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NATIONAL SECURITY AGENCY/CENTRAL SECURITY SERVICE



INSPECTOR GENERAL

REPORT OF INVESTIGATION

10 June 2015

IV-14-0016

Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA)

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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

~~(S//REL)~~ On 10 September 2013, the OIG received a complaint from [redacted] GG07, Language Analyst, [redacted], who alleged that [redacted] Associate Director, Language Analyst Development Program (LADP), violated his rights under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) when they considered his service in the Air National Guard as a motivating factor in their decision not to promote him to GG09 in 2012 and 2013. Furthermore, [redacted] alleged that his management took a series of retaliatory actions against him because of his service in the Air National Guard that contributed to him not being promoted in 2012 and 2013.

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

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

(U//~~FOUO~~) In addition to obtaining sworn testimony from [redacted] the OIG interviewed the following employees, under oath: [redacted] Associate Director, LADP, and member of the 2012 and 2013 promotion board; [redacted] Associate Director, LADP, and member of the 2012 promotion board; [redacted] Team Lead; and [redacted] Language Advisor and member of the 2012 promotion board. The OIG also obtained information from [redacted], Director, Language Analysis Skill Community, and from several specialists assigned to the Associate Directorate for Human Resources.

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

(U//~~FOUO~~) The preponderance of the evidence supports the conclusion that neither [redacted] violated [redacted] rights under USERRA. The OIG found that absent [redacted] uniformed service, he would still have not been promoted in 2012 and 2013 based on the promotion board's unbiased review and scoring of his Promotion Review Package (PRP). In addition, the OIG found that [redacted] management acted in accordance with Agency policy and procedures when it took the series of actions [redacted] alleged were retaliatory.

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

(U//~~FOUO~~) The OIG found that during the 2012 promotion cycle, an administrative error occurred that may have affected the promotion board members' scoring of [redacted] PRP. Specifically, his Annual Contribution Evaluation (ACE) was not included in his PRP through no fault of his own. Based on evidence in the record, had the ACE been included, there is a possibility that the scores assigned by promotion board members during their review of [redacted] PRP may have been higher and thus, he may have been placed higher in the priority ranking of candidates for promotion.

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

(U//~~FOUO~~) Although the OIG has no recourse for addressing this administrative error, the OIG will inform [redacted] of the Agency's Grievance process so that he may pursue any corrective action he may be due in accordance with the policy and regulations governing the Grievance process.

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(U//~~FOUO~~) A copy of the information contained in this report pertaining to the administrative error regarding the omission of [redacted] ACE from his 2012 PRP will be forwarded to the Dispute Resolution and Grievance Office, upon its or [redacted] request. The OIG will also notify [redacted] of the results of its investigation.

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

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I. (U) BACKGROUND

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(U) Introduction

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

(U//~~FOUO~~) entered on duty at the Agency on as a GG07, Language Analyst. After attending new employee orientation training, began serving as an intern in the Language Analyst Development Program (LADP). His language specialty

(U//~~FOUO~~) Interns who participate in the LADP sign up for a three-year commitment of tours in the mission elements that pertain to their language of study. Tours are approximately six months to one year in length. After graduation from the LADP, interns have an obligation to remain working in the mission area of their language for another two years.

(U//~~FOUO~~) served his first LADP mission tour from May 2011 through February 2013 in His operational supervisor was and his team lead was

(U//~~FOUO~~) is a member of the Air National Guard. He is covered under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), which protects individuals performing, or who performed, uniformed service from discrimination and adverse employment action on the basis of their uniformed service. USERRA is intended to ensure that uniformed service members are not disadvantaged in their civilian careers because of their service; are promptly reemployed in their civilian jobs upon their return from duty; and are not discriminated against in employment because of their military status or obligations.

(b) (3)-P.L. 86-36
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(U//~~FOUO~~) In November 2011, performed uniformed service in the Air National Guard when he attended training under official military orders. contends that prior to his military reserve duty he had a good work relationship with and but after he returned to in August 2012, he suffered through retaliatory actions directed against him by the Associate Director, LADP, because of his military reserve duty status.

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

(U//~~FOUO~~) alleged that he was not promoted to GG09 in 2012 and 2013 because considered his service in the Air National Guard as a motivating factor in their decision not to promote him. Furthermore, alleged that a series of actions taken against him were acts of unfair treatment and retaliation for his service in the Air National Guard that contributed to his management's decision not to promote him in 2012 and 2013. Following are the actions that alleged were unfair and retaliatory.

- Negative and inappropriate comments contained in his ACE for the rating period of through 24 November 2011;

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- A lowering of his ACE rating from a 3.4 to a 3.0 for the rating period of 1 August 2012 through 6 February 2013 and a comment alleged to be negative and inappropriate contained in the ACE;
- Denial of the opportunity to perform Reporting in [redacted] . . . . . (b)(3)-P.L. 86-36
- Denial of credit for transcriptions completed;
- Denial of a deployment;
- Denial of administrative leave;
- Charge of AWOL;
- Letter of Counseling and Memorandum for the Record; and
- Debt collection action.

(U) Applicable Authorities

(See Appendix A for relevant excerpts of the authorities)

- (U) UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT OF 1994, 38 U.S.C. § 4311 - Discrimination against persons who serve in the uniformed services and acts of reprisal prohibited.

- (U) 5 CFR Part 335 – PROMOTION AN INTERNAL PLACEMENT § 335.103(b)(2) - Agency promotion programs.

- (U) 5 CFR Part 353 – RESTORATION TO DUTY FROM UNIFORMED SERVICE OR COMPENSABLE INJURY § 353.106(c) - Personnel actions during employee's absence.

- (U//~~FOUO~~) NSA/CSS Policy Manual 4-13, Chapter 2, Uniformed Services Employment and Reemployment Rights Act

II. (U) FINDINGS

(U//~~FOUO~~) ALLEGATION: Did [redacted] and [redacted] Associate Director, Language Analyst Development Program (LADP), violate [redacted] rights under USERRA by considering his uniformed service in the Air National Guard as a motivating factor in their decision not to promote him to GG09 in 2012 and 2013? Furthermore, did [redacted] take retaliatory actions against [redacted] because of his service in the Air National Guard that contributed to his management's decision not to promote him in 2012 and 2013? Following are the actions [redacted] alleged were retaliatory.

- **Negative and inappropriate comments contained in his ACE for the rating period of [redacted] through 24 November 2011;**
- **A lowering of his ACE rating from a 3.4 to a 3.0 for the rating period of 1 August 2012 through 6 February 2013 and a comment alleged to be negative and inappropriate contained in the ACE;**
- **Denial of the opportunity to perform Reporting in [redacted]**
- **Denial of credit for transcriptions he completed;**
- **Denial of a deployment;**
- **Denial of administrative leave;**
- **Charge of AWOL;**
- **Letter of Counseling and Memorandum for the Record, and**
- **Debt collection action.**

(U//~~FOUO~~) CONCLUSION: Unsubstantiated. The preponderance of the evidence supports the conclusion that neither [redacted] violated [redacted] rights under USERRA. The OIG found that absent [redacted] uniformed service, he would still have not been promoted in 2012 and 2013 based on the promotion board's unbiased review and scoring of his PRPs and where [redacted] score ranked him on the LADP's priority list of nominees. In addition, the OIG found that [redacted] management acted in accordance with Agency policy and procedures when it took the actions [redacted] alleged were retaliatory.

(U//~~FOUO~~) In 2012, [redacted] was recommended for promotion by [redacted] to the promotion board. [redacted] served as a member of the promotion board and [redacted] PRP was randomly assigned to [redacted] to review and score. The Chairman and four other members of the promotion board also reviewed and scored [redacted] PRP. Based on the overall scoring of [redacted] PRP, which was scored against the criteria for promotion to GG09, the promotion board members and Chairman found that when compared with other GG07 candidates [redacted] was not competitive for promotion to GG09. [redacted] military

reserve status was not used as a determining factor by the promotion board members in reaching their decision.[1]

(b) (3)-P.L. 86-36
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(U//~~FOUO~~) In 2013 [redacted] was not recommended for promotion by [redacted] to the promotion board. However, [redacted] PRP was still reviewed by four members of the promotion board and the Chairman. [redacted] served as a member of the promotion board but [redacted] PRP was not assigned to him for review. Based on the overall scoring of [redacted] PRP, which was scored against the criteria for promotion to GG09, the promotion board members and Chairman found that when compared with other GG07 candidates, [redacted] was not competitive for promotion to GG09. [redacted] service in military reserve status was not used as a determining factor by the promotion board members in reaching their decision.

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

(U//~~FOUO~~) The OIG found that allegations [redacted] presented to the OIG that he claimed were retaliatory for serving on military reserve duty that ultimately led to him not being promoted in 2012 and 2013 were unfounded.

(U//~~FOUO~~) Documentary Evidence

(U//~~FOUO~~) 2012 Promotion Documentation[2]

1. List of promotion board members
2. Promotion Review Package – [redacted]
3. 2012 Promotion Review Board Scores and Recommendations - spreadsheet
4. 2012 Nomination Priority List
5. E-mails pertaining to the 2012 promotion process
6. Director NSA's Promotion Charge to the NSA workforce
7. Collection of Promotion Program Records – Human Resources guidance

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

(U//~~FOUO~~) 2013 Promotion Documentation[3]

1. List of promotion board members
2. Promotion Review Package – [redacted]
3. Nomination Priority List (NPL)
4. Evaluation (score) Sheets for Promotion to GG09 – [redacted]

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

[1] (U//~~FOUO~~) The OIG found that [redacted] AGE for the rating period of [redacted] through 24 November 2011 was not included in his PRP for the 2012 promotion board review, which the OIG determined was an administrative error on the part of [redacted] and [redacted] Associate Director, LADP. Had [redacted] AGE been included in his PRP, there is a possibility that the scores the promotion board members assigned based on their review of [redacted] PRP, would have been higher, which may have placed him higher in the priority of candidates for promotion to GG09, and possibly resulting in a promotion.

[2] (U) See Appendix D for 2012 promotion documentation.

[3] (U) See Appendix E for 2013 promotion documentation.

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5. 2013 Promotion Review Board Recommendations (By Grade) - spreadsheet
6. 2013 Promotion Review Board Recommendations (By Average) - spreadsheet
7. E-mails pertaining to the 2013 promotion process
8. Director NSA's Promotion Charge to the NSA workforce
9. Collection of Promotion Program Records – Human Resources guidance

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(U//~~FOUO~~) Chronology

(U//~~FOUO~~) On [redacted] began working at NSA as a Language Analyst assigned to the Language Analyst Development Program (LADP). After he attended New Employee Orientation training, [redacted] started working in his first operational tour in [redacted] On 1 August 2011, [redacted] started attending a [redacted] training class on a full-time basis, while still assigned to [redacted]

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

(U//~~FOUO~~) Before [redacted] began the [redacted] class, a non-rated Annual Contribution Evaluation (ACE) for the rating period of 11 May 2011 through 31 July 2011 was completed for [redacted] Director, LASC, served as the Rater and [redacted] Associate Director, LADP, served as the Reviewer.[6]

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(U//~~FOUO~~) While attending the [redacted] class, [redacted] attendance rate fell below the 80% requirement and therefore, the National Cryptologic School (NCS) dropped [redacted] from the class on 11 October 2011. He then returned to the [redacted] office to perform his normal job duties.[7]

(U//~~FOUO~~) On 25 October 2011, [redacted] Language Advisor and [redacted] Language Sponsor, sent an email to [redacted] stating she had been asked by [redacted]

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

[4] (U//~~FOUO~~) Although the spreadsheet of 2013 Review Board Recommendations (at Appendix E5) shows that five board members scored [redacted] PRP, archived records included only three evaluation sheets. In an email from [redacted] Director LASC, to the OIG dated 13 January 2015, [redacted] stated that score sheets should not have been included in archived promotion records and that any score sheets the OIG found in archived records were included mistakenly. See Appendix E4 for [redacted] email. In guidance distributed to the entire NSA workforce in August 2012 and August 2013, Human Resources directed that promotion evaluation score sheets or a promotion evaluation spreadsheet (not both) should be included in archived promotion records. LADP included a promotion evaluation spreadsheet for 2012 and 2013 in their archived records. See Appendices D7 and E9 for HR guidance.

[5] (U//~~FOUO~~) See Appendices H1 and H4 for emails with references to [redacted] enter-on-duty date and training.

[6] (U//~~FOUO~~) See Appendix C1 for [redacted] ACE. The non-rated ACE includes [redacted] accomplishments for the approximate two-month timeframe as well as a statement that [redacted] had been on the [redacted] team for less than 90 days and is a valuable member of the team. In her sworn statement to the OIG, [redacted] said that after the non-rated ACE was prepared and she learned that [redacted] was to attend National Guard training, she and [redacted] decided to extend the rating period up to the time he was to depart for National Guard training, 24 November 2011. Therefore, the timeframe for the non-rated ACE overlaps with the timeframe for the 2011 ACE final rating of record [redacted] received for the period covering [redacted] through 24 November 2011, for which [redacted] received a 3.4 Successful rating. The 3.4 ACE is at Appendix C2.

[7] (U//~~FOUO~~) See Appendix H5 for emails with references to [redacted] class and being dropped from the class.

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Deputy Chief of Staff, why [redacted] left the [redacted] class and also why [redacted] had claimed Family Medical Leave Act (FMLA) and LWOP on his timesheets, without supervisory permission, for days when he missed class. [redacted] wanted to meet with [redacted] and some others to discuss the matter because everyone on the staff was confused about why [redacted] may have done this.[8]

(U//~~FOUO~~) In an email dated 29 November 2011 from [redacted] Chief, Center for Language and Area Studies [redacted] Associate Director for Education and Training (E3) to [redacted] Senior Language Advisor, [redacted] asked [redacted] for assistance pertaining to the grade [redacted] should receive for the [redacted] class because he had dropped out of the class early—on 11 October 2011. [redacted] responded to [redacted] in an email dated 29 November 2011, which included [redacted] and stated that she believed [redacted] record should show that he withdrew and failed the class because he was not showing up for class, which was his job at the time, and after missing more than 20% of class, he was kicked out. She deferred to [redacted] whom she thought may have additional information. [redacted] sent an email dated 30 November 2011 to [redacted] stating she was in agreement with [redacted]

(U//~~FOUO~~) On 1 November 2011 [redacted] received official Orders under the Air National Guard for attendance in the course entitled, "IT Fundamentals/Cyber Transport/Security Plus." The military duty was performed by [redacted] from 24 November 2011 through 9 June 2012. [redacted] also took civilian leave without pay (LWOP) following the military duty through 27 August 2012 before returning to work in [redacted] on 28 August 2012.[10]

(U//~~FOUO~~) After [redacted] received his Orders for military reserve duty, he requested the use of military leave without pay (MLWOP) in conjunction with military leave for the time he would spend on the military reserve duty. In an email dated 18 November 2011 from [redacted] HR Advisor, Employee Gateway [redacted] to [redacted] provided to [redacted] a copy of [redacted] request for MLWOP for the effective dates of 16 December 2011 through 9 June 2012. She informed [redacted] that [redacted] timesheets should be marked with the code 'KG' for MLWOP during this timeframe. [redacted] responded to [redacted] in an email on the same day stating he would ensure that [redacted] timesheets were properly marked with the MLWOP code.[11]

(U//~~FOUO~~) The 2012 promotion cycle was scheduled to be conducted during the timeframe when [redacted] would be serving on his military reserve duty. Therefore, before departing for

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[8] (U) See Appendix H2 for the 25 October 2011 email.

[9] (U//~~FOUO~~) See Appendix H5 for emails. The OIG reviewed [redacted] training record and found it does not show that he was assigned a failing grade for the class. In fact, the class does not appear on his training record at all.

[10] (U//~~FOUO~~) See Appendix B9 for a copy of [redacted] official Orders. See Appendix G1 for an email from [redacted] HR Advisor, to [redacted] about [redacted] plan to use civilian LWOP.

[11] (U//~~FOUO~~) See Appendix G1 for emails. [redacted] was scheduled to use military leave from 25 November through 15 December 2012 (24 November was a holiday and he received holiday pay) and MLWOP for the remainder of the duty time.

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military duty completed his Employee Promotion Assessment (EPA) and sent it in an email dated 18 November 2011 to , with a copy to . Also included in the email was his promotion profile. asked to validate his EPA, complete his ACE (for the rating period of through 24 November 2011) and then send the EPA, promotion profile, and ACE to the promotion board for promotion consideration.[12]

(U//~~FOUO~~) After ACE for the rating period that ended on 24 November 2011had been drafted by sent an email dated 27 January 2012 to and told him to back-date ACE to the date he was hired and to add a reference to the ACE stating how long was in the training class said the changes to the ACE did not need to be finished in time to include the ACE in PRP because "technically he can't include it in the folder [PRP]" and that she would explain why, later. responded to email and stated he had made changes in ACE and was also accounting for absences from the work center in the ACE. told that after discussing with language lead and others who had observed performance, he felt was performing at the GG09 level and was recommending him for promotion.[13]

(U//~~FOUO~~) was asked by the OIG in an email dated 7 April 2015 why she told that he could not include the ACE in PRP. She responded to the OIG on the same day and said she could not remember why, although she thought it may have been in reference to the promotion guidance distributed by where he stated that interim or closeout evaluations post-31 July were not permitted for inclusion in a PRP.[14]

(U//~~FOUO~~) In an email to the OIG dated 16 April 2014, said he could not remember the reason why believed the ACE could not be included in the PRP.[15]

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[12] (U//~~FOUO~~) See Appendix B1 for email dated 18 November 2011, which is attached to email to the OIG dated 22 December 2013. See Appendix C2 for ACE. The OIG determined that ACE was not included in his PRP due to administrative error.

[13] (U//~~FOUO~~) See Appendix H6 for emails. See Appendix C2 for ACE. The OIG determined that, in accordance with HR Policy, the ACE, which was final rating of record for 2011, should have been included in his PRP (see Appendix I1 for HR Policy guidance). In sworn statement, she told the OIG that the ACE should have been included in PRP and if, after all of the PRPs were scored and the candidates were ranked, the promotion board had discovered that ACE was missing from the PRP, they would have gone back and rescored PRP so that the ACE would be taken into consideration because his 3.4 ACE rating may have made a difference in where he was ranked on the list of candidates. In sworn statement to the OIG, he said the omission of the ACE in PRP should be considered an administrative error and somehow corrected. In sworn statement, he said the ACE should have been included in PRP and if it had been included, it would have made a difference in the evaluation of his PRP. In sworn statement, she told the OIG that the absence of the ACE in the PRP would have adversely impacted the scoring of PRP.

[14] (U) See Appendix H7 for emails and Appendix D5 for promotion guidance.

[15] (U) See Appendix F4 for email.

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(U//~~FOUO~~) received a 3.4 "Successful" ACE final rating of record for the rating period of through 24 November 2011. served as the Rater and served as the Reviewer.[16]

(U//~~FOUO~~) met with on 21 November 2011, and after the meeting sent him an email on the same day stating that soon after he returned from his National Guard duty, his tour in would end and he would be ready to move to his next tour. She said he may find that he enjoys one tour over another. responded to email and stated that he was "fine working with and was "glad to help out with any mission as necessary."[17]

(U//~~FOUO~~) In an email dated 21 November 2011 from to and other managers, stated that she had spoken with about his upcoming military reserve duty and that when he returned to NSA he would resume his tour in It was agreed that after he returned and his performance was assessed, his operational supervisor would enroll him in refresher training, if needed.[18]

(U//~~FOUO~~) While was serving on his military reserve duty, an error occurred with regard to leave for the pay period 02-12 ending 14 January 2012. During this pay period had wanted to use 79.05 hours of MLWOP but instead, he was charged 69.05 hours of annual leave, nine hours of sick leave, and one credit hour. Approximately one year later, received a letter dated 3 January 2013, from Finance and Accounting stating he should not have been paid for the 79.05 hours because an action had been entered effective 6 December 2011 that put him on MLWOP, which resulted in an overpayment in the amount of $1,572.16 that would need to be recouped from his pay. In an email sent to the OIG dated 22 December 2013, he stated that, "Because of this erroneous transaction not only did I end up with AWOL, I also had to pay money back from my each [sic] pay check for some extended time to get that leave back."[19]

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[16] (U//~~FOUO~~) See Appendix C2 for ACE, which was electronically signed by on 1/27/2012, on 2/28/12, and "Rater Acknowledged" on 2/28/2012 at the field for the Employee's electronic signature. was serving on military reserve duty when the ACE was acknowledged by the Rater. ACE Policy Manual 4-16A, Section IX.H.5 states if an employee is unavailable to acknowledge the performance evaluation within 10 days, the rater may notate this circumstance and complete the evaluation. PRPs were due to the LASC office by 30 January 2012. It is reasonable to believe that the Rater could have electronically signed and acknowledged the ACE on behalf of by 30 January 2012 and included it in PRP. Why it took approximately two months from the end of the rating period of the ACE, which was 24 November 2011, for it to be signed by the Reviewer and then another month to be signed by the Rater, is unclear.

[17] (U//~~FOUO~~) See Appendix H3 for emails. In her sworn statement to the OIG, said she met with on 21 November 2011 also to explain proper leave procedures after he had taken LWOP and FMLA without supervisory permission.

[18] (U) See Appendix H4 for email.

[19] (U//~~FOUO~~) See Appendix B5 for the 22 December 2013 email from to the OIG and the attached letter from Finance and Accounting. An administrative timekeeping error occurred where the incorrect leave codes were entered on timesheet for 79.05 hours. When the timekeeping error was discovered, record was corrected to show that he was in a military leave without pay status for the 79.05 hours and, therefore, he incurred a debt that had to be repaid to the Government.

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(U//~~FOUO~~) In emails dated 28 December 2011 and 17 January 2012 from [redacted] LASC Director, to a wide LADP distribution that included LADP interns, [redacted] provided guidance for the 2012 promotion process.[20]

(b) (3)-P.L. 86-36
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(U//~~FOUO~~) [redacted] reviewed [redacted] EPA for promotion consideration, scored his achievements and skills in accordance with the assessment criteria and assigned a total score of 90 out of a possible 100. On 27 January 2012, [redacted] recommended [redacted] for promotion to GG09. He indicated on the EPA that, "Yes, I strongly recommend this individual for promotion based on this employee's competence, proven ability, and assumption of higher level work and increased scope of responsibility." [redacted] included a promotion justification on the EPA that read as follows.[21]

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

(U//~~FOUO~~) [redacted] is already performing at GG-9. Although his presence at [redacted] has been short-lived due to civilian and military reserves training requirements, he has made substantial contribution to [redacted] linguistic efforts by quickly acquiring satisfactory proficiency in various tasking and collection systems…" "In the short observation period, he quickly attained "full-mission" capable status and was already processing relevant intelligence that allowed for a 30 percent reduction of section's language workload when called to a prolonged TDY for the military reserves. Additionally, [redacted] trained in the use of [redacted] and contributed to target development through the discovery and identification of networks for future target templating. His facility with the [redacted] exceeded the language lead's expectations. He produced timely and accurate translations that required minimal quality checks. [redacted] reporters would often praise [redacted] transcriptions as "reporter friendly."" [redacted] is fully integrated into the team and without a doubt will be a productive . . . language analyst upon his completion of his training and return to branch duties.

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

(U//~~FOUO~~) [redacted] was one of eight GG07 employees who submitted a PRP for promotion consideration to GG09. Each PRP submitted for promotion consideration was scored against the Agency's promotion criteria by six members of the nine-member promotion board. Each of the promotion board members scored the PRPs on a scale of zero to 100 for a possible total score of 600. After all PRPs were scored and candidates were prioritized, the Chairman nominated six GG07's for promotion to GG09 whose total scores were between 485 and 593. [redacted] and one other GG07 were not nominated. [redacted] overall score was 382. The score received by the other employee who was not nominated for promotion to GG09 was 362. [redacted] served on the promotion board and was randomly assigned [redacted] PRP for review for which he assigned a score of 58. Scores of the other board members who reviewed [redacted] PRP were 40, 54, 70, 72, and 88.[22]

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

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[20] (U) See Appendix D5 for emails.
[21] (U//~~FOUO~~) See Appendix D2 for [redacted] EPA.
[22] (U//~~FOUO~~) See Appendix D3 for the spreadsheet, "2012 Promotion Review Board Recommendations" provided to the OIG in an email dated 16 October 2014 by [redacted] LASC Director.

