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**NATIONAL SECURITY AGENCY/CENTRAL SECURITY
SERVICE**



INSPECTOR GENERAL

REPORT OF INVESTIGATION

30 September 2014

IV-14-0099

**Alleged Preferential Treatment and Use of Public Office for
Private Gain**

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

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Approved for Release by NSA on 20 December 2022, FOIA Case #79204 Litigation

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(U) OFFICE OF THE INSPECTOR GENERAL

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

(U) AUDITS

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

(U) INVESTIGATIONS

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

(U) INTELLIGENCE OVERSIGHT

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

(U) FIELD INSPECTIONS

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

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I. (U) SUMMARY

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(U//FOUO) This investigation was conducted in response to an allegation that [redacted] Signals Intelligence Directorate (SID), showed favoritism and preferential treatment during the 2014 promotion process. The allegation states that a [redacted] Intelligence Analysis Development Program (IADP) intern, [redacted] was evaluated but not forwarded for promotion by an IADP Program Manager, [redacted] then asked for [redacted] promotion review package (PRP), and [redacted] was subsequently promoted. The complainant states that a number of employees had scored higher than [redacted] in the promotion deliberations, that [redacted] never worked for [redacted] and that he knew her only because [redacted]

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(U//FOUO) The investigation revealed that [redacted] has known [redacted] and [redacted] through [redacted] [redacted] has also been an informal mentor to [redacted] since she became employed with NSA on [redacted] Within [redacted] was evaluated for promotion by an IADP Associate Program Manager (APM) in accordance with the standard IADP promotion process and was deemed "not ready for promotion." On 29 April 2014, [redacted] emailed [redacted] and told him she was not recommended for promotion. On 1 May 2014, [redacted] initiated discussions about promoting [redacted] during final SID promotion discussions, and Ms. Teresa Shea, Director SID, approved [redacted] for promotion. [redacted] was promoted to [redacted]

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

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

(U//FOUO) The preponderance of the evidence supports the conclusions that [redacted] provided preferential treatment to [redacted] in violation of 5 C.F.R. 2635.101(b)(8), Standards of Conduct for Employees of the Executive Branch, and NSA/CSS Personnel Management Manual, Chapter 366, 1-3 (G), and used his public office for the private gain of a friend in violation of 5 C.F.R. 2635.702.

(U//FOUO) A copy of this report will be forwarded to MR, Employee Relations, for information and action deemed appropriate. A summary of the report will be sent to Q242, Special Actions, for information.

Classified by: [redacted]
Derived From: NSA/CSS 1-52
Dated: 20070101
Declassify On: 20390101

II. (U) BACKGROUND

(U) Introduction

(U//FOUO) After working at NSA, while with the [redacted] [redacted] worked as a civilian employee at the Agency from [redacted] until [redacted]. He worked at the Central Intelligence Agency from [redacted] until [redacted] when he returned to NSA as the [redacted].

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(U//FOUO) [redacted] entered on duty with NSA as a GS-09 IADP intern on [redacted]. Under the management and guidance of an APM, she completed several tours in the intern program, including a tour in the National SIGINT Operations Center (NSOC) from [redacted]. She recently graduated from the intern program and now works in [redacted].

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

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(U//FOUO) On 8 May 2014, [redacted] met with the OIG Chief of Staff and alleged that [redacted] improperly initiated [redacted] promotion, based on a personal relationship with her. On 9 May 2014, the OIG received an anonymous email reiterating the same concern.

(U) SID Promotion Process

(U//FOUO) SID works with the Associate Directorate for Human Resources Services (ADHRS) to determine distribution of promotion money to SID organizations. Organizations such as [redacted] received an allocation of promotion funding and are given the authority to identify individuals for promotion. In addition to utilizing the funding originally allocated, each SID organization is offered the opportunity to request a limited number of additional promotions, using reserve funds managed by Ms. Shea. Ms. Shea and [redacted] conduct a name-by-name review of prospective SID promotions to GS-15, and also considered the requests for promotions based on reserve funds.

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

¹ (U//FOUO) The Intelligence Analysis Development Program (IADP) is a three year program designed to help civilian new hires in the Intelligence Analysis (IA) Skill Community achieve full performance in accordance with the Intelligence Analysis Professional Development Standards (IAPDS). The program includes formal classroom and computer-based training as well as [redacted] totaling 36 months, designed to provide focused intelligence analysis work experience. Approximately [redacted]

[redacted]

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

IV-14-0099

(U//FOUO) [redacted] provides an allocation of promotion funding for the IADP interns. [redacted] disseminated guidance on the IADP promotion process in January 2014 via email (Appendix J). She told the IADP interns that they would be evaluated by IADP APMs, that she was the Deciding Official for intern promotions, and that they should send their completed PRPs to the listed APM, rather than their current tour supervisor. [redacted] also sent an email to the IADP tour supervisors, explaining the process and informing them of their option to submit a Supervisor Justification in support of an intern's promotion. The promotion evaluation process for the IADP interns in 2014 was consistent with how it was handled in 2012 and 2013.

(U) Applicable Authorities

(U) The investigation considered possible violations of the following authorities. Full citations are contained in Appendix A.

(U) 5 C.F.R. §2635.101(b)(8)

(U) 5 C.F.R. §2635.502(a)(2)

(U) 5 C.F.R. §2635.702

(U) NSA/CSS PMM, Chapter 366, Section 1-3 (G)

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III. (U) FINDINGS

(U//FOUO) ALLEGATION: Did [redacted] give preferential treatment to [redacted] during the 2014 promotion process, in violation of 5 C.F.R. §2635.101(b)(8) and NSA/CSS PMM, Chapter 366, Section 1-3 (G), and, if so, did doing so constitute use of his public office for the private gain of a friend, in violation of 5 C.F.R. §2635.702?

(U//FOUO) CONCLUSION: Substantiated.

(U) Documentary Evidence

(U//FOUO) Appendix B – Emails between [redacted] and [redacted] dated 29 April 2014 and 5 May 2014

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(U//FOUO) On 29 April 2014, [redacted] informed [redacted] that she had not been forwarded for promotion. On 5 May 2014, [redacted] relayed that she had a “very neutral feedback session,” and [redacted] responded: “There should be additional information forthcoming.” Later that day [redacted] emailed [redacted] and explained that she “received positive news.”

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

(U//FOUO) Appendix C – NSOC [redacted] Nomination Priority List for 24/7 Personnel (FY14) – [redacted] and Promotion Justification to [redacted] for [redacted] (IADP intern), [redacted] dated 28 January 2014.

(U//FOUO) The Nomination Priority List ranked [redacted] as the third candidate, out of four, whom NSOC had recommended for promotion. The Promotion Justification gives reasons why the SQO strongly endorsed [redacted] for promotion to [redacted].

(U//FOUO) Appendix D - Additional Vacancy for FY14 Graduating IADPers [redacted]

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(U//FOUO) [redacted] GOS, emails [redacted] to explain that an additional [redacted] vacancy had been provided to the interns and that he will keep [redacted] up to date on the “applicants/selection process.”

(U//FOUO) Appendix E – Email from [redacted] to [redacted] [redacted] dated 15 April 2014.

(U//FOUO) [redacted] asks [redacted] if he thinks that [redacted] is competitive for promotion, and, if so, whether he could craft several bullets that highlight her accomplishments

and why he believes she should be considered for promotion. [redacted] tells [redacted] that, if he does not deem her ready for promotion, no action is required.

(U//FOUO) Appendix F - Promotion Justification to [redacted] for [redacted] and Bullets from [redacted] ACE, authored by [redacted]

(U//FOUO) The two documents were forwarded to [redacted] upon his request, on 16 April 2014 and 20 April 2014, respectively.

(U//FOUO) Appendix G - Email from [redacted] to [redacted] dated 15 March 2014.

(U//FOUO) In an email, [redacted] tells [redacted] that [redacted] is doing great work for [redacted] and that they are thrilled to have her as part of the Team. Six managers from [redacted] and [redacted] are copied on the message. [redacted] told the OIG that this email was sent to him unsolicited.

(U//FOUO) Appendix H - [redacted] Ranking of IADP Interns, dated 21 February 2014.

(U//FOUO) The interns were evaluated and placed in one of three categories: "Green - Promote; Yellow - Promote if funding becomes available; Red - Not Ready for Promotion." [redacted] ranked [redacted] 24th of [redacted] candidates reviewed, placing her in the Red category.

(U//FOUO) Appendix I - Email and Attachment from [redacted] recommending [redacted] for a Time off Award, dated 3 February 2014.

(U//FOUO) The email to support [redacted] for a time off award contains a document originally written as a promotion justification.

(U//FOUO) Appendix J - Emails from [redacted] regarding the promotion process, dated 8 and 24 January 2014.

(U//FOUO) [redacted] provides guidance to IADP interns and IADP supervisors regarding the submission of PRPs and Supervisory Justification Statements for Promotions.

(U//FOUO) Appendix K - [redacted] Scoring of [redacted] PRP, dated 19 June 2014.

(U//FOUO) [redacted] scored [redacted] in six subfactors. In the comments column, he said that [redacted] had been outstanding during the rating period and mentions her contributions to the [redacted]

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

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

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(U//FOUO) Appendix L – Preserving the Integrity of the Federal Merit Systems, dated December 2013.

(U//FOUO) This report, compiled by the U.S. Merit Systems Protection Board, was sent to the President and the Congress. Portions of the report are included.

(U//FOUO) Appendix M - Email from [redacted] COS, to [redacted] dated 11 April 2014.

(U//FOUO) [redacted] provides [redacted] information about [redacted] decision not to promote [redacted]. He offers to review the IADP process in depth and specifically, PRP, if [redacted] has questions about the fairness of the process.

(U) Testimonial Evidence

(U//FOUO) [redacted]
(U//FOUO) On 30 May 2014, [redacted] IADP Intern, [redacted] was interviewed and provided the following sworn testimony:

(U//FOUO) During the 2013 promotion process, [redacted] received feedback that her PRP was strong; however, she was not getting promoted due to a lack of money. Before submitting her PRP this year, [redacted] asked [redacted] and [redacted] two former supervisors, and a third person, whom she could not recall, to review her PRP. Both [redacted] and [redacted] gave her suggestions that she felt strengthened the package. She submitted her PRP on 15 January 2014 to [redacted] IADP APM. In late April 2014, [redacted] called her to tell her she was not being forwarded for promotion. She was upset by the initial feedback and lost her temper a bit with [redacted]. [redacted] told her he would get together with her soon to provide more specific feedback. She expressed frustration to some of her co-workers after the conversation with [redacted].

(U//FOUO) [redacted] also discussed her feedback with [redacted] whom she has known through [redacted] for several years. [redacted] and [redacted] [redacted] and they see each other weekly. She has also met with [redacted] a "handful of times", so that he could provide her guidance and mentorship.

(U//FOUO) [redacted] had been curious about her promotion this year, so she emailed him after hearing from [redacted]. He told her he was sorry to hear the news and to let him know how the feedback session went. She saw [redacted] and told him how devastated she was about not getting promoted. He told her the system must be flawed, if someone who was recommended by her NSOC [redacted] and [redacted] did not get promoted.

(U//FOUO) On 5 May 2014, [redacted] gave formal feedback to [redacted]. She was frustrated and taken aback by the typos and writing style problems [redacted] highlighted on [redacted].

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

her PRP. She said three mentors looked over her PRP. She said that her writing style was normally a strength, but admitted that her writing on the PRP was "maybe not as strong as it could have been." About an hour after the first feedback session, [redacted] called her back to his office, telling her that extra promotion money had been identified and that she was going to be promoted. [redacted] was thrilled because she felt she really deserved a promotion this year based on her accomplishments and ACE scores.

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

(U//FOUO) In February or March, 2014, [redacted] discussed with [redacted] her desire to go to [redacted] after graduation from IADP, saying she was "holding out" for an [redacted] position. He opined that [redacted] would be a good place for her to go, given her background. Originally, there were no billets available in [redacted] and she alerted [redacted] because she wanted him to know about the problem of placing IADP intern graduates. Later, an [redacted] billet "appeared." There were several positions in [redacted] including an [redacted] vacancy, that came out a month or so after the initial vacancies had been advertised. [redacted] might have put in a good word for her, saying she was a good candidate for [redacted] but she does not know: "I still had to interview and get the position...his word only goes so far. My resume speaks for itself."

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(U//FOUO) [redacted] has never worked for [redacted] directly. She does not mention him in her offices, preferring to do things on her own merit. She thinks he recommended her for employment when she first applied for the Agency. She denies asking him to help her get promoted: "Everything I have done, I have done on my own. I made a concerted effort not to bring [redacted] into this. I really did. Yes, he is a friend of the family and a mentor, but I never wanted to abuse the mentorship or friendship. I wanted to prove myself on my own merit. I never want to be on somebody's coattails because that only gets you so far. I have to prove myself to me."

(U//FOUO) [redacted]

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

(U//FOUO) Seven APMs evaluated the IADP interns for promotion.² The interns' PRPs were reviewed according to shared criteria by the APMs to minimize the potential for bias. Consistent with the other APMs, [redacted] did not have day-to-day responsibility for the [redacted] interns he evaluated for promotion.

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

(U//FOUO) [redacted] PRP was not up to par with many packages he evaluated. Her most significant weakness was the lack of examples of mission impact. Additionally, there were spelling and grammatical errors. [redacted] forwarded [redacted] of the [redacted] interns he evaluated for promotion, believing that they clearly stood out from the other candidates based on their PRPs.

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

(U//FOUO) There were [redacted] IADP interns eligible for promotion. [redacted] interns submitted PRPs and were evaluated by the APMs, [redacted] and two other APMs, [redacted] and [redacted] evaluated the [redacted] candidates who submitted PRPs. [redacted] of the [redacted] were forwarded to [redacted] the Program Manager. [redacted] approved all [redacted] for promotion.

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

All were approved by [redacted] the PM and [redacted] was ranked 24th out of [redacted] and placed in the red category, meaning "not ready for promotion." [redacted] ranking of candidates is contained in Appendix H.

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

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

(U//FOUO) On 29 April 2014, [redacted] called [redacted] and told her that she was not being forwarded for promotion. [redacted] was angry and upset, saying she could not believe it, and that this was the third year in a row she submitted a PRP and did not get promoted. She said that in 2013, she was told she was not promoted due to lack of resources. Later that same day, [redacted] received a voice mail from [redacted] on the [redacted] staff, saying that [redacted] had asked for a copy of [redacted] PRP. [redacted] felt the timing of the call was suspicious. After discussing the matter with his supervisor and suggesting he also send copies of the interns' PRPs that were ranked ahead of [redacted] forwarded only her PRP as requested.

