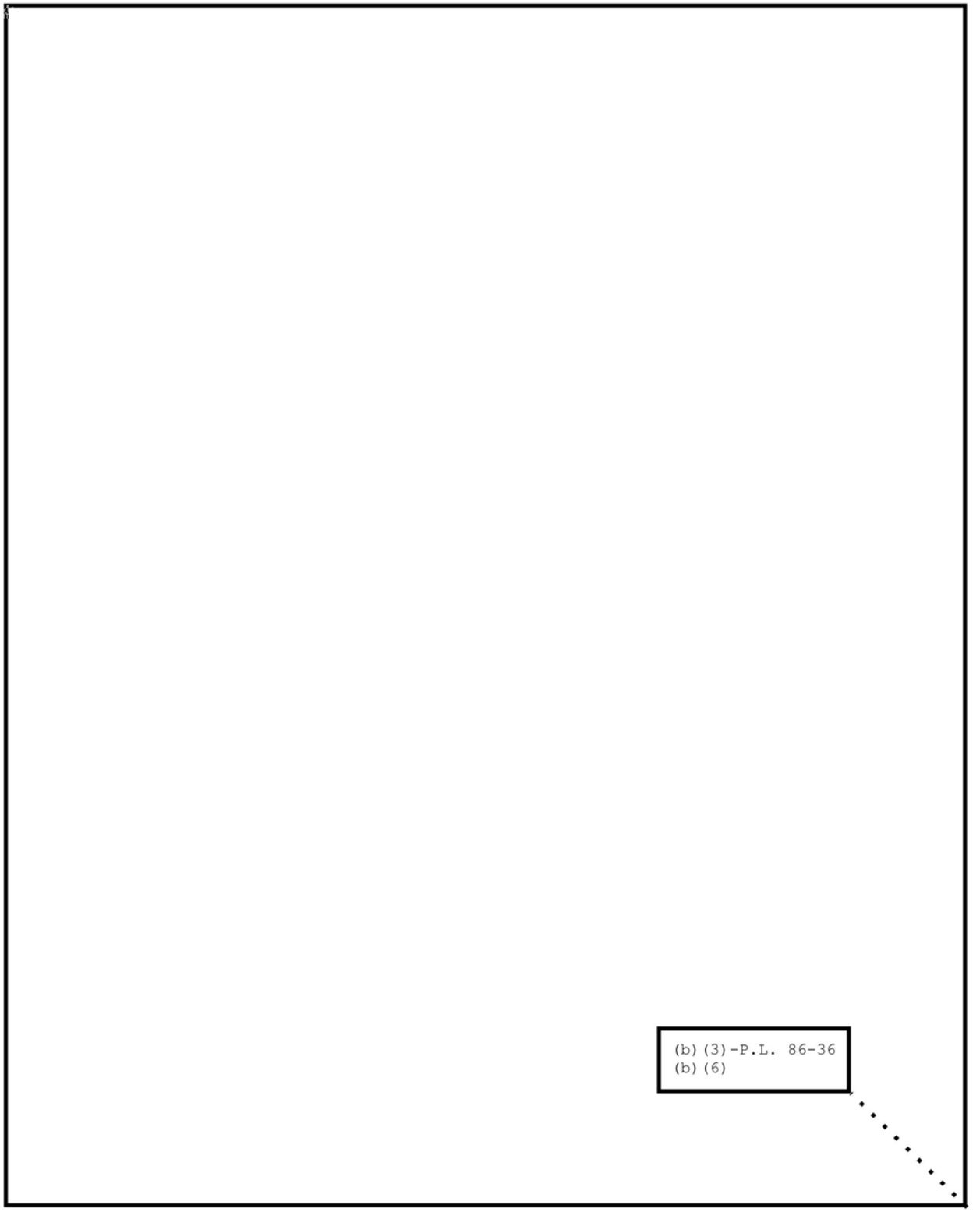
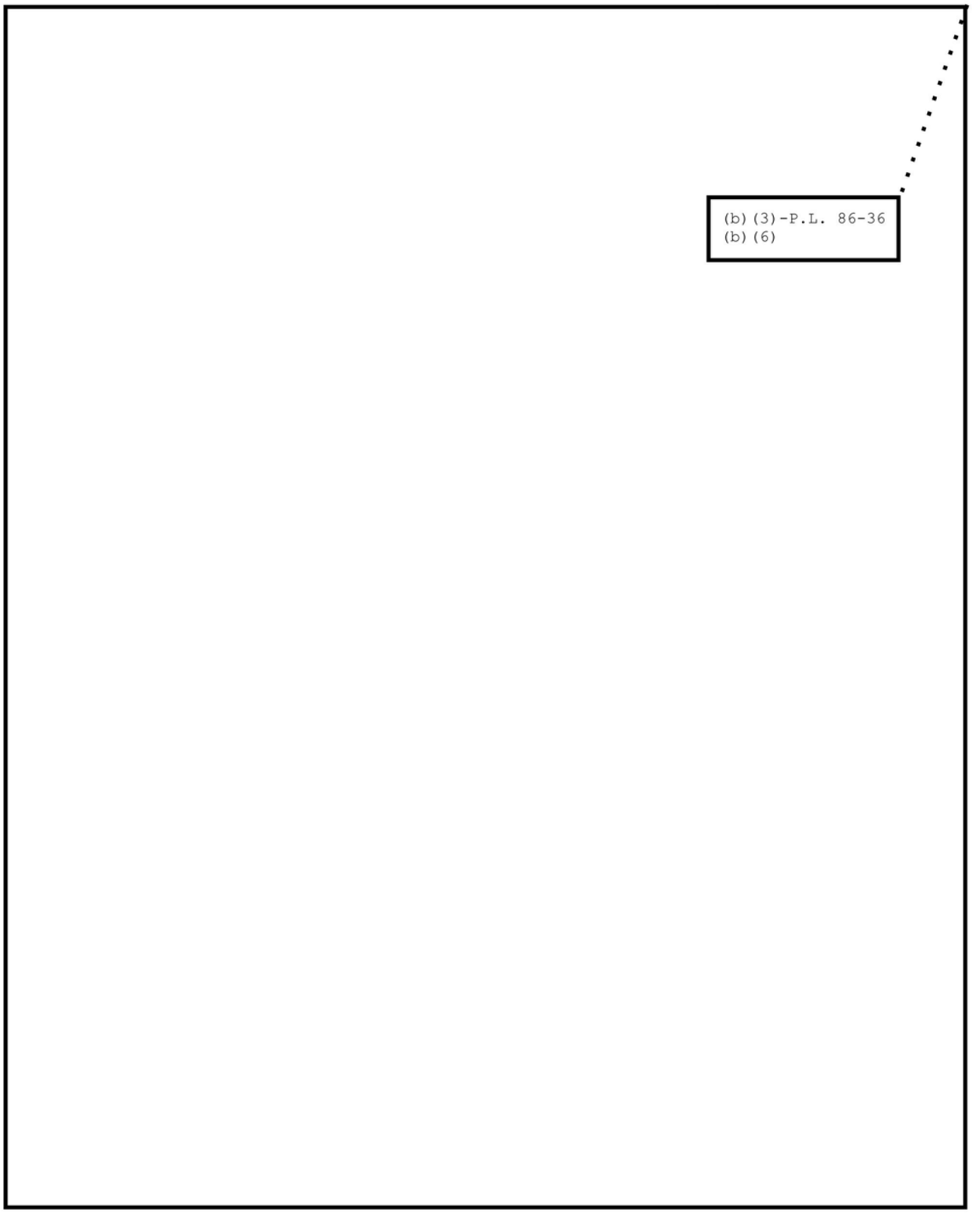
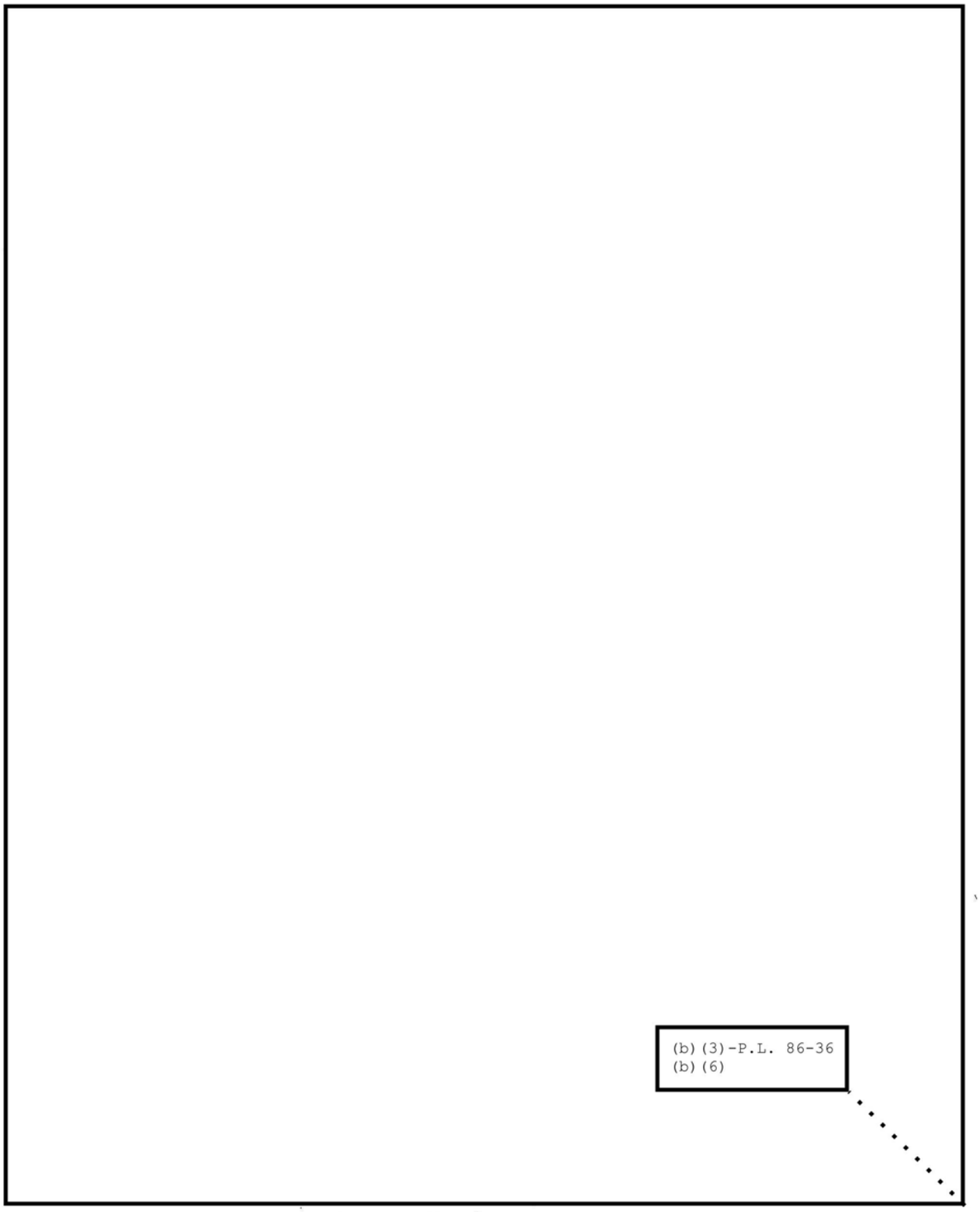


Release 2021 - 6
NSA15629



Release 2021 - 6
NSA15630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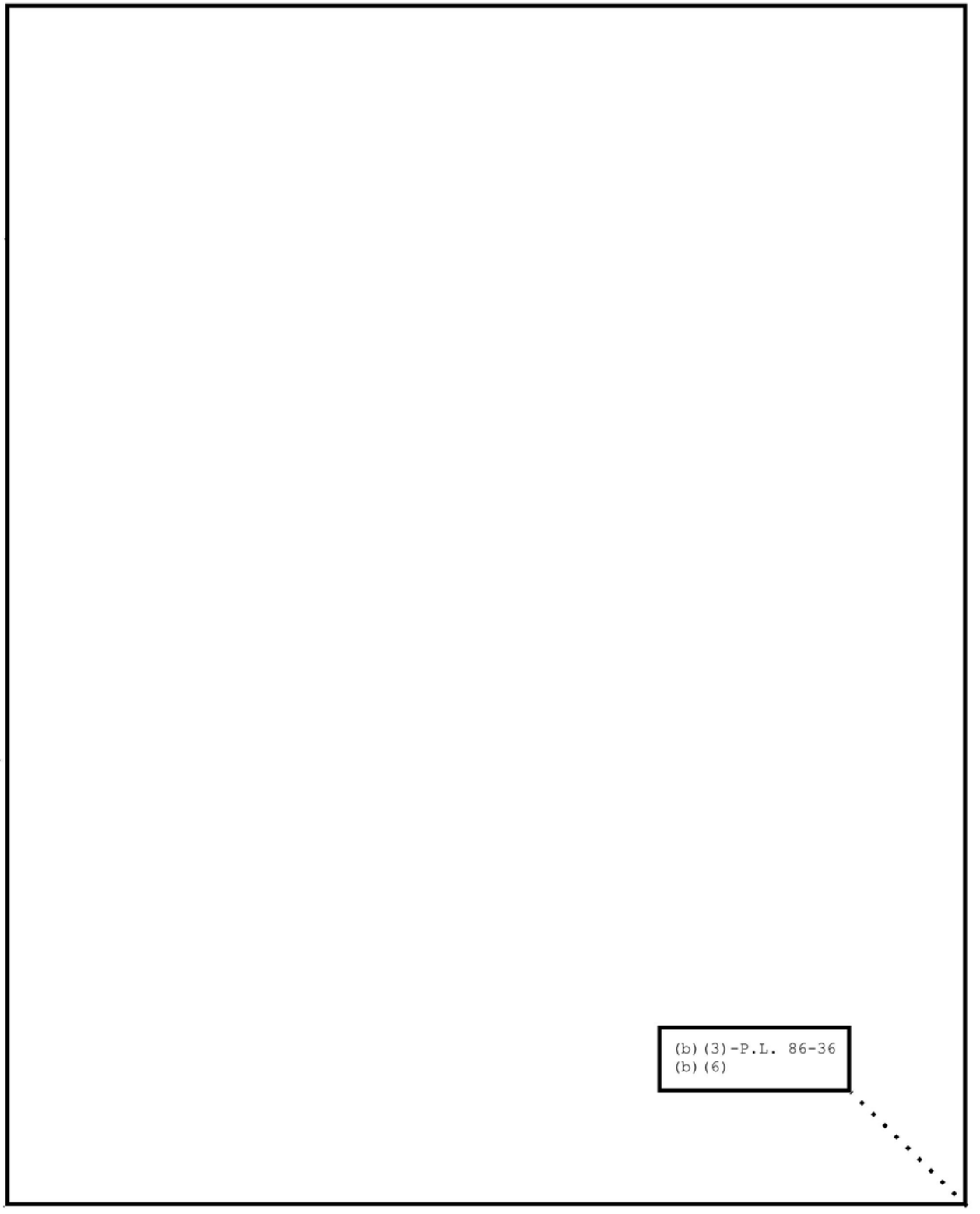
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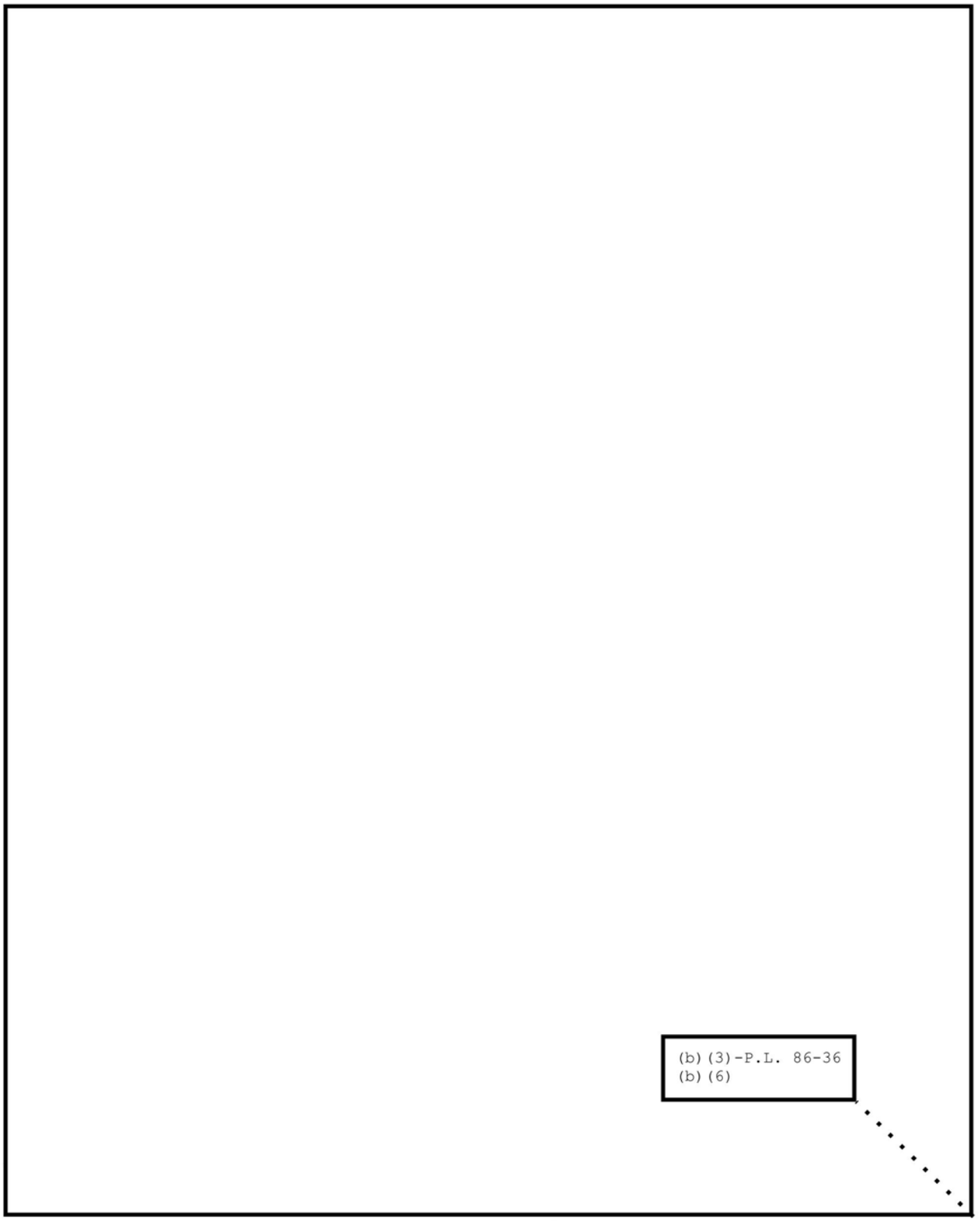
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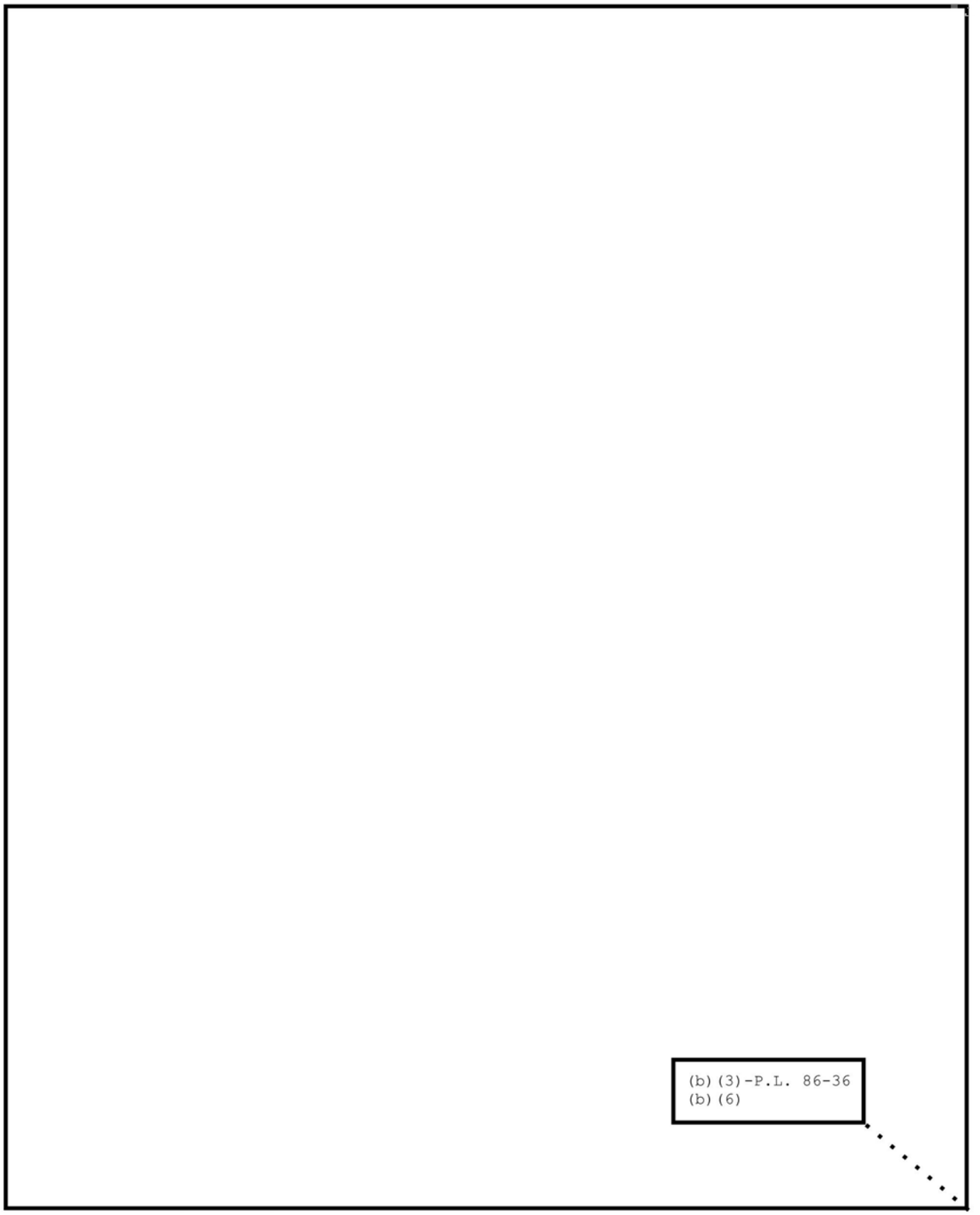
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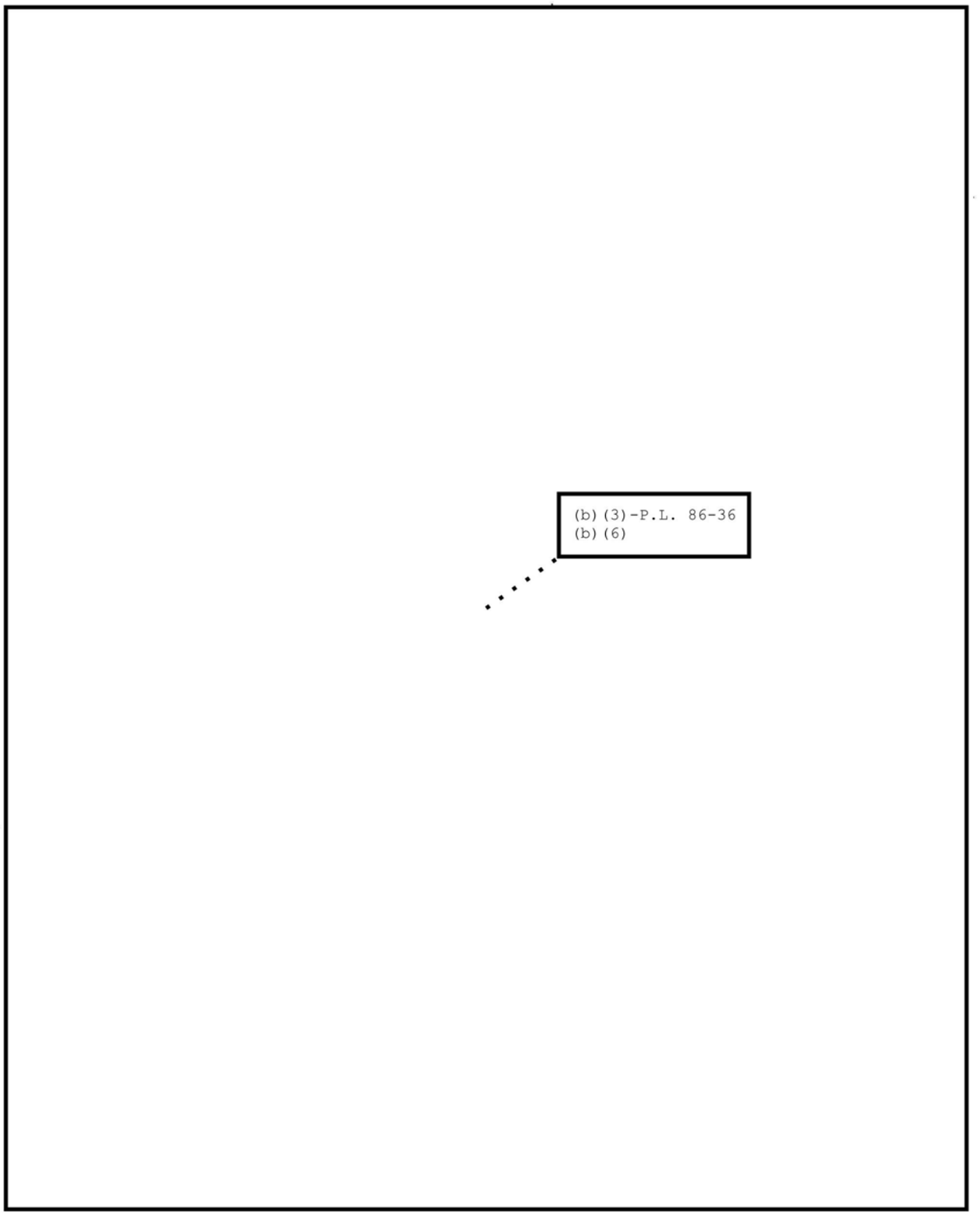
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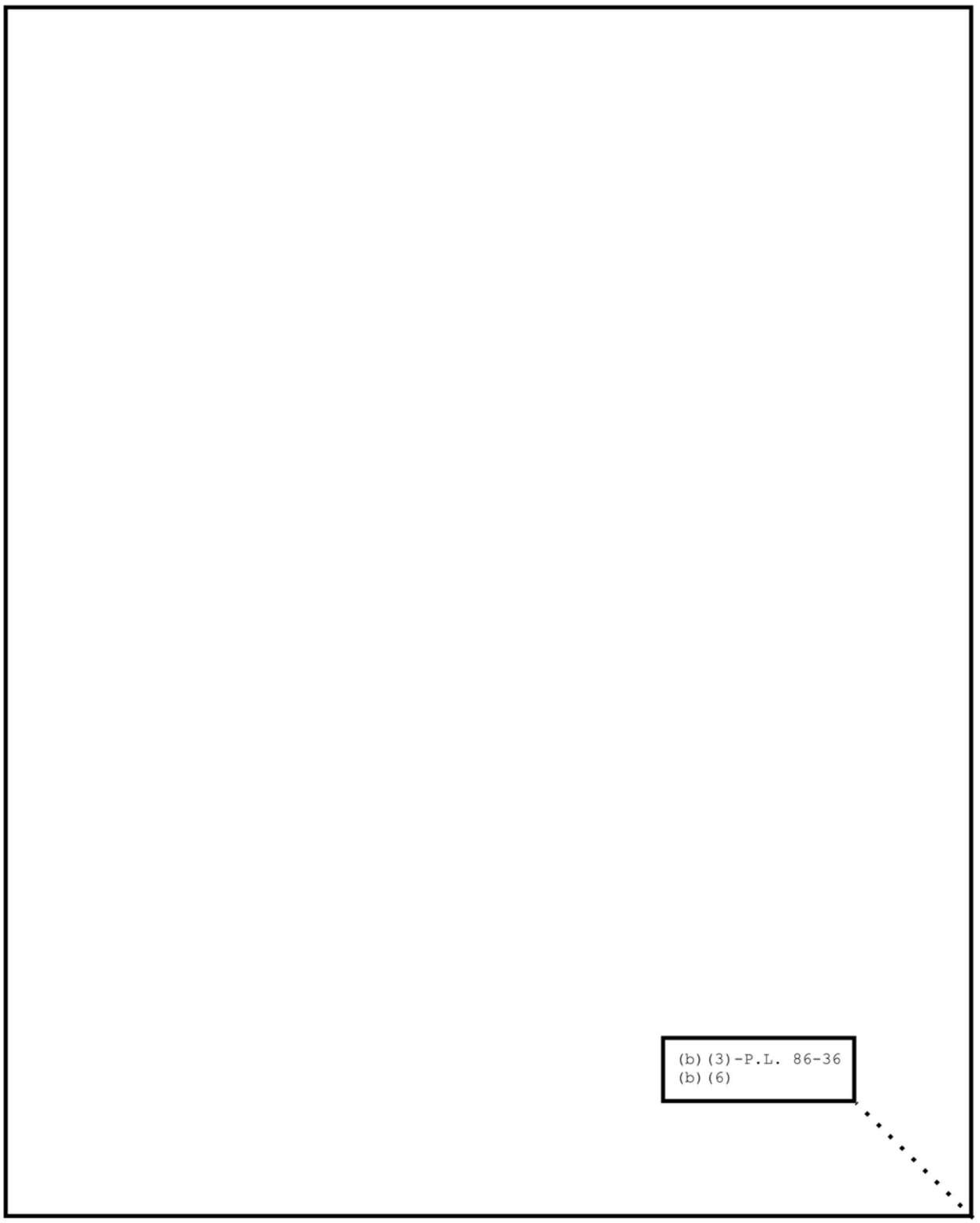
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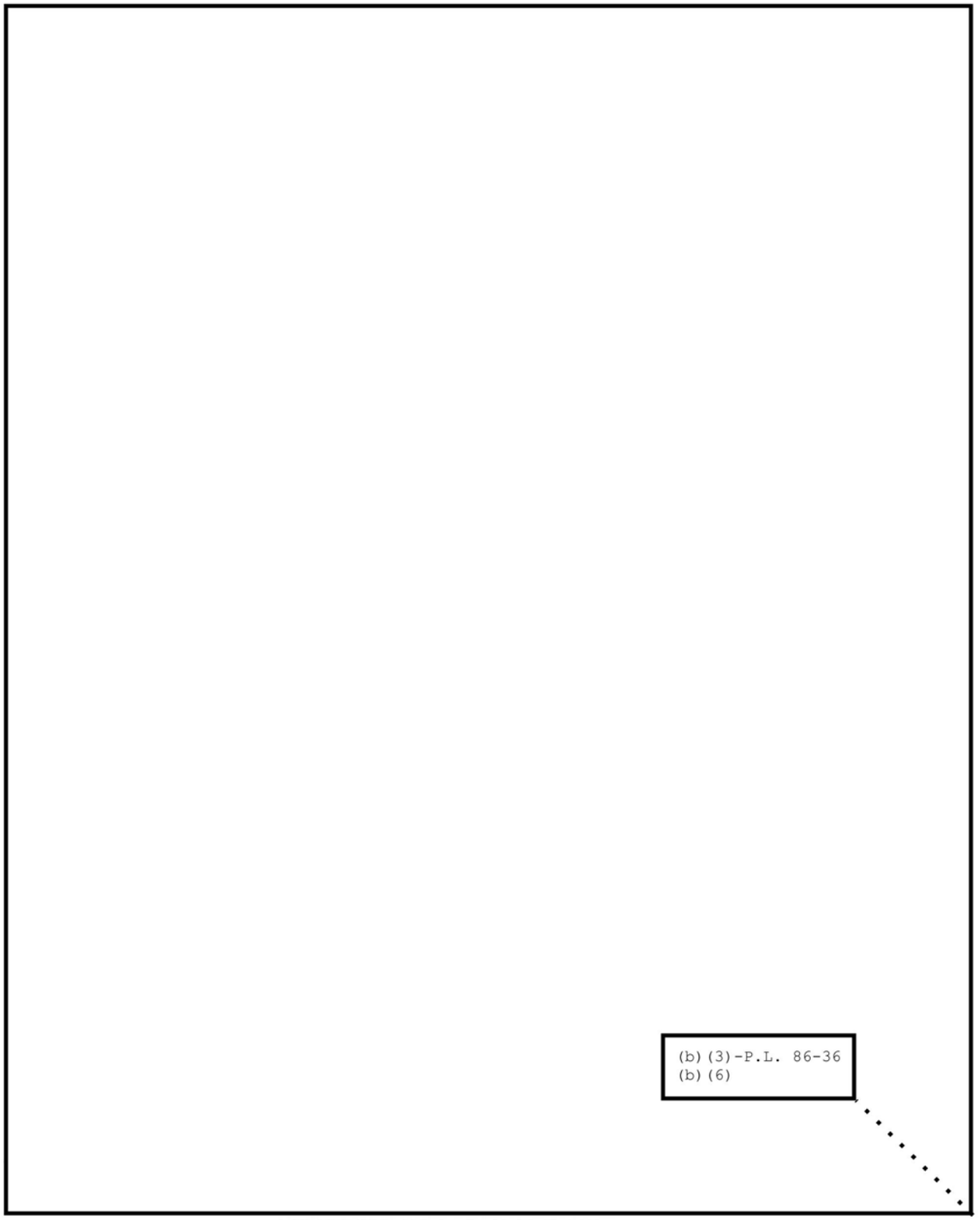
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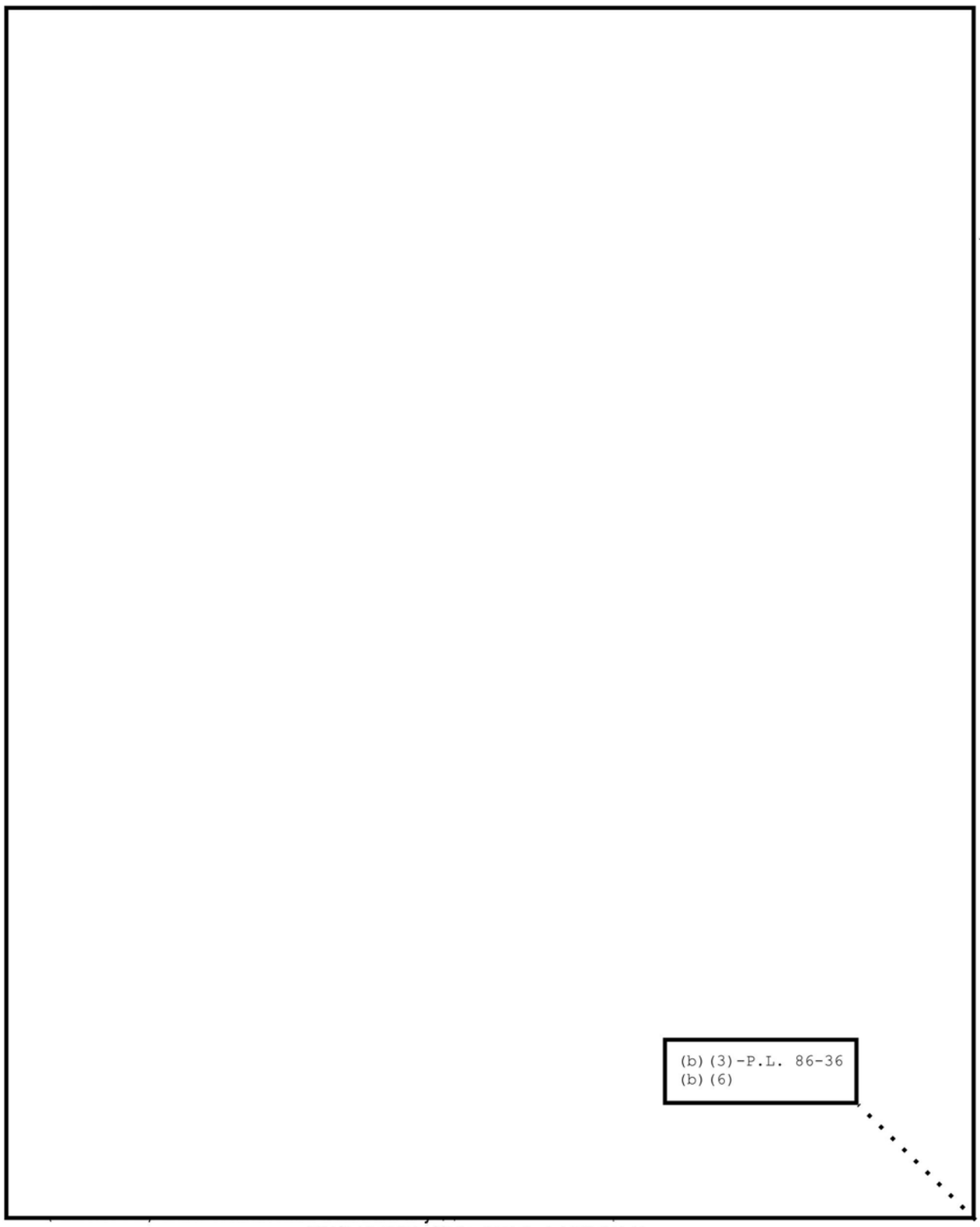
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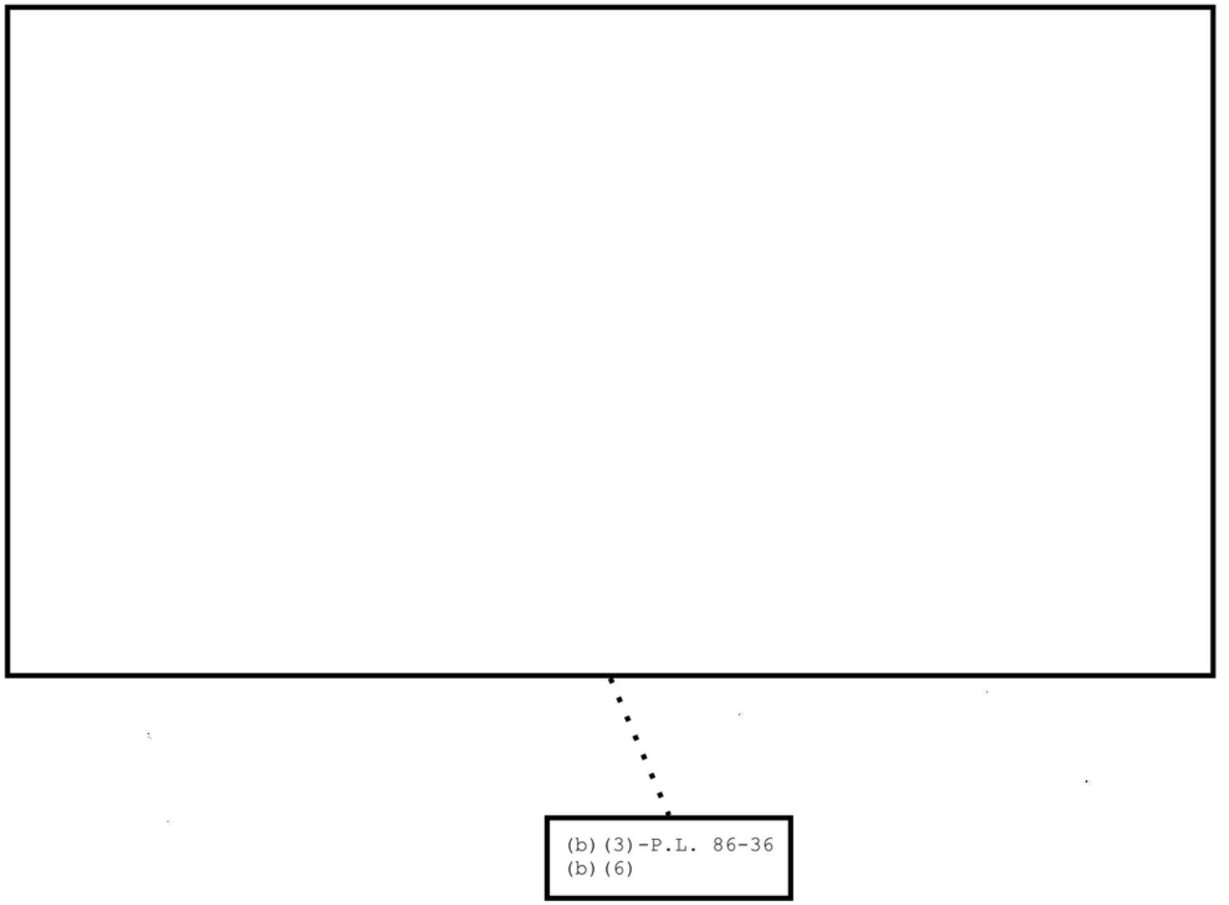

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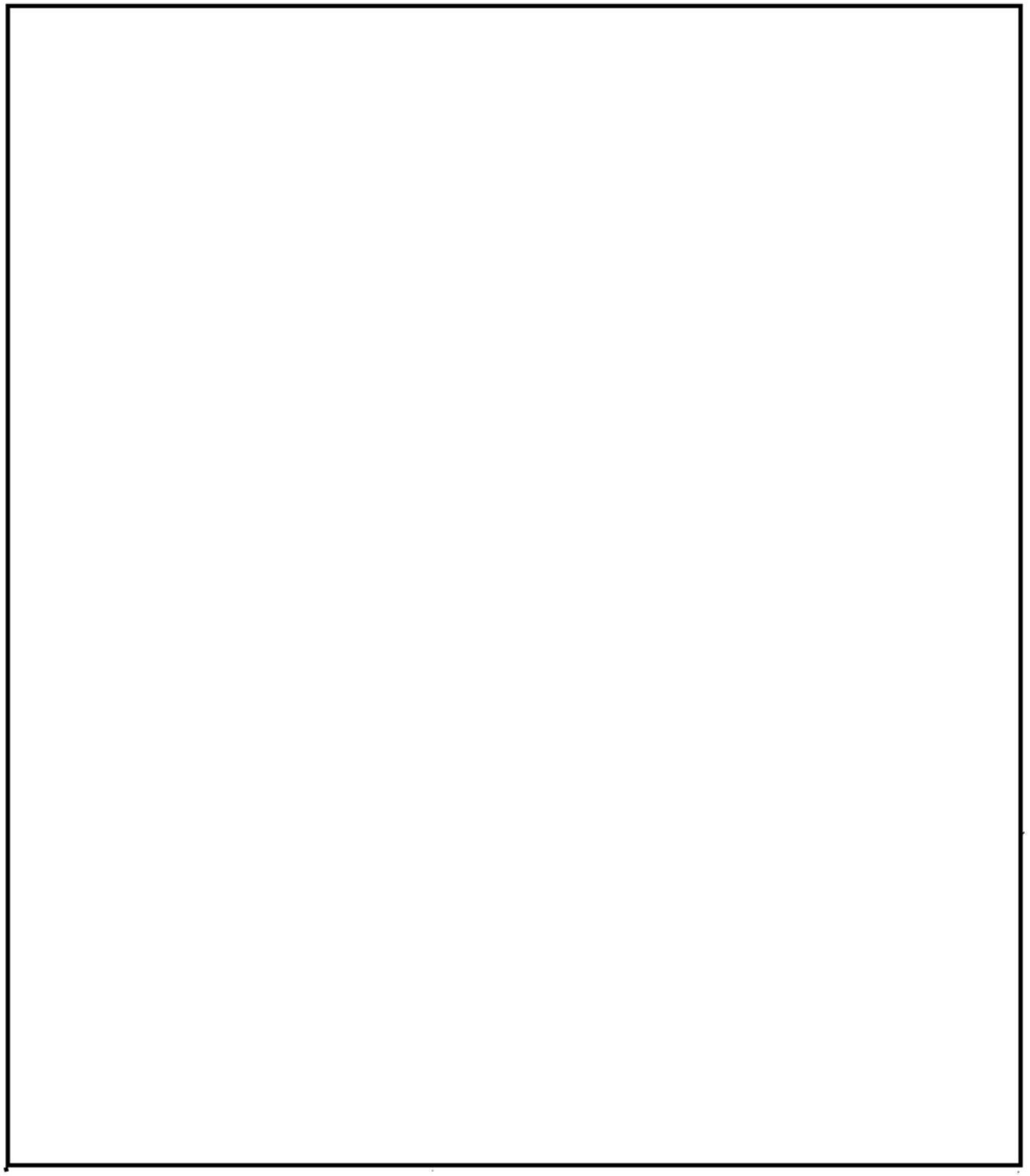
Release 2021 - 6
NSA15640



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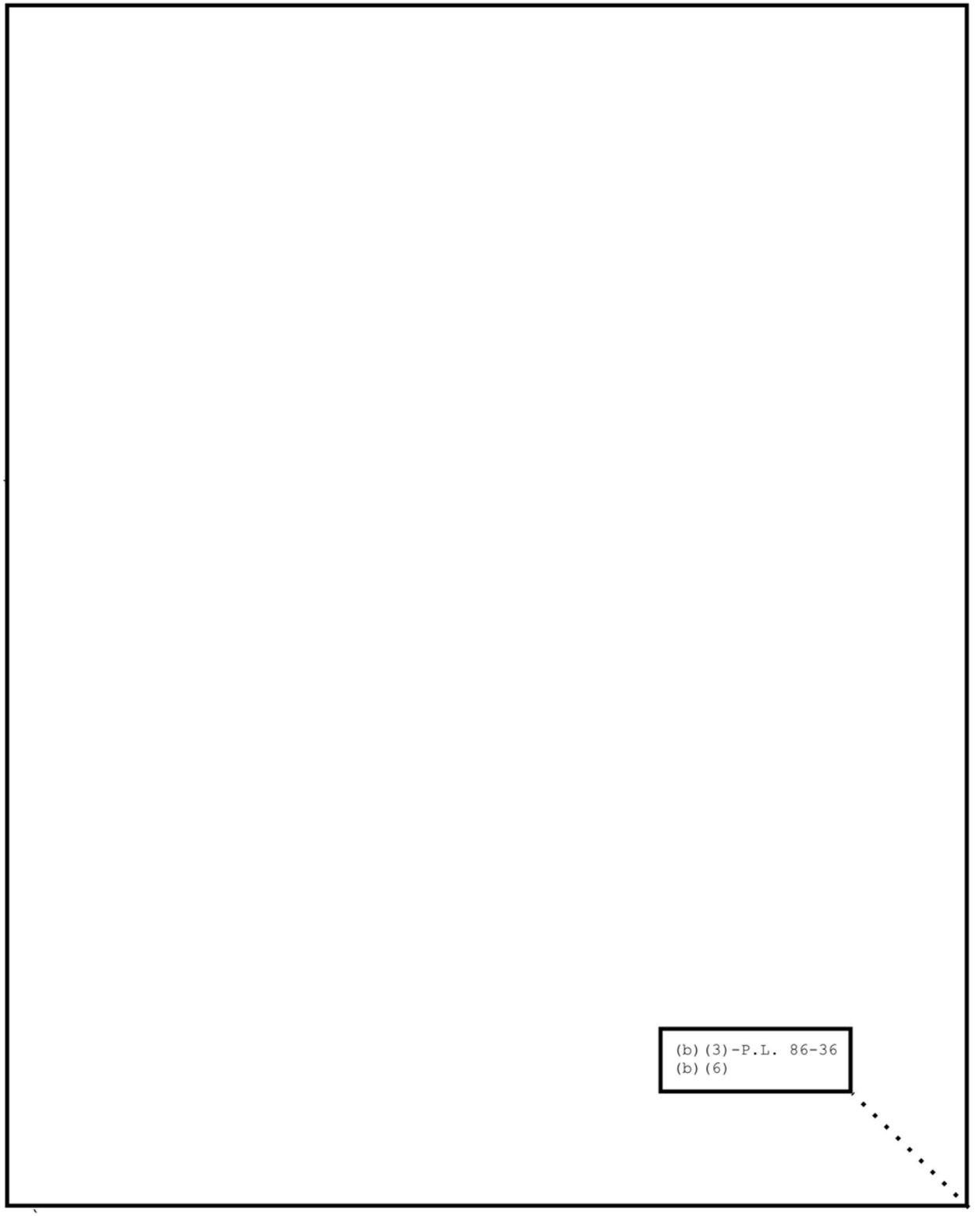
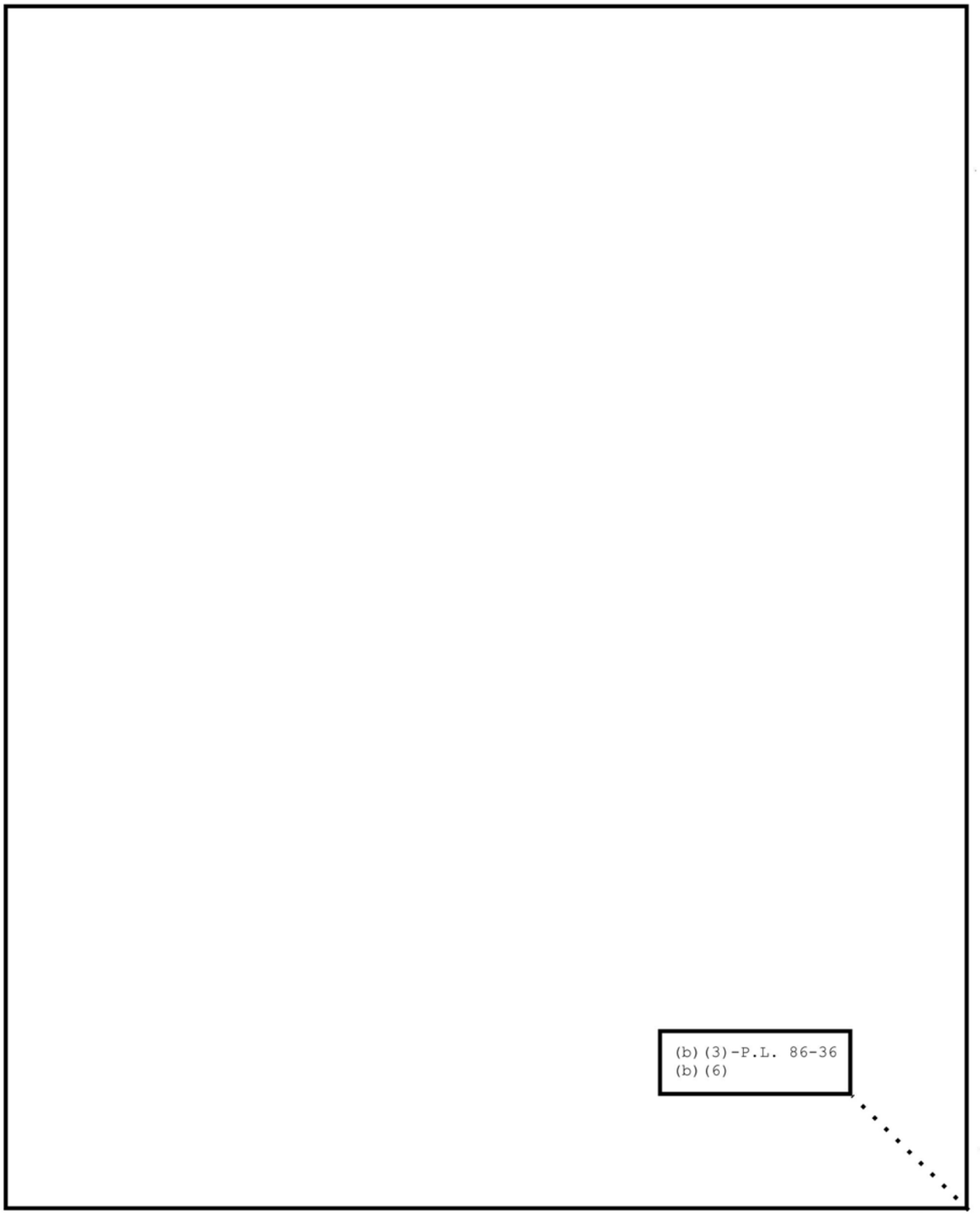