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(U//~~FOUO~~) Promotions were announced in June 2012 and [redacted] was not promoted. In an email to the OIG dated 13 December 2013, [redacted] said he believed he was not promoted because he served on military reserve duty. Also, he said [redacted] told him that [redacted] said the reason why [redacted] had not been promoted was because he was not "around long enough" before going on his military TDY to be considered for promotion during the 2012 promotion cycle. [redacted] believed his PRP was never evaluated.[23]

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

(U//~~FOUO~~) Following [redacted] military reserve duty, he requested 90 days of civilian leave without pay (LWOP). In an email dated 11 June 2012, [redacted] notified [redacted] that, in accordance with 38 U.S.C. 4304 and 4312, [redacted] was entitled to reemployment following a period of uniformed service. Furthermore, [redacted] was requesting 90 days of civilian LWOP, from 11 June 2012 through 7 September 2012, to apply for reemployment. [redacted] was scheduled to return to [redacted] on 10 September 2012. [redacted] also provided guidance to [redacted] for how [redacted] timesheets should be completed during this timeframe. [redacted] responded to [redacted] in an email dated 11 June 2012 and stated that [redacted] supported [redacted] reemployment and they were releasing him back to the "LADP pool" for timesheet accountability and eventual reassignment to his next LADP operational tour.[24]

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

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

(U//~~FOUO~~) During pay period 13-12 ending 16 June 2012, [redacted] timesheet was filled out incorrectly. [redacted] sent an email to [redacted] with a copy to [redacted] and forwarded to [redacted] explaining that because [redacted] was on civilian LWOP, his timesheet should be coded with KA.[25]

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

(U//~~FOUO~~) [redacted] received an ACE for the rating period of 25 November 2011 through 31 July 2012, which covered the timeframe when he served on military reserve duty. The ACE, which is not rated, included the following statement, "[redacted] is currently on LWOP status from 11 June 2012 through 7 September 2012, in accordance with 38 USC 4304 and 4312." [redacted] served as the Rater and [redacted] Associate Director, LADP, served as the Reviewer.[26]

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

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

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[23] (U//~~FOUO~~) See Appendix B7 for email. In her sworn statement to the OIG, [redacted] denied making the statement that [redacted] was not promoted because he was not in the office due to his military reserve duty. She stated that she may have told [redacted] that [redacted] did not have enough information in his EPA or ACE to make him as competitive as others. In his sworn statement to the OIG, [redacted] said [redacted] claim that he told [redacted] said he was not promoted in 2012 because he was not working in [redacted] long enough before he went on his military TDY was not true. [redacted] believed [redacted] had confused the promotion process with his first ACE that was not rated because, in accordance with ACE policy, he had not been in the organization for at least 90 days to be rated.

[24] (U//~~FOUO~~) See Appendix G1 for emails. [redacted] returned early, on 28 August 2012, which is documented in an email at Appendix G2.

[25] (U) See Appendix G4 for email.

[26] (U//~~FOUO~~) See Appendix C3 for ACE. The ending date of [redacted] military reserve duty status that is documented in the ACE comment (7 September 2012), is incorrect because [redacted] returned from LWOP sooner than originally planned, on 28 August. According to HR Policy, [redacted] would have received a 3.4 presumptive rating for 2012 that would have been populated to the Compensation Workbench (which is the rating he

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

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(U//~~FOUO~~) In emails dated 10 and 27 August 2012, [redacted] notified [redacted] that [redacted] would be returning to [redacted] earlier than expected, on 28 August 2012.[27]

(U//~~FOUO~~) After returning from his military reserve duty, [redacted] sent an email dated 5 September 2012 to [redacted] and asked if for his second tour in the LADP he could volunteer for the [redacted]. [redacted] responded to [redacted] in two emails dated 7 September 2012 and said that when [redacted] was ready for his third tour they could discuss it but he was not approving any [redacted] or "TDY deployments" for anyone who was in their first or second tour. He reminded [redacted] that he had already asked him, in front of his supervisor, to refrain from requesting where he could take his next tour until after completion of the ACE cycle, which was scheduled to be 17 September. [redacted] thought he had also been "clear" when he told [redacted] to focus on his current mission because he had been away from the office for an extended period of time. [redacted] offered to meet with [redacted] to discuss further and said he was writing all of this in an email as evidence that he did not think [redacted] had understood his initial instructions.[28]

(U//~~FOUO~~) On 17 October 2012, [redacted] was verbally counseled by management that he could not take LWOP without supervisory approval after he had claimed 50 hours of LWOP without supervisory approval.[29]

(U//~~FOUO~~) [redacted] told the OIG in an email dated 22 December 2013 that he had taken the 50 hours of LWOP intermittently during his first four months of employment because he did not have enough annual leave accrued and he needed to attend to personal matters. During this time, he said he did not understand how the leave process worked and submitted multiple timesheets where he claimed LWOP, without supervisory approval. He said his Division Chief signed the timesheets and no one told him that he had done anything wrong until he fell below the 80% required attendance rate in the [redacted] class. Then, [redacted] and another [redacted] asked him why he had been out of the class and claimed LWOP. [redacted] said he told them he used LWOP for family emergencies and military duties. Following that discussion, [redacted] told [redacted] that supervisory approval was required prior to using LWOP and [redacted] said he affirmed his understanding of the rule.[30]

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received prior to his military reserve duty) and used for bonus deliberation purposes only. See Appendix I1 for HR Policy email.

[27] (U) See Appendix G2 for email.

[28] (U//~~FOUO~~) See Appendix B2 for emails dated 5 and 7 September 2012, which are attached to [redacted] email to the OIG dated 22 December 2013. [redacted] told the OIG that because he asked [redacted] if he could serve on a deployment [redacted assignment] [redacted] used it against him in his decision not to promote him in 2013. The OIG found that [redacted] did not make final decisions for 2013 promotions nor did he review [redacted] PRP during the 2013 promotion process.

[29] (U//~~FOUO~~) See Appendix B4 for an email to the OIG dated 22 December 2013 from [redacted] to which he attached a Letter of Counseling dated 11 December 2012 that states he received a verbal counseling on 17 October 2012.

[30] (U//~~FOUO~~) See Appendix B4 for email.

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(U//~~FOUO~~) During the last weekend of October 2012, [redacted] traveled to New York for personal reasons. On Monday, 29 October 2012, Hurricane Sandy hit the East Coast and [redacted] told the OIG that he became stranded in New York through 31 October 2012 because all of the bridges and railways were closed.[31]

(U//~~FOUO~~) [redacted] told the OIG that because [redacted] was biased against him, he treated [redacted] unfairly when he did not approve [redacted] to receive any of the administrative leave that was afforded to all other employees during the emergency leave conditions related to Hurricane Sandy. [redacted] said he had to use three days of annual leave.[32]

(U//~~FOUO~~) On 29 November 2012, [redacted] submitted his timesheet for the pay period ending 1 December 2012, and without supervisory approval, he claimed LWOP for 19, 21, and 23 November 2012 for dates when he visited [redacted][33]

(U//~~FOUO~~) On 30 November 2012, [redacted] sent an email to [redacted] Employee Relations (MR), and asked for guidance with regard to his intent to issue either a memorandum for the record (MFR) or a letter of counseling (LOC) to [redacted] for using unauthorized LWOP for the pay period ending 1 December 2012. [redacted] responded in an email and asked [redacted] to call her to discuss further. On 3 December 2012, [redacted] advised that if LWOP was not being approved, it must be coded as AWOL on [redacted] timesheet.[34]

(U//~~FOUO~~) In an email dated 5 December 2012 from [redacted] to [redacted], [redacted] referenced a meeting they had with [redacted] on 29 November 2012–the same day [redacted] turned in his timesheet claiming LWOP. [redacted] informed [redacted] that his request for LWOP was not approved and asked him to revise his timesheet to reflect 10.50 hours of AWOL. [redacted] reminded [redacted] that

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

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[31] (U//~~FOUO~~) See Appendix B4 for an email from [redacted] to the OIG dated 22 December 2013 regarding his trip to New York. Hurricane Sandy's storm surge hit New York City on Monday, October 29, 2012, flooding streets, tunnels and subway lines and cutting power in and around the city. (Source: CNN.com)

[32] (U//~~FOUO~~) See Appendix B4 for email from [redacted] to the OIG. [redacted] was permitted to claim and did claim administrative leave for the entire day of 30 October 2012. An NSA Agency-all Mailer posted to the entire NSA workforce on 1 November 2012 provided the guidance for the NSAW operating status during Hurricane Sandy. For day shift on Monday 29 October 2012, NSAW implemented a four-hour early release. Employees who were on scheduled leave for the entire day were not eligible for administrative leave. For day shift on Tuesday, 30 October 2012, NSAW operated under Code Red, "Emergency Conditions" for all shifts. All non-essential personnel were authorized administrative leave for their entire day. For Wednesday, 31 October 2012, NSAW operated under Code Blue, "Liberal Leave" for day-shift personnel. Employees who were on scheduled leave for the entire day had to use personal leave for their absence. [redacted] followed the Agency's leave guidance when he approved [redacted] for administrative leave for 30 October 2012 and denied him administrative leave for 29 and 31 October 2012. See Appendix I2 for Agency-all Mailer.

[33] (U//~~FOUO~~) This matter is documented in a Letter of Counseling that is attached to [redacted] email dated 22 December 2013 at Appendix B4. Also see Appendix B3 for emails dated 11 December 2012 from [redacted] to [redacted] suggesting that he pursue requesting advanced annual leave to make up for the LWOP.

[34] (U) See Appendix F1 for emails.

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

during the meeting with [redacted] had admonished [redacted] to first seek supervisory approval prior to using LWOP, as well as prior to earning credit hours and/or comp time.[35]

(U//~~FOUO~~) Because [redacted] failed to follow supervisory direction regarding LWOP, he was presented with a LOC and a MFR, both dated 11 December 2012. Both the MFR and LOC were signed by [redacted].[36]

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

- (U//~~FOUO~~) The MFR documented a meeting that occurred on 11 December 2012 where [redacted], [redacted], and [redacted] were present. The MFR contained [redacted]' expectations with regard to [redacted] work schedule and time and attendance practices. It also documented proper leave procedures.

(b) (6)

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

- (U//~~FOUO~~) The LOC stated that on 17 October 2012, [redacted] was verbally counseled that he could not take LWOP without prior supervisory approval, however on 29 November he claimed LWOP again, without supervisory approval. It is documented that [redacted] "averred that since [he] had asked the [redacted] Branch Chief previously if [he] could take leave to [redacted], that it was tacit permission for [him] to take LWOP." Furthermore, when [redacted] informed [redacted] that his request for LWOP was not approved, [redacted] requested a meeting with [redacted] to discuss the matter. During the subsequent meeting with [redacted] supported [redacted]' decision not to grant LWOP. It is documented that [redacted] counseled [redacted] on his need to obtain approval for LWOP and to maintain a sufficient leave balance for planning purposes. It is also documented that [redacted] acknowledged he had been previously counseled to seek supervisor approval prior to claiming LWOP, but that [redacted] believed his management should approve LWOP based on "morale."

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

(b) (6)

(U//~~FOUO~~) [redacted] told the OIG in an email dated 22 December 2013 that in September 2013, before Hurricane Sandy occurred, [redacted] approved [redacted] Unofficial Foreign Travel request for him take annual leave in November for a trip to [redacted]. However, because [redacted] made him claim annual leave in October 2013 for the days he was stranded in New York due to Hurricane Sandy, [redacted] did not have enough annual leave for his trip to [redacted] [redacted] said [redacted] should have known that he would not have enough annual leave for his trip to [redacted] and upon his return from [redacted] if [redacted] was an unbiased and fair supervisor, he would have allowed [redacted] to claim LWOP after-the-fact or allowed him to request advanced annual leave. [redacted] believed that because [redacted] had a bad impression of him, which was based on negative things the non-native analysts in [redacted] had said to [redacted] about him and also because [redacted] had by-passed [redacted] and met with [redacted] about being charged with AWOL, that

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

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

[35] (U) See Appendix B3 for email.

[36] (U//~~FOUO~~) See Appendix B4 for LOC and MFR, which are attached to [redacted] email to the OIG dated 22 December 2013. The LOC stated it was not a disciplinary action but will remain in [redacted] suitability file with Employee Relations for five years.

wanted to "teach me a lesson" by giving him a LOC and charging him with AWOL.[37]

(U//~~FOUO~~) In two emails dated 11 December 2012, told that he could discuss the possibility of advanced annual leave [to cover for the AWOL] with his HR Advisor, . In an email from to dated 11 December 2012, advised that he could request advanced annual leave from his supervisor and although it was "not ideal," it could be processed the pay period following the dates being requested. Additionally, advanced annual leave is not an entitlement and his supervisor did not have to approve the request.[38]

(U//~~FOUO~~) In an email dated 10 December 2012, provided information to pertaining to reservist employees who are called to active duty. indicated that she was providing the information to him to help him prepare for a meeting he was going to have with management. Included was information from the Agency's website regarding promotion and performance appraisals for reservists called to active duty.[39]

(U//~~FOUO~~) In emails dated 28 January 2013 between , , and told that his next four would not be in but it would be in because of a mission requirement. He wanted to be mindful that he was to focus on his current mission and said he understood that had requested from some type of schedule arrangement because has another job, which he never discussed with declared that he would not approve any special arrangements to accommodate anything that interfered with mission, but that he would approve request for two weeks of leave and would also approve any legitimate National Guard events. After stated that a side job would supplement his income, enhance his cyber skills, and not affect his ability to perform as a Linguist, said they were not against having a side job, as long as it did not interfere with his responsibilities in the LADP.[40]

(U//~~FOUO~~) received a 3.0 "Successful" closeout rating for the rating period of 1 August 2012 through 6 February 2013. served as the Rater and served as the Reviewer.[41]

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[37] (U//~~FOUO~~) See Appendix B4 for email dated 22 December 2013. trip to exceeded the amount annual leave he had accrued by 10.50 hours. The OIG does not have any record that met with about being charged with AWOL, but that he met with

[38] (U//~~FOUO~~) See Appendix B3 for emails dated 5 and 11 December 2012, which are attached to email to the OIG dated 22 December 2013.

[39] (U) See Appendix G3 for email.

[40] (U//~~FOUO~~) See Appendix B8 for emails dated 28 January 2013, which are attached to email to the OIG dated 22 December 2013. told the OIG that because he asked where he could take his second tour in the LADP, used it against him in his decision to not promote him in 2013. did not make final decisions for 2013 promotions nor did he even review PRP during the 2013 promotion process.

[41] (U//~~FOUO~~) See Appendix C4 for ACE, which in accordance with ACE policy, was completed because the Rater, was being reassigned to another position.

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(U//~~FOUO~~) For the 2013 promotion process, [redacted] was one of ten employees who submitted a PRP for promotion consideration from GG07 to GG09. Each PRP submitted for consideration was scored against the Agency's promotion criteria by five members of the 12-member promotion board. Each of the promotion board members scored the PRPs on a scale of zero to 100, for a possible total score of 500. After all PRPs were scored and candidates were prioritized, the Chairman nominated eight GG07s for promotion to GG09 whose total PRP scores were between 388 and 464. [redacted] and one other GG07 Analyst were not nominated. [redacted] overall score was 255, which was the second lowest of all scores of the 172 PRPs that were reviewed for candidates who were grades GG07 through GG13. The score received by the other GG07 employee who was not nominated for promotion to GG09 was 342. [redacted] served as a member of the 2013 promotion board but was not assigned [redacted] PRP for promotion review. Scores of the board members who reviewed [redacted] PRP were 32, 37, 56, 57, and 73.[42]

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

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

(U//~~FOUO~~) Promotions for the 2013 promotion cycle were announced in June 2013 and [redacted] was not promoted. He told the OIG in an email dated 26 November 2013 that the "prime reason" he was not promoted in 2013 was because of his "poor ACE" –a 3.0 Successful rating that he received from [redacted] and [redacted] believed that his management saw him as a "scribing monkey" and because he went on a 9-month military TDY, they thought he did not know anything about the mission target. [redacted] believed that [redacted] his team lead and lead language analyst, did not like the fact that [redacted] knew the mission target better than [redacted] and so [redacted] kept "feeding unnecessary things" about him to [redacted]. For example, when [redacted] did not report to work on time, even when he called into the office to say he would be late due to a personal matter.[43]

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

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

(U//~~FOUO~~) In emails to the OIG dated 13 and 22 December 2013, [redacted] said he was not promoted in 2012 because he served on military reserve duty, and not promoted in 2013 because of his 3.0 ACE score. He said he was caught up in "politics" in his office, because he "got on the bad books" with [redacted] when he asked to deploy as an NSA civilian [tour at [redacted]] and because he asked [redacted] if he could serve on an LADP tour in an office of his own choosing. He also believed [redacted] and another analyst took advantage of him by reporting on his transcripts and not giving him credit for them. He believed [redacted] provided negative feedback about him to [redacted], which further fueled [redacted]' negative attitude against him for going on the military TDY. As a result of all of this, he believed that [redacted] gave him a level 3.0 Successful rating on his ACE. [redacted] said another

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

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[42] (U//~~FOUO~~) See Appendix E5 for the spreadsheet, "2013 Promotion Review Board Recommendations" provided to the OIG in an email dated 16 October 2014 by [redacted] LASC Director. In his sworn statement to the OIG, [redacted] said he did not recommend [redacted] for promotion because he did not feel his performance justified a recommendation for promotion to GG09.

[43] (U) See Appendix B6 for email.

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

unfair action toward him was that neither [redacted] nor [redacted] allowed him to do reporting but [redacted] and another analyst were allowed to do reporting.[44]

(U//~~FOUO~~) After [redacted] was reassigned to his second LADP tour, he received a 3.8 Excellent ACE rating of record for the rating period of 10 February 2013 through 31 July 2013.[45]

(U//~~FOUO~~) On 18 September 2013, [redacted] submitted a "Request for Informal Reconsideration of ACE Rating" for the 3.8 ACE score. [redacted] reviewed and denied the request at the informal level of the Reconsideration process.[46]

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

[44] (U) See Appendices B1 and B7 for emails.

[45] (U//~~FOUO~~) See Appendix C5 for the ACE. [redacted] testified to the OIG that when the Rater, [redacted] had initially prepared the ACE with a 3.7 rating, [redacted] the ACE Reviewer, suggested to [redacted] that he raise the score to a 3.8, which [redacted] did. See Appendix F2 for draft ACE with 3.7 rating.

[46] (U//~~FOUO~~) See Appendix F3 for copy of Reconsideration Request. [redacted] testified to the OIG that [redacted] submitted a formal request for reconsideration of the ACE score and the Reconsideration Authority contacted [redacted] to verify what he and the Rater had done. In the end, the Reconsideration Authority upheld [redacted] decision to deny the request.

(b) (3)-P.L. 86-36
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(U) Testimonial Evidence

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

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

(U//~~FOUO~~) On 16 October 2014, [redacted] GG15, Director, Language Analysis Skill Community (LASC) provided the following information.

(U//~~FOUO~~) [redacted] was not in the position of Director, LASC, during the 2012 or 2013 promotion cycles. The LASC promotion process has been the same for the past several years except when Human Resources dictated process changes that would have applied to the entire Agency.

(U//~~FOUO~~) The LASC has its own promotion pay pool and budget and is responsible for considering all analysts in the LADP for promotion. The LASC uses a duly constituted board and members include the Director, LASC, Associate Directors, and Language Authorities.

(U//~~FOUO~~) Around December of each year, the LASC begins the next year's promotion process by announcing the guidance received from the NSA Director and Human Resources. The announcement includes associated deadlines, guidance for preparing PRPs, and EPAs, at a minimum. The LADP has a robust internal website with a variety of helpful links for preparing promotion materials and accessing guidance on the process.

(U//~~FOUO~~) Operational supervisors where analysts are serving on tours are responsible for providing promotion justifications or statements that indicate whether or not they believe an analyst is ready for promotion. Some justifications are quite lengthy and others are just a sentence or two. There is no particular format, length, or content requirement for the justifications.

(U//~~FOUO~~) If an analyst is not serving on an operational tour at NSA but is on a tour external to NSA, in a long-term training program, or otherwise not reporting to an operational supervisor, one of the Associate Directors will have the responsibility of preparing a justification or statement regarding the promotion potential of the analyst.

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

(U//~~FOUO~~) [redacted] consulted with [redacted] one of the current Associate Directors of the LADP, for specific information regarding previous promotion cycles. According to [redacted] who has been assigned as an Associate Director for several years, in previous years, if an analyst was serving on military duty and was not present to prepare a PRP for promotion consideration, one of the LADP Associate Directors would work with the operational supervisor to ensure all pertinent promotion information that was available was gathered together and assembled into a PRP so that the analyst could be considered for promotion.

(U//~~FOUO~~) Every PRP that is submitted for promotion consideration is provided to the promotion board and is reviewed by several promotion board members, whether or not the operational supervisor or an Associate Director recommended that person for promotion.

(U//~~FOUO~~) The scores of the board members are averaged and the candidates are prioritized. The promotion board picks the cut-off for promotion candidates based on the current Agency guidance and funding.

(U//~~FOUO~~) After promotions are announced, employees are asked if they would like to receive promotion feedback. If so, one of the Associate Directors will compile all of the notes prepared by the promotion board members who reviewed the analyst's PRP and will provide verbal feedback to the analyst. Feedback is not provided in writing.

(U//~~FOUO~~)

(U//~~FOUO~~) On 20 December 2013, GG-07, was interviewed and provided the following sworn testimony.

(b) (6)

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

(U//~~FOUO~~) began working at NSA on with of prior Air Force active-duty service. Following active-duty service, joined the Air Force Reserves and his Military Occupational Specialty (MOS) was Logistics. In February 2011, transferred from the Air Force Reserves to the Air National Guard and is currently a member of the Guard.

(U//~~FOUO~~) When was hired by NSA, he joined the LADP and his first operational tour was in He is currently on his third tour in and is conducting research on the language his specialty.

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

(U//~~FOUO~~) After started working at NSA, he changed his MOS in the Guard so he could train in the area of cyber. On 28 November 2011, while working in he departed on a TDY in military reserve duty status to attend cyber training, which was sponsored by his military unit of the Air National Guard.

(U//~~FOUO~~) Before departing for his reserve duty, met with and informed her that he would be taking the cyber training. He thought their conversation had gone very well. They also discussed how his timesheets would be completed while he was out of the office on military leave. He did not have a conversation with about his upcoming TDY because this was around the time and the previous mission supervisor, were transitioning as his first-line supervisor.

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

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

(U//~~FOUO~~) met , HR, because when an employee goes on a long-term TDY as part of their military service, they are put in an LWOP status. He signed paperwork related to LWOP and his re-employment rights. He informed that he would be TDY during the 2012 promotion cycle and she told him that even if he did not provide

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a PRP to his management prior to his departure, that it was his management's responsibility to assemble his PRP for promotion consideration. He asked [redacted] to notify his management of the policy regarding their responsibility. He said [redacted] sent an email to [redacted] and [redacted] clarifying their responsibilities with regard to [redacted] PRP and promotion consideration.[47]

(U//~~FOUO~~) [redacted] sent an email to [redacted] and [redacted] dated 18 November 2011 and included a copy of his completed EPA and promotion profile and requested that they assemble his PRP for promotion consideration. He requested that they also finalize his ACE for the rating period of [redacted] through 24 November 2011 and include it in his PRP, as well. He never received a response from either of them.[48]

(U//~~FOUO~~) [redacted] received an ACE rating of 3.4—Successful, for the rating period of [redacted] through 24 November 2011. [redacted] was the Rater and [redacted] was the Reviewer. He believed [redacted] was already thinking negatively about his upcoming military training because he referenced it in [redacted] ACE at Objectives 1 and 4.[49]

(U//~~FOUO~~) Before departing for his military reserve duty, [redacted] felt that everything with regard to his work and relationships with his management "was good."

(U//~~FOUO~~) While [redacted] was serving on his military reserve TDY he believed that [redacted] started to rely on other linguists and [redacted] a language analyst and [redacted] team lead, and that eventually they all became best friends. [redacted] thought that [redacted] and the other linguists may have assumed that [redacted] did not care about the office because he had left to attend cyber training.

(U//~~FOUO~~) Around 24 August 2012, [redacted] returned to [redacted] from his military reserve duty. [redacted] was still his first-line supervisor and ACE Rater but [redacted] was no longer his ACE Reviewer. She had been replaced by [redacted] Associate Director, LADP.

(U//~~FOUO~~) Promotions for the 2012 promotion cycle had been announced in June 2012 and [redacted] learned from [redacted] that he was not promoted. [redacted] claimed that [redacted] told him that he had forwarded [redacted] PRP to [redacted] for promotion consideration, but [redacted] told [redacted] that [redacted] did not get promoted because he had not been in the office long enough.

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[47] (U//~~FOUO~~) [redacted] provided to the OIG a copy of an email dated 10 December 2012 that she sent to [redacted] which contains promotion and ACE guidance for reservist employees who are called to active duty. See Appendix G3.

[48] (U//~~FOUO~~) See Appendix B1 for a copy of the 18 November 2011 email. [redacted] ACE was not included in his PRP.

[49] (U//~~FOUO~~) See Appendix C2 for copy of ACE. [redacted] departed for his military reserve training after the ACE rating period ended.

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(U//~~FOUO~~) [redacted] did not request or receive any promotion feedback. At some point he spoke with [redacted] the Director of LASC at the time, about whether or not his PRP had been reviewed and scored. [redacted] told [redacted] that his PRP was "in the system." [redacted] was not sure if anyone had actually reviewed and scored his PRP for promotion consideration.

(U//~~FOUO~~) [redacted] believes that [redacted] and [redacted] decided not to promote him in 2012 or 2013 because he attended cyber training in a military reserve duty status.

(U//~~FOUO~~) [redacted] went to New York for the weekend of 27 October 2012 and on 29 October 2012, Hurricane Sandy hit the East Coast. As a result, [redacted] was stranded in New York through 31 October 2012 because all of the bridges and railways were closed.