(U//FOUO) [redacted] met with [redacted] on 5 May 2014 to provide formal promotion feedback. He showed her specific examples of mistakes on her PRP and explained that she needed to pay more attention to detail. [redacted] was not pleased with the feedback but was calm and professional in their meeting. Shortly after the feedback session, [redacted] received an email from [redacted] telling him that she needed to talk to him about an additional promotion. [redacted] surmised she was referring to [redacted] because in April [redacted] told him there was interest "way up the food chain" regarding [redacted] promotion status. When he met with her, [redacted] told him that [redacted] had interest in [redacted] promotion. She told [redacted] to notify [redacted] that she was being promoted, based on additional funding. Despite his reluctance to do so, [redacted] met with [redacted] and told her she was now on the promotion list. [redacted] did not seem surprised, and [redacted] had a sense that "something was up."

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

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

(U//FOUO) [redacted] Human Resources, MA3, called [redacted] about [redacted] a few days later and asked whether [redacted] was not being recommended for promotion or whether she was recommended if promotion money was available. [redacted] explained [redacted] ranking on his list and said that [redacted] had not recommended her for promotion.

(U//FOUO) Based on the PRP, it does not appear that [redacted] ever worked directly with [redacted]

(U//FOUO) [redacted] (b) (6)

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

(U//FOUO) [redacted] was the responsible APM for [redacted] during her time in the IADP. She was a solid employee and good worker and performed well during her NSOC tour. Her tours were not anything out of the ordinary; many interns work in NSOC, for example. But [redacted] did not think she was a standout performer within the IADP. She is somewhat aggressive and impatient, and does not hesitate to pick up the phone and ask for something. For

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

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

instance, she sent him monthly reports, and, if he did not respond to them immediately, she would call and ask him if he had reviewed them. He does not have any negative feelings about her, however.

(U//~~FOUO~~) Several months ago, approximately January, 2014, a request was sent to the [redacted] product lines to identify vacant billets for graduating IADP interns [redacted] was graduating in June 2014). She complained to [redacted] that she could not be placed in [redacted] because they had no vacant billets. Subsequently, an [redacted] position description was published. When [redacted] questioned where it came from, [redacted] called him into her office and said the vacancy was established because [redacted] [redacted] then interviewed for the [redacted] position and was selected for a permanent assignment upon graduation.

(U//~~FOUO~~) In late April or early May 2014, [redacted] called [redacted] upset that she was not promoted. She called him back a week or so later and said she was promoted. [redacted] was stunned. He asked [redacted] if the promotion was initiated by [redacted] [redacted] answered affirmatively.

(U//~~FOUO~~) The IADP APMS went to great lengths to ensure a fair and equitable promotion process. They do not want to be involved in the promotion process if it is going to be "undermined" like it was in this instance. [redacted] is concerned that the external association between [redacted] and [redacted] was the "catalyst for this promotion."

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

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

(U//~~FOUO~~) The involvement of [redacted] in [redacted] promotion was "grossly inappropriate." The promising and high performing IADP population invites meddling, and [redacted] and the APMS get a myriad of inquiries about the interns, often by seniors. But in this case, there seemed to be no relationship between [redacted] work and [redacted] [redacted] was told that [redacted] knows [redacted] [redacted]. The first time she heard about their relationship was when [redacted] wanted to work in [redacted] upon graduation from the intern program, but no billets were available. [redacted] was involved in resolving that issue.

(U//~~FOUO~~) It is not unprecedented for an IADP intern to graduate from the program and not be promoted. The number of strong candidates and junior grades makes it difficult to promote all deserving interns. To make a true assessment of [redacted] PRP, [redacted] should have done a zero base review of all [redacted] intern PRPs.

(U//~~FOUO~~) [redacted] promotion would be impossible to explain to the other interns: "It's hard enough when you have people you have actually evaluated...heart wrenching...explaining this would be exponentially worse. I don't know how to do a better job

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

of having our leadership like [redacted] understand what this does to a large group of people....”

(U//FOUO) [redacted]

(b) (6)

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

(U//FOUO) [redacted] established the overall guidance for the evaluation of IADP interns for promotion and acted as [redacted]. Graduating as a [redacted] from the IADP is not unusual. Only 26% of the total intern population was promoted last year, and this year it was around 30%. Based on prior years, it has been almost mathematically impossible to promote all of them while they are in the intern program.

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(U//FOUO) [redacted] of the [redacted] interns were approved for promotion, and, overall, [redacted] of [redacted] interns were approved within the [redacted] process. [redacted] was not recommended for promotion by [redacted] did not work for [redacted] and there is no evidence to indicate that his interest in her promotion was based on a significant contribution she made at work. [redacted] is bothered by [redacted] promotion because there were other interns more deserving of promotion who were not forwarded for promotion.

(U//FOUO) [redacted] and the APMs spent considerable time discussing and establishing the process for evaluating the interns. The APMs were each assigned reviews of interns at only one grade. They did not review any PRPs of candidates for whom they served as the day to day APM; to minimize bias in their evaluations. The APMs spent long hours and weekends evaluating PRPs. It is not appropriate for someone external to the IADP process to initiate a promotion of one intern, while not considering the rest of the intern population.

(U//FOUO) [redacted]

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

(U//FOUO) In April, [redacted] her Deputy, told her that [redacted] was inquiring about why [redacted] had not been promoted. At that time, no feedback had been provided to the IADP interns.

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(U//FOUO) The seven IADP APMs handled a difficult and intense promotion process with integrity and fairness.

(U//FOUO) She is not sure why [redacted] was involved because her APMs told her [redacted] never worked for him. His involvement would have been more understandable if he had reviewed all interns for promotion. She knows [redacted] and thinks highly of him, and wishes she would have called him directly when she first heard about his interest in [redacted]

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

(U//FOUO)

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On 2 June 2014, [redacted] was interviewed and provided the following sworn testimony.

(U//FOUO)

[redacted] expressed interest in [redacted] to [redacted] Chief of Staff, in February, 2014, when she was looking for a full time assignment after graduation from the intern program. [redacted] told her that they would find [redacted] a position in [redacted] and they did so. [redacted] was told by someone that [redacted]

(U//FOUO)

[redacted] action regarding [redacted] undermines the integrity of the [redacted] promotion process. In 2012, [redacted] took a similar action for [redacted] whom he also mentored. [redacted] was evaluated for a [redacted] promotion by her Division Chief but was not recommended. When [redacted] found out that she was not being promoted, he decided to promote her himself. [redacted] was bothered by the action, but not as much as she is about [redacted] promotion, because [redacted] once worked for [redacted] as his Executive Assistant. He had observed [redacted] work first hand. He has never directly supervised [redacted] or observed her work performance.

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

(U//FOUO)

On 6 June 2014, [redacted] Chief of Staff (COS), [redacted] was interviewed and provided the following sworn testimony.

(U//FOUO)

He first became aware of [redacted] interest in [redacted] a few months ago when [redacted] asked which office she would go to after graduating from the JADP. She wanted to go to [redacted] upon graduation, but there were no vacancies. [redacted] offered to give [redacted] extra positions for [redacted] but [redacted] discussed an attrition model with the [redacted] COS, which would allow for interns to be placed against full time billets encumbered by individuals who were soon departing. Accordingly, [redacted] identified and posted a vacancy, which [redacted] filled. The email from [redacted] to [redacted] stating that [redacted] found an additional vacancy is at Appendix D.

(9) (a)

(U//FOUO)

[redacted] COS, and [redacted] asked questions regarding [redacted] promotion status, on [redacted] behalf. [redacted] was the only person [redacted] was asked about by name during the promotion process. [redacted] staff told [redacted] that [redacted] had not been recommended for promotion. Later in the process, [redacted] told him that [redacted] again asked her whether [redacted] was getting promoted. [redacted] reviewed the feedback response from the [redacted] JADP PM and was comfortable with the decision and the process described. He emailed [redacted] saying that he believed the [redacted] process had been appropriate and consistent and offered to score [redacted] package relative to the other interns if needed (Appendix M). He did not receive a reply.

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

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

IV-14-0099

(U//FOUO) Subsequently, [redacted] or [redacted] asked [redacted] office to write a reserve fund request for [redacted] promotion. They completed the request using [redacted] PRP but did not sign the request because [redacted] did not make the promotion decision. Nobody was taken off the [redacted] promotion list as a result of [redacted] promotion.

(U//FOUO) [redacted] does not know whether [redacted] involvement in the promotion of [redacted] was due to the mentoring relationship or an external relationship. He recognizes that it is within [redacted] purview to decide to promote a SID employee. However, he thinks that [redacted] should have had a broader category of candidates to assess and, at a minimum, scored [redacted] PRP before making a decision to promote her. If [redacted] was utilizing a promotion process based solely on management nominations, he should have defined that upfront and made certain there was a defensible, repeatable process. [redacted] had a consistent and objective process in evaluating the IADP interns for promotion. The other interns would have a valid argument, if they asked why they did not get a review from [redacted]

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(U//FOUO) [redacted] would not have been promoted if not for [redacted] personal knowledge of her. The examples [redacted] provided [redacted] of [redacted] work were solicited, as opposed to personal observations by [redacted]. Being a mentor does not provide day to day insight into a person's work.

(U//FOUO) [redacted]

(U//FOUO) On 19 June 2014, [redacted] COS, [redacted] was interviewed and provided the following sworn testimony.

(U//FOUO) [redacted] brought [redacted] to her attention, asking her toward the end of the promotion cycle to ascertain whether [redacted] was being promoted. [redacted] did not ask her about any other interns. After having obtained feedback from [redacted] she told [redacted] that [redacted] was not being promoted. [redacted] told her that he mentors [redacted] that she has not been promoted in three years in the IADP, and that she was a deserving employee who he wanted to make sure was not being overlooked. He asked an NSOC manager to forward documentation regarding [redacted] performance there. NSOC forwarded a write-up, indicating that they supported [redacted] for promotion. [redacted] was concerned that [redacted] did not review or consider NSOC's input.

(b) (6)

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

(U//FOUO) [redacted] and Ms. Shea met to discuss SID promotions after all recommendations had been forwarded. [redacted] and Ms. Shea review the GS-15 promotions name by name, but typically do not review other promotion lists, leaving them up to their subordinate managers. There is a process whereby SID reserve funds can be requested for additional promotions.

(U//FOUO) In the meeting, [redacted] brought up [redacted] discussed the input he received from NSOC, and said that she deserved a promotion. He opined that SID had violated its process by not assisting this relatively new employee with what to put in her package as well as not getting all the necessary input to evaluate her. [redacted] said the process had been

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followed and that the discussion they were having was "outside the process." [redacted] association with [redacted] was never discussed. Ultimately, Ms. Shea decided to add [redacted] to the promotion list, if additional funding could be identified. [redacted] worked with HR to secure the necessary funding.

(b) (9)

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

(U//FOUO) [redacted] later told [redacted] there was concern that he had been involved in [redacted] promotion. He told [redacted] that he mentored [redacted] and acknowledged he knew her from outside the Agency. [redacted] told him there also was an Inspector General complaint about the matter. [redacted] told her that in his position, if he was able to effect the right outcome, he was going to do that. In [redacted] mind, it is about "doing right by his employees."

(U//FOUO) [redacted] is not aware that anyone came to [redacted] unsolicited endorsing [redacted] for promotion.

(b) (6)

(U//FOUO) Ms. Shea has the authority to add anyone to the promotion list, but it is unfortunate when the process is not followed. "I was concerned by this...Part of my job is to protect my bosses. [redacted] indicated he did not need my protection, quite directly...." [redacted] was not the next one on [redacted] list, which concerned [redacted]. She expressed that concern to [redacted] saying there had to be others like her whom they were not promoting. But he did not really welcome her input, saying: "That doesn't mean I should ignore this one."

(U//FOUO) [redacted] thinks it is dangerous for a mentor to get involved with a promotion of a mentee because it is "outside the process." Ms. Shea trusts [redacted] implicitly, and she is also concerned about individuals in the development programs; so it is not surprising that she agreed to the promotion.

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

(U//FOUO) In early June, [redacted] and Ms. Shea discussed the fact there was an OIG complaint about [redacted] promotion. [redacted] told Ms. Shea that [redacted] was not on the promotion list or supported by [redacted] which made this a bit of a different situation. Ms. Shea was clearly surprised by this information.

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

(U//FOUO) [redacted]

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

(b) (9)

(U//FOUO) On 29 April 2014, [redacted] obtained a copy of [redacted] PRP from [redacted] and provided it to [redacted]. On 1 May 2014, [redacted] and Ms. Shea met to finalize SID promotions. [redacted] said that he believed there had been a breakdown in the process because [redacted] accomplishments had not been appropriately recognized. [redacted] opined that the process had worked as it should, that there had not been a breakdown, and that [redacted] had not been promoted because her package was not as

strong as the other packages. [redacted] said that the system had failed to help people like [redacted] ensure that their PRPs were clean, crisp and articulate.

(U//FOUO) After listening to the discussion, Ms. Shea said "add her name to the list." Funding had to be identified to promote [redacted] but [redacted] worked within SID, using reserve funds, and requested and received [redacted] from HR to cover the cost for the promotion. [redacted] then asked [redacted] to forward a reserve request to SID to justify and fund the promotion. On 19 June 2013, [redacted] helped [redacted] with his dashboard, to complete [redacted] promotion action.³ [redacted] acting for [redacted] pulled [redacted] PRP into his dashboard and documented his scores based on his review of her PRP, because the decision had been "no" at the [redacted] level.⁴

(U//FOUO) [redacted] does not know whether [redacted] has an outside relationship with [redacted]. She knew he was [redacted] mentor and took an interest in her in that role. From the discussion about [redacted] it was clear that NSOC was very positive about her accomplishments. Ms. Shea made the decision to promote [redacted]. "Was [redacted] endorsing anyone else like this? No. He did not ask to have any other names put forward. She was the only one." When asked if she thought the promotion would have happened without [redacted] actions, [redacted] stated: "I don't believe it would have." SID had [redacted] promotions this year; [redacted] and Ms. Shea do not look at all promotions.

(U//FOUO) [redacted]

(U//FOUO) [redacted] Chief, [redacted] was interviewed on 14 August 2014, and provided the following sworn testimony.

(U//FOUO) [redacted] worked for [redacted] as an IADP intern from January 2014 until July 2014. [redacted] Deputy Director, [redacted] and [redacted] supervisor, had asked [redacted] to interview [redacted] for a tour within [redacted]. She interviewed [redacted] was impressed, and told [redacted] that she would be happy to have [redacted] in [redacted]. [redacted] told her that [redacted] was being mentored by [redacted].

(U//FOUO) At some point after [redacted] began her tour in [redacted] ran into [redacted] in NSOC, and he thanked her for taking care of [redacted]. In March 2014, [redacted] sent [redacted] an email regarding an operational initiative. [redacted] forwarded the email to [redacted] letting him know that [redacted] was performing very well in [redacted] and that the organization was thrilled to have her.

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

³ (U//FOUO) A promotion "dashboard" is a central location within the Human Resources Management System (HRMS) where all PRPs submitted to a Promotion Reviewing Official are located. Since [redacted] submitted her PRP to her IADP management in [redacted] for evaluation, [redacted] had to first move her PRP into his dashboard to complete the scoring for [redacted].