Release 2021 - 6
NSA15642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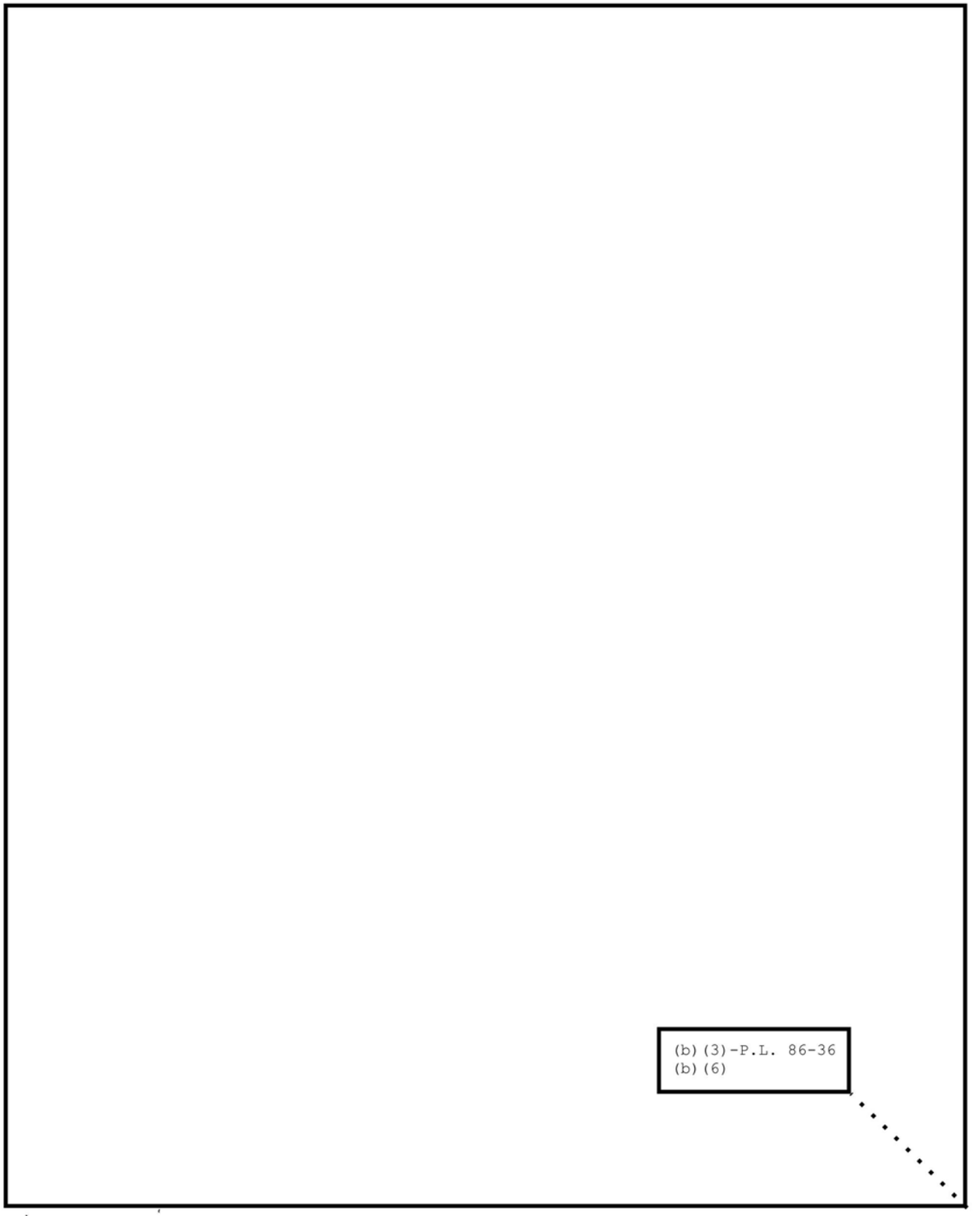
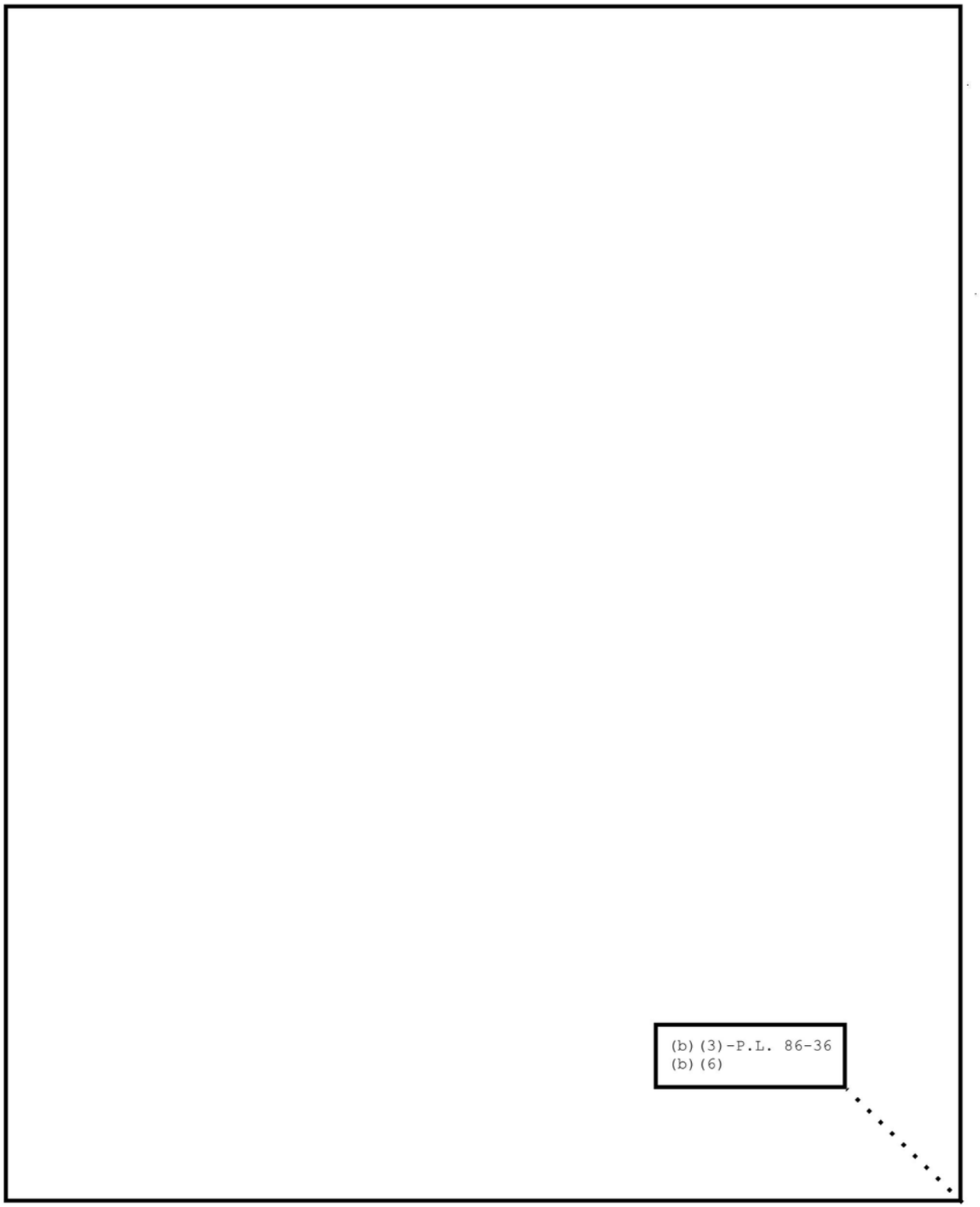


Release 2021 - 6
NSA15644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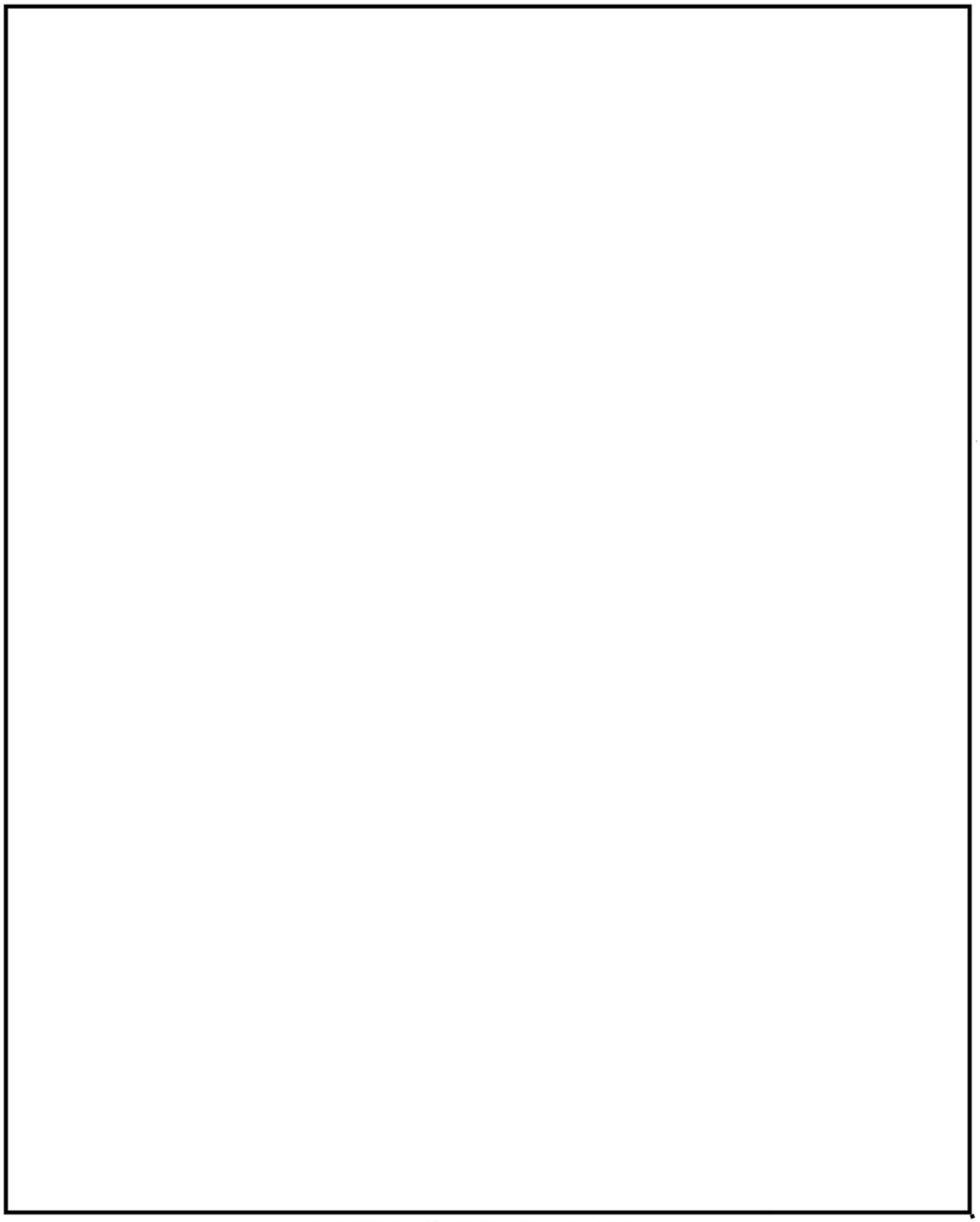
Release 2021 - 6
NSA15646



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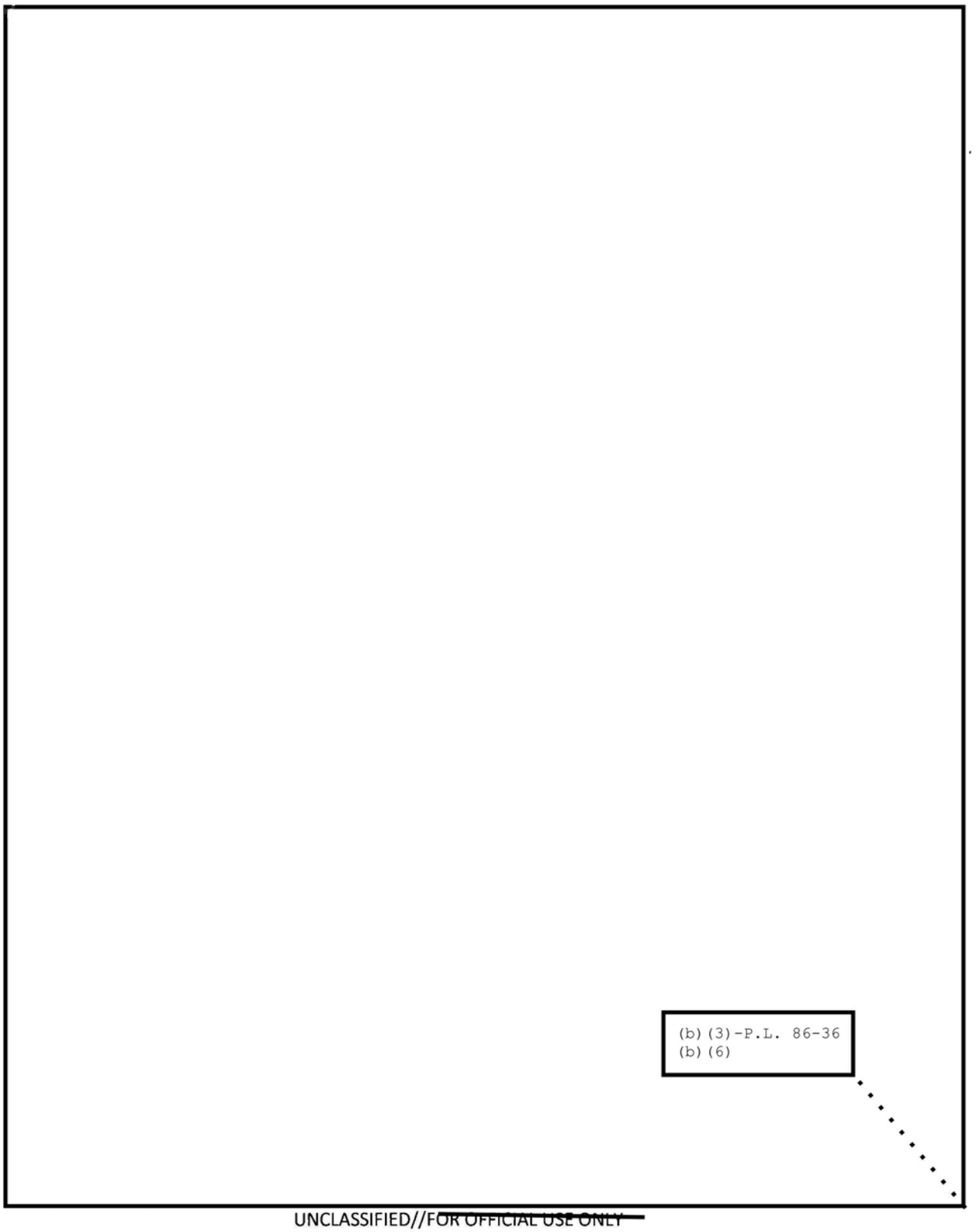
Release 2021 - 6
NSA15647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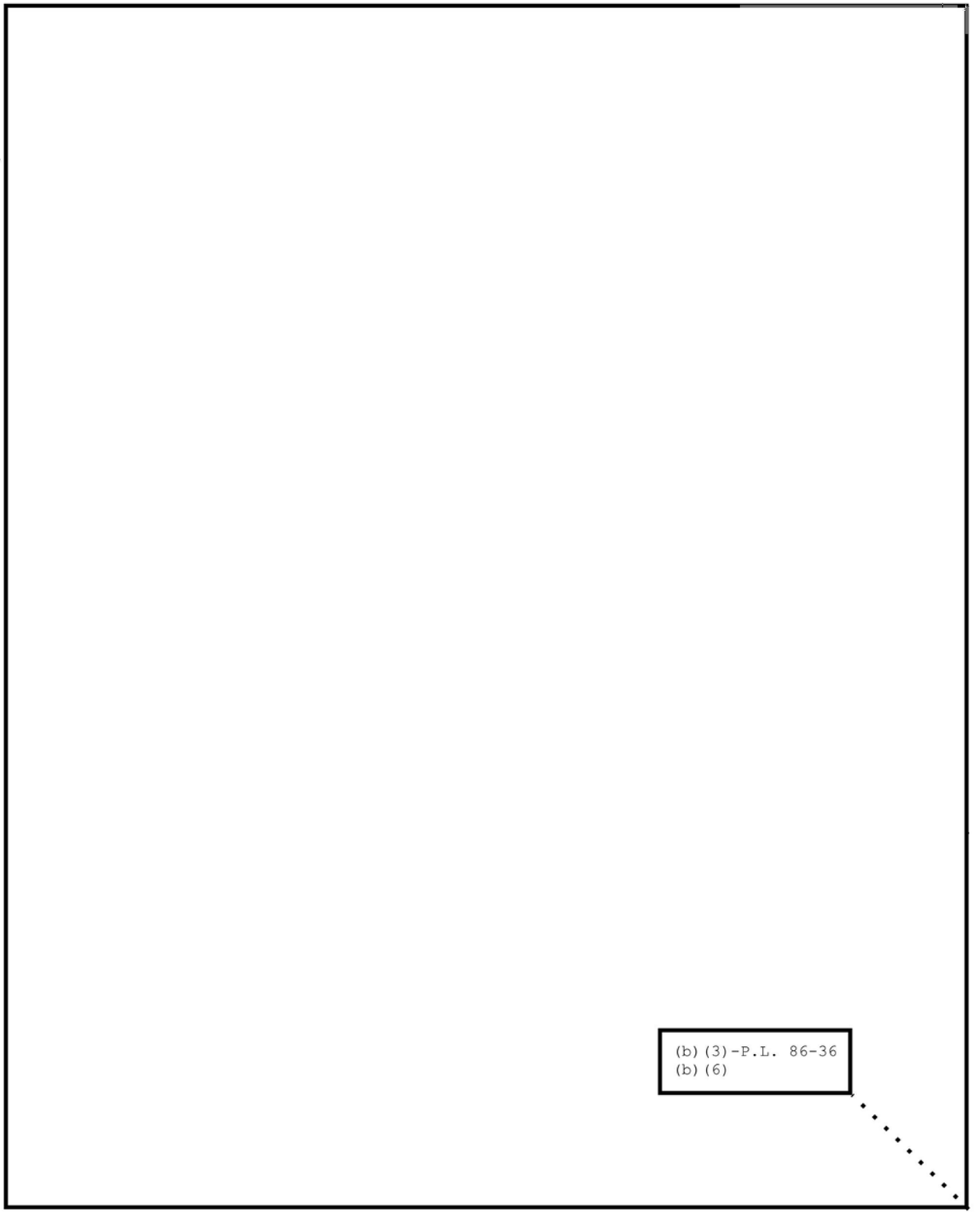
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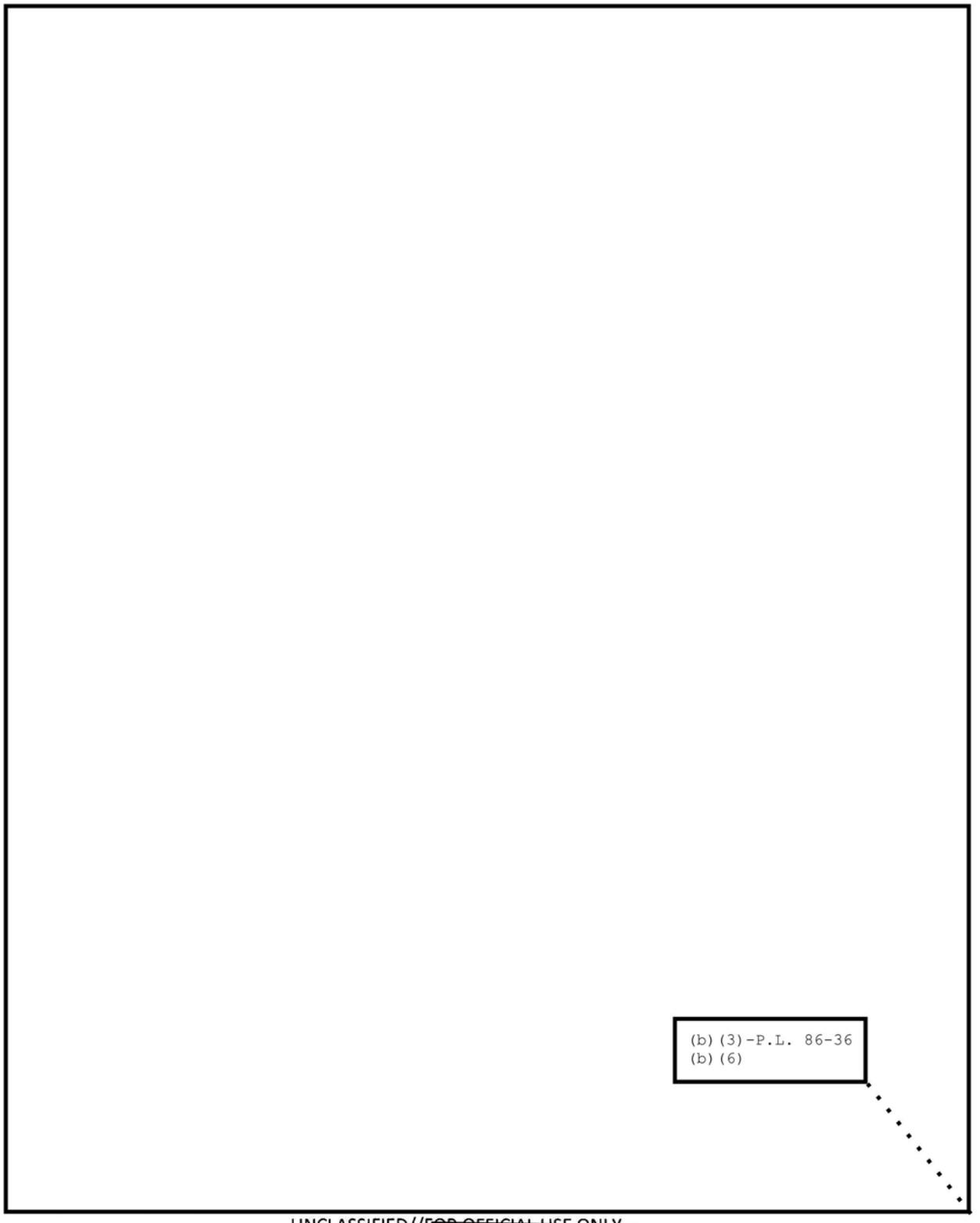
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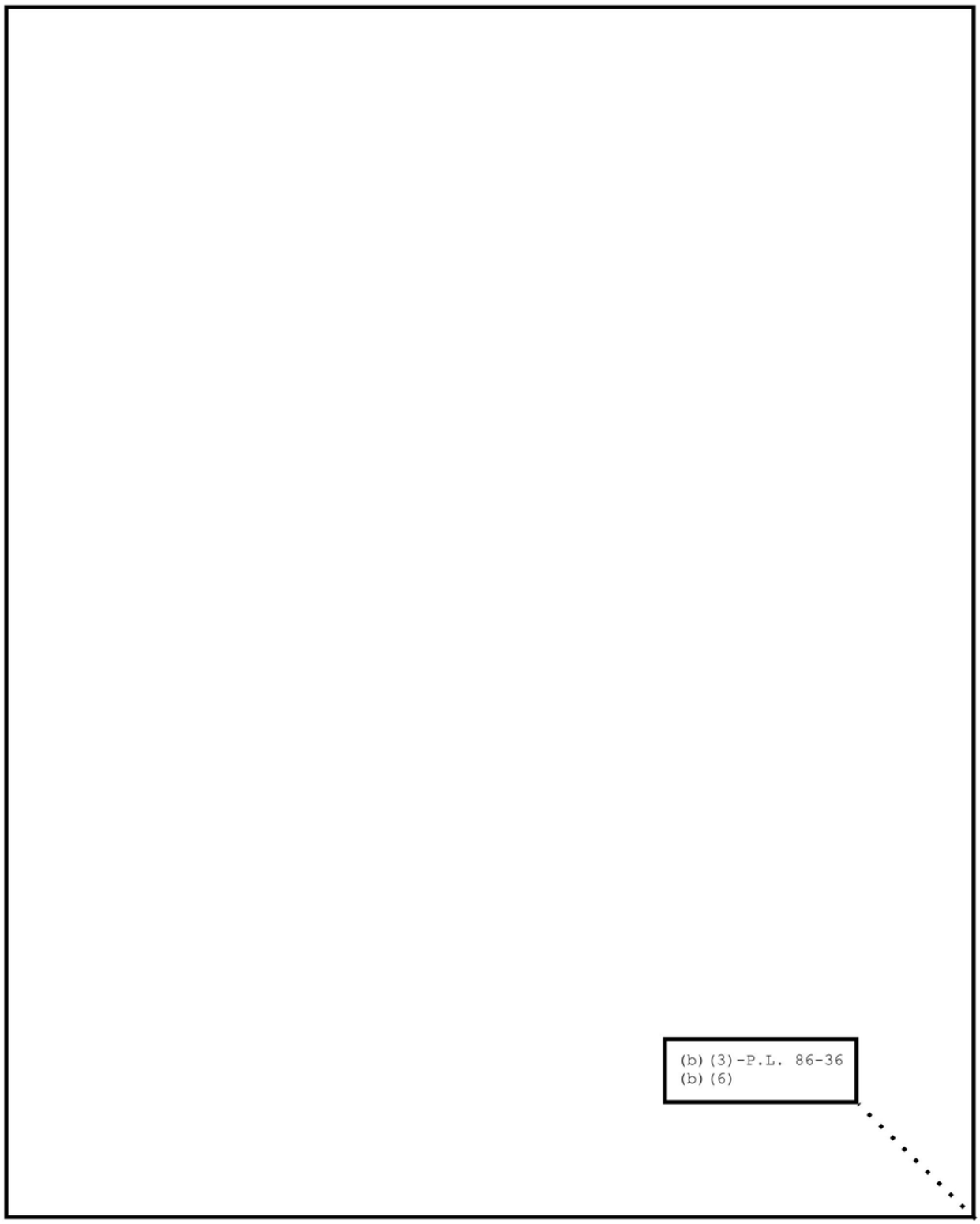
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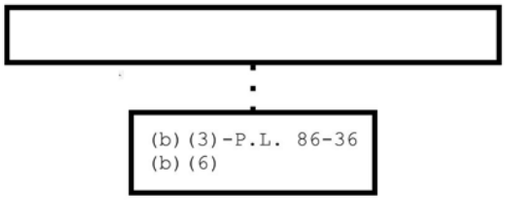
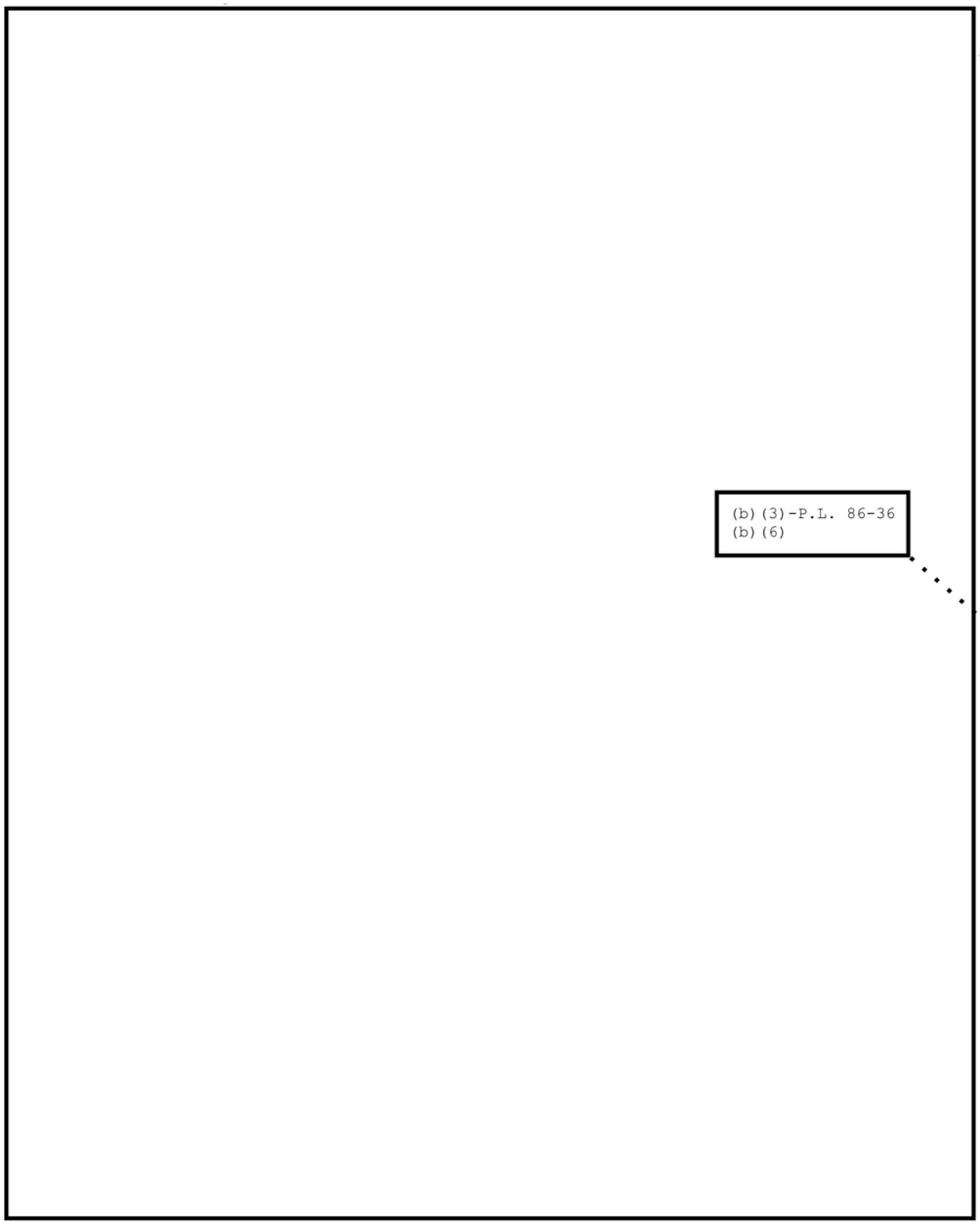


Release 2021 - 6
NSA15652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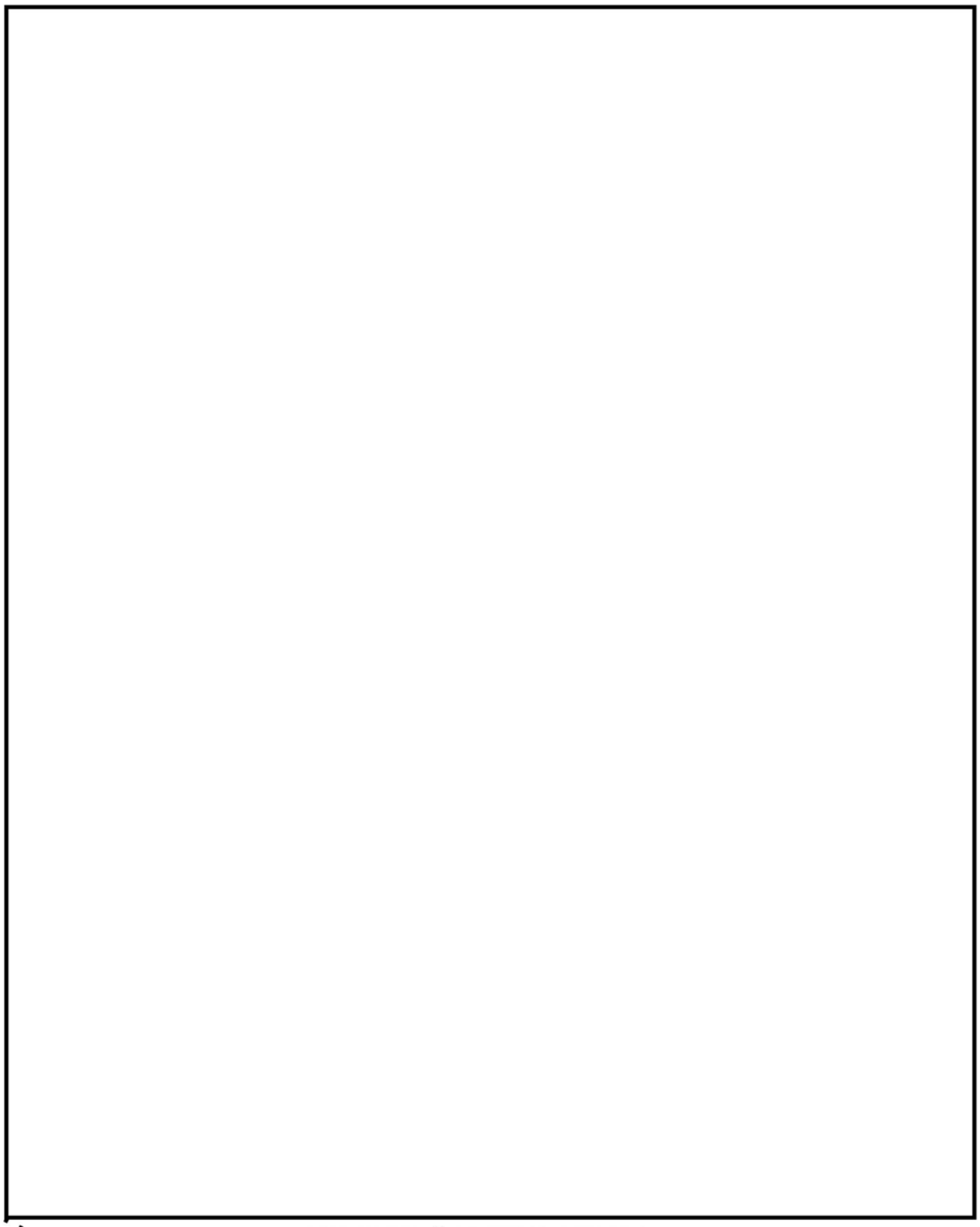

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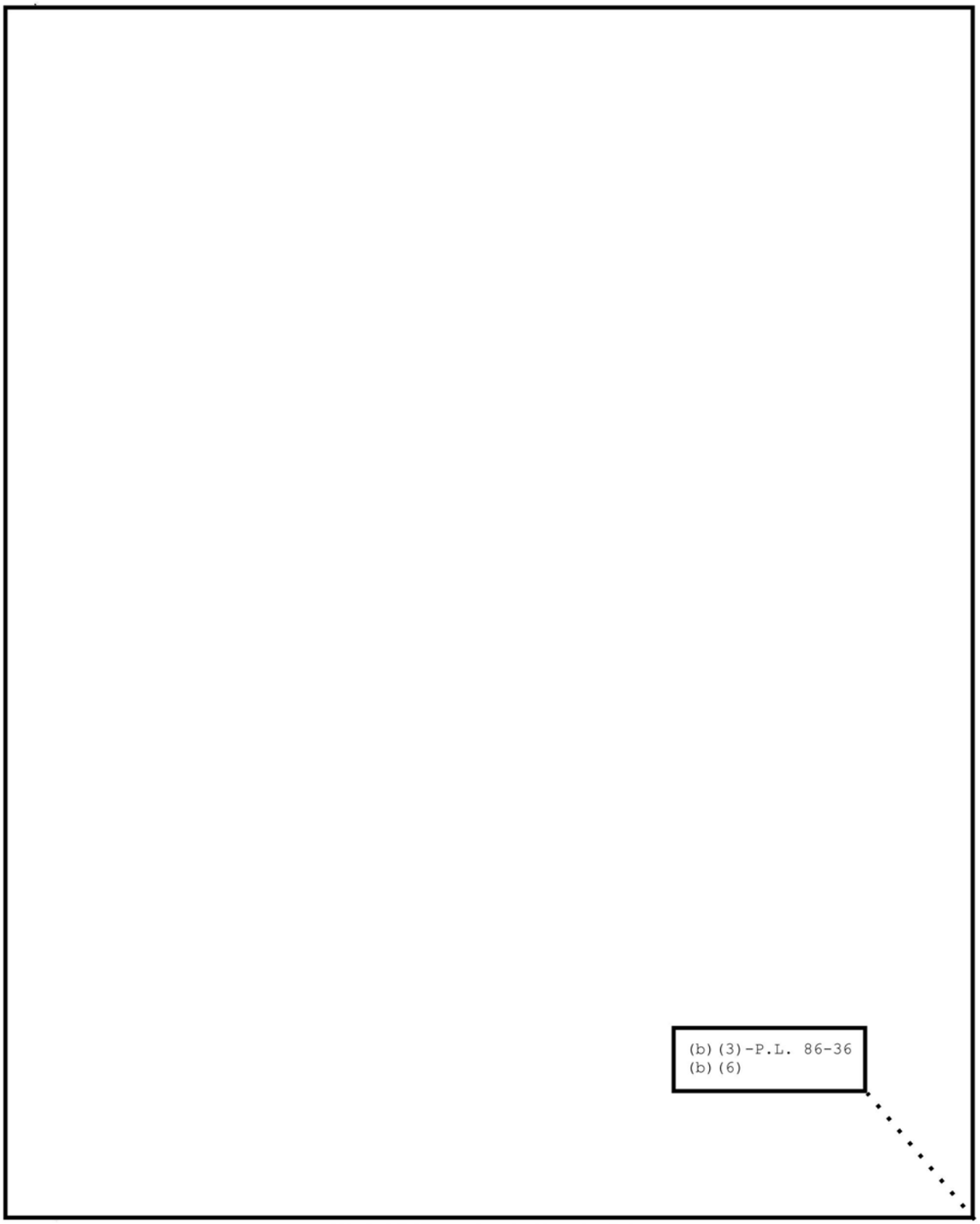
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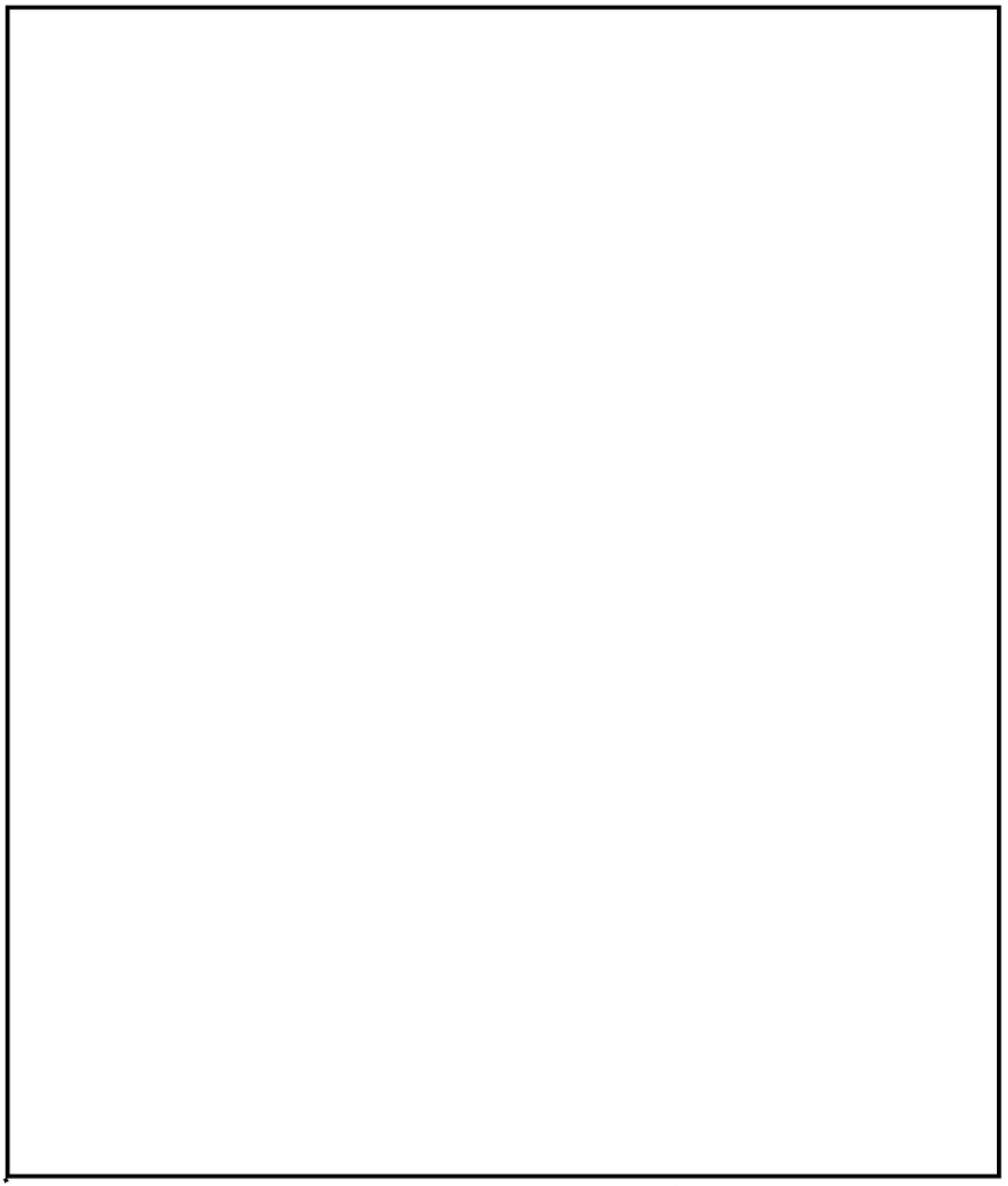

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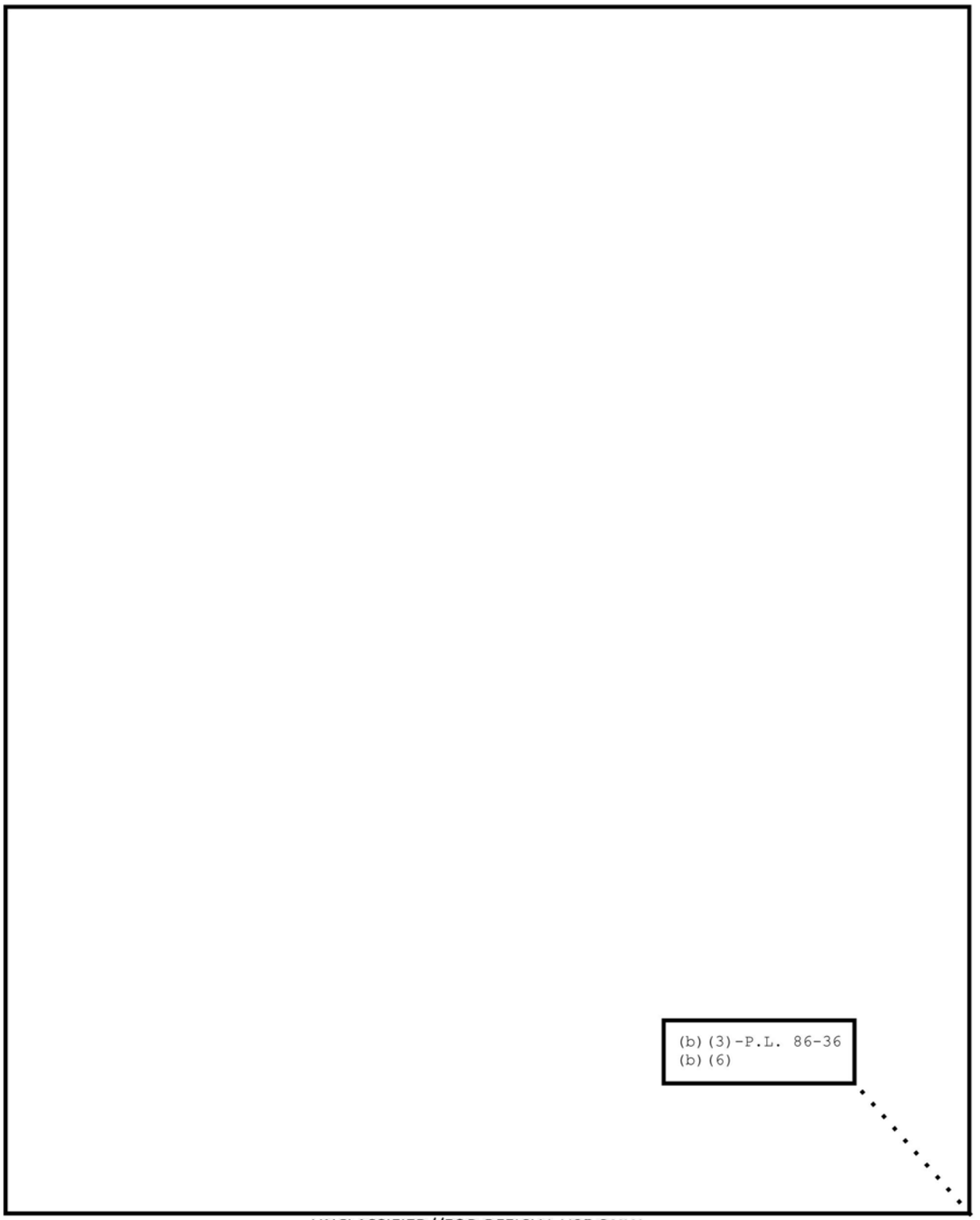
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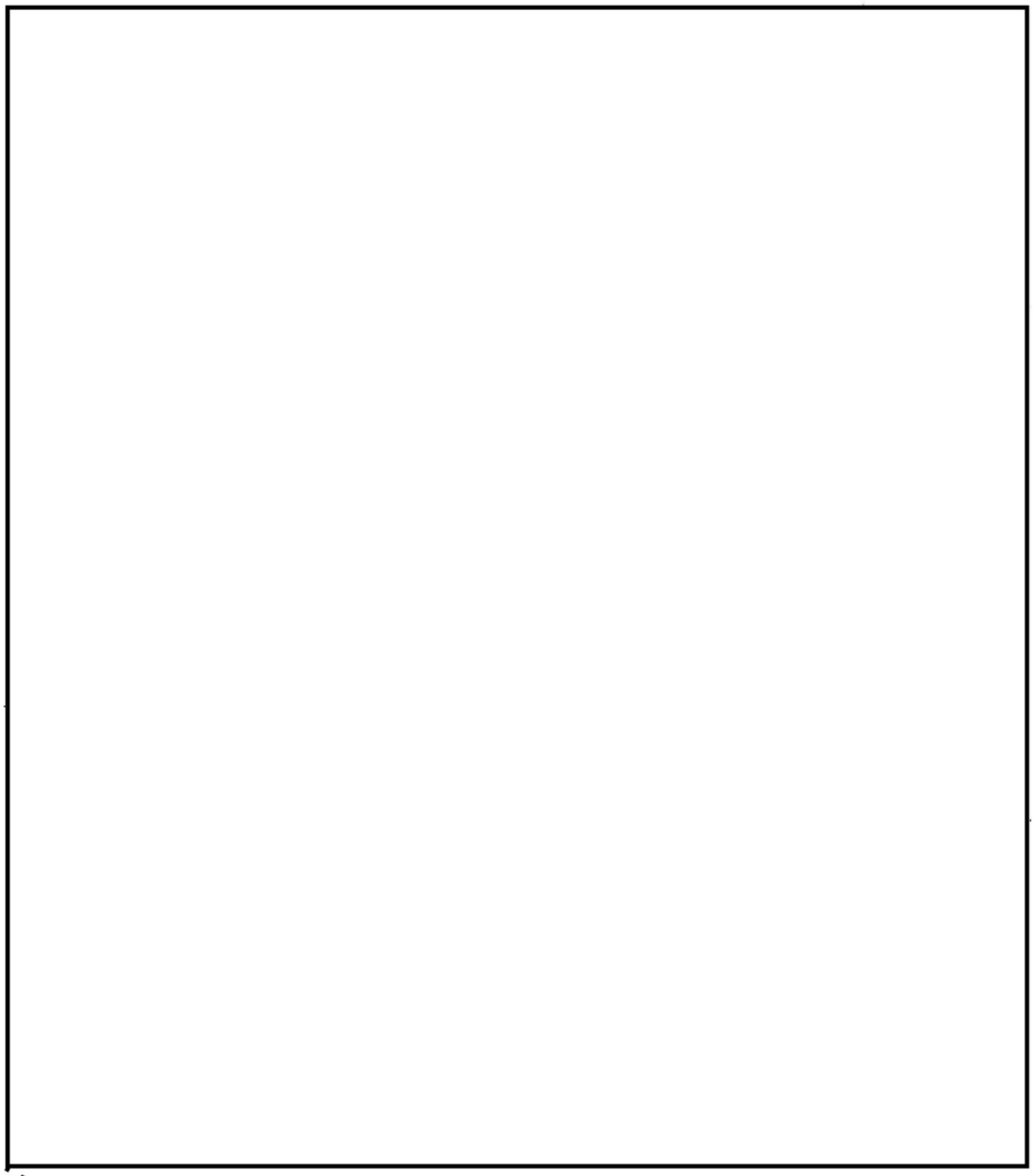

