NATIONAL SECURITY AGENCY/CENTRAL SECURITY SERVICE

INSPECTOR GENERAL

REPORT OF INVESTIGATION

10 March 2014

IV-14-0005

Public Office for Private Gain and Misuse of Government Property

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Approved for Release by NSA on 11-01-2018, 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.
I. (U) SUMMARY

(U//FOUO) This investigation was conducted in response to a complaint alleging that [redacted] used her public office at NSA to obtain [redacted] logon and logoff records from a friend in [redacted].

(U//FOUO) The OIG concluded that [redacted] used her public office at NSA to obtain [redacted] logon and logoff records by requesting her friend, [redacted], to obtain and provide those records to [redacted] in violation of 5 C.F. R. 2635.702, Use of Public Office for Private Gain, and 5 CFR. 2635.704, Use of Government Property.

(U//FOUO) A copy of the OIG report will be forwarded to the Office of General Counsel (OGC), Administrative Law & Ethics, D23, for information, and to Employee Relations, MR, for action deemed appropriate. A summary of our report will be forwarded to the Associate Directorate for Security and Counterintelligence (ADS&CI), Special Actions, Q234, for information.

1 The terms "login" and "logon" are used interchangeably throughout the report. Also, the terms "logout" and "logoff" are used interchangeably throughout the report.
II. (U) BACKGROUND

(U) Introduction

(U//FOUO) entered on duty with NSA on and is a beginning and resigned on also works at NSA and is a Technical Director in

(U) Applicable Authorities

(U) The investigation looked at possible violations of the following authorities. See Appendix A for full citations.

— 5 C.F. R. 2635.702, Use of Public Office for Private Gain

— 5 C.F.R. 2635.704, Use of Government Property
III. (U) FINDINGS

(U//FOUO) ALLEGATION 1: Did _use her public office at NSA to obtain_ logon and logoff times from a friend in _ in violation of 5 C.F.R. 2635.702?

(U//FOUO) CONCLUSION: Substantiated. The preponderance of the evidence supports the conclusion that _ used her public office at NSA to obtain _ logon and logoff times from a friend in _ in violation of 5 C.F.R. 2635.702.

(U//FOUO) ALLEGATION 2: Did _ misuse Government property by using the services of a contractor for an unauthorized purpose in violation of 5 C.F.R. 2635.704?

(U//FOUO) CONCLUSION: Substantiated. The preponderance of the evidence supports the conclusion that _ misused Government property by using the services of a contractor for an unauthorized purpose in violation of 5 C.F.R. 2635.704.

(U) Evidence

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

(U) Documentary Evidence

(U//FOUO) Emails sent on 22 April and 24 April 2013, _ and _ each provided the OIG with one or more of the below emails. The emails are listed in chronological order and are attached at Appendix B.

1. Email sent on 22 April 2013 at 0740 hours from _ to _
   Subject: “Help!!!”
   “Hi! How are you?? I hope you’re doing good and enjoying the nice weather… I love it. Everything is new and fresh in spring! SO _ is a _ and her office manager is a BEYOTCH… She’s been nasty to _ and me; _ keeps getting accused of putting the wrong times on her timesheet, when she is 100% certain she is putting the right times down. Is there any script or ANYTHING we can do to pull the log-in log-out times on her computer for the past two weeks? _ thinks there is but wasn’t sure… is there an _ ticket for that lol?”

(b) (6)
2. Email sent on 22 April 2013 at 0818 from [redacted] to [redacted]

Subject: "Help!!!"

[redacted] How you been? [sic]. Sorry to hear about this office manager, she sounds like a real enjoyment to work with. Yeah login and out times can def be traced. I would be happy to take a look but that would take a while, if she wasn’t in a rush I would. It is just a matter of looking at logon and off times in the security log. This is the route I would go:

3. Email sent on 22 April 2013 at 0900 from [redacted] to [redacted]

Subject: "Help!!!"

"... Do you mind taking a look for us on Wednesday? She is off today and Thursday. I’ll really just need her login times for the two weeks (April 8-19th). Is that too much to ask? If so I’ll submit the ticket. I just wasn’t sure if they would support that or not. Her OM/ Supervisor is SO nasty! [redacted] is really OCD and she always puts the exact time on her timesheet, plus [redacted] has beat it into her head not to cheat on her timesheet, and her supervisor keeps accusing her by being off by 30 minutes when [redacted] KNOWS that it’s right. Poor kid."