⁴ (U//FOUO) NSA HR policy requires that, in order for a promotion to be effected, the PRP must be scored by someone with authority to make promotion decisions. Since [redacted] did not decide to promote [redacted] when [redacted] scored her PRP, [redacted] had to score her on his dashboard in order to formally effect the promotion. He was able to do so because he is at a higher review level in the SID organizational structure than [redacted].

(U//~~FOUO~~) **Teresa Shea**

(U//~~FOUO~~) Ms. Shea, Signals Intelligence Director, was interviewed on 25 June 2014 and 8 July 2014 and provided the following sworn testimony.

(U//~~FOUO~~) In their SID reserve fund promotion discussions, Ms. Shea does not recall [redacted] advocating for [redacted] She thought that NSOC had submitted [redacted] for promotion consideration via the reserve funds. She just recently learned from [redacted] that although NSOC wrote up a promotion justification for [redacted] [redacted] brought the nomination forward in their final promotion discussions.

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

(U//~~FOUO~~) She does not recall any discussion of a personal relationship between [redacted] and [redacted] and she was not aware that he mentored her. SID provides promotion funding to its organizations, such as [redacted]. "We rely on our subordinate managers to be accountable for making sure the right people in their organizations get promoted."

(U//~~FOUO~~) At the end of the day, Ms. Shea is responsible for SID promotions so if the process was violated in any way, she takes full responsibility for that. [redacted] was qualified for promotion based on what information she had. "It's always the case that you are comparing apples to oranges...you are making judgment on the criteria...I do think she was qualified and competed successfully on our list..."

(b) (6)

(U//~~FOUO~~) Ms. Shea stated: "I have worked with [redacted] for four years and have never found him to have anything but the highest integrity, responsibility and accountability. So, I guess I would be very disturbed to hear that there was some, maybe not full, however you would categorize it, full legitimate behavior. I just don't think that he would have done anything that he did not believe was the right thing...based on my personal knowledge of him...If they had a close and continuing contact, I do think you should recuse yourself from a deliberation for monetary reward. I think if you asked an ethics lawyer, they would tell you that too."

(U//~~FOUO~~) She does not recall [redacted] showing any kind of favoritism in the discussion they had. "It wasn't clear to me there was any kind of personal relationship or that he had solicited any kind of input..."

(U//~~FOUO~~) When asked if [redacted] would have been promoted without [redacted] involvement, Ms. Shea stated: "I don't know. Evidently, she did not come up through her chain of command, and did not come to us through NSOC, so if he had not surfaced her, I don't think we would have looked at her..."

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

(U//~~FOUO~~) Ms. Shea believed that [redacted] was deserving of promotion, based on her accomplishments and weighing the promotion criteria.

(b) (6)

(U//FOUO) [redacted]

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

(U//FOUO) [redacted] worked the [redacted] in NSOC while [redacted] was the [redacted]. She was a terrific performer in NSOC.

(U//FOUO) [redacted] who is frequently on the NSOC floor, made a point, on one occasion, to say hello to [redacted]. Someone later remarked to [redacted] that [redacted] and [redacted]

(b) (6)

(U//FOUO) [redacted] does not recall an instance when he wrote up or was asked to endorse any intern for promotion. Had he been asked to, he would have provided glowing remarks on [redacted]. [redacted] has never approached [redacted] for promotion input on [redacted].

(U//FOUO) [redacted]

(U//FOUO) On 9 July 2014, [redacted] NSOC, was interviewed and provided the following sworn testimony.

(U//FOUO) Like the other IAPD interns he has had, [redacted] was a strong performer when she worked for him in NSOC for six months in 2013 and 2014. The promotion input process for interns seems to change every year.⁶ He provided [redacted] NSOC [redacted] a promotion write-up for [redacted] and later sent the same write-up to [redacted] for a time-off award for [redacted]. He did not think he needed to give the IADP anything further since he already submitted promotion input through NSOC.⁷

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

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

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

⁵ (U//FOUO) After the interview, [redacted] realized he had previously forwarded a promotion write-up on [redacted] which he forgot when he was interviewed by the OIG. On 24 June 2014, [redacted] sent documentation that he forwarded to the [redacted] for NSOC, in January 2014, recommending [redacted] promotion (Appendix C).

⁶ (U//FOUO) [redacted] was on a distribution list of a 24 January 2014 email from [redacted] describing the process for IADP intern supervisors to submit justifications for promotions. See appendix J.

⁷ (U//FOUO) On 16 July 2014, the undersigned telephonically contacted [redacted]. [redacted] acknowledged that on 3 February 2014 she received an email from [redacted] NSOC, which recommended [redacted] IADP intern, for a time-off award (Appendix I). The title of the email was "Consideration for Time Off Award [redacted]". The attachment that [redacted] provided is titled "Promotion Justification DRAFT [redacted] JAN 14." [redacted] does not think she forwarded the email and attachment to anyone after receiving it, and to the best of her knowledge, [redacted] did not receive a time-off award as a result. [redacted] said that given the title of the email, she would not have handled the email as a promotion justification. She did not forward the write-up to [redacted] the APM who evaluated [redacted] for promotion. However, in reviewing the document, [redacted] emphasized that the NSOC write-up was relatively vague and that there was nothing in it that made [redacted] stand out from the other high performing IADP interns. When asked about the contribution [redacted] made to the [redacted] a contribution that was not referenced on her PRP, [redacted] said many of the interns had to help with [redacted]. [redacted] opined that [redacted] evaluation of [redacted] which placed her in the bottom third of the [redacted] candidates he reviewed (Appendix H), would not have been sufficiently impacted by the NSOC input to move her into the list of [redacted] interns he forwarded for promotion. She emphasized how stiff the competition was within the IADP intern population, and said the supervisory write-ups the APMs reviewed rarely impacted the overall promotion decision on an intern. On 16 July 2014, [redacted] sent an email to the OIG saying that after reviewing the NSOC write-up, it would not have changed his decision regarding forwarding [redacted] for promotion.

(U//FOUO) In April 2014, [redacted] emailed [redacted] and asked whether [redacted] was worthy of promotion, and if so, if he could provide bullets explaining why (Appendix E). He responded with a narrative summarizing why she deserved to be promoted and included relevant bullets from her ACE (Appendix F).

(U//FOUO) At some point, [redacted] stopped by his office and told [redacted] she was not getting promoted, which surprised him. He figured it was too late to do anything about that, but [redacted] later told him that additional money had been identified and that she was going to be promoted. [redacted] knows [redacted] so it did not surprise him much when he asked about her. He figured there might be some relationship between [redacted] promotion and [redacted] since the two are friends.

(U//FOUO) [redacted] hopes he did not play a role in [redacted] initially not getting promoted by sending the write up to the wrong person, especially since she was a phenomenal employee. A series of things went wrong within NSOC regarding the promotion process: he was confused because of the email exchanges with the IADP and NSOC Staff about what he needed to provide and because NSOC was going to do its own endorsements. Also, the NSOC desk coordinator did not forward the write up to the IADP management. NSOC could learn from this and make sure that the process improves.

(U//FOUO) [redacted]

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

(U//FOUO) The person who made the allegation that he promoted [redacted] based on an external relationship does not understand the SID promotion process. [redacted] can only make promotion recommendations; Ms. Shea, SID Director, and ultimately DIRNSA make the final decision on promotions.

(U//FOUO) The SID Front Office is a major part of the promotion process. [redacted] asked questions about [redacted] promotion status because people pushed things his way regarding her accomplishments.

(U//FOUO) [redacted] knows [redacted]. He recommended that she work at the Agency, based on her background, which included [redacted]. He probably did not get to know [redacted] well until her graduation from high school, when he sent her a card. [redacted] has a "hi and bye" relationship with a lot of people [redacted]. He saw her more frequently once she returned from college [redacted] father is a [redacted] and her mother is [redacted] and has connected with [redacted] based on their mutual interest. [redacted] has seen [redacted] a handful of times at work since she started with the Agency in 2011. One day he walked her down to NSOC to show her the center and encourage her to do a tour there. He gives her mentoring advice regarding future assignments and the importance of a positive

(b) (6)

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

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outlook. She has never been to his office for a formal mentoring session. He has probably mentored her more [redacted] than anywhere. He talked to her more extensively when [redacted]

[redacted] told him [redacted]

(U//FOUO) A number of people came to [redacted] unsolicited about [redacted] an IADP intern, because they knew he knew her.⁸ When she was in NSOC, [redacted] was mentoring her. He asked [redacted] if she was putting together a promotion package and if [redacted] was helping her. He told her that if she needed him to read her promotion package, he would, although she never gave him a copy of her promotion package to review.

(U//FOUO) In late March, he asked his COS, [redacted] to see whether [redacted] was competitive for promotion. [redacted] contacted [redacted] and was told that [redacted] was not competitive at this time. [redacted] asked for details as to why she was not competitive and eventually was told that she was not competitive compared with the other interns.⁹ He was perplexed by this because he had heard of her strong contributions in [redacted] NSOC, and the IA Council. He heard that she had some typos on her PRP. Not satisfied with the feedback he received, he went to [redacted] and asked him whether [redacted] should be considered for promotion based on her accomplishments. [redacted] said yes and explained that NSOC had supported her for promotion. [redacted] sent [redacted] input (Appendix F).

(U//FOUO) [redacted] then went on vacation for about ten days. At some point after he came back, he saw [redacted] and told her he had no idea what her promotion status was, telling her that he hoped she got promoted. When he got back to work in late April, [redacted] told him that promotions were essentially finalized and that SID had approximately [redacted]. He asked her to see if [redacted] had been promoted. She checked with [redacted] and was told [redacted] did not get promoted. [redacted] emailed him around the same time and told him she did not get promoted. He asked [redacted] to see if [redacted] looked at all the materials she had and was not given a definitive answer. [redacted] told him that promotions were "locked down." He worried about a process problem then, thinking there may have been a disservice not only to [redacted] but to other people as well. On 1 May 2014, [redacted] and Ms. Shea reviewed promotions. [redacted] told Ms. Shea that he suspected due diligence had not been performed on [redacted] by the IADP Program Managers. They discussed her accomplishments and ACE score, and [redacted] stated that [redacted] had written her up for promotion. He said this person was being lauded across the Agency and by external partners she interacted with in NSOC and had more accomplishments than some of the [redacted]

⁸ (U//FOUO) The OIG only found evidence of one individual giving unsolicited feedback to [redacted] about [redacted]. See Appendix G and [redacted] testimony. [redacted] was aware that [redacted] mentored [redacted]

⁹ (U//FOUO) In an 11 April 2014 email from [redacted] to [redacted] stated: "Based on the program's review of [redacted] promotion review package, they concluded that although the package was substantive (as were the majority of the development program participant's packages), that [redacted] accomplishments did not demonstrate mission impact warranting a higher score. She was also notably weaker than her peers in teaming. For these reasons, the overall score for package was in the bottom third of the group review. Also of note (which impacted the communication score), the package was a bit sloppy, with misspelled words and inconsistent abbreviations. . . . Although I'm comfortable that the Program (through [redacted] guidance) utilized a sound and thorough review process of submitted PRP's, I would be happy to review the process in more depth, and in particular [redacted] package, if you feel there are any questions on the appropriateness of the Program's processes or any concerns of the process not being fair to all employees." See Appendix M. [redacted] did not reply to this email.

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

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

(b) (6)

other people SID was promoting. He recommended that she be added to the SID list, and Ms. Shea concurred, assuming that funding for the promotion could be identified. They made sure that nobody was going to be taken off the list, finding money from other sources to promote [redacted] and a few others.

(U//FOUO) [redacted] did not talk to the IADP Program Managers about any of the [redacted] interns, including [redacted]. He does not know what their promotion criteria are; the interface he uses with them is his COS. His key question is: "what enables us to do our mission... We make judgment calls, which is within our purview, as long as the person meets the criteria for promotion." "Someone in the IADP cannot judge mission impact as well as senior people in [redacted] or NSOC. When asked whether he was concerned about the other interns, particularly in light of the doubts he expressed about the [redacted] IADP process, [redacted] said he discussed the process problem with Ms. Shea and [redacted] on 1 May 2014. He reiterated his concern with the process, specifically the emphasis on typos. He asked the question several times about whether someone "plugged in with all the people to get all the input" and did not get answers.

(U//FOUO) [redacted] said that somebody should look at the entire IADP promotion process. On 1 May 2014, they had to make a decision on final promotions, and it was in the SID Director's purview legally to add [redacted] as long as she met the qualifications for promotion. "I can't go back on 1 May 2014 and stop the entire process...because I think we have a flawed process somewhere in the organization."

(U//FOUO) [redacted] did not make [redacted] promotion happen: "People promote themselves...I can't do her work...at the end of the day, I don't have her accomplishments...all I did was find something wrong with this process...there's not one person in the IADP program that suffered because of this...."

(U//FOUO) [redacted] explained: "I had a role in [redacted] promotion, but I had a role in everyone else's promotion here too. Can I promote someone without the justification? Absolutely not. I can't do it. It's illegal to do it...I have the promotion justifications that were given to us by the people in NSOC that wrote them up. I have pages of bullets and accomplishments that that person has. That's not my work. That's not fiction...."

(U//FOUO) [redacted] did not review any of the other IADP interns promotion packages and did not recognize the names of two IADP interns who were rated immediately after the [redacted] IADP interns that [redacted] had nominated for promotion. [redacted] compared his relationship with [redacted] [redacted] promotion recommendations of [redacted]. He explained: [redacted] whatever...I know a lot of people. Would you ask that same question of [redacted] - you're making the recommendation for promotion or whatever...that's part of his job, he can do that. I would say to an intern who doesn't make it on that list...there are people who are known to us because of their accomplishments. I can't tell people, 'don't tell me about people's accomplishments in our organization.' It wouldn't be the right thing to do...."

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(b) (6)

(U//FOUO) [redacted] asserted that he did not bypass the promotion process: "We are the promotion process... We did not take someone off the list that had been promoted...." He did not promote someone that was not qualified. The objective data, such as the SOO's recommendation to promote her, refutes the allegation that [redacted] promoted her based on their external relationship. [redacted] a [redacted] was making significant contributions and was worthy of promotion. The person who made the decision on her promotion did not have all the data or lacked the insight that [redacted] has. "We have an authority and an obligation to see if there were people who were in any way shape or form missed in this process. We felt that person was missed... you could easily have dozens of IG complaints every time you do it... if the SOO would have said this person had not done [redacted] work... it's just the opposite though... three pages for a [redacted] who has done all these things at high levels...." If the information that was forwarded on [redacted] was not considered as part of the promotion process, then the process has a serious problem.

(b) (6)

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

(U//FOUO) After being asked by [redacted] COS, [redacted] emailed [redacted] and said that [redacted] package, while substantive, did not demonstrate sufficient mission impact. The IADP administrative program is not able to judge mission impact like a SOO would. The [redacted] feedback he received is tremendously inconsistent with what he heard from [redacted] and others. The [redacted] people did not do due diligence in this case.