(U//~~FOUO~~) On Monday, 29 October 2012, the Agency was operating under Code Red and on Tuesday, 30 October 2012, the Agency was operating under Code Yellow. When [redacted] returned to the office, [redacted] did not treat him fairly because he did not approve for [redacted] to receive the leave under the Agency's Red and Yellow Codes. [redacted] ended up using three days of annual leave.[50]

(U//~~FOUO~~) Before Hurricane Sandy occurred, in September or early October 2012, [redacted] submitted to [redacted] an Unofficial Foreign Travel request to take annual leave at the end of November and beginning of December 2012. [redacted] approved his request. [redacted] was planning a trip to [redacted] to meet his fiancé and become engaged. He ended up going to [redacted] for only two or three days, which was not as long as he originally planned because he did not have enough annual leave after being forced by [redacted] to take annual leave when he was stranded in New York during Hurricane Sandy.[51]

(U//~~FOUO~~) [redacted] trip to [redacted] could not be postponed and so he went on the trip even though he did not have enough annual leave accrued to cover the trip. He assumed that when he returned to work he could request LWOP and [redacted] would approve it. However, [redacted] denied his request and wanted [redacted] to record the time as AWOL. [redacted] was aware that the Agency regulation states that LWOP must be requested and approved ahead of time, but he thought [redacted] could and would approve it after the fact. AWOL has a very negative connotation in the military and [redacted] "made a big fight about it" with [redacted], but [redacted] did not change his mind.

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[50] (U//~~FOUO~~) [redacted] emailed the OIG following his interview and stated a correction to his testimony -- he said he was allowed to claim administrative leave for the entire day on 30 October 2012. The OIG found that [redacted] was also in error in his recollection of the Agency's decisions regarding leave for 29, 30 and 31 October 2012. NSAW did not implement Code Yellow on 29, 30, or 31 October 2012. See Appendix I2 for NSAW's operating status during Hurricane Sandy.

[51] (U//~~FOUO~~) [redacted] did not force [redacted] to take annual leave in October 2012. He followed the Agency's leave guidance.

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(U//~~FOUO~~) Near the beginning or middle of December 2012, [redacted] attended a meeting with [redacted] and [redacted]. During the meeting [redacted] presented [redacted] with a memorandum documenting that he had been AWOL when he visited [redacted] said he told [redacted] that ever since he returned from his military TDY he was getting "bad vibes" from his coworkers and [redacted] told [redacted] that he did not believe [redacted] and [redacted] were wrong about any of the actions they were taking. [redacted] stated he would not hold the military TDY against [redacted] because he—[redacted] was also in the military for 20 years.[52]

(U//~~FOUO~~) During another meeting that was held around December 2012, [redacted] was verbally counseled by [redacted] because on two occasions he had reported to work late. [redacted] said that on the two days he was late he had called into the office and reported that he would be late. On one of the days, he was not feeling well and on the other day, he had a flat tire. [redacted] said his coworkers called in late all the time and they were not counseled.[53]

(U//~~FOUO~~) At some point after returning from his military reserve duty, [redacted] asked [redacted] and [redacted] why he could not write reports on his transcripts and [redacted] told [redacted] that his language capabilities were not "up to mark." [redacted] felt that [redacted] "disrespected his language" when he said this.[54]

(U//~~FOUO~~) [redacted] believed that because [redacted] and the other linguists are [redacted] native speakers, they tried to prove that they are better than [redacted] because he is a native speaker with in-country experience. [redacted] DLPT score is a 2.1 and [redacted] score is a 2.2+. [redacted] said he routinely transcribes good information that the other non-native linguists report on. He assumed the non-native linguists thought his transcriptions were good because they reported on them. However they did not talk with him about his transcripts and neither did [redacted]. Instead, [redacted] always talked with the other linguists and they all seemed to have a close relationship and [redacted] felt excluded and that he received no credit for the transcripts he completed.

(U//~~FOUO~~) [redacted] received an ACE rating of 3.0—Successful for the ACE rating period of 1 August 2012 through 6 February 2013. He did not think his performance had justified a drop from the previous 3.4 rating and felt his ACE rating was lowered because of his participation in the military reserve duty. At Objective 1 of the ACE, [redacted] had documented that

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[52] (U//~~FOUO~~) See Appendix B4 for memorandum for the record. In his sworn testimony to the OIG, [redacted] said he did not recall [redacted] ever telling him that he thought [redacted] management was treating him badly or differently.

[53] (U//~~FOUO~~) In his sworn statement to the OIG, [redacted] said [redacted] did not follow the call-in procedures when he came in late. [redacted] told the OIG in his sworn statement that everyone in the office, except [redacted], consistently called him or a team lead when they were going to be late for work.

[54] (U//~~FOUO~~) In their testimony to the OIG, [redacted] and [redacted] said that [redacted] LADP analysts did not perform the job of reporting. [redacted] said this direction had come from [redacted] stated that because of the mission being performed in [redacted], there was a lot of transcription work that needed to be done and that, normally, LADP analysts did not perform the job of reporting.

[redacted] was out of the office due to an extended training deployment in the U.S. Air Force Reserves. His ACE reviewer, [redacted] had also signed the ACE.[55]

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

(U//~~FOUO~~) In January 2013, [redacted] turned his PRP into the Senior Language Authority's (SLA) office for the 2013 promotion cycle. In June 2013, promotions were announced and [redacted] learned he was not promoted.

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

(U//~~FOUO~~) Under a new operational supervisor [redacted] received an ACE rating of 3.8—Excellent for the ACE for rating period of 10 February 2013 through 31 July 2013. After receiving the rating, [redacted] emailed [redacted] Senior Language Authority, and complained that he felt he deserved a higher rating than a 3.8 because he believed the average rating in the LADP was 4.5. [redacted] submitted a request to have his ACE score reconsidered through the Agency's Reconsideration Program, but it was denied.

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

(U//~~FOUO~~) Sometime after [redacted] returned from his military TDY, he spoke with [redacted] about serving on a deployment. [redacted] told him that if he applied for a deployment, it would be denied because he had not been present in the organization long enough. [redacted] felt that because he served on his military training TDY, [redacted] was not willing to approve a deployment. [redacted] said that part of the policy in the LADP is that an intern may not serve on a deployment until they have completed two years in the LADP, which he had not yet done. However, [redacted] knew of other LADP analysts who had not completed their two years in the program and they deployed.[56]

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

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

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

(U//~~FOUO~~) On 30 January 2015, [redacted] GG13, Intelligence Analyst Advisor, was interviewed and provided the following sworn testimony.

(U//~~FOUO~~) From June 2010 through June 2012, [redacted] served as one of three Associate Directors, LADP. She is currently assigned to [redacted]

(U//~~FOUO~~) As an Associate Director, LADP, she provided oversight of some of the LADP analysts by monitoring their tour progression, serving as their ACE reviewer, and meeting with them or their operational supervisors, as needed.

(b) (6)

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

(U//~~FOUO~~) [redacted] started working at NSA as an LADP intern in [redacted]. His first tour was in [redacted] and his operational supervisor was [redacted] was also in the National Guard and at some point, his military occupational specialty was changed and he

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

[55] (U) See Appendix C4 for ACE.

[56] (U//~~FOUO~~) In his sworn statement to the OIG, [redacted] said he believed [redacted] had confused deployments with diversification tours, which occur outside of NSAW, and are not approved until after two years in the program. An email at Appendix B2 from [redacted] to [redacted] explains why he was not approved for a diversification tour [redacted] TDY) until his third tour.

was required to perform a TDY for military training. By the time he returned from the TDY, [redacted] had moved from the Associate Director Position to [redacted]

(U//~~FOUO~~) In August 2011, [redacted] was scheduled for a [redacted] training class. Although his language skills were strong, he was not at the level where he needed to be. Around mid-October 2011 [redacted] was taken out of the class by the National Cryptologic School because he had missed too much of the class. He was traveling back and forth to [redacted] which [redacted] thought may have been related to [redacted] and he was not following proper leave procedures because he had been taking leave without first obtaining supervisory permission. [redacted] had contacted [redacted] to discuss the matter and the situation eventually got resolved although [redacted] could not remember the details. [redacted] did not think [redacted] had intentionally violated the leave procedures, he just did not understand the procedures.

(U//~~FOUO~~) In an email dated 25 October 2011 from [redacted] Language Advisor, [redacted] to [redacted] said [redacted] Deputy Chief of Staff, wanted to meet with [redacted] to discuss [redacted] use of FMLA and LWOP, which he took without permission. A meeting did occur and attendees also discussed what the plan would be for when [redacted] returned from his National Guard duty.[57]

(U//~~FOUO~~) [redacted] met with [redacted] on 21 November 2011 and explained the leave procedures to him. They discussed that when he returned from his National Guard duty, he would go back to [redacted] because normally the first LADP tour is one year long. [redacted] did not say he did not want to return to [redacted] and he did not say he was unhappy about having to do so. He said something about wanting to work for NSA part-time and for a contractor part-time. [redacted] told him he could not work part-time because he was still serving his probationary period and was in the middle of learning a language and the business of SIGINT. He did not seem to know what he wanted to do, but in the end he decided to stay and work full-time for NSA.

(U//~~FOUO~~) After the meeting [redacted] had with [redacted] on 21 November 2011, she sent him an email on the same day stating that soon after he returned from his National Guard duty, his tour in [redacted] would end and he would be ready to move to his next tour. She added that he may find that he enjoys one tour much more than another.[58]

(U//~~FOUO~~) In an email dated 21 November 2011 from [redacted] to [redacted] and other [redacted] managers, [redacted] stated that she had spoken with [redacted] about his National Guard duty and that when he returned to NSA he would resume his tour in [redacted] It was agreed

[57] (U) See Appendix H2 for email dated 25 October 2011.

[58] (U//~~FOUO~~) See Appendix H3 for the email dated 21 November 2011. [redacted] responded to [redacted] email on the same date and stated that he was "fine working with [redacted] and was "glad to help out with any mission as necessary." [redacted] email is also at Appendix H3.

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that when he returned, and after his performance was assessed, his operational supervisor would enroll him in refresher training, if needed.[59]

(U//~~FOUO~~) The mission where [redacted] worked was hiring native speakers and keeping them fully engaged in language work because there was so much work that needed to be done. Some of the interns were happy about doing only language work while some others were not because some of the interns wanted to do reporting. Normally, the LADP interns do not do reporting especially when there is so much language work that needs to be done. If an intern did not have an opportunity to do reporting in one tour, they would have been given the opportunity in their next tour.

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

(U//~~FOUO~~) When [redacted] first learned that [redacted] was going on military reserve duty training, he was not happy. He wanted to know if there was a way to hold [redacted] from going. [redacted] was not clear on whether the military reserve training was something [redacted] was required to do or if he was just choosing to do it.

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

(U//~~FOUO~~) [redacted] sought guidance from the Office of Military Personnel (MJ1) because she had never been through the process before and wanted to understand the rules. Although she could not remember the name of the person who assisted her, she was told that going on the military TDY for training was something [redacted] had to do and no one should hold it against him. She also learned that the LADP could have requested that his military reserve training be denied because of the mission where [redacted] worked. However, it required a lot of paperwork and according to the person from MJ1, it was too late to pursue because his departure date was imminent. She was also told that the Agency also had an obligation to hold [redacted] position for him until he returned.

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

(U//~~FOUO~~) [redacted] was concerned that while [redacted] was gone for an extended period of time while serving on his military reserve duty, his absence from the workplace would have an impact on his ACE accomplishments. The person from MJ1 advised [redacted] that his operational supervisor should document on the ACE that [redacted] had been sent for military reserve duty training.[60]

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

(U//~~FOUO~~) [redacted] informed [redacted] of all she had learned from MJ1 and [redacted] seemed to accept the information and was not negative about it.

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

(U//~~FOUO~~) [redacted] was scheduled to start the [redacted] class on 1 August 2011 and the ACE rating period was ending on 31 July 2011. Normally, when an intern is in extended training, they do not receive a rating on their ACE. Therefore, she and [redacted] prepared an ACE with no rating for the rating period 5/11/2011 – 7/31/2011, and included some of [redacted] accomplishments in the ACE. Sometime after this ACE was completed and after they learned [redacted] was to attend National Guard training, they

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

[59] (U) See Appendix H4 for email dated 21 November 2011.
[60] (U//~~FOUO~~) See ACE at Appendix C3 that states [redacted] is on military reserve duty status.

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decided to do his ACE a different way. They had since learned that they could extend the rating period up to the time he was to depart for his military reserve training, 24 November 2011.[61]

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

(U//~~FOUO~~) After the new ACE was drafted, [redacted] sent an email dated 27 January 2012 to [redacted] and stated that he needed to back-date [redacted] ACE to the actual date he was hired (change it from [redacted] to [redacted]) and add a reference to the ACE for how long [redacted] was in the [redacted] class.[62]

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

(U//~~FOUO~~) Generally, operational supervisors served as ACE raters and were responsible for recommending the LADP interns assigned to their organizations for promotion. Whether or not an operation supervisor recommended an intern for promotion, their PRP was forwarded to the promotion board and was reviewed by the board members. The board had the option of taking the operational supervisor's recommendation into consideration but it was not a deciding factor. Even if an intern was not recommended for promotion, the board would still consider them. Each PRP was scored against the Agency's promotion criteria for the appropriate grade.

(U//~~FOUO~~) The Associate Directors and the Director, LASC, who served as the Chair of the promotion board, were members of the board and were called "full-time readers" because they reviewed the majority of the PRPs. The other board members were called "part-time readers" because they reviewed fewer PRPs.

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

(U//~~FOUO~~) For the 2012 promotion process, there were approximately 140 PRPs that needed to be reviewed and each Associate Director reviewed approximately 80 PRPs that were randomly assigned to them by the LADP administrative officer, [redacted] a contractor employee assigned to assist with the promotion process. By chance, [redacted] received [redacted] PRP for review. The LADP Director reviewed every PRP.

(U//~~FOUO~~) [redacted] was very thorough in her job duties and ensured all of the PRPs were complete and the associated paperwork was organized. PRPs were kept locked in a cabinet when board members were not reviewing them. When a board member reviewed a PRP, the review was conducted in a conference room. While the review process was underway, no one on the board was allowed to talk to other board members about their review of PRPs.

(U//~~FOUO~~) Each board member used score sheets for scoring the PRPs and then all of the scores were documented in spreadsheets, which were sorted by average score, grade, and more.

(U//~~FOUO~~) There is a philosophy that employees who are hired at the GG07 level should get promoted to GG09 pretty quickly because the LADP board members want to see them succeed, unless there is a valid reason why that person does not deserve a promotion. The expectations of the board members for someone to get promoted from a GG07 to GG09 would be for them to be successful in meeting or exceeding their goals, completing their assigned training, catching on

[61] (U) See Appendix C1 and C2 for both ACE documents.
[62] (U) See Appendix H6 for email.

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fairly quickly and making some significant contribution. At a minimum, they should have received a successful rating on their ACE.

(U//~~FOUO~~) After the scoring was completed and spreadsheets were finalized, the board members met and reviewed the spreadsheets together. They looked at the data for each person and wherever any board member scored a candidate exceptionally high or low when compared to the scores of the other board members, it was discussed. It was important to understand what a board member was thinking when they scored someone outside of what appeared to be the general range of scores for any one person. This process occurred over several meetings until the board members agreed to the final priority ranking of all candidates. As the discussions occurred, the actual scores assigned by the board members did not change on the score sheets but sometimes the names of the promotion candidates would shift in the overall priority ranking.

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

(U//~~FOUO~~) [redacted] recommended [redacted] for promotion for the 2012 promotion cycle. In an email dated 27 January 2012 from [redacted] to [redacted], [redacted] stated that, initially he was not going to recommend [redacted] for promotion but after looking back through [redacted] PRP, he felt [redacted] was worthy of promotion.[63]

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

(U//~~FOUO~~) During the OIG interview, [redacted] reviewed the promotion board spreadsheets and observed that six people, including [redacted], had scored [redacted] PRP. [redacted]'s score for [redacted] PRP was 40 and the other board members assigned the following scores: 54, 58, 70, 72, and 88. [redacted] could not remember why one of the board members scored [redacted] with an 88, but remembered that she and the other board members thought the score was a little too high. [redacted] did take notes during her review of the PRPs assigned to her but her notes were collected by the administrative officer and [redacted] did not retain a copy of her notes.

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

(U//~~FOUO~~) In reference to scoring [redacted], [redacted] said, "to be totally honest, his time in training in the guard was not a detriment—I don't want to say a detriment—it wasn't held against him, per se, but it did create a gap in the amount of time, in the amount of work he was able to do, and have included in his EPA. So when he was gone for six months, there were others who had six months of work that they were doing and it was showing up in their EPAs." [redacted] said, "It probably did hurt him to some extent, but it was not something people said—[such as] oh he was gone for six months don't promote him. It was based on what was in his paperwork. And because he was gone, as compared to the rest of the people at his grade level, there was not as much there [in his EPA]." [redacted] said she did take [redacted] military reserve duty into consideration during her review of [redacted] PRP.

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

(U//~~FOUO~~) [redacted] could not remember if any of the board members asked why [redacted] EPA was sparse in comparison to the EPAs of other GG07s, but if someone had

[63] (U//~~FOUO~~) See Appendix H6 for email which states that after discussing with [redacted] language lead and others who had observed [redacted] performance, [redacted] felt that [redacted] was performing at the GG09 level and was recommending him for promotion.

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

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asked, [redacted] may have said something like, [redacted] was away in training for a while. The fact that he served on military reserve duty with the National Guard was not discussed.

(U//~~FOUO~~) [redacted] was not promoted in 2012 based on the scoring of his PRP by the promotion board members and where he eventually fell in the ranking of all candidates based on those scores. For interns who fell right at the line to get promoted, but for whom the LADP did not have enough funding to promote, [redacted] asked Human Resources and the Product Lines for additional funding. The LADP did receive some extra money for a few candidates.

(U//~~FOUO~~) The OIG investigator told [redacted] that according to [redacted], [redacted] told [redacted] that she [redacted] told [redacted] the reason [redacted] was not promoted in 2012 was because he was not around long enough due to his military reserve duty. [redacted] denied saying that or anything like it. She said she may have told [redacted] that [redacted] did not have enough information in his EPA or ACE to make him as competitive as others.

(U//~~FOUO~~) When asked who was responsible for preparing a PRP for an LADP intern if he was not present in the workplace to do so, [redacted] said there are rules and regulations that state a PRP must be assembled for an employee, under certain circumstances and that it was the responsibility of either the Associate Director or the operational supervisor, depending on the situation. [redacted] prepared a PRP for an LADP intern who was out on maternity leave. She also wrote that person's EPA.

(U//~~FOUO~~) The OIG investigator showed [redacted] an email dated 18 November 2011 from [redacted] to [redacted]. [redacted] was on distribution to receive a copy of the email but she told the OIG that she did not remember ever reading the email. In the email, [redacted] was sending his EPA and promotion profile and asking [redacted] to validate the EPA and send it to [redacted]. He also asked that his ACE be completed and sent with the EPA and promotion profile for the promotion review process. [redacted] stated that [redacted] had prepared his own EPA prior to leaving for his military reserve duty, but she did not assemble his PRP and thought [redacted] may have assembled it.[64]

(U//~~FOUO~~) The OIG investigator informed [redacted] that the copy of [redacted] PRP that the OIG obtained from archived records did not include [redacted] ACE for the rating period [redacted] through 24 November 2011. The OIG Investigator reviewed the following timeline of events with [redacted]:

- 27 January 2012: [redacted] signed as the Reviewer on [redacted] ACE.
- 28 January 2012: [redacted] signed as the Rater on [redacted] ACE.
- 30 January 2012: PRPs due to the Language Analysis Skill Community (LASC).

[64] (U//~~FOUO~~) See Appendix B1 for email. In the email, [redacted] was referring to his ACE for the rating period of [redacted] through 24 November 2011. He was due to depart for his military reserve training in10 days, on 28 November 2011, and the ACE still needed to be signed by [redacted] and [redacted].

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

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- 14 February 2012: Deadline for operational supervisors to submit their input to the LASC.
- 28 February 2012: [redacted] ACE was signed at the "Employee Name: Date Acknowledged" field as "02/28/2012 (Rater Acknowledged)"–meaning [redacted] had signed the ACE for [redacted] because [redacted] had not been in the workplace since late November 2011 due to his military reserve duty.

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

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

(U//~~FOUO~~) The OIG investigator asked [redacted] why [redacted] ACE was not "Rater Acknowledged" prior to the deadline when PRPs were due so that it could have been included in [redacted] PRP.

(U//~~FOUO~~) [redacted] said [redacted] should have had the ACE in his PRP and if he did not someone should have noticed it missing and said something. Just because it was not in archived records, does not mean it was not in his PRP when PRPs were reviewed. [redacted] had signed as the Reviewer of the ACE, so if it had not been in the PRP, she would have asked about it, which is why she thinks that it must have been in the PRP and somehow got lost after the promotion board records were gathered for archiving. [redacted] did not remember making any notes that [redacted] PRP was missing an ACE.

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

(U//~~FOUO~~) If, after all of the PRPs were scored and the candidates were ranked, they had discovered that [redacted] ACE had been missing from the PRP, the promotion board would have gone back and rescored [redacted] PRP so that the ACE would be taken into consideration. His rating of 3.4 may have made a difference in where he was ranked on the list of candidates.

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

(U//~~FOUO~~) The OIG investigator asked [redacted] why [redacted] military reserve duty status was mentioned in his ACE when the rating period ended on the same day he departed for the military reserve duty.

(U//~~FOUO~~) [redacted] said that, in hindsight, she did not believe the comment needed to be included. Perhaps there was a concern that while he was away on the military reserve duty there needed to be some verbiage in the ACE to document that fact. However, in doing so, they obviously did not take into consideration that the ending date of the ACE was the same day he departed for his military reserve duty.

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

(U//~~FOUO~~) The OIG investigator asked [redacted] why, at Objective 4 of the ACE, were comments included that pertained to [redacted] military reserve duties. [redacted] believed the comment referred to the timeframe when [redacted] was taking LWOP and FMLA without permission during the [redacted] class. At that time, he was also taking leave on a Monday or Friday, when he had to serve military reserve weekend duty on weekends.

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

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

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

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

(U//~~FOUO~~) On17 October 2014, [redacted] was interviewed and provided the following sworn testimony.

(U//~~FOUO~~) From July 2011 through July 2013, [redacted] served as an Associate Director for the LADP. His predecessor was [redacted] At that time, he was one of three Associate Directors and [redacted] was the Director, Language Analyst Skill Community (LASC). Since 21 July 2013, [redacted] has been assigned to [redacted]

(U//~~FOUO~~) Each Associate Director was assigned a group of languages as well as the LADP interns who were studying those languages. [redacted] oversaw the interns studying in the languages of [redacted] His job duties included serving as the ACE Reviewer, ensuring interns were meeting requirements for training, meeting with operational supervisors and interns to discuss program requirements, mission assignments, and overseeing any personnel-related matters. He held group meetings with interns based on their language area of study and reviewed processes such as promotion, how to prepare an EPA, and ACE.

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

(U//~~FOUO~~) [redacted], an LADP analyst who served on a tour in [redacted] served on a nine-month TDY where he attended training with the National Guard. Prior to his departure for the TDY, [redacted] did not have any interaction with [redacted] because he was not yet assigned as an Associate Director.

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

(U//~~FOUO~~) After [redacted] completed his training with the National Guard, his mission supervisors, [redacted] and [redacted] told [redacted] that [redacted] had requested approval to take additional leave without pay following his military reserve duty training, but they were not sure if approving it was mandatory or optional. They also did not know if he was entitled to the leave. [redacted] did not know the answer and so he discussed the matter with [redacted] who said [redacted] was permitted to take the leave without pay, which he did take. [redacted] returned from his military reserve duty and additional leave without pay in November 2011 and returned to work in [redacted]

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

(U//~~FOUO~~) [redacted] told [redacted] that [redacted] "was not working hard enough" and "was not producing." When asked by [redacted] if he had documented any performance problems, [redacted] responded in the negative. [redacted] was aware that that [redacted] was not adhering to his established daily work hours and was showing up in the morning whenever he wanted. [redacted] had told [redacted] "I don't want him [redacted] back" and voiced a list of problems he had with [redacted] performance and inability to follow supervisory direction.

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

(U//~~FOUO~~) [redacted] told [redacted] that he was not going to move [redacted] to another tour if [redacted] did not have anything documented that explained why [redacted] was not performing.

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

(U//~~FOUO~~) [redacted] told [redacted] that [redacted] had used LWOP, without supervisory permission, while on a personal trip to New York when Hurricane Sandy hit

the East Coast. [redacted] said he was not going to retroactively approve LWOP and [redacted] would be charged AWOL. [redacted] advised [redacted] and [redacted] to work with Employee Relations (MR) to ensure they were taking proper steps and making the right decisions.