4. Email sent on 22 April 2013 at 0914 from [redacted] to [redacted]

Subject: "Help!!!"

"... No, I don’t mind taking a look. I am the same way. I am a**1 about my timesheet even if I go for lunch. Timesheet is one thing you can’t cheat on I have learned that too. With all the badging in we do they can track everything if need to. Her boss must be jealous of her or something lol. Just cause she is prettier lol. That is just mean lol."

5. Email sent on 22 April 2013 at 11,28 from [redacted] to [redacted]

Subject: "Help!!!"

"... Thank you. We’ll touch base about it Wednesday. LOL. That must be what it is. Her boss is a hater!"

6. Email sent on 22 April 2013 at 1131 from [redacted] to [redacted] and [redacted] and [redacted]

Subject: "Important!"

[redacted] will be in class when you get back to work on Wednesday, but my friend from [redacted] is going to get into your machine and pull your login/logoff times for the past two weeks (8-19 April) Then you can compare them to your timesheet. Make sure you get a screenshot of the times and save it to your computer. So on Wednesday, email [redacted] (cc’d) and he’ll know what to do. THANK YOU [redacted] As always, you are the best."

7. Email sent on 22 April 2013 at 1427 from [redacted] to [redacted] and [redacted] and [redacted]

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Release: 2018-11
NSA: 05371
Subject: “Important!”
Attachments: ____________xlsx__
“She is very consistent as you can see.”

8. Email sent on 24 April 2013 at 0717 from ____________ to ____________
   Subject: “Login/Logoff Times”
   ____________ I was able to pull your login / logoff times for the last ppd + as you can see, you
   are very consistent and you remembered correctly – you never showed up after 1200. In
   fact, if all NSA employees were as consistent as you, that would be awesome!

   Date   | Login   | Logout
   -------|---------|---------
   8-Apr  | 11:51am | 3:50pm 
   9-Apr  | 11:50pm | 3:49pm 
   10-Apr | 11:52pm | 3:52pm
   11-Apr | 11:53pm | 3:49pm
   12-Apr | 11:51pm | 3:52pm
   15-Apr | 11:54am | 3:53pm
   16-Apr | 11:13pm | 3:11pm
   17-Apr | 11:50am | 3:56pm
   18-Apr | 11:51pm | 3:55pm
   19-Apr | 11:49am | 3:55pm

(U/FOUO) Email from ____________. On 30 July 2013 ____________ Deputy Program
Manager, ____________ emailed the
OIG that does not provide any specific data about another user unless the request is from the
Associate Directorate for Security and Counterintelligence (ADSC), or OIG.

(U/FOUO) Email from ____________. On 31 July 2013 ____________ emailed the OIG that provides logon/logoff records only on request from
the NISIRT/SHO.

(U/FOUO) Email from NISIRT. On 1 August 2013 NISIRT ____________ sent the OIG a report
regarding ____________s activity on 22 April 2013. NISIRT did not find any information that
indicates the request to pull ____________ logon and logoff records was tasked through
NISIRT.

(U/FOUO) Verified logon and logoff times. On 22 October 2013 the OIG confirmed with
NISIRT, ____________ that the logon and logoff times ____________ provided to the ____________ were
accurate.
(U//FOUO) email to the OIG. On 30 September 2013, sent the OIG an email after his interview with the OIG that morning. Stated the following in his email: “Just wanted to give you a heads up that I initiated a ticket to restore my email from the month of April. Should take a few hours to restore so I should have them to you tomorrow or later today. I checked through the tickets but wasn’t able to find one so I am thinking what I said initially that one was not created.” This email is attached at Appendix C.

(U//FOUO) PRIVAC Briefing document. The PRIVAC briefing document was obtained from NSA net, “go PRIVAC.” This document states that individuals possessing root passwords or “super user” privileges are considered to have privileged access. It further states that PRIVAC will be used only to accomplish authorized duties. This document is attached at Appendix D.

(U) Testimonial Evidence

(U//FOUO) Technical Director was interviewed on 25 July 2013 and provided the following sworn testimony:

(U//FOUO) was accused several times by her supervisor of submitting inaccurate timesheets. is aware of the ramifications of timesheet fraud and felt that the timecard issue needed to be addressed. and looked for ways to help her in this situation, believing that was being truthful about her time and attendance. recalled from his “technical days” that logon and logoff times can be obtained. attempted to get his own log times from his computer and realized that it was not possible. At that point he told that she was on and found information on how to get logon and logoff times. She also told him that she spoke to her friend a System Administrator, about obtaining that information. told that she could submit a ticket or that she could get the logon and logoff times for him.