(U//FOUO) [redacted] simply asked [redacted] whether [redacted] was deserving of promotion. When he inquired, he received the aforementioned write up. He then had to adjudicate the inconsistent information from the SOO and [redacted] "You have to start with did the person have the accomplishments... We are going to know a certain set of people in our organization. Those people should not be penalized for us knowing them. That is a concern that I have here. This gal should not be guilty by the fact that [redacted] she was promoted because she did something that somebody thought she warranted promotion... At the end of the day, the value for whether or not somebody is contributing to the mission has to rest with people up in the organization... It doesn't rest with somebody in the developmental program... the SID Director asked why [redacted] did not promote her... he does not have promotion points...."

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

(b) (6)

(U//FOUO) Ms. Shea, [redacted] and [redacted] spent considerable time going over promotions in a very professional and detailed process. "Everybody in SID gets a look... I do not have to go back and look at [redacted] people... but I have the authority to ask questions... I am responsible for ensuring that everyone in SID gets a look... we can ask questions on people, groups... that is fair in the process."

(U//FOUO) "Why didn't I promote her the first year, last year... why didn't I ask for her package last year... I knew her probably better then... I would not advocate for her any more than I would advocate for... when you start to question somebody's integrity, you make assumptions about how we feel about people and it would almost be asking me... would you promote [redacted] or whether I have met them outside or not... if

(b) (6)

anything you are harsher on those people that you know, because you know you are going to get the scrutiny...I have no final say over them...at the Senior Executive levels, you get people that say [redacted]...I'm telling you...at our level it's crazy...some of us say no...everything you do, you do with integrity...would I favor someone... [redacted] until I can retire. I haven't done it in 35 years, I'm not going to do it now. It's a goofy question. I don't want people's values imposed on me. I have much higher standards...impeccable...I am not going to put my career on the line...."

(U//FOUO) [redacted] sent [redacted] an email the day she received promotion feedback. She subsequently emailed him that she received the word that she was getting promoted.

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

(U//FOUO) "In the business that I am in, at the level I am at, you make it a point to do things by policy, regulation...there are no favors that you do for anybody in this business..." [redacted] and an [redacted] supervisor had day to day, hands on knowledge of [redacted] performance and were in the best position to say whether she deserved promotion. He asked them for their recommendation and they provided the write-up. Weighing that write-up vice the feedback he received from [redacted] which he did not deem sufficient, he felt there was "a horrific injustice." Based on all the data he had, he felt [redacted] was deserving of promotion. There was sound information there to conduct a re-look in this case.

(9) (a)

(U//FOUO) Following the interview, [redacted] forwarded the promotion input from [redacted] and [redacted] (Appendix F) and an email he received from Chief, [redacted] regarding [redacted] performance there (Appendix G).

(U) Analysis and Conclusions

(U//FOUO) 5 C.F.R §2635.101(b)(8), Standards of Ethical Conduct for Employees of the Executive Branch, states that "employees shall act impartially and not give preferential treatment to any private organization or individual..." PMM Chapter 366, Personal Conduct, Section 1-3.G, states that "generally, every employee is expected to...act impartially and not give preferential treatment to any private organization or individual."

(U//FOUO) In December 2013, the Merit Systems Protection Board (MSPB) sent the President and Congress a report titled "Preserving the Integrity of the Federal Merit Systems: Understanding and Addressing Perceptions of Favoritism" (Appendix L). The MSPB noted that the:

Merit System Principles guide Federal supervisors to base their workforce decisions on objective criteria, such as assessments of ability or performance, rather than personal feelings and/or relationships. In brief, 'personal favoritism' occurs when a supervisor . . .

grants an advantage to one employee . . . but not another similarly situated employees . . . based on friendship or other affinity rather than a legitimate merit-based reason.¹⁰

(U//FOUO) [redacted] testified that as the [redacted] he is responsible for the career development of up to [redacted] civilians and that he is a senior executive who has [redacted] other senior executives who work for him. Given this scope of responsibility, as Ms. Shea testified, SID leadership, including [redacted] and Ms. Shea, focus on senior promotions. [redacted] testified that [redacted] and Ms. Shea only conduct a name-by-name review of the promotions to GG-15. Additionally, they review submissions of candidates who were recommended by an organization but were not promoted due to funding constraints within the recommending organization. [redacted] fit none of the categories that would typically receive promotion attention from [redacted]

(U//FOUO) Certainly [redacted] as he stated, has the authority to recommend the promotion of an employee in the SID organization. But the issue is not whether promotion recommendations are within his purview, but rather whether [redacted] involvement in the promotion of [redacted] provided her preferential treatment not available to other similarly situated employees.

(U//FOUO) Additionally, the OIG is not questioning whether [redacted] was qualified for promotion. The concern is, rather, that she was given favorable treatment over the other [redacted] GG- [redacted] interns who also submitted PRPs but were not forwarded for promotion, including a significant number of those who were rated higher than her, because of a non-work-related relationship with [redacted]

(U//FOUO) [redacted] knowledge of [redacted] was almost exclusively due to non-work related interactions, as well as information forwarded from two of [redacted] supervisors who knew of his interest in her career. [redacted] has a long time association with [redacted] and [redacted]. Both [redacted] and [redacted] testified that they have known each other since approximately 1992, almost 20-years before [redacted] began working at NSA. [redacted] shares an interest in [redacted] with [redacted] father. [redacted] emphasized that she has never worked directly for [redacted] or been in a position where he could observe her day-to-day performance. Though he has not met formally with [redacted] as a mentor, [redacted] has given her guidance and mentorship several times over the three years that she has been an Agency employee, primarily when they were [redacted] [redacted] felt comfortable enough to directly inform him that she was having a difficult time finding a full time

¹⁰ (U//FOUO) The Merit System Principles are codified at 5 U.S.C. §2301 and are applicable to agency employees, specifically with regard to promotions. See, e.g., PMM, Chapter 377, Definition of Terms Annex, paragraph i. Specifically, 5 U.S.C. §2301(b)(8) states that "[e]mployees should be protected against . . . personal favoritism."

¹¹ (U//FOUO) Originally, the OIG report indicated that [redacted] and [redacted] father [redacted]. During his interview with the OIG on 5 June 2014, [redacted] testified that [redacted] and just, you know that's kind of a side interest of mine... he knew of my interest in that so we talked about that...." In his response to the OIG Tentative Findings (Appendix N), [redacted] indicated he never discussed [redacted] with [redacted]. Accordingly, the OIG report has been amended consistent with [redacted] response.

(b) (6)

position in [redacted] as well as sending him at least three emails about her promotion status and the feedback she received.

(U//FOUO) Though sources repeatedly told the OIG that the IADP interns are a special, high performing group, [redacted] did not insert himself into the promotion process for any other intern. When questioned, [redacted] did not recognize the names of the first two IADP interns identified as worthy of promotion should funding become available, even though they were ranked significantly higher for promotion than [redacted] who was in the "not ready for promotion category." In the meeting with Ms. Shea to discuss finalizing SID promotions, [redacted] did not mention any individual other than [redacted]

(U//FOUO) From March through June, [redacted] took five separate actions in support of [redacted] promotion – he took none of these actions in support of any of the other [redacted] GG [redacted] IADP interns who submitted PRPs but were not forwarded for promotion.

1. (U//FOUO) In late March, 2014, [redacted] asked [redacted] to ascertain whether [redacted] was competitive for promotion.
2. (U//FOUO) In early April 2014, [redacted] asked for and received from [redacted] details as to why [redacted] was not competitive for promotion.
3. (U//FOUO) On 15 April 2014, he emailed [redacted] and asked whether he thought [redacted] was competitive for promotion and asked him to craft several bullets that would highlight her accomplishments, if [redacted] believed she should be considered.
4. (U//FOUO) In late April 2014, [redacted] again asked [redacted] to determine whether [redacted] was going to be promoted within [redacted] and was told that she was not.
5. (U//FOUO) On 1 May 2014, [redacted] without notifying Ms. Shea that his knowledge of [redacted] was based primarily on his friendship with her, recommended to Ms. Shea that [redacted] be promoted using SID reserve funds. Ms. Shea, who assumed that NSOC had sought her promotion through reserve funds, agreed to promote [redacted] if funding could be identified.

(U//FOUO) [redacted] took these actions without ever having reviewed or evaluated [redacted] PRP. In fact, [redacted] did not assign scores to her PRP until 19 June 2013, more than six weeks after recommending her promotion to Ms. Shea, when he was required to do so to document the decision to promote. (Appendix K).

(U//FOUO) Even if [redacted] interest in [redacted] promotion had developed from a concern about the [redacted] evaluation process, he should not have become personally involved with the decision to promote her, given his long-time friendship with [redacted] and [redacted] as well as the mentor relationship. Assuming he had a valid concern that her accomplishments were not appropriately considered, he should have removed himself from the evaluation process

and referred the matter to another senior leader to adjudicate. At a minimum, he should have fully informed Ms. Shea about his relationship with [redacted] before her decision to promote [redacted] a decision Ms. Shea made based primarily on his personal recommendation.¹² Instead, and against the advice of his COS, he inserted himself directly into a promotion evaluation of an employee with whom he is associated almost solely outside the Agency, while at the same time not taking any actions for similarly situated employees and not taking any action to address the purported weaknesses he identified in the process itself.

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

(U//FOUO) If [redacted] had solicited input and lobbied for promotion for any other IADP intern, as he did for [redacted] it is likely that his involvement would have resulted in that intern's promotion, as it did for [redacted]. The influence and authority that [redacted] has within SIA [redacted] cannot be overstated. [redacted] was the only IADP intern who benefitted from [redacted] direct involvement into the promotion process and [redacted] actions were unquestionably the catalyst for [redacted] promotion.

(b) (6)

(U//FOUO) [redacted] actions clearly provided [redacted] with an advantage over the other [redacted] GG IADP interns who had submitted PRPs but were not forwarded for promotion during the [redacted] process in 2014. If he had misgivings about how [redacted] evaluated the IADP interns, he should have initiated a broader review of the candidates instead of focusing his efforts only on [redacted]. When the interns submitted their PRPs, like all Agency employees, they had a right to expect that each PRP would be evaluated in a fully objective and equitable process. The [redacted] IADP APMs and PM worked diligently to ensure a level playing field for the interns. [redacted] involvement significantly tilted that playing field in [redacted] favor. The external connection the two had gave [redacted] an unfair advantage over her peers. And while it is correct that no employee was removed from the promotion list to make room for [redacted] as [redacted] claimed, this does not account for the fact that funding was available to promote one more employee and that none of the other employees who were not forwarded for promotion was given an opportunity to fairly compete for this promotion position.

(b) (6)

(b) (6)

(U//FOUO) [redacted] actions granted an advantage to one employee, [redacted] but not other similarly situated employees. These actions, based on their personal relationship rather than a legitimate merit-based reason, resulted in [redacted] receiving preferential treatment and personal favoritism and violated 5 C.F.R. §2635.101(b)(8) and PMM Chapter 366 Section 1-3.G. Furthermore, [redacted] actions resulted in [redacted] promotion to GG- [redacted] a promotion that otherwise would not have occurred in 2014. As a result of this promotion, [redacted] received significant financial and seniority gains that she otherwise would not have received. [redacted] actions, taken in his role as a public official, resulted in the private gain of [redacted] a friend and person with whom he is affiliated in a nongovernmental capacity and, therefore, violated 5 C.F.R. §2635.702.

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

¹² (U//FOUO) 5 C.F.R. §2635.502 provides a process by which an employee who is concerned that circumstances would raise a question regarding his impartiality can seek a determination by an independent agency designee on whether the employee should participate given concerning circumstances.

~~TOP SECRET//SI//NOFORN~~

IV-14-0099



~~TOP SECRET//SI//NOFORN~~

IV. (U) RESPONSE TO TENTATIVE CONCLUSIONS

(U//~~FOUO~~) On 29 September, 2014, [redacted] responded to the OIG's tentative conclusions. His response is included as Appendix N.

⋮

(b) (6)

V. (U) CONCLUSION

(b) (6)

(U//FOUO) The preponderance of the evidence supports the conclusion that [redacted] gave preferential treatment to [redacted] during the 2014 promotion process, in violation of 5 C.F.R. §2635.101(b)(8) and NSA/CSS, PMM, Chapter 366, Section 1-3 (G), and used his public office for the private gain of a friend, in violation of 5 C.F.R. §2635.702.

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

VI. (U) DISTRIBUTION OF RESULTS

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

1. M/ER for information and any appropriate action.
2. Special Actions, Q242 (Summary)

Concurred by:

[Redacted Signature]

Senior Investigator

[Redacted Signature]

Assistant Inspector General
for
Investigations

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

~~TOP SECRET//SI//NOFORN~~

IV-14-0099

APPENDIX A

(U) Applicable Authorities

~~TOP SECRET//SI//NOFORN~~

IV-14-0099

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IV-14-0099

(U) 5 CFR §2635.101 — Basic Obligation of Public Service

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

(8) Employees shall act impartially and not give preferential treatment to any private organization or individual.

(U) 5 CFR §2635.702 — Use of Public Office for Private Gain

(2) An employee shall not use his public office for his own private gain, for the endorsement of any product, service or enterprise, or for the private gain of friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity...An employee shall not use or permit the use of his Government position or title or any authority associated with his public office, in a manner that is intended to coerce or induce another person, including a subordinate, to provide any benefit, financial or otherwise, to himself, or to friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity.

(U) NSA/CSS PMM Chapter 366 – Personal Conduct

Section 1-3, GENERAL PRINCIPLES FOR ON-THE-JOB CONDUCT

Generally, every employee is expected to:

G. .Act impartially and not give preferential treatment to any private organization or individual....

UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

IV-14-0099

APPENDIX B

(U) Emails between [redacted] and [redacted] dated 29 April 2014 and
5 May 2014, respectively

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

[redacted]
(b) (6)

From: [redacted]
Sent: Tuesday, April 29, 2014 12:58 PM
To: [redacted]
Subject: (U) Personnel Issue

(b) (6)

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

From: [redacted]
Sent: Tuesday, April 29, 2014 12:35 PM
To: [redacted]
Subject: (U) Just a quick note

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

Hello,

I just wanted to let you know that I did not get put forward for promotion this year.

I hope you are doing well.

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

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

[redacted]

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

From: [redacted]
Sent: Monday, May 05, 2014 2:11 PM
To: [redacted]
Subject: RE: (U) Feedback

(b) (6)

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

[redacted]

We walk by faith!

The lesson for you is to always take care of the mission, capture your contributions, ensure that they get to into your supervisory chain, and finally remain positive. Being negative just places you back in the same position with a negative disposition and in the end, the right thing will usually occur.

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

The final decision (for all Agency personnel) rest with the Director, but this is very positive news. Thanks for the note.