(U//~~FOUO~~) Eventually, [redacted] left [redacted] and just prior to his departure, he told [redacted] that [redacted] performance seemed to be improving and that [redacted] was being more proactive.[65]

(U//~~FOUO~~) [redacted] did not have any negative opinions or feelings about [redacted] attending training sponsored by the National Guard and did not recall anyone else ever saying they felt negatively about [redacted] serving on the military reserve duty. [redacted] did not have any discussions with [redacted] or anyone else pertaining to [redacted] military reserve duty TDY.

(U//~~FOUO~~) [redacted] only concern related to [redacted] military reserve duty was that because [redacted] had been away from the office for an extended period of time, he may not be able to meet the LADP requirements for graduation from the program, which meant his time in the LADP may have to be extended or he may not qualify for graduation.

(U//~~FOUO~~) As [redacted] was deciding where [redacted] second LADP tour would be, he contacted [redacted] to discuss [redacted] skills in an attempt to find the best fit so [redacted] would succeed. [redacted] is intelligent and has high expectations about what he should be doing for the Agency. [redacted] thought [redacted] would offer great learning opportunities [redacted] agreed to take [redacted] but then about two days after [redacted] reported to [redacted] called [redacted] and said they did not want [redacted] because he wanted to take extended leave. [redacted] discussed the matter with [redacted] and [redacted] said he would work with [redacted] and [redacted] to monitor the situation. After that, [redacted] had very little contact with [redacted].

(U//~~FOUO~~) [redacted] did a great job in [redacted] and initially [redacted] assigned a 3.7 ACE rating for the rating of period 10 February 2013 through 31 July 2013. When [redacted] forwarded the ACE to [redacted] for him to sign as the Reviewer, [redacted] remembered that [redacted] had received a time-off award from [redacted] and after obtaining [redacted] approval asked [redacted] if he would raise the overall score to a 3.8, which he did.[66]

(U//~~FOUO~~) Just prior to leaving his position as an Associate Director, [redacted] received an ACE Reconsideration Request from [redacted] because [redacted] believed the 3.8 ACE rating he received for his work in [redacted] should be a higher rating. [redacted] wanted all of the level 4—Excellent performance ratings he received changed to level 5—Outstanding ratings.

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[65] (U//~~FOUO~~) [redacted] left [redacted] in February 2013.

[66] (U) See Appendix F2 for a copy of the ACE document with the 3.7 proposed rating. See Appendix C5 for the final ACE with a 3.8 rating.

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(U//~~FOUO~~) [redacted] re-read the original input [redacted] had provided for his ACE and had a discussion with [redacted] to see if he thought that any of the ratings warranted a level 5. [redacted] thought the ratings he had assigned were fair and [redacted] agreed.

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(U//~~FOUO~~) [redacted] did not approve the Reconsideration at the informal stage of the Reconsideration process. [redacted] then filed a formal Reconsideration Request and the Reconsideration Authority (RA) contacted [redacted] for input. [redacted] told the RA what he and [redacted] thought and how they came to their decisions on the ratings during the performance review cycle and informal stage of the Reconsideration process. [redacted] was not privy to the decision of the RA but did not think the formal request was approved because the rating remained a 3.8.

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(U//~~FOUO~~) [redacted] served on the promotion board in 2012 and 2013 along with the other Associate Directors and Language Authorities. The promotion boards for both years reviewed all PRPs that were submitted for consideration, whether or not a mission supervisor recommend an intern for promotion.

(U//~~FOUO~~) The PRPs that were submitted for promotion consideration were randomly divided among the board members for review and scoring. Each promotion board member worked independently and scored the PRPs assigned to them. During the review process, [redacted] and the other board members did not discuss their review results or scoring with anyone else.

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(U//~~FOUO~~) In 2012, [redacted] was randomly assigned [redacted] PRP for review. [redacted] did not include very much information on his EPA and it was poorly written. [redacted] assigned a score of 58 out of 100 to [redacted] EPA. If [redacted] would have had a good ACE in his PRP, it would have equated to a good EPA because he could have transferred what was written in his ACE to his EPA. However, the only ACE [redacted] had received at that time was a "not rated" evaluation for a timeframe of less than 90 days.

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(U//~~FOUO~~) During his review of [redacted] PRP, [redacted] thought it was odd that [redacted] only had a non-rated ACE because by that time he had been in [redacted] for longer than 90 days. [redacted] contacted Human Resources to verify if any other ACE documents had been finalized for [redacted] and learned that only the non-rated ACE had been completed.

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(U//~~FOUO~~) When shown a copy of [redacted] ACE evaluation for the rating period [redacted] through 24 November 2011, where he received a 3.4 rating, [redacted] said he did not recall ever seeing the document and it was not included in [redacted] PRP for the 2012 promotion cycle, although it should have been included.

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(U//~~FOUO~~) After individual scoring of PRPs was completed, the board members met and discussed their scores and prioritized candidates. If scores were inconsistent among the board members for any promotion candidate, the board members would discuss if they had missed something during their review and they would review the PRP again, as necessary. However,

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they did not perform another review of [redacted] PRP because [redacted] was not the only board member who gave him a score that was on the lower end of the scale.

(U//~~FOUO~~) During promotion board discussions, no one ever mentioned [redacted] military reserve training.

(U//~~FOUO~~) [redacted] provided promotion feedback, in person, to [redacted]. Their meeting was held in either the SLA conference room or the training lab. [redacted] told him he needed to include additional information in his EPA and learn to map his accomplishments to the promotion criteria and "sell" himself. [redacted] informed [redacted] that he would be holding training sessions in the future about how to write an EPA and encouraged [redacted] to attend. Overall, [redacted] focused on what [redacted] needed to do with regard to his EPA to be more competitive in the next promotion cycle. Normally, when interns are not promoted, they express some degree of anger, but [redacted] did not seem upset and at the conclusion of the feedback session he said, "Okay, I understand."

(U//~~FOUO~~) [redacted] did not receive [redacted] PRP to review and score for the 2013 promotion cycle.

(U//~~FOUO~~) When asked by the OIG investigator if [redacted] requested to serve on a deployment, [redacted] responded in the negative. He believed [redacted] was confusing a deployment with a diversification tour, which is a tour that is external to NSAW.

(U//~~FOUO~~) It was standard policy in the LADP that diversification tours were not approved until the intern's fourth tour or after two years in the program. After his first tour, [redacted] requested a diversification tour at [redacted] which would have been a TDY for approximately one year. At [redacted] [redacted] would have served in a lone role and [redacted] felt that [redacted] was not ready to be put in that position and therefore, he did not approve [redacted] request.[67]

(U//~~FOUO~~) When [redacted] challenged [redacted] stating that others had been allowed to take a diversification tour before they were in the LADP for two years, [redacted] told him that he was not sure what other Associate Directors had done in the past and what the situation was at the time for any particular intern, but he [redacted] was following the rule that one could not serve on a diversification tour until the fourth tour or after two years in the program.

(U//~~FOUO~~) [redacted] did not recall [redacted] ever telling him that he thought his operational supervisor and/or others from [redacted] were treating him badly or differently than other analysts after returning from his military reserve training. He did not doubt that the conversation may have occurred because interns routinely tell him that they think they are being

[67] (U//~~FOUO~~) See emails at Appendix B2 dated 5 and 7 September 2012 between [redacted] and [redacted] where [redacted] is requesting a tour at [redacted] and [redacted] states he would not approve an [redacted] tour or TDY until [redacted] third tour.

treated differently because they are not a permanent member of the mission area were they are performing their development tour.

(U//~~FOUO~~)

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

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(U//~~FOUO~~) In started working at NSA as a GG13 civilian, Senior Analyst. His first assignment was in where he eventually served as a team lead and later as the Branch Chief. Prior to his NSA employment, he served in the military for 23 years, which included several tours at NSA. He departed in February 2013 for a position in another organization.

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(U//~~FOUO~~) met an LADP intern, in May 2011 when was assigned to work in to further develop his language skills. As operational supervisor, had the responsibility for ensuring received training opportunities and met the requirements that were dictated by the LADP. He also served as ACE Rater.

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(U//~~FOUO~~) In mid-to-late 2011, told that he was going to be deployed under a military reserve status. assumed was going to deploy in an active-duty status but soon learned that was going to attend cyber training sponsored by his military reserve unit. Either way, had no concerns or qualms with attending the training as long as the LADP approved his attendance.

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(U//~~FOUO~~) In November 2011, departed for his military reserve duty training. When he returned to around May 2012, he requested an additional 90 days of leave without pay for the purpose of acclimatization.

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(U//~~FOUO~~) Normally, following an active duty deployment to a hazardous location, a military member requests additional LWOP for the purpose of acclimatization. However, because attended classroom training, was not sure if he was entitled to the additional leave, therefore, he consulted with Human Relations and learned that was entitled to the leave, which he did take.

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(U//~~FOUO~~) For the 2012 promotion cycle, recommended for promotion to GG09. He had only observed performance for six months, May 2011 through November 2011, and thought that during this shortened rating period, he was meeting the expected level of performance to be recommended for promotion to GG09. His expectations were not very high for a GG07 seeking promotion to a GG09.

(U//~~FOUO~~) prepared a promotion justification that was included in EPA and submitted his PRP to the promotion board for further consideration and a final decision.

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(U//~~FOUO~~) [redacted] told [redacted] that he had recommended him for promotion and that a final decision would be made at the promotion board level, over which he had no control. [redacted] did not have any discussions with [redacted] Associate Director, LADP, or with anyone else, regarding [redacted] PRP or eligibility for promotion.

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(U//~~FOUO~~) [redacted] received an ACE rating of 3.4—Successful, for the rating period of [redacted] through 24 November 2011. [redacted] could not recall if the ACE document was included in [redacted] PRP for the 2012 promotion cycle, although he said it should have been.

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(U//~~FOUO~~) The OIG investigator showed [redacted] an email dated 18 November 2011 that [redacted] sent to him and [redacted] asking that they complete the ACE and include it in his PRP because he was about to depart for his military reserve duty TDY. [redacted] said that, ideally, it was [redacted] responsibility to include it, but if he was not present in the workplace to do so, then it would have been [redacted] responsibility because the LADP has administrative responsibility over the interns.[68]

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(U//~~FOUO~~) [redacted] believed that if the OIG's investigation revealed that the ACE was not included in the PRP during the promotion review, then it should be considered an administrative error and somehow corrected.

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(U//~~FOUO~~) The OIG Investigator asked [redacted] why, at Objective 1 of the ACE, [redacted] military reserve duty was mentioned when it had not yet occurred because the date [redacted] started the training was the ending date of the ACE rating period.

(U//~~FOUO~~) [redacted] said the ACE was not finalized until after [redacted] departed for his military reserve training, as indicated by the electronic signatures at Section 5 of the ACE that show that [redacted] signed it on 27 January 2012 and [redacted] signed it on 28 February 2012. In their minds, at the time the ACE document was written and completed, he had been absent from the workplace for at least two months. [redacted] wrote the comment as a compliment to [redacted], stating that even though he had been out of the office, he had made substantial contributions to the mission prior to his departure. The mention of his absence from the workplace due to the training was not referenced in a negative way.

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(U//~~FOUO~~) The OIG Investigator asked [redacted] why the ACE, at Objective 4, mentioned that [redacted] military reserve duties and family needs had impacted him passing an [redacted] course.

(U//~~FOUO~~) [redacted] said [redacted] had periodically attended Reserve "drilling" where he would depart on a Thursday or Friday, which, because he was not in the workplace, impacted his completion of mission-related work or required training. The comments at Objective

[68] (U) See Appendix B1 for email.

4 pertain to when [redacted] took it upon himself not to report to an LADP required training class, [redacted] because he did not feel he needed the training. Due to his excessive absence from the class, he failed. [redacted] tried to capture, in the most positive way he could, that [redacted] had been meeting all of the course requirements until he failed to meet the attendance requirement.

(U//~~FOUO~~) The OIG Investigator told [redacted] that, according to [redacted], he ([redacted]) told [redacted] that [redacted] said [redacted] was not promoted in 2012 because he was not working in [redacted] long enough before he went on his military TDY. [redacted] said what [redacted] claimed was not true.

(U//~~FOUO~~) [redacted] believed that [redacted] had confused the promotion process with the first ACE that he received for the rating period of [redacted] through the end of the rating period, 31 July 2011. With regard to that ACE, [redacted] had told [redacted] that, in accordance with Agency policy because it was the end of the rating period and [redacted] had not been in the organization long enough to be on an ACE plan for 90 days, [redacted] needed to prepare an ACE for [redacted] that did not include ratings. [redacted] did as [redacted] instructed and included a positive comment on the ACE to the effect that even though [redacted] had not been in the organization long enough to be rated, he was a valuable member of the team and was learning.

(U//~~FOUO~~) In August 2012, after [redacted] returned to [redacted] following his military reserve duty and leave without pay, [redacted] and his subordinate team leads, [redacted] experienced a number of matters with [redacted] that they found to be problematic. They were either performance related or pertained to poor time and attendance practices. Initially, they complained verbally to [redacted] and he eventually told them they needed to document the problems.

(U//~~FOUO~~) [redacted] and [redacted] told [redacted] that [redacted] was not taking direction from them very well, which [redacted] had also witnessed first-hand. For example, [redacted] felt he did not require language training and took it upon himself to take leave during his attendance at an LADP-required training class on [redacted] reported this matter, in writing, to his chain-of-command as well as to the LADP. He may have also notified [redacted] of Employee Relations (MR).

(U//~~FOUO~~) After [redacted] returned from his military reserve duty and leave without pay, the quality of his work was suffering because he frequently made mistakes in his transcripts and when he received guidance on how to correct the mistakes, he did not follow the guidance and repeatedly made the same mistakes. In addition, he was not always timely in completing the tasks assigned to him.

(U//~~FOUO~~) [redacted] and the team leads understood that, as an intern, [redacted] was in a learning process and they took that into consideration. However, he was not responding to guidance and instruction for improving the quality of his work. [redacted] wondered if he and

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the team leads were not providing guidance and instruction in a way that [redacted] would understand it and therefore, [redacted] discussed milestones and an action plan with [redacted] because he and the team leads wanted [redacted] to succeed.

(U//~~FOUO~~) In [redacted] ACE for the rating period of 1 August 2012 through 6 February 2013, at Objective 3, [redacted] noted that he and [redacted] had provided further guidance on matters of self-development—this was in reference to the milestones and action plan.

(U//~~FOUO~~) [redacted] told [redacted] that he did not like being a Linguist and he wanted to do reporting. [redacted] wished he could have assigned reporting duties to [redacted] but [redacted] Associate Director, LADP, said [redacted] was in the LADP to become a Linguist, not a Reporter [redacted] told [redacted] that he had explained this to [redacted].

(U//~~FOUO~~) The closeout rating [redacted] received for the period of 1 August 2012 through 6 February 2013 was a 3.0 Successful rating. All of his performance element ratings dropped from a 4 to a 3 because he had performed only at a satisfactory level. The ACE was a closeout and that is why the rating does not appear on his personnel profile.

(U//~~FOUO~~) The OIG Investigator asked [redacted] why, at Objective 1 of the ACE, a comment was included that read [redacted] had, "a protracted absence from the workspace due to an extended training deployment in the U.S. Air Force Reserves…" [redacted] said he tried to capture, in a positive way, that even though [redacted] had been working in [redacted] for only a short period of time, he was becoming a functional part of the team and had done a good job. At this same performance objective, it is written that [redacted]—the branch senior analyst and [redacted] team lead, felt [redacted] was working satisfactorily and was requiring only minor quality control checks of his work. The reference to the military reserves was not written in a negative way.

(U//~~FOUO~~) In assigning ACE ratings or considering [redacted] for promotion, [redacted] did not factor in that [redacted] had been out of the office on his military reserve duty. His military service had nothing to do with his performance or time and attendance practices. The performance ratings [redacted] assigned to members of his Branch, including [redacted] were consistent across the Branch. Much of the performance comments in the ACE documents were written by [redacted], which he provided to [redacted].

(U//~~FOUO~~) The OIG Investigator told [redacted] that [redacted] believed he was treated unfairly when he was counseled for coming into work late because his coworkers frequently called in late and they were not counseled. [redacted] stated that everyone in his Branch was held accountable for their time and attendance. Everyone in the Branch, except [redacted], consistently called him or a team lead, in a timely manner, when they were going to be late to work. Frequently, [redacted] arrived later than his scheduled duty hours and on some days he came in later than the Division core hours, which started at 1000.

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(U//~~FOUO~~) In October 2012, just prior to when Hurricane Sandy hit the East Coast, [redacted] said he was going to New York to check on a relative, which [redacted] thought was noble. After the storm, [redacted] called [redacted] and said he could not return on the day he originally planned because all of the airlines had cancelled flights and streets were closed, which [redacted] thought were plausible excuses. However, days later when the media was reporting that transportation was again functioning in New York and New Jersey, [redacted] still did not return to work. [redacted] did not know what to do with [redacted] timesheet because [redacted] did not have enough leave accrued to account for the days he had taken off of work. Therefore, [redacted] told [redacted] that he [redacted] would need to handle the situation and [redacted] told [redacted] to charge [redacted] with AWOL and when he returned to the workplace to "let the system figure it out."

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(U//~~FOUO~~) In late 2012, [redacted] wanted to take annual leave for a trip to [redacted] to meet his fiancé but he did not have enough annual leave accrued. However, [redacted] went on the trip anyway and was charged AWOL for the days he did not have annual leave to cover the time that he did not report to work. [redacted] seemed to have a sense of entitlement. There were some days when [redacted] considered calling Security to see if [redacted] was still alive.

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(U//~~FOUO~~) After [redacted] had been given verbal warnings about his time and attendance, but still did not change his behavior, Employee Relations assisted [redacted] in writing a memorandum for the record to present to [redacted] that documented time and attendance policy and proper leave procedures.

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(U//~~FOUO~~) After being presented with the memorandum, [redacted] still did not comply and so [redacted] sought guidance from the [redacted] Chief of Staff and HR. They advised that [redacted] be issued a letter of counseling. Employee Relations helped [redacted] write the letter of counseling. After [redacted] received the letter of counseling, his time and attendance practices improved. [redacted] had terse words for [redacted] who would not approve advanced LWOP for [redacted] who believed it should be given to him for "his morale."

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(U//~~FOUO~~) During the 2013 promotion process, [redacted] did not recommend [redacted] for promotion because he did not feel his performance justified a recommendation for promotion to GG09. He told [redacted] that he did not recommend him for promotion and outlined aspects of his performance where he thought he was doing well and then outlined areas where he thought [redacted] could improve his performance.

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

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(U//~~FOUO~~) On 28 January 2015, [redacted] GG12, Target Analyst Reporter, was interviewed and provided the following sworn testimony.

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(U//~~FOUO~~) From 2004 through 2009, [redacted] was an intern in the LADP, during which time he took a tour in [redacted] After graduating from the LADP in 2009, he began working in [redacted] full-time. In 2014, he became the Branch Chief. His current supervisor is [redacted]

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(U//~~FOUO~~) Around May 2011, [redacted] began working at NSA as an LADP intern and his first tour was in [redacted] was his team lead. The Branch Chief at the time was [redacted] thought that he and [redacted] had a good work relationship and described [redacted] as a good and nice guy.

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(U//~~FOUO~~) [redacted] was frequently out of the office for military duty, as were others in the Branch who served in the National Guard. [redacted] understood when members of the military or reserves needed to be out of the office for military duty. [redacted] who also worked in [redacted] was in the Maryland Army National Guard and left the Branch to serve in the Guard for one year around the 2010-2011 timeframe. By the time [redacted] returned from his service, [redacted] was working in the Branch.

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(U//~~FOUO~~) From November 2011 through August 2012, [redacted] served on a military duty TDY for cyber training. The training was part of his responsibilities with the National Guard. [redacted] did not know if [redacted] volunteered for the TDY or if it was an obligation, but either way, it was not a problem that he went. Some people in the National Guard take on more responsibility than others even when they can choose to avoid the extra responsibility. He was not sure if [redacted] could have avoided the military duty.

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(U//~~FOUO~~) Prior to his military reserve duty TDY, [redacted] did not gain much experience from working in [redacted] or from being in the LADP. Therefore, when he returned from his TDY, his level of work performance was basically the same. [redacted] was still having performance problems and was having a hard time focusing on what he needed to do and doing it well. His performance, as a linguist, was not where it needed to be.

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(U//~~FOUO~~) It seemed [redacted] thought his language skills were good enough that he was free to do what he wanted and did not have to be advised by his mentors.

(U//~~FOUO~~) [redacted] did not provide any formal performance input for [redacted] ACE, but did recall speaking with [redacted] about [redacted] performance because [redacted] performance was not good. [redacted] did not document any of [redacted] performance problems but [redacted] did because he was responsible for all of the personnel and administrative actions.

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(U//~~FOUO~~) At some point, a meeting was held with [redacted] about his performance. In attendance were [redacted], [redacted] and [redacted] one of the Associate Directors, LADP. Prior to the meeting, there were some heated exchanges between [redacted] and [redacted] because [redacted] was annoyed and thought he was being ganged up on.

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(U//~~FOUO~~) During the meeting [redacted] was told that his performance was suffering and [redacted] told [redacted] that he did not think [redacted] language skills were where they needed to be, which [redacted] took exception to. Even though [redacted] had scored well on the Defense Language Proficiency Test (DLPT), he was not performing well.

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(U//~~FOUO~~) During the meeting, attendance issues were also discussed because [redacted] had not been following proper leave procedures. When [redacted] needed to request leave, he was required to request permission from [redacted]. However, [redacted] had used LWOP without supervisory permission.

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(U//~~FOUO~~) On occasion, [redacted] would report to work after the start of core hours, which was 1000 hours, however, [redacted] could not remember the details of why [redacted] came in late. He did not think [redacted] late arrivals had any impact on mission, but he did not follow the call-in procedures when he came in late. [redacted] was told that the core hours were 1000 to 1400 hours and if he was going to arrive at work after 1000 hours, he needed to call the office with notification. After he was counseled about the LWOP, his tardiness became even more magnified because he was not following the direction he received to call if he was going to be late.

(U//~~FOUO~~) [redacted] may have thought [redacted] and some of the other managers were out to get him, but they were doing what they needed to do to address the problems with his performance and leave. They were going by the book, which [redacted] did not like. If anyone else in the branch was experiencing the same problems, they would have been treated the same way.

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(U//~~FOUO~~) The LADP is a language program and so the job of an LADP intern is to focus on language and transcribing, not reporting. [redacted] had a conversation about this with several people who have worked in [redacted] as LADP interns who wanted to do reporting, including [redacted]. In [redacted] LADP interns are not allowed to do reporting. [redacted] was not aware if other organizations allowed LADP interns to do reporting.

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(U//~~FOUO~~) [redacted] transcribes what he listens to and gives his transcriptions to reporters who then write a report based on his transcriptions. [redacted] said [redacted] received credit for the reporting that was done based on his transcripts because the reporter would add [redacted] SID in the Content Preparation Environment (CPE) reporting tool; which goes into [redacted] and all reporting metrics would have [redacted] SID on it for that particular report.[69]

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

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(U//~~FOUO~~) was not involved in the promotion review process and did not provide any input to regarding or anyone else in the Branch. After promotions were announced and was not promoted, he never said anything to about it. He also never said anything to about any of the ACE ratings he received. All personnel matters were between and .

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

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

(U//~~FOUO~~) thought that one of the other Language Team Leads, may have worked closely with to get his performance up to par. In the end, thought that turned out to be a pretty good transcriber.

(U//~~FOUO~~)

(U//~~FOUO~~) On 13 April 2015, GG14, Language Advisor, was interviewed and provided the following sworn testimony.

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(U//~~FOUO~~) served as an Associate Director, LADP, from January 2009 until around October or November 2012. In the Spring of 2012 she transitioned to the position of Outreach Officer for the Office of the Senior Language Authority (SLA).

(U//~~FOUO~~) served on the LASC promotion board for promotions that were announced in 2012. She did not serve on the promotion board for promotions that were announced in 2013.

(U//~~FOUO~~) For the 2012 promotion cycle, the promotion board was a duly constituted board that included minority and female members. In addition, a Senior Executive served as a member of the board. The Skill Community Director, served as the Chairman of the board.

(U//~~FOUO~~) A contractor employee was assigned to the SLA office to assist with the promotion process. The contractor provided a reading list to each promotion board member that included employee names whose PRPs they would be responsible for reviewing and scoring. The PRPs were randomly assigned to board members who had to be at least one grade higher than the employee's whose PRPs they were reviewing.

(U//~~FOUO~~) The board members conducted their reviews of PRPs in a conference room. During the review of PRPs, there was no discussion among board members about the PRPs they were reviewing because everyone conducted independent reviews. A numerical rating system was used to assign points against the Agency's promotion criteria for each PRP being reviewed. This process took many weeks because there were approximately 140-150 PRPs that were reviewed where each board member had about 100 PRPs to review. The Chairman reviewed all of the PRPs. When PRPs were not being reviewed, all documentation was locked in a cabinet.

(U//~~FOUO~~) If an operational supervisor did not recommend a person for promotion, their EPA was reviewed by the board members anyway. There have been occasions where someone was not recommended by the operational supervisor and the promotion board decided to promote them.