(U//FOUO) has never met or spoken with him. is not sure if copied an email with the logon and logoff records or if sent them to him. Once received the logon and logoff records he forwarded them to without and names, so that she could forward his email to her supervisor. The records were an extraction from logon and logoff times for the specific pay period in question.

(U//FOUO) was interviewed on 29 July 2013 and provided the following sworn testimony:

(U//FOUO) has been in her current position for two years. joined NSA in 2009. is and, on several occasions, supervisor accused her of cheating on her timesheet and asked and what she should do. told that she needs to be 100% sure that she is not cheating and needs to tell that to her supervisor. She followed that
recommendation; however, her supervisor continued to accuse her of submitting false
timesheets.

(U/FOUO) conducted a query on NSAnet to see if it was possible for a person to
obtain their own logon and logoff times. She found that you can with a certain
script run on the computer but she did not know how to run the script. That same morning
contacted her friend, and asked if she could run the script herself or if
there was an ticket to submit. told her there is an ticket she can submit but
he offered to pull the times for her. He asked her if she wanted him to do that and she said okay.
explained to that they needed logon and logoff
times for the last two weeks to compare them to her timesheet so that they could know for sure
that she was not falsifying her timesheet.

(U/FOUO) told about the script and that she was going to
ask her friend, if she could submit an ticket. responded "okay."

(U/FOUO) does not think ever talked to
and copied and on the email because she was going
on leave. In the email she told that could help her. She thinks
hit "Reply-All" to that email when he sent the email with the logon and logoff
records attached.

(U/FOUO) has known for about three years. Three years ago
helped for a week on shared folder permission issues. They continued
"chit chatting" at work. They do not have a relationship outside of work except they are
"friends" on Facebook.

(U/FOUO) thought about asking to submit a ticket herself to get
the logon and logoff records but works only four hours per day and was not at
work at the time. Additionally, made the offer to obtain the information.
had no idea that she was doing anything wrong. Also thought
was going to submit a ticket and assign it to himself because that is what he did
three years earlier. When he helped her with the shared folder issues assumed he
would follow "whatever" policy they had in his office. still does not know if
submitted a ticket. She was under the impression that he was authorized to pull
those records.

(U/FOUO) Contractor and Systems Administrator, was
interviewed on 30 September 2013 and provided the following sworn testimony:

(U/FOUO) has been a Systems Administrator for eight years. He performs
Sometimes he receives a call directly from the customer but usually he receives a call from the team when
they are not able to correct an issue. At that point they call the customer to fix it.
(U/FOUO) has “super user” privileges, also known as PRIVAC, which gives him the ability to access other user's machines to install software. He has PRIVAC because his job requires him to access computer event logs. He took a PRIVAC briefing and believes there was a list of things he could and could not do; however, he does not remember the details. He believes he takes PRIVAC training every year and had to take PRIVAC training a couple of months ago. In addition to accessing computer event logs, he has PRIVAC so that he can install software and give customers access to certain folders. He performs these tasks when he receives a ticket. He is not sure if an email is sufficient, but when a customer emails him directly requesting assistance, he creates a ticket for the request.

(U/FOUO) was informed by his boss that the boss was accusing him of arriving to work 10 or 15 minutes late every day. He emailed his boss asking if he could see when he was logging on and logging out of her computer. He looked at the event log for the logon and logoff times for a certain period, entered the times into a spreadsheet, and sent the spreadsheet to his boss.

(U/FOUO) does not think he created a ticket for this task. He should have submitted a ticket and if he received another request like this he would have asked her to submit a ticket. He did not submit a ticket because he was asking for her own records. He did not think it was wrong to provide her that information because he was not “disclosing data or anything like that.” However, he knows the correct way to do it is to submit a ticket first.

(U/FOUO) was working on other tickets when he began searching for logon and logoff times so it took a few hours to pull the information. However, the actual time he spent retrieving logon and logoff times was 10 minutes. To access a user’s security log he does not need to log onto the user’s computer, he can view the log from his own computer.

(U/FOUO) has not helped with any other requests that were not submitted via the ticket system. He cannot recall any other instances where he would not have submitted a ticket or received one. Although he does not believe that there was a ticket created for this request, the possibility exists that there was a ticket and he simply forgot about it. He planned to double-check his records after the OIG interview.