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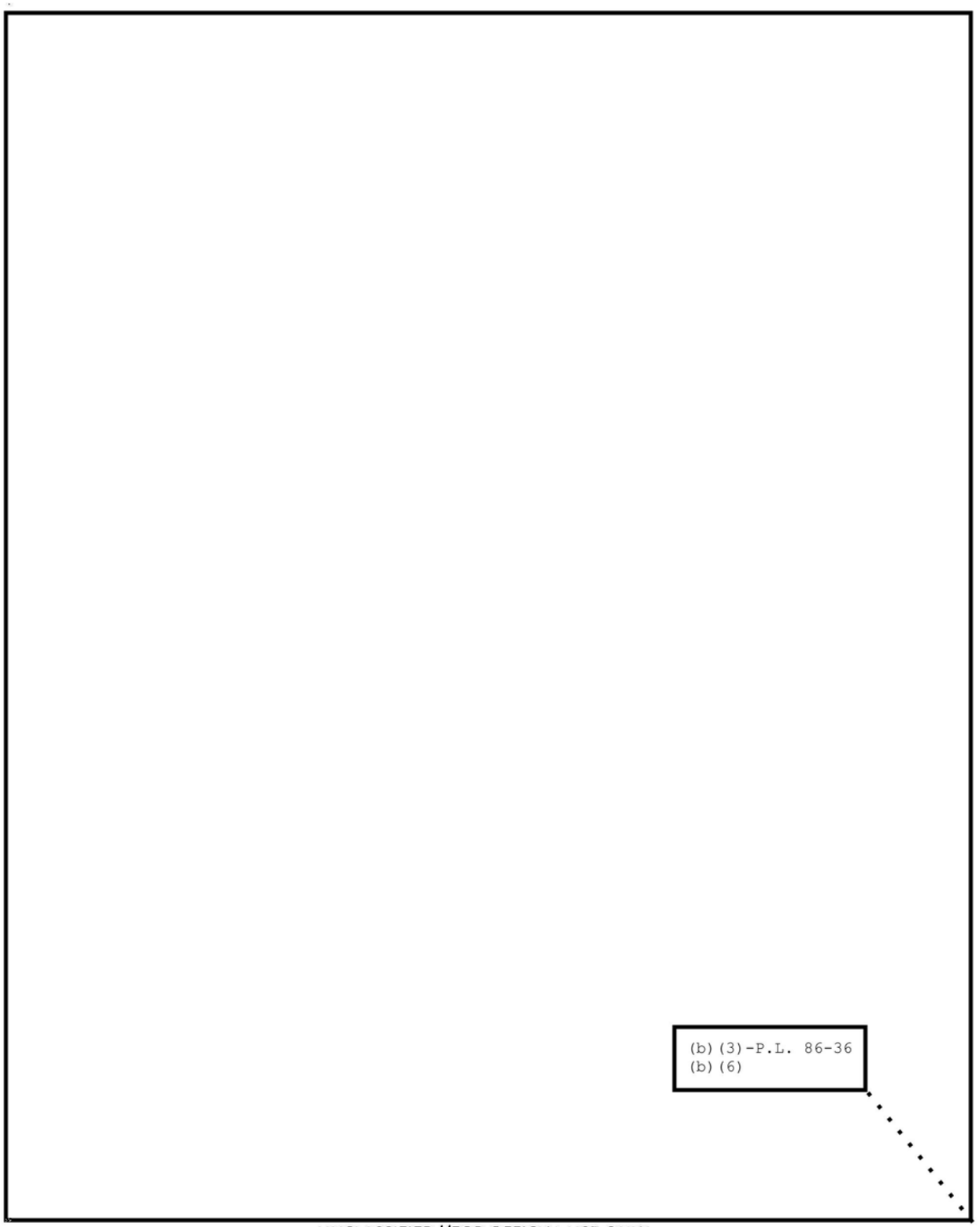
(b)(6)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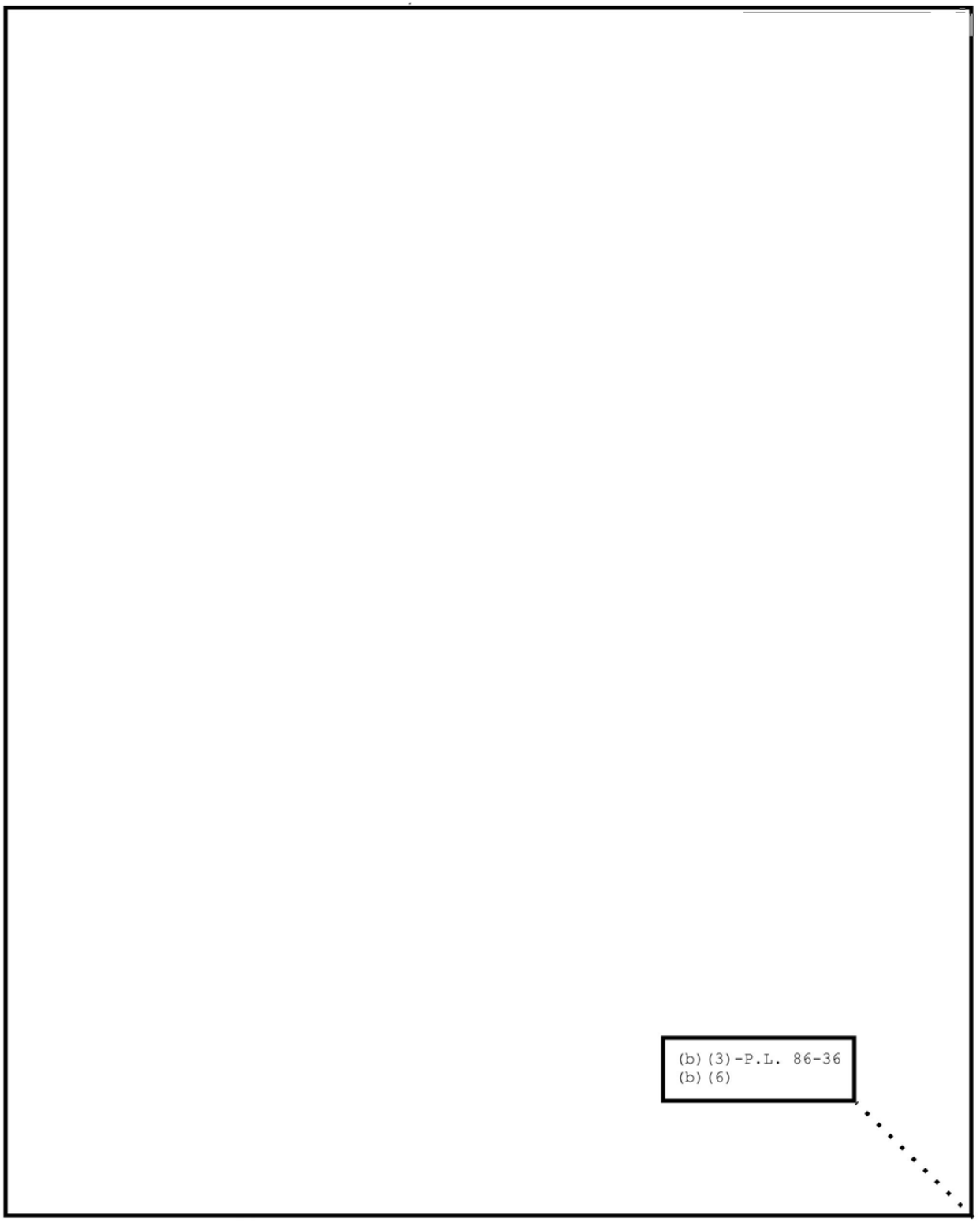
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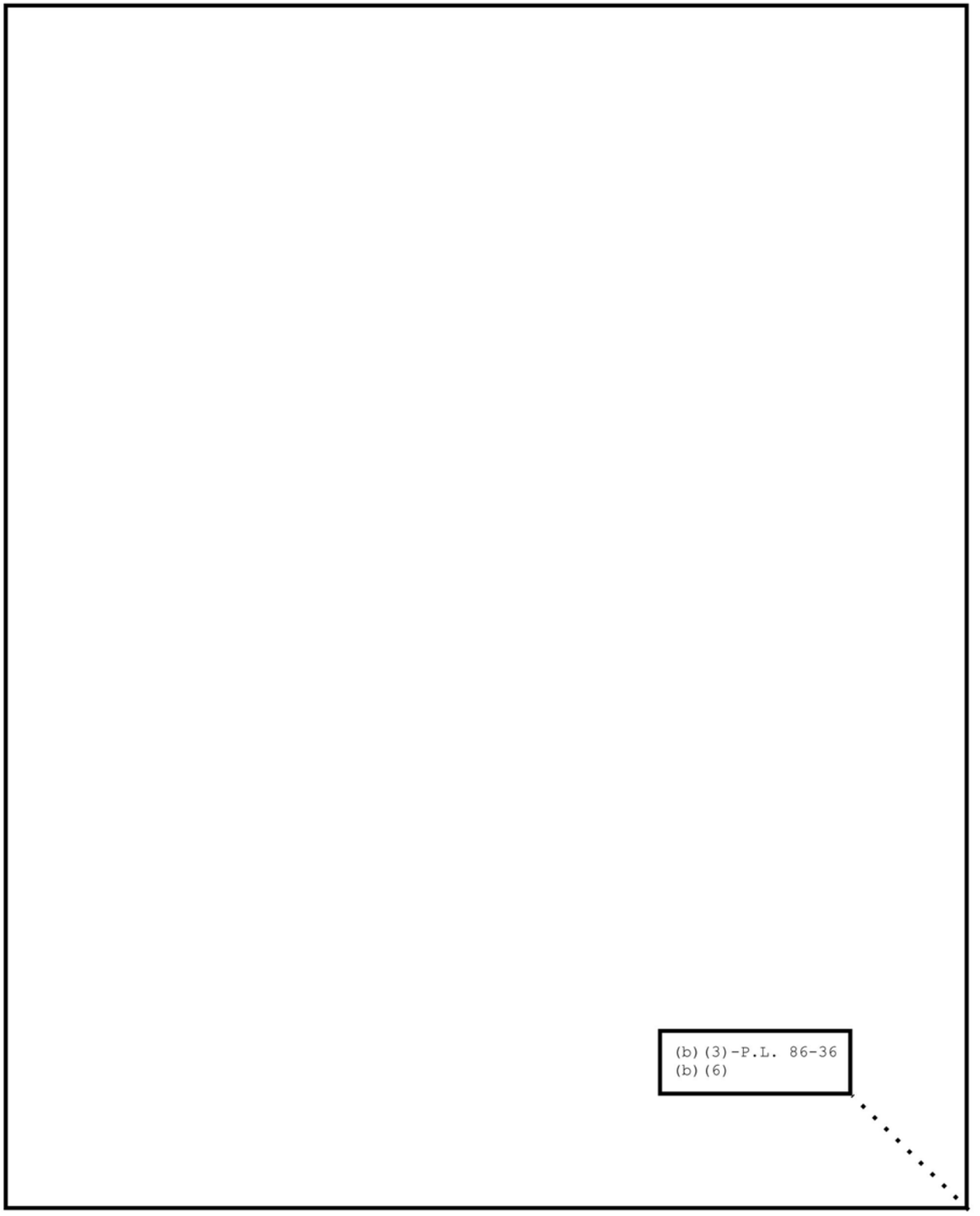
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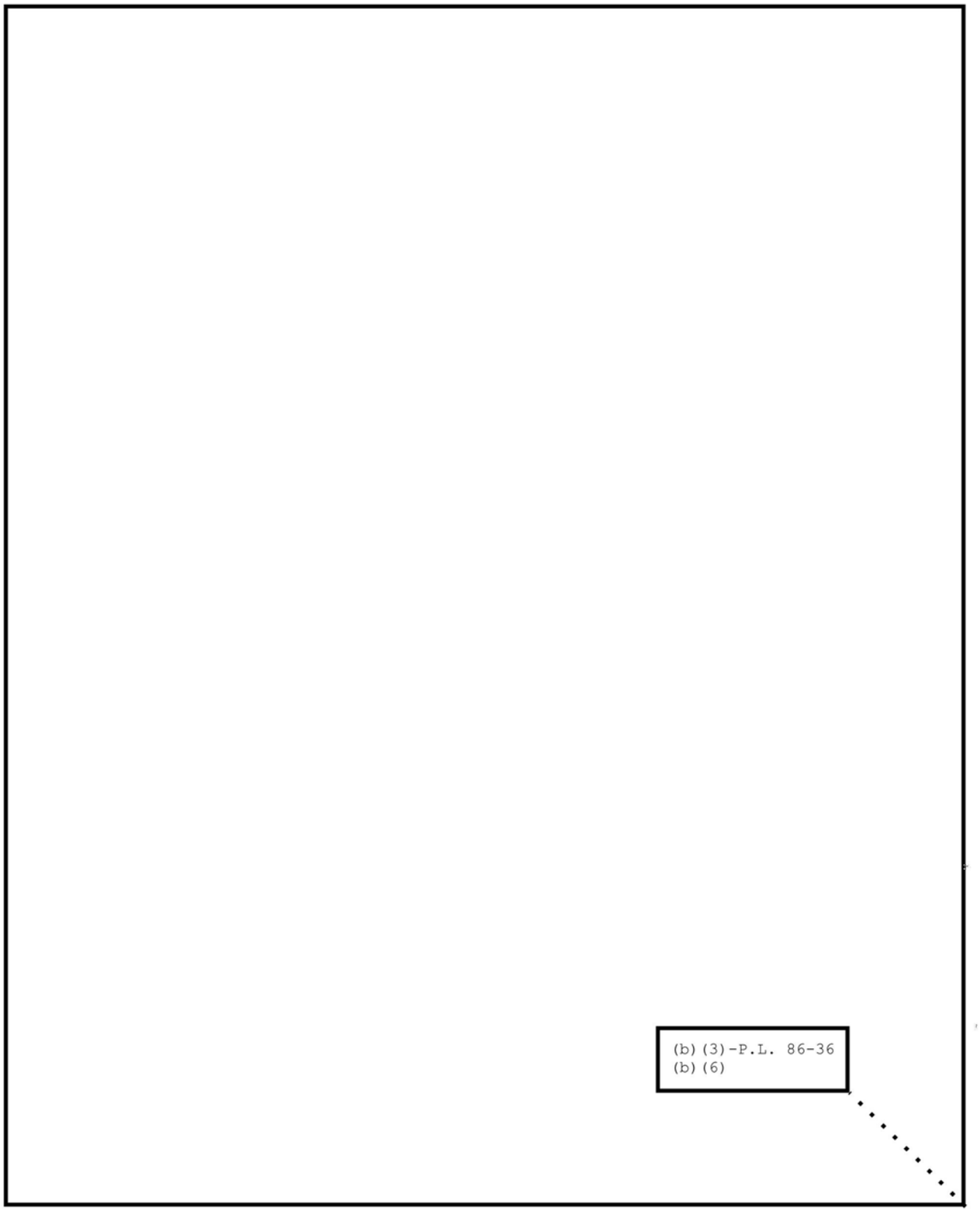
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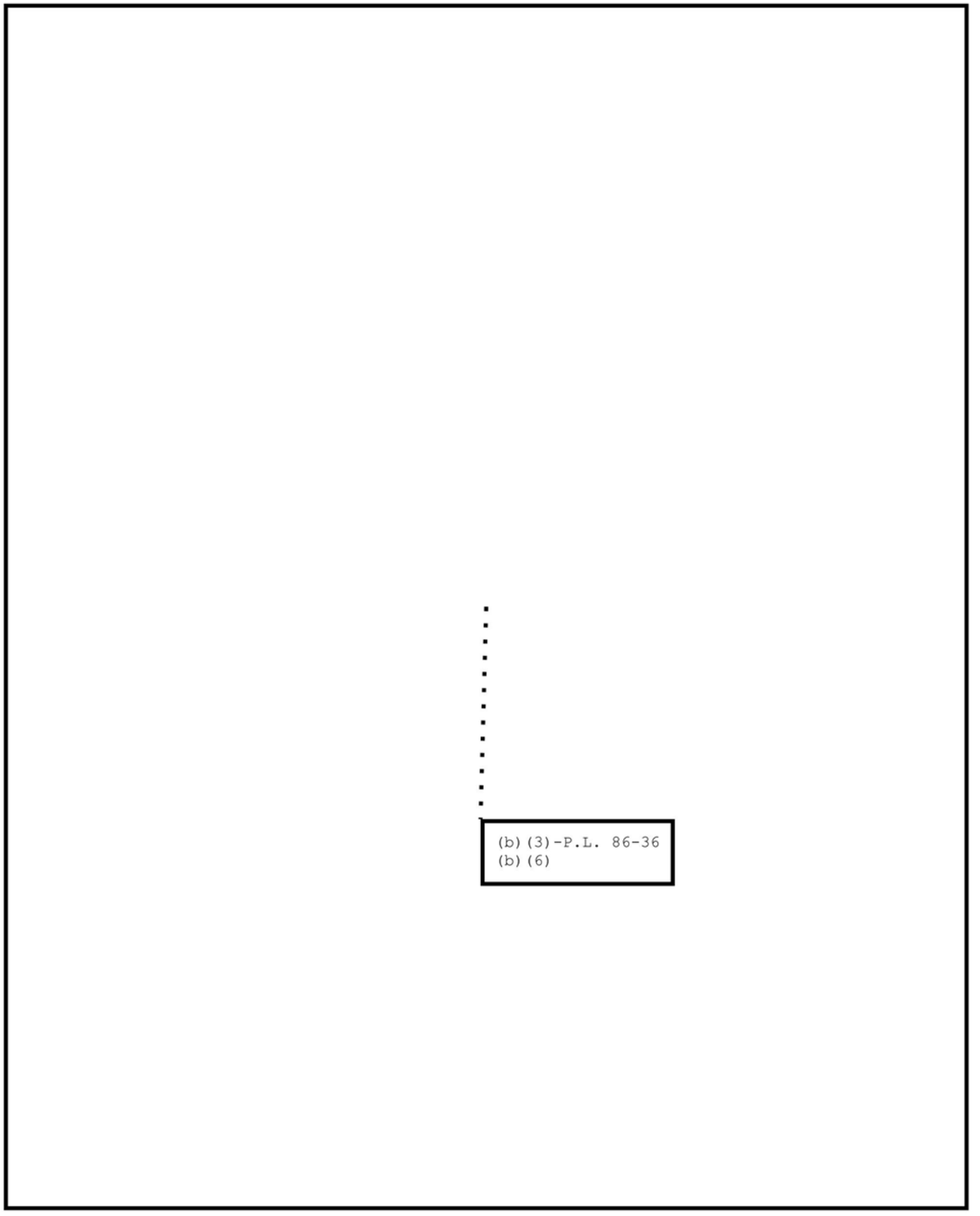
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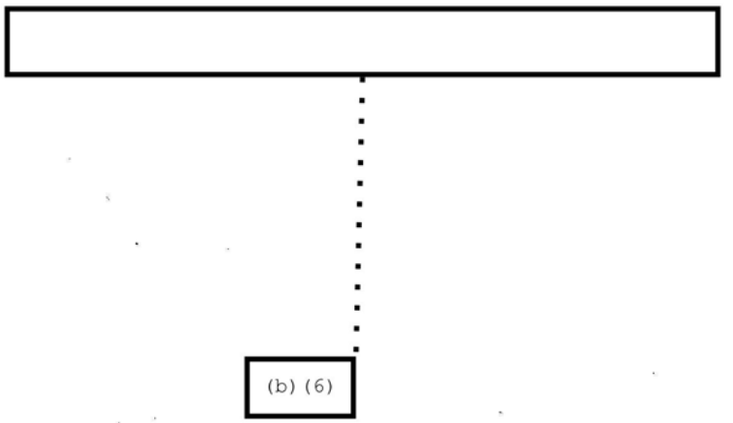

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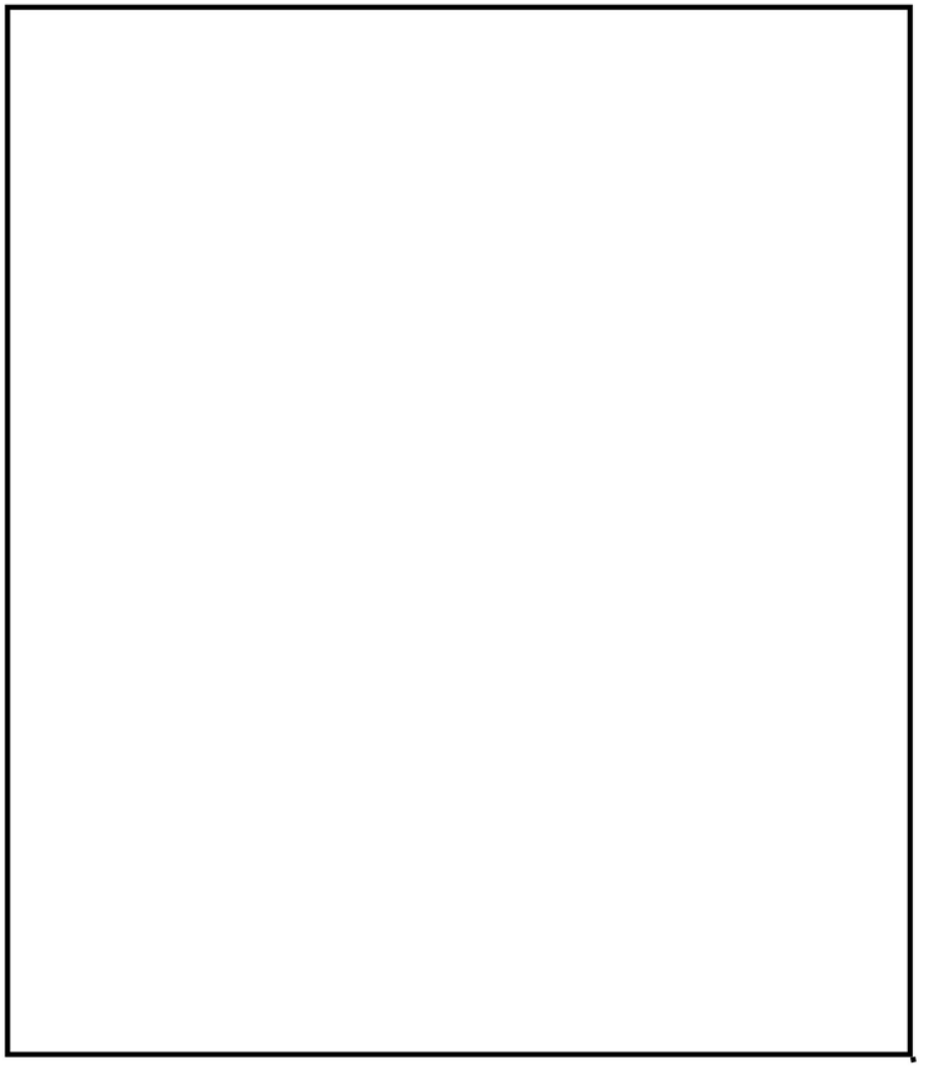

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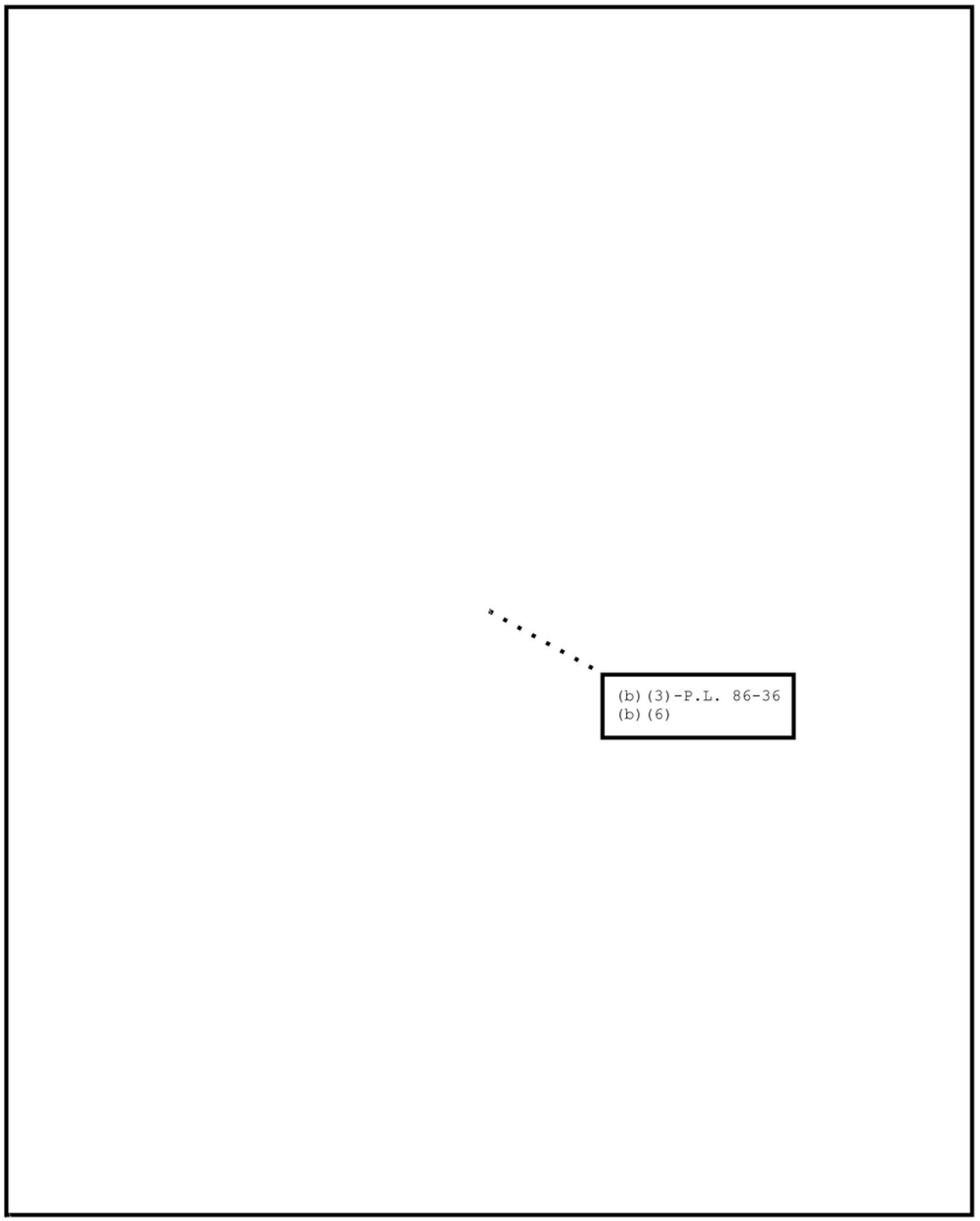
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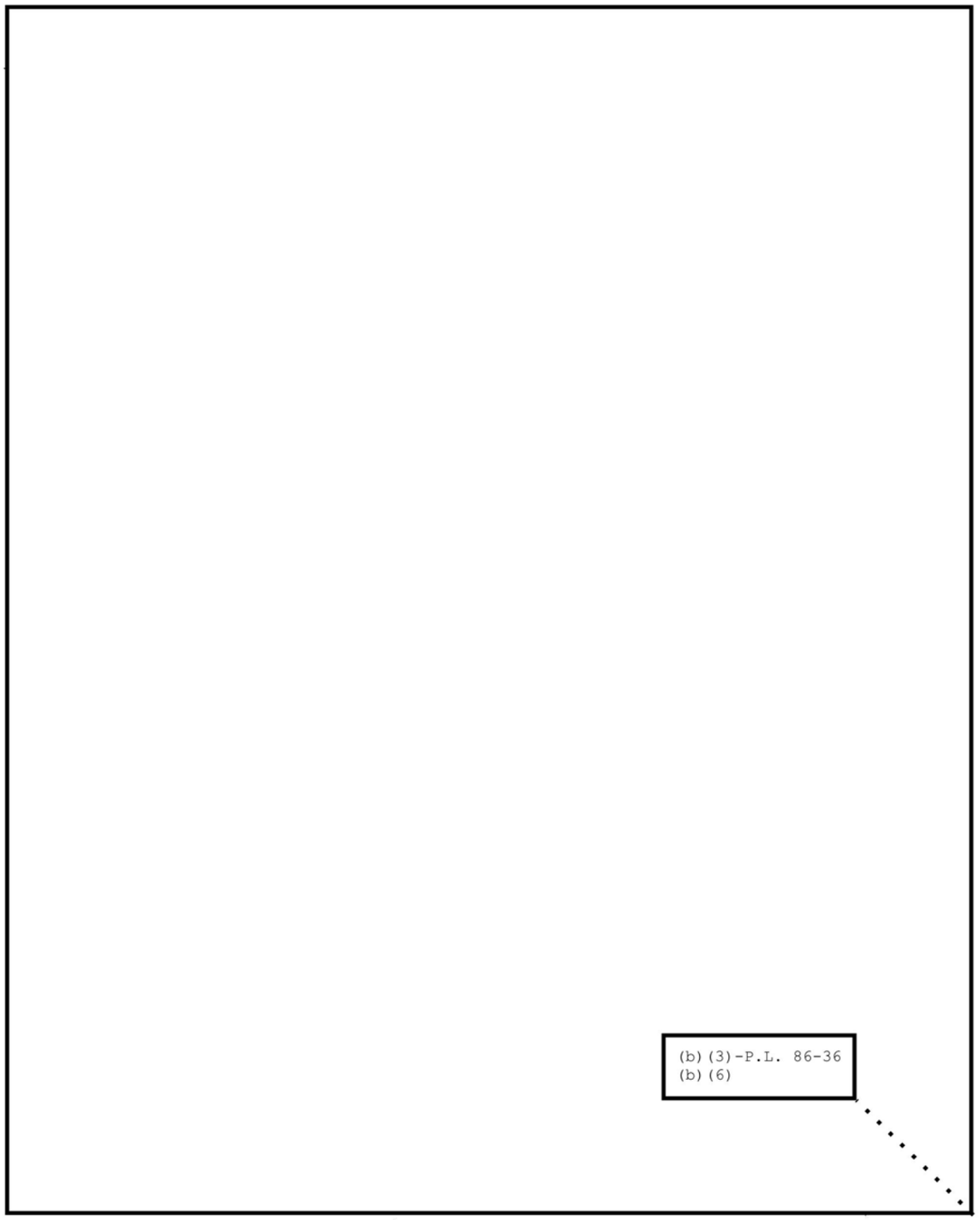
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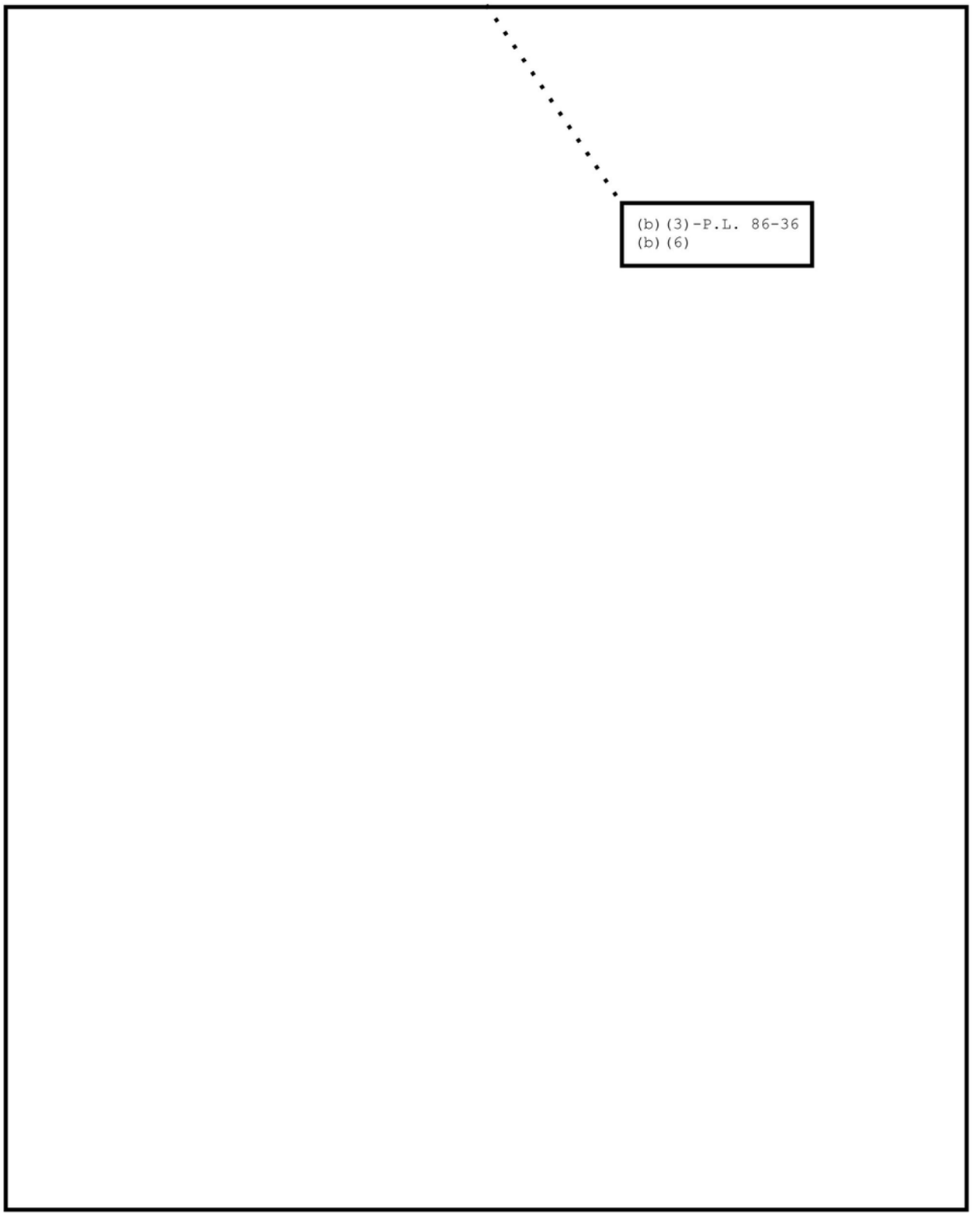
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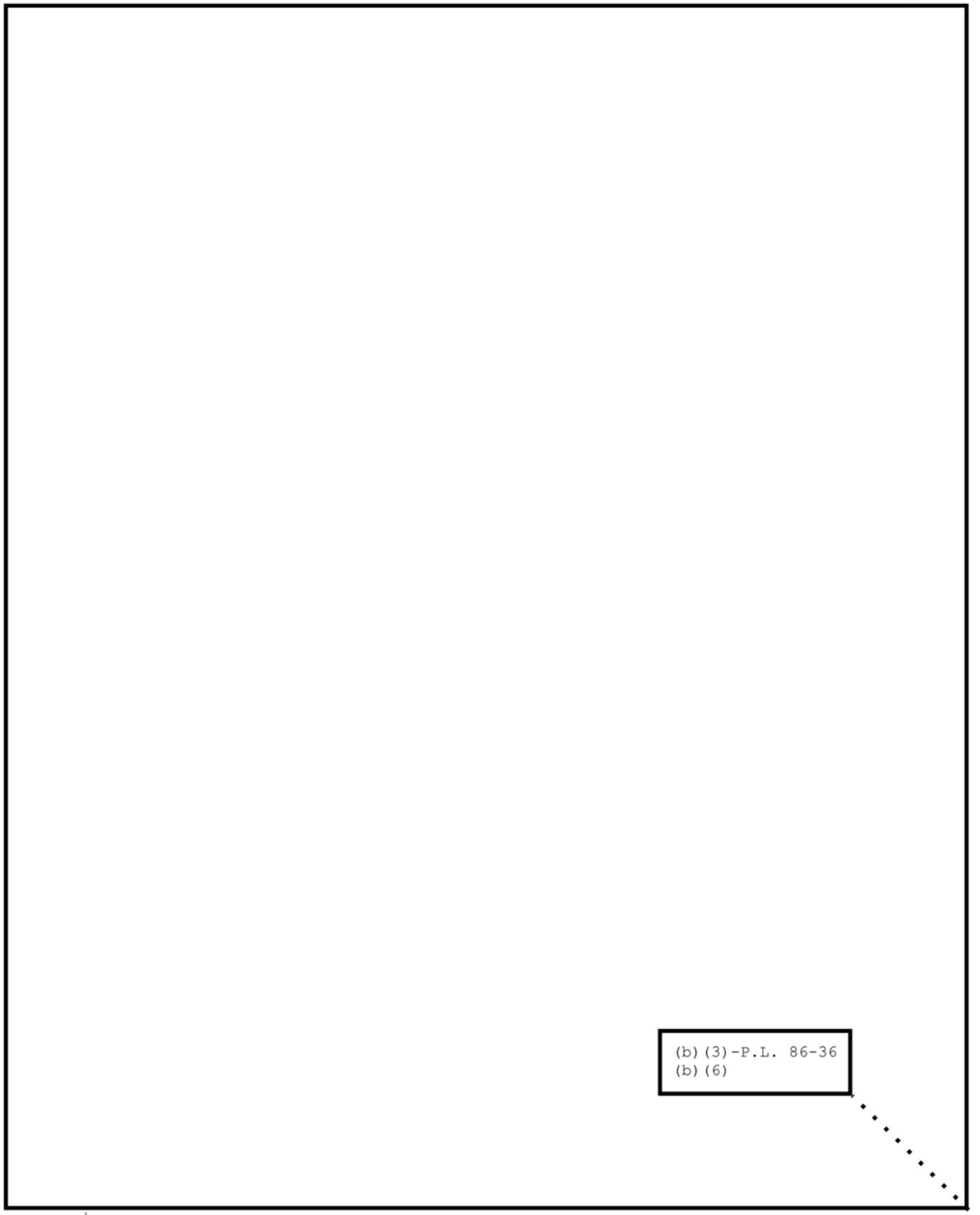
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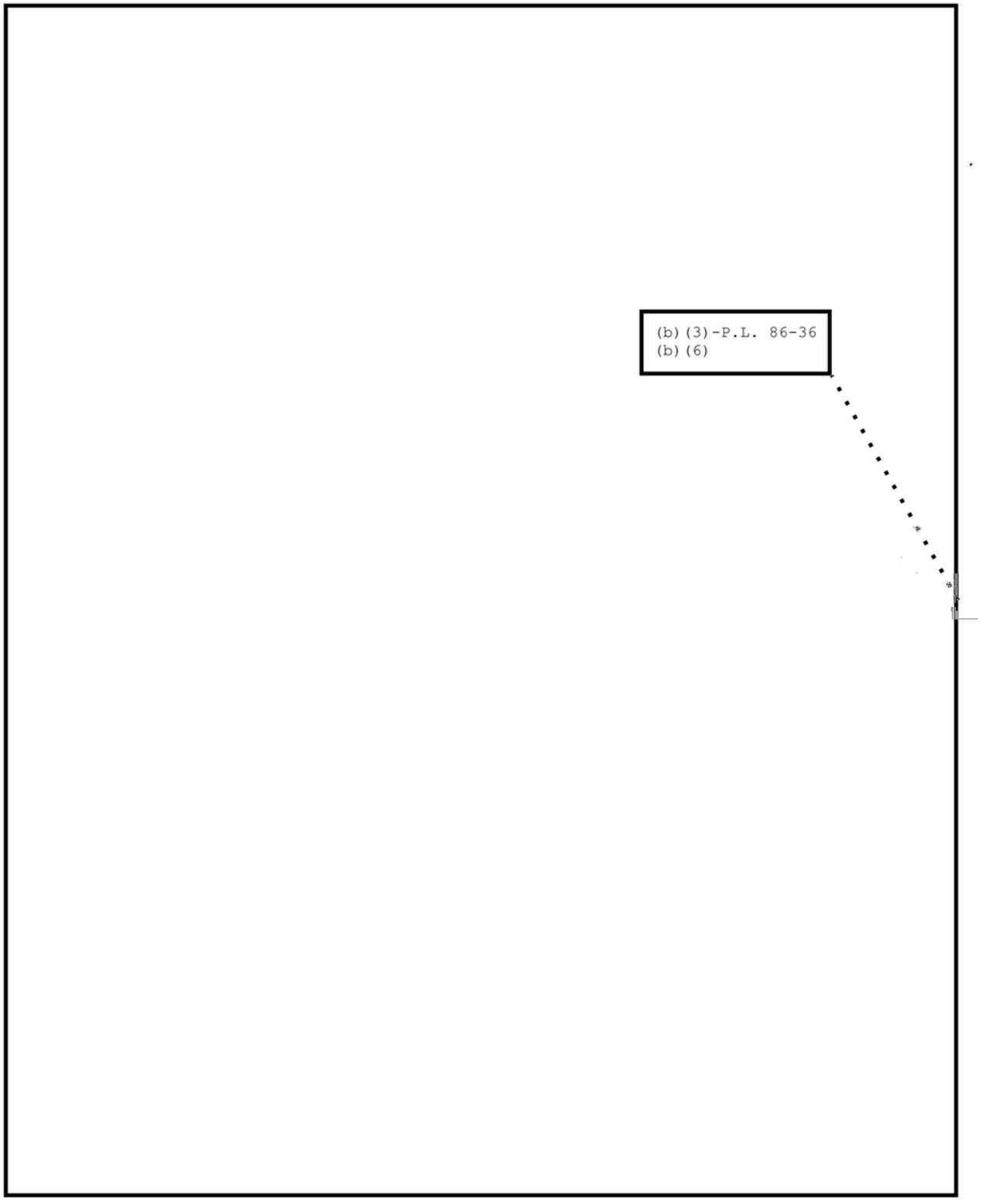
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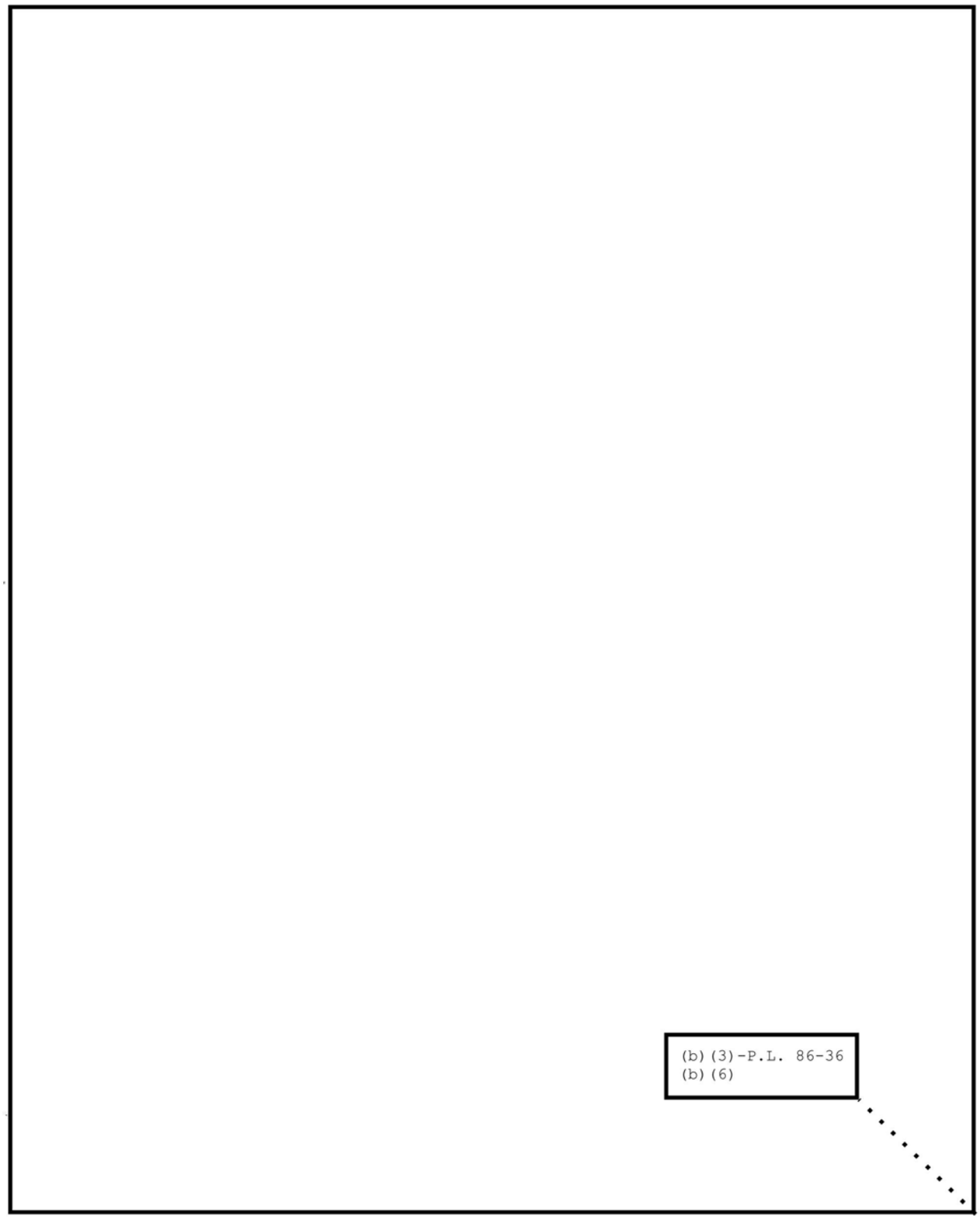

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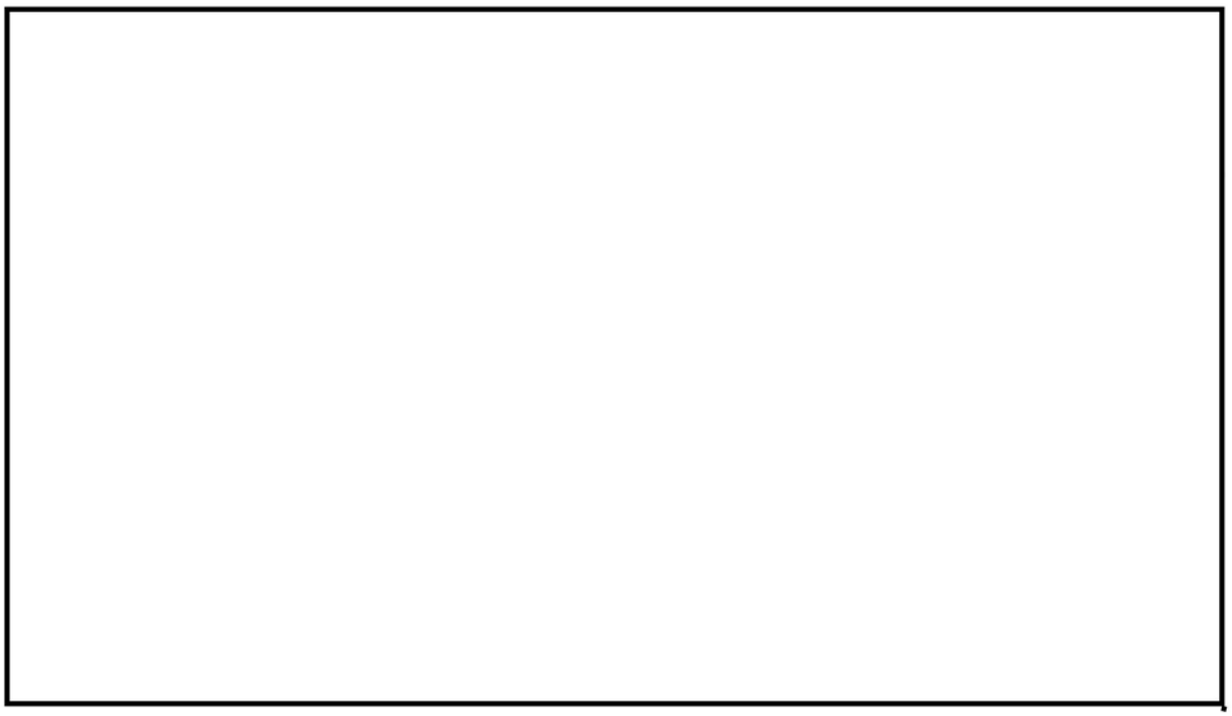
NSA15674



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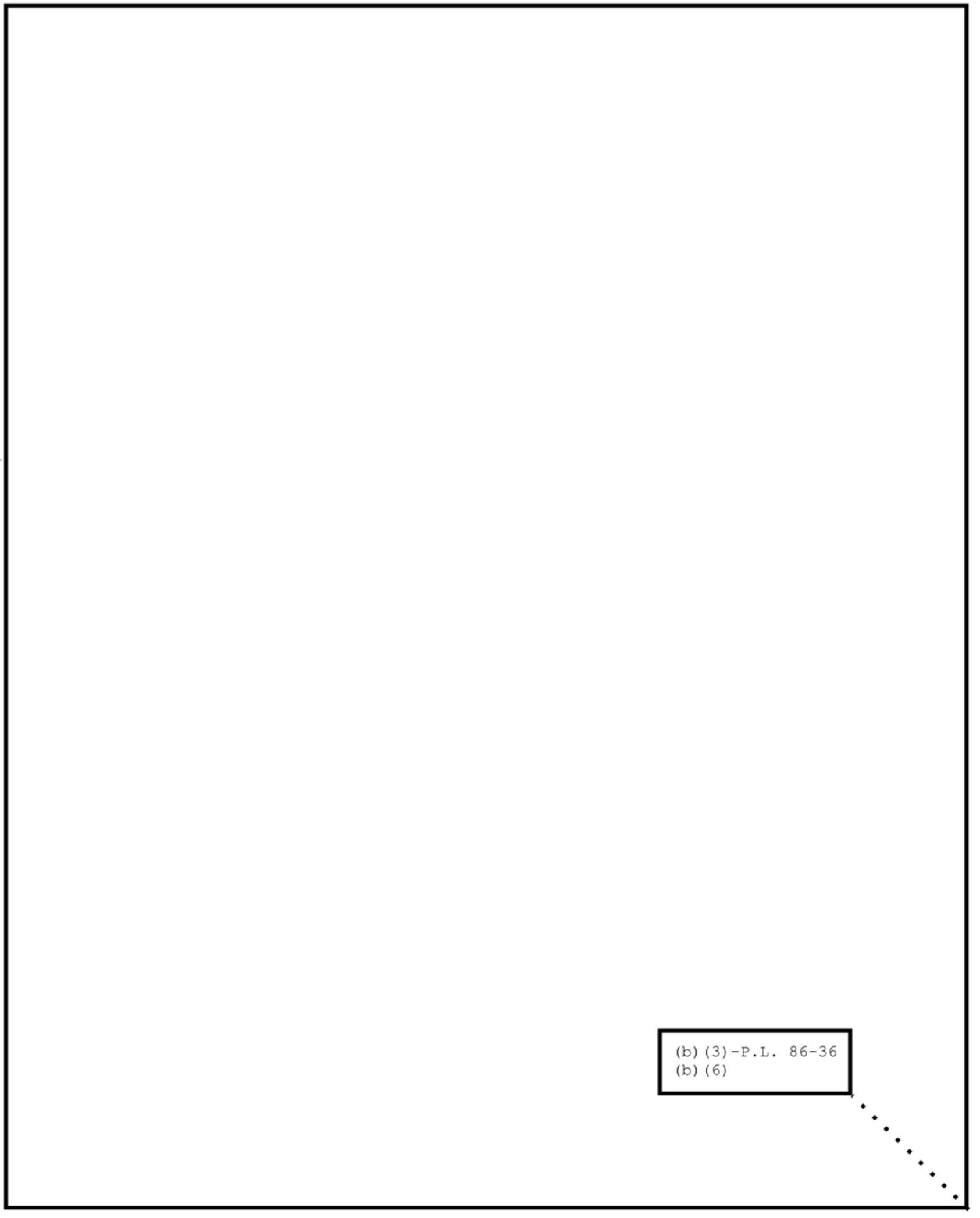
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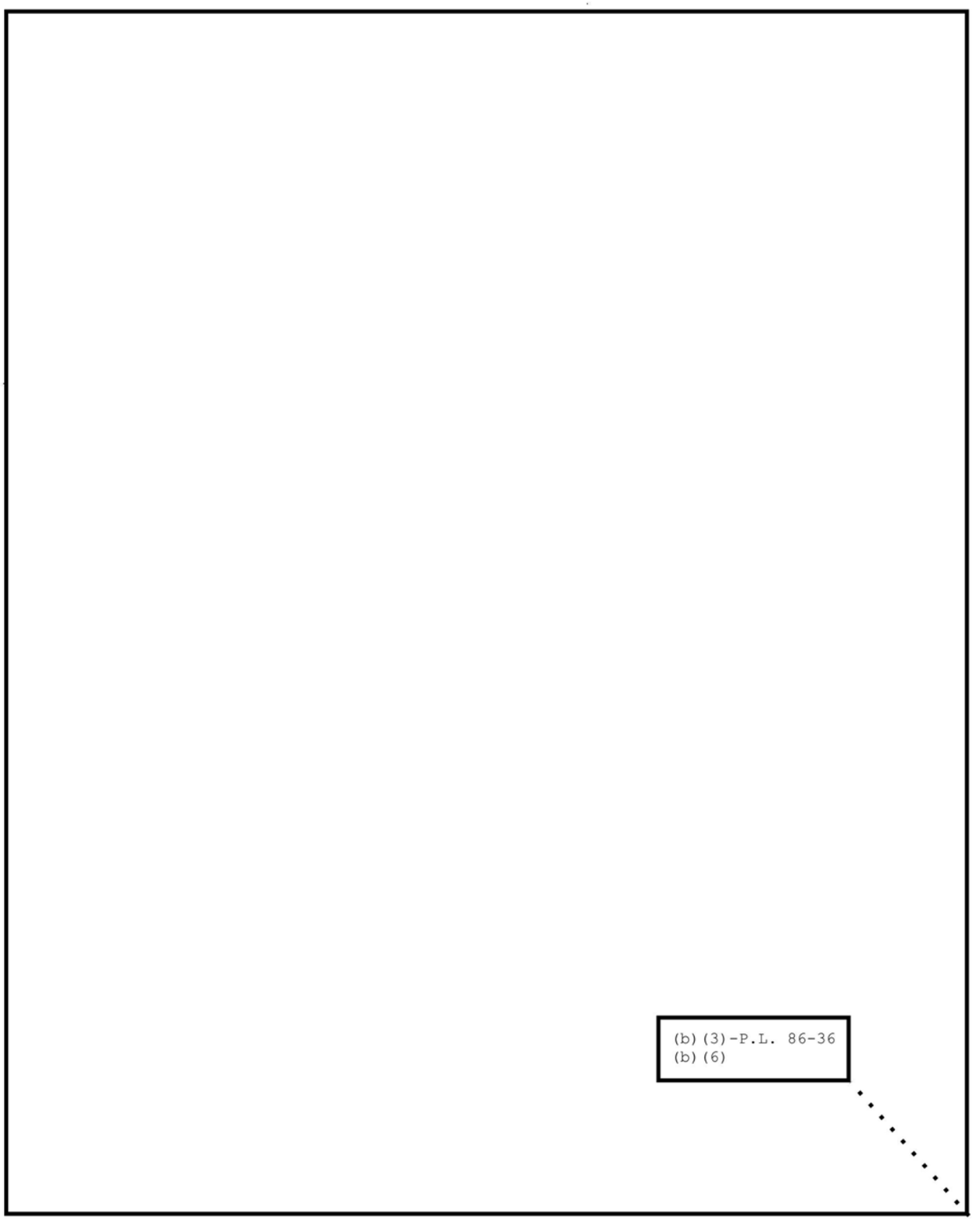