[redacted]

[redacted]

(b) (6)

From: [redacted]
Sent: Monday, May 05, 2014 1:25 PM
To: [redacted]
Subject: RE: (U) Feedback

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

Hello again,

I got a call back, and received positive news!

Thanks,

[Redacted]

(U//FOUO)

[Redacted]

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

From: [Redacted]
Sent: Monday, May 05, 2014 10:22 AM
To: [Redacted]
Subject: RE: (U) Feedback

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

[Redacted]

Okay - please stand-by. There should be additional information forthcoming. Thanks.

(b) (6)

[Redacted]

[Redacted]

From: [Redacted]
Sent: Monday, May 05, 2014 10:13 AM
To: [Redacted]
Subject: (U) Feedback

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

Hello,

I just wanted to let you know that I had a very neutral feedback session.

I hope you are doing well.

Thanks,

[Redacted]

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

(U//~~FOUO~~)

[Redacted]

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

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

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

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

APPENDIX C

(U) NSOC SOO Nomination Priority List for 24/7 Personnel (FY14) - [redacted]
[redacted] and Promotion Justification to [redacted] for [redacted]
(IADP intern), [redacted] dated 28 January 2014

(b) (6)

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

NSOC SOO Nomination Priority List for 24/7 Personnel (FY14) –

[Redacted]

1. The following candidates are nominated for promotion, in priority order:

List of names, desks, and orgs in priority order

Current Grade

1	[Redacted]
2	[Redacted]
3	[Redacted]
4	[Redacted]

GG	[Redacted]	(b) (6)
GG	[Redacted]	
GG	[Redacted]	
GG	[Redacted]	

Rationale for the ordering of candidates (U//FOUO)

[Redacted]

[Large Redacted Area]

(b) (3) - P.I., 86-36

2. The following employees are nominated for DCIPS Quality Increase (DQI) or Sustained Quality Increase (SQI)* in priority order:

None

[Redacted]

[Redacted]

28 January 2014

(b) (6)

Promotion Justification to [redacted] for [redacted] (ADP Intern) [redacted]

(TS//SI//REL TO USA//FVEY)

(b) (1)
(b) (3) - P.L. 86-36

[Redacted]

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

(TS//SI//REL TO USA//FVEY)

[Redacted]

(U//FOUO) In NSOC [redacted] has displayed a high-level of professionalism, intelligence and dedication to mission with a maturity and capability beyond her years and her pay grade. For these reasons I strongly endorse [redacted] for promotion to GG [redacted].

[Redacted]

(b) (6)

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

APPENDIX D

(U//~~FOUO~~) Additional Vacancy for FY14 Graduating IADPers



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

FW: (U) Additional Vacancy for FY14 Graduating IADPers [redacted]

From: [redacted]
To: [redacted]
Cc: [redacted]
Subject: FW: (U) Additional Vacancy for FY14 Graduating IADPers [redacted]
Sent: February 11, 2014 4:46 PM
Received: February 11, 2014 4:46 PM

(b) (6)

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

[redacted] as follow-up to our conversation last week...an additional [redacted] vacancy has been provided to the interns. I'll keep you up to date on the applicants/selection process. Please let me know if you have any questions.

[redacted]

(U//FOUO)

[redacted]

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

From: [redacted]
Sent: Tuesday, February 11, 2014 12:59 PM
To: [redacted]

[Large redacted block]

Cc: [redacted]
Subject: (U) Additional Vacancy for FY14 Graduating IADPers [redacted]

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

Good morning.

First, please let me introduce myself. I'm [redacted] and I am [redacted]

[redacted] to include the IADP.

In [redacted] absence, I would like to direct your attention to an additional job opportunity in [redacted] (attached). If you are interested, please forward your updated ISR to the [redacted] Chief of Staff [redacted] and cc the [redacted] alias.

Looking forward to meeting all of you,

[redacted]

(U//FOUO)

[redacted]

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

APPENDIX E

(U) Email from [redacted] to [redacted] dated 15 April 2014

[redacted]
(b) (6)

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

[Redacted]

(b) (6)

From: [Redacted]
Sent: Tuesday, April 15, 2014 10:32 AM
To: [Redacted]
Subject: (U) Personnel Issue

Classification: ~~CONFIDENTIAL//REL TO USA, AUS, CAN, GBR, NZL~~

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

[Redacted]

Hope that all is well. I have a question that requires your input.

(b) (6)

[Redacted] You mentored her in NSOC and probably contributed to her most recent ACE. As you know she has been with the Agency for 3 years having been hired on as a [Redacted] My question for you is do you believe that she is operating at the [Redacted] level and would you consider her competitive for promotion at this time, i.e. does she meet the criteria that would warrant consideration for promotion to [Redacted] If not, fully understood, and no further action required. If you believe that she does warrant consideration, it would be helpful if you could craft several bullets that highlight her accomplishments (NSOC primarily or elsewhere if you have them) and why you believe she should be considered for promotion. This should not be lengthy and again a "not ready" for promotion is fully acceptable.

Thanks for your mentoring of our junior employees. You do it extremely well and it's a tremendous investment in our future.

Thanks again.

[Redacted]

(b) (6)

[Redacted]

~~TOP SECRET//SI//NOFORN~~

IV-14-0099

APPENDIX F

(U) Promotion Input from [redacted] dated 16 and 20 April 2014

⋮

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

~~TOP SECRET//SI//NOFORN~~

IV-14-0099

From: [redacted]
Sent: Wednesday, April 16, 2014 1:35 AM
To: [redacted]
Subject: RE: (U) Personnel Issue
Attachments: PROMOTION JUSTIFICATION DRAFT [redacted] JAN 2014 doc
Categories: PERSONNEL SENSITIVE

Classification: ~~CONFIDENTIAL//REL TO USA, FVEY~~

Hi [redacted]

(b) (6)

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

I am doing well especially considering that the last year and a half has probably been the most difficult year and a half of my life so far. Thankfully I am being incredibly blessed at this time...

I enjoyed having [redacted] with me in the [redacted] last year and the beginning of this year. I am more than happy to provide you with some bullets. When do I need to get the bullets to you?

I am back midshift for Thursday mids and then I go Days for 4 weeks starting Sunday (those two days will be my best opportunity to provide you with bullets). One of my reasons for my staying in NSOC is the chance to "hang" with some of the many fantastic representatives of NSA's future. [redacted] is a perfect example of the caliber of young folks I am able to get to know and hopefully encourage and mentor..)

BTW - [redacted] put together a write-up for [redacted] based in part of what I am attaching - if you want additional bullets, please let me know...

(b) (6)

Take care [redacted] and thanks for the note!

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

(U//FOUO) [redacted]

[redacted]

(b) (6)

Promotion Justification to [redacted] of [redacted] (ADP Intern [redacted])

(TS-SIMPLE TO USA FVEY [redacted])

[redacted]

(b) (1)
(b) (3) - P.L. 86-36

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

(TS-SIMPLE TO USA FVEY [redacted])

[redacted]

(U-FOUO) In NSOC [redacted] has displayed a high level of professionalism, intelligence and dedication to mission with a maturity and capability beyond her years and her pay grade. For these reasons I strongly endorse [redacted] for promotion to [redacted].

(b) (6)

[redacted]

From: [redacted]
Sent: Sunday, April 20, 2014 12:23 PM
To: [redacted]
Subject: RE: (U) Personnel Issue
Attachments: PROMOTION BULLETS [redacted].11.doc

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

Categories: TDY Reads

Classification: ~~TOP SECRET//SI//NOFORN~~

Hello again [redacted]

I hope you and your wife had a nice Easter Weekend!

(b) (6)

(b) (6)

I have put together another item on [redacted] behalf with the approach of using 5 bullets, from the ACE I wrote for her recently, tied (somewhat) to each of the [redacted] promotion criteria. If you still need something more from me, please let me know. Again, I wholeheartedly support [redacted] for promotion...

Have a great start to your week!

[redacted]

(U//FOUO) [redacted]

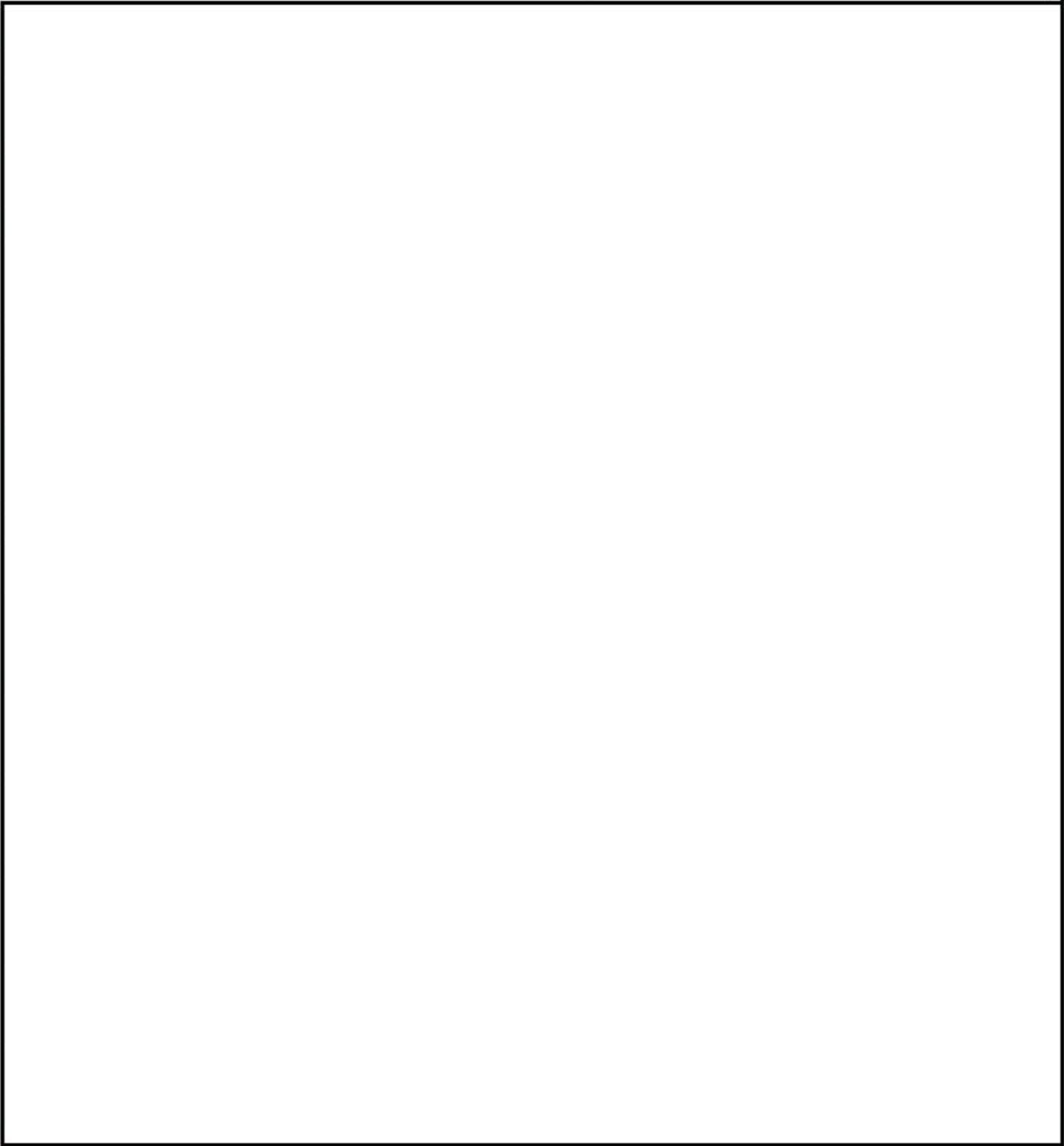
[redacted]

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

From: [redacted]
Sent: Tuesday, April 15, 2014 10:32 AM
To: [redacted]
Subject: (U) Personnel Issue