(U//~~FOUO~~) While conducting a review of a PRP, the board members used a form that they would write the name of the person whose PRP they were reviewing and the date they were conducting the review. They would score the contents of the PRP against the appropriate promotion criteria for the grade the employee was being considered for promotion. As [redacted] reviewed a PRP, she would take notes on the form. All forms were turned in to the contractor employee at the end of the promotion process.

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(U//~~FOUO~~) [redacted] would start scoring a PRP by assigning the maximum score for whatever promotion criteria she was considering. For example, if the category for accomplishments had a percentage of 40%, she would assign 40 points and then begin to subtract points if the employee did not have information in the PRP pertaining to the criteria. She would also add points for whatever the Director NSA's charge was for the promotion program that particular year. For example, there were years when the Director would want boards to give special consideration for those who had served on a hostile deployment or who had cyber experience. There were several years where the Director's charge included focus on lower-grade employees.

(U//~~FOUO~~) After all of the scoring was completed, the board members would meet to review the results. This process took three or four meetings that lasted the entire day. There were always employees who rose to the top of the list and for whom the board members felt unanimous about promoting.

(U//~~FOUO~~) There were employees who fell in the middle of the list for whom the board may not have had enough funds to promote. In some cases, an Associate Director may have known the person and would provide some insight for other board members that might potentially influence the thinking of the other board members. There would be a lot of comparing and contrasting for deciding how to choose the most competitive person.

(U//~~FOUO~~) The Chairman would seek additional funding from the product lines, SID reserve fund, or from the Director NSA's reserve fund to cost-share. For example, if an intern served their entire time in one office, or they already knew that person was going to work in a particular office after they graduated, the Chairman would ask that office to contribute funds toward that intern's promotion if that intern was next on the priority list.

(U//~~FOUO~~) The board members also discussed anomalies if, for example, out of six reviews of a PRP, five board members scored someone very high and then one board member scored the PRP very low. They would provide the board member with the outlying score the opportunity to explain why and how he or she scored that person. They would then get a consensus from the board members for how to proceed for each person discussed. The individual scores for any

person did not change on the board member's form, but that person's name might move higher or lower on the overall priority list of candidates depending on the discussion and consensus of the board members.

(U//~~FOUO~~) When all discussions were finished, the board members made their recommendations to the Chairman and he would pursue any cost-sharing opportunities before submitting the promotion workbook to HR. After promotions were confirmed, feedback could be provided to employees.

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

(U//~~FOUO~~) [redacted] sent an email to those whose PRPs she reviewed and asked them if they wanted to hear the final decision in an email or in person. After that, appointments were made for those who wished to receive feedback.

(U//~~FOUO~~) [redacted] does not know [redacted]. She has never met him or spoken to him. [redacted] referred to a spreadsheet from the 2012 promotion cycle that showed she scored [redacted] PRP much higher than the other board members who reviewed his PRP. She had no recollection of reviewing or scoring his PRP for the 2012 promotion cycle because it happened so long ago. She thought it would have made sense that the board members would have discussed why she scored him so highly because the other board members had not scored him as high. However, she could not remember what happened.

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

(U//~~FOUO~~) [redacted] looked at [redacted] PRP that the OIG Investigator had obtained from archived records and stated that she most likely assigned a high score for her review of [redacted] PRP because of the supervisor's promotion justification and also because [redacted] was a lower grade—a GG07 trying to get promoted to a GG09. [redacted] thought that perhaps the Director's charge for 2012 included giving lower grades special consideration.[70] She said his lower grade influenced her scoring because the board members did not expect a lot for someone to get promoted from a GG07 to a GG09.

(U//~~FOUO~~) [redacted] said that if an employee's PRP was missing an ACE, his or her chances of competing in the promotion process were greatly diminished. An ACE is a very important part of the PRP because it shows how the employee's supervisor has rated the employee's performance.

(U//~~FOUO~~) If the promotion board would have discovered that [redacted] ACE was missing from his PRP due to no fault of his own, then depending on when the error was discovered, she thought the Chairman would have contacted HR for guidance on how they should proceed.

[70] (U//~~FOUO~~) See Appendix D6 for an email dated 19 January 2012 from the Director, NSA, to the entire NSA workforce, entitled, "Director's Message: Director's Promotion Charge," which stated his intention that "the 2012 [promotion] program result in the advancement of the most highly performing employees at every level."

(U//~~FOUO~~) [redacted] could not remember if anyone mentioned that [redacted] was serving on a military reserve duty at the time of the promotion review because it happened so long ago.

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(U) Analysis and Conclusions

(U) The USERRA, at 38 U.S.C. § 4311(a), and NSA/CSS Policy Manual 4-13, Chapter 2, prohibit the Agency from denying a person promotion or any benefit of employment on the basis of past, present, or future uniformed service. Title 5 of the Code of Federal Regulations §§ 335.103(b)(2) and 353.106(c) state that agencies must ensure that employees who are absent for legitimate reason, e.g., military service, receive appropriate consideration for promotion, and that agency promotion plans must provide a mechanism by which employees who are absent because of uniformed service can be considered for promotion. In addition, agencies have an obligation to consider employees absent on military duty for any incident or advantage of employment that they may have been entitled to had they not been absent. Determining factors include considering whether the person absent on military duty was treated the same as if the person had remained at work and considering whether it was reasonably certain that the benefit would have accrued to the employee but for the absence for military service.

(U//~~FOUO~~) The USERRA, at 38 U.S.C. § 4311(c)(1), and NSA/CSS Policy Manual 4-13, Chapter 2, also state that an employer shall be considered to have engaged in a prohibited act if an individual's uniformed service is a motivating factor in the employer's action, unless the employer can prove that the action would have been taken in the absence of such uniformed service. Also, in accordance with NSA/CSS Policy Manual 4-13, Chapter 2, employees who are on MLWOP due to a call to active duty must be considered for promotion, if eligible, as though they were working at the Agency in their civilian assignment. In the event that the employee does not prepare a PRP, it is the responsibility of the employee's first-level supervisor, or whoever would serve in the employee's organization as first-level nominating official, to prepare a PRP containing as much documentation as possible in accordance with current promotion policy and process.

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

(U//~~FOUO~~) [redacted] alleged he was not promoted because his mission supervisor, [redacted] Associate Director, LADP, considered his service in the Air National Guard as a motivating factor in their decision not to promote him to GG09 in 2012 and 2013. Furthermore, [redacted] alleged that a series of actions taken against him were acts of unfair treatment and retaliation for his service in the Air National Guard that contributed to his management's decision not to promote him in 2012 and 2013. Following are the actions that [redacted] alleged were unfair and retaliatory.

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

(b) (6)

- Negative and inappropriate comments contained in his ACE for the rating period of [redacted] through 24 November 2011;
- A lowering of his ACE rating from a 3.4 to a 3.0 for the rating period of 1 August 2012 through 6 February 2013 and a comment alleged to be negative and inappropriate contained in the ACE;
- Denial of the opportunity to perform Reporting in [redacted]
- Denial of credit for transcriptions completed;

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- Denial of a deployment;
- Denial of administrative leave;
- Charge of AWOL;
- Letter of Counseling and Memorandum for the Record (MFR), and
- Debt collection action.

(U//~~FOUO~~) In this case, the OIG found that neither [redacted] nor [redacted] had decision authority for determining whether or not he should be promoted.

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

(U//~~FOUO~~) The process for determining which LADP interns would be promoted in 2012 and 2013 rested with a duly-constituted promotion board, chaired by the Director of the LASC, [redacted] was not promoted in 2012 and 2013 based on independent reviews and scoring of his PRP by the duly constituted promotion boards and where [redacted] score ranked him on the LADP's priority list of nominees.

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

(U//~~FOUO~~) The OIG found no evidence that any of the promotion board members, including [redacted] who served on the promotion board in 2012 and 2013, harbored animus toward [redacted] as a consequence of his uniformed service.

(U//~~FOUO~~) Because each individual case involving an issue under USERRA must be decided based on the specific facts of the case, with all the attendant and potentially influential details, together with the appropriate and applicable legal standards, the OIG investigated each action that [redacted] alleged was taken against him that he believed were acts of unfair treatment and retaliation for his service in the Air National Guard and that may have contributed to his non-promotion in 2012 and 2013.

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(U//~~FOUO~~) The OIG found no evidence that [redacted] or [redacted] was motivated to treat [redacted] unfairly or retaliate against him because of his uniformed service. The OIG found no evidence that [redacted] or [redacted] influenced the members of the promotion board to consider [redacted] military service negatively during their consideration of [redacted] for promotion to GG09.

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

(U//~~FOUO~~) The OIG found that [redacted] allegations were based upon insufficient conclusory statements that were not actual evidence of discrimination.

(U//~~FOUO~~) For the 2012 promotion cycle, [redacted] recommended [redacted] for promotion. [redacted] who served as a member of the 2012 promotion board, reviewed and scored [redacted] PRP against the Agency's promotion criteria for GG09. The result of [redacted] review was considered along with the results of reviews of [redacted] PRP by five other promotion board members. [redacted] was not selected for promotion based on the scoring of his PRP by the promotion board members and where the total score placed him in the priority list of candidates for promotion.

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

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(U//~~FOUO~~) The OIG found that during the 2012 promotion cycle, an administrative error occurred that may have affected the scoring of [redacted] PRP that was conducted by the promotion board members. Specifically, his ACE was not included in his PRP through no fault of his own. Based on evidence in the record, had the ACE been included, there is a possibility that the scores assigned by promotion board members during their review of [redacted] PRP may have been higher and thus, he may have been placed higher in the priority ranking of candidates for promotion.

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(U//~~FOUO~~) On 18 November 2011, prior to departing for his military reserve duty, [redacted] provided his completed EPA and a copy of his promotion profile in an email to [redacted] with a copy to [redacted]. He requested that [redacted] finalize his ACE for the rating period of [redacted] through 24 November 2011 and provide it, along with his EPA and promotion file, to the promotion board for promotion consideration. [redacted] was scheduled to depart for his military reserve training on 24 November 2011 and would not be physically present in the workplace to personally include the ACE in his PRP after it was finalized.

(b) (6)

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

(U//~~FOUO~~) [redacted] wrote a promotion justification on [redacted] EPA recommending him for promotion to GG09 and provided the EPA and promotion profile to the promotion board for promotion consideration. However, [redacted] ACE for the rating period of [redacted] through 24 November 2011 with a 3.4 Successful rating was not provided to the promotion board. The OIG found the omission of the ACE to be an administrative error on behalf of [redacted] and [redacted] and not a consequence of [redacted] military service.

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

(U//~~FOUO~~) [redacted] the Director, LASC, and Chairman of the promotion board, distributed promotion guidance stating that PRPs were due to the LASC office by 30 January 2012 and ACE interims or closeouts dated post-July 2011 were not permitted to be included in PRPs. By late January 2012, [redacted] had still not finalized [redacted] ACE. [redacted] had told [redacted] on 26 January 2012 that [redacted] ACE could not be included in his PRP. [redacted] told the OIG that she could not remember why she told [redacted] this, but that it may have been in reference to the guidance provided by [redacted] that is, she thought [redacted] ACE was an interim ACE dated post-July 2011, and not a final rating of record, that could not be included in the PRP. However, the ACE was a final rating of record and should have been included.

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

(U//~~FOUO~~) [redacted], [redacted], and [redacted] all of whom served on the 2012 promotion board testified that it was reasonable to believe that [redacted] competitiveness for promotion in 2012 was adversely affected due to omission of the ACE in his PRP.

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

(U//~~FOUO~~) Although the OIG has no recourse for addressing this administrative error, the OIG will inform [redacted] of the Agency's Grievance process so that he may pursue any corrective action he may be due in accordance with the policy and regulations governing the Grievance process.

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(b) (6)

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(U//~~FOUO~~) For the 2013 promotion cycle, [redacted] did not recommend [redacted] for promotion. [redacted] served on the 2013 promotion board but was not assigned [redacted] PRP for review. [redacted] PRP was reviewed and scored by five promotion board members. Based on the scoring of [redacted] PRP by the promotion board members and where the total score placed him in the priority list of candidates for promotion, [redacted] was not selected for promotion.

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

(U//~~FOUO~~) [redacted] alleged that he was charged with AWOL and issued a letter of counseling and an MFR in retaliation for serving on military reserve duty. The OIG found that [redacted] did not follow Agency leave policy, including after he received a verbal warning from [redacted] and [redacted] The OIG found that [redacted] followed Agency policy, as well as consulted with his management chain and Employee Relations prior to directing [redacted] to change his claims for LWOP on his timesheets to AWOL and issuing to him a letter of counseling that documented [redacted] failure to follow supervisory instructions and a memorandum for the record that outlined proper leave practices.

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

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

(U//~~FOUO~~) [redacted] alleged that he was charged with AWOL because of an "erroneous transaction" when MLWOP was coded as annual leave on his timesheet and because of this, he also incurred a debt that had to be repaid. The OIG found that while [redacted] was serving on his military reserve duty, an administrative timekeeping error occurred where the incorrect leave codes were entered on [redacted] timesheet for 79.05 hours of leave and he was paid for the 79.05 hours when he should not have been. When the timekeeping error was discovered, [redacted] record was corrected to show that he had been in MLWOP status for the 79.05 hours and, therefore, he incurred a debt that had to be repaid to the Government.

(b) (6)

(U//~~FOUO~~) [redacted] alleged that negative and inappropriate comments pertaining to his uniformed service were contained in his ACE for the rating period of [redacted] through 24 November 2011. The OIG found that the ACE does reference his military reserve training that was to occur starting 24 November 2011 through June 2012. However, the comment has a positive connotation because it conveys that although [redacted] had been out of the office in language and cohort training, as well as military reserve training, he "has made a substantial contribution to [redacted] linguistic efforts…" In addition, [redacted] testified that she had received guidance from the Office of Military Personnel (MJ1) that the fact of [redacted] military reserve duty should be documented in [redacted] ACE. Another comment referencing his "military reserve duties" is at the section "Professional Development." It is documented that [redacted] had been meeting all academic requirements of the [redacted] course until he failed to complete the attendance requirement due to family emergent needs and military reserve duties. The OIG found the statement to be factual reason why [redacted] was dropped from the class.

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

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

(U//~~FOUO~~) [redacted] alleged that the reason his ACE rating was lowered from a 3.4 to a 3.0 for the rating period of 1 August 2012 through 6 February 2013 was due to retaliation for his military reserve service and that a negative and inappropriate comment pertaining to his uniformed service was included in the ACE. The OIG found that the comment in the ACE which

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reads, "After only a short period of on the job training, and protracted absence from the workspace due to an extended training deployment in the U.S. Air Force Reserves...," which was preceded and followed by many of [redacted] accomplishments, had a positive connotation because it conveyed that after being in the office for only a short period of time, [redacted] was becoming a functional part of the team. The ACE is not a final rating of record; it is a closeout for a six-month timeframe. The rating does not appear on [redacted] performance record, but was taken into consideration for his 2013 final rating of record which was a 3.8–Excellent.

(U//~~FOUO~~) [redacted] alleged that he was treated unfairly due to his military reserve duty when he was not allowed to perform to job of Reporting in [redacted]. The OIG found that [redacted], and [redacted] provided consistent testimony that LADP interns do not normally perform the job of Reporting, especially in their first tour and also, given the nature of the mission in [redacted] that required him to perform transcription duties. Furthermore, [redacted] alleged that he did not receive credit for the transcriptions he completed that other analysts reported on. The OIG found that [redacted] mentioned [redacted] "accurate translations" in the promotion justification he wrote for [redacted] for the 2012 promotion process. In addition, [redacted] stated that [redacted] reporters often praised [redacted] transcriptions as "reporter friendly." Furthermore, [redacted] testified that [redacted] received credit for the reporting that was done based on his transcripts because the reporter would add [redacted] SID in the Content Preparation Environment (CPE) reporting tool and all reporting metrics would include [redacted] SID for that particular report.

(U//~~FOUO~~) [redacted] alleged that his request to serve on a deployment was denied by [redacted] in retaliation for performing in a military reserve duty status. The OIG found that [redacted] denied [redacted] request for a diversification tour external to NSAW, and not a deployment, until after his second tour in the LADP. [redacted] testified that he understood that part of the LADP policy was that an intern must complete two years in the program before serving on a deployment, however he argued that other interns had deployed prior to serving two years in the LADP. Within his scope of authority as an Associate Director, LADP, [redacted] determined that [redacted] was not ready to report for a diversification tour external to NSAW so early in his tenure as an LADP intern.

(U//~~FOUO~~) [redacted] alleged that he was denied administrative leave in October 2012 in retaliation for performing in a military reserve duty status. The OIG found that [redacted] followed the Agency's emergency leave guidance during Hurricane Sandy when he approved for [redacted] to take administrative leave for 30 October 2012 and denied him administrative leave for 29 and 31 October 2012.

(U//~~FOUO~~) The preponderance of the evidence supports the conclusion that neither [redacted] nor [redacted] violated [redacted] rights under USERRA. The OIG found that absent [redacted] military service, he would still have not been promoted in 2012 and 2013 based on the promotion board's unbiased review and scoring of his PRPs and where [redacted] score ranked on the LADP's priority list of nominees. In addition, the OIG found that [redacted] management acted in accordance with Agency policy and procedures when

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they provided comments in and scored [redacted] ACEs, charged [redacted] with AWOL, issued him a letter of counseling and MFR, denied his use of administrative leave, denied him a diversification tour to [redacted] and denied him the job of performing reporting. The OIG also found that [redacted] was not denied credit for his transcriptions and the debt collection action resulted from the correction of an administrative timekeeping error.

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(b)(6)

III. (U) CONCLUSION

(U//~~FOUO~~) The preponderance of the evidence supports the conclusion that neither [redacted] nor [redacted] violated [redacted] rights under USERRA. The OIG found that absent [redacted] uniformed service, he would still have not been promoted in 2012 and 2013 based on the promotion board's unbiased review and scoring of his PRP. In addition, the OIG found that [redacted] management acted in accordance with Agency policy and procedures when it took the series of actions [redacted] alleged were retaliatory.

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IV. (U) DISTRIBUTION OF RESULTS

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

(U//~~FOUO~~) A copy of the information contained in this NSA/CSS OIG report pertaining to the administrative error regarding the omission of [redacted] ACE from his 2012 PRP will be forwarded to the Dispute Resolution and Grievance Office upon its or [redacted] request.

(U//~~FOUO~~) The OIG will also notify [redacted] of the results of its investigation.

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(b)(6)

[redacted]
Senior Investigator

Concurred by:

[redacted]
Assistant Inspector General
For Investigations

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APPENDIX A

Authorities

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AUTHORITIES

- **UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT OF 1994, 38 U.S.C. Chapter 43**

  38 U.S.C. § 4311. Discrimination against persons who serve in the uniformed services and acts of reprisal prohibited

  (a) A person who is a member of, applies to be a member of, performs, has performed, applies to perform, or has an obligation to perform service in a uniformed service shall not be denied initial employment, reemployment, retention in employment, promotion, or any benefit of employment by an employer on the basis of that membership, application for membership, performance of service, application for service, or obligation.
  . . .
  (c) An employer shall be considered to have engaged in actions prohibited—
  (1) under subsection (a), if a person's membership, application for membership, service, application for service, or obligation for service in the uniformed services is a motivating factor in the employer's action, unless the employer can prove that the action would have been taken in the absence of such membership, application for membership, service, application for service, or obligation for service . . .

- **(U) 5 CFR Part 335 – PROMOTION AN INTERNAL PLACEMENT**

  § 335.103 (b)(2) - Agency promotion programs.
  Areas of consideration must be sufficiently broad to ensure the availability of high quality candidates, taking into account the nature and level of the positions covered. Agencies must also ensure that employees within the area of consideration who are absent for legitimate reason, e.g., . . .in the military service. . . receive appropriate consideration for promotion.

- **5 CFR Part 353 – RESTORATION TO DUTY FROM UNIFORMED SERVICE OR COMPENSABLE INJURY**

  § 353.106 (c) - Personnel actions during employee's absence.
  Agency promotion plans must provide a mechanism by which employees who are absent because of … uniformed service can be considered for promotion. In addition, agencies have an obligation to consider employees absent on military duty for any incident or advantage of employment that they may have been entitled to had they not been absent. This is determined by:

(1) Considering whether the "incident or advantage" is one generally granted to all employees in that workplace and whether it was denied solely because of absence for military service;
(2) Considering whether the person absent on military duty was treated the same as if the person had remained at work; and
(3) Considering whether it was reasonably certain that the benefit would have accrued to the employee but for the absence for military service.

- **(U//~~FOUO~~) NSA/CSS Policy Manual 4-13, Chapter 2, Uniformed Services Employment and Reemployment Rights Act**

I. (U) Policy.

I. (U) Prohibition Against Discrimination and Acts of Reprisal

1. (U) A person who is a member of, applies to be a member of, has performed, applies to perform, or has an obligation to perform service in a Uniformed Service shall not be denied … promotion, or any employment benefit by an employer on the basis of that membership, an application for membership, performance of service, or an obligation for service in the Uniformed Services.

3. (U) An employer shall be considered to have engaged in an act of discrimination if an individual's membership, application for membership, service, application for service, or obligation for service in the Uniformed Services is a motivating factor in the employer's action, unless the employer can provide that the action would have been taken in the absence of such membership, application for membership, performance of service, application for service or obligation.

K. (U) Promotion Program

1. (U) Employees who are on Military Leave Without Pay (MLWOP) due to a call to active duty must be considered for promotion, if eligible, as though they were working at the Agency in their civilian assignment. It is the responsibility of the employee's first-level supervisor, or whoever would serve in the employee's organization as first-level nominating

official, to prepare a Promotion Review Package (PRP) containing as much documentation as possible in accordance with current promotion policy and process.

2. (U) When possible, employees who know that they will be absent from the Agency for military service during the timeframe of the annual promotion program should create a Performance Review Package (PRP) and leave it with the immediate supervisor for promotion consideration. In the event that the employee does not prepare a PRP, the supervisor must prepare a PRP on the employee's behalf.

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APPENDIX B1

From: [redacted]
To: [redacted]
Subject: FW: (U) EPA-Promotion
Date: Sunday, December 22, 2013 7:54:46 PM
Attachments: My Profile_Promotions.pdf [redacted]
Importance: High

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

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(b)(6)

[redacted]

I found the e-mail with the 2011 EPA and Profile that I send to [redacted] and [redacted] (Associate Director) before I left for my TDY. Just some further info- in LADP the interns that come as GG7 and go for a year long class to learn a new language get automatically promoted just because they went for the class and attended it with 80% attendance. I came on-board and started scripting and working the mission right away even before I went for any class. They had to send me for a class to learn the [redacted] script (writing) which I picked up within two months and got a 2 in reading [redacted] and 2+ in listening [redacted] I was already a 2 in listening [redacted] and that's why I could work the mission right away when I came on-board. Going from GG07 – GG09 is a given for anybody who is new to the [redacted] language and just takes the class. Whereas me on the other hand, who has been scripting [redacted] conversations since Day 1 have got nothing to date and will have nothing at my 3 year mark which is May 2014. LADP removes people from the program at the end of three years, so now there is a good chance that I am going to stay GG07 when I get out of the program and stay GG07 for an extended future because it is exponentially tougher to get promoted once I leave the program. Everybody who came with me or after me has got promoted to GG09 or above. [redacted] One in particular [redacted] he came two months after me, same shop and was in the exact same boat as me. He got promoted for the 2011-2012 cycle itself.

I understand not getting promoted once (even though not fair/legal) given that I had gone for a Military TDY but twice? The second time through my

interaction with [redacted] and politics in my office cost me my second promotion. I will forward you some other old mails that would show you how I got on the bad books with [redacted] Two instances – When I asked to Deploy as a NSA civilian, second when I asked to go to an office of my choice.

V/r,

[redacted]

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

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

From: [redacted]
Sent: Friday, November 18, 2011 5:49 PM
To: [redacted]
Cc: [redacted]
Subject: (U) EPA-Promotion
Importance: High

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

[redacted]

I have attached my completed EPA form and Promotion Profile. Please validate it and send it to [redacted] at Senior Language Authority (Cc'd). Sorry for the short notice. I don't think you have to do the EPA right away but please complete my ACE and send it along with my EPA and Promotion Profile at the time of Promotion Cycle.

Thanks,

[redacted]

Derived From: NSA/CSSM 1-52
Dated: 20070108

APPENDIX B2

From: [redacted]
To:
Subject: FW: (U) Cancel meeting
Date: Sunday, December 22, 2013 8:00:07 PM

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

FYI.

V/r,

[redacted]

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

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

From: [redacted]
Sent: Friday, September 07, 2012 3:08 PM
To: [redacted]
Subject: RE: (U) Cancel meeting

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

[redacted]

I really appreciate your enthusiasm and your drive to go above and beyond. However I believe that you may have misunderstood my email and verbal instructions , so I want this to be cleared up and understood.

The email below indicates that you are not going on any [redacted] or TDY until your third tour. I also asked you in front of your supervisor to hold off on any request until the 17 of September when we are done with the ACE cycle. I thought I was also clear when I asked you to focus on your mission since you were gone from the shop for an extended period. I am always willing to help you enhance your career and get you what you need , but I am your direct supervisor and I have policies and guidelines that must be adhered to. This email is serving as evidence that I am assuming that you were not clear about

my instructions.