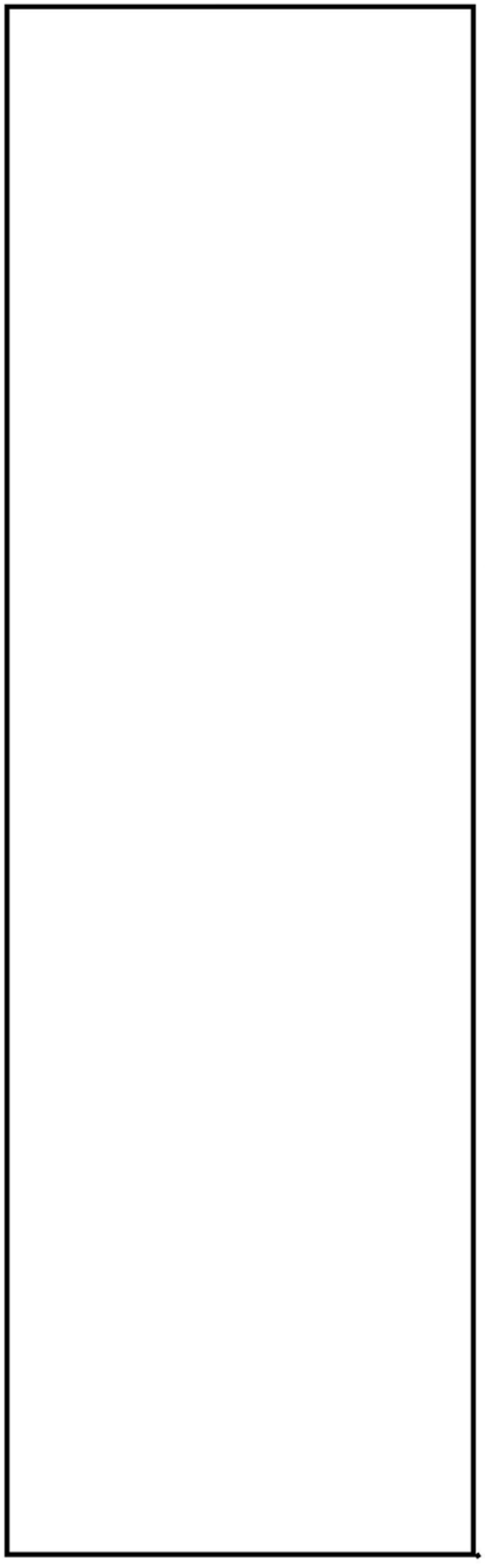

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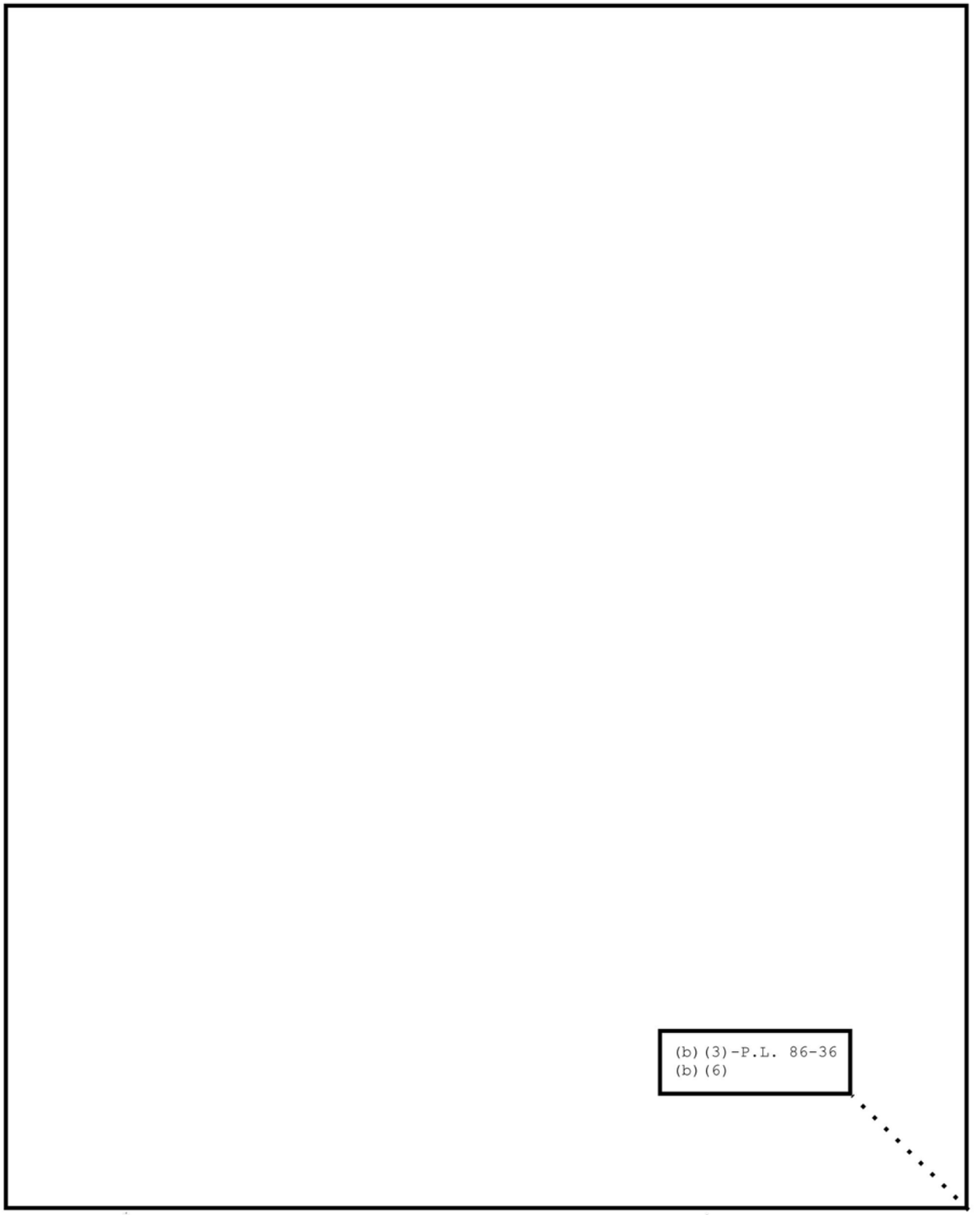

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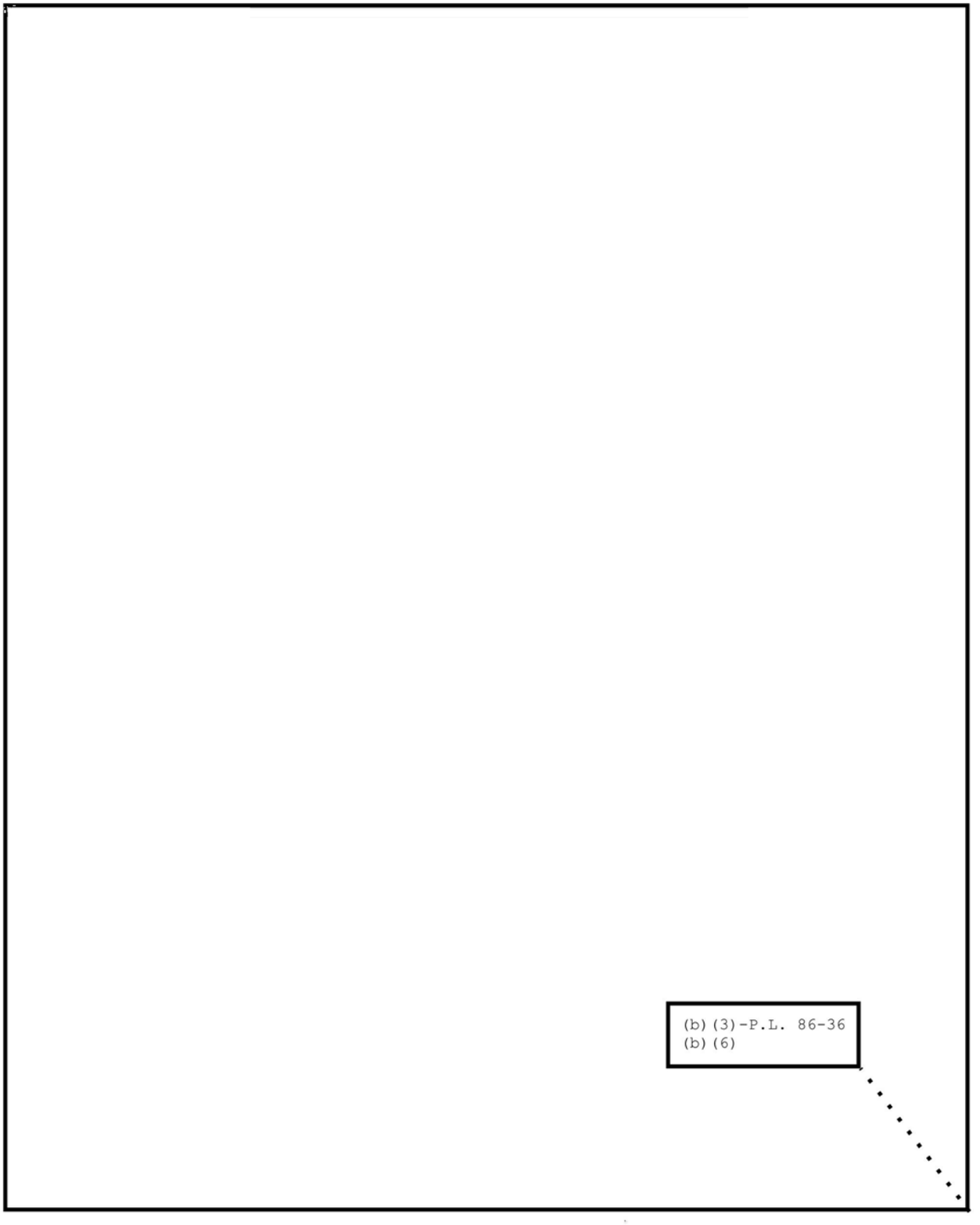
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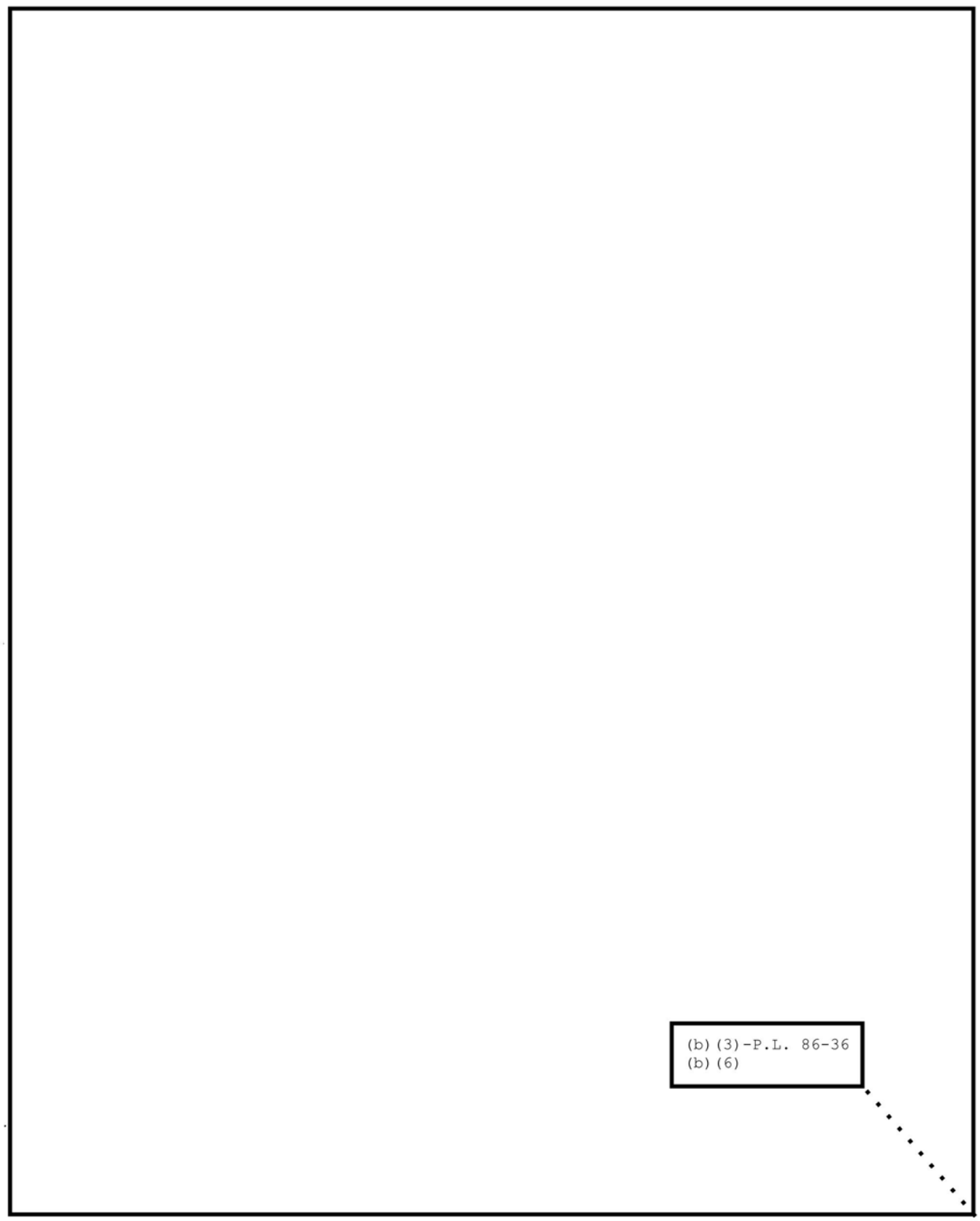

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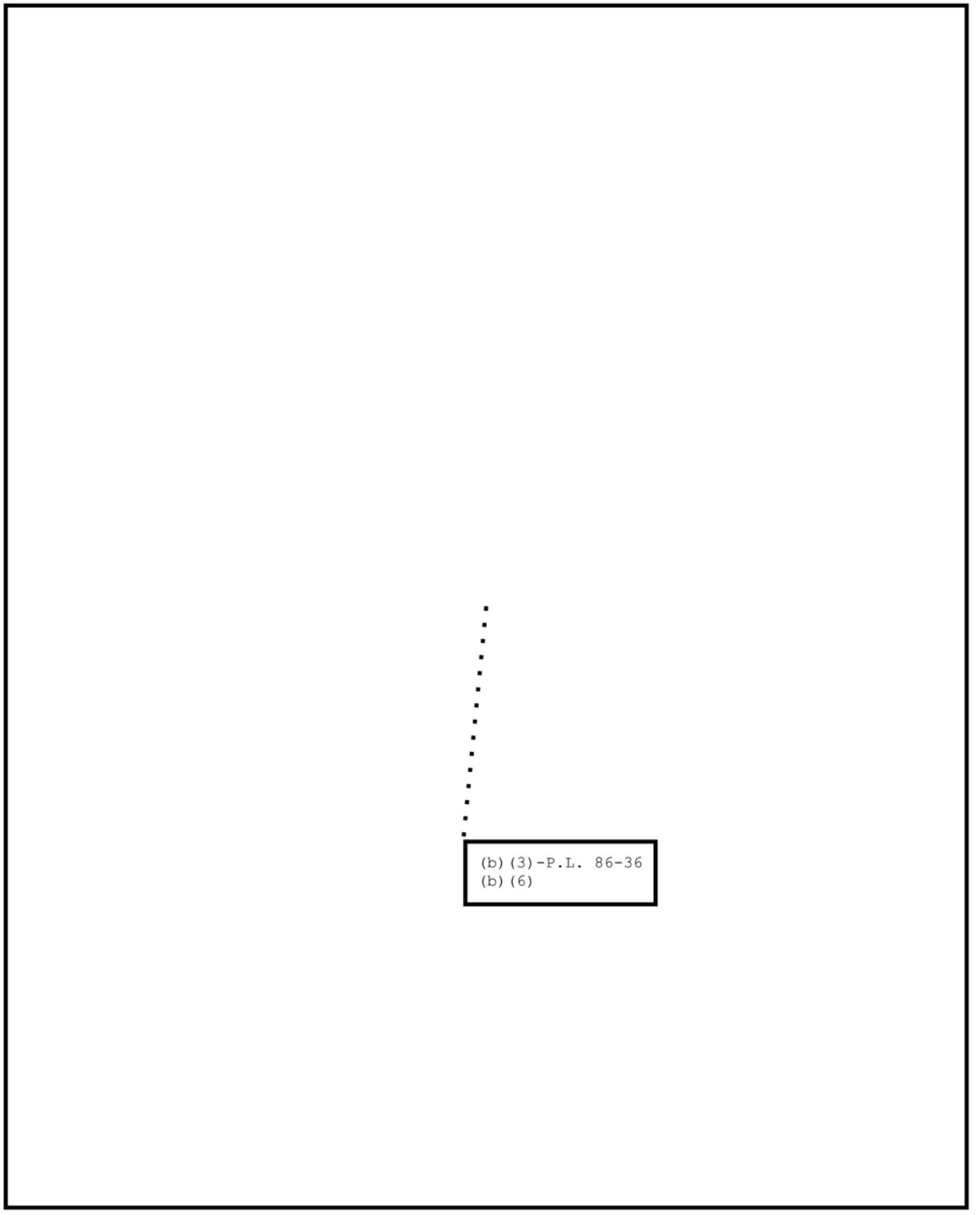
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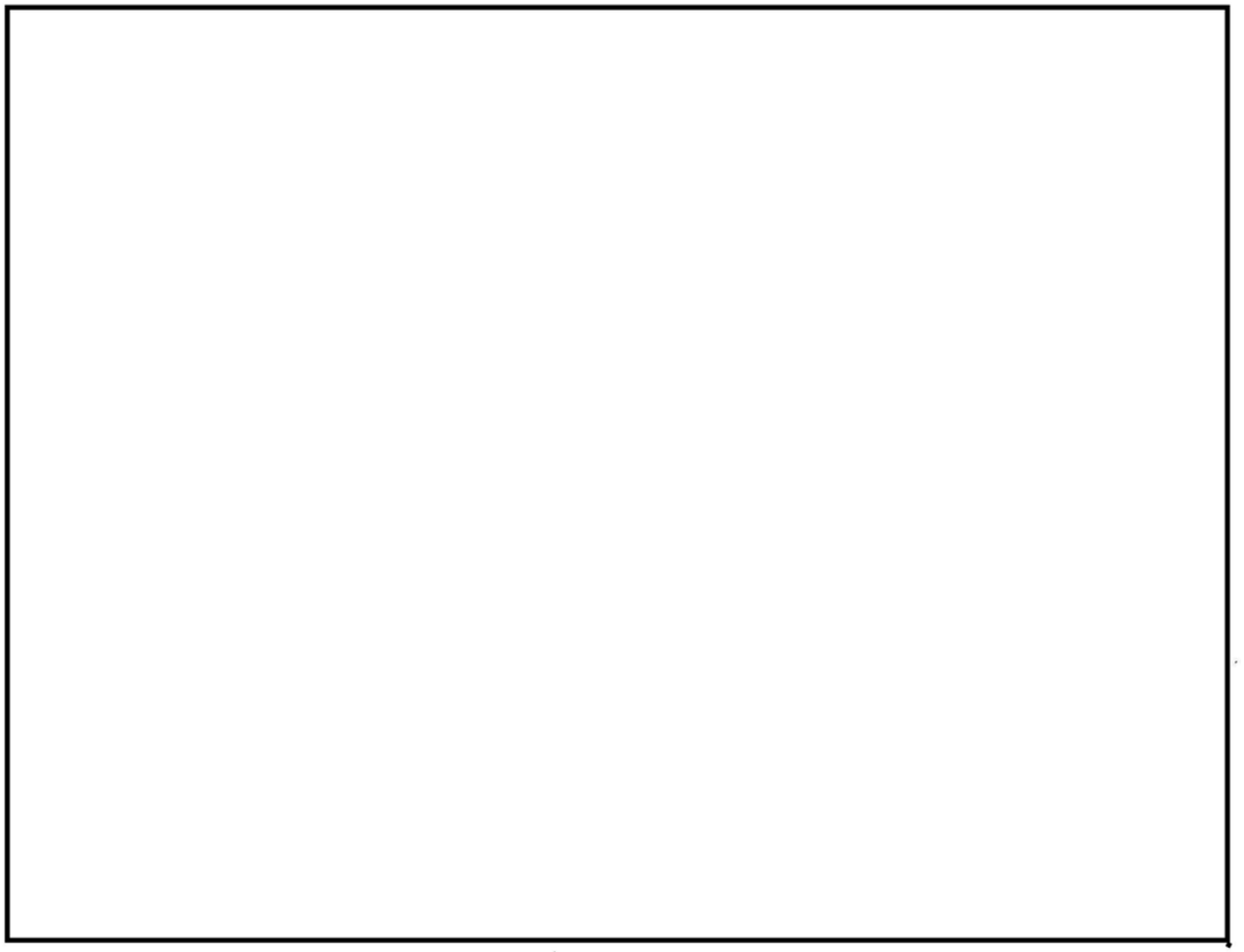

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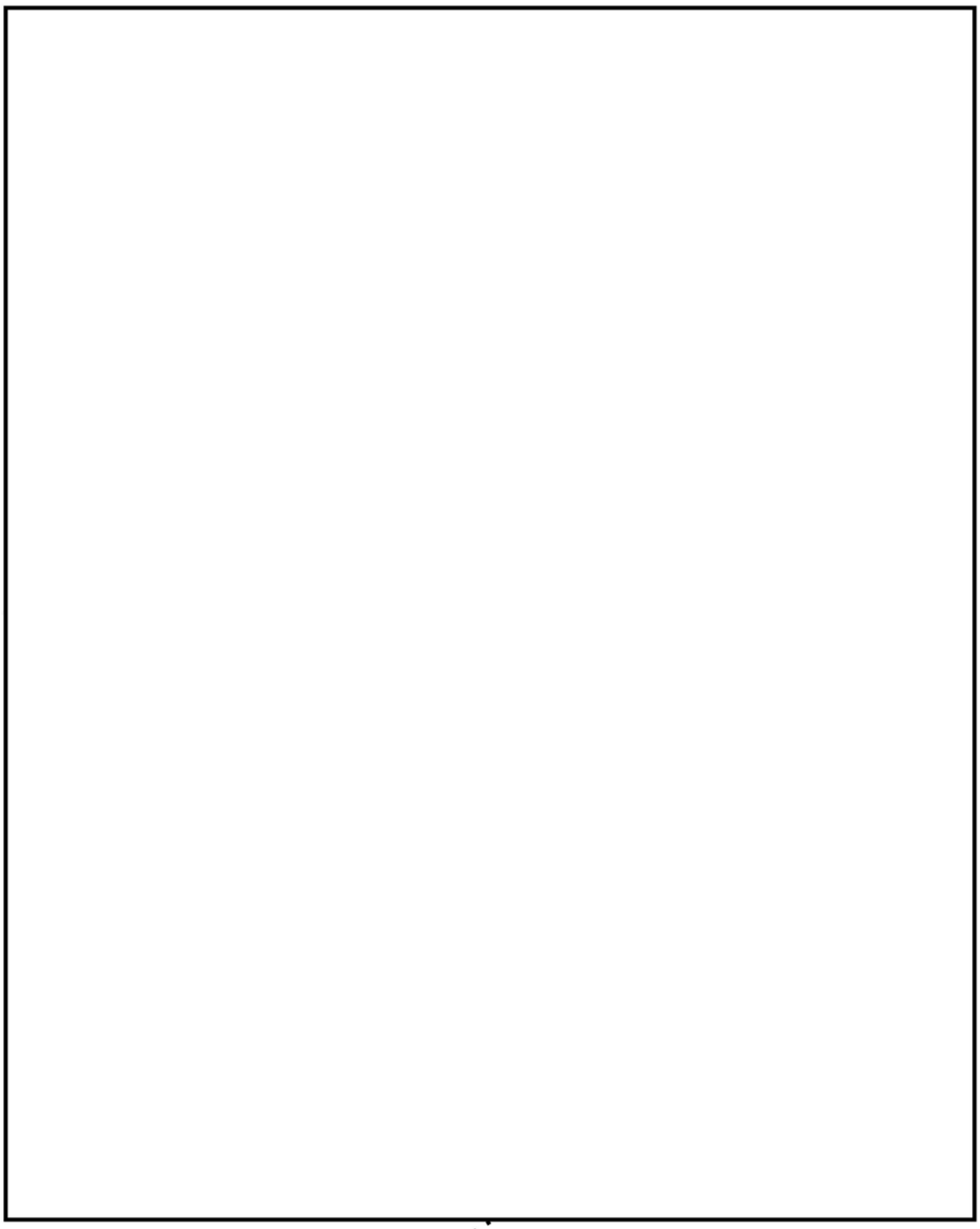

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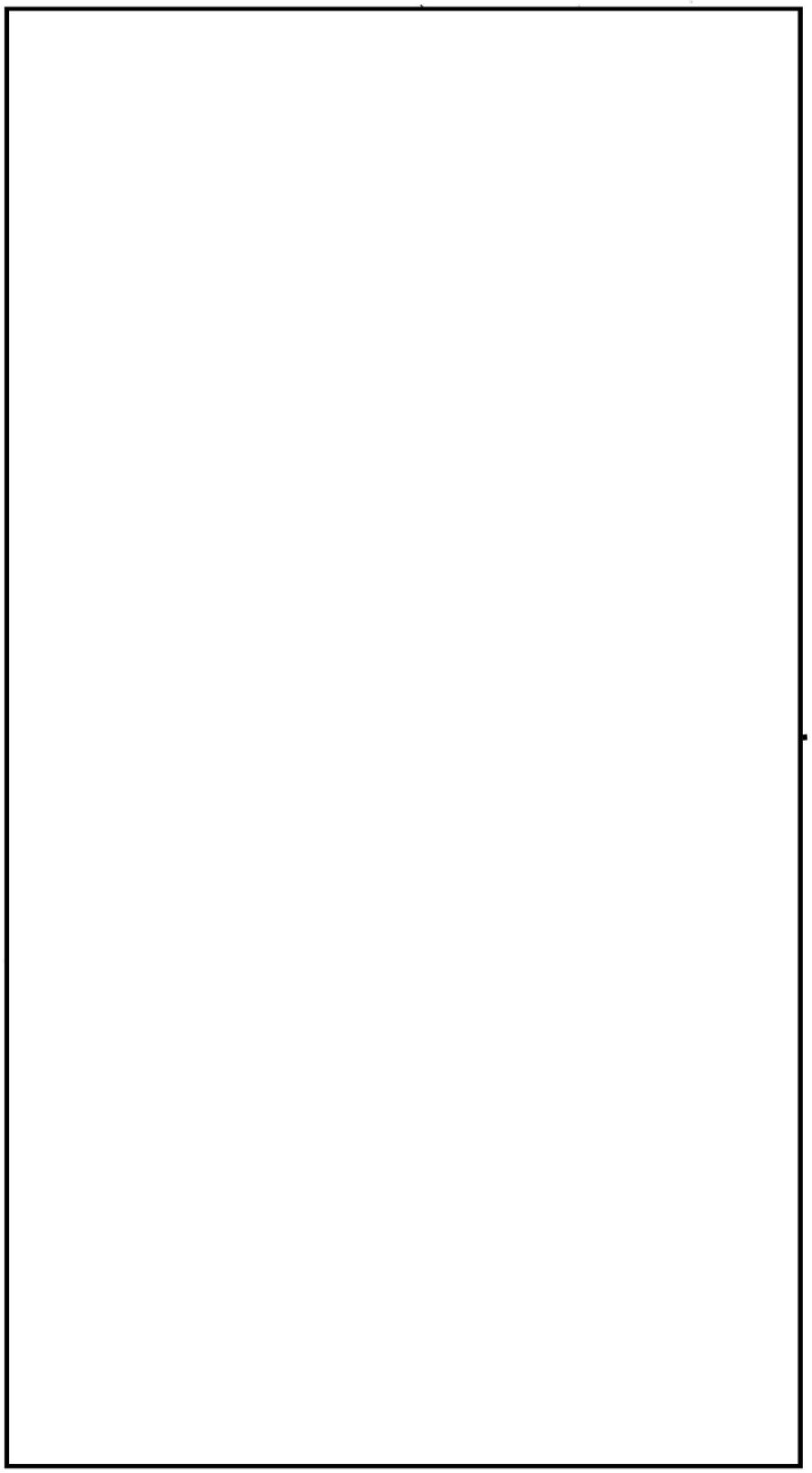

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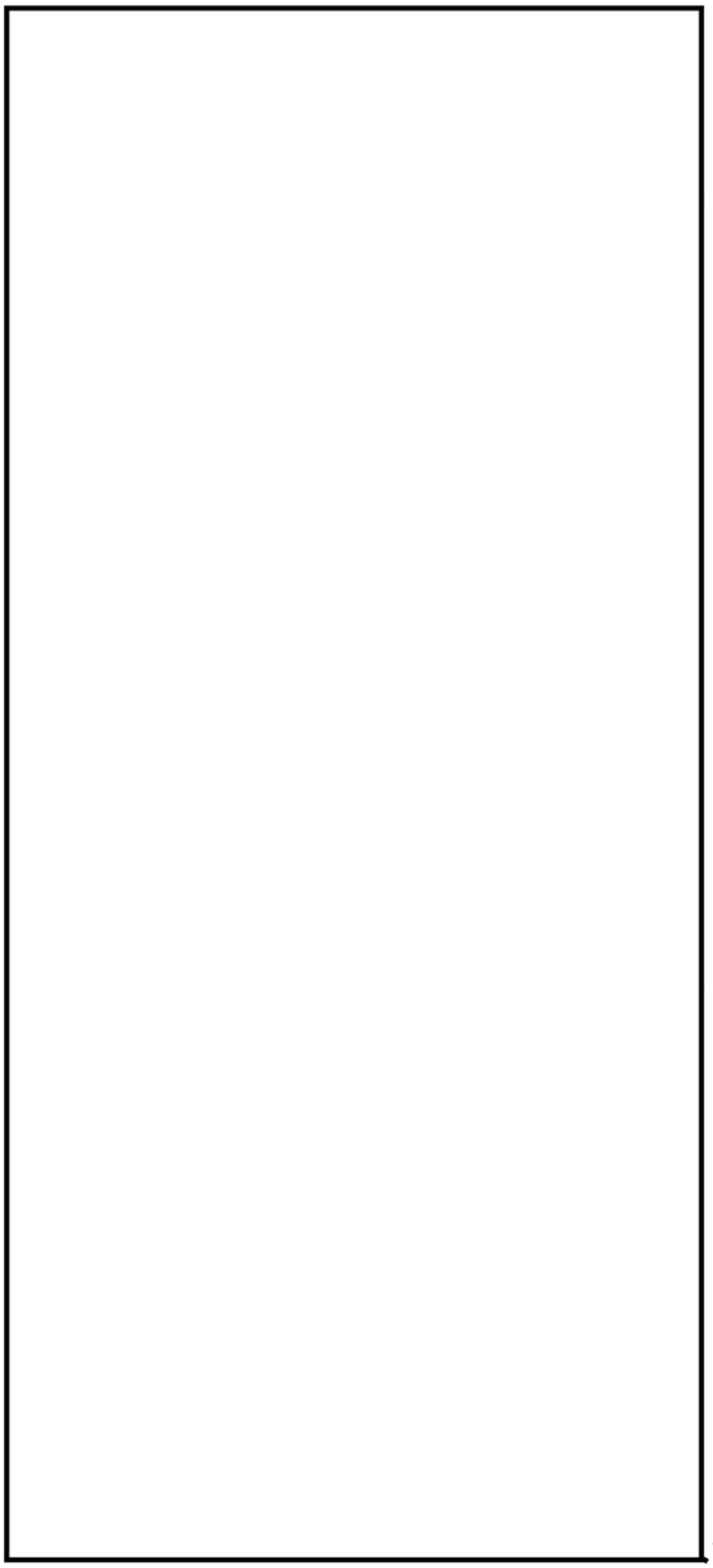

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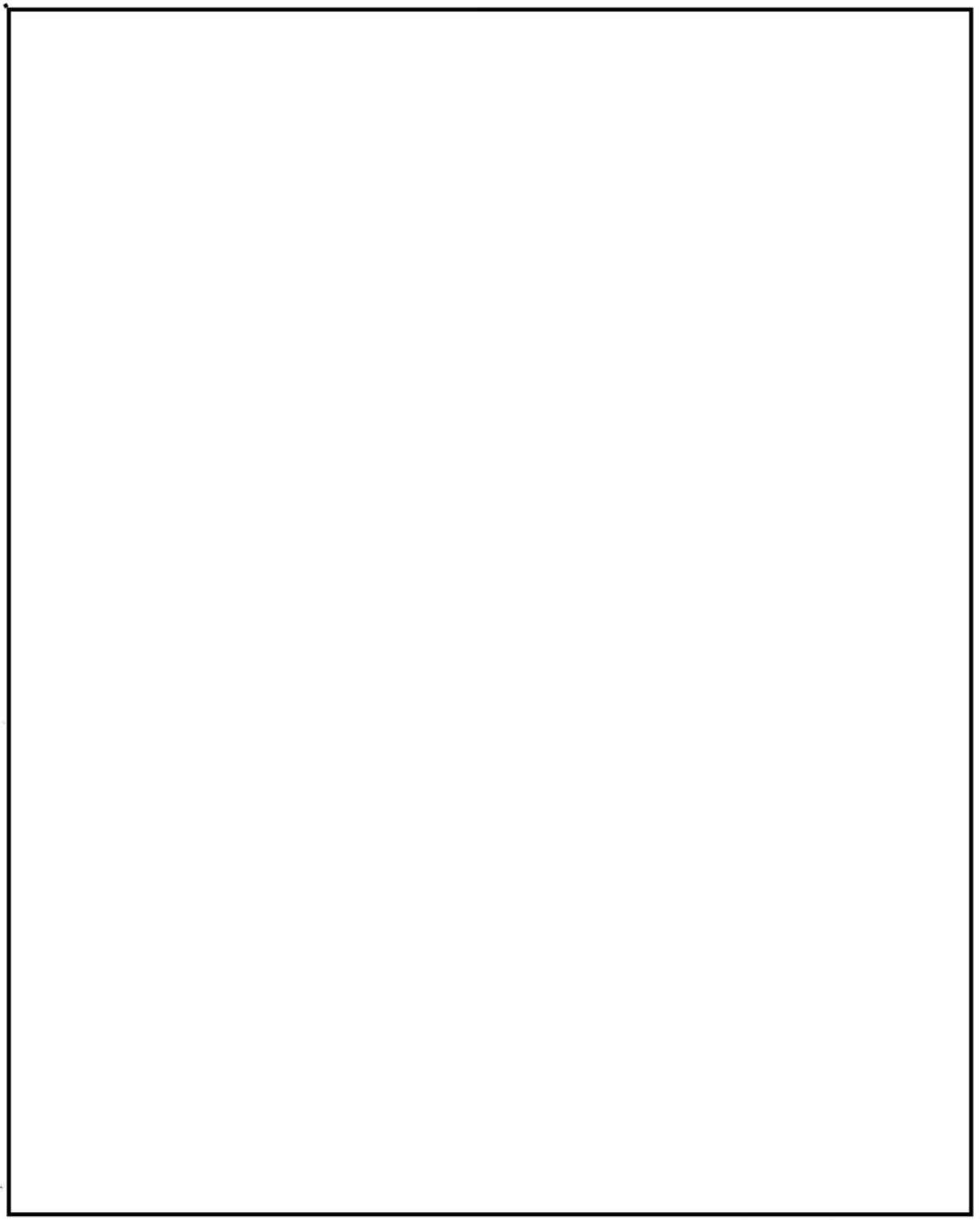

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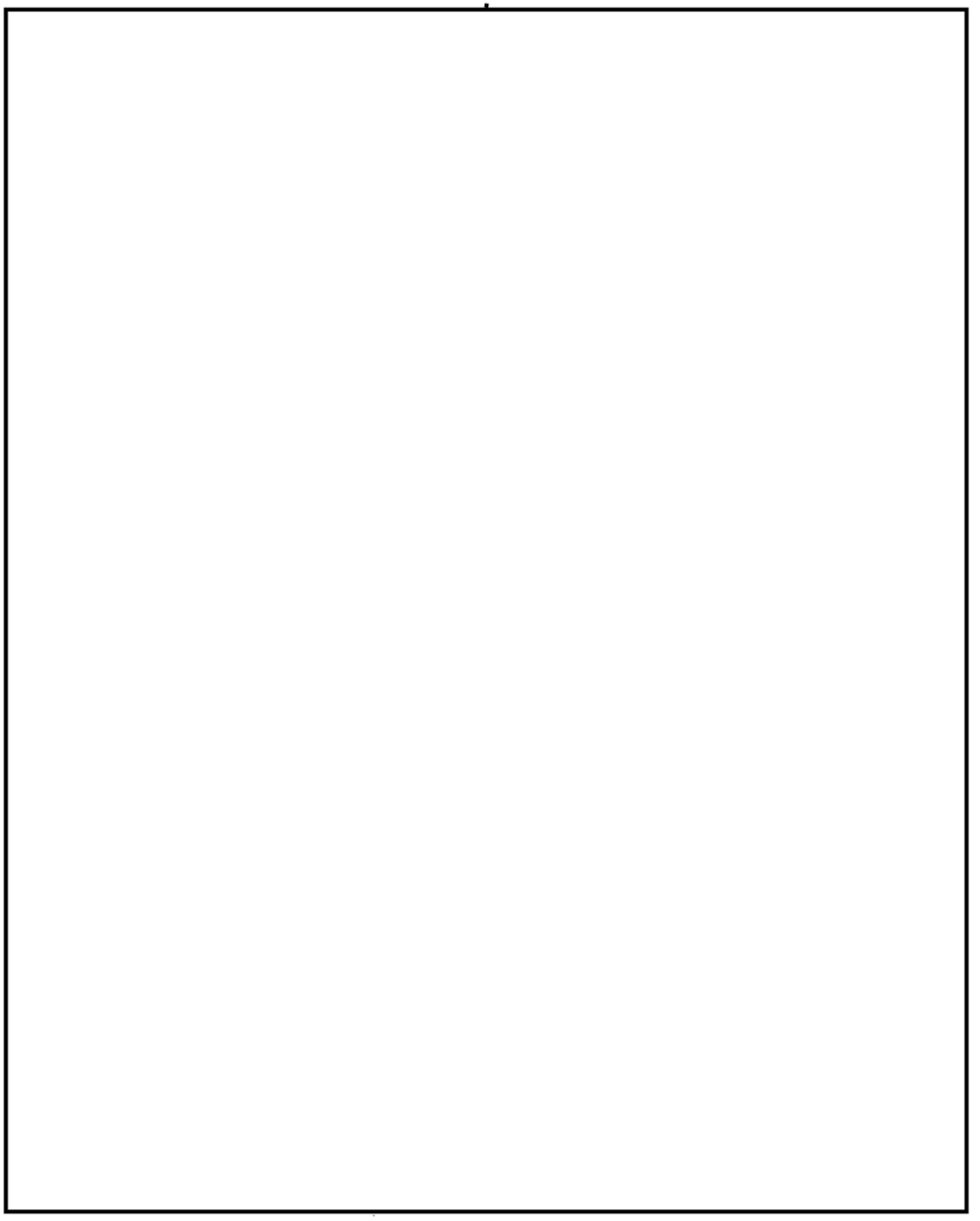

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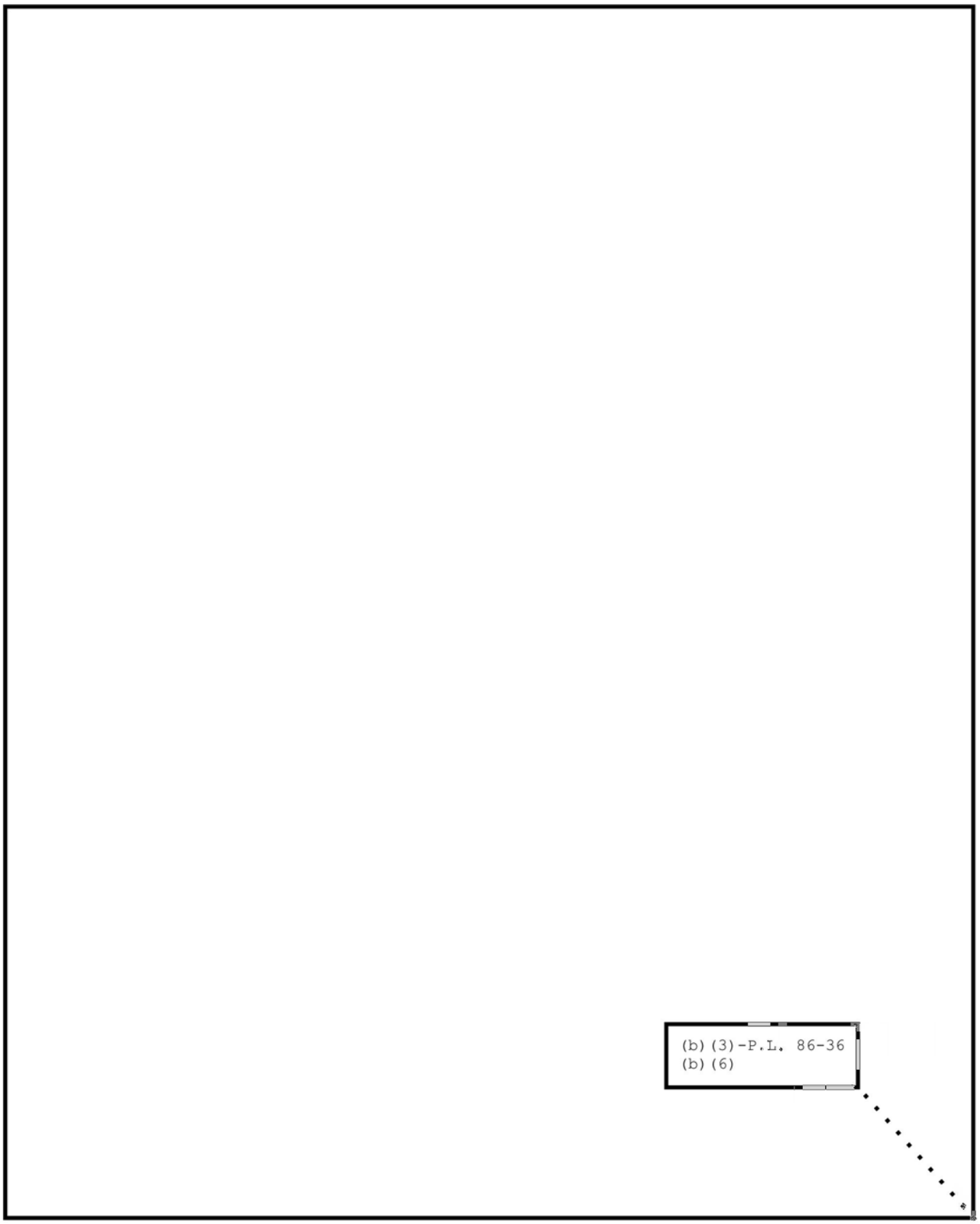

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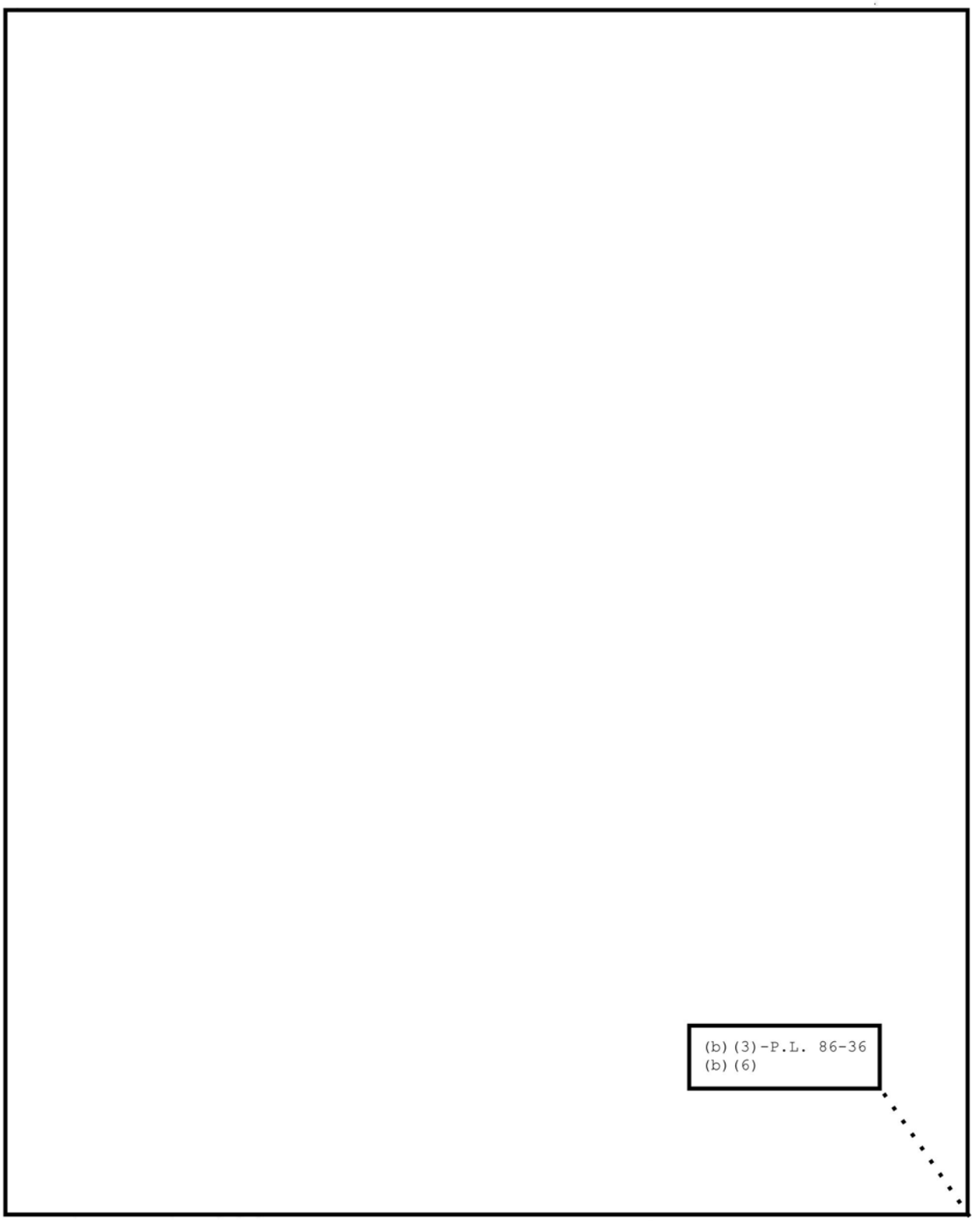
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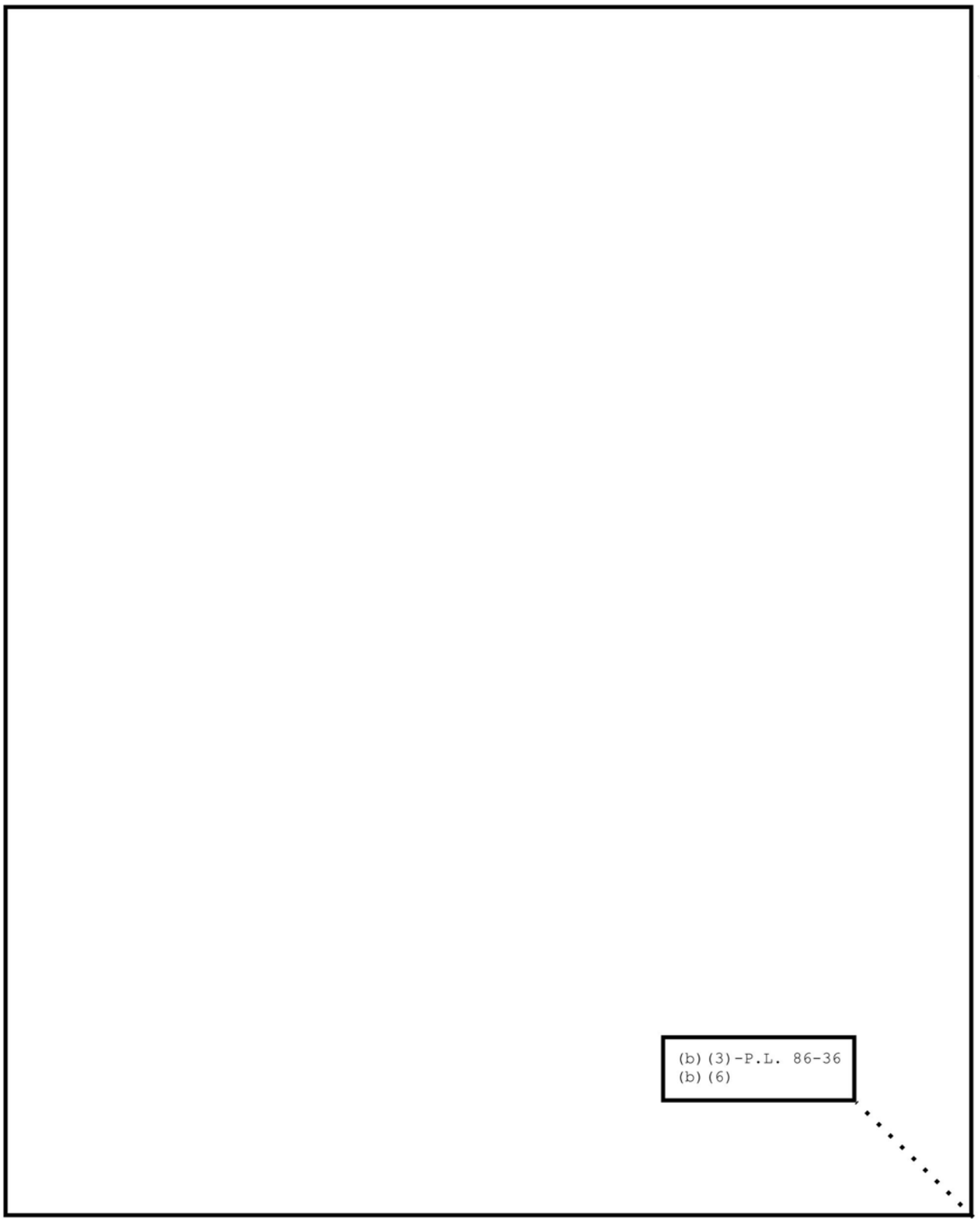