~~TOP SECRET//SI//NOFORN~~

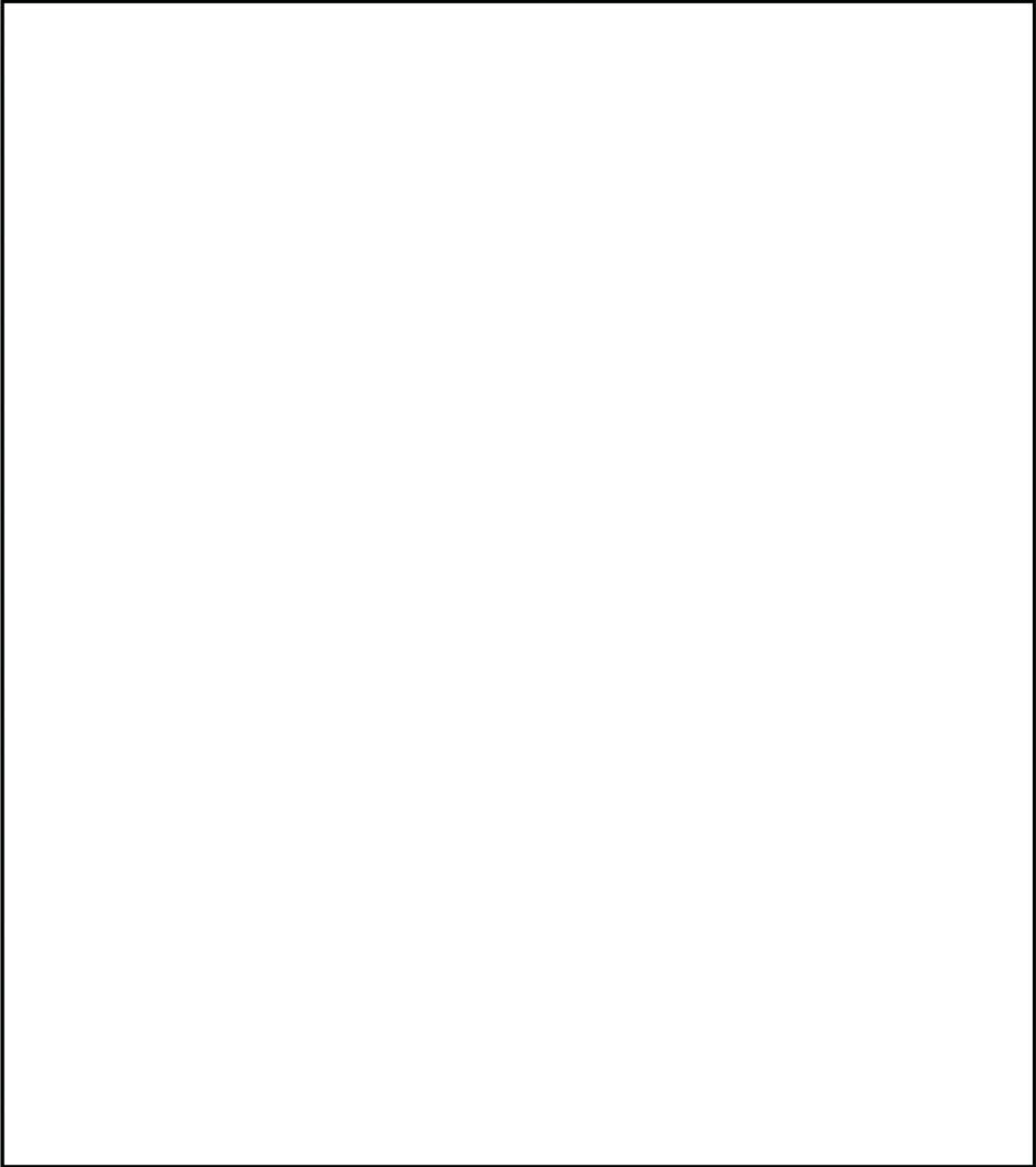
(b) (1)
(b) (3) - P.L. 86-36



~~TOP SECRET//SI//NOFORN~~

(b) (1)
(b) (3) - P.L. 86-36

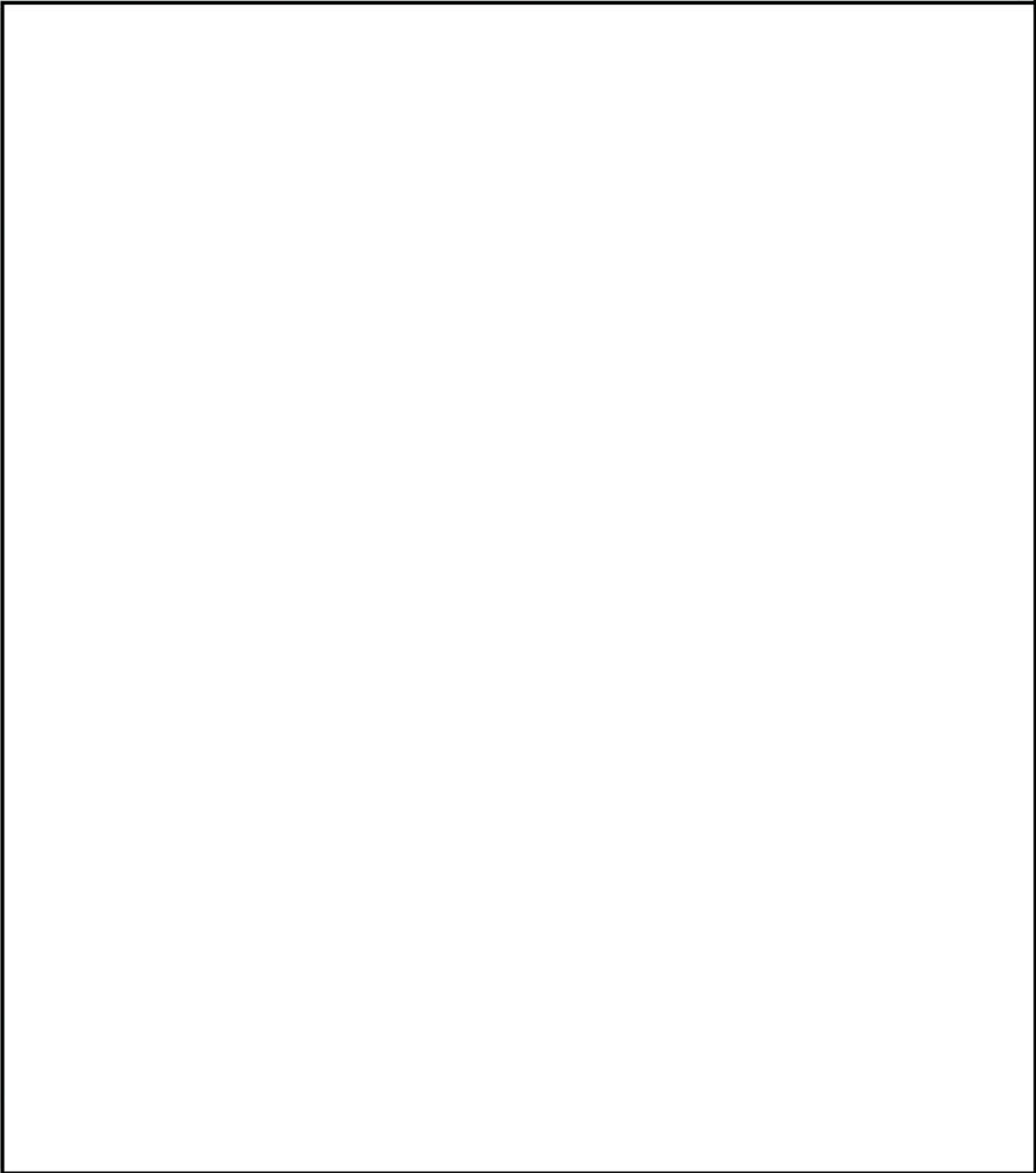
~~TOP SECRET//SI//NOFORN~~



~~TOP SECRET//SI//NOFORN~~

~~TOP SECRET//SI//NOFORN~~

(b) (1)
(b) (3) - P.L. 86-36



~~TOP SECRET//SI//NOFORN~~

APPENDIX G

(U) Email from Chief, [redacted] to [redacted] dated 15 March 2014

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

[redacted]
(b) (6)

[Redacted]

From: [Redacted]
Sent: Thursday, June 05, 2014 4:41 PM
To: [Redacted]
Subject: (U) Personnel Issue

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

Classification: ~~TOP SECRET//COMINT//NOFORN~~

[Redacted]

Item #3. I found this in the queue from [Redacted] (unsolicited). She is a senior executive in our organization. Would also recommend that you also talk to her about [Redacted] performance (do not know if it was included in the write-up). Thanks.

[Redacted]

[Redacted]

(b) (6)

From: [Redacted]
Sent: Saturday, March 15, 2014 12:15 PM
To: [Redacted]
Cc: [Redacted]

Subject: (U) FYSA: (U) [Redacted]

Classification: ~~TOP SECRET//SI//NOFORN~~

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

[Redacted]

Just to let you know that [Redacted] doing GREAT work for [Redacted]. We are thrilled to have her as part of the Team.

Thanks,

[Redacted]

[Redacted]

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

NSAnet [Redacted]

[Redacted]

From: [Redacted]
Sent: Friday, March 14, 2014 3:47 PM
To: [Redacted]

[Redacted]

Cc [Redacted]

Subject: (U) [Redacted]

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

Classification: ~~TOP SECRET//SI//NOFORN~~

~~(S//SI//NF)~~ [Redacted]

[Redacted]

~~(S//NF)~~ [Redacted]

[Redacted]

~~(U//NF)~~
[Redacted]

(b) (1)
(b) (3) - 50 USC 3024 (i)
(b) (3) - P.L. 86-36

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

Classified By [Redacted]
Derived From: NSA/CSSM 1-52
Dated: 20070108
Declassify On: ~~20390301~~

Classification: ~~TOP SECRET//SI//NOFORN~~

Classified By [Redacted]
Derived From: NSA/CSSM 1-52
Dated: 20070108
Declassify On: ~~20390301~~

Classification: ~~TOP SECRET//SI//NOFORN~~

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Dated: 20070108
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Classification: ~~TOP SECRET//COMINT//NOFORN~~

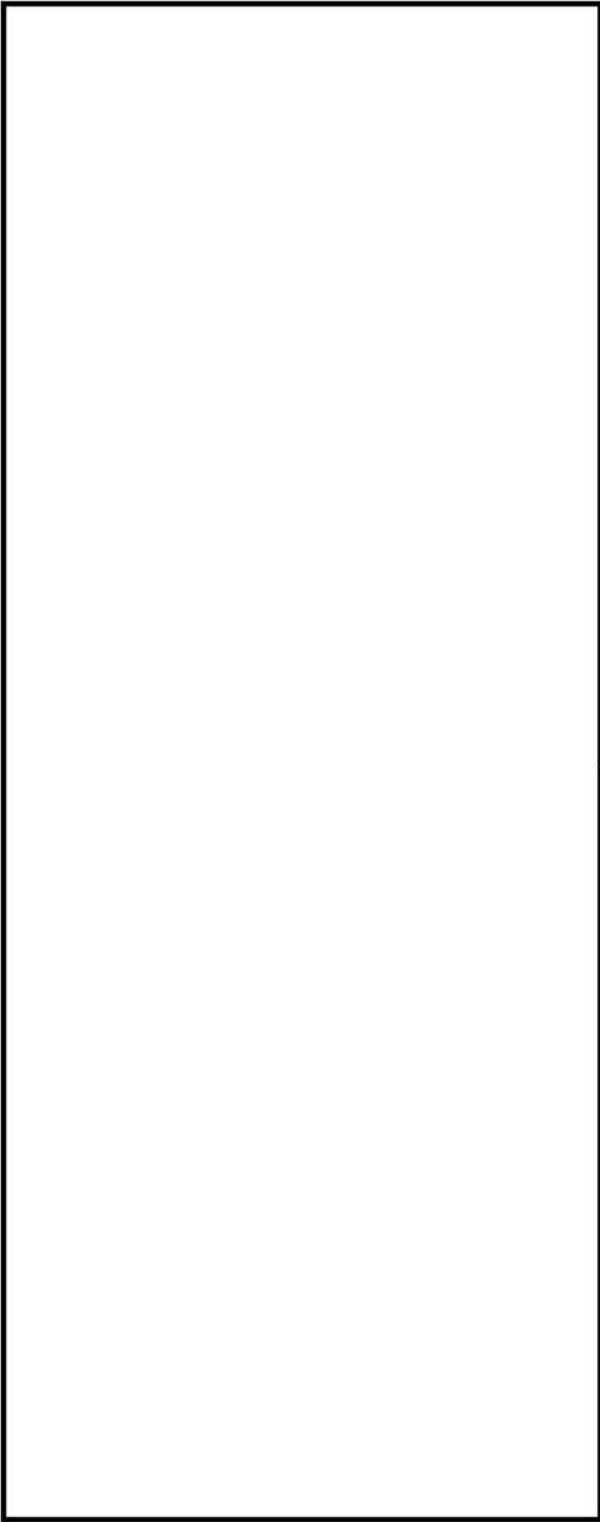
APPENDIX H

(U) **Ranking of IADP interns for Promotion**

⋮

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

UNCLASSIFIED



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

UNCLASSIFIED

APPENDIX I

(U) Email from [redacted] Recommending Time Off Award for [redacted]
[redacted] dated 3 February 2014
[redacted] (b) (3) - P.L. 86-36

From: [Redacted]
To: [Redacted]
Cc:
Subject: (U) Consideration for a Time-off award [Redacted]
Date: Monday, February 03, 2014 2:41:41 AM
Attachments: [PROMOTION JUSTIFICATION DRAFT \[Redacted\] JAN 2014.doc](#)

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

Good morning!

[Redacted] IADP intern and former [Redacted] left NSOC a few weeks ago and [Redacted] and I wanted to recognize her for her hard work and dedication to the mission during her time on watch with us.

I am wondering if each of the organizations addressed in this email would be willing to provide 8 hours each toward a 24 hour time off award for [Redacted].

Additionally, I have provided a draft for the award write-up. Would you please look at this document and see if it meets your satisfaction or if you have any editorial comments.

If you are in agreement with presenting an TOA to [Redacted] please provide guidance on how we should proceed from here in the process. I ask this because we have had some difficulty when trying these multiple organization awards in the past.

Thank you in advance and have a great start to the week!

Take care!

[Redacted]

(U//FOUO) [Redacted]

[Redacted]

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

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

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

~~TOP SECRET//SI//NOFORN~~

IV-14-0099

APPENDIX J

(U) Emails from

[Redacted]

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

~~TOP SECRET//SI//NOFORN~~

IV-14-0099

[Redacted]

From:
Sent:
To:
Subject:

[Redacted]

Wednesday, January 08, 2014 9:38 AM

[Redacted]

(U)

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

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

You are being BCCed on this e-mail for privacy purposes.

(U//~~FOUO~~) With the new electronic PRP process, we have contacted HR to help establish procedures for the IADP promotion program. This cycle will be slightly different than in the past. PRPs will be sent directly to an Associate Manager. **You will not send your PRP to your tour supervisor.** Next week [Redacted] will send you an e-mail with the name of the Associate Manager that will initially review your package along with additional information regarding the IADP promotion process. After the Associate Managers review the packages, they will submit individuals to [Redacted] with a Nomination Justification Statement to review for promotion. [Redacted] will review the packages to determine who will be promoted. Promotion packages will be due to the Associate Manager that has been assigned to review your PRP by 23 January 2014.

(U//~~FOUO~~) In preparation of the upcoming cycle, we are interested in whether you intend to submit a PRP. Please reply to this e-mail with your intentions (yes, no, unknown) by COB Friday, 10 January 2014. Your response does not lock you into submitting or not submitting a PRP. Regardless of your response to this e-mail, you are able to decide whether to submit a PRP through 23 January 2014.

(U//~~FOUO~~) Submitting a PRP is a personal decision. There is no negative impact if you do not submit a PRP. Your decision should be based on the framing questions found on the "go promotion" website which also contains information on the promotion process and automation.

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

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

From:
Sent:
To:

Friday, January 24, 2014 2:53 PM

Cc:

Subject:
Attachments:

(U) Supervisor nomination justification for IADP candidates for promotion
E-mail to IADP Participant.doc

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

To Supervisors of IADPers,

(U) The promotion process for IADP participants this year required the IADP participants to submit a package directly to an IADP Associate Manager as we are conducting a zero based review of all applicants who submit a PRP. Each IADP Associate Manager was assigned a group of IADP participants based on grade. We chose to do this in lieu of a board as we anticipate a large number of PRPs. After the IADP participants were assigned an IADP Associate Manager, they were sent an e-mail with instructions regarding the PRP submission and the IADP Promotion Process. A sample of this e-mail is attached. In the e-mail sent to IADP participants, it was suggested that they ask their tour supervisor to review their EPA for input. However, the SIAA would like to give every supervisor the opportunity to provide a nomination justification statement for IADP candidates who they have supervised currently or in the recent past that are competitive for promotion. Because the IADP participants are sending their PRP directly to the Associate Managers, we are going to use e-mail for the supervisor justification statements.

(U) Your Supervisory Justification should be sent to the [redacted] alias by COB 18 February 2014. Please use the following subject line:

2014 Supervisory Justification – Name of IADP Participant

(U) We appreciate supervisor involvement in the IA Development Program.