(U) Analysis and Conclusions

(U/FOUO) 5 CFR 2635.702 states that an employee shall not use his public office for his own private gain or for the private gain of friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity. He went directly to and asked him to pull logon and logoff times.

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was having with her supervisor. Even though initial response to on 22 April directed her to the Support website, still asked to obtain the logon and logoff times for her and 

(U/FOUO) The preponderance of the evidence supports the conclusion that used her public office at NSA to benefit by requesting logon and logoff records from a friend in who used his privileged access to obtain those records without authorization in violation of 5 C.F. R. 2635.702.

(U/FOUO) 5 CFR 2635.704 states that an employee has a duty to protect and conserve Government property and shall not use such property, or allow its use, for other than authorized purposes. Government property includes any form of real or personal property in which the Government has ownership, leasehold, or other property interest as well as any right or other intangible interest that is purchased with Government funds, including the services of contractor personnel. The regulation further states that it applies to Government records misused government property when she requested the services of to provide her the logon and logoff records for without authorization.

(U/FOUO) The preponderance of the evidence supports the conclusion that misused Government property by using the services of a contractor for an unauthorized purpose in violation of 5 C.F. R. 2635.704.
V. (U) RESPONSE TO TENTATIVE CONCLUSION

(U//FOUO) On 21 February 2014 the OIG notified [Redacted] of the tentative conclusions. On 26 February 2014 [Redacted] responded that she did not understand how she used her public office for private gain because neither she nor [Redacted] gained anything from her actions. [Redacted] stated that from the emails she sent to the OIG, makes it clear that she did not use her position to coerce the [Redacted] contractor into helping her and that she “unintentionally circumvented the process.”

(U//FOUO) Also, [Redacted] stated that she did not understand how she misused government property because she did not know that submitting an [Redacted] for special approval was necessary and “unintentionally circumvented the process.” [Redacted] does not understand how trying to figure out a solution to [Redacted] problem was a misuse of government property.

[Redacted] stated that she is still trying to learn the ropes of the Agency and admits that she made a mistake but does not believe she violated 5 CFR 2635.704.

(U//FOUO) On 26th February the OIG responded to [Redacted] and told her that the emails she provided to the OIG are in the report and provided [Redacted] the part of 5 CFR 2635.704 that is cited in the OIG report to help explain how she violated that regulation.

(U//FOUO) [Redacted] response provided no new information relative to the conclusions or requiring additional investigation; therefore, the conclusions remain unchanged. [Redacted] response to the tentative conclusions is attached at Appendix E.
VI. (U) CONCLUSION

(U//FOUO) The preponderance of the evidence supports the following conclusions:

1. (U//FOUO) [REDACTED] used her public office at NSA to benefit [REDACTED] by requesting logon and logoff records from a friend in [REDACTED] who used his privileged access to obtain those records without authorization in violation of 5 C.F. R. 2635.702.

2. (U//FOUO) [REDACTED] misused Government property by using the services of a contractor for an unauthorized purpose in violation of 5 C.F. R. 2635.704.

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

(b)(6)
VII. (U) DISTRIBUTION OF RESULTS

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

A. D23, Office of General Counsel, for information.

B. MR, Employee Relations for any action deemed appropriate.

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

A. Q234, ADS&C1 (Special Actions) for information;

Investigator

Concurred by:

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

Assistant Inspector General for Investigations
APPENDIX A

(U) Applicable Authorities
(U) 5 Code of Federal Regulations (CFR) 2635.702, Use of public office for private gain:

(U) 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, including nonprofit organizations of which the employee is an officer or member, and persons with whom the employee has or seeks employment or business relations. The specific prohibitions set forth in paragraphs (a) through (d) of this section apply this general standard, but are not intended to be exclusive or to limit the application of this section.

(a) Inducement or coercion of benefits. 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) 5 CFR 2635.704, Use of Government property.

(a) Standard. An employee has a duty to protect and conserve Government property and shall not use such property, or allow its use, for other than authorized purposes.

(b) Definitions. For purposes of this section:

(1) Government property includes any form of real or personal property in which the Government has an ownership, leasehold, or other property interest as well as any right or other intangible interest that is purchased with Government funds, including the services of contractor personnel. The term includes office supplies, telephone and other telecommunications equipment and services, the Government mails, automated data processing capabilities, printing and reproduction facilities, Government records, and Government vehicles.