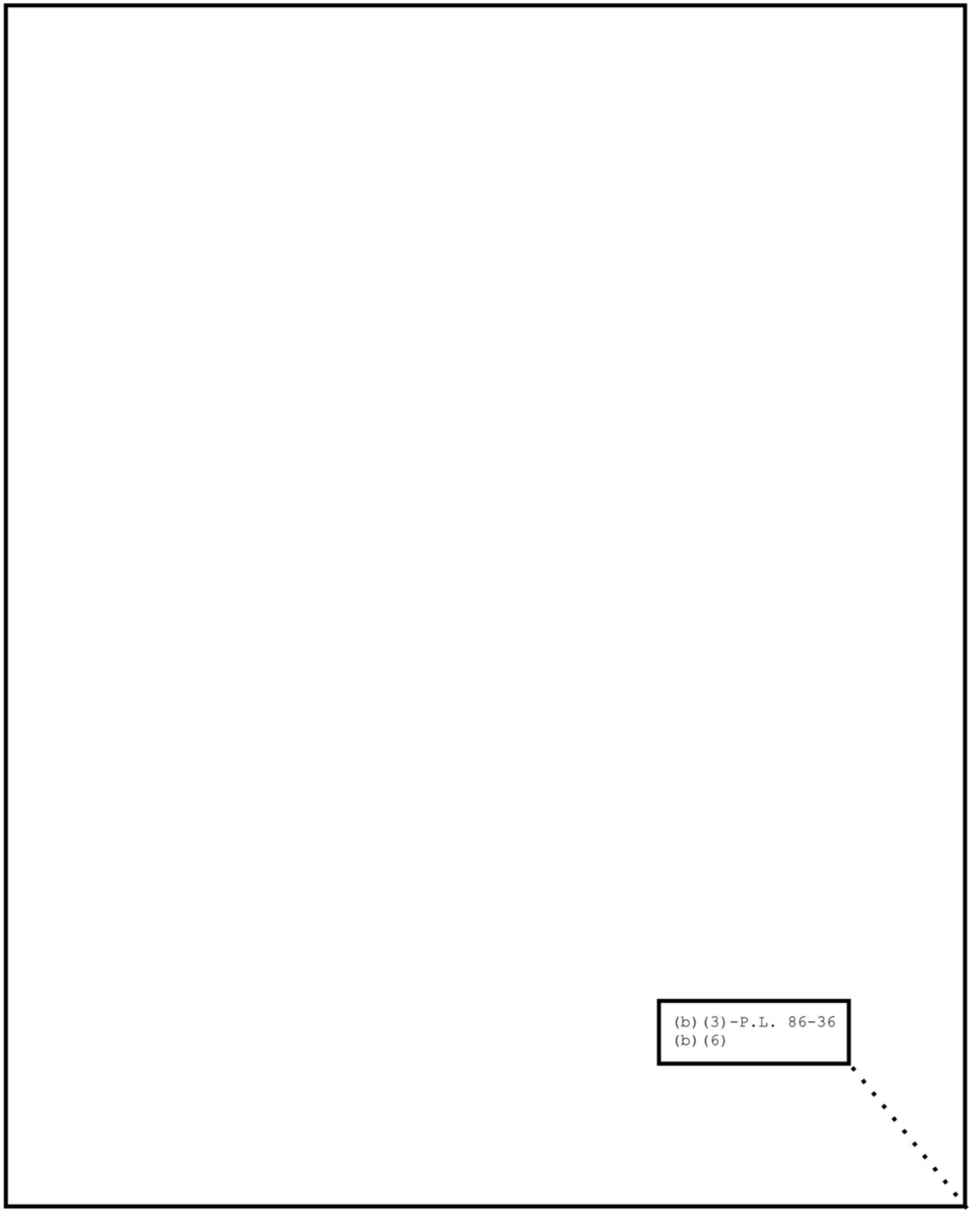
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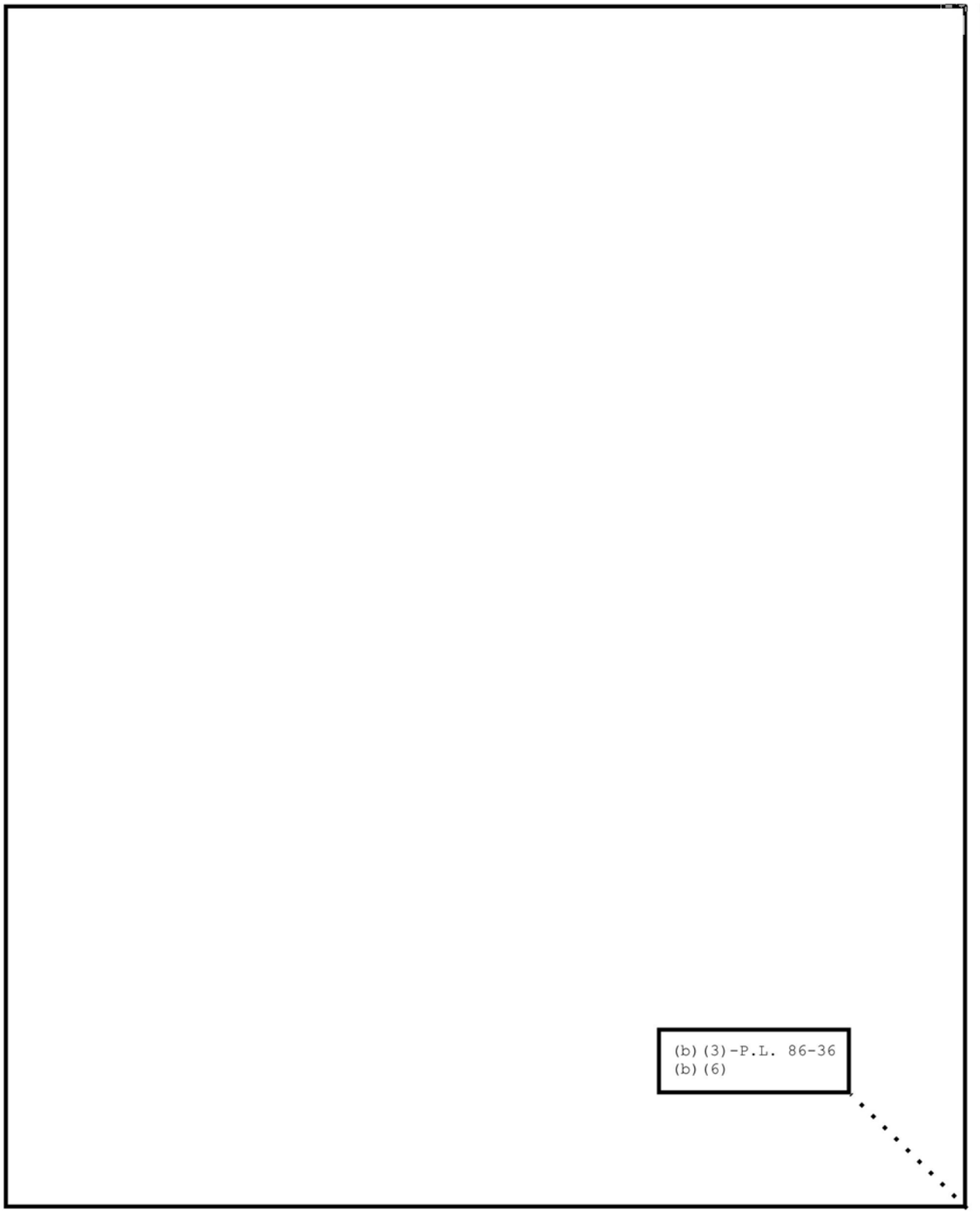

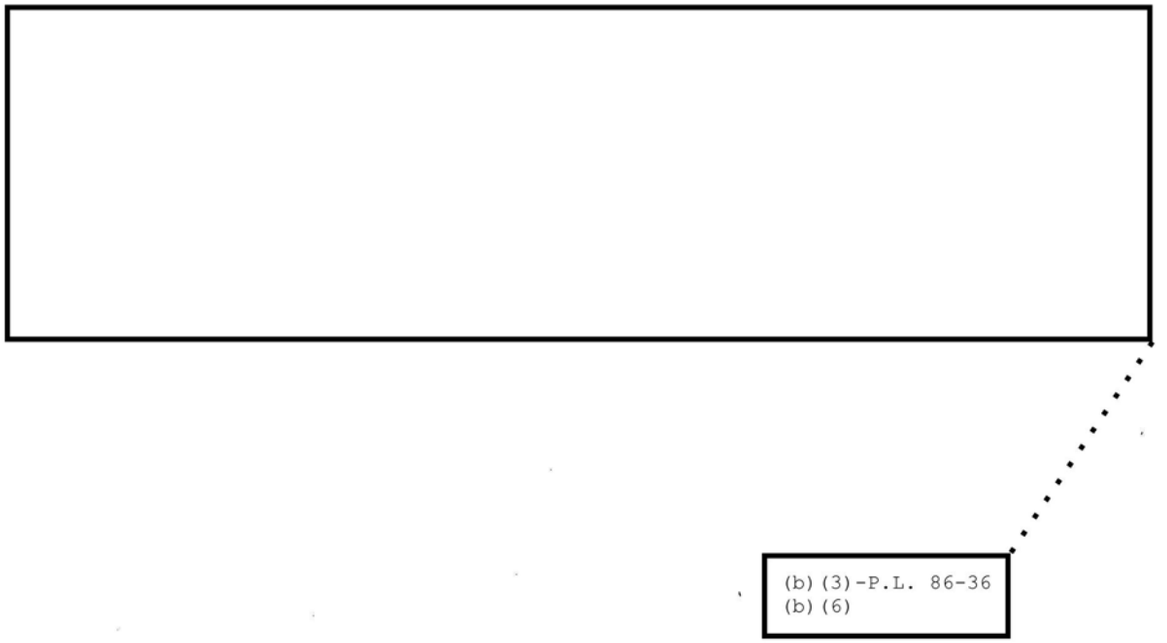
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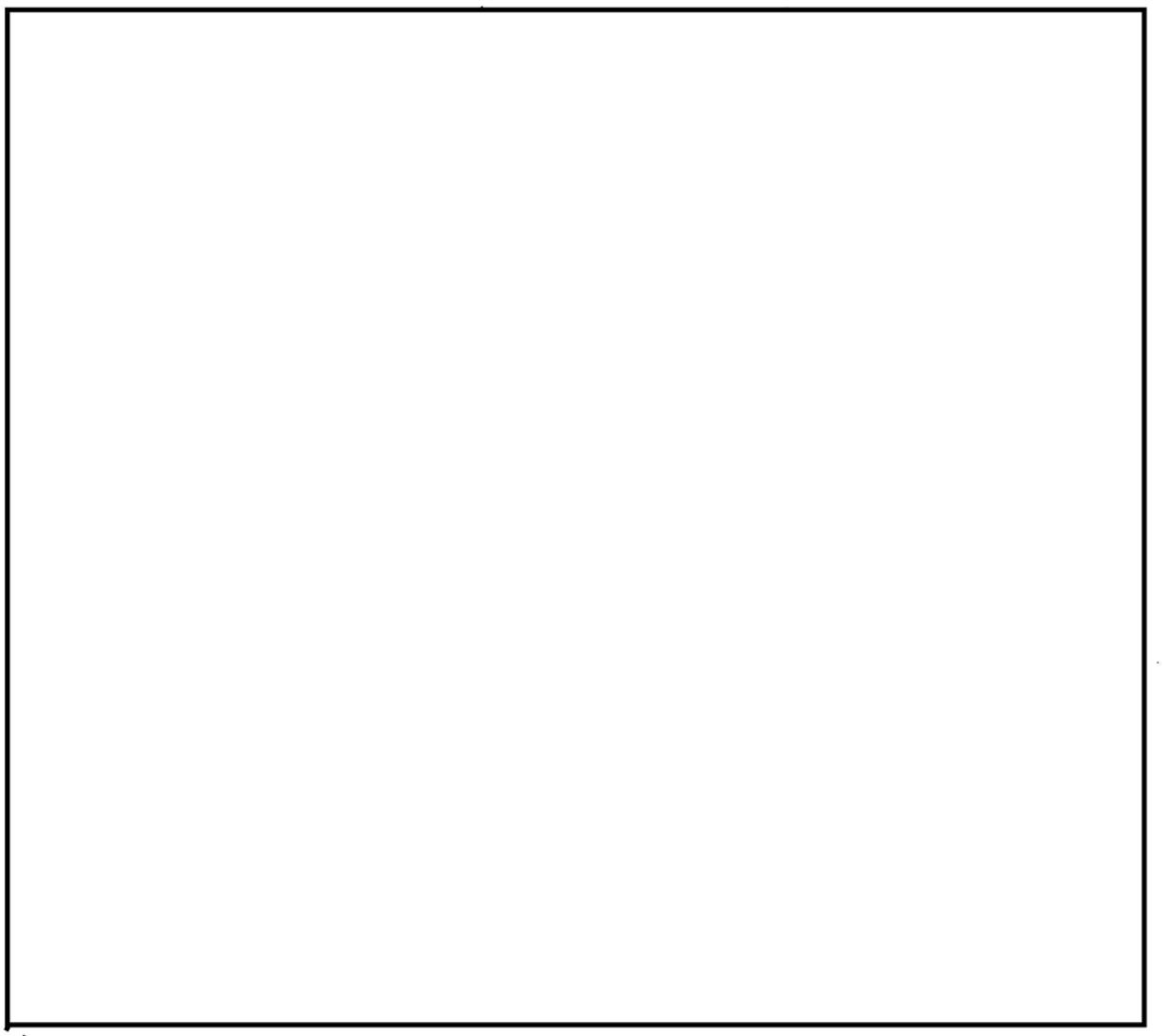

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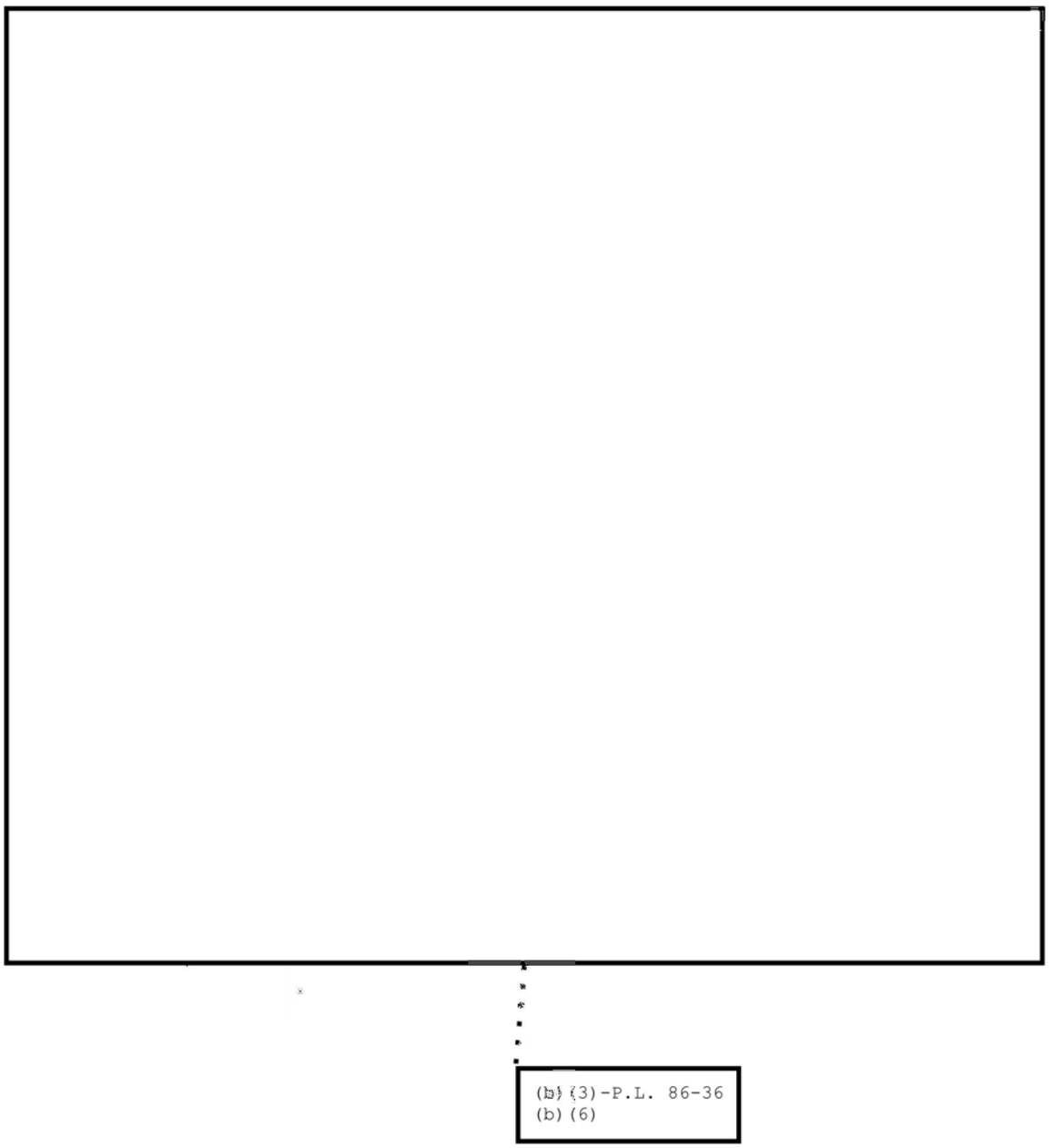
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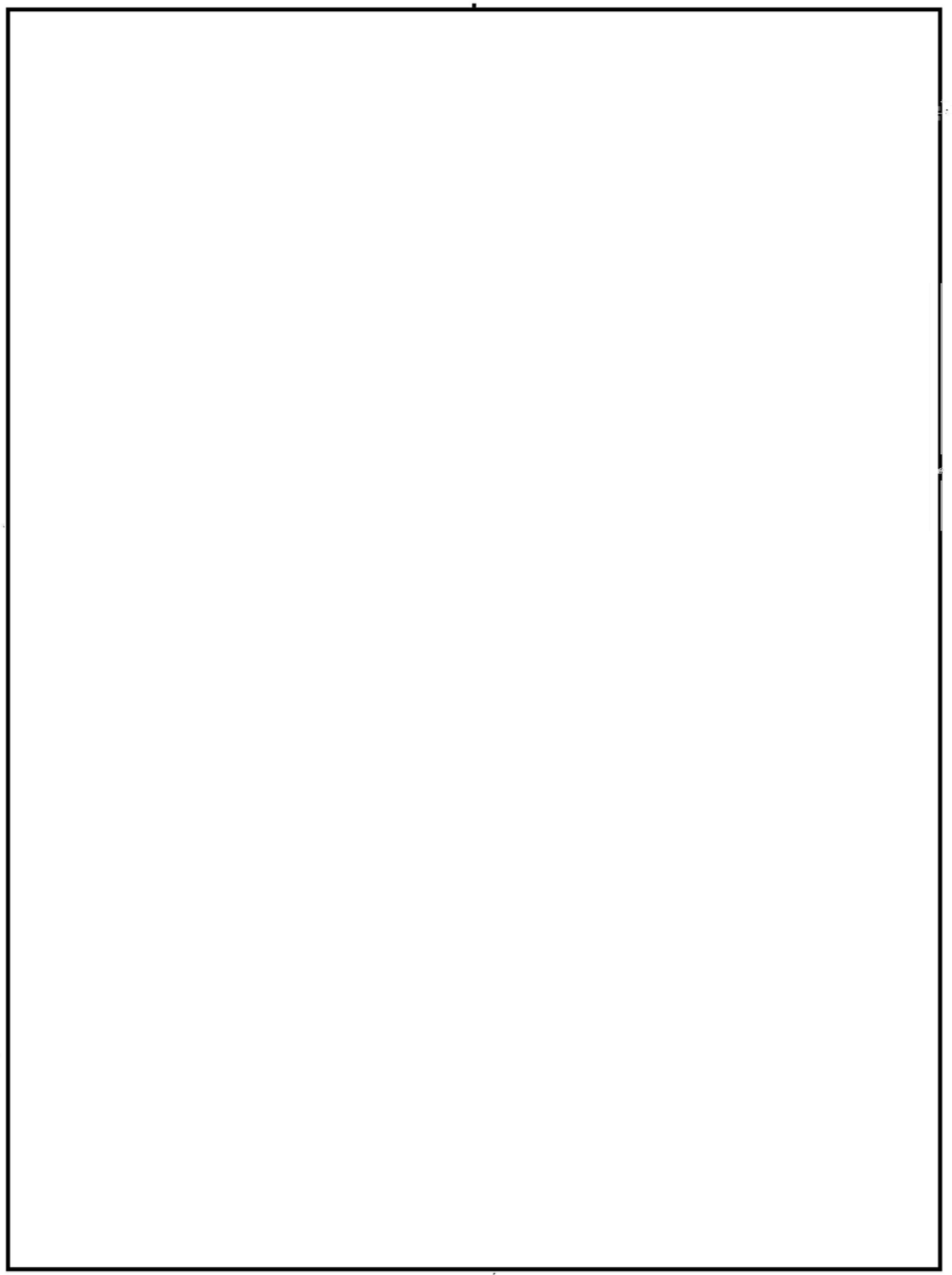

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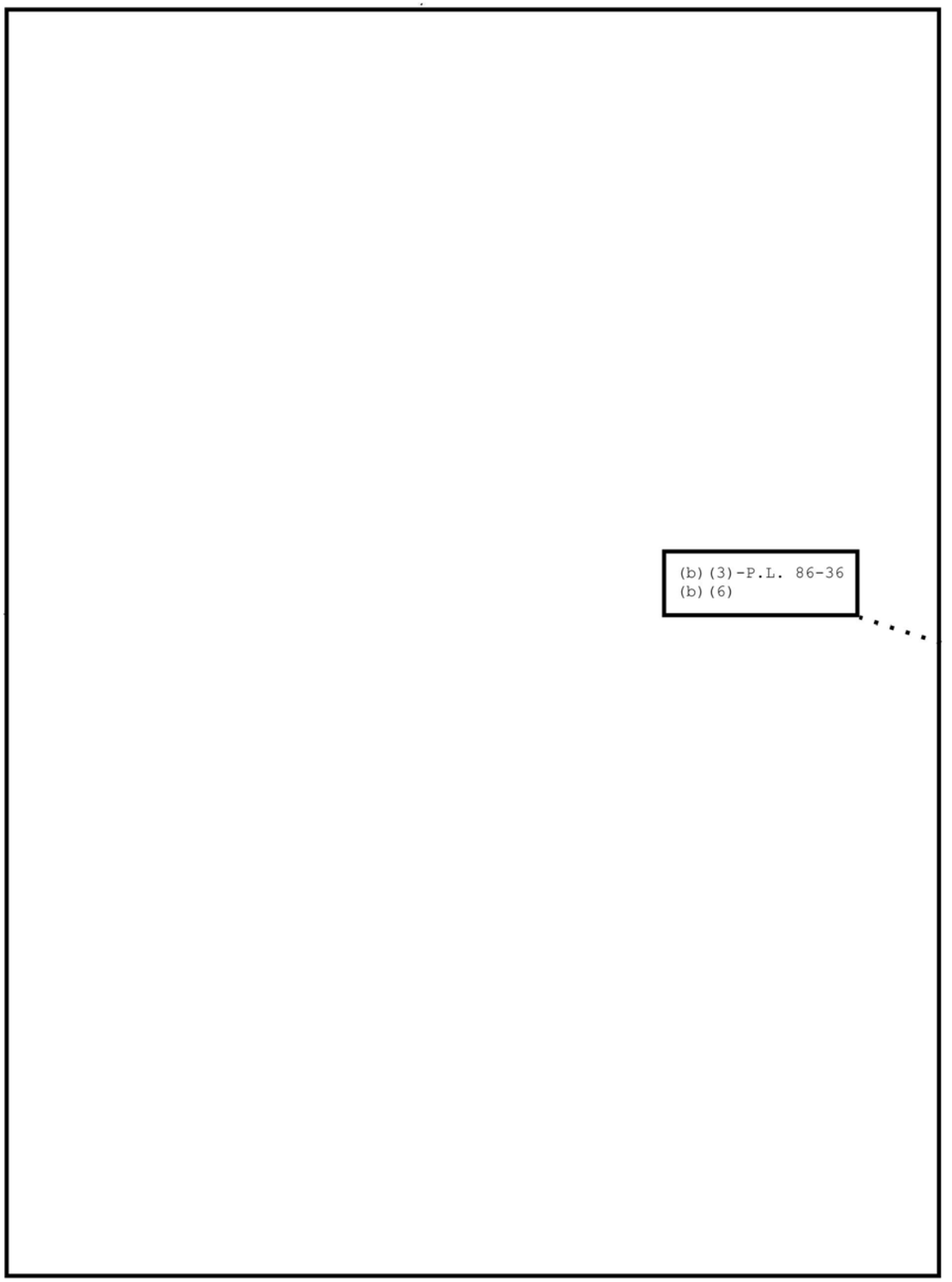
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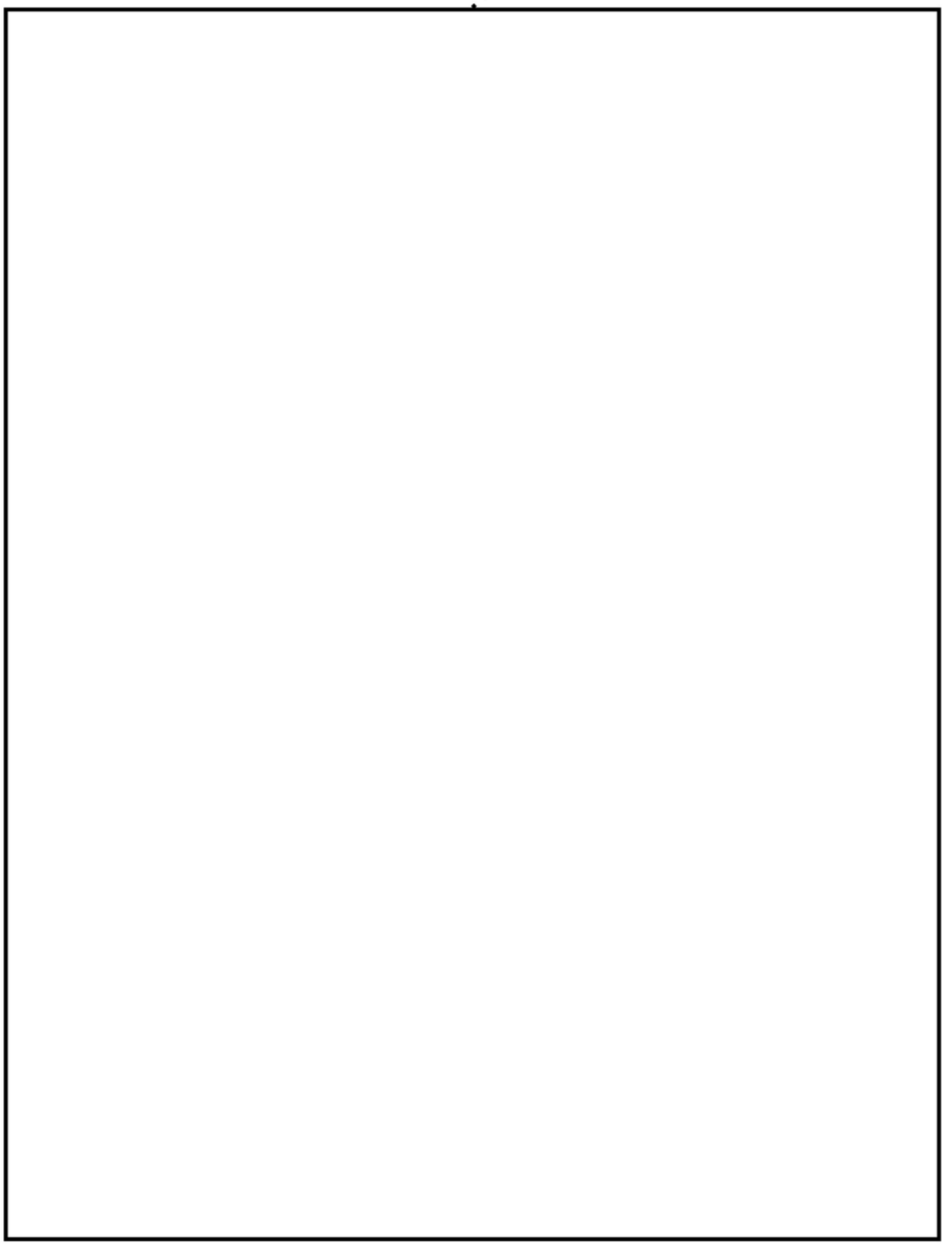

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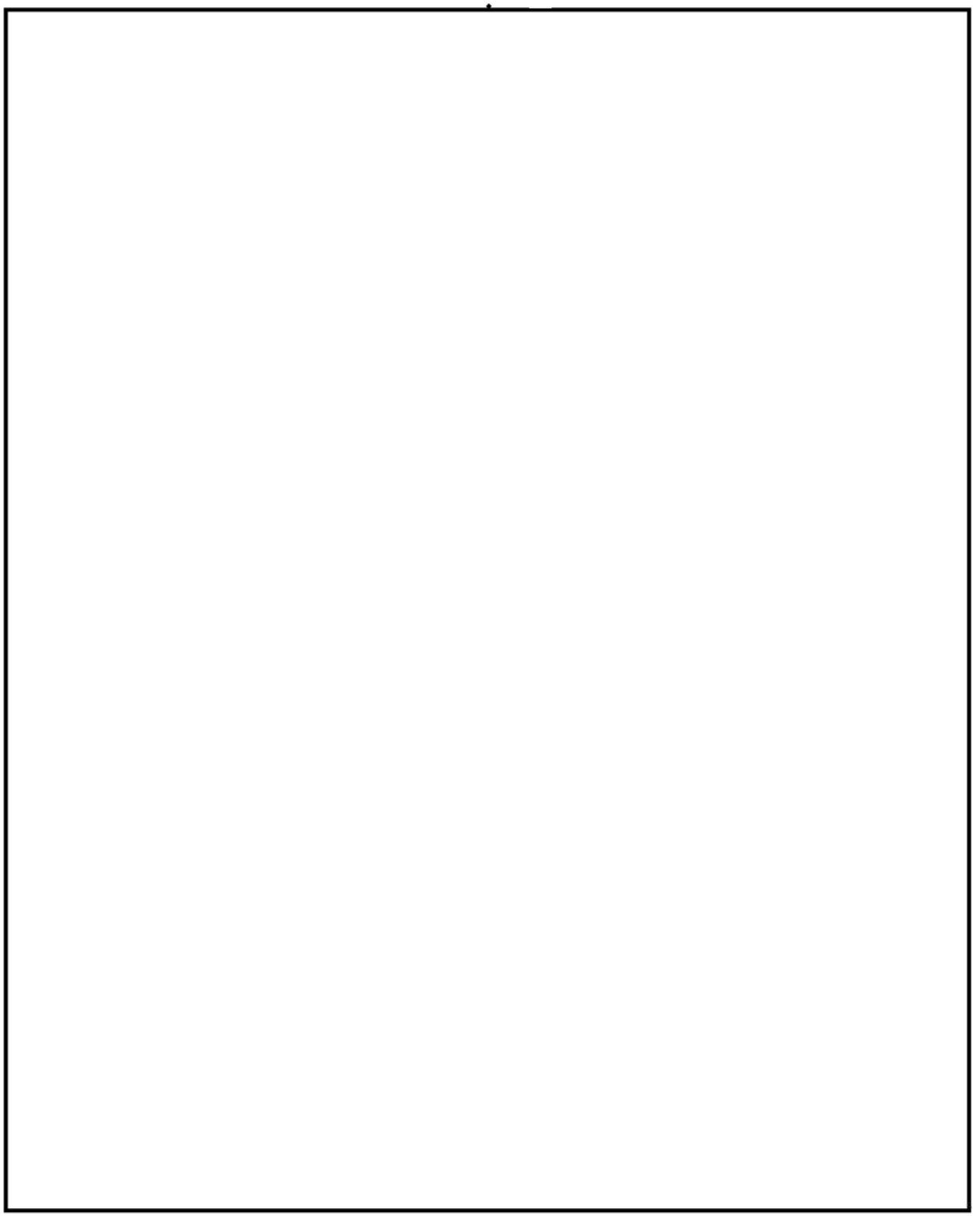

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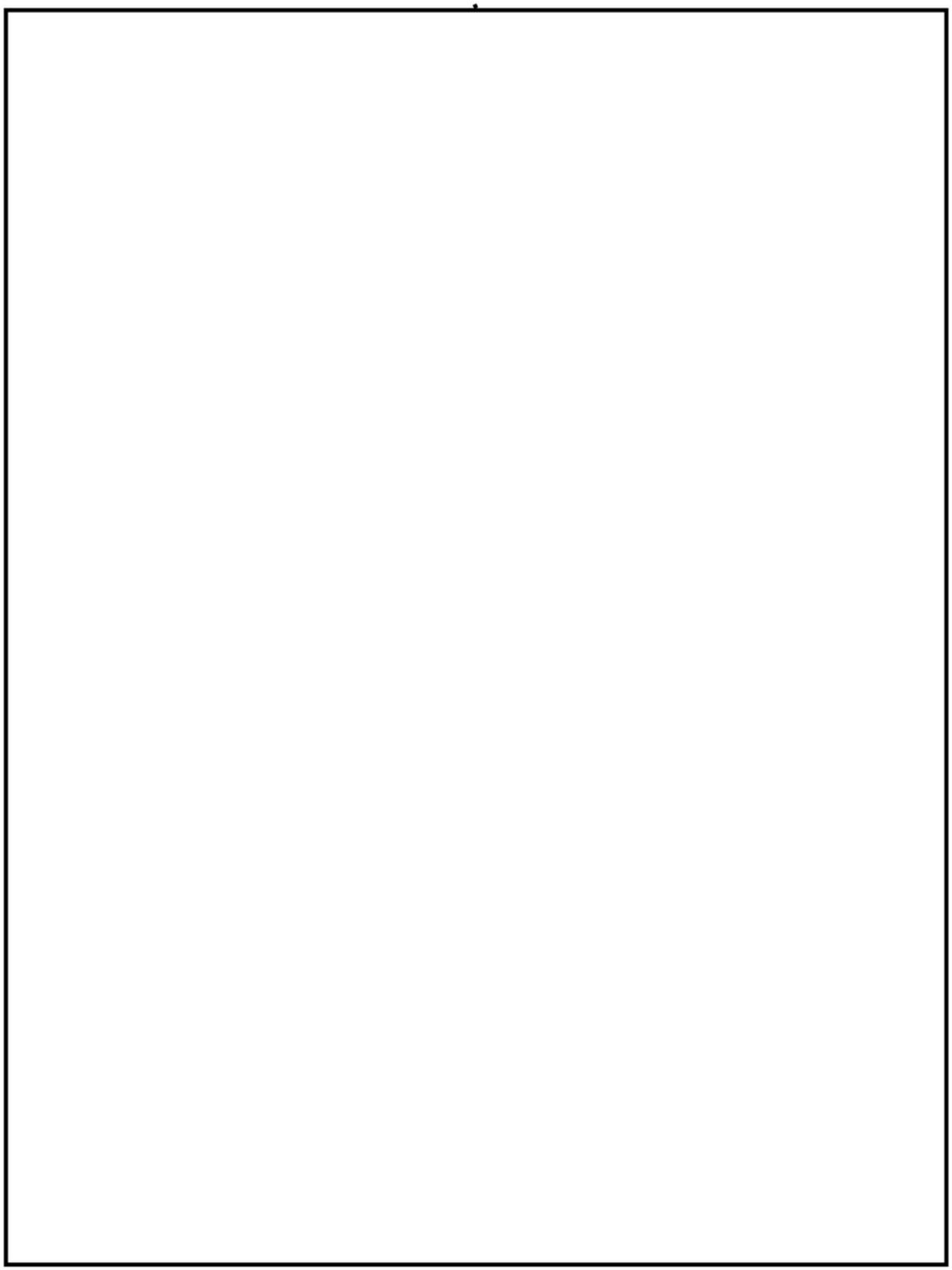

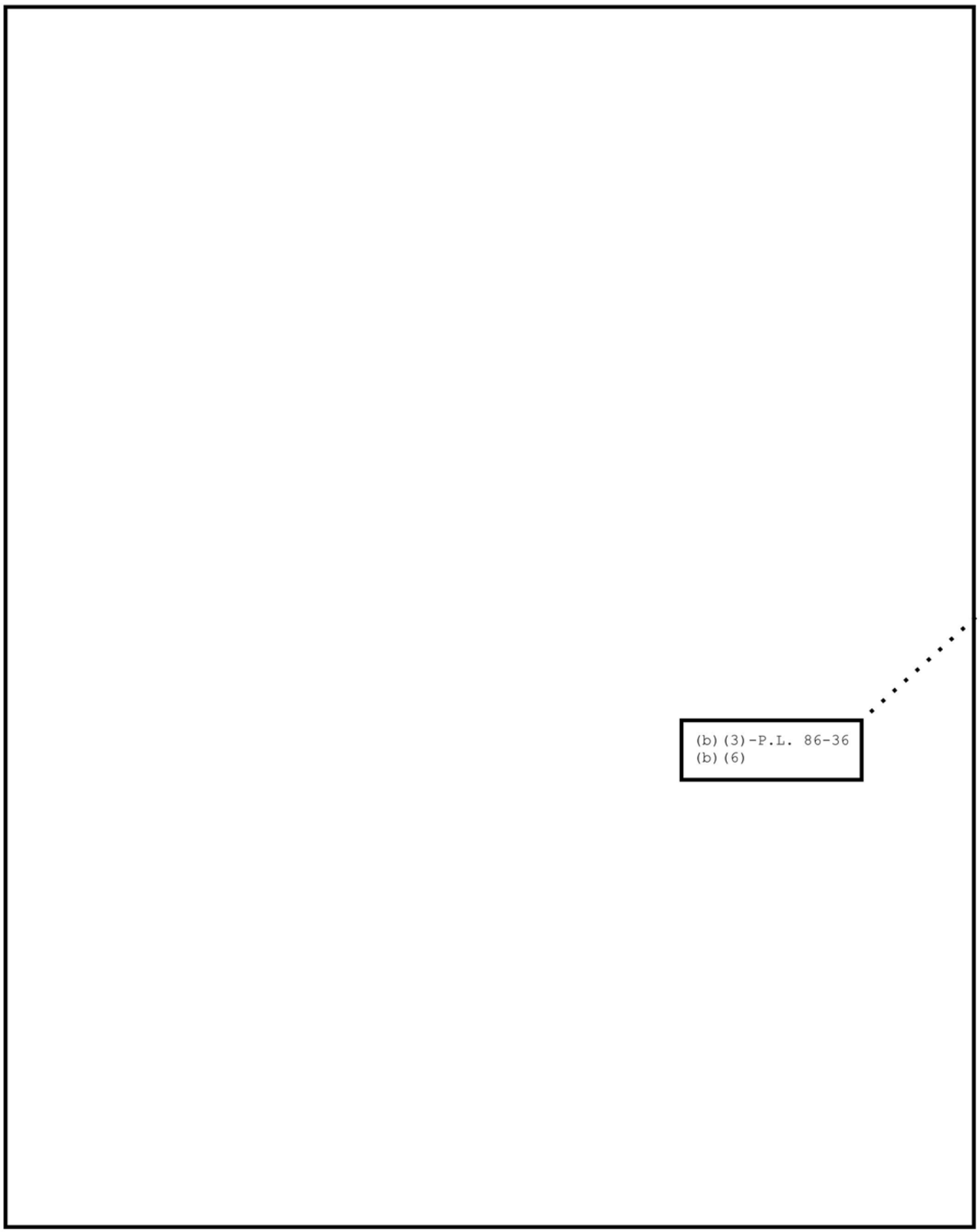
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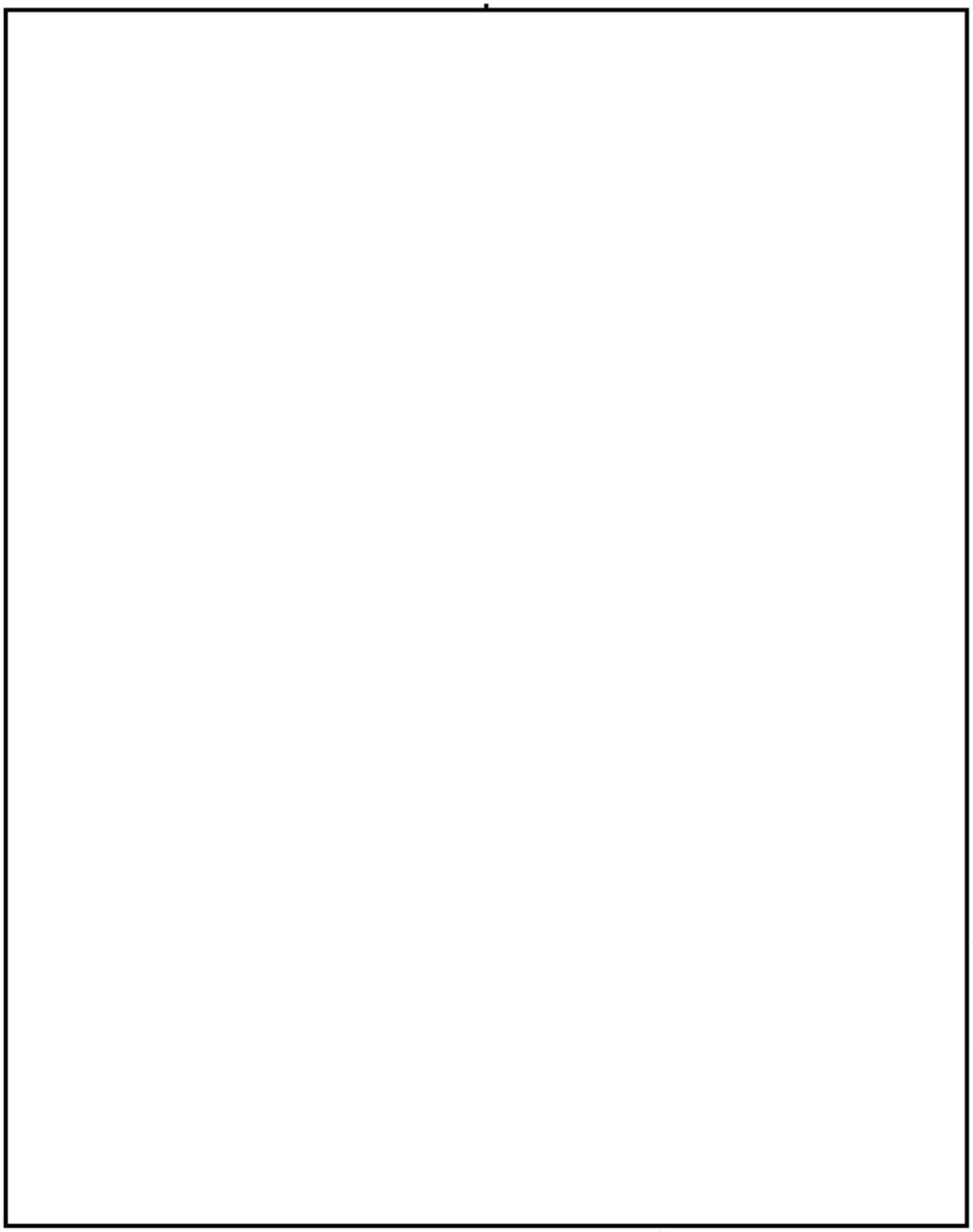

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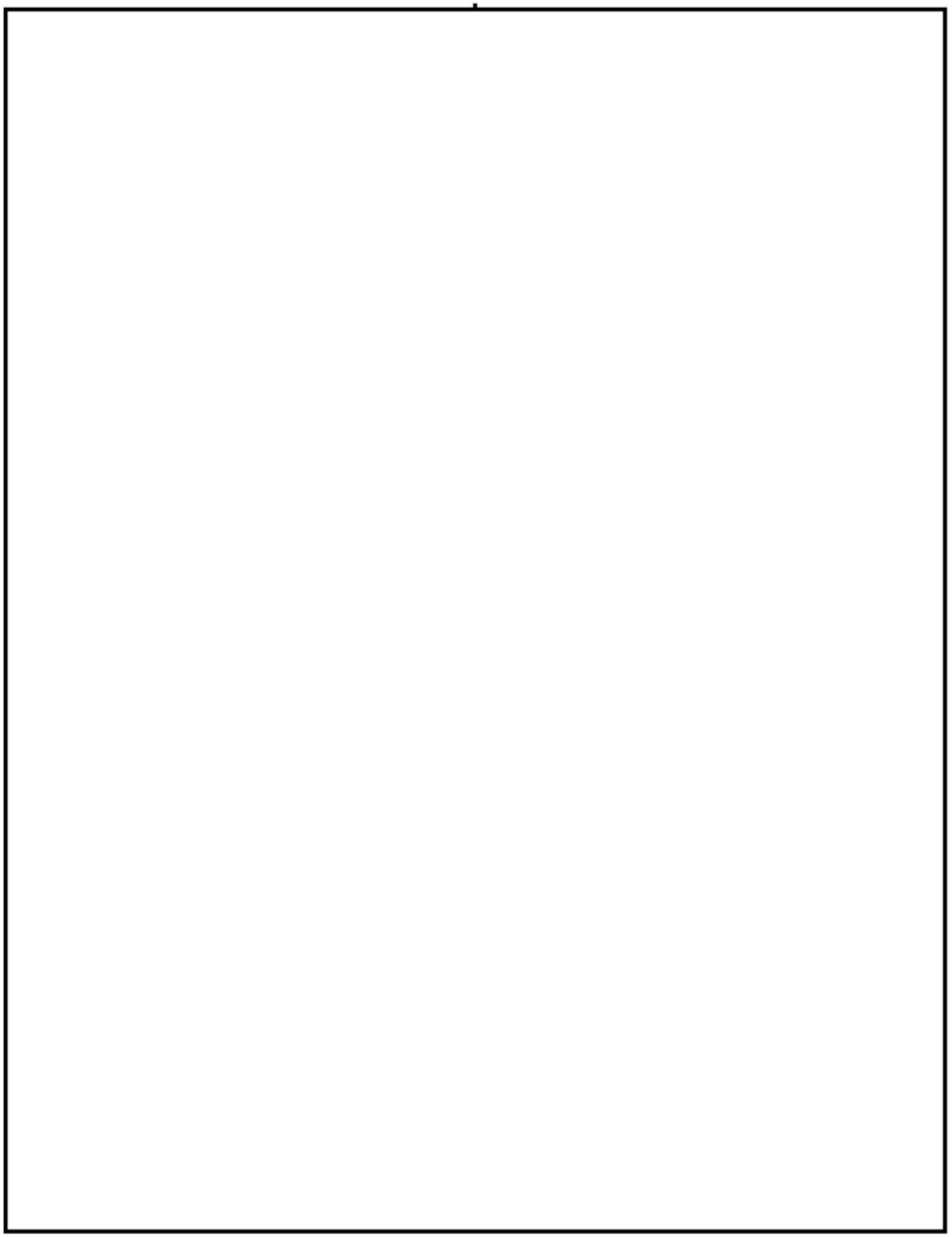

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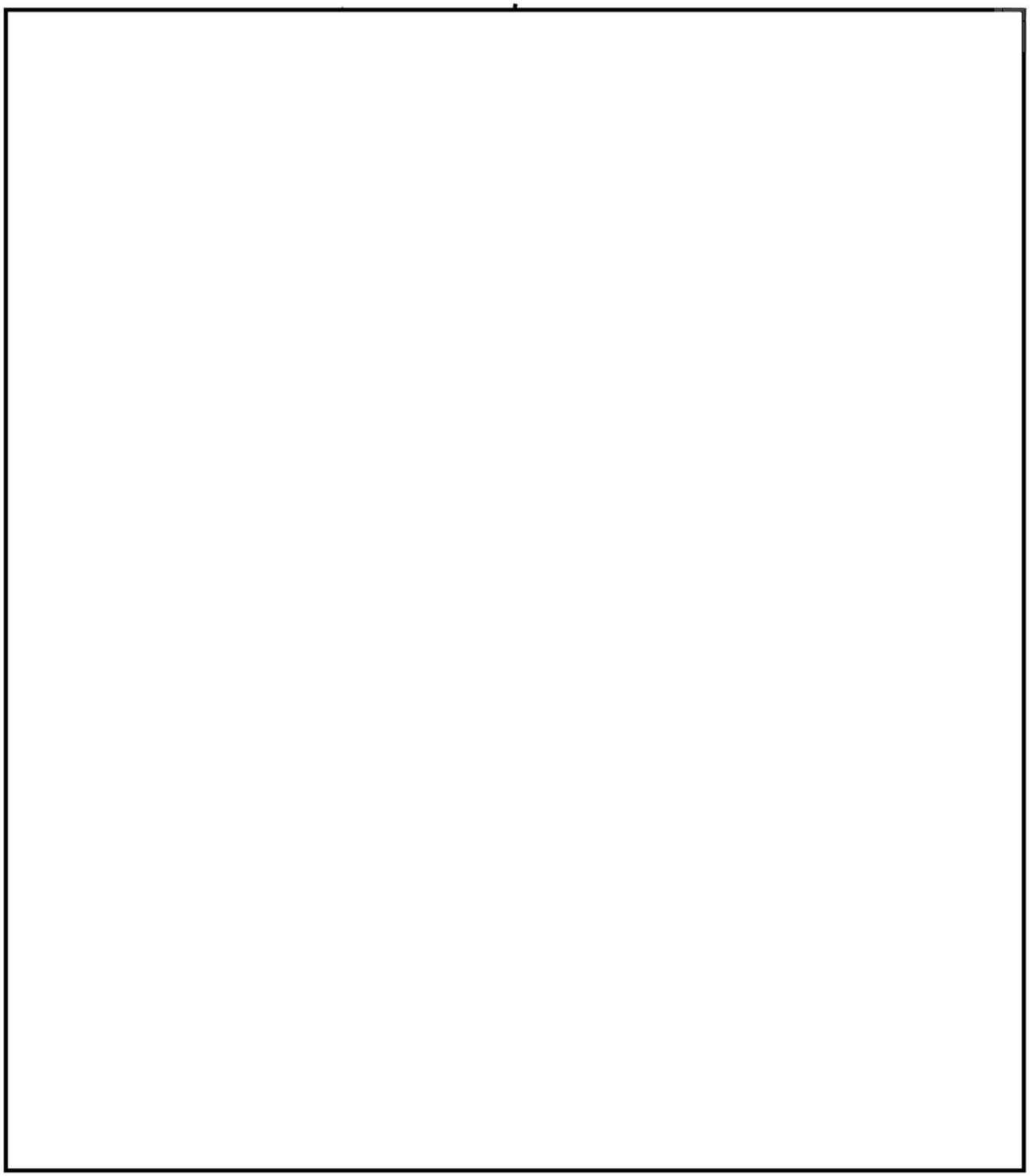

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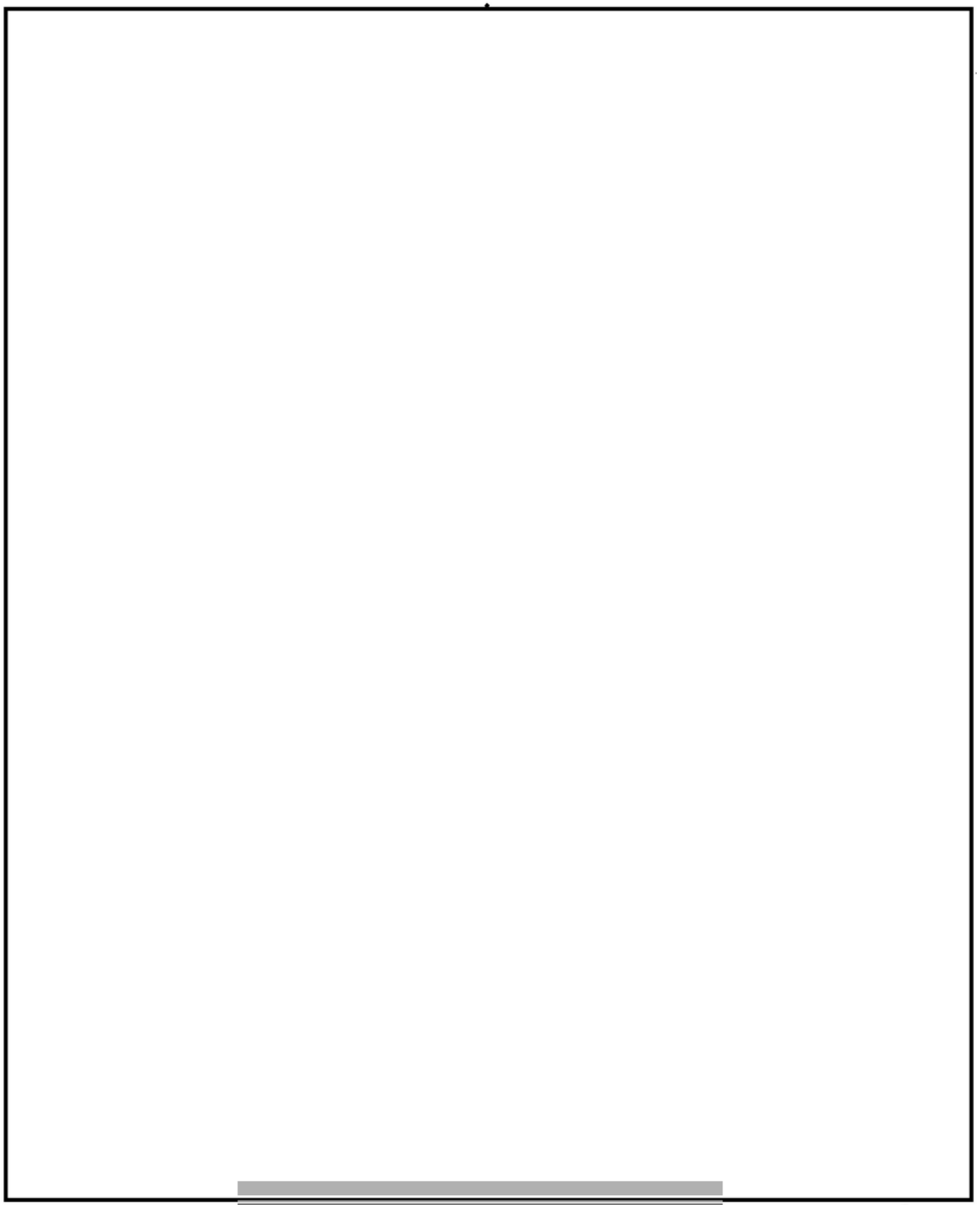