I just want to re-iterate to you the information again. I will NOT approve TDY deployments to interns in their 1st or 2nd tours unless it is a circumstance that is directly addressed by the site. Outside of that parameter I will disapprove any request that comes to our desk. Your recent request for the 01Generic will be **disapproved** if it is within the time frame indicated. After you are in your 3rd tour I will be more than happy to approve any request you may send my way as long as it does not interfere with mission. If you would like to further discuss this please let me know and we can arrange to meet sometime in the middle of next week.

[redacted]
Associate Director Language Analyst Development Program (LADP)
Office of the NSA/CSS Senior Language Authority
[redacted]

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

From: [redacted]
Sent: Wednesday, September 05, 2012 12:45 PM
To: [redacted]
Subject: RE: (U) Cancel meeting

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

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

[redacted]

When you get ready for your third tour, we can look at [redacted] I am not approving any [redacted] tours for anyone on their 1st or 2nd tours.

[redacted]

Associate Director Language Analyst Development Program (LADP)
Office of the NSA/CSS Senior Language Authority
Language Analysis Skill Community

[redacted]

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

From: [redacted]
Sent: Wednesday, September 05, 2012 11:48 AM
To: [redacted]
Subject: RE: (U) Cancel meeting

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

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

That's ok, well may be I can just ask this through the e-mail. Can I volunteer for an [redacted] Tour? I think my language skills (2+/2) combined with my military technical skills make me a good fit for this tour.

Thanks,

[redacted]

APPENDIX B3

From: [redacted]
To:
Subject: (U) AWOL Related FW: (U) TIMESHEET
Date: Sunday, December 22, 2013 8:03:36 PM

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

FYI.

V/r,

[redacted]

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

From: [redacted]
Sent: Tuesday, December 11, 2012 3:10 PM
To: [redacted]
Subject: RE: (U) TIMESHEET

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

Hi [redacted]

You can request advanced annual leave from your supervisor. It's not ideal but it can be processed the pay period following the dates being requested. Because it's not an entitlement your supervisor doesn't have to approve the request.

If you have any questions please let me know.

Thanks,

[redacted]

MD1 HR Advisor
HR Employee Gateway

[redacted]

From: [redacted]
Sent: Tuesday, December 11, 2012 2:51 PM
To: [redacted]
Subject: RE: (U) TIMESHEET

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

[redacted]

Qustion- so can I request my supervisor to approve me for Advance Leave after the fact because I ran short of A/L for the last pay period?

Thanks,

[redacted]

From: [redacted]
Sent: Tuesday, December 11, 2012 10:28 AM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) TIMESHEET

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

Hi [redacted] and [redacted]

There is no entitlement to Advanced Annual Leave. Supervisors are the approving authority on Advanced Annual Leave. Employees may request up to what they will accrue in the leave year. If [redacted] would like to request Advanced Annual Leave he would need to request through his supervisor.

If you have any questions please let me know.

Thanks,

[redacted]

MD1 HR Advisor
HR Employee Gateway
[redacted]

From: [redacted]
Sent: Tuesday, December 11, 2012 8:54 AM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) TIMESHEET

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

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

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

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

She may still be researching it..although the indications are that an employee may only use Advance Leave BEFORE the fact. Only under extenuating circumstances may it be granted after the fact in case of a family emergency which precludes the member from asking for advance leave..there were also strict provisions on its application which did not seem meet your criteria. That being said, I prefer that [redacted] give you the specific since she is the expert and I don't want to give out wrong information.

R/

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

[redacted]

From: [redacted]
Sent: Tuesday, December 11, 2012 8:40 AM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) TIMESHEET

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

No she has not, is Advance Leave still a possibility? If so I will go ahead and contact her. Please let me know.

Thanks,

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

[redacted]

From: [redacted]
Sent: Tuesday, December 11, 2012 8:24 AM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) TIMESHEET

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

[redacted],

Did [redacted] reach out to you with regards to the use of Advance Leave. She had intimated that she would reach out to you in her capacity as HR advisor.

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

[redacted]

From: [redacted]
Sent: Tuesday, December 11, 2012 8:21 AM
To: [redacted]
Cc: [redacted]
[redacted]
Subject: (U) TIMESHEET

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

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

[redacted]

I have attached my signed timesheet for 12/01/12.

Thanks,

[redacted]

From: [redacted]
Sent: Tuesday, December 11, 2012 7:58 AM
To: [redacted]
Subject: RE: (U) TIMESHEET

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

They processed your timesheet without having a hard copy. Payroll requires a hard copy so make sure to get this timesheet forwarded to [redacted] so he can submit it to our timekeepers.

From: [redacted]
Sent: Tuesday, December 11, 2012 7:51 AM
To: [redacted]
Subject: RE: (U) TIMESHEET

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

[redacted]

Thanks. My pay was processed last week, my LES showed AWOL for the 10.5hrs.

Thanks,

[redacted]

From: [redacted]
Sent: Tuesday, December 11, 2012 6:11 AM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) TIMESHEET

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

[redacted]

I sent this email to you before but I just realized yesterday that I had not attached the timesheet. I have now attached the timesheet that has been prepared for you. Please review, sign, and forward to [redacted] for his signature. Please see [redacted] if you have any questions. Thank you. [redacted]

From: [redacted]
Sent: Wednesday, December 05, 2012 6:32 AM
To: [redacted]
Cc: [redacted]
Subject: (U) TIMESHEET

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

[redacted]

Per our discussion with [redacted] Division Chief on 29 November 2012. LWOP on attached timesheet is not approved. Please revise the timesheet to reflect AWOL 10.5 hours. As a reminder, [redacted] admonished you to first seek supervisory approval prior to use of LWOP as well as earning credit hours and/or comptime. Please acknowledge your understanding and compliance.

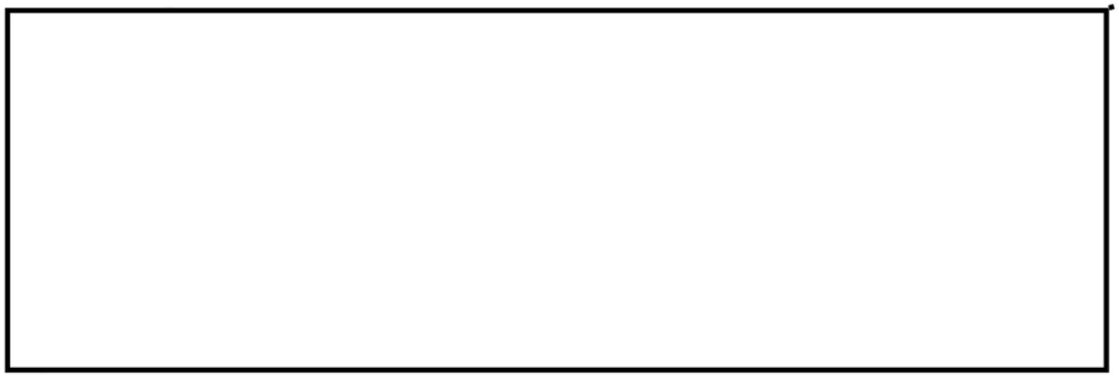
V/r

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

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

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

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



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

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

APPENDIX B4

From: [redacted]
To:
Subject: (U) AWOL Related FW: (U) Attached for your Record (EOM)
Date: Sunday, December 22, 2013 9:17:31 PM
Attachments: Letter of Counseling.pdf
110312.pdf
AWOL.pdf

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

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

[redacted]

Attached is the Letter of Counseling I got for AWOL.

I would like to clarify the second paragraph in the letter. It is stated that I had taken 50 hrs of LWOP without supervisory approval. This is not completely true. I had taken this leave intermittently during the first four months while I had joined NSA. Since I did not have any Annual Leave I used LWOP for some days to attend to personal needs. I didn't know at the time LWOP had to be prior approved. I continued taking LWOP for multiple pay periods and nobody told me anything and the Division Chief kept signing my Timesheets.

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

Then one fine day when ADET told them that I am going below the 80% required class attendance, [redacted] management [redacted] and [redacted] questioned me on what was happening and why I took LWOP. I told them that I had to miss classes because of a combination of family emergencies and military duties. At that time [redacted] told me that I wasn't supposed to take any LWOP without prior permission. I said ok. But the fact remained I had taken LWOP before without asking and it was truly due to my lesser understanding of how the process worked. On the other hand if the [redacted] management was doing their job right they should have caught the error on the very first timesheet when I used LWOP, but they only came to know when ADET notified them I was falling below the required 80% attendance. I did not do any intentional wrong doing in this case. This incident had stuck with [redacted] and that is what he is mentioning in paragraph two of this letter.

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

Further, it is to be noted that I did have enough Annual Leave saved up to go to India but I lost it due to Hurricane Sandy, while I was stuck in New York. Hurricane Sandy made landfall on 30 October (Tuesday). I was able to claim Code Red on that day. I was denied the 4 hr early release Code Red given to all employees on the day before Sandy- 29 October, reason being I was only going to get it if I was physically present for work- How can I be physically present for work when all the roads, bridges, airports and railway systems out of New York are closed? All transit remained closed from October 29 thru November 1st. I had to use up my Annual Leave for three of the above days.

I had my UFT approved in September by [redacted] and if [redacted] was an unbiased and fair supervisor, he would have known that I will now have to do something about my leave that is coming up in November. I was only 10.5hrs short for the whole week I was gone for UFT. If

[redacted] hadn't built up a bad impression about me from the other Non-Native linguists (Specifically [redacted] he would have like any other fair supervisor allowed me LWOP or at least an Advance Annual Leave. Advance Annual Leave was actually suggested by [redacted] Division Chief. But since I called up a meeting with [redacted] he wanted to teach me a lesson and gave me a Letter of counseling and AWOL status.

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

V/r,

[redacted]

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

From: [redacted]
Sent: Wednesday, December 12, 2012 10:46 AM
To: [redacted]
Cc: [redacted]
Subject: (U) Attached for your Record (EOM)

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

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

[redacted]

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

APPENDIX B5

From: [redacted]
To:
Subject: FW: (U) Orders for Military Reserve training
Date: Sunday, December 22, 2013 6:45:33 PM

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

[redacted]

I also want to add something about the AWOL issue I had referred to in our meeting. I ended up with no leave when I got back from my last TDY because 80hrs (approx) of my Military Leave was erroneously coded as Annual Leave in January 2012. Because of this erroneous transaction not only did I end up with an AWOL, I also had to pay money back from my each pay check for some extended time to get that leave back.

V/r,

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

From: [redacted]
Sent: Sunday, December 22, 2013 2:45 PM
To: [redacted]
Subject: RE: (U) Orders for Military Reserve training

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

[redacted]

I thought I had the EPA for 2011 with me, but I searched for it in my folders and can't find it. I found a copy of my old orders. I will bring it to you on Monday. (b)(3)-P.L. 86-36

Thanks,

[redacted]

From: [redacted]
Sent: Wednesday, December 18, 2013 5:07 PM

To: [redacted]
Subject: (U) Orders for Military Reserve training

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

Hello [redacted],

I would like to obtain copies of your military orders for your Military Reserve training in 2011 and 2012. Is this something you can provide in soft-copy to me?

Thank you,

[redacted]

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

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

Senior Investigator

NSA/CSS OIG, Office of Investigations, [redacted]

[redacted]

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

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

From: [redacted]
To:
Subject: FW: (U) Debt Letter - [redacted]
Date: Sunday, December 22, 2013 6:56:25 PM
Attachments: [redacted]
Debt Worksheet 12.29.12.txt
[redacted]
12.28.12.txt

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

FYI.

V/r

[redacted]

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

From: [redacted]
Sent: Thursday, January 03, 2013 9:08 AM
To: [redacted]
Cc:
Subject: (U) Debt Letter - [redacted]

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

Good Morning ~

Please see attached letter of indebtedness and backup documentation. **Please acknowledge receipt of this letter within 5 days.** If you have any questions please let me know.

Thanks,

[redacted]

Please let us know how we are doing by completing the Payroll Customer Survey

"This e-mail may contain information subject to the Privacy Act (1974, as amended) which must be protected

IAW DOD 5400.11R or removed prior to further disclosure. This information is for official use only."

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

APPENDIX B7

From: [redacted]
To: (b)(3)-P.L. 86-36
Subject: FW: (U) 2013 LADP promotion rates
Date: Friday, December 13, 2013 4:31:12 PM

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

[redacted]

Below is the stats for last year's promotions for the LADP. I have been in for 2.5 yrs and have still not made GG-09. I was forfeited of my 2011-2012 promotion because I had gone for my Military TDY. The primary reason why I didn't get promoted for my 2012-2013 cycle is because my supervisor/Branch Chief at that time [redacted] gave me a 3 for my ACE. I was caught up in the same kind off politics between Native linguist and Non-Native linguist in [redacted] as [redacted] described in her "parting thoughts". The Non-Native linguists [redacted] always took advantage of me by reporting my scripts without giving me any credit and feeding bad things (saying I come in late, when I call ahead of time) about me to [redacted] which fuelled even more the negative attitude [redacted] had against me for going on my Military TDY.

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

As far as my promotion goes I would just like you to investigate as to why I didn't get promoted for 2011-2012 cycle and 2012-2013 cycle. I am sure if you investigate around you will see that for my 2011-2012 promotion cycle I was not considered because apparently [redacted] (LADP Associate Director 2011-2012) said I had not been around long enough before I went for my Air Force TDY. This was said to me by [redacted] As far as the 2012-2013 cycle goes the Native/Non-Native politics coupled with the fact that I had gone for a military TDY caused me to get a bad ACE from my supervisor [redacted] along with the other native linguists mentioned above treated me in a manner which was very controlling and demeaning. The politics was so bad that at a meeting with [redacted] (LADP AD), [redacted] and [redacted] I was told by [redacted] that my language capabilities were not upto mark, this statement was in response to me asking them why they wouldn't let me do reporting. As a linguist I didn't get any credit for the work I did and they reported my scripts and got all the credit for reporting. They do include me on the CC but the customers dont care about that, they look at who is reporting. And the most funniest part is [redacted] (Both Linguists) did reporting. And I will tell you this-my language skills are better than theirs any day and they still get to do reporting and I didn't. I claim I am better because I have seen their scripts and also have been told how their scripts are compared to mine. All the more [redacted] has a DLPT score of 2/1 and I have a score of 2+/2. Presently [redacted] with all the kudos from all the customers is the branch chief of [redacted] after reporting all the hard work I did and the other native linguists did.

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

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

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

I have filed this complaint as a last resort and I do not have any documentations or emails to show any proof. I never thought just doing my job to the best of my ability would lead to all this and cost me two promotions. I wasn't intending on filing a complaint or anything. I know better now to keep record of correspondences. Only proof I have is the fact that I have been GG-07 for 2yrs and 8 months and have been dropped for promotion twice, when historically 90% of the GG07 in the LADP get promoted. A true picture of my talent can be seen by looking at my last ACE and talking to anybody in my last Branch S2G11 where everybody welcomed the hard work I did and there was no Native/Non-Native politics even-though the team had a mixture of native and non-native linguists.

I would request you during your investigation,to please ask the LADP management what scores I got for my evaluation on my EPAs and compare it to the people that did get promoted and my performance. One person in particular [redacted] who was in [redacted] lesser time than me was promoted. I am not in any way saying he was not worthy of promotion just that I did the same amount of work he did (if not more, just because I was there longer than he was). The scores are confidential and they would not give out my score. I strongly doubt that for the 2011-2012 cycle if my package was actually even evaluated. Below is an presentation where they claim how the promotion process works.

[redacted]

V/r,

[redacted]

From: [redacted]
Sent: Friday, December 13, 2013 12:24 PM
To: [redacted]
Subject: (U) 2013 LADP promotion rates

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

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

Below are promotion statistics by grade for the LADP for the 2013 program. If you look at the overall Agency statistics for the 2013 program, you will see that the LADP promotion rates are significantly higher. To view overall Agency statistics, visit the promotion website, go to the "additional resources" tab and choose "promotion statistics"

Caveat: It is important to be aware that these statistics are calculated based on the number of people who submitted promotion packages. Statistics are not calculated for all personnel at a given grade. Somewhat less than 2/3 of LADP members submitted packages for the 2013 cycle, so the statistics for all LADP personnel at a given grade are likely to be at least somewhat lower and might be considerably lower.

Caveat #2: The availability of promotion funding has not been specified for the 2014 promotion cycle. As such, while these rates provide historical context, there is no guarantee that 2014 rates will closely approximate these.

From Grade	To Grade	Rate
GG07	GG09	90%
GG09	GG11	43%
GG11	GG12	33%
GG12	GG13	18%
GG13	GG14	14%
GG14	GG15	00%

Hope this information is helpful.

(U~~//FOUO~~)

[redacted]

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

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

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

Doc ID: 6775835

APPENDIX B6

From: [redacted]
To:
Subject: Just FYI
Date: Tuesday, November 26, 2013 10:30:38 AM

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

Hi [redacted]

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

I would like to point out a post below that was written by a fellow LA who is unfortunately leaving the agency. I would just like to tell you that I had the same experiences with my [redacted] supervisor and the very same LADP Associate Director (AD) [redacted]. The prime reason I wasn't promoted my second year was because of my poor ACE. I got a 3 rating in my 2012-2013 ACE because my [redacted] supervisor [redacted] and the [redacted] was bend on seeing me as a scribing monkey, same term used by my fellow LA below. I used to put out good scripts (which got reported at the highest levels), gave my own analysis but none of it mattered because they already had the notion *"This guy (me) went for a 9 month long military TDY, what does he know about the target"*. Let me be clear these words were not explicitly spoken. You probably already know well how actions speak louder than words. Even though I was gone for 9 months I had picked up on the target better than the lead LA there and this did not sit well with that LA either, so he kept finding faults with me in other areas and kept feeding unnecessary things to [redacted] Like not coming in on time. Even when I call and tell I have an issue and will be late.

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

My point here is I was treated in [redacted] the same way [redacted] was treated in her office in the areas highlighted below and the case only worsened with the fact I had gone for military duty. I sincerely hope the IG team does something so that people like [redacted] who has no management or people skills are never put in managerial roles.

Unfortunately [redacted] didn't want to fight 'the system' and is leaving the agency. I waited out took the beating from [redacted] and [redacted] and am now being better recognized for my efforts in the offices I was put to later.

Once again, thank you very much for looking into my case. Makes a big difference for me.

Release 2022-7
NSA 20781

(U)

(U//~~FOUO~~) I started at the agency a little over 2 years ago as Language Analyst (LA). Like most other LAs, I had no idea what I was getting myself into, but I was excited about applying my cultural background in a professional setting. Before joining the DoD, I was My first tour started smoothly and I was lucky to be in a nurturing office where interns in the Language Analysis Development Program (LADP) were handled with care and properly trained. Unfortunately, my impression of the culture at NSA started to change less than a year after I started and after a 2-year stint, I am leaving the agency. My last day is The main reasons I'm leaving are as follows. I apologize in advance for the lengthy letter. To make the skimming easier: I cover my experiences with profiling, bullying and treatment of native-level LAs, sexual harassment, and the promotion process in detail below.

(b) (6)

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

(U//~~FOUO~~) Profiling by Security: I was told two days before I went on TDY that I couldn't go: A particular member of Security found to be untrustworthy (even though I have a TS/SCI clearance) This is profiling. Fortunately my supervisor fought to make sure I did get to go,

I was not aware of the grievance process at the time, but I still regret not reporting this security officer's behavior to EEOD.

U//~~FOUO~~) Suggestion: Cultural competency training is desperately needed at the agency and it shouldn't be just for Security personnel. Several of my colleagues have experienced blatant racism in classes they attended. One peer had to deal with military personnel claiming a local restaurant served "terrorist food;" this group was so disruptive with its racist comments and jokes that the LA complained to EEOD and the class instructor had the leader of the group removed from the class. But it should be more than just taking someone out of the class. The EEOD office has extremely talented and qualified people (the best I've seen at the agency), but they're not the only ones responsible for dealing with such behavior. Managers and instructors on the frontline are responsible. Peers are responsible. Everyone should be responsible for making sure that the people next to you are being treated with respect. While I'm on this issue, let's stop using this just perpetuates the inappropriate behavior and is not funny.

(U//~~FOUO~~) "Monkey" Business and Bullying: I never thought I would have to beg to be treated like a human being, and not like a scribing monkey. During my second tour, co-workers often came by to ask if I was okay because they could see how often the team leads stopped by my desk and heard how they talked to me. At one point, it became a joke in that office how I never got to eat a warm meal. Requests I received from the team leads became so absurd that I was once asked to I speak but I don't speak In the beginning of that tour, I told the team leads

[redacted] At what point does the treatment of a human being matter less than the mission? [redacted]

(U//~~FOUO~~) My LADP Advisor at the time (who has fortunately since been replaced) heard about the situation indirectly and decided to set up a meeting. This AD assured me that nothing would be discussed without me knowing in advance. However, he neglected to tell me that the meeting would be comprised of me and 5 managers. In that meeting, I was slammed with two memoranda for the record (MORs), which I found out later are verbal warnings. One was for the "implied" message and tone in an email I had sent to one team lead in hopes to improve my working relationship with him. Note: nothing that I had directly written in the email was addressed. The second MOR was 3 pages long and when I asked for specifics on everything that was listed, I was given none. One manager did however admit that part of their frustration with me was from hearsay and not things I had actually said or done directly. This was the first I heard of any of the issues listed in the MOR, which went against what the AD had said to me before the meeting. I do believe the fault for this meeting lies more with the AD than with the other 4 managers. He did the opposite of what he said he would do and instead of providing support to his intern, he sided with the managers (who also happened to be managers he would join on his next tour). I left that meeting feeling demoralized. Afterwards, it took one extremely bad incident between me and the team leads for the managers to see that I was telling the truth about their behavior. [redacted] and since then, one of the leads has been stripped of his position.

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

(b) (6)

(U//~~FOUO~~) Suggestion for managers: investigate issues properly and record everything so you can have solid evidence for what you're accusing a subordinate of. Sometimes, the lowly intern might be telling the truth. Additionally, human beings are [redacted] There are many LAs here who are interested in management positions or in diversifying their portfolios in other ways [redacted] My last note on this topic: there's no point in having the word "analyst" in "Language Analyst," if the only functional expectation is that of a linguist.

(U//~~FOUO~~) Borderline Sexual Harassment: There's a thin line between a compliment to make someone feel good and a comment to make someone extremely uncomfortable. Inappropriate comments and looks are in the hallways here; they are in the offices; they are in the lines as you wait for a shuttle. I would like to think most of the comments and looks are not meant to be harmful. However, when a person looks you up and down slowly and tells you you're "doing everything right," then that's not okay and never will be. I joined the agency after working in organizations with strict dress codes, so my background for office dress was more conservative coming in. I'm also trained on sexual harassment issues and know that how a person dresses has nothing to do with how s/he should be treated. But I still worried about how I looked. I finally told my branch chief about the inappropriate comments and looks, but did not give him names initially. Instead, I asked that he address the issue in a branch meeting. To my disappointment, the issue was only mentioned indirectly as "respecting each other in the office" and nothing more. The words "sexual" and "harassment" were not used at all. Because the situation worsened, I finally did give the names to my branch chief. I'm assuming he talked to at least one of the people involved because afterwards this person would turn away abruptly when I walked by his office.

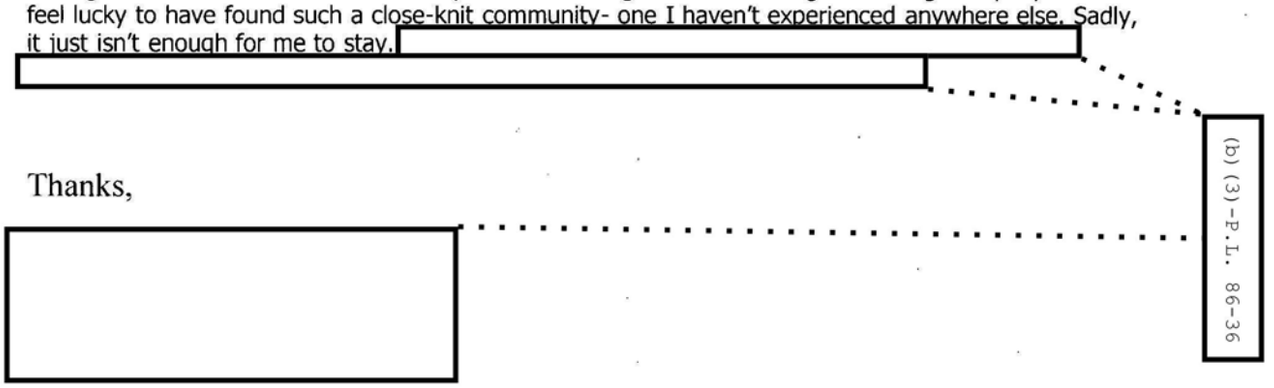
(U//~~FOUO~~) I have gone back to not worrying about how I dress at work, but I'm more aware of the looks I get in the hallways now. Suggestion: this goes back to treating one another as equals and with respect. For those on the receiving end of the harassment: say something. Don't try to protect the perpetrators because things will not get better if you stay quiet nor will they be aware of their behavior. We have a tendency to minimize issues to make ourselves feel better, but I now know I should have

said something sooner. I didn't and learned a big lesson from it. Also, the intent might not always be malicious, but the person's delivery might need work- s/he must become aware of that. For supervisors: don't tolerate sexual harassment of those working under you, even if it seems harmless. It's not.