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

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

APPENDIX K

(U) - [redacted] Scoring of [redacted] PRP

(b) (6)

Scoring Year	EmplID	Employee Name	Scoring Manager ID	Scoring Manager Name	Promotion Grade	Factor ID	Factor	Subfactor Code	Subfactor	Maximum Score	Manager Score
2014	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	FACTOR1	Performance	1JOB	Job Related Achievement	50	[REDACTED]
2014						FACTOR1	Performance	2CUST	Customer Focus	10	
2014						FACTOR1	Performance	3COMM	Communication Skills	10	
2014						FACTOR2	Interpersonal Relationship	INTER	Interpersonal Skills	10	
2014						FACTOR2	Interpersonal Relationship	TEAM	Teaming	10	
2014						FACTOR3	Professional Development	SELF	Self-Development	10	

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

(b) (6)

(b) (6)

PR's Comments	EPA Total Score	Promotion Rank	Promote Employee (Y/N)	Final Approver	Step Increase (Y/N)	Submitted	Submitted Date	Time Stamp
(U//FOUO) [Redacted]	[Redacted]	[Redacted]	Y	N	Y	06/19/2014	06/19/2014 4 26 PM	
[Redacted]			(b) (6)					
[Redacted]			(b) (3) - P.L. 86-36					

~~TOP SECRET//SI//NOFORN~~

IV-14-0099

Appendix L

**(U) – Preserving the Integrity of the Federal Merit Systems, dated
December 2013.**

~~TOP SECRET//SI//NOFORN~~

IV-14-0099

Preserving the Integrity of the Federal Merit Systems:

Understanding and Addressing Perceptions of Favoritism



A Report to the President and the Congress
of the United States by the
U.S. Merit Systems Protection Board

December 2013

U.S. MERIT SYSTEMS PROTECTION BOARD

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TABLE OF CONTENTS

- Executive Summary** i
 - Overview i
 - Findings ii
 - Recommendations iii
- Introduction** 1
 - Background 1
 - Method 3
 - Purpose 4
- Federal Employee Perceptions of Favoritism and Nepotism** 7
 - How Prevalent Are Perceptions of Favoritism and Nepotism? 7
 - How Do Employees Perceive That They Are Affected by Favoritism? 10
 - What Supervisory Actions Do Employees Perceive as Evidencing Favoritism? 10
- What Factors Influence Promotion Decisions (And Are They Fair)?** 17
 - Comparing Perceptions of Appropriate and Actual Selection Criteria 17
 - Cautions Regarding Selection Criteria 20
- Possible Manifestations of Favoritism in the Selection Process** 23
 - Perspective from Federal Employees 23
 - Perspective from Human Resources Management Employees 24
 - Selected Cases Involving Issues Related to Favoritism 26
- Potential Explanations for Perceptions of Favoritism** 31
 - Intentional Favoritism: The Influence of Relationships over Merit 32
 - Unintentional Favoritism 34
 - Professional Relationships That Do Not Conflict with the Merit System Principles 35
 - Assessing Adherence to the Merit System Principles and Taking Appropriate Action 36
- The Critical Role of Supervisors in the Federal Merit Systems** 41
 - Supervisors' Responsibilities to Mission and Staff 41
 - Supervisory Behaviors and Perceptions of Favoritism 42
- Consequences of Employee Perceptions of Favoritism** 49
- Conclusions and Recommendations** 55
 - Why Agencies Should Be Concerned about Perceptions of Favoritism 55
 - Prevalence of Perceptions of Favoritism in the Federal Workplace 55
 - Role of Supervisors 56
 - Recommendations 57
- Appendix A: Merit System Principles** 59
- Appendix B: Prohibited Personnel Practices** 61
- Appendix C: Federal Merit Systems Survey Methodology** 63
- Appendix D: Federal Merit Systems Survey Email Request** 65
- Appendix E: Federal Merit Systems Survey** 67
- Appendix F: Seeking Redress for Favoritism from the Office of Special Counsel** 87
- Appendix G: Correlations Between Perceptions of the Supervisor's Behavior and Perceptions of Favoritism** 89
- Appendix H: Correlations Between Perceived Favoritism and Aspects of Employee Engagement** 91



U.S. MERIT SYSTEMS PROTECTION BOARD
1615 M Street, NW
Washington, DC 20419-0001

The President
President of the Senate
Speaker of the House of Representatives

Dear Sirs:

In accordance with the requirements of 5 U.S.C. § 1204(a)(3), it is my honor to submit this U.S. Merit Systems Protection Board (MSPB) report, *Preserving the Integrity of the Federal Merit Systems: Understanding and Addressing Perceptions of Favoritism*. To sustain a competent, effectively managed Federal workforce that serves the public interest, civil service statute has established merit systems and governing principles for those systems—the merit system principles and prohibited personnel practices. In addition to selection and advancement “solely on the basis of relative ability,” those principles require that Federal employees be “protected from arbitrary action [and] personal favoritism.” Favoritism occurs when an official grants an advantage to an employee or applicant based on non-merit factors such as personal feelings or relationships.

Much progress has been made in achieving the vision outlined in the merit system principles. Previous MSPB studies document a marked decrease in the proportion of employees who believe that they have experienced discrimination on bases such as sex and ethnicity or race. Nevertheless, many Federal employees continue to perceive that personnel decisions are often influenced by favoritism. For example, 28 percent of Federal employees believe that their supervisor demonstrates favoritism by treating some employees better than others. Our analysis reveals that such beliefs—regardless of their basis in fact—are damaging to morale, leadership credibility, and productivity.

This report discusses factors that can contribute to perceptions of favoritism and outlines how Federal agencies can take, and communicate, merit-based personnel decisions. In particular, this report emphasizes to Federal officials the need to distinguish their personal preferences from job-related criteria, and to distinguish personal rapport with an employee or applicant from proven ability to develop effective working relationships. The report also emphasizes to Federal employees the value of understanding the factors that agencies may properly consider when making personnel decisions, and seeking developmental feedback to help them compete for advancement and recognition on their individual merits.

I believe you will find this report useful as you consider issues affecting the Federal workforce and Federal agency performance.

Respectfully,

Susan Tsui Grundmann

Enclosure

EXECUTIVE SUMMARY

Overview

The Merit System Principles (MSPs) promote an effective Federal workforce free of Prohibited Personnel Practices (PPPs). Summarized under nine aspirational goals, the MSPs serve as the foundation of Federal employment policy and practice, workplace fairness, and the Federal Government's ability to effectively accomplish its goals. As codified at 5 U.S.C. § 2301(b)(1), the first merit system principle demands that Federal employees be recruited "from all segments of society" and selected and advanced "solely on the basis of relative ability, knowledge, and skills, after fair and open competition." Further, under 5 U.S.C. § 2301(b)(8)(A), Federal employees are to be protected against "personal favoritism."

The Merit System Principles guide Federal supervisors to base their workforce decisions (e.g., hiring, promoting, giving awards, and distributing assignments) on objective criteria, such as assessments of ability or performance, rather than personal feelings and/or relationships, lest they be viewed as practicing personal favoritism. In brief, "personal favoritism" occurs when a supervisor or selecting official grants an advantage to one employee or applicant but not another similarly situated employee or applicant based on friendship or other affinity rather than a legitimate merit-based reason. Favoritism is distinct from discrimination on legally protected bases and is frequently more difficult to clearly identify when it is occurring given the absence of visible cues on which the preference is made. However, like discrimination, favoritism is contrary to the ideals of the Federal merit systems.

This report summarizes the findings of MSPB's research into employee perspectives regarding the extent to which they believe that favoritism occurs within the Federal merit systems and its potential effects. The results of our surveys and in-depth discussions with groups of employees indicate that the majority of Federal employees believe that discrimination based on the legally protected classes of race/ethnicity, sex and age has decreased over the past 15 years. However, many employees remain unconvinced that they are treated fairly in all aspects of their careers. In particular, a significant percentage of Federal employees believe that personal favoritism undermines merit-based decision making.

Eliminating perceptions of favoritism has proven extremely challenging. Supervisors and employees often have conflicting opinions as to the influence of favoritism on the supervisor's decisions, which may result from their differing perspectives or due to differential access to varying types and amounts of information about their supervisors' decisions.

Therefore, the purpose of this report is to reduce the likelihood that favoritism is occurring (or believed to be occurring) by providing recommendations for strengthening supervisory and managerial practices while also identifying steps that employees can take to improve their understanding of the merit systems and their ability to advance within them.

EXECUTIVE SUMMARY

The workplace is a complex social environment. Multiple parties view situations from different perspectives and interpret actions based on their own experiences and expectations. Supervision is a demanding role that requires a careful balancing of responsibilities to ensure the effective and efficient management of employees while accomplishing the organization's mission. As part of their critical role, supervisors must allocate work responsibilities and limited resources according to necessarily subjective evaluations. In an ideal world, the supervisor's actions are truly merit-based, and this is readily apparent to all observers, including employees and human resources management (HRM) staff.

Unfortunately, the typical work environment features ambiguity that precludes full confidence in supervisors making merit-based decisions. For example, supervisors may be unable to exercise adequate transparency so others feel confident in the propriety of these decisions. On other occasions, supervisors may intend to abide by the MSPs, but lack the knowledge, experience or tools to make merit-based decisions or may be inadvertently influenced by nonmerit factors due to a lack of awareness. And finally, not all supervisors fully embrace the merit system principles and seek to circumvent them by intentionally favoring some employees based on factors unrelated to merit.

According to MSPB survey results, about one in four Federal employees believe that their supervisor practices favoritism and over half suspect that other supervisors in their organization practice favoritism. Three out of ten HRM employees agreed that favoritism occurs in the organizations that they service.

Although virtually every interaction between a supervisor and employee can involve perceptions of favoritism, employees were most likely to report witnessing favoritism through social interactions (27 percent agreed their supervisor demonstrated favoritism through social interactions). Almost as frequent were perceptions of favoritism regarding traditional benefits that supervisors may bestow upon employees: desirable work assignments (26 percent), awards (23 percent), performance appraisal ratings (21 percent), promotions (21 percent), and acting supervisor opportunities (21 percent).

Employees may also suspect favoritism when they are not selected for promotions within their organizations, particularly if they do not receive feedback when they were not selected. Honest feedback from the selecting official can serve two vital purposes: 1) to help employees improve their readiness for future opportunities and 2) to provide transparency to decrease perceptions of favoritism.

Likely causes of perceived favoritism include:

1. Intentional favoritism, where the supervisor intends to make decisions based on personal connections rather than merit;
2. Unintentional favoritism, where the supervisor's decisions have been influenced by interpersonal relationships without the supervisor's conscious awareness or a lack of knowledge or tools to help the supervisor make merit-based decisions; and
3. A misperception by employees, such as when professional relationships exist that do not conflict with the merit systems, or when a mentor or supervisor provides more opportunities to those who demonstrate the ability and motivation to take on new roles.

INTRODUCTION

Background

Merit System Principles and Prohibited Personnel Practices

The U.S. Merit Systems Protection Board (MSPB) serves to protect the Merit System Principles (MSPs) and to promote an effective Federal workforce free of Prohibited Personnel Practices (PPPs). To support this mission, MSPB conducts studies to assess how fairly and effectively Federal agencies are managing their employees and to make recommendations for improvements. By examining trends over time, MSPB can promote an understanding of gains that have been achieved over time, as well as areas needing further attention.

To understand the context for this study, it is useful to keep in mind that the Federal civil service started as a patronage system in which people were granted jobs largely due to political loyalty, rather than qualifications. To remedy the problems created by this process, Congress passed the Pendleton Civil Service Reform Act in 1883, establishing the principle that appointment to the civil service should be on the basis of merit rather than political affiliation or other nonmerit reasons. Nearly a century later, as part of the Civil Service Reform Act of 1978, Congress codified the MSPs and PPPs in 5 U.S.C. § 2301¹ and 5 U.S.C. § 2302² to clarify expectations for a merit-based Federal civil service. While the MSPs provide aspirational goals for managing Federal employees, they alone cannot serve as the basis for a legal action by an employee or agency.³ Concurrently, PPPs were developed to work in concert with the MSPs and spell out specific actions that agencies may not take.

The MSPs and PPPs state clearly what should be considered (e.g., “relative ability, knowledge, and skills”) and what should not be considered (e.g., “political affiliation, race, color, religion, national origin, sex, marital status, age,” and disability) when making decisions that impact prospective and current Federal employees. They also indicate that basing these decisions on “personal favoritism” or nepotism (favoring

¹ The “spoils system” likely resulted in a higher percentage of less qualified people occupying Federal positions, turmoil associated with turnover during changes of Administration, as well as distractions caused by individuals lobbying for Federal employment. However, the assassination of President Garfield by a frustrated job seeker who expected a Federal job in return for campaigning on behalf of the President became the precipitating event for this significant change to the Federal personnel system. Although the initial coverage in the competitive service was limited, this authority expanded greatly over time. For more information, see *Biography of an Ideal: A History of the Federal Civil Service*, U.S. Office of Personnel Management, from <http://archive.opm.gov/biographyofanideal/> as of September 12, 2013.

² For the text of the Merit System Principles, see Appendix A.

³ For the text of the Prohibited Personnel Practices, see Appendix B.

⁴ H.R. Rep. No. 95-1717, at 128 (1978), reprinted in 1978 U.S.C. C.A.N. 2860, 2861.

INTRODUCTION

relatives) is not proper (even in the absence of discrimination on the legally protected bases mentioned above). Although the regulations on nepotism specify the types of familial relationships that are prohibited between supervisors and employees, the MSP regarding favoritism requires more interpretation of the circumstances, and consequently, greater potential for differing opinions.

Favoritism occurs when supervisors or managers base decisions regarding current or prospective employees on personal feelings and/or relationships and not on objective criteria, such as assessments of ability, knowledge, and skills. Since the MSPs do not define the term favoritism, we base our definition on the corollary prohibited personnel practice in 5 U.S.C. § 2302(b) (6), which forbids the granting of "any preference or advantage not authorized by law, rule, or regulation to any employee or applicant for employment (including defining the scope or manner of competition for any position) for the purpose of improving or injuring the prospects of any particular person for employment."

In other words, a selecting official or a supervisor is prohibited from granting a benefit to one employee or applicant but not another similarly situated employee or applicant for reasons other than a legitimate merit-based reason. Examples of favoritism might include:

- If a selecting official asked human resources management (HRM) staff to find a way to hire a person (such as a friend or political ally) into a position for which the person was unqualified or clearly less qualified than other applicants;
- If a supervisor granted a career ladder promotion to a favorite employee but denied it to a similar employee who performed at the same level;
- If a supervisor took disciplinary action against one employee but not a similarly situated employee (who had a similar history and demonstrated identical performance or conduct).

Further, in the process of providing an unauthorized preference to one applicant or employee, other PPPs may also be committed. For example, if a supervisor sought to favor an applicant or employee based on shared political affiliation (or to disadvantage an individual based on dissimilar political views), the supervisor would be wrongfully considering information unrelated to work-related factors by discriminating for or against an employee based on political affiliation or on conduct unrelated to work performance¹ or by taking "action against any employee or applicant for employment as a reprisal for the refusal of any person to

¹ As discussed in 5 U.S.C. § 2302(b)(7) and 5 U.S.C. § 3110, serving in a supervisory capacity with an individual who is related by blood, marriage or other familial relationship, which allows relatives to grant each other employment-related advantages, has clearly been defined as counter to the Federal merit systems. The definition of nepotism does not include other types of relationships that would also likely represent a conflict of interest, such as unmarried partners in an intimate relationship (e.g., unmarried couples or those engaged in extramarital affairs). However, remedies to unfair treatment caused by these circumstances could be pursued under 5 U.S.C. § 2302(b) (6).