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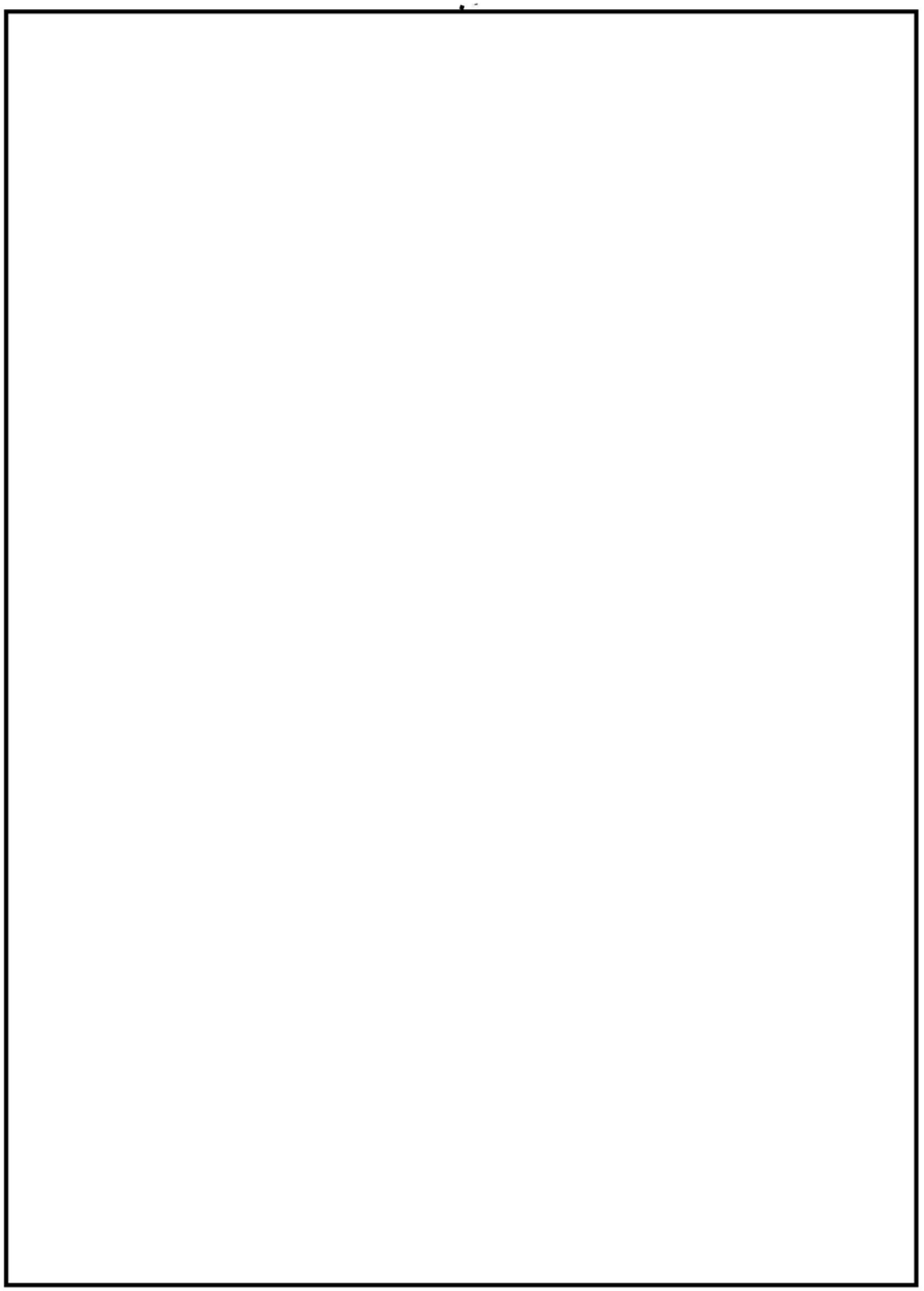

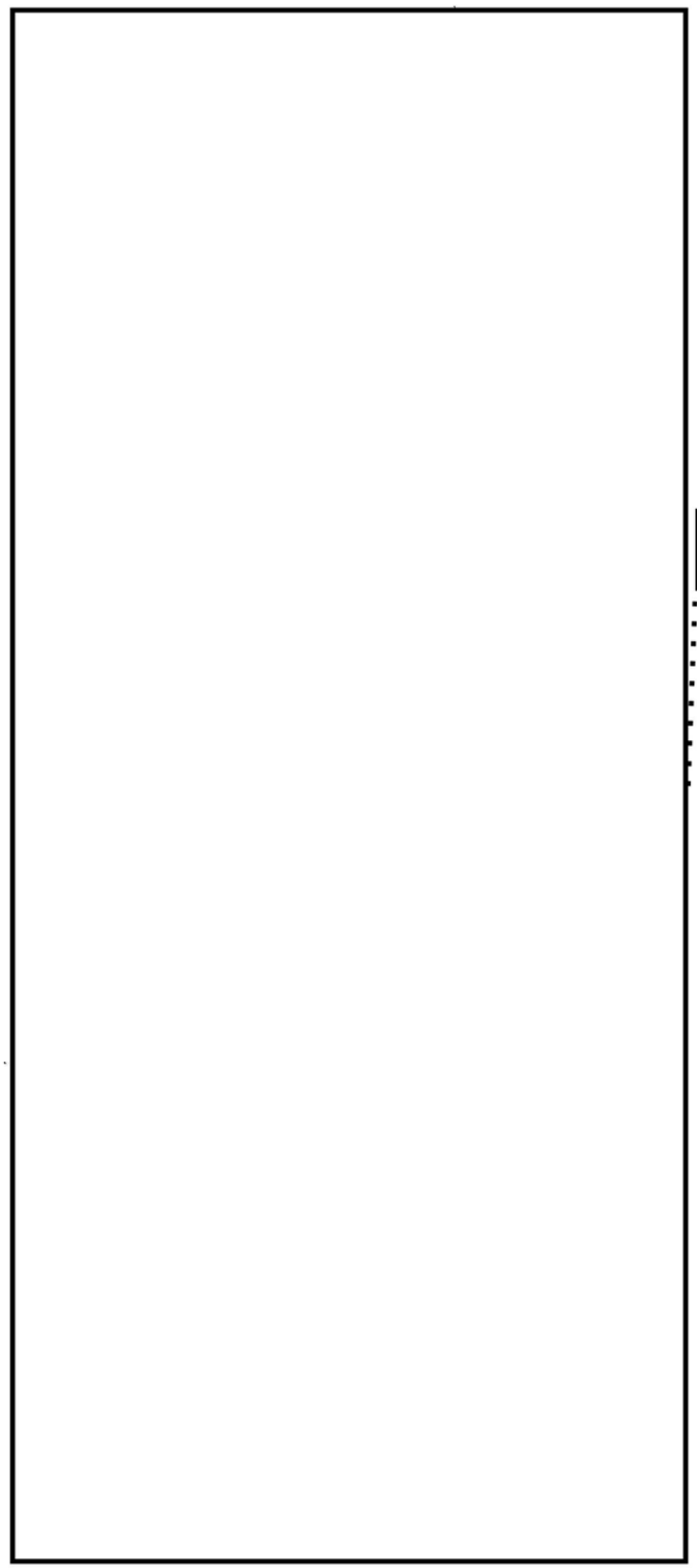

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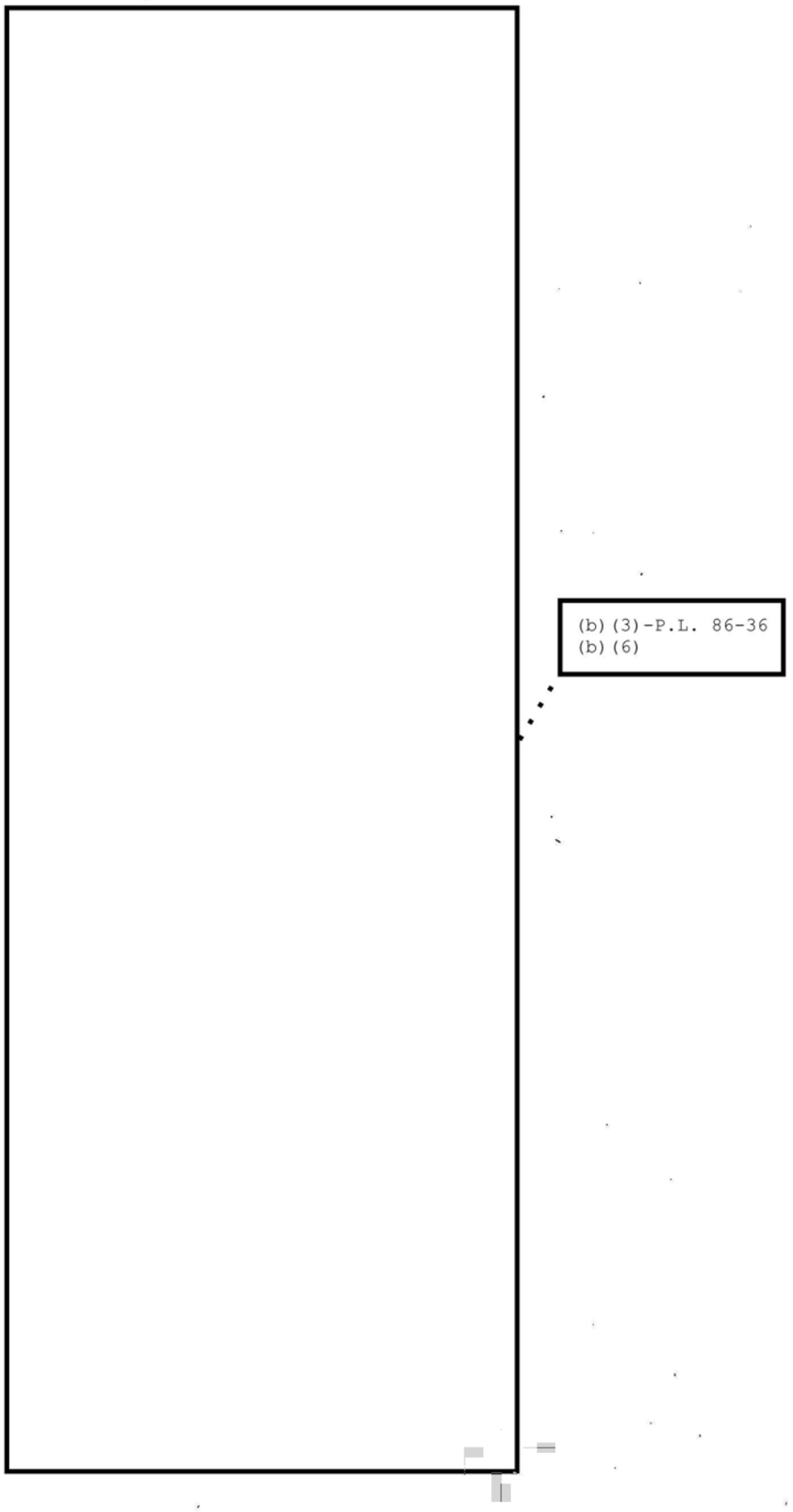
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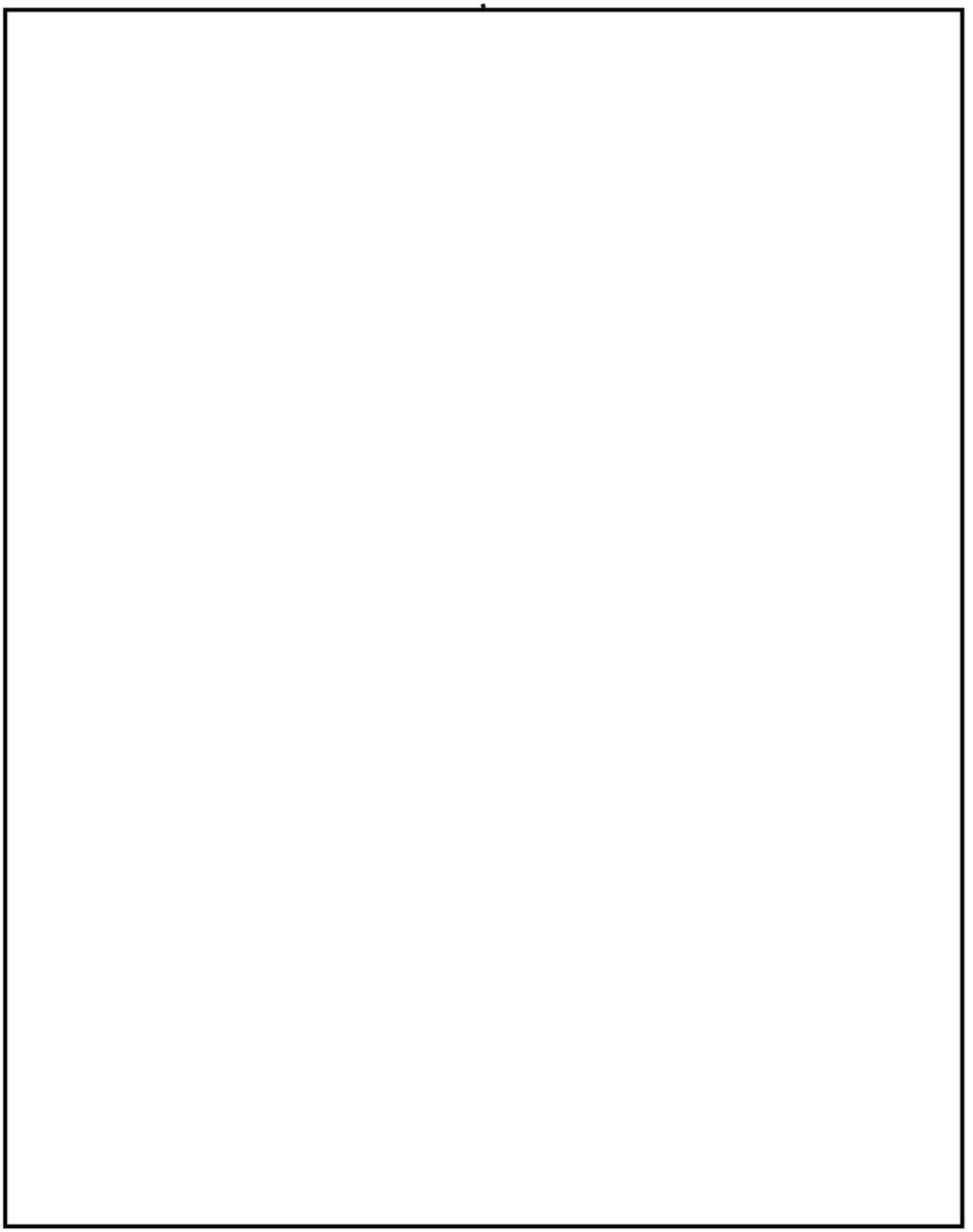

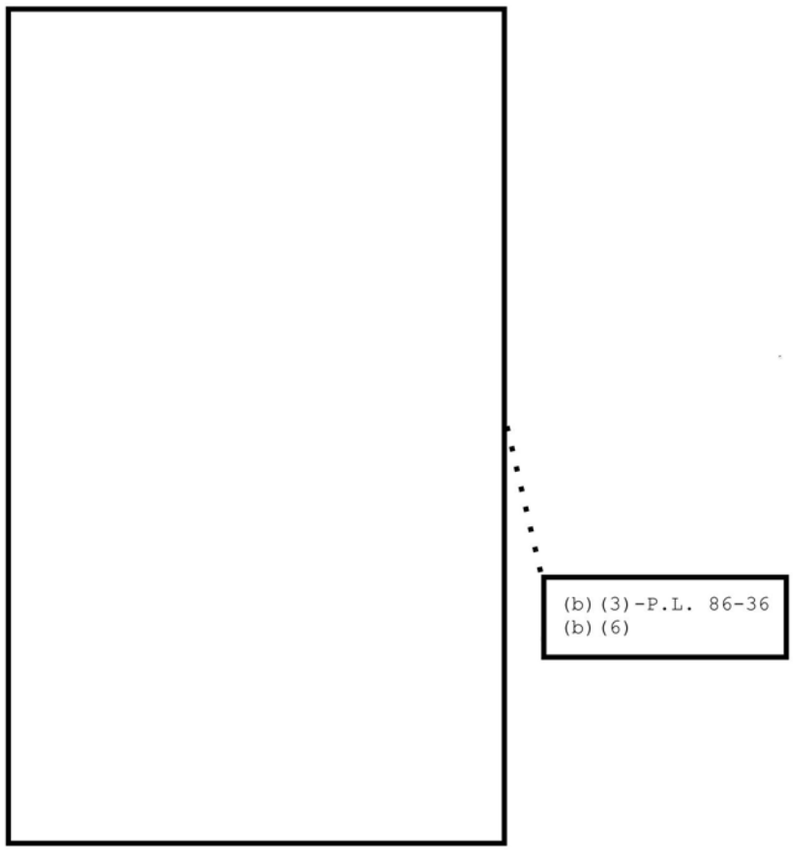
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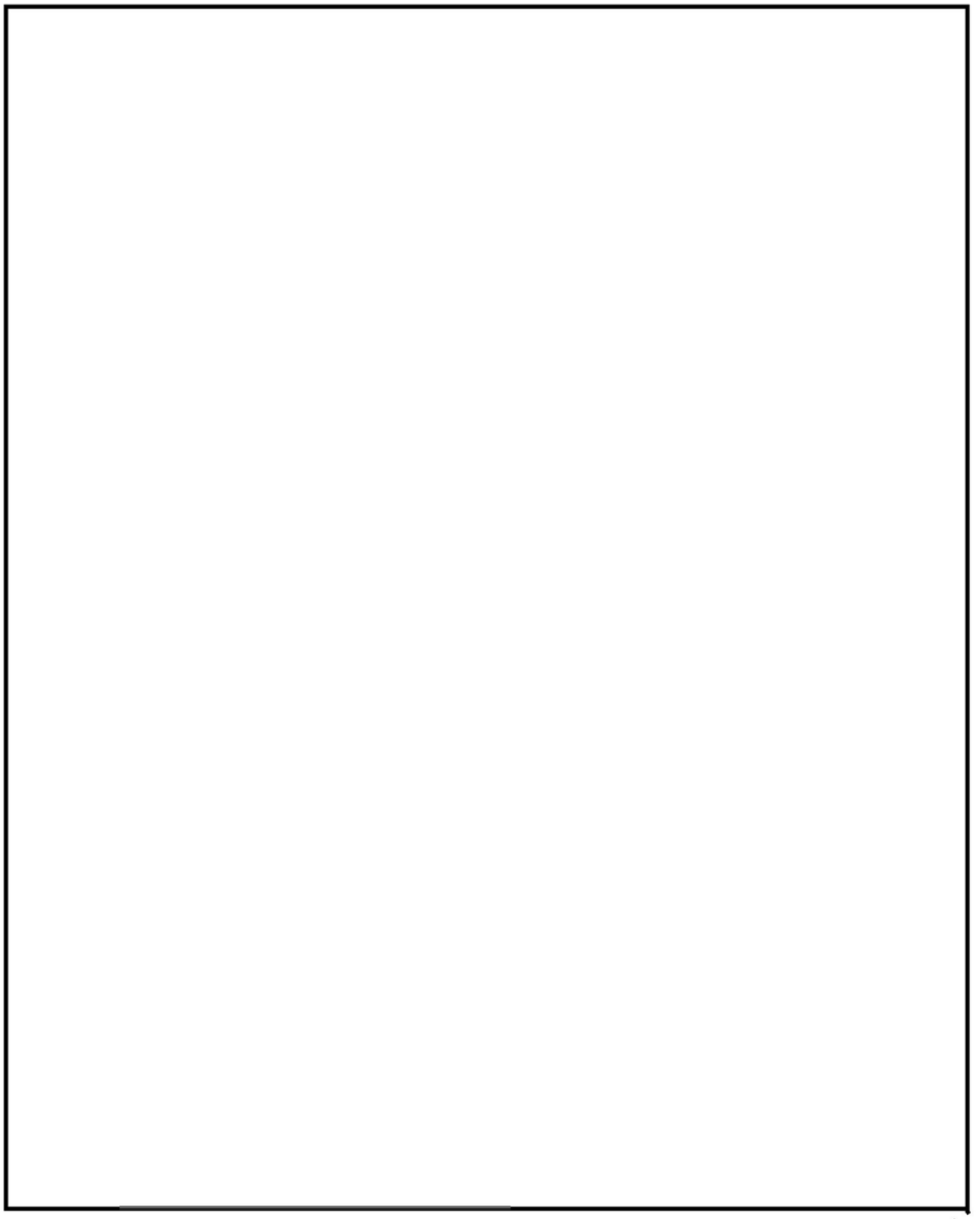

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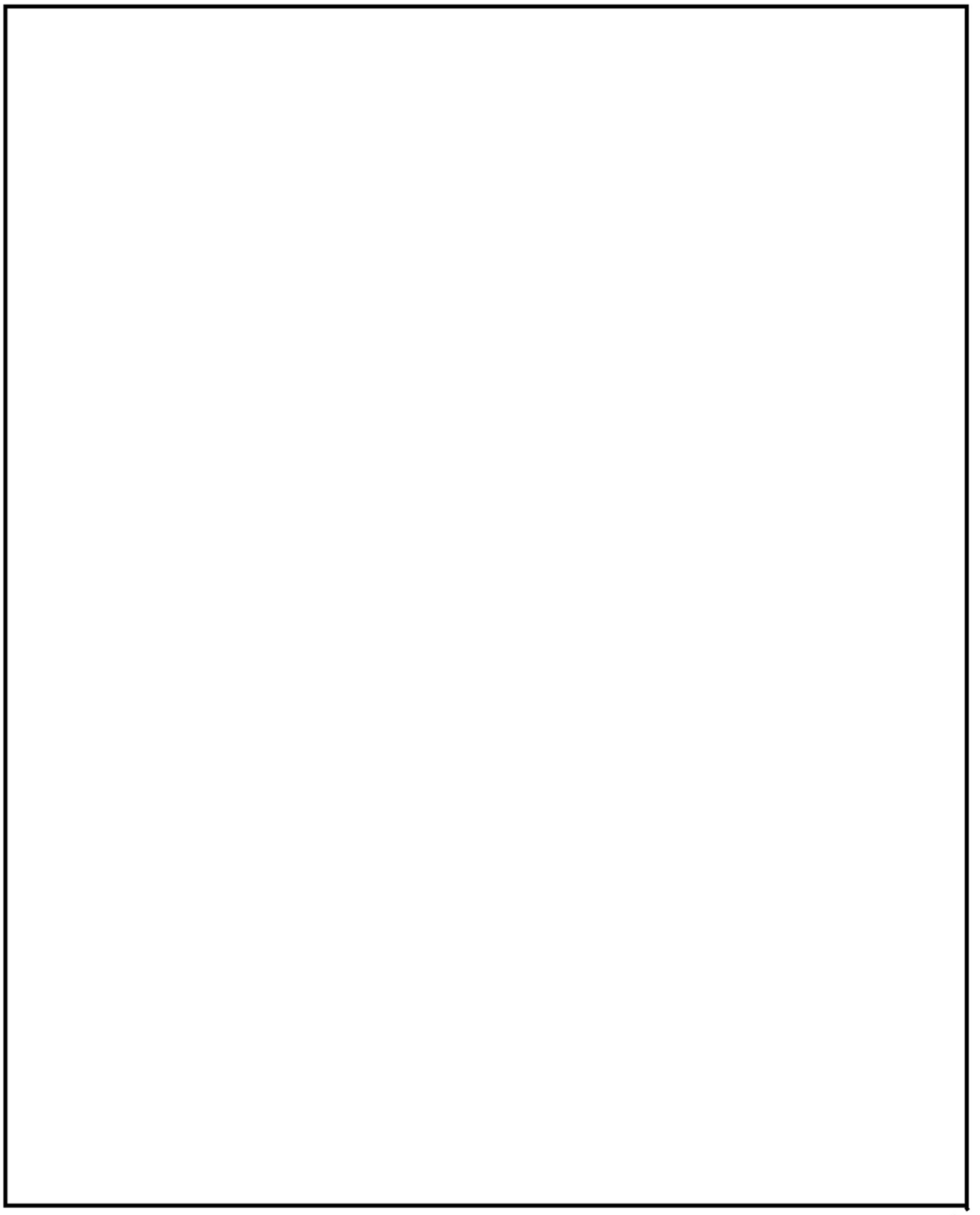

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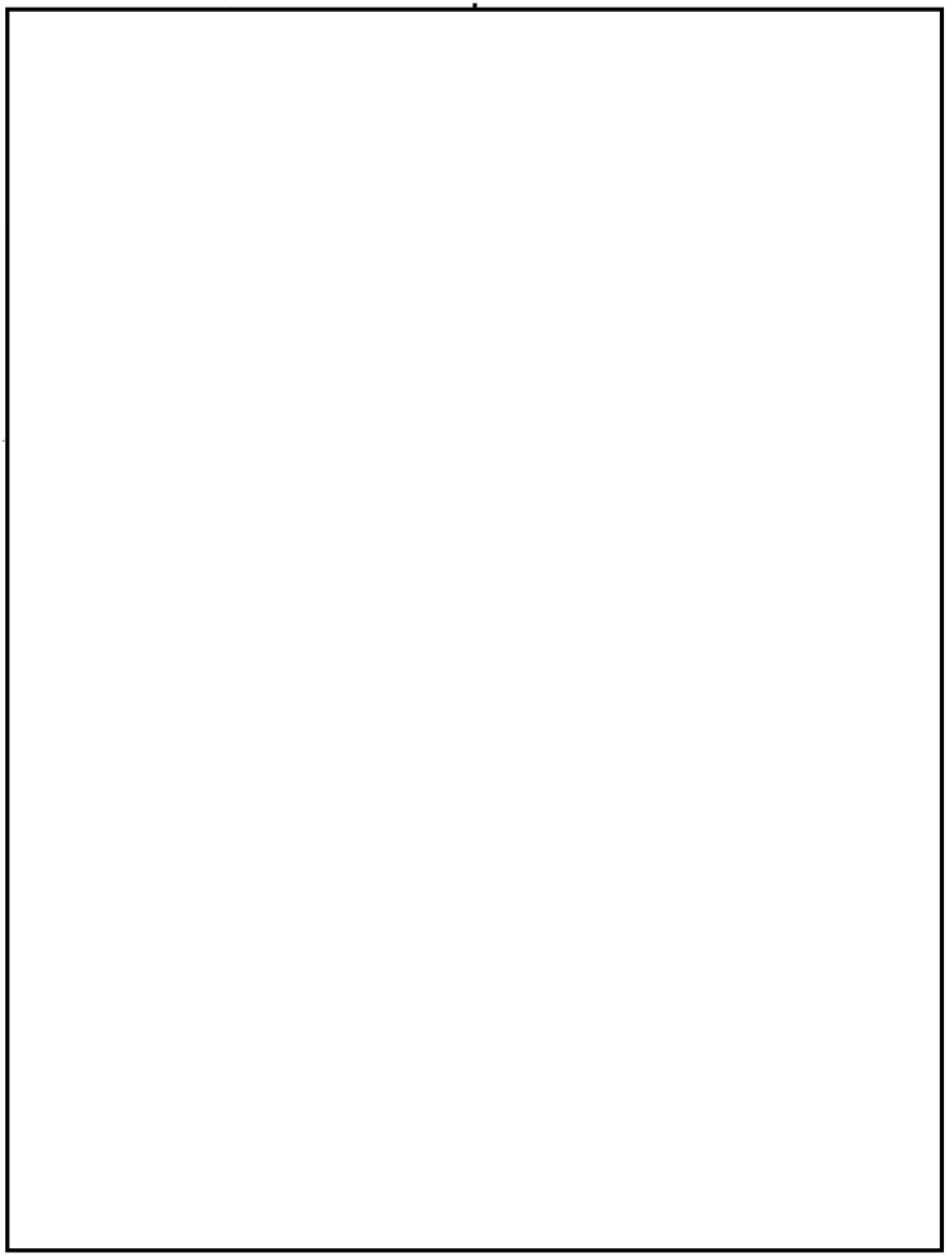

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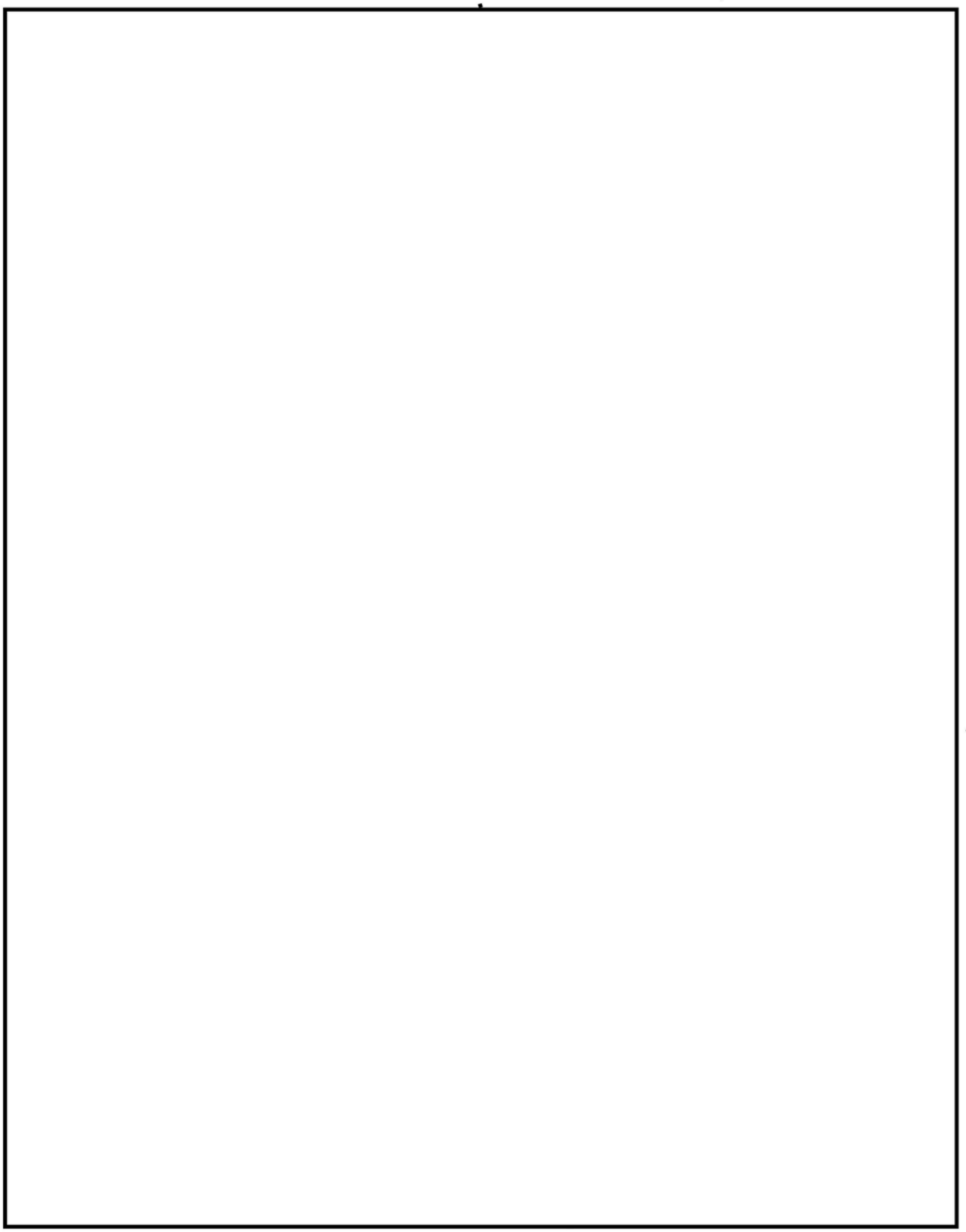

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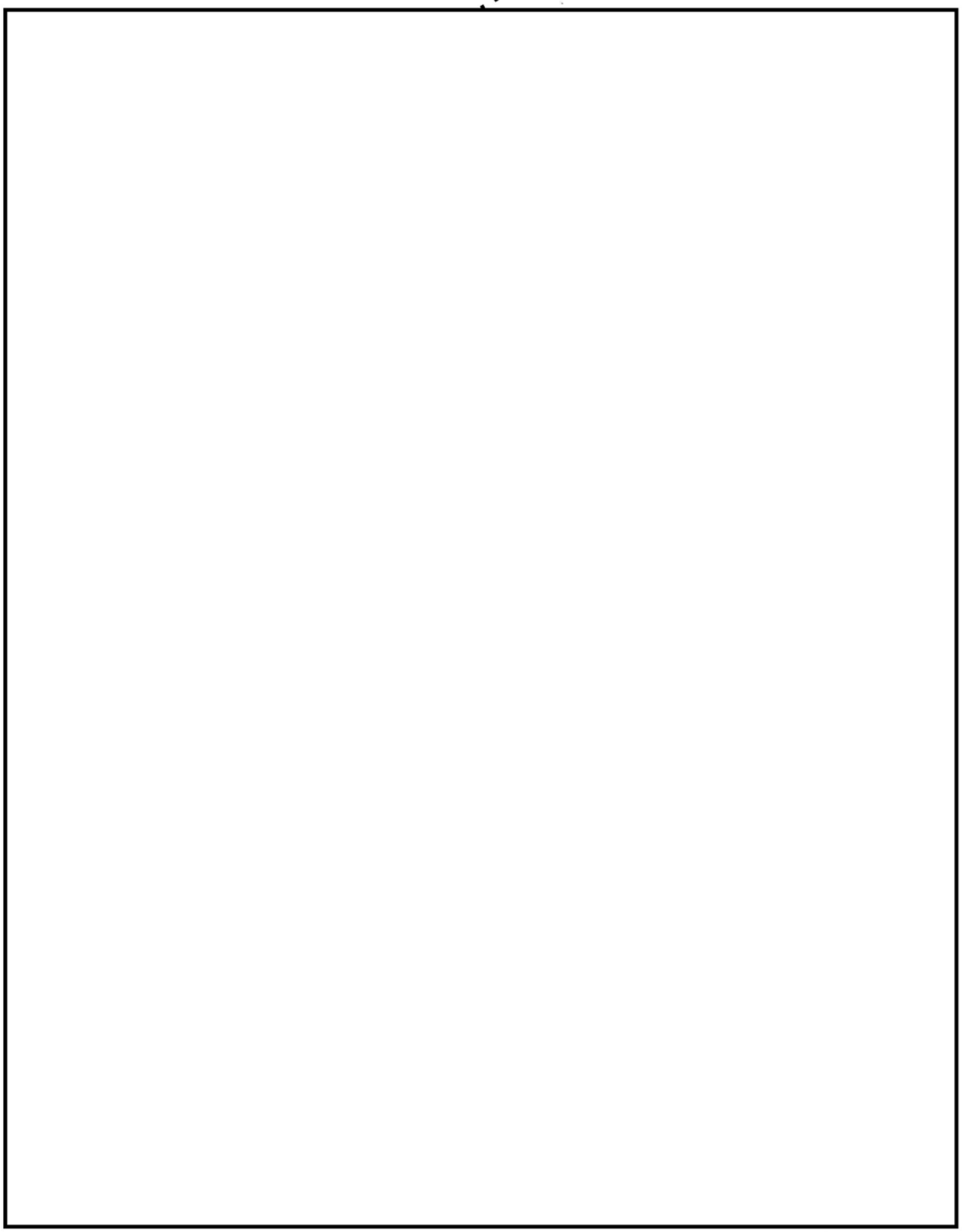

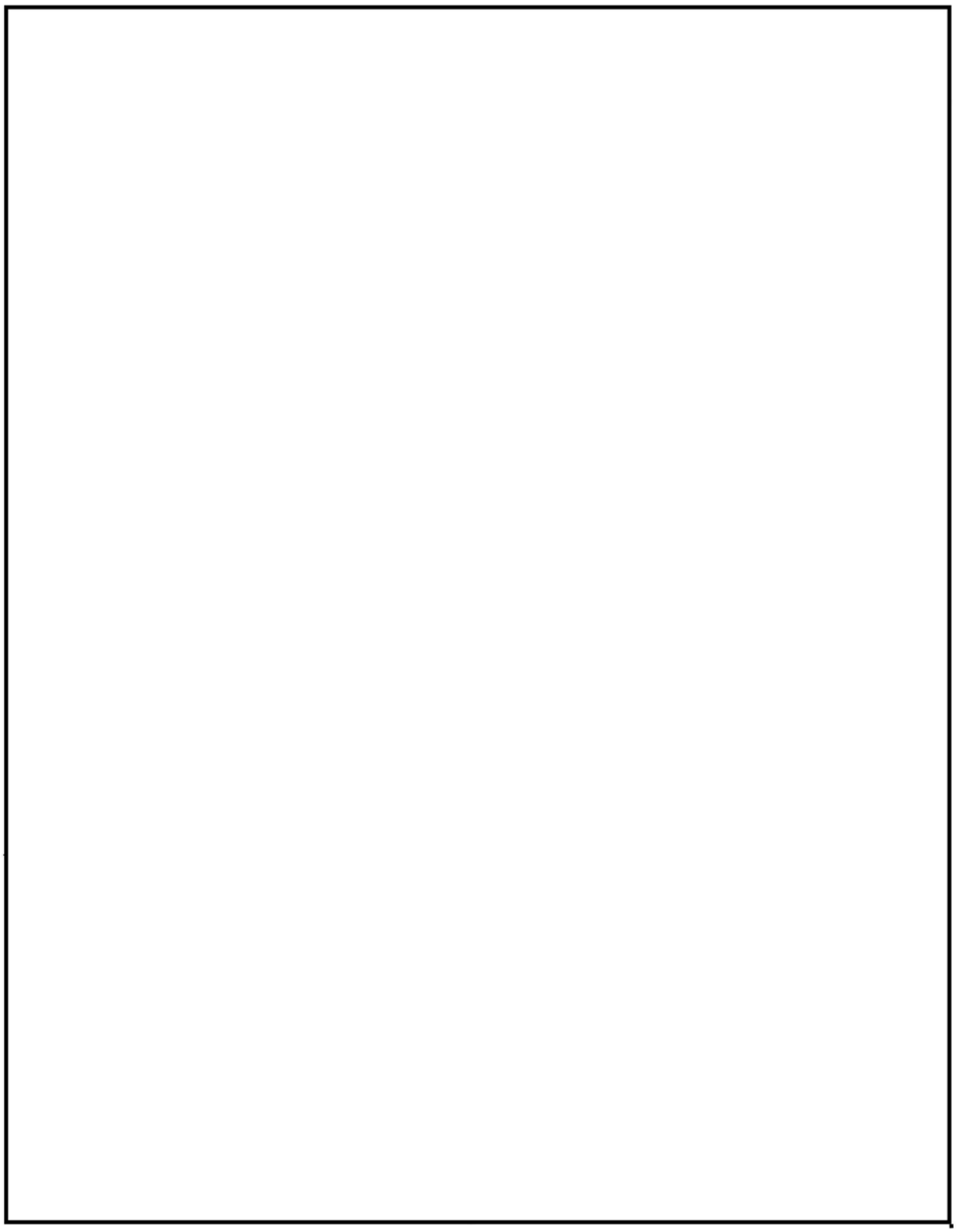

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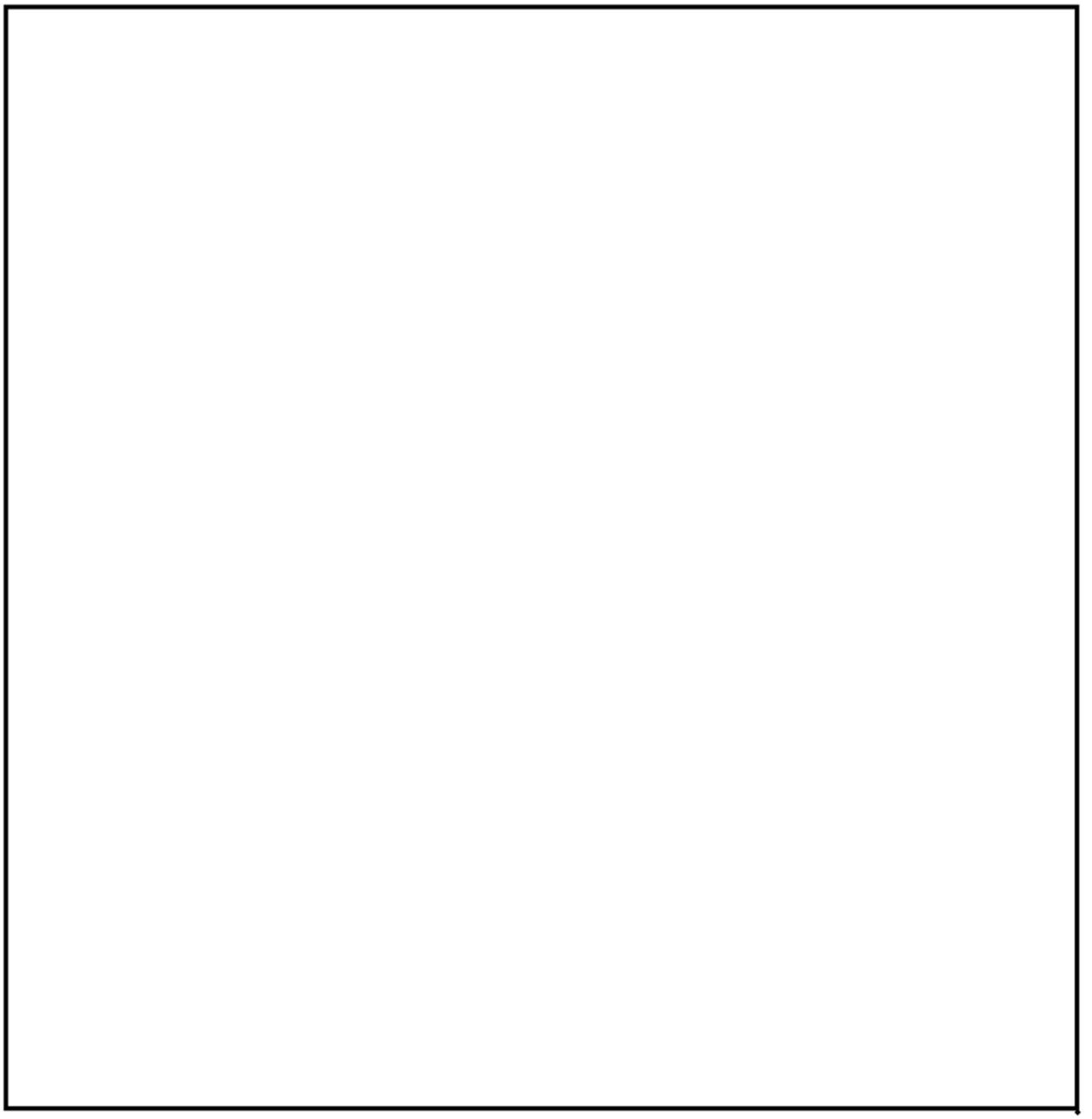

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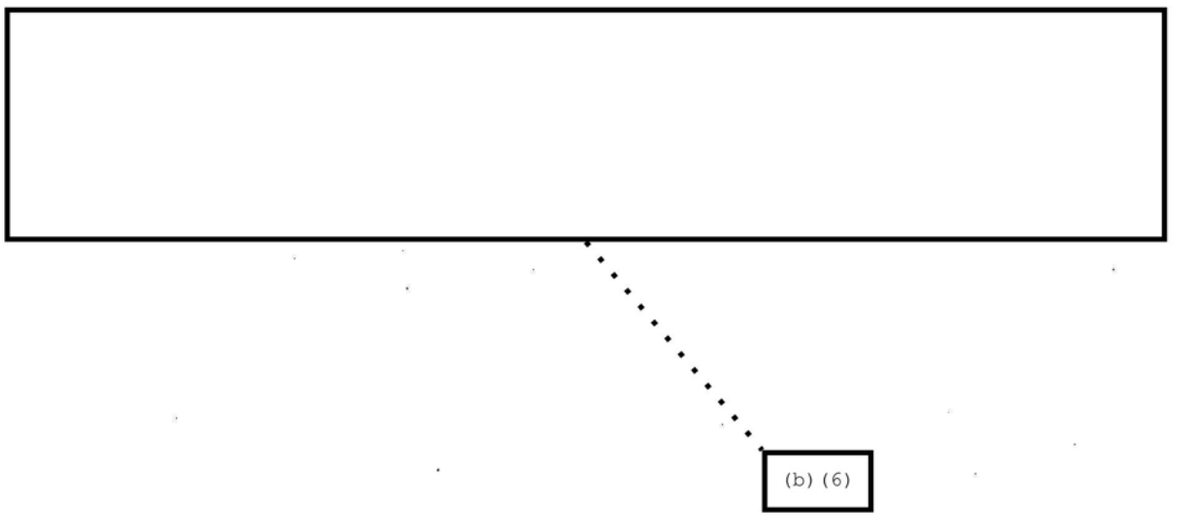
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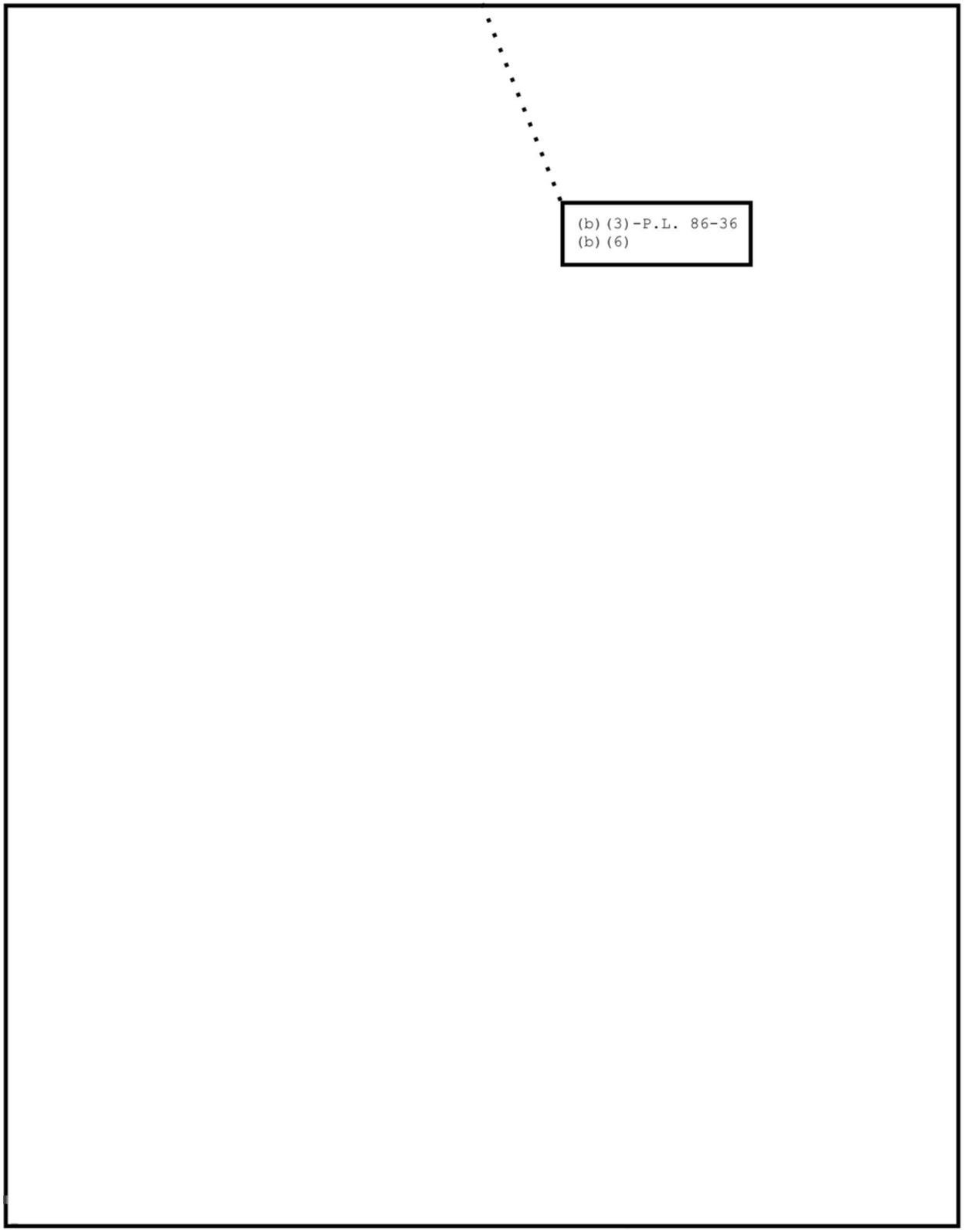
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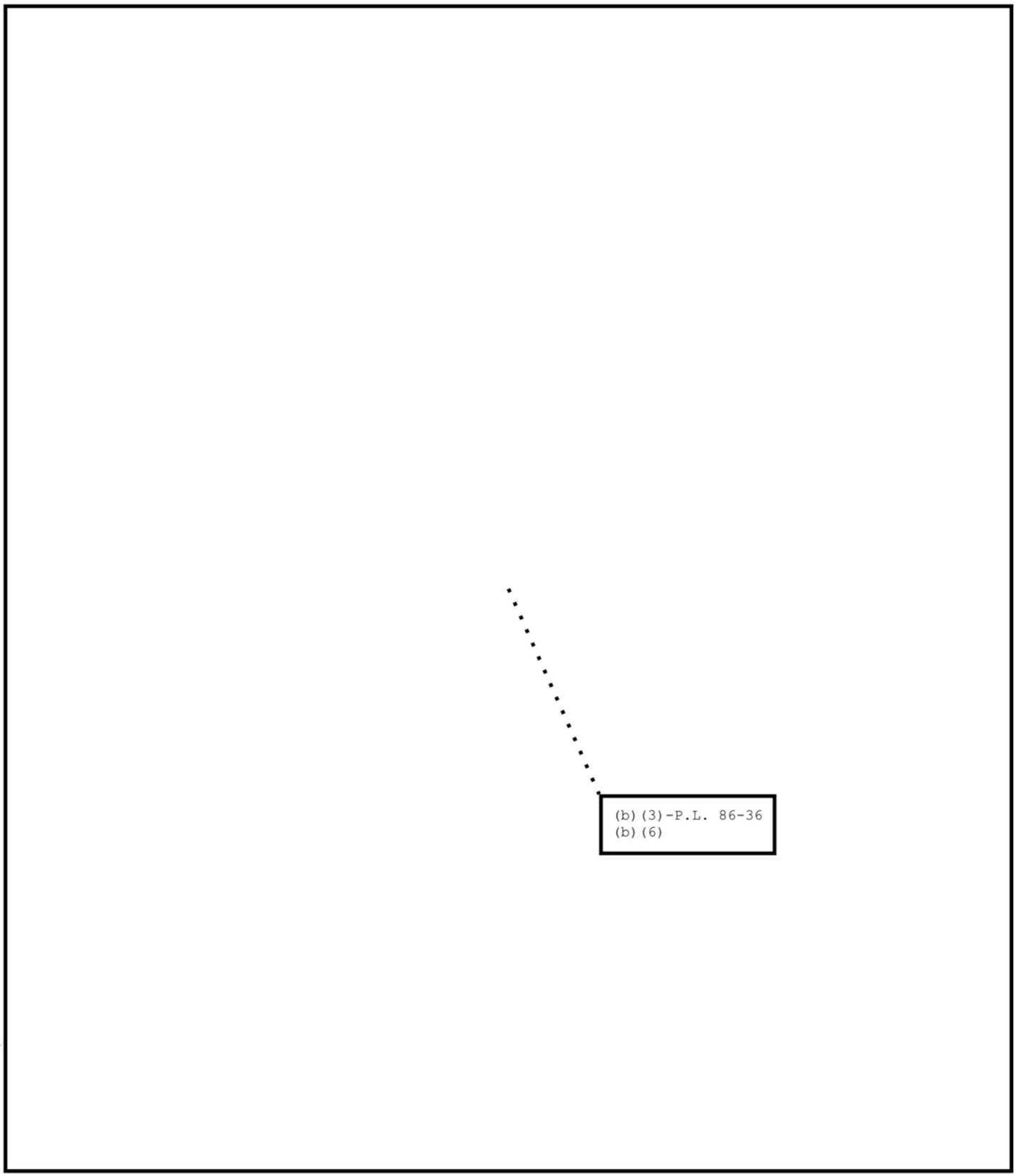
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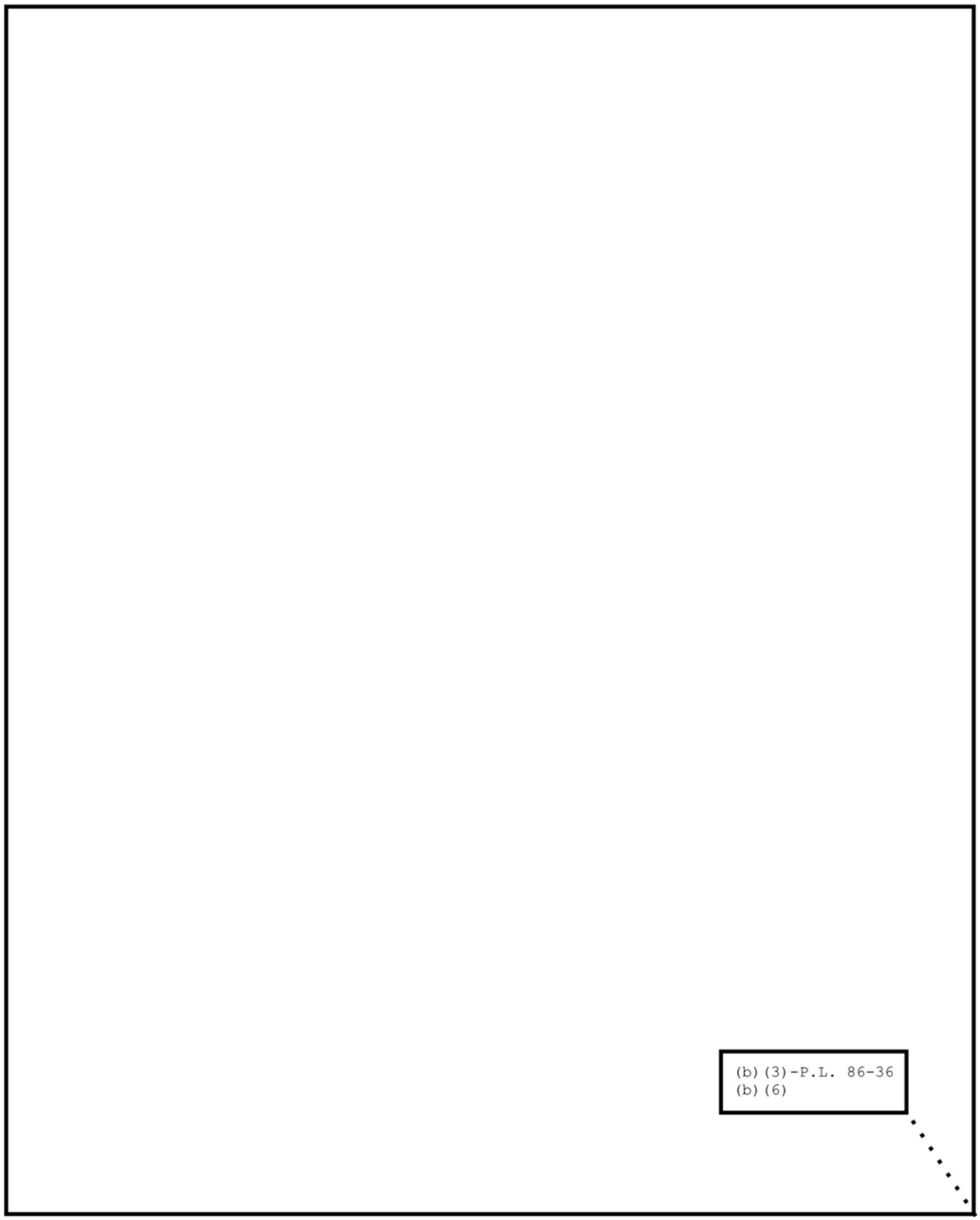
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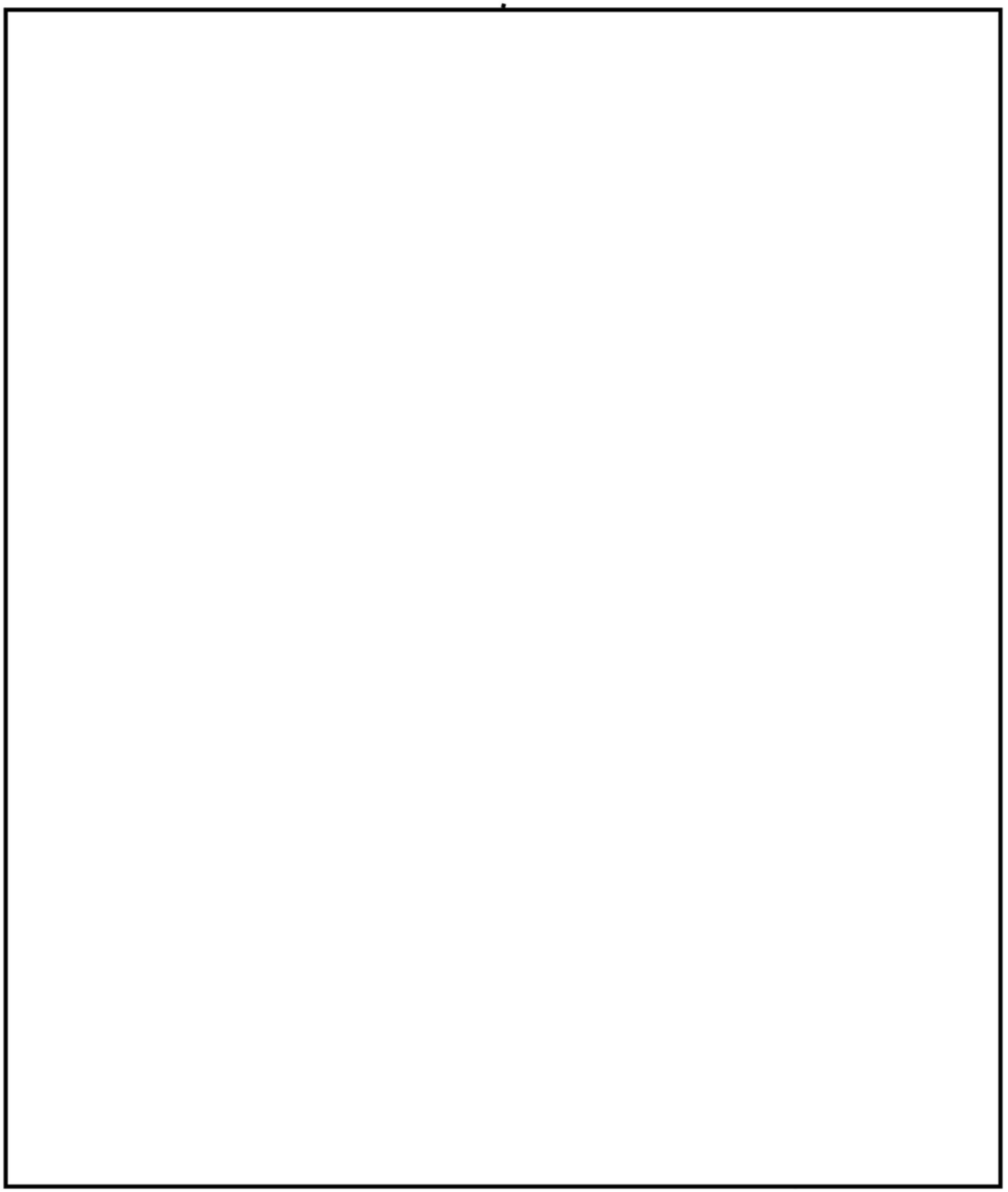