(U//~~FOUO~~) Promotion Process: With all that's happened, the primary reason I'm leaving is because I don't believe in the promotion process here. It's not meritorious; it encourages networking to an extent where what you do does not matter as much as who you know. After not getting promoted in the last cycle and seeing people far less qualified get promoted above me, I told myself I would never complete another EPA again. I've stuck to that. In previous jobs, the promotion-hungry people were made fun of; they were also the people who did subpar work and were insecure about where they stood in the organization. Here, self-promotion is the norm and favoritism runs rampant. This "buddy network" needs to be addressed sooner than later if the agency wants new people to stay longer than a couple of years. However, I don't have suggestions on how to fix favoritism- there are many people who have worked here for 20+ years and have close relationships with each other. How to get them to open up opportunities for people who are newer or don't already have family members working here is beyond me. I can, however, give feedback on the promotion process, especially in the LADP: create a system that doesn't involve 5 random board members, at least 4 of whom do not know you or your work, to rely heavily on your writing (better known as "fluffing"). If your supervisor is recommending you for a promotion; if your ACE scores are higher than 4s; and you are told repeatedly by the people you work with that you're performing at a grade higher and that you're also going above and beyond what's expected of you; then you should get promoted. Period. I no longer have the desire to supplement my paychecks with my savings with the hopes of maybe getting promoted next year. I also no longer feel that I have anything to offer at the agency.

(U//~~FOUO~~) Through my bad experiences here, I found an extremely caring and nurturing community. Through talking (and commiserating), I know I'm not alone in my experiences. These friends and acquaintances tried their best to make my time here better. They reached out to me just to check in, even if we hadn't spoken in months. Senior LAs offered to be my rebuttal witnesses for the MORs and also started to attend meetings with me to make sure I didn't continue to get picked on by management. It's been an incredible experience working with such caring and thoughtful people and I feel lucky to have found such a close-knit community- one I haven't experienced anywhere else. Sadly, it just isn't enough for me to stay.

Thanks,



APPENDIX B8

From: [redacted]
To:
Subject: FW: (U) New Tour
Date: Sunday, December 22, 2013 9:22:16 PM

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

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

FYI.

V/r,

[redacted]

From: [redacted]
Sent: Monday, January 28, 2013 1:47 PM
To: [redacted]
Cc: [redacted]
CIV
Subject: RE: (U) New Tour

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

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

[redacted]

The purpose of the LDP program is to develop a cadre of high quality, well-prepared cryptologic language analysts through intensive language learning programs and diversified work assignments. The development program management has years of experience and have a clear understanding of the Agency needs. I understand that you might be looking for something else to supplement your income and we are not against that as long as this does not interfere with your responsibilities while in the program.

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

V/r

[redacted]
Language Analysis Skill Community Director
Office of the Senior Language Authority

[redacted]

(b) (6)

[redacted]

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

From: [redacted]
Sent: Monday, January 28, 2013 1:39 PM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) New Tour

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

Sir,

I am totally mindful of my mission here. Like you heard from others I am good at what I do. Sir, please I am only trying to do what is best for me. I request please assist me in my endeavors. Like you know I am a GS 7 and it is very difficult to live around here with just that income. Sir, like you know I tried requesting being deployed with the Agency and you denied it. Now, I am just trying to look for a side job and supplement my income. Sir, like you know I am prior military and have worked elongated 12 hrs shifts, doing some side job will not affect my ability to perform here as a Linguist. Sir, I once again humbly request to assist me in my endeavor. Moreover this side job is going to help me enhance my Cyber skills. It's a win-win situation. I'll be well rounded off to be multi-disciplined just like NSA leadership wants us all to be.

Respectfully,

[redacted]

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

From: [redacted]
Sent: Monday, January 28, 2013 1:24 PM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) New Tour

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

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

[redacted]

It is fix and NG is National Guard however if you are in the Air reserves my apologies. Once again [redacted] I just want to you to focus on mission. We can discuss this further but not until next week. I am swamped.

[redacted]
(b)(3)-P.L. 86-36
(b)(6)

Associate Director Language Analyst Development Program (LADP)
Office of the NSA/CSS Senior Language Authority
Language Analysis Skill Community

[redacted]

From: [redacted]
Sent: Monday, January 28, 2013 1:12 PM
To: [redacted]
Subject: RE: (U) New Tour

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

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

Sir,

The two week leave request in June is for my marriage. That has nothing to do with my side job I am looking to do. I was considering some side jobs, yes that is true but only if I can get to an office that can get me a flexible schedule. I had engaged [redacted] and they just happened to be flexible. It was my intent to talk to the leadership of my next office once you assign the next office to me. I didn't mention it to you because you were going to send me to a different office and I didn't know if the leadership there would give me a flexible schedule. I didn't want to confuse you unnecessary. Please let me know if you want me to come to your office to discuss this further. So is it fixed I am going to [redacted] May I know who my next supervisor is? I would also like to know what NG stands for in the below e-mail.

Thanks,

[redacted]

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

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

From: [redacted]
Sent: Monday, January 28, 2013 1:01 PM
To: [redacted]

Subject: (U) New Tour

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

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

[redacted]

You are not going to [redacted] I have you heading to another section of [redacted] next pay period. [redacted] has a mission requirement that needs to be filled. [redacted] I also need you to be mindful that your focus is going to be on mission. I understand that you had requested from [redacted] some type of schedule arrangement because you have a another job? We talked this morning and you made no mention of this conversation you had with them. We did talk about your leave but nothing about another job. I want to make sure that we are clear on the fact that I will only approve legit NG events and your 2 weeks leave request. I will not approve any special arrangements to accommodate anything that interferes with mission.

[redacted] (b)(3)-P.L. 86-36 (b)(6)

[redacted]

Associate Director Language Analyst Development Program (LADP)
Office of the NSA/CSS Senior Language Authority
Language Analysis Skill Community

[redacted]

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

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

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

APPENDIX B9

From: [redacted]
To:
Subject: (U) 2011 Orders
Date: Monday, December 23, 2013 9:00:46 AM
Attachments: 2011 Orders.pdf

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

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

Privacy Act of 1974 (5 U.S.C 552a) please handle and store this information accordingly.

[redacted]

I have attached my Orders for 2011- 2012.

Thanks,

[redacted]

From: [redacted]
To:
Subject: RE: (U) Copies of ACE documents
Date: Wednesday, December 18, 2013 5:15:26 PM
Attachments: [redacted] 11-25-11 to 7-31-2012.pdf
5-11-11 to 7-31-2011.pdf
05-09-11 to 11-24-2011.pdf

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

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

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

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

[redacted]

PERSONNEL PRIVILEGED INFORMATION

Do not release without approval from DJP4

Do not further disseminate without approval from originator

THIS DOCUMENT MAY CONTAIN PRIVACY ACT (1974, AS AMENDED) INFORMATION WHICH MUST BE PROTECTED IAW NSA/CSS POLICY 1-34 OR REMOVED PRIOR TO FURTHER DISCLOSURE. THIS INFORMATION IS FOR OFFICIAL USE ONLY (FOUO)

From: [redacted]
Sent: Wednesday, December 18, 2013 4:58 PM
To: [redacted]
Subject: (U) Copies of ACE documents

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

Hello [redacted]

I need to obtain ACE documents for an IG investigation. May I request them directly from you?

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

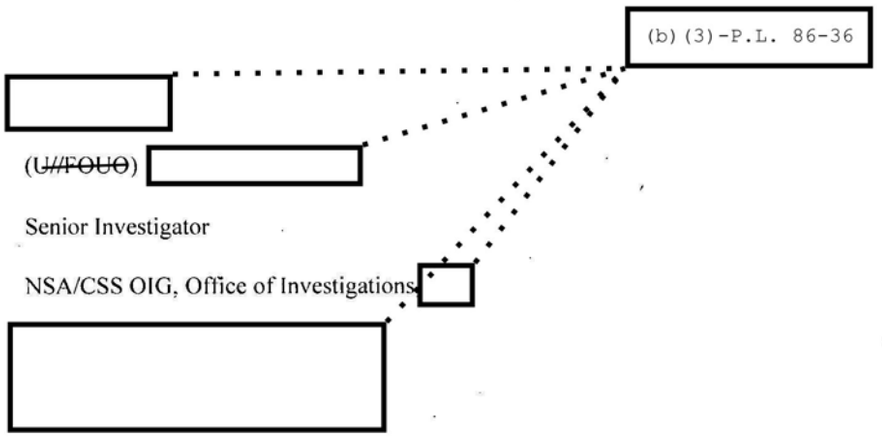
The employee is [redacted]

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

I need his 2011 and 2012 final ACE documents.

I hope you are doing well!!

Thank you,



(U//FOUO)

Senior Investigator

NSA/CSS OIG, Office of Investigations

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

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

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

From: [redacted]
To:
Subject: RE: (U) Copies of ACE documents
Date: Wednesday, December 18, 2013 5:24:44 PM
Attachments: [redacted] 08-01-12 to 02-06-2013.pdf
02-10-13 to 07-31-2013.pdf

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

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

Hi [redacted]

Here are the last 2 docs for [redacted]. Please let me know if you have any questions or if you need for info.

Happy Holidays!!!

[redacted]

<<...>> <<...>>

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

[redacted]

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

PERSONNEL PRIVILEGED INFORMATION

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THIS DOCUMENT MAY CONTAIN PRIVACY ACT (1974, AS AMENDED) INFORMATION WHICH MUST BE PROTECTED IAW NSA/CSS POLICY 1-34 OR REMOVED PRIOR TO FURTHER DISCLOSURE. THIS INFORMATION IS FOR OFFICIAL USE ONLY (FOUO)

From: [redacted]
Sent: Wednesday, December 18, 2013 4:58 PM
To: [redacted]
Subject: (U) Copies of ACE documents

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

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

Hello [redacted]

I need to obtain ACE documents for an IG investigation. May I request them directly from you?

The employee is [redacted]

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

I need his 2011 and 2012 final ACE documents.

I hope you are doing well!!

Thank you,

[redacted]

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

Senior Investigator

NSA/CSS OIG, Office of Investigations, [redacted]

[redacted]

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

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

Classification: UNCLASSIFIED//~~FOR OFFICIAL USE ONL~~Y

Classified By: [redacted]

Derived From: NSA/CSSM 1-52

Dated: 20070108

Declassify On: 20381201

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

Appendices D1, D2, D3

From: [redacted]
To:
Subject: (U) LADP Promotion Information
Date: Thursday, October 16, 2014 11:51:53 AM
Attachments: Recommendations 2012.xls
2013PromotionBoard Scores (9).xls
[redacted]

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

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

Hi [redacted]

(U//~~FOUO~~) It was very nice meeting you this morning. Attached are the two documents you asked for. Here are the names you requested for the promotion board members:

2012

[redacted]

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

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

2013

[redacted]

(U//~~FOUO~~) I've also attached [redacted] EPA's for 2012 and 2013, which include the NJS's of his operational tour supervisor. It's worth noting how little he wrote in his own EPAs despite the rather generous 4000 and 2000 character limits in the various sections.

(U//~~FOUO~~) Some additional information for you: For the past three years, our promotion rate (percentage of LADP personnel promoted as a percentage of those who submitted promotion

packages) has been between 34 and 36 percent.

(U//~~FOUO~~) Please let me know if you need anything else.

[redacted]

(U//~~FOUO~~)

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

Director
Language Analysis Skill Community
NSA/CSS

[redacted]

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

APPENDIX D4

From: [redacted]
To:
Cc:
Subject: RE: (U) Request for 2012 and 2013 LADP Promotion Records
Date: Tuesday, January 13, 2015 3:00:48 PM
Attachments: Recommendations 2012.xls
Promotionresultsfinal.xlsx
LADPNPL2013form.pdf
LADP 2012 P9593coversheet.pdf
LADP NPL FY2012.doc

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

Classification: ~~CONFIDENTIAL//NOFORN~~

Hello, [redacted]

(U//~~FOUO~~) I've found some files in our share drive that may be what you are looking for or may provide further information (attached).

For 2012
Recommendations 2012.xls first tab (LASCScores) provides the following information for each LADPer: LADPer names, grades, which board members scored which PRPs, individual scores, and the total scores
Recommendations 2012.xls last tab (Finals) provides the promotion priority list
LADP 2012 P9593coversheet.pdf and LADP NPL FY2012.doc which were sent together to HR
We do not have any score sheets, because we were told by HR that those were considered "personal notes" of the board members and not official records.

For 2013
Promotionresultsfinal.xlsx second tab (Probability) provides the following information for each LADPer: LADPer names, grades, which board members scored which PRPs, individual scores, and the average scores
LADPNPL2013form.pdf is the final Nomination Priority List
And again, we do not have any score sheets, because we were told by HR that those were considered "personal notes" of the board members and not official records. Any score sheets that you did find in the archives were included in the official records mistakenly.

(U//~~FOUO~~) I'm aware that I've provided some of this information to you before, but just want to be sure that you have everything you need. I will be on leave 14-21 January, so if you have any immediate questions, please contact [redacted] (cc'd).

Best regards,

[redacted]

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

(U//~~FOUO~~)

[redacted]
Director
Language Analysis Skill Community

NSA/CSS

[redacted]

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

From: [redacted]
Sent: Tuesday, January 13, 2015 1:45 PM
To: [redacted]
Subject: FW: (U) Request for 2012 and 2013 LADP Promotion Records

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

[redacted]

In conjunction with the OIG investigation I'm conducting, I've reviewed the LADP promotion materials that were returned from archives for the 2012 and 2013 promotion cycles.

In the boxes that contained the 2012 materials, there were no score sheets from board members and no Nomination Priority List (NPL). Do you know if the score sheets and NPL are still in the LADP local files?

In the boxes that contained the 2013 materials, only some of the score sheets were included. The complainant's PRP was reviewed by five board members, but there were only three score sheets in the archived records. Do you know if the score sheets are still in the LADP local files?

If I should contact someone else to obtain the records, please let me know.

Thank you,

[redacted]

From: [redacted]
Sent: Wednesday, October 22, 2014 1:58 PM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) Request for 2012 and 2013 LADP Promotion Records

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

[redacted]

Follow-up to our recent phone conversation. This request resulted in five boxes of Promotion Records which will be sent to you in tomorrow's mail cage. I got an exception for the extra box.

[redacted]

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

[redacted]

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

From: [redacted]
Sent: Wednesday, October 22, 2014 11:56 AM
To: [redacted]
Cc: [redacted]
Subject: (U) Request for 2012 and 2013 LADP Promotion Records

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

[redacted]

(U//~~FOUO~~) Per guidance I received from the Records Management Center, I am requesting your approval and assistance to have the 2012 and 2013 LADP Promotion Records withdrawn from storage and returned to the Office of the NSA/CSS Senior Language Authority, [redacted] This information is being requested by an OIG Investigator (see attached).

(U//~~FOUO~~) The Collection #s are: [redacted] for 2102 and [redacted] for 2013. I do not know the Box #s. I believe that the records for both years were submitted by [redacted] who was a contractor supporting the Language Analysis Skill Community during the referenced timeframe, but no longer works in the building.

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

(U//~~FOUO~~) Please provide an estimated timeframe that we can expect the materials? Feel free to contact me with any questions. Thank you.

(U//~~FOUO~~) [redacted]
Office of the NSA/CSS Senior Language Authority

[redacted]

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

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

Classified By: [redacted]
Derived From: NSA/CSSM 1-52
Dated: 20070108
Declassify On: 20400101

APPENDIX D5

From: [redacted]
To:
Cc:
Subject: (U) OIG Investigation - LADP Promotion 2012
Date: Tuesday, October 21, 2014 10:54:39 AM
Attachments: 2012 promotion guidance.doc

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

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

Hi, [redacted]

(U~~//FOUO~~) And here's the guidance for 2012. Hope this helps.

Joe

(U~~//FOUO~~)
[redacted]
Director
Language Analysis Skill Community
NSA/CSS
[redacted]

From: [redacted]
Sent: Tuesday, January 17, 2012 7:57 AM
To: [redacted]
Cc: [redacted]

Subject: FW: (U) 2012 promotion process UPDATE!!

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

All,

This is an update to the message that I sent out dealing with the 2012 promotion process.

1. **Deadline for your supervisor submitting your EPA to this office.** The Supervisor will have until **February 14** (**1500 hrs**) to submit his input to us. Remember that you are responsible for having your promotion package to the LASC office no later than **30 Jan by 1500 EST**.
2. **Ace Evaluations in the promotion package-** You should include any interim evaluations and close-outs that accompany the last three final appraisals. ***Interim evaluations or close-outs post-31 July 2011 are not permitted.***

V/r

[redacted]

Language Analysis Skill Community Director
Office of the Senior Language Authority

[redacted]

[redacted]

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

(b)(6)

From: [redacted]
Sent: Wednesday, December 28, 2011 9:45 AM
To: [redacted]
Cc: [redacted]

Subject: (U) 2012 promotion process

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

(U//~~FOUO~~) Members of the Language Analysis Development Program (LADP), Senior Language Analysis Development Program (SLADP), and tour supervisors/managers,

What follows is information about the 2012 LADP/SLADP promotion process that we hope will be helpful in preparing Employee Promotion Assessments (EPAs) and Promotion Review Packages (PRPs) for participants in the LADP and SLADP. As indicated in recent announcements marking the start of the promotion season, **now** is an appropriate time to work on these documents, especially the EPA, which deserves a thoughtful investment of time and attention. The guidance below is based on all information available to us, which is essentially the same information available to you on the Agency's promotion pages. The guidance has slightly changed since last year, so we are drawing upon our experience and FAQs from last year, to provide expanded information where we expect it will be helpful. Although the language throughout this email addresses members of the LADP/SLDP, the guidance also is relevant to those supporting the process and we are providing our guidance to supervisors in this same message. We believe that our LADP/SLDP alias is up-to-date, but ***we ask all LADPers/SLADPers, as well as any of the cc addressees, to please feel free to forward this message to anyone and everyone potentially involved in the process that we may have missed.***

-

The Employee Promotion Assessment (EPA)

(U//~~FOUO~~) Please review the EPA information available on the promotion website. You can access the page through CONNECT by linking to "Promotions and Awards" from the HR main page. Despite the fact that some of the guidance there is dated, the website contains all of the information and links you will need in order to determine if you are ready for promotion and the basics of the process to follow. On the website, please reference the "Promotion Process" section, step number 1, "Employee Decision Process". If you believe you are ready for promotion (recognizing your competence, proven ability, ability to assume a higher level of work and increased responsibility), you should complete a self-assessment using the promotion criteria for the next higher grade level, the work level descriptions, and the framing questions (links are available on the promotion website for each of these).

(U//~~FOUO~~) If you believe you are ready for promotion, the EPA form is available for downloading from the promotion website, please reference the "Promotion Process" section, step number 2. The EPA is a substantial component of your Promotion Review Package (PRP) and must be submitted to your tour supervisor if you want to be considered for promotion in 2012. There are several resources available to help you complete the EPA, all accessible on the promotion website. You can also access the videotaped EPA workshop presented by [redacted] at [redacted]. This information is also available in the LADP webpage ("Go LADP") under promotions.

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

(U//~~FOUO~~) To avoid problems with the form and for ease of revision, **we strongly recommend that you use a word document or other text format to draft your EPA**. After completing your draft EPA, we encourage you to have someone in your office or a trusted mentor pre-review the EPA. As part of your promotion consideration chain, the LASC staff cannot do this review for you. Once you have a final version that you are happy with, copy the document into the EPA form and print out a hard copy of your version to include in your PRP folder. Once you have done that, and only after you have done that, forward the form electronically to your current tour supervisor/rater as indicated in the Agency guidance.* (please cc [redacted] The supervisor must be an NSA employee; if your supervisor/rater is not an NSA employee, please coordinate with the LASC Associate Director that manages you while in the program.

> *In an exception to this policy, because we have so much movement in this program, we are permitting LADPers/SLAPDers to forward the EPA to their previous tour supervisor for endorsement if the LADPer/SLADPer has been in their current tour office for less than 90 days. If you have been in your current office for less than 90 days, please discuss completion of the EPA with your current and previous supervisor as soon as possible so that all three of you are clear about who will do this well in advance of the deadline for submission.

(U//~~FOUO~~) To support their work on the Nomination Justification Statement (NJS), please provide a courtesy copy of the documents in your PRP to the supervisor who will do the NJS for you (unless they prefer not to receive it, of course). Be sure to mark "Courtesy Copy Only" or a similar statement on each document that you provide for this purpose, so that your supervisor understands that they are not responsible for

submitting a promotion folder on your behalf. These copies are not official records, so they can be returned to you or destroyed when no longer needed. Once you have completed and forwarded the EPA form, your supervisor/rater will review the EPA and provide a Nomination Justification Statement (NJS) in the area provided on the EPA. Once the supervisor has reviewed the EPA (and completed the NJS if recommending promotion), they should email the form to [redacted] and the corresponding Associate Director. **We ask that supervisors please forward all LADP/SLADP EPA forms to** [redacted] **even if promotion is not being recommended.**

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

(U//~~FOUO~~) We follow Agency and SID promotion timelines and policies. As of this date, we anticipate that **Promotion Review Packages will be due to the LASC office** [redacted] **no later than 3:00 PM on Monday, 30 January 2012**. Your supervisor may require you to complete and submit your EPA by an earlier deadline in order to meet their own requirements. If so, you must adhere to the deadline they set. If an earlier deadline poses problems for you because of your particular circumstances and you are unable to sort it out with your supervisor, please let us know. **It is essential that you plan ahead and complete your EPA well in advance in order to allow your supervisor time to complete the EPA electronically and, in turn, send it to the LASC office by the 30 January 2012 deadline.** If your supervisor cannot meet that deadline for any reason, please ask him/her to contact the LASC office to make other arrangements.

Promotion Review Packages

(U//~~FOUO~~) **The Language Analysis Skill Community (LASC) office will accept PRPs between the hours of 0900 and 1500 Monday through Friday until Monday, 30 January 2012.** Please give your completed PRP to a member of the LASC staff. You will be asked to sign a roster indicating you have submitted a completed PRP for review by LASC staff.

- If you are Maryland-based, and in the local area, you should submit your hard copy PRP to the LASC staff, located in [redacted] by 3:00pm on 30 January 2012. That is 1500 EST.
- If you are based at a cryptologic center, then please scan and email your PRP documents to [redacted] with a cc: to your LASC Associate Director. **PLEASE use "PRP" somewhere in your subject line.**
- If you are out of the country and won't be back before the 30 January 2012 deadline, please email as much of your PRP as you have. We will build your PRP from here if you are deployed and you have provided us or your LASC Associate Director with the necessary documents. If you are at NSAW now, but will be deployed, detailed, TDY, on leave, or whatever, on 30 January, be sure to complete your EPA and submit the PRP **before** you depart.

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

(U//~~FOUO~~) Please note that you will not get the PRP back; they become official records and are turned in to HR when the promotion cycle is over. Please keep copies of what you submit for your personal records.

FORMAT/CONTENTS OF THE PRP

(U) Letter-sized folder with tab, labeled as follows:

- LAST NAME, First Name, MI
- EMPLID:
- Current grade:
- Current duty organization:

(U) Your PRP Folder should contain:

Standard requirements:

- Promotion Profile
- Copies of the performance appraisals, to include final evaluations, interim evaluations, and closeouts at the current grade
- EPA printout

(U) Failure to follow any of the previously mentioned deadlines or Agency procedures will result in your promotion package not being reviewed.

(U) If you have any questions about these promotion guidelines, please contact the LASC Associate Director that works with you

V/r

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

Language Analysis Skill Community Director
Office of the Senior Language Authority

[redacted]

[redacted] (b)(6)

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

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

APPENDIX D6

From: [redacted]
To: [redacted]
Subject: (U//~~FOUO~~) Director"s Message: "Director"s Promotion Charge"
Date: Thursday, January 19, 2012 10:01:40 AM

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

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

(U) NSA's workforce has made extraordinary contributions to our nation over the past year. I am pleased to announce the official kickoff of our 2012 civilian promotion program. We have both the opportunity and obligation to advance those employees who have demonstrated strong performance readiness to assume greater levels of responsibility.

(U) You will be hearing more about the specifics of the 2012 Promotion Program in the days ahead. In the meantime, it is important that managers begin to evaluate employees for promotion against the Agency's established promotion criteria. It is my intention that the 2012 program result in the advancement of the most highly performing employees at every level - those who are truly deserving and who will help lead us through the current challenges and into the future.

(U) As in past years, I expect my Senior Leadership Team to oversee and ensure prudent decisions in the promotion of employees to GG13, GG14, and GG15 in light of the increasing levels of responsibility that correlate with those salary levels. And I expect managers at every level to ensure their local processes are in accordance with equal employment opportunity and diversity principles. Finally, I ask that managers remain aware of those employees who may have deployed in service to our nation's armed forces, to evaluate them (along with their colleagues who have not deployed), and identify those whose outstanding performance merits further advancement.