² 5 U.S.C. § 2302(b)(7) and 5 U.S.C. § 3110.

³ 5 U.S.C. § 2302(b)(1)(c).

⁴ 5 U.S.C. § 2302(b)(1)(i).

Appendix M

(U) - [redacted] Email to [redacted] dated 11 April 2014

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

[redacted]
(b) (6)

(b) (6)

[Redacted]

From: [Redacted]
Sent: Friday, April 11, 2014 5:27 PM
To: [Redacted]
Cc: [Redacted]
Subject: (U) SID D/DIR [Redacted] Promotion Decision Inquiry

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

Classification: ~~CONFIDENTIAL//NOFORN~~

[Redacted] I went back to the IA Development Program Management (including [Redacted] and further inquired on the decision to not promote [Redacted]. Based on the Program's review of [Redacted] promotion review package they concluded that although the package was substantive (as were the majority of the development program participant's packages), that [Redacted] accomplishments did not demonstrate mission impact warranting a higher score. She was also notably weaker than her peers in teaming. For these reasons, the overall score for the package was in the bottom third of the group reviewed. Also of note (which impacted the communication score), the package was a bit sloppy, with misspelled words and inconsistent abbreviations. Promotion feedback will include all the above along with recommendations to carefully proofread the package prior to submission.

Although I'm comfortable that the Program (through [Redacted] guidance) utilized a sound and thorough review process of submitted PRP's, I would be happy to review their processes in more depth, and in particular [Redacted] package, if you feel there are any questions on the appropriateness of the Program's processes or any concerns of the process not being fair to all employees.

Please let me know if you have any other questions.

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

Thanks. [Redacted]

(U//FOUO)

[Redacted]

Classified By: [Redacted]
Derived From: NSA/CSSM 1-52
Dated: 20070108
Declassify On: ~~20390401~~

Classification: ~~CONFIDENTIAL//NOFORN~~

Appendix N

(U) [redacted] Response to Tentative Conclusions

dated 29 September 2014

[redacted]
(b) (6)

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

From: [redacted]
To: [redacted]
Subject: (U) Re: Follow-up to OIG Issue (Personnel Confidential)
Date: Monday, September 29, 2014 9:04:05 AM

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

(9) (a)

[redacted]

Attached is my response to "Tentative Conclusions of the OIG Inquiry." Thank-you.

v/r,

[redacted]

Tentative Response to the OIG Inquiry

(U//~~FOUO~~) I appreciate the opportunity to respond to the OIG Inquiry as to whether I provided preferential treatment to an Agency employee. Realizing that the Federal Government has finite resources, I regret that any of my actions may resulted in an official OIG inquiry. I understand and fully concur with that all Federal "employees shall act impartially and not give preferential treatment to any private organization or individual...." I truly regret if any of my actions led to conclusion that I made a recommendation that I, in this instance, made a promotion based on anything but legally, defensible facts. Having stated that I must address, as succinctly as possible, the basic premise of this report because it is filled with egregious inaccuracies, misrepresentations, and unfortunately sub-standard analysis.

(U//~~FOUO~~) I will not spend time outlining what the SIGINT Director, I, [redacted] and our predecessors, have seen as our responsibility or obligation as it pertains to the technical health of our organization. Suffice it is to state that those developmental programs that contribute skills deemed critical to the SIGINT Enterprise have been deemed part of our responsibility. I will address the personal aspects of this report that appear to substantiate official, definitive conclusions but are based on faulty data. I'll begin with basic facts then outline inaccuracies:

I. (U//~~FOUO~~) Basic Facts

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

(b) (6)

[redacted]

(b) (6)



**B. (U//~~FOUO~~) Work**

- The employee has worked in several offices while in the IADP. I know some of her assignment history and that of hundreds of other Agency employees. As an employee and senior executive, I have provided input and recommendations for individuals at every level across the Agency, in every Directorate, to include LAO, OIG, etc. Having worked extensively outside the building I have also been asked for and provided input for personnel throughout the Intelligence Community and at all levels of the USG;
- The fact the employee “felt comfortable enough to directly inform him (me) that she was having a difficult time finding a full time position” and sent e-mails about her situation is not indicative of an improper relationship. Many of our more personable, i.e. approachable, personnel have these conversations on a weekly, if not daily, basis and involve personnel in all organizations and at all levels;
- My recommendation that this individual be considered for promotion was based on her contributions to the mission and value that she had added working critical issues [redacted] while in NSOC. As an aside, I received several unsolicited notes from individuals on her performance (do not know why these were directed to me but suspect it’s the typical bureaucratic, unofficial “hallway file” that is kept on each of us and it includes our associations and positive and negative aspects of our careers) ;
- One concern that I have with this OIG report, which I will address from an

objectivity standpoint later, is how my question to her NSOC supervisor was captured:

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

The OIG report states that: "On 15 April 2014, he emailed an NSOC supervisor and asked whether he thought [redacted] was competitive for promotion and asked him to craft several bullets that would highlight her accomplishments, if the NSOC supervisor believed she should be considered." In actuality, the verbatim note that I sent her supervisor stated the following:

What I actually sent was: "You mentored her in NSOC and probably contributed to her most recent ACE. As you know she has been with the Agency for 3 years having been hired on as a [redacted] My question for you is do you believe that she is operating at the [redacted] level and would you consider her competitive for promotion at this time, i.e. does she meet the criteria that would warrant consideration for promotion to [redacted] If not, fully understood, and no further action required. If you believe that she does warrant consideration, it would be helpful if you could craft several bullets that highlight her accomplishments (NSOC primarily or elsewhere if you have them) and why you believe she should be considered for promotion. This should not be lengthy and again a "not ready" for promotion is fully acceptable."

(b) (6)

- As it pertains to ascertaining whether an employee is competitive for promotion, as the report noted I did ask the SID Chief of Staff about the employee in question in April 2014; to the best of my knowledge there is nothing illegal or improper in asking such a question. Seniors and non-senior leaders do this multiple times a year on Agency employees. What the report unfortunately fails to mention is that what was provided to me as a response was a poorly crafted, one-paragraph e-mail that stated that the employee had "typos" in her paperwork and a general statement that she "she was not competitive as others." Knowing what she had accomplished, I asked for specifics on her but never received them. Having asked for a substantive answer for several weeks, I went directly to her immediate supervisor for input; The employee's immediate supervisor provided a 5-page response stating that the employee met the criteria for promotion to [redacted]. I presented the one paragraph response and supervisor's 5-page endorsement to the SID Director telling her that I **did** know the employee. I did not/repeat did not tell her that the employee [redacted] as it had absolutely no bearing on the employee's accomplishments. The SID Director reviewed the 1-paragraph response and the 5-page response and stated that she would make a decision. The attempt to inject a "personal aspect" into the merits of the employee's readiness for promotion to [redacted] [redacted] detracts from the real issue of process;
- The OIG report states that I did not score the individual's PRP for 6-weeks after the recommendation to promote. That was a scheduling issue between my calendar scheduler and the SID's Chief of Staff personnel (I could have provided chapter and verse on this if asked – again it is disappointing that the investigator, who had 5+ months to work this inquiry, never asked me to return to OIG spaces to discuss this

issue but felt it pertinent enough to include in this report). During the meeting with SID Director to discuss final promotion recommendations we discussed qualifications, legality, and authority (I specifically asked this question several times during the meeting) and was advised that the promotion recommendation was within the SID Front Office's purview; and,

- The report implies that I "solicited input and lobbied" for only the employee in question and that this was the only IADP intern who benefitted from my direct involvement in the promotion process. This demonstrates an almost complete lack of knowledge of what occurs throughout the year vis-à-vis personnel. During the course of a year we receive numerous briefings from interns, journeymen, mid-level and senior-personnel in the Intelligence and Language Analysis, STEM, and other skilled communities. Being impressed with the vast majority of the briefers, seniors will almost always take a moment after a briefing to comment to a supervisor (in private) on the briefer (this can cover a briefer's years at the Agency, grade, previous and projected assignments, etc.). On various occasions Office-, Group-, and Directorate-level personnel will mention that someone was "just promoted or will be recommended for promotion, etc." during the next promotion cycle. These discussions (KUDOs and laudatory remarks) occur frequently and usually become input used in promotion write-ups. The fact that this process was not captured in the OIG report suggests that the document is not as comprehensive as it could be. The SID, or most Front Offices' processes, usually serve to ensure that deserving individuals do not "fall through the cracks." If this is inappropriate or if MRAs or Directorates are expected to have their decisions approved and validated by subordinate organizations, then that guidance should be promulgated throughout all levels and organizations of the Agency.

II. (U//~~FOUO~~) Process & The IADP Program

(U//~~FOUO~~) The crux of this issue is process, with the basic question being "why did I not go to the IADP panel for the next 10 (or pick a number) of personnel who should be considered for promotion." There are multiple facets to my response. I listed the three most pertinent facets of my response below:

1. (U//~~FOUO~~) Having served at the most senior levels of the Agency, I am not aware of this requirement being levied on any duly constituted promotion board or body, and I have served on numerous boards throughout my career. For example, when the PRB makes a recommendations to Director, they are just that recommendations. If the Director or Deputy Director decides to add names to a promotion list it is within their purview as long as the individual meets the criteria for promotion. There is no mandate for the Director to go back to the PRB to request a list of the

next 10 (or you pick it) names to be considered in priority order. That has not held for any other board that I have had the opportunity to be a member of or party to their decisions. For the OIG to determine that that is the process that I, or in this case the SID Front Office leadership, should have followed then it “an after the fact determination” that has not been levied on the SID leadership before and that is probably not widely adhered to across the Agency today;

2. (U//~~FOUO~~) Based on what the Agency leadership has learned during the past 6-months the IADP program has some significant issues that must be addressed. One challenge is that the IADP is not using the same criteria that the SIGINT Director or Deputy Director would use to promote individuals in the program. The OIG, again unfortunately, chose to make this issue about me and a “perceived personal relationship” instead of objectively conducting a comprehensive, end-to-end fact finding inquiry as to why I, or any other leader would choose to recommend someone for promotion not recommended by the program. Indeed the SID Director, has stated emphatically since May 2014, that she would have probably selected a list different from the IADP program’s list if she were selecting candidates. Most troublesome is that the IADP is selecting candidates based on their abilities to do

[REDACTED]

[REDACTED] One of the most damning indictments of the IADP program (insightful and a must read) came from [REDACTED] (last name intentionally withheld). She wrote clearly and concisely about the IADP program’s lack of interaction with IADP interns, its unwillingness to find assignments for them, and flippant attitude that was rampant in the IADP program’s leadership [REDACTED] article is entitled “MIH,” which we later find was written on an IADP front office board, and verbally conveyed to interns that if they do not like how the program is run, “*McDonald’s Is Hiring*” or MIH. At a time when the Agency is doing all that it can to retain our most highly skilled individuals, the IADP program leadership is irresponsibly telling them if they do not like what is occurring within the program, they should seek employment elsewhere. This is completely incongruent with where senior leadership must take this Agency if it is to remain relevant to our nation’s security. After speaking with [REDACTED] who resigned to join another government entity, I asked her to inform her peers to contact me before they consider resigning from the Agency. The numbers who contacted me were overwhelming. Of note, the DDIR himself has inserted himself into the process to fix the IADP program. Lastly on the question of “if the IADP would have provided me with the [REDACTED] other IADP [REDACTED] interns” what would I do, my answer would be I hope that I would have the conviction and the integrity to take the right action, for the work force and for the Agency’s future. The argument that I should have engaged the IADP program on the list is in part negated by the fact that I did reach out through the SID Chief of Staff to acquire data from the IADP program, for whatever reason, they provided a non-substantive crafted answer;

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

(b) (6)

- 3. The report states that I should have engaged [redacted] if I had "misgivings about how [redacted] evaluated the IADP interns." That was done. If it were comprehensive, the report would indicate that I did engage the Chief of [redacted] about the IADP program and its promotion criteria [redacted]. [redacted] During my engagement with Chief [redacted] he informed me that he "was aware of the problems and that leadership changes were being made in the IADP program to address the numerous complaints coming from IADP interns."

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

III. (U//~~FOUO~~) Conclusion

(U//~~FOUO~~) As a member of this Agency I will accept whatever decision is made by the Agency's leadership. I understand the importance of not allowing any perceptions that might shine a negative light on the integrity of any personnel process. I have lived by that for my entire career and I will uphold and support that now. My goal in providing this paper was to go on the record with the "rest of the story" behind this inquiry. Having read this report, I am thoroughly disappointed in the process. From the beginning, the investigator seemed to have reached a conclusion and would not let the facts get in the way of what he wanted to prove. The fact that he met with me *only* once, several months ago, while meeting numerous times with others to "prove" his case, is indicative of at least a "perceived" lack of objectivity in this case. Having been an IA analyst my entire career and serving in my current position, I would expect our OIG's analytic efforts, knowing the impact that these decisions might have on careers, to be at least on par with that of the SIGINT Directorate's analytic efforts. Unfortunately, it is not close to SID's analytic standards and that is as alarming as it is disappointing. In discussions with the Agency's IG, who I tremendously respect, I have recommended some of SID's highest potential personnel to fill positions in the OIG. Hopefully those reading my response will at least have the factual context, in which to cast this paper.

(U//~~FOUO~~) I believe that it is important to re-emphasize these key points:

- There was no close, personal relationship with the employee so it could not have impacted my recommendation on promotion. That recommendation was based on accomplishments;
- I did attempt to engage the IADP program via established Chief of Staff channels but after several attempts, I received only poorly crafted input;
- Going back to IADP's leadership to get the next in line of the [redacted] other IADP [redacted] interns was not a prescribed process and it would have yielded results [redacted] [redacted] that would have been inconsistent with SID Front Office's Strategic vision for the SIGINT Enterprise. I have decided not to go into the multitude of issues of command prerogatives as this could be a separate paper;
- The IADP program office has/had serious leadership challenges with its lack of engagement of IADP interns and its "*McDonald's Is Hiring*" attitude. As senior

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

leaders we should be embarrassed that this was allowed to occur within this Agency; and,

- Although the OIG report is not comprehensive and is lacking in facts, I understand the need to ensure that there are absolutely no misperceptions of favoritism or other improprieties among the Agency's senior executives. I therefore will accept management's decision but felt it imperative to get the facts on the record.

(U//~~FOUO~~) Finally, as my career is in its twilight, I am thankful that this is the first (*and it will be the only time I might add*) time that I have had to endure this process. My larger concern is for the young analyst who is also mentioned in this paper. This issue is squarely on my shoulders and it should not taint her career. She is fine individual and a good person with many years ahead of her – let the record also show that she did nothing inappropriate, her accomplishments merited promotion, and that she has served her Agency well during her brief tenure.

(U//~~FOUO~~) Thank you for the opportunity to comment on this document.

v/r,

[Redacted signature block]

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