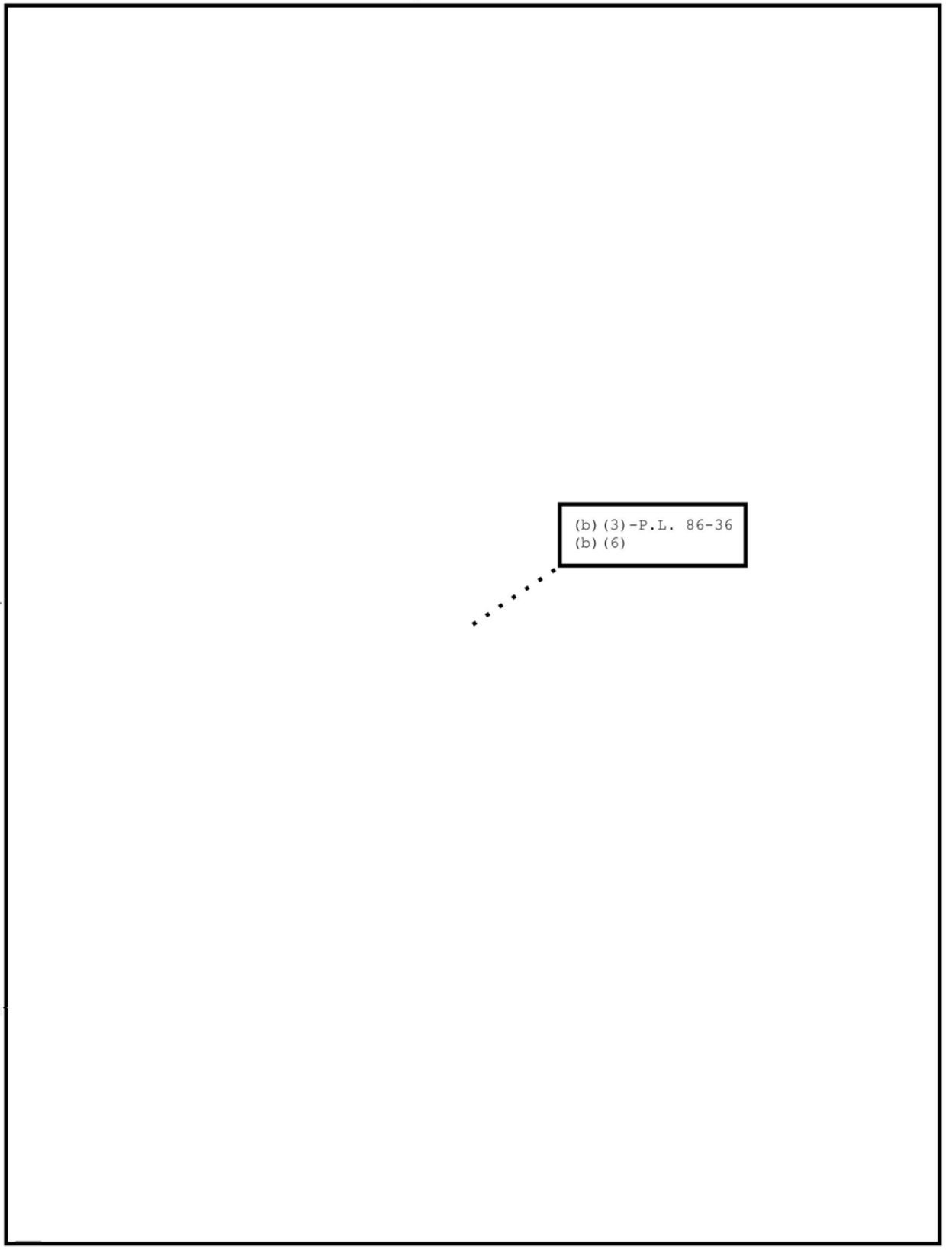
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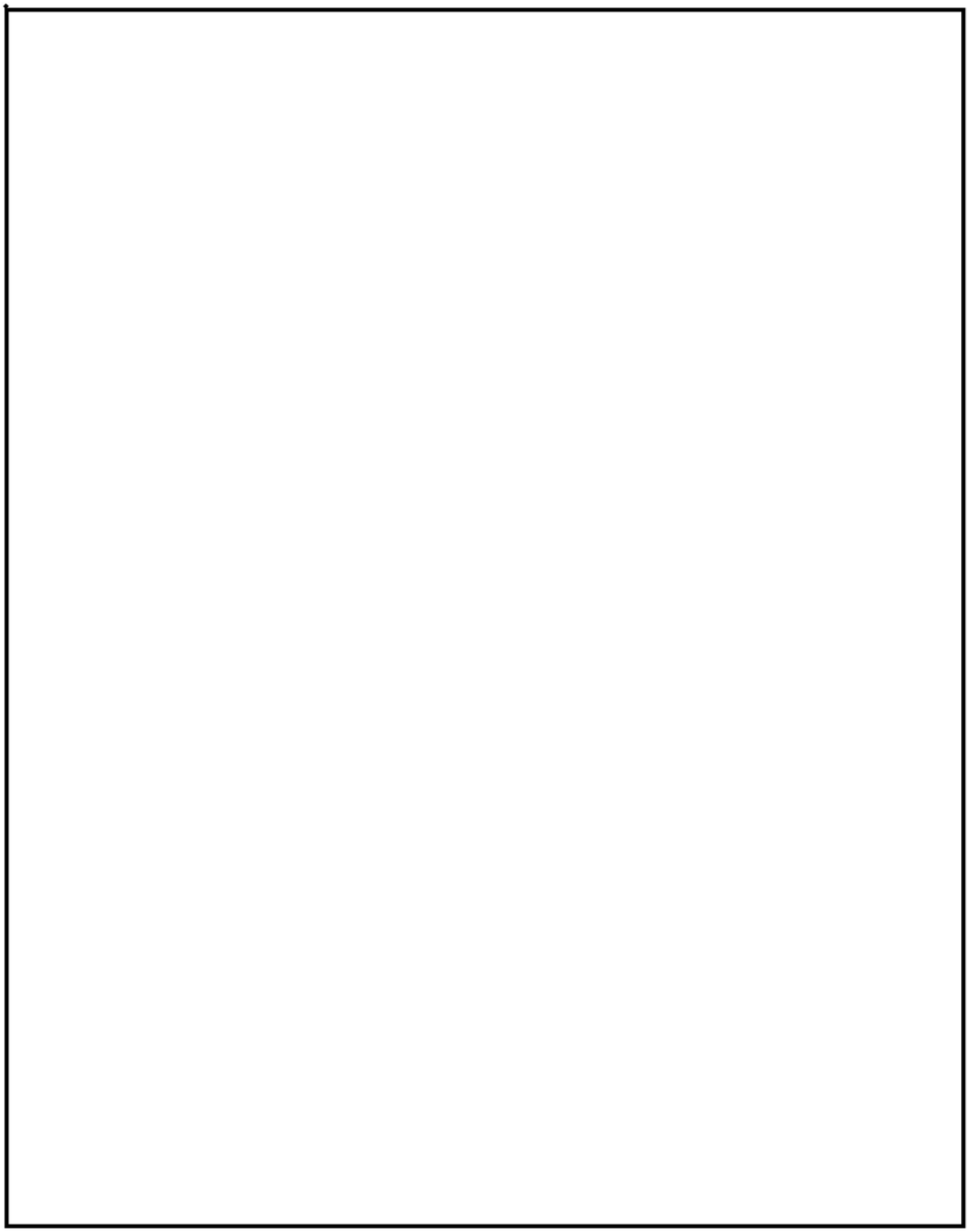

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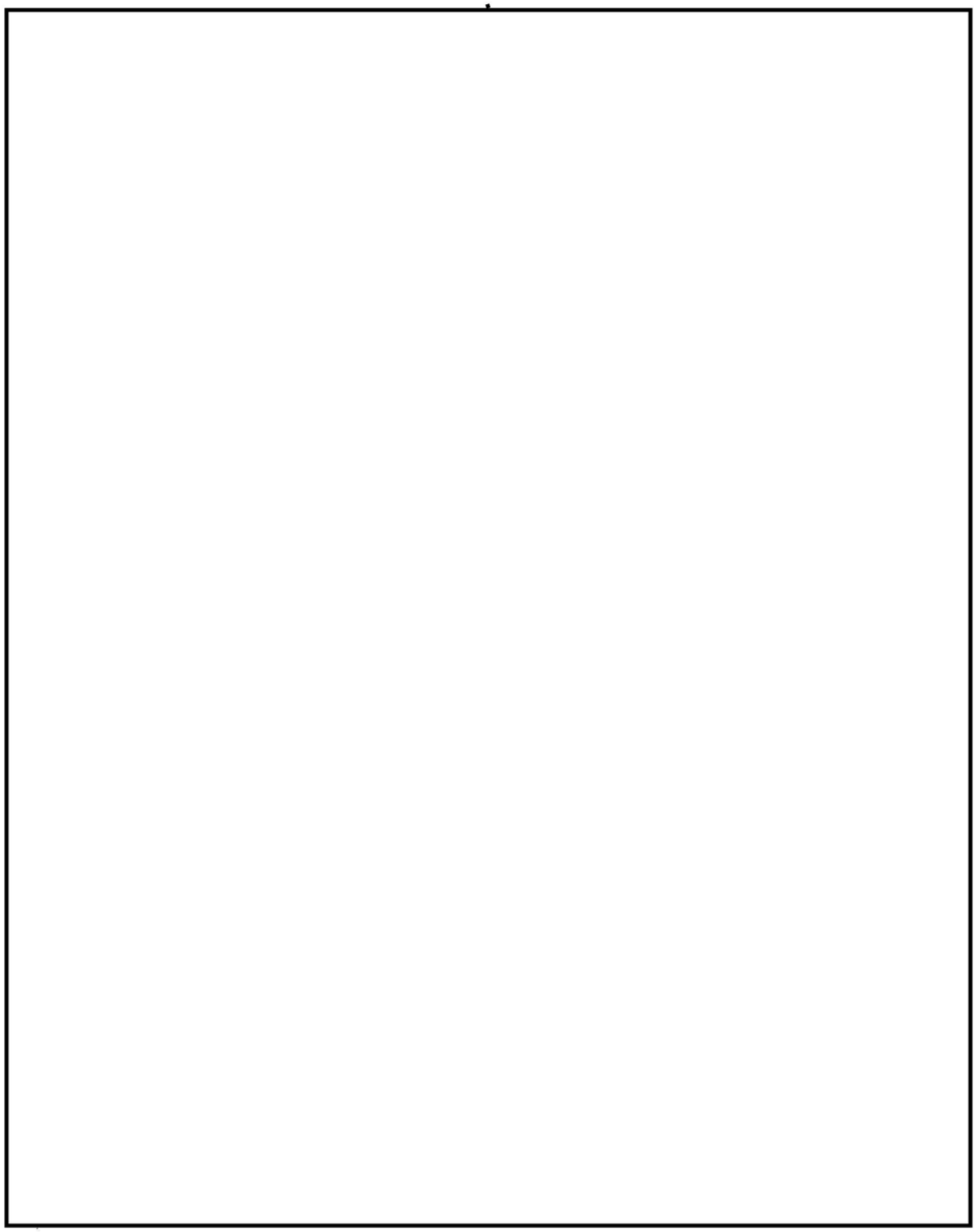

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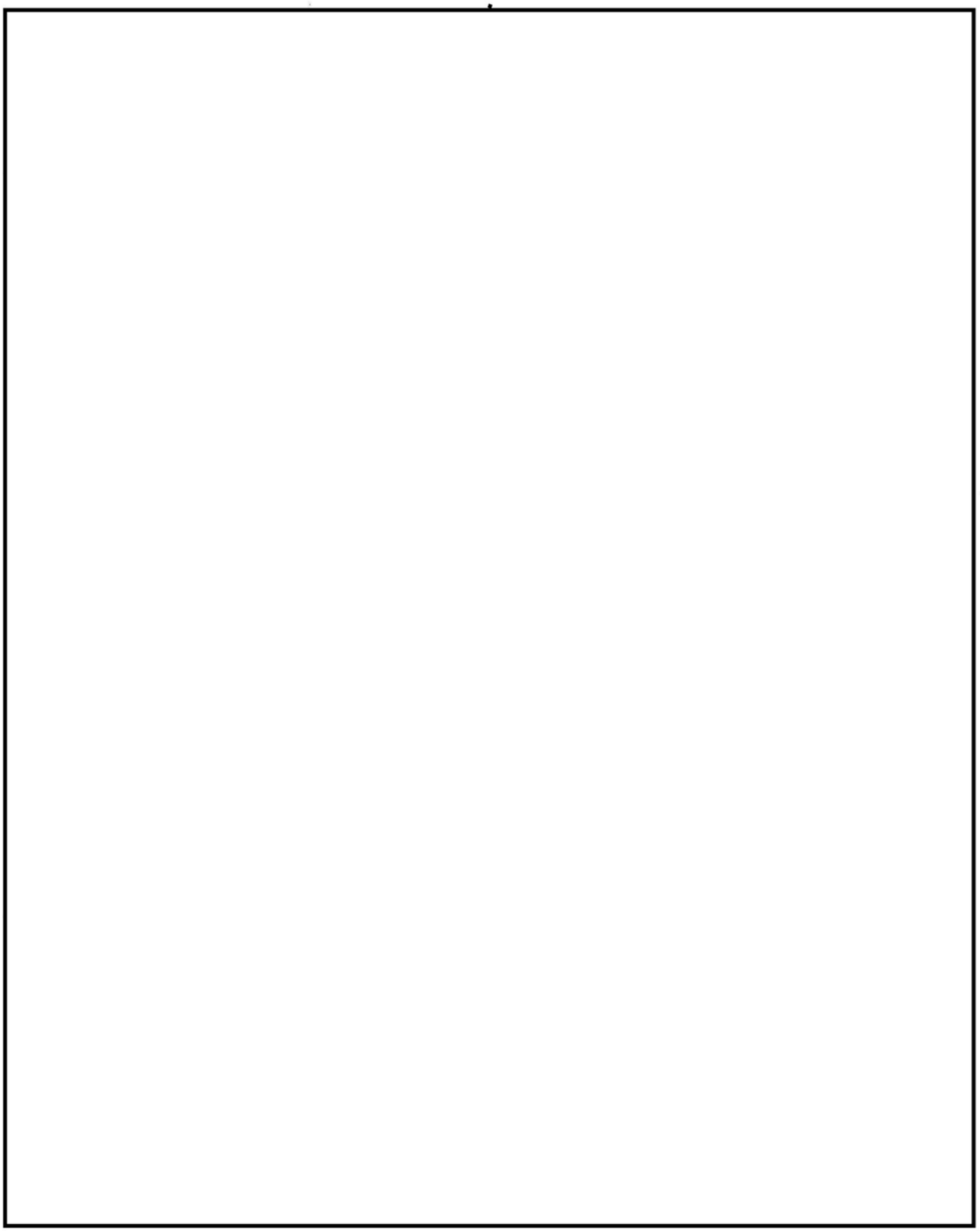

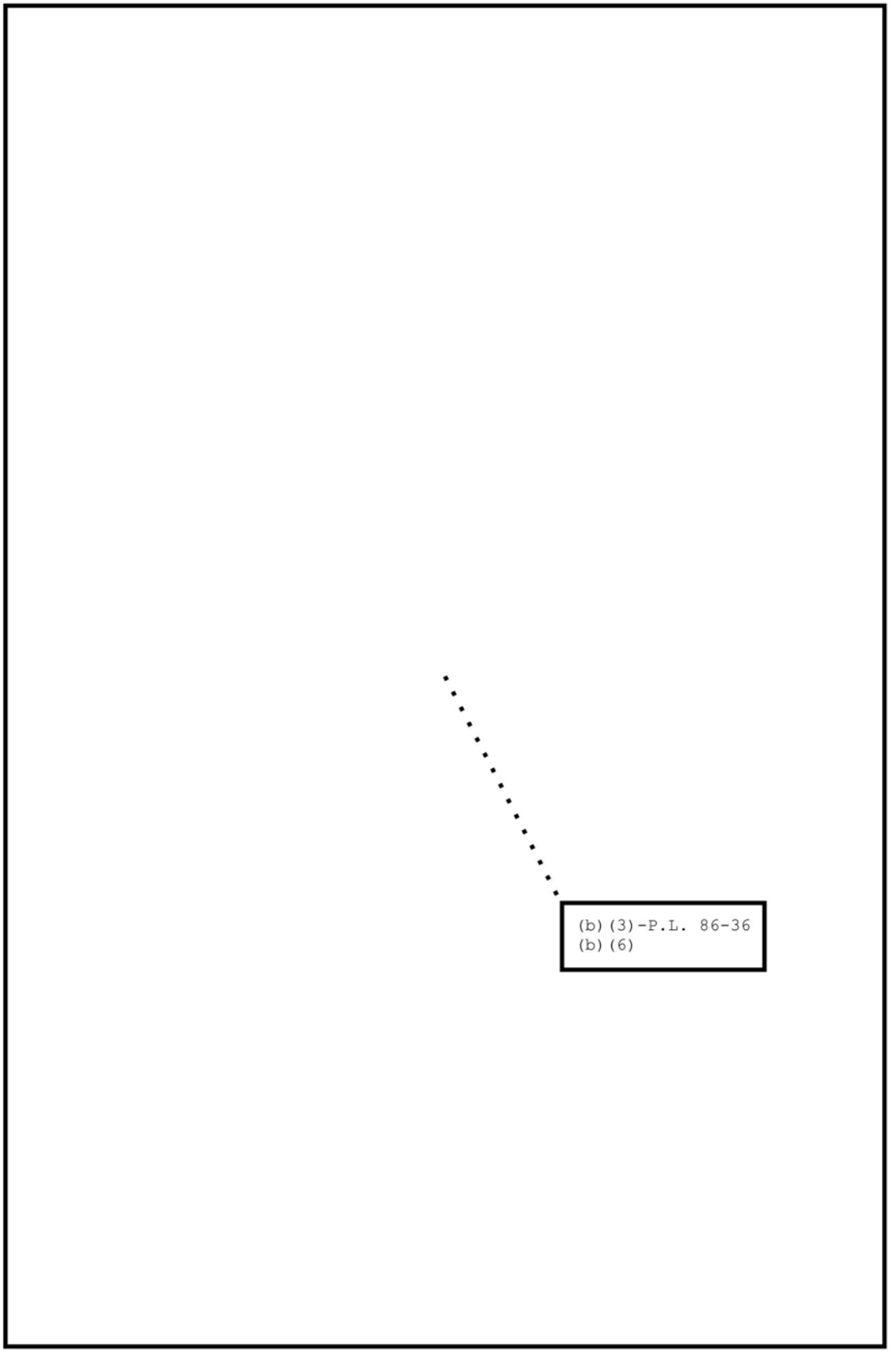
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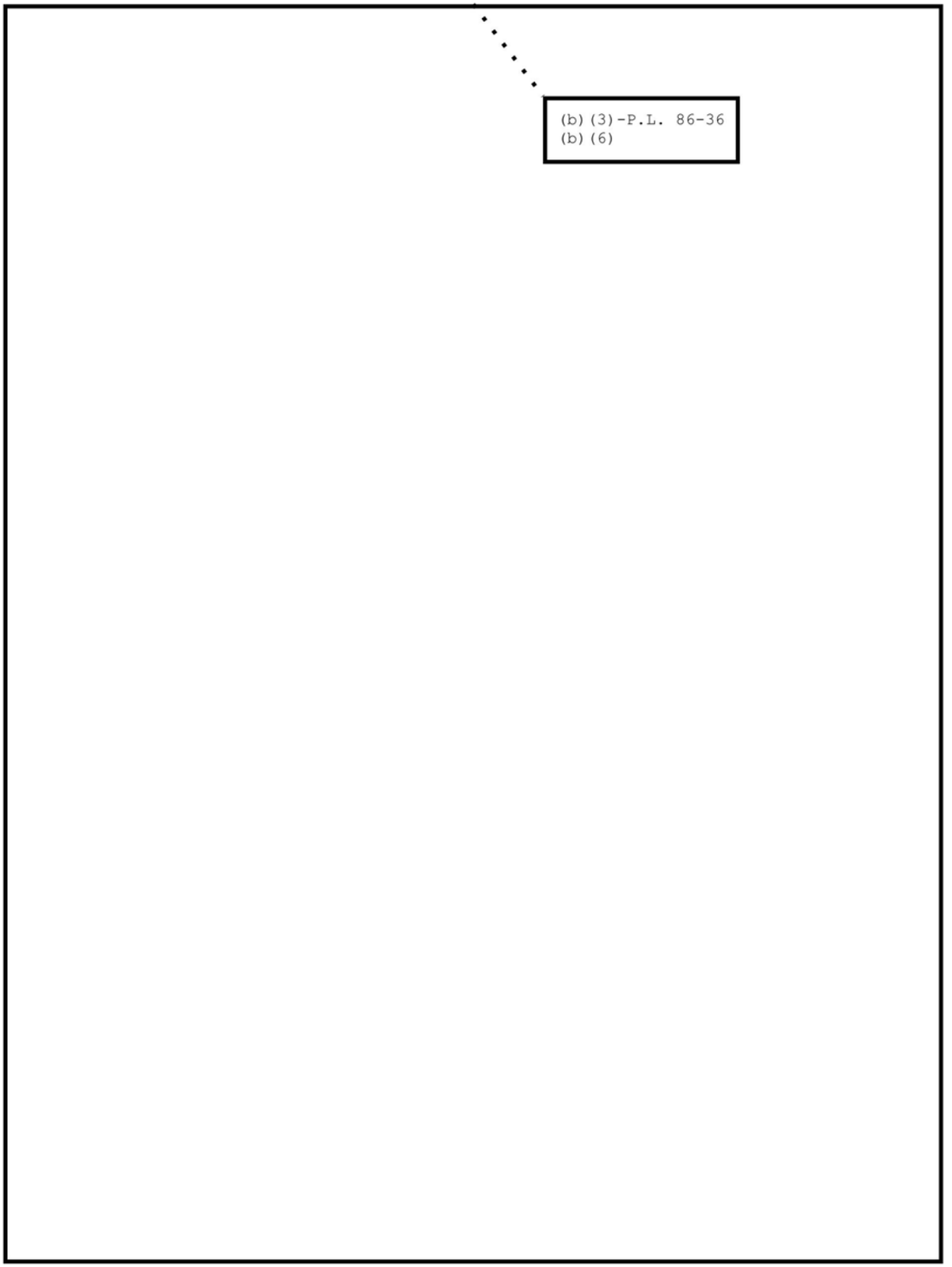
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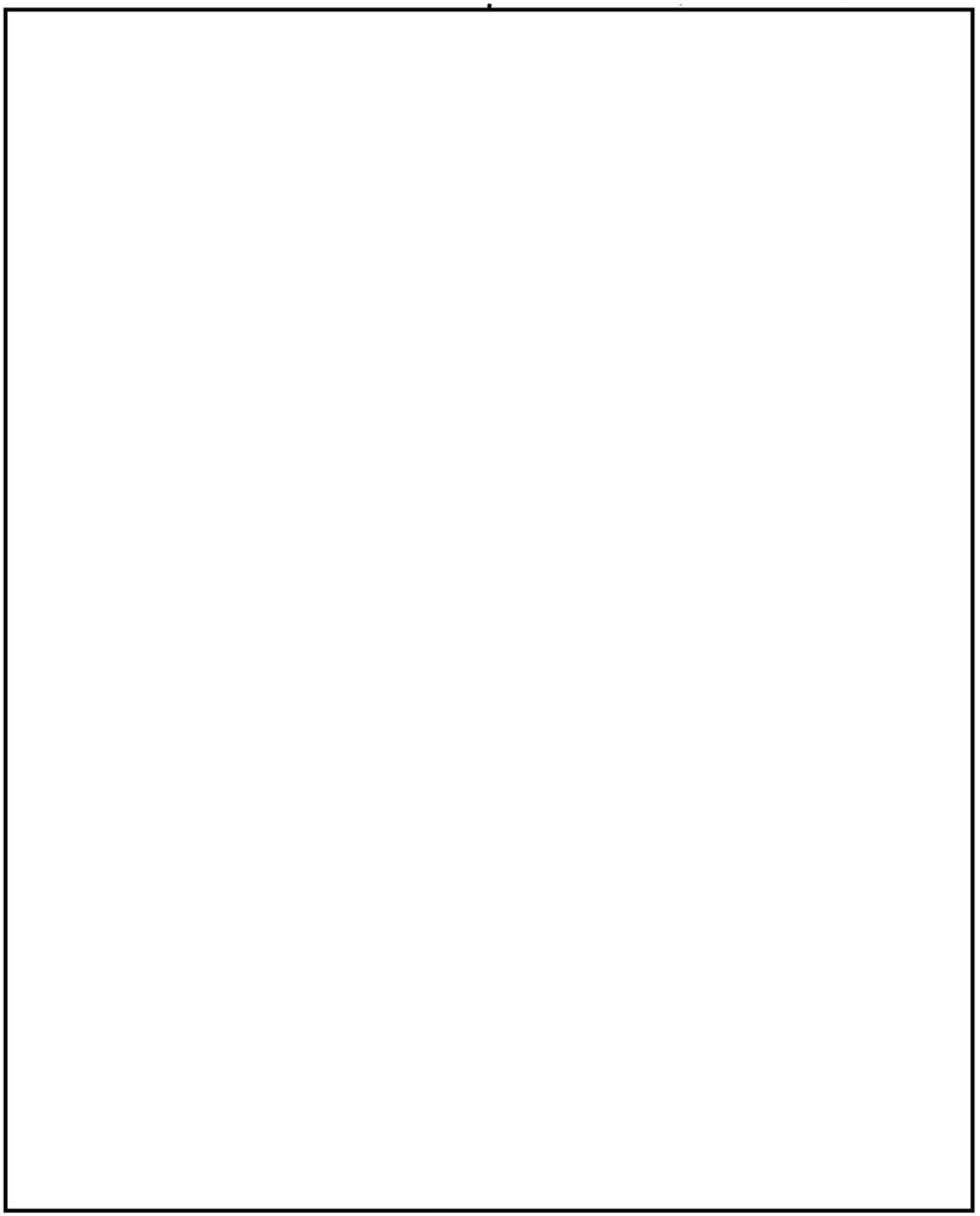

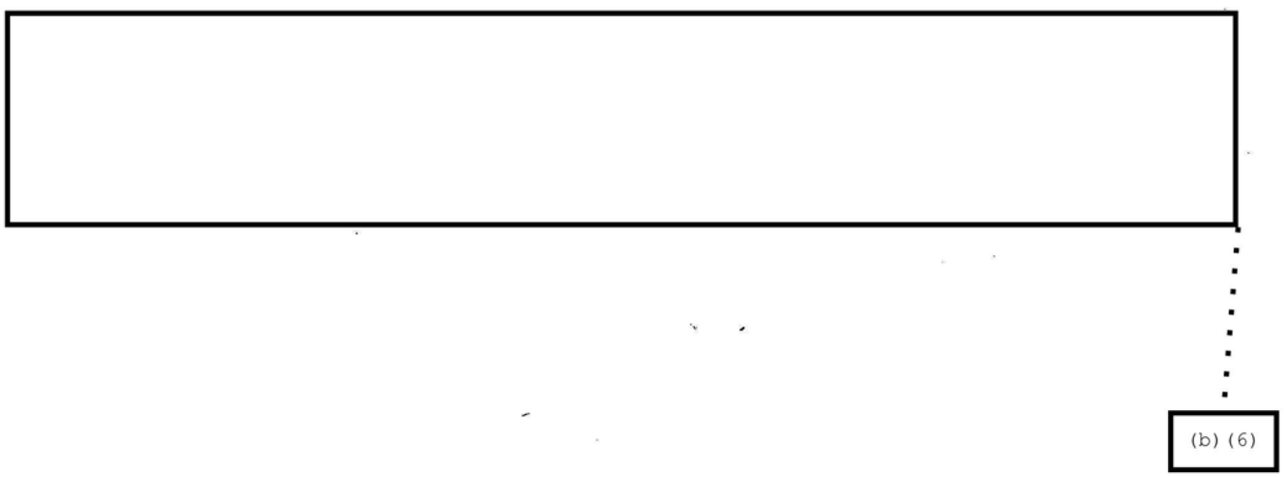
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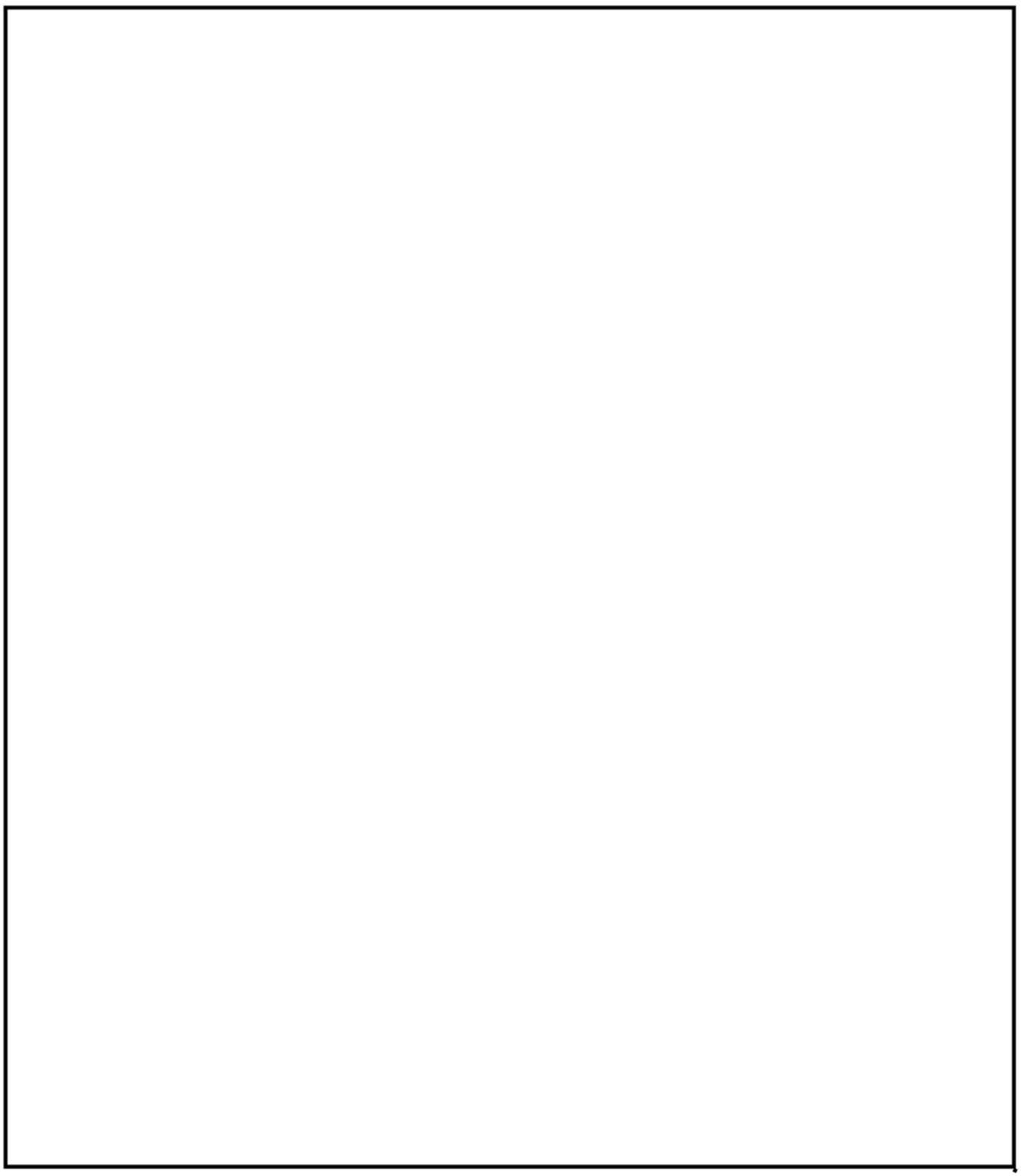

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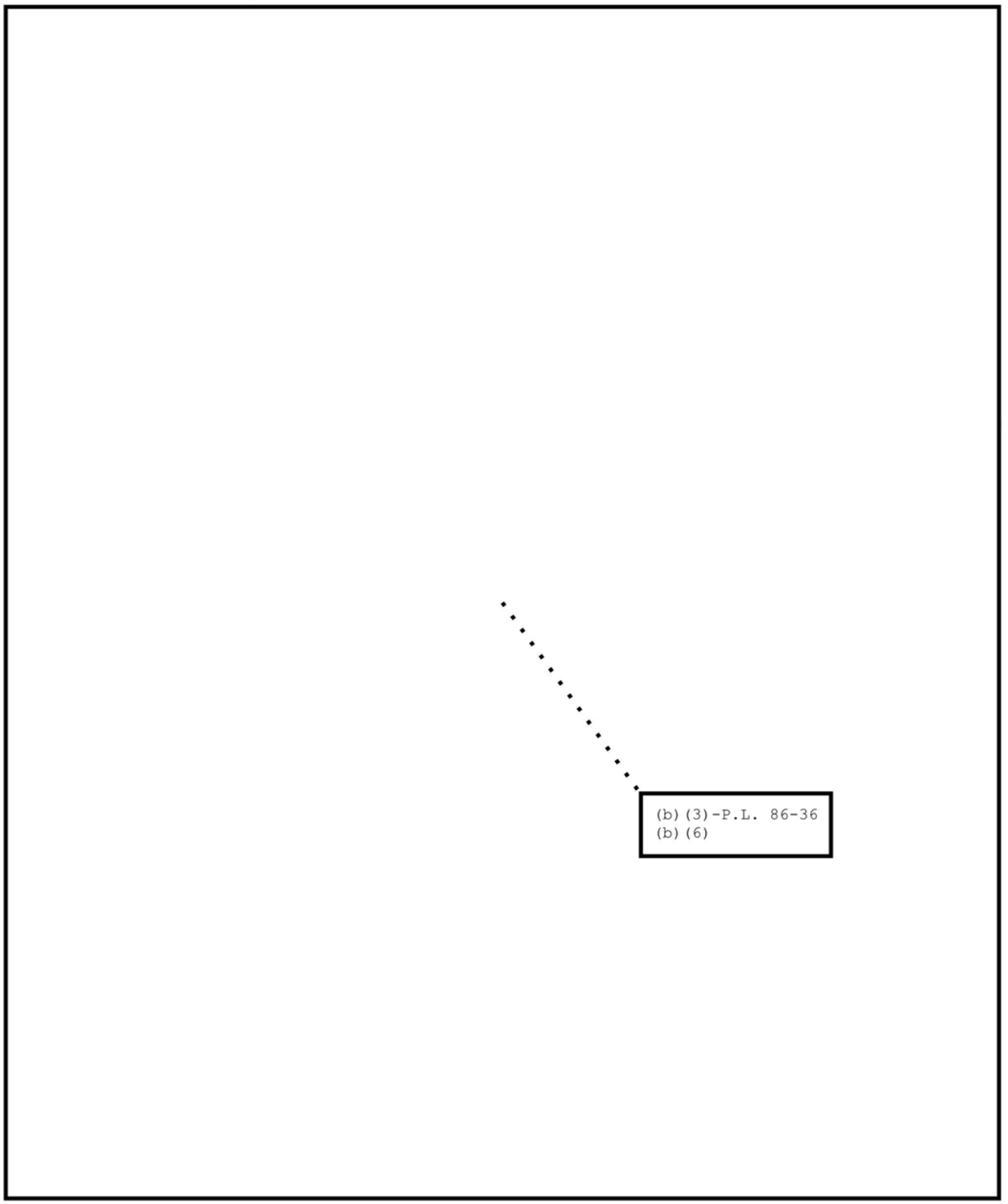
NSA15732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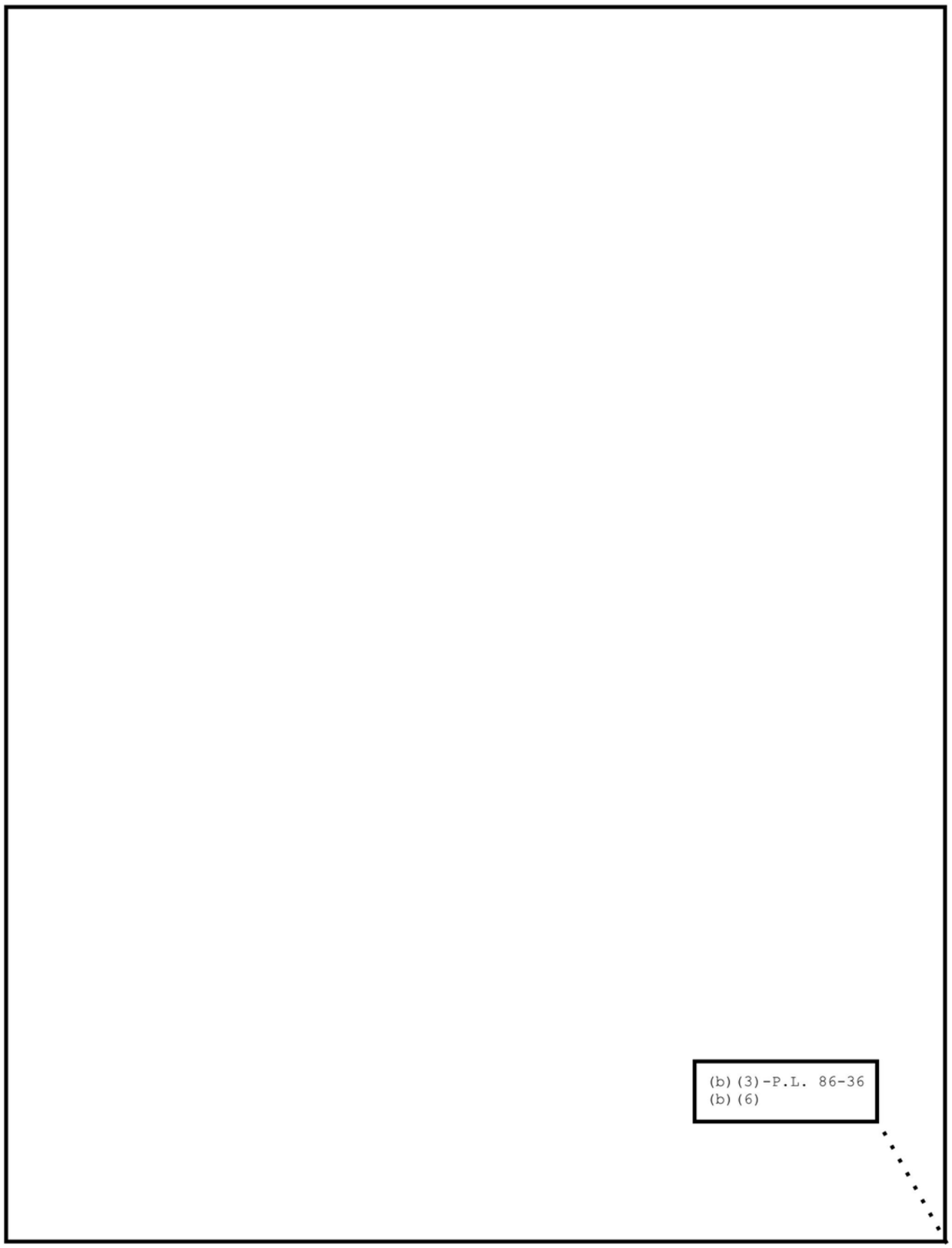
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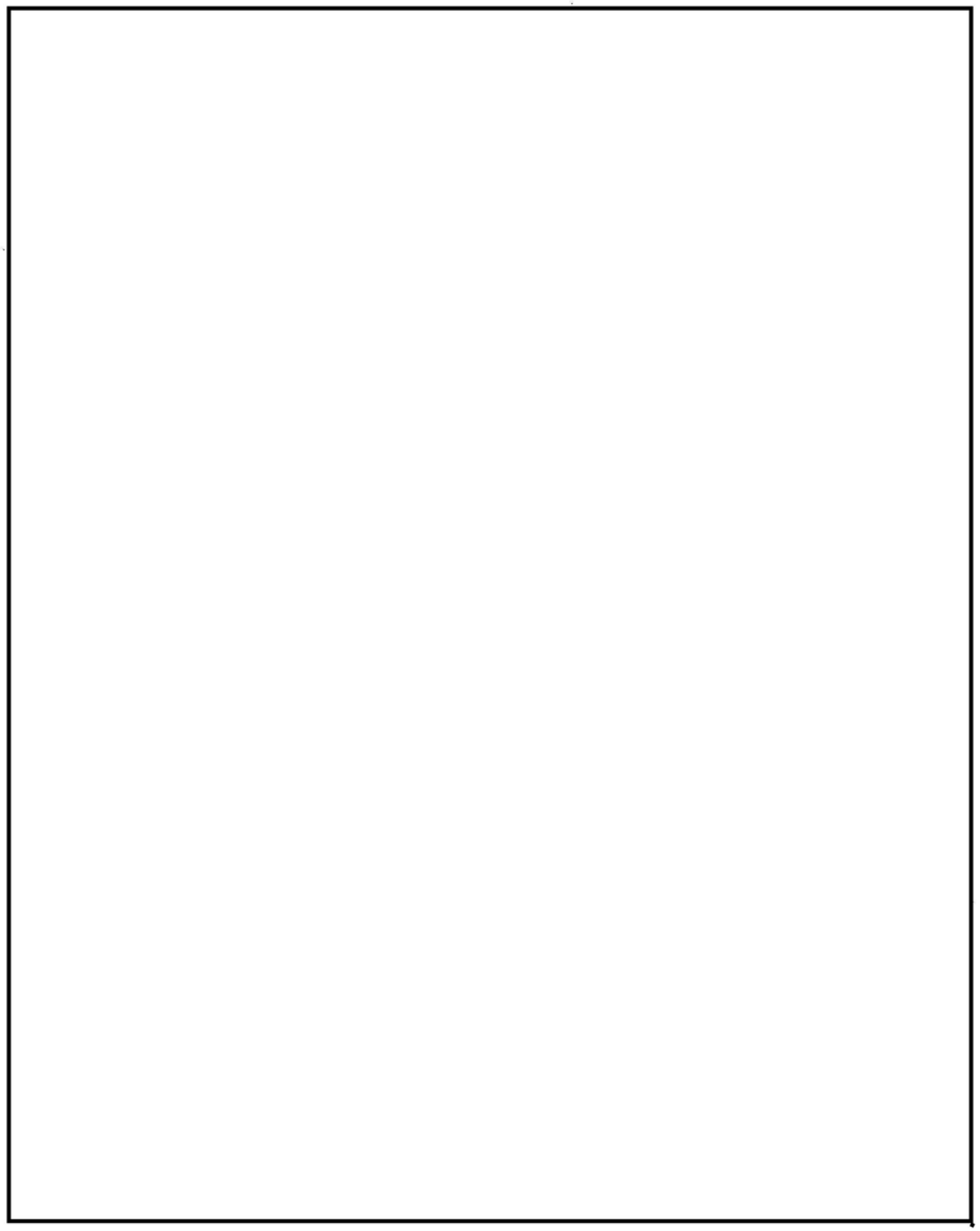

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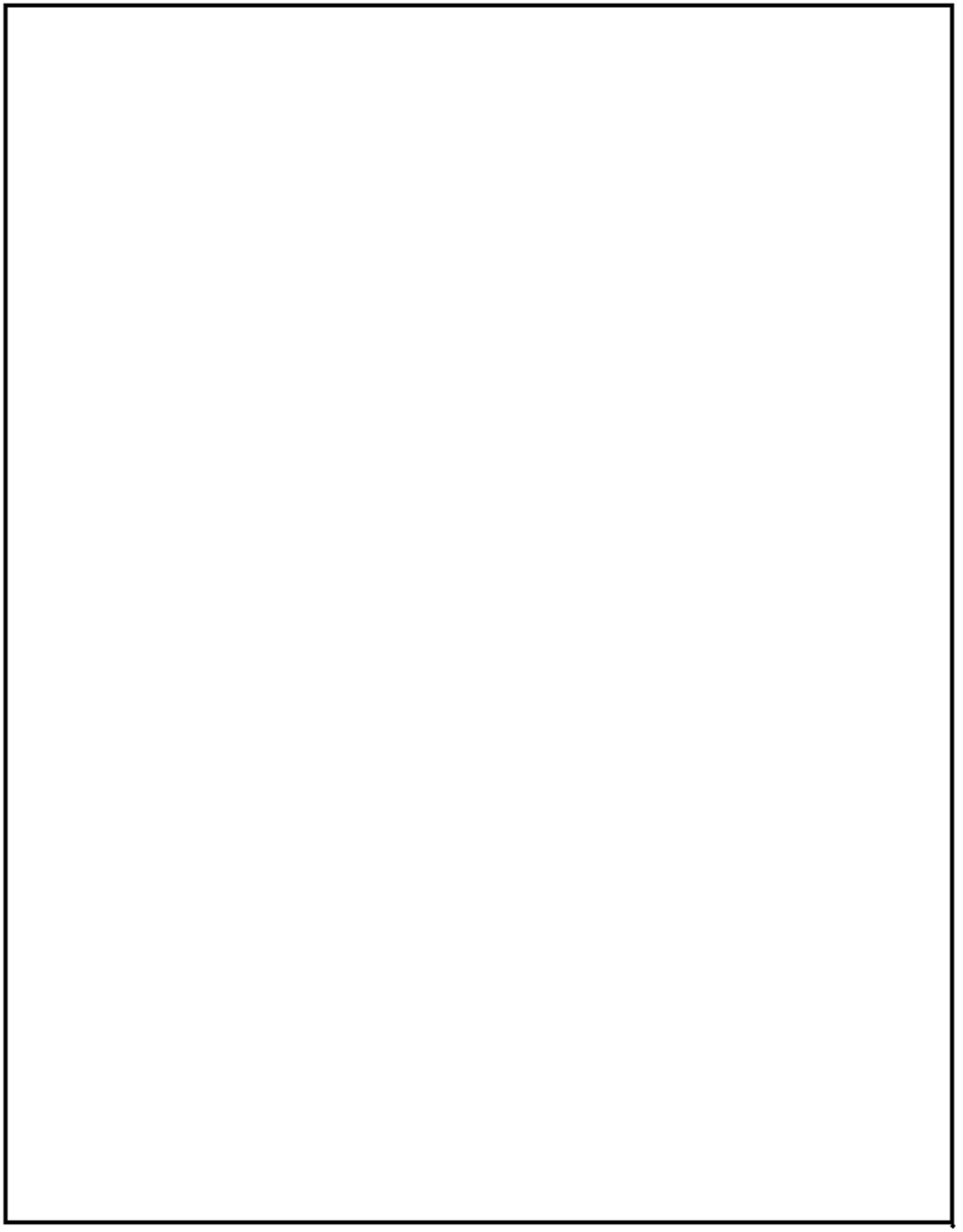