(2) Authorized purposes are those purposes for which Government property is made available to members of the public or those purposes authorized in accordance with law or regulation.
APPENDIX B

(U) Emails sent on 22 April and 24 April 2013
APPENDIX C

(U) email to the OIG

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

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Release: 2018-11
NSA: 05383
APPENDIX D

(U) PRIVAC Briefing Document
APPENDIX E

(U) response to the OIG

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

(U) Emails sent on 22 April and 24 April 2013
Thank you. 😊 We'll touch base about it Wednesday. LOL. That must be what it is. Her boss is a hater!

Nope, I don't mind taking a look. I am the same way I am a** about my timesheet even if I go for lunch. Timesheet is one thing you can't cheat on, I have learned that too. With all the badging in we do they can track everything if need to. Her boss must be jealous of her or something lol. Just cause she is prettier lol. That is just mean lol.
Do you mind taking a look for us on Wednesday? She is off today and Thursday. I’ll really just need her login times for the two weeks (April 8-19). Is that too much to ask? If so I’ll submit the ticket, I just wasn’t sure if they would support that or not. Her OM / Supervisor is SO nasty is really OCD and she always puts the exact time on her timesheet, plus has beat it into her head not to cheat on her timesheet, and her supervisor keeps accusing her by being off by 30 minutes when KNOWS that it’s right. poor kid! :

From: Monday, April 22, 2013 8:18 AM
To: RE: (U) Help!!!

Subject: RE: (U) Help!!!

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How you been?!

Sorry to hear about this office manager she sounds like a real enjoyment to work with. Yeah login and out times can def be traced. I would be happy to take a look but that would take a while, if she wasn’t in a rush I would. It is just a matter of looking at logon and off times in the security log:

This is the route I would go:

From: Monday, April 22, 2013 6:40 AM
To: RE: (U) Help!!!

Subject: (U) Help!!!

Classification: UNCLASSIFIED//FOR OFFICIAL USE ONLY
Hi! How are you!?! I hope you're doing good and enjoying the nice weather... I love it. 😊 Everything is new and fresh in spring!

SO, _______ is a ___ and her office manager is a BEEYOTCH... She's been nasty to _______ and me _______ keeps getting accused of putting the wrong times on her timesheet, when she is 100% certain she is putting the right times down. Is there any script or ANYTHING we can do to pull the log-in log-out times on her computer for the past two weeks? _______ thinks there is but wasn't sure... is there an ______ ticket for that lol!? 

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She is very consistent as you can see.

I will be in class when you get back to work on Wednesday, but my friend from [redacted] is going to get into your machine and pull your login/logout times for the past two weeks (8-19 April). Then you can compare them to your timesheet. Make sure you get a screenshot of the times and save it to your computer.

So on Wednesday, email [redacted] (cc'd) and he'll know what to do.

Thank you. As always, you are the best.
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<th>Date</th>
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From: 
Sent: Wednesday, April 24, 2013 7:17 AM 
To: 
Subject: (U) Login/Login Times 

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I was able to pull your login / logout times for the last week as you can see, you are very consistent and you remembered correctly – you never showed up after 1200. In fact, if all NSA employees were as consistent as you, that would be awesome!

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APPENDIX C

(U) email to the OIG

(b)(3)-F.L. 86-36
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Just wanted to give you a heads up that I initiated a ticket to restore my email from the month of April. Should take a few hours to restore so I should have them to you tomorrow or later today. I checked through the tickets but wasn’t able to find one so I am thinking what I said initially that one was not created.

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1000 works for me and it’s okay if you are early. You don’t need to bring anything with you. To enter our door you will need to buzz in.

See you Monday.

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Does 10am sound good to you? The bus leaves at 9:30 so I might be few mins early.

Thanks,
The OIG received information that you retrieved and distributed computer data without proper authorization. The OIG has opened an inquiry into this matter. I would like to give you an opportunity to discuss this matter with me. This is a voluntary interview. The interview is held in OIG spaces in [ ] The interview will only last about an hour or less. I am available this afternoon between 1400 and 1630, or on Monday, September 30th anytime between 0930 and 1630.

If you would like to meet with me, please let me know via email, and provide the best date/time for you.

Thank you,

[ ]

Investigator
Office of the Inspector General
963-0947(s)

"PRIVACY SENSITIVE – any misuse or unauthorized disclosure may lead to disciplinary action."

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APPENDIX D

(U) Briefing Document

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