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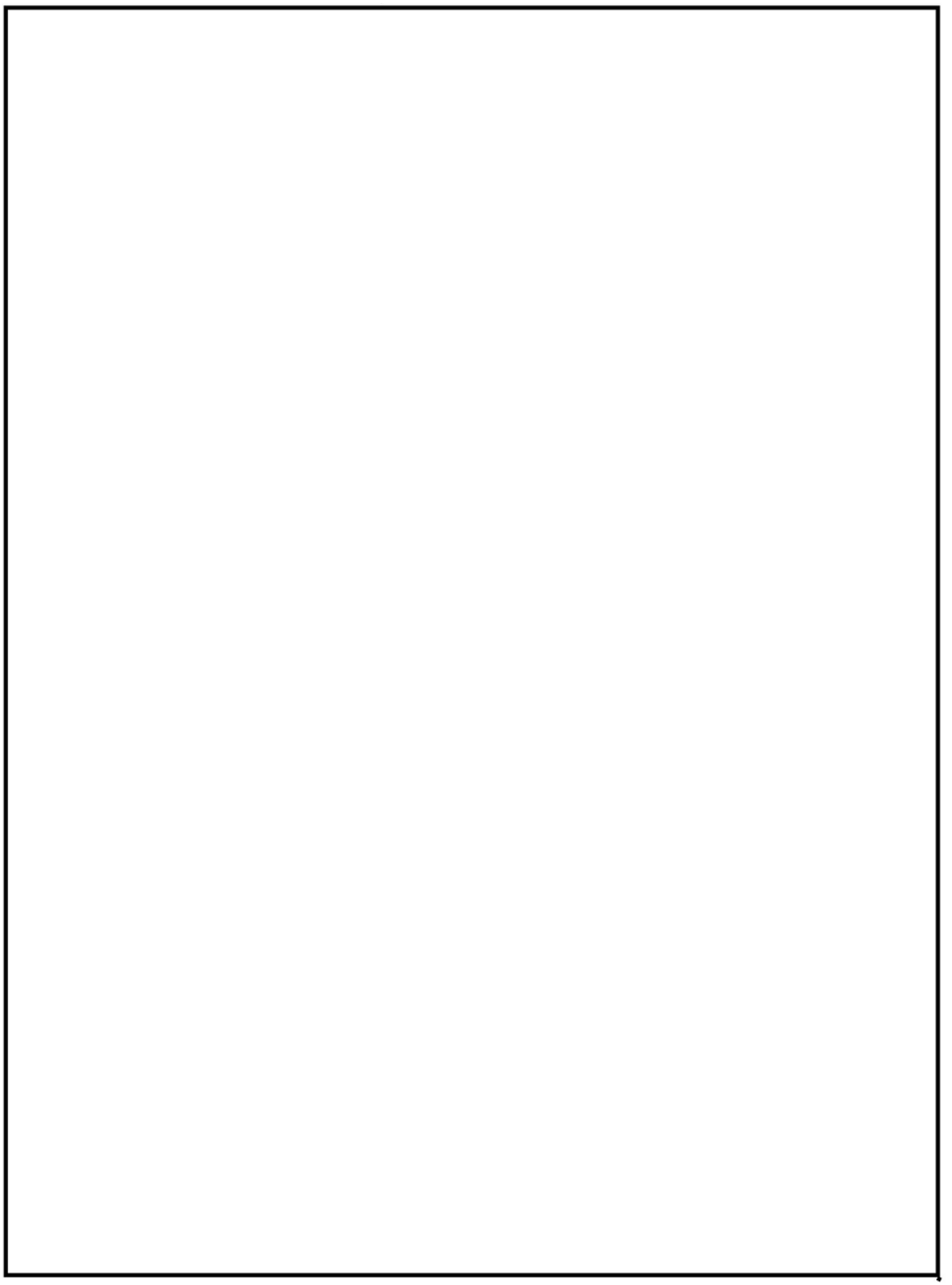

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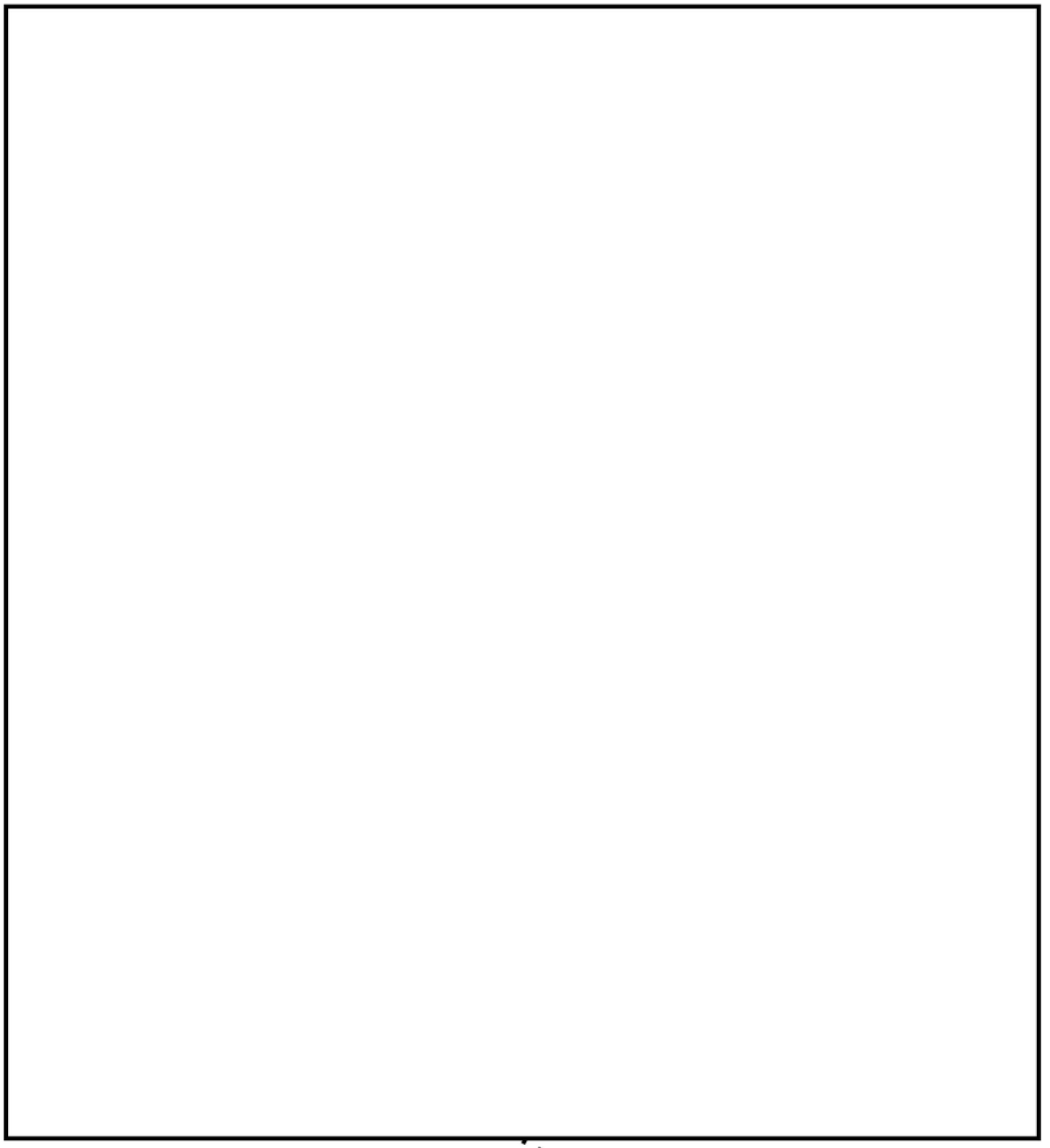

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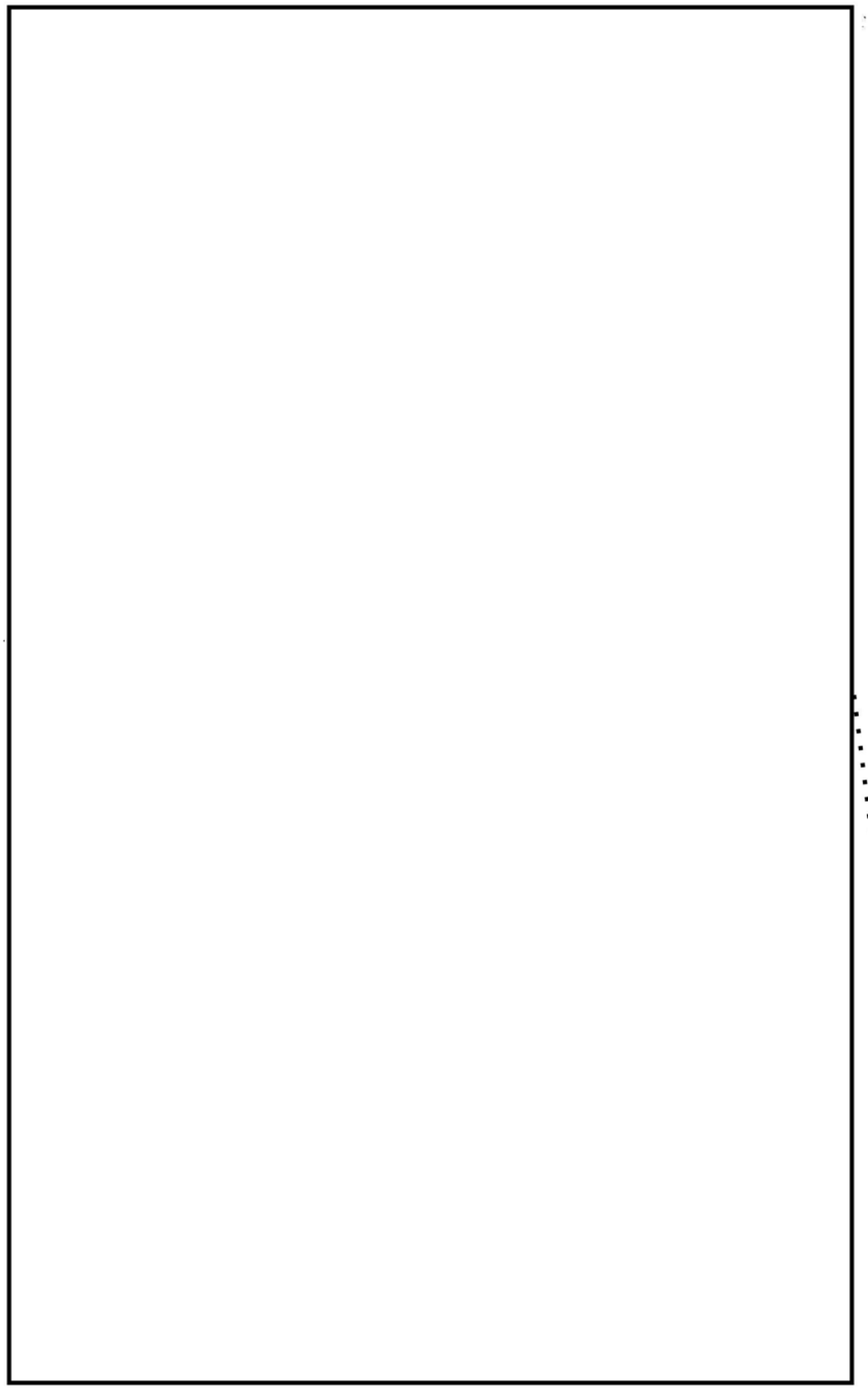

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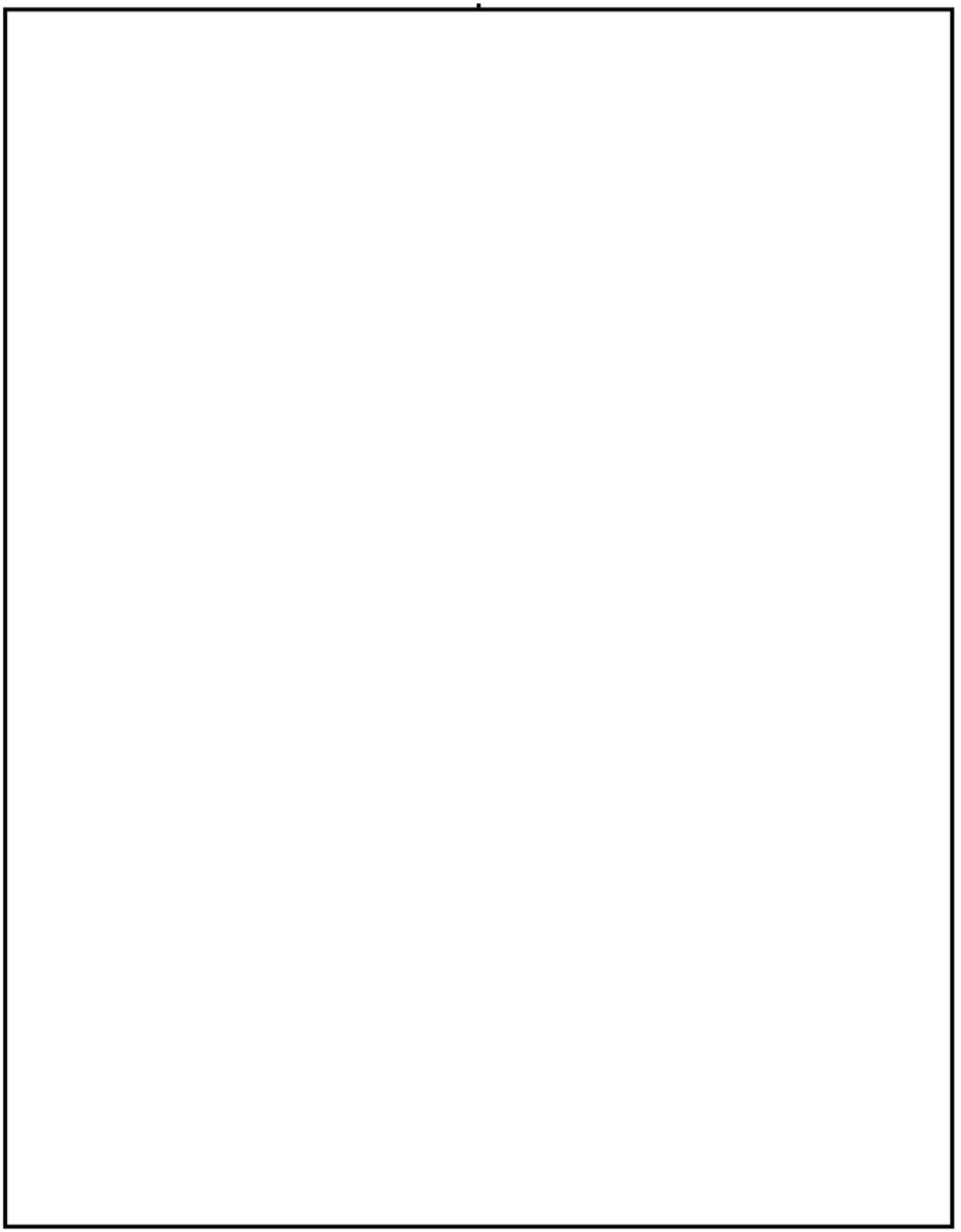

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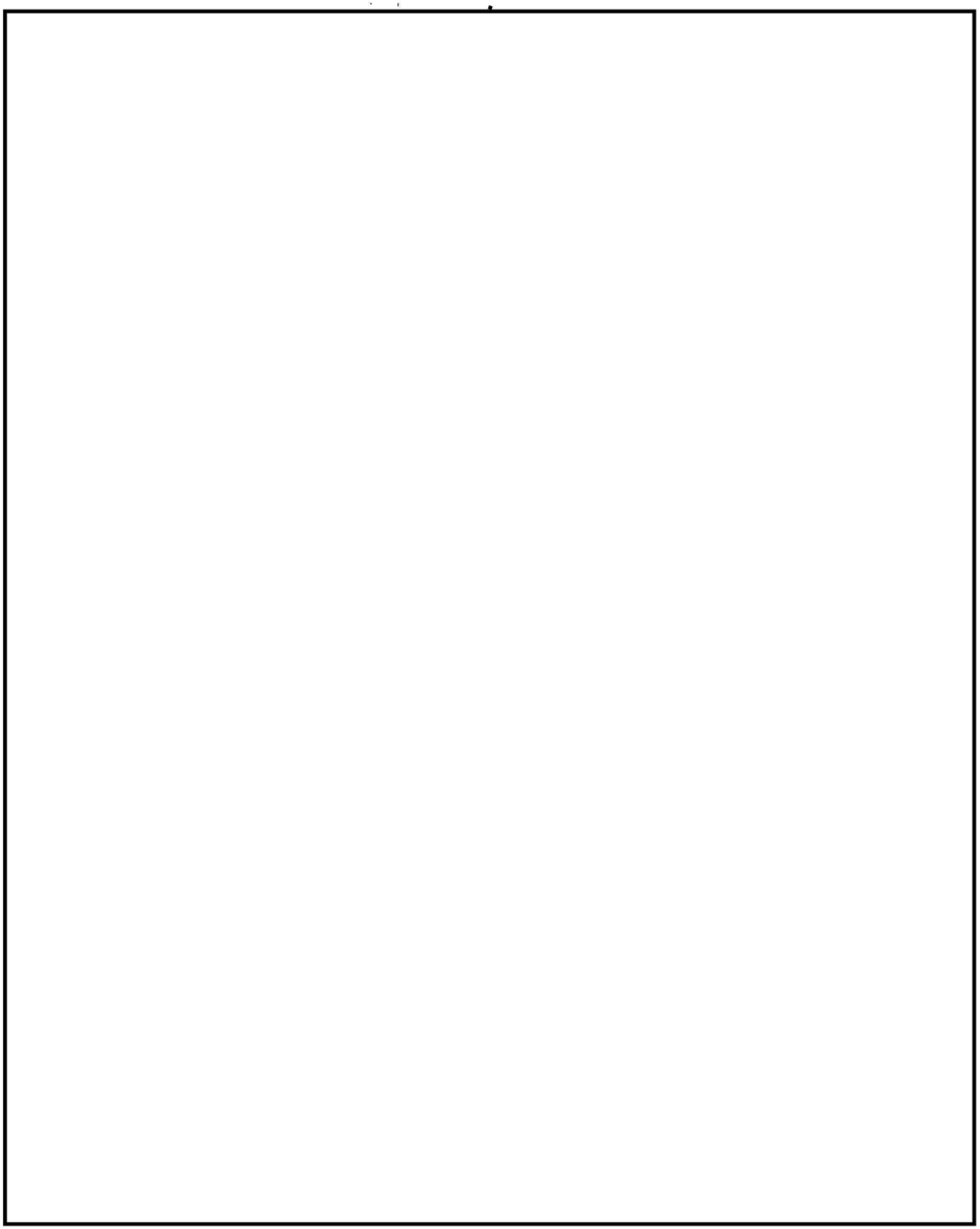

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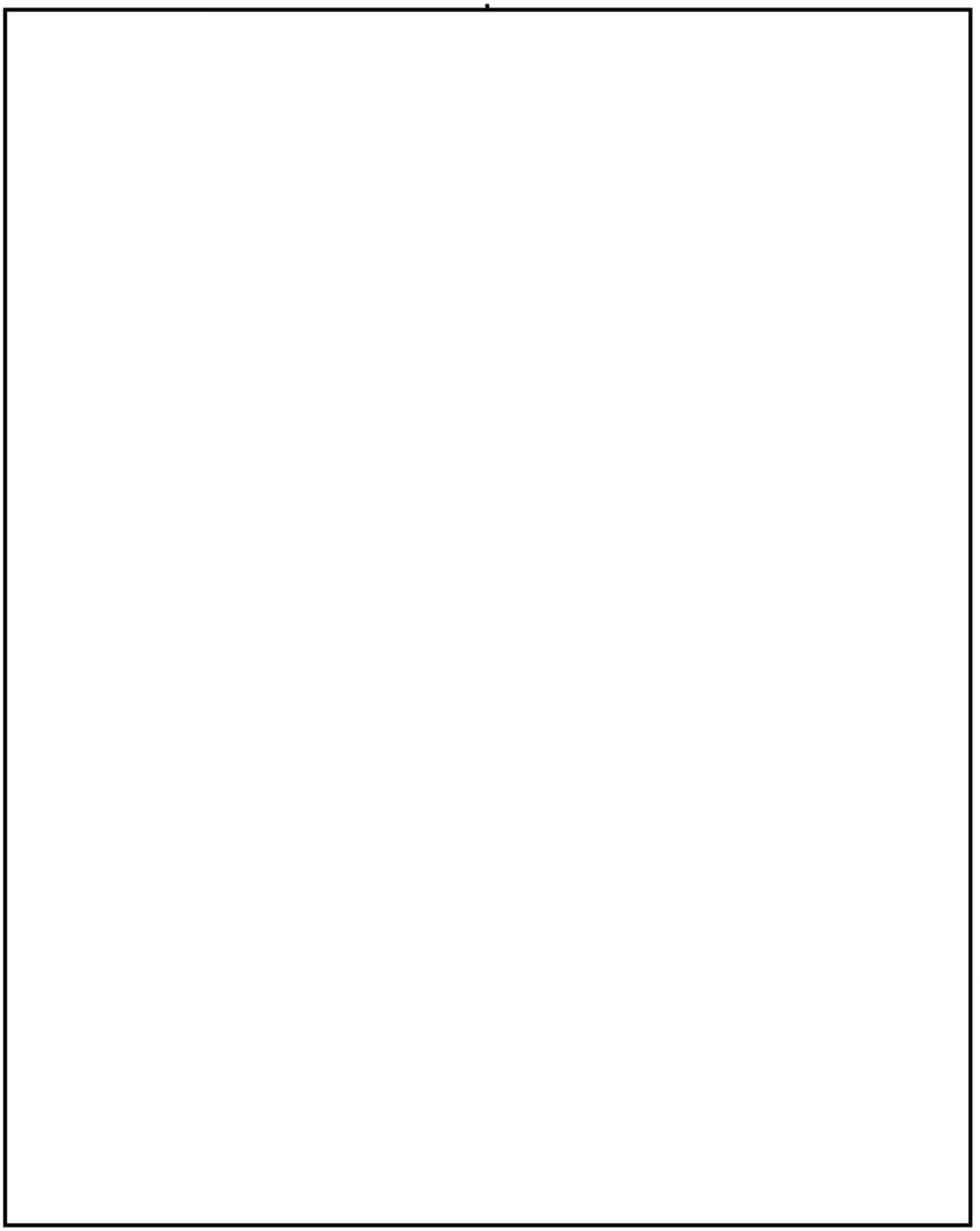

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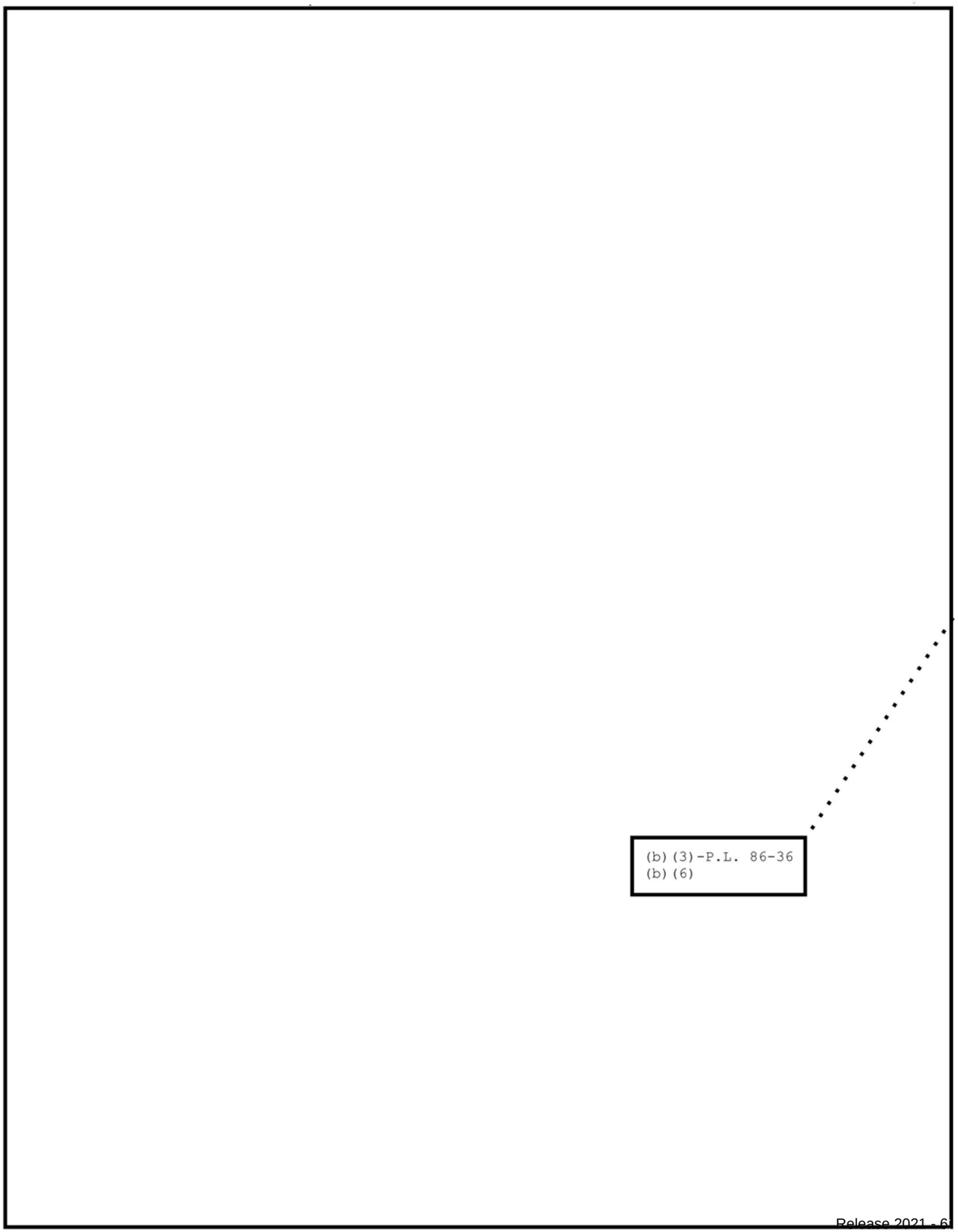

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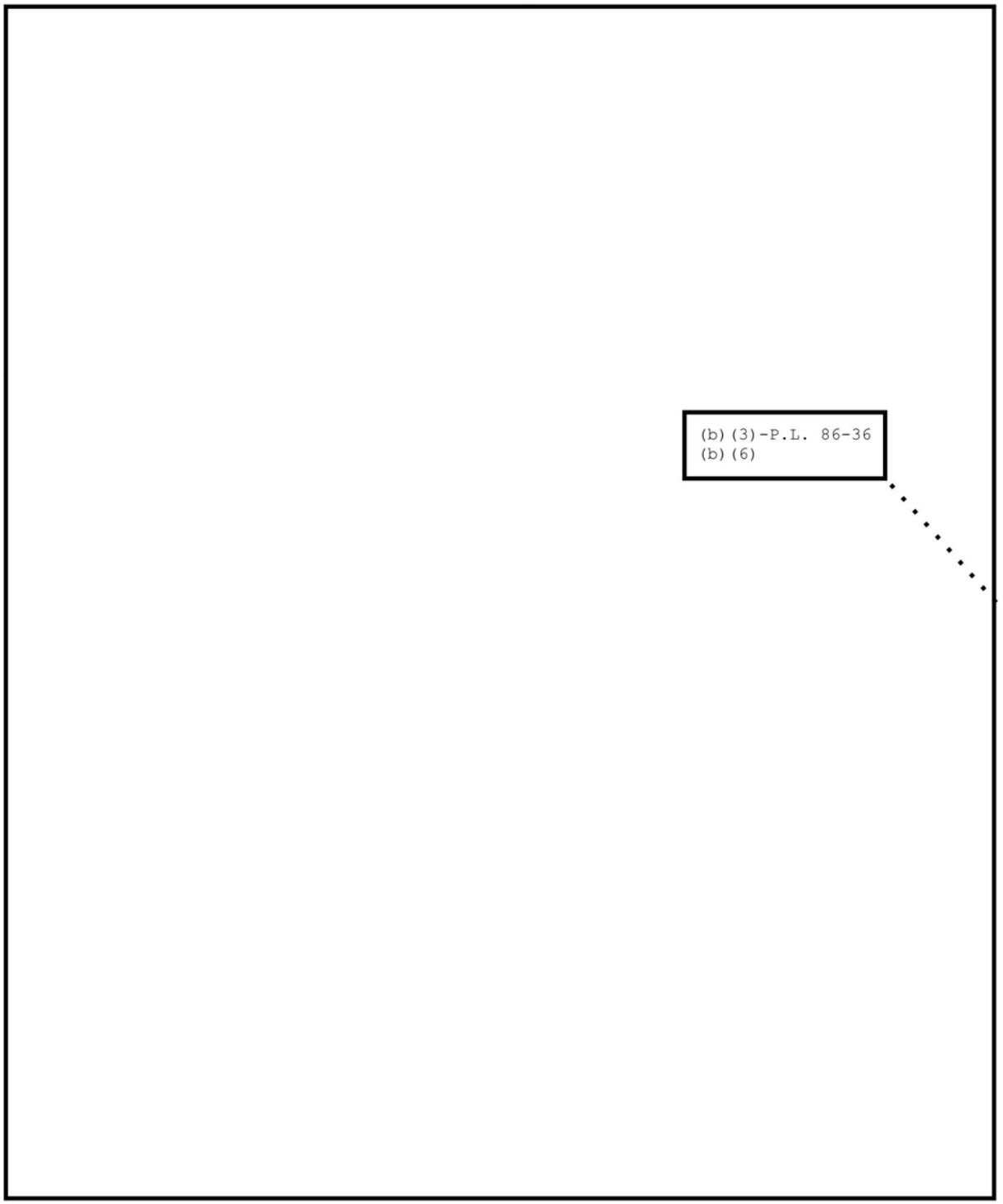
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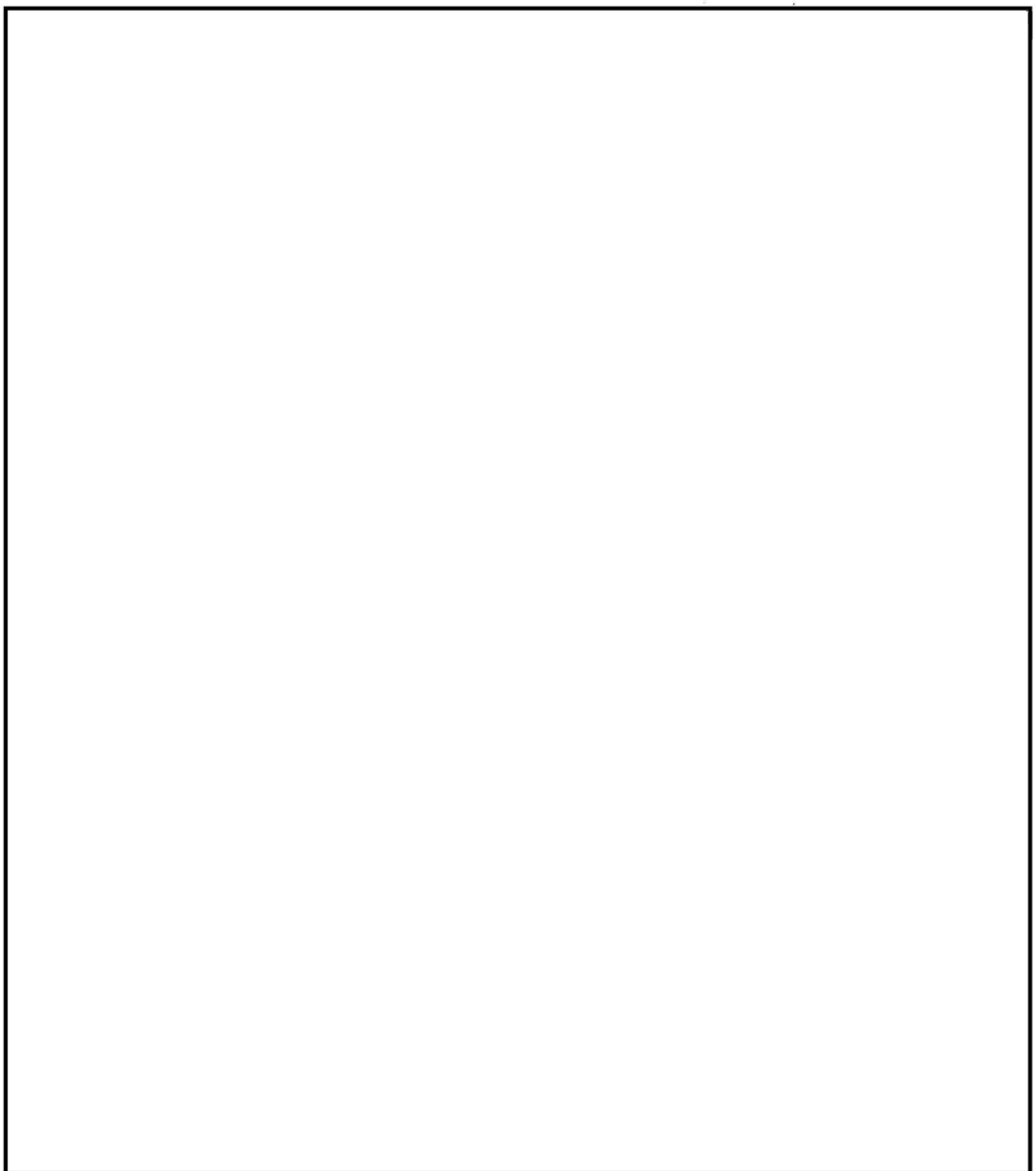

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Derived From: NSA/CSSM 1-52
Dated: 20070108
Declassify On: ~~20400201~~

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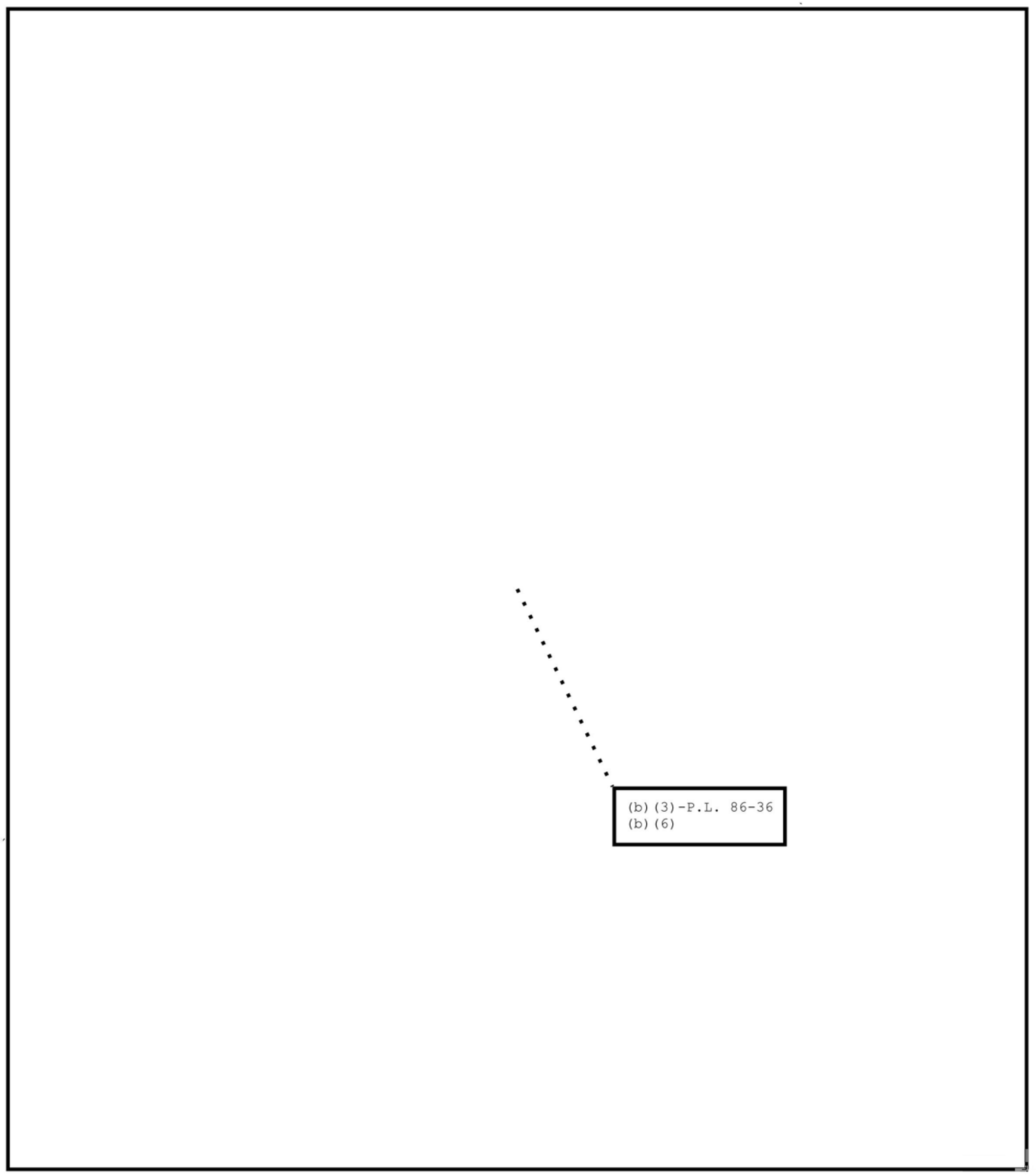

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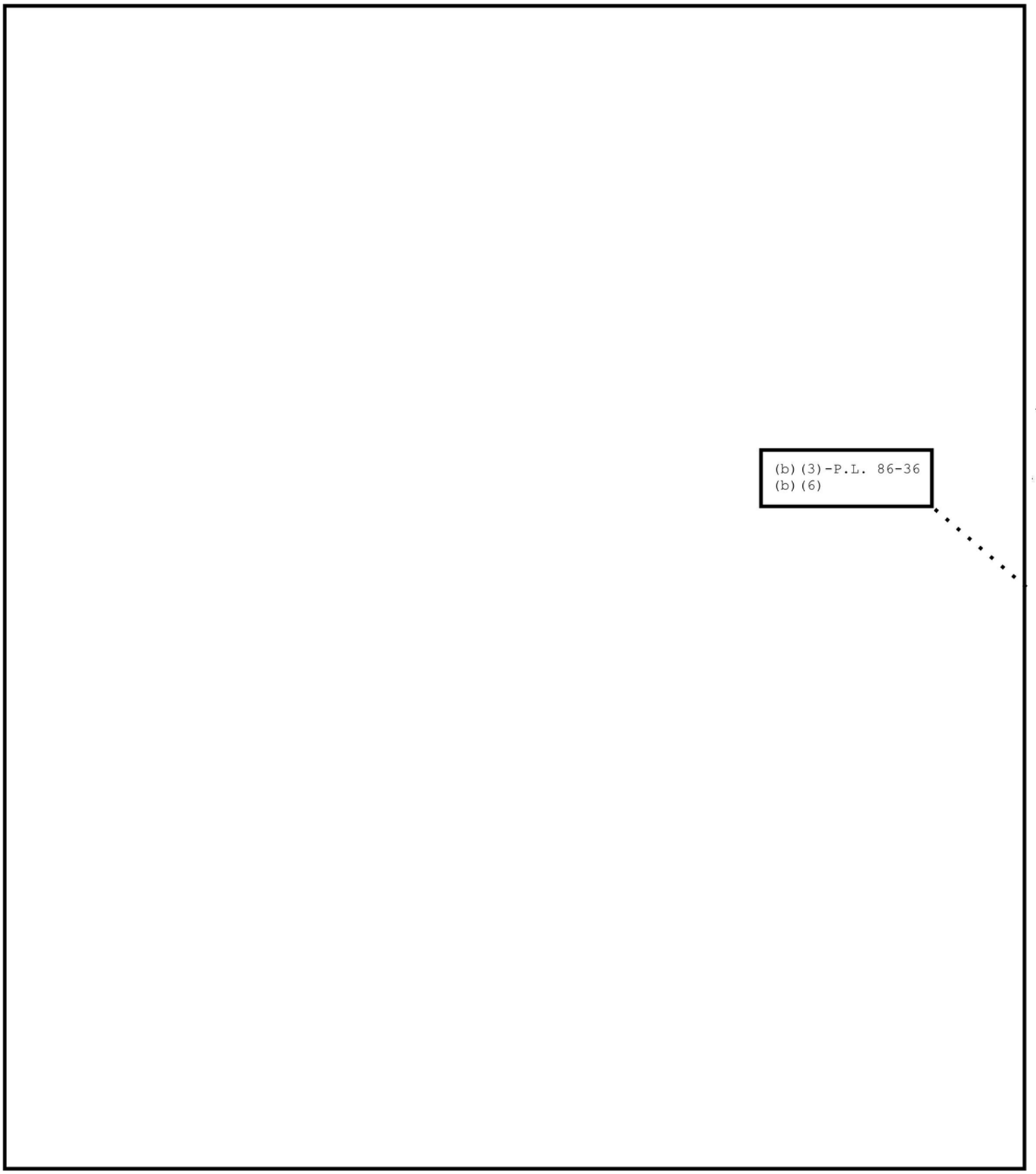
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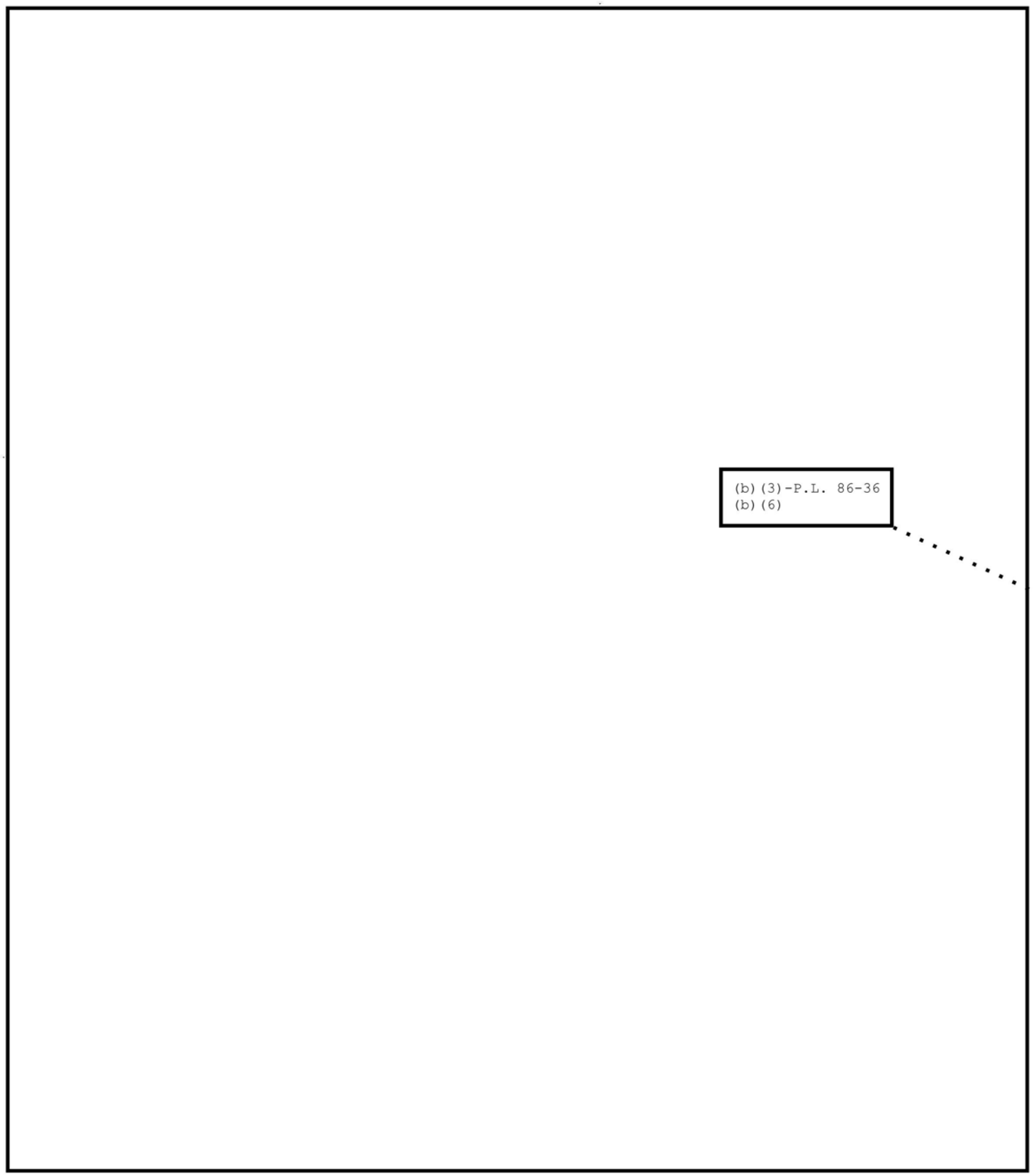

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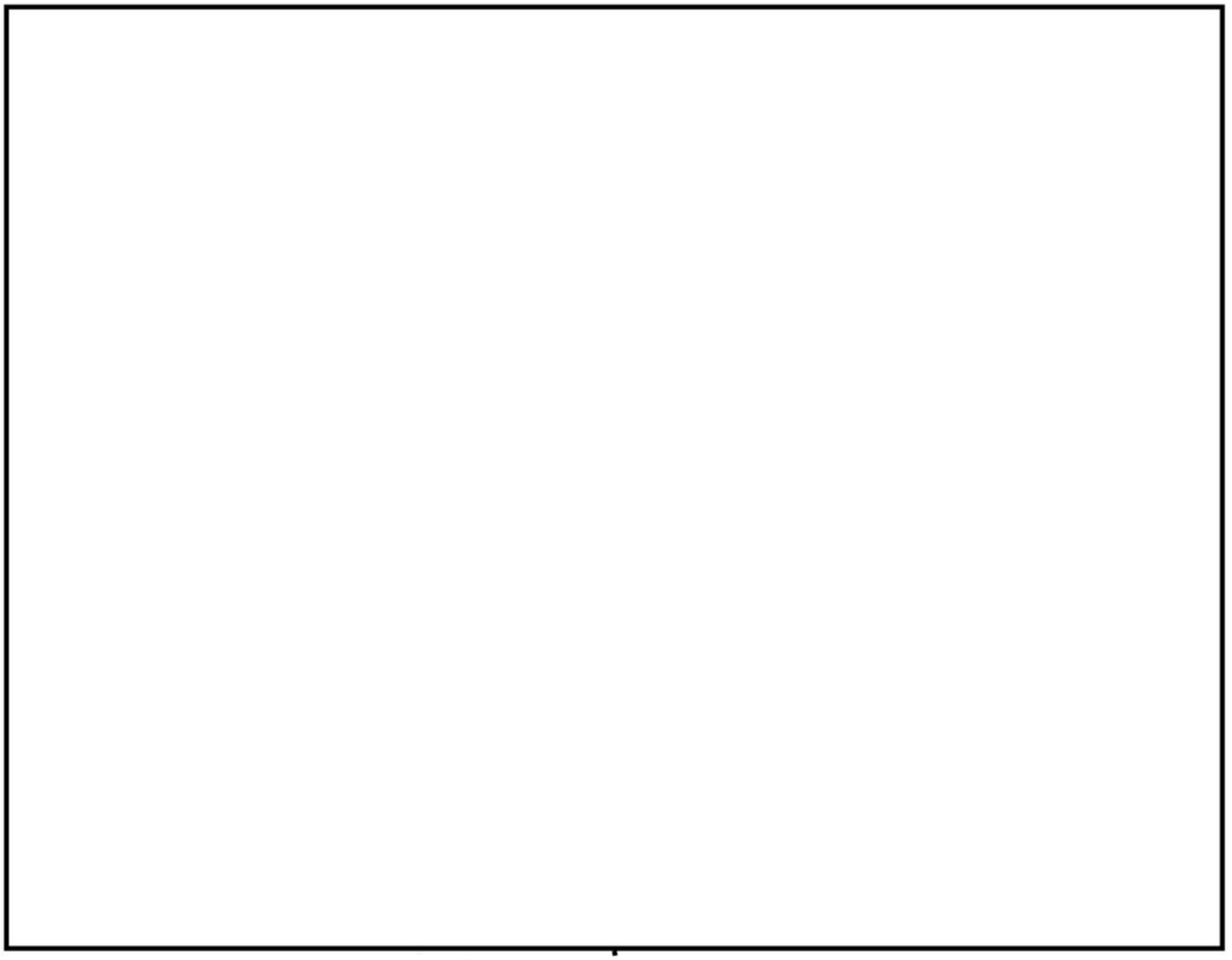

(b)(3)-P.L. 86-36
(b)(6)

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APPENDIX D

(U) [redacted] Response to Tentative Findings

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

[redacted]

From: [redacted]
Sent: Monday, August 24, 2015 1:31 PM
To: [redacted]
Subject: RE: (U) Tentative Conclusions of OIG Investigation

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

[redacted] Please see below.

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

[redacted]

From: [redacted]
Sent: Monday, August 17, 2015 1:16 PM
To: [redacted]
Subject: (U) Tentative Conclusions of OIG Investigation

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

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

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.*

[redacted]

This email serves as notification of the tentative conclusions reached in the Office of Inspector General (OIG) investigation into the allegation that you were engaging in inappropriate conduct, specifically sexual activity in a [redacted] during the workday. In accordance with the investigative process, you have the opportunity to comment on the conclusions.

TENTATIVE CONCLUSIONS of OIG INVESTIGATION:

(U//~~FOUO~~) NSA/CSS Policy Personnel Management Manual (PMM) Chapter 366, section 2-1 states that employees will not engage in conduct that disrupts the workplace or interferes with work performance, and that employees will not make sexual advances or engage in physical conduct of a sexual nature, whether welcome or not, in the workplace. From November 2013 until October 2014, you met with [redacted] twice a week on average during the workday and engaged in sexual activity in [redacted] had access to [redacted] and suggested to you that you begin meeting there. The meetings were during duty hours, and in NSA/CSS spaces, specifically [redacted] that belonged to the [redacted] organization.

(U//~~FOUO~~) NSA/CSS Policy PMM Chapter 366, section 1-3, states that employees should give thorough, efficient, and industrious service in the performance of their assigned duties. The DoD Joint Ethics Regulation (JER) 5500.7-R states that "Federal Government communication systems and equipment…shall be for official use and

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authorized purposes only…." Additionally, NSA/CSS Policy Manual 6-3, Chapter 2, section 3.b states that all NSA/CSS IS users shall "Use Information Systems for official government and/or mission related purposes."

(U//~~FOUO~~) You estimated you spent two hours a day (on average over a one year period) on your government computer in non-work related chatting with [redacted] surmised that you were spending four hours per day chatting. The chat conversations were filled with sexual teasing, sexual innuendos and suggestive or vulgar remarks. The OIG review of the graphic chats revealed that many days, you would continuously chat for hours at a time with [redacted] about the relationship and the upcoming meeting in [redacted]. You would then meet her in [redacted] and engage in inappropriate sexual activity. You would then return to your work space and spend additional extended time chatting about the meetings in [redacted] and discussing the relationship and next meeting. [redacted] told the OIG it was a "fair assumption" that she was spending most of her mornings chatting with or meeting you. Given the extended and continuous nature of the conversations and meetings, the time and effort you were performing work was clearly impacted, regardless of your assertion to the OIG that you have not allowed the chats or meetings to affect your performance. You admitted to the OIG that the extended chat conversations and meetings you were having with [redacted] showed poor judgment, and said you were ashamed of the behavior.

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

- I arrive at work at 0530 and stay until 1400, during this time I never earn credit hours, so 2 hours were build in each week.

- My ACE scores will show I am a Top Performer in my current position and have been since 2006, so my work performance should never be in question.

- My Supervisors over the past 10 years can show you numerous email comments from current and former customer of my Excellence work.

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

- made sexual advances and engaged in physical conduct of a sexual nature in the workplace, in violation of PMM Chapter 366, Section 2-1(B);

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- failed to give thorough, efficient and industrious service in the performance of your assigned duties, in violation of PMM Chapter 366, Section 1-3(E);

- used your federal government communication system to conduct non-mission-related "chats" of a sexual nature, in violation of DoD Joint Ethics Regulation (JER) 5500.7-R Subpart 2-301 and NSA/CSS Policy Manual 6-3.

- As noted above, in accordance with the investigative process, we are giving you the opportunity to comment on the OIG conclusions. Please respond via email by close of business, **Monday, 24 August 2015.**

Please call me if you have any questions.

[redacted]
NSA/CSS Office of Inspector General
(b)(3)-P.L. 86-36
[redacted]
963-2817s
[redacted]
Suite 6247

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