(U) I continue to be proud of our outstanding NSA workforce, and I thank you all for your dedication to our mission.

KEITH B. ALEXANDER
General, U.S. Army
Commander, U.S. Cyber Command
Director, NSA/Chief, CSS

(U//~~FOUO~~) Release Authority: Corporate Communications, Messaging and Public Affairs, DN1
(U//~~FOUO~~) POC for Message: GEN Keith B. Alexander [redacted]
(U//~~FOUO~~) Content Approval for Message:
(U//~~FOUO~~) Distro: Entire NSA Workforce

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

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

APPENDIX D7

From: [redacted]
Date: Thursday, January 15, 2015 9:20:30 AM
Posted At: FY12 PROMOTION PROGRAM
Conversation: Collection of FY2012 Promotion Program Records
Subject: Collection of FY2012 Promotion Program Records

Posted on: August 08, 2012

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

(U//~~FOUO~~) Collection of FY2012 Promotion Program Records

Distribution: Entire NSA Workforce

POC: Recognition Team, [redacted]

(U) Under the implemented process for on-line records management, Human Resources will be opening the collection of FY2012 Promotion Program records under collection number: [redacted]. From 15 August through 30 September 2012, Records Management Officers throughout the Agency and the Extended Enterprise will be collecting records associated with the FY12 Promotion Program that need to be retained. These records, listed below, will be maintained by the NSA/CSS Records Center (NCRC) for seven years.

(U//~~FOUO~~) Organizations' records officers should adhere to current procedural guidance for compiling records outlined under the Records Disposition Schedule (RDS 330-11). Promotion documentation contains all records supporting promotion authority recommendations for promotion during the 2012 cycle. Included are nominations, supporting narrative and statistical data, and promotion recommendation packages. Records are to include only those associated with the 2012 Promotion Program. Any records from previous years' programs that were not collected at the time should be packed and shipped separately. Records include but are not limited to:

* Organization's strategic guidance;
* All Performance Review Packages (PRPs), to include hardcopy of Employee Promotion Assessments (EPAs) that were submitted for review;
* Supervisors' completed EPAs containing Nomination Justification Statements and scores for employees who were evaluated for promotion;
* All Nomination Priority Lists;
* All promotion evaluation scoresheets or promotion evaluation spreadsheets, apart from those contained in EPAs, that were used;
* All other relevant documentation, including manager's written records;
* If promotion boards were used, documentation indicating board composition, including names, titles, and all documentation completed by board members.

(U) While the promotion review process calls for certain documentation (Employee Promotion Assessments, Nomination Priority List, etc.) to be forward electronically, instructions also included the requirement to print hardcopy of major records for collection and inclusion as records of the 2012 promotion process. Decision authorities and managers involved in the promotion evaluation process should ensure that all documentation is collected to be forwarded in accordance with HR and Records Management guidance.

(U) Organizations in the Extended Enterprise should also submit documentation through their Records Management Officer to the NCRC.

(U) Please be advised that all shipment must comply with current shipping and handling instructions, and each shipment is to be certified by a Records Management Officer. Current instructions on submitting items to the NSA/CSS Records Center may be found at the Records Center web site:

[redacted]

Please adhere to requirements regarding the weight of the boxes, as well as how to transfer the boxes to the Records Center. Shipments must be coordinated with Records Management Officers. All information on shipment and storage may be found at the following web site:

[redacted]

(U//~~FOUO~~) You may obtain information from the Records Management Officer (RMO) for your organization, a list of whom may be found on this website:

[redacted]

Refer to the RMO listing on the left hand side of the page.

(U) All records are to be submitted by 30 September 2012, at which time HR will close the collection. No electronic versions or softcopy records received or processed via email should remain within office files after the close of the records collection period. Please ensure all e-copy material is printed and stored with the records for each office.

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

Senior Investigator

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

NSA/CSS OIG, Office of Investigations, [redacted] (b)(3)-P.L. 86-36

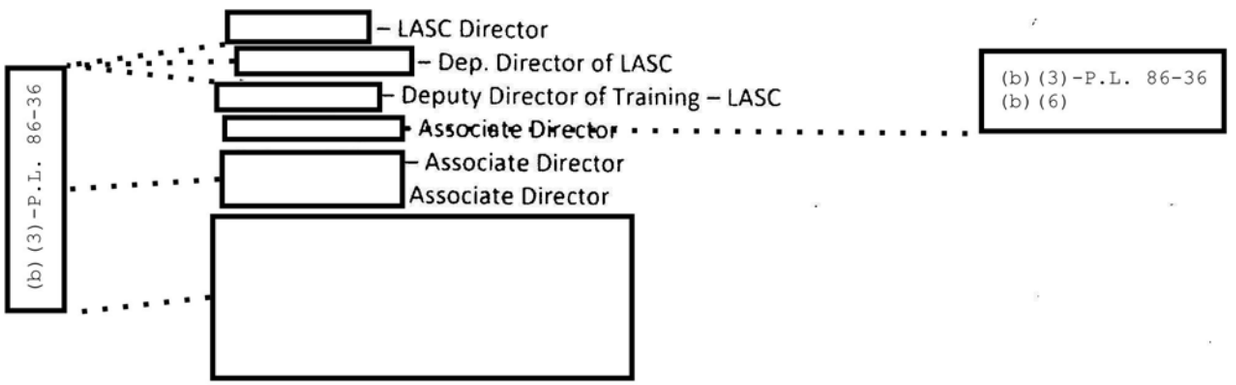
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PRIVACY SENSITIVE – any misuse or unauthorized disclosure may lead to disciplinary action

APPENDIX E1

LADP 2013 Promotion Cycle

Board members:

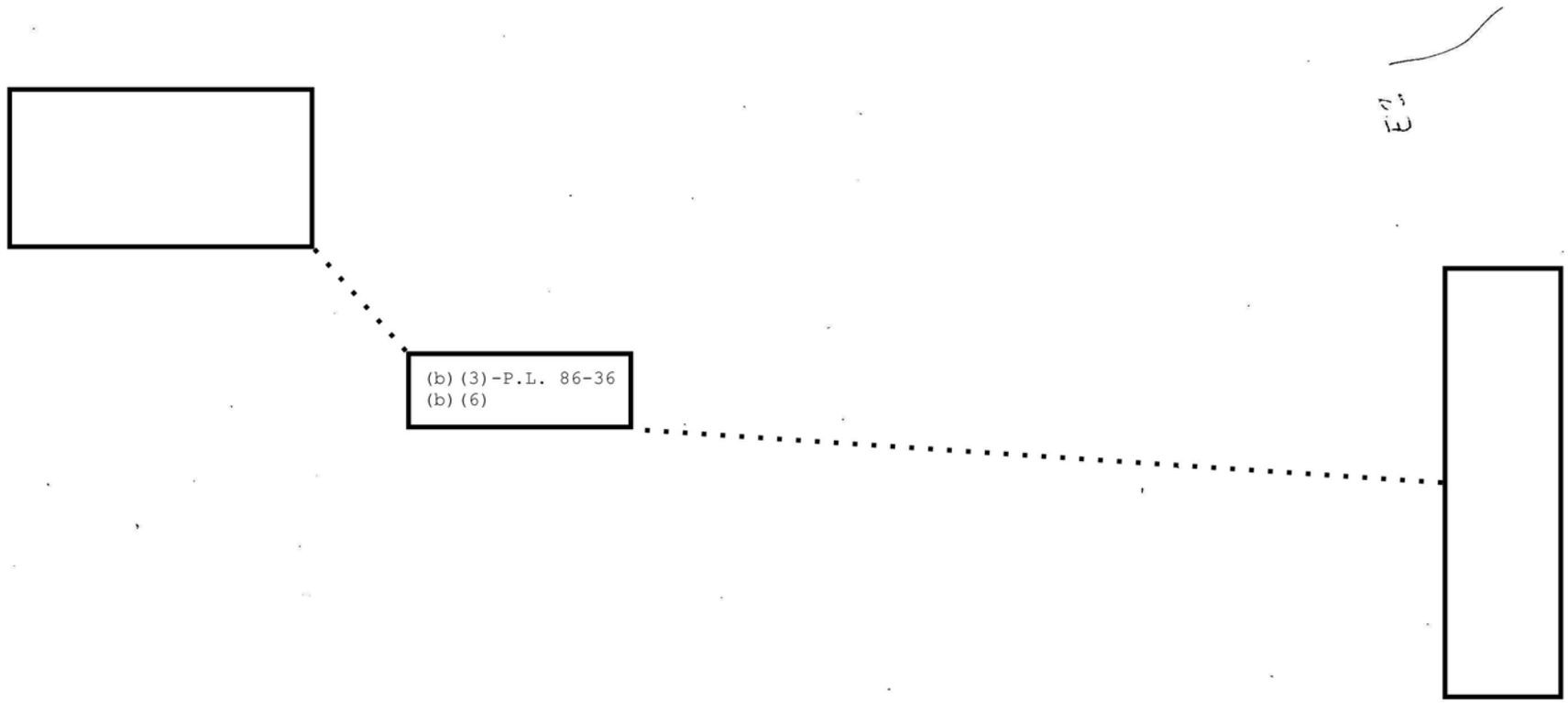


Contents of boxes

Promotion files for LADPers
Scoring sheets
NPL

Release 2022-7
NSA 20808

APPENDIX E2

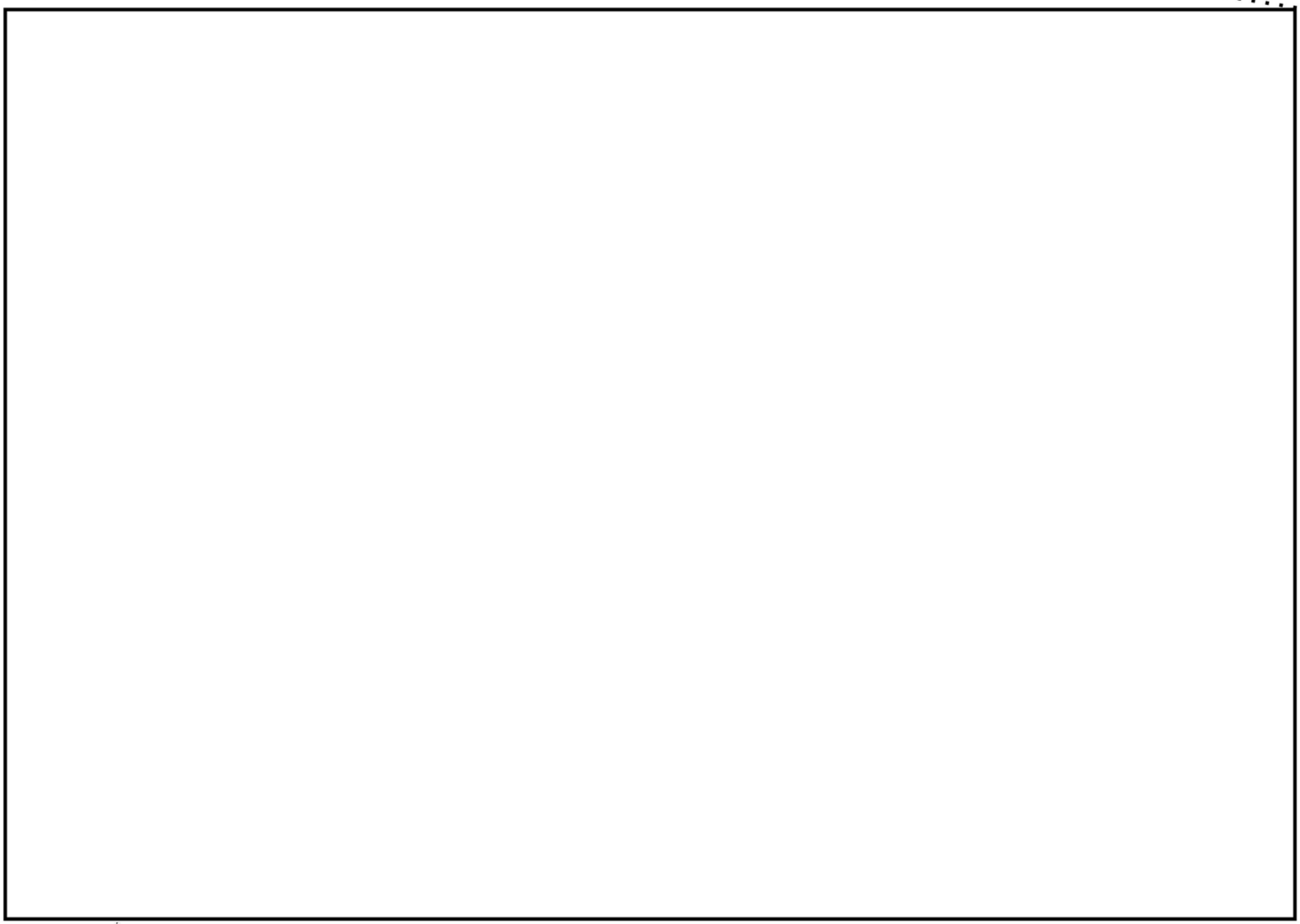


PERSONNEL PRIVILEGED INFORMATION

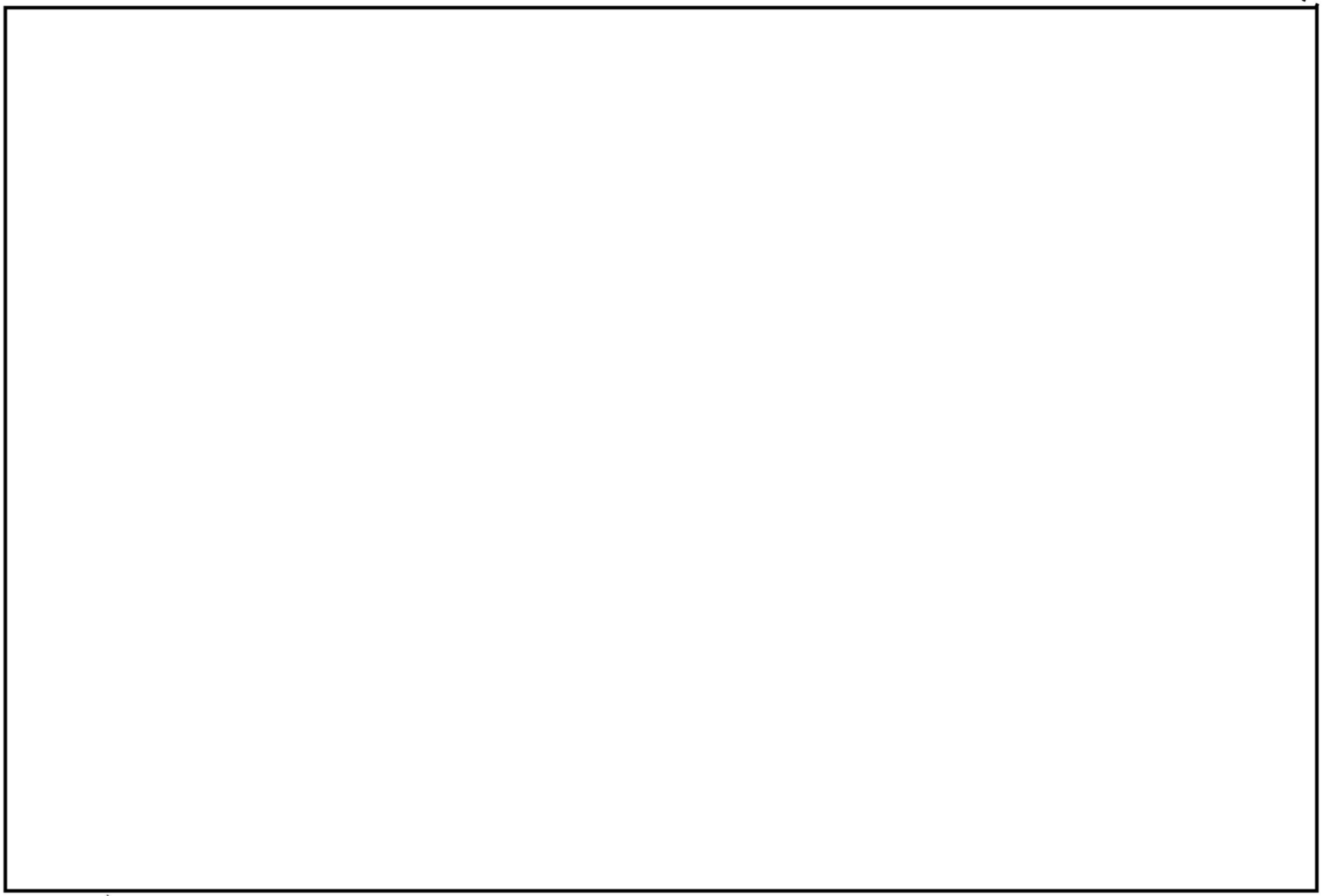
THIS DOCUMENT MAY CONTAIN PRIVACY ACT (1974, AS AMENDED) INFORMATION WHICH MUST BE PROTECTED IAW DOD 5400.11R. OR REMOVED PRIOR TO FURTHER DISCLOSURE. THIS INFORMATION IS FOR OFFICIAL USE ONLY (FOUO).

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NSA 20810

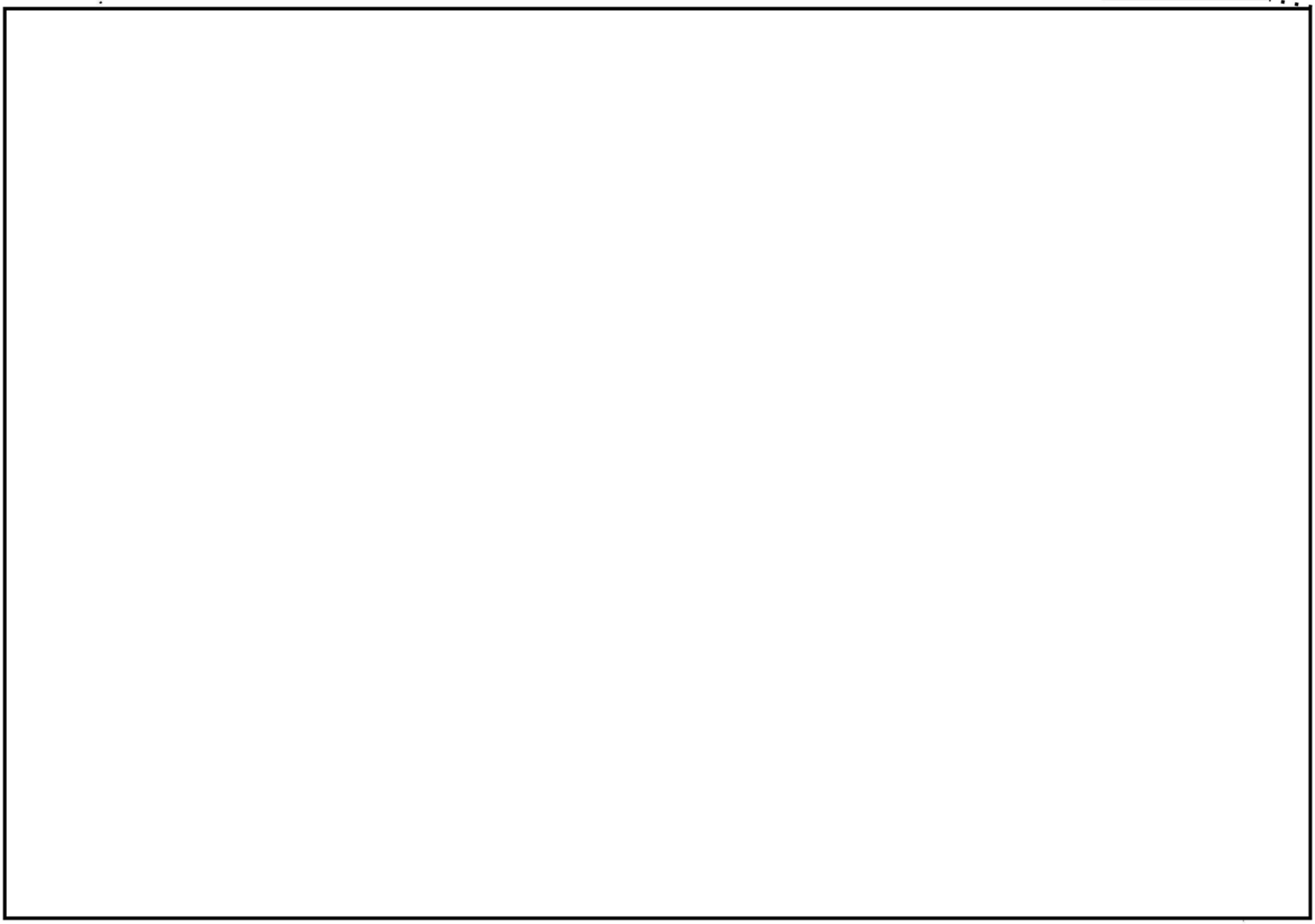
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(b)(3)-P.L. 86-36
(b)(6)



Release 2022-7
NSA 20814

Doc ID: 6775835
Adobe Acrobat 9.0 or higher is recommended

(b) (1)
(b) (3)-P.L. 86-36
(b) (6)

Derived From: NSA/CSS Manual 1-52
Dated: 20070108
Declassify On: 20320108

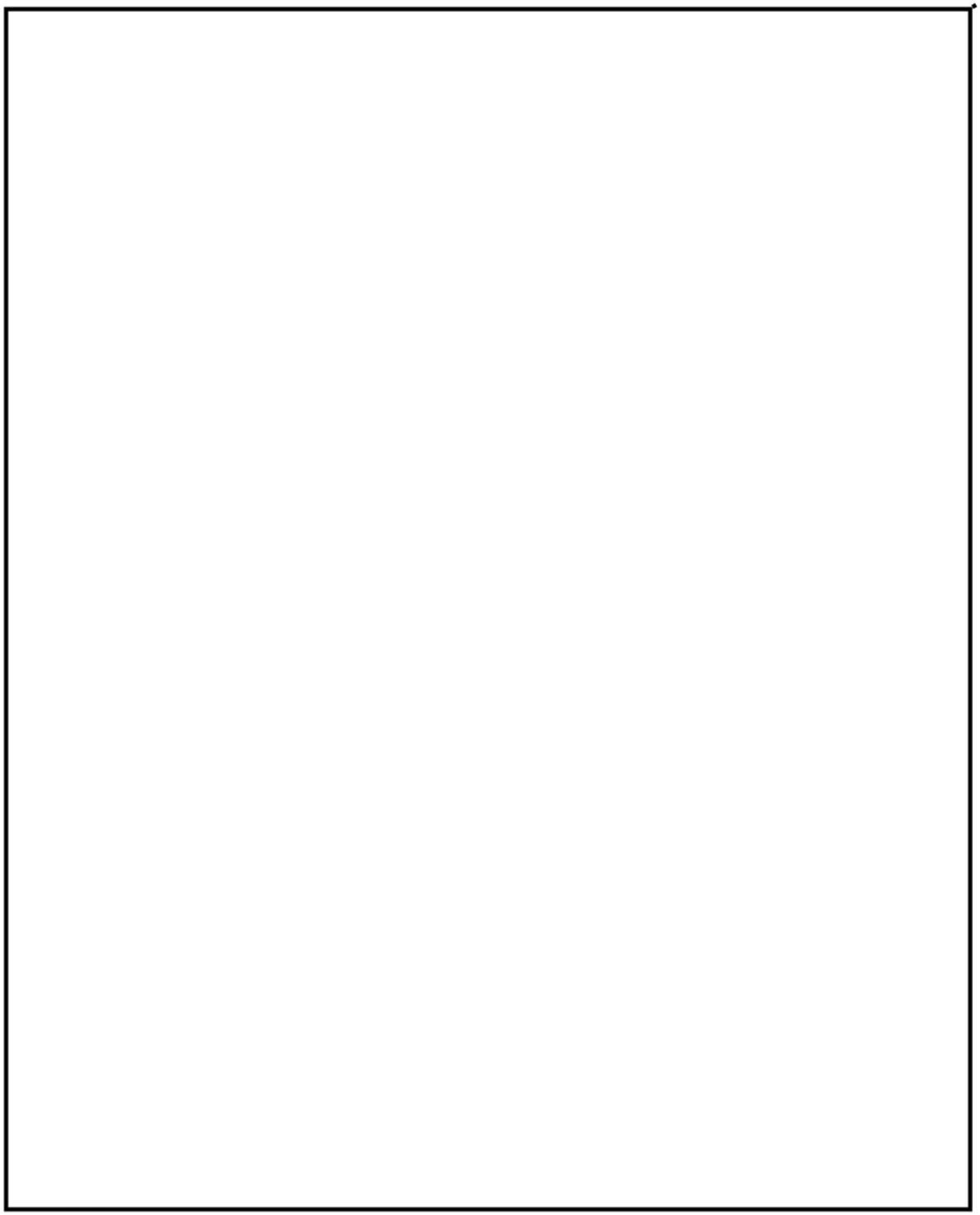
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NSA 20815

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Release 2022-7
NSA 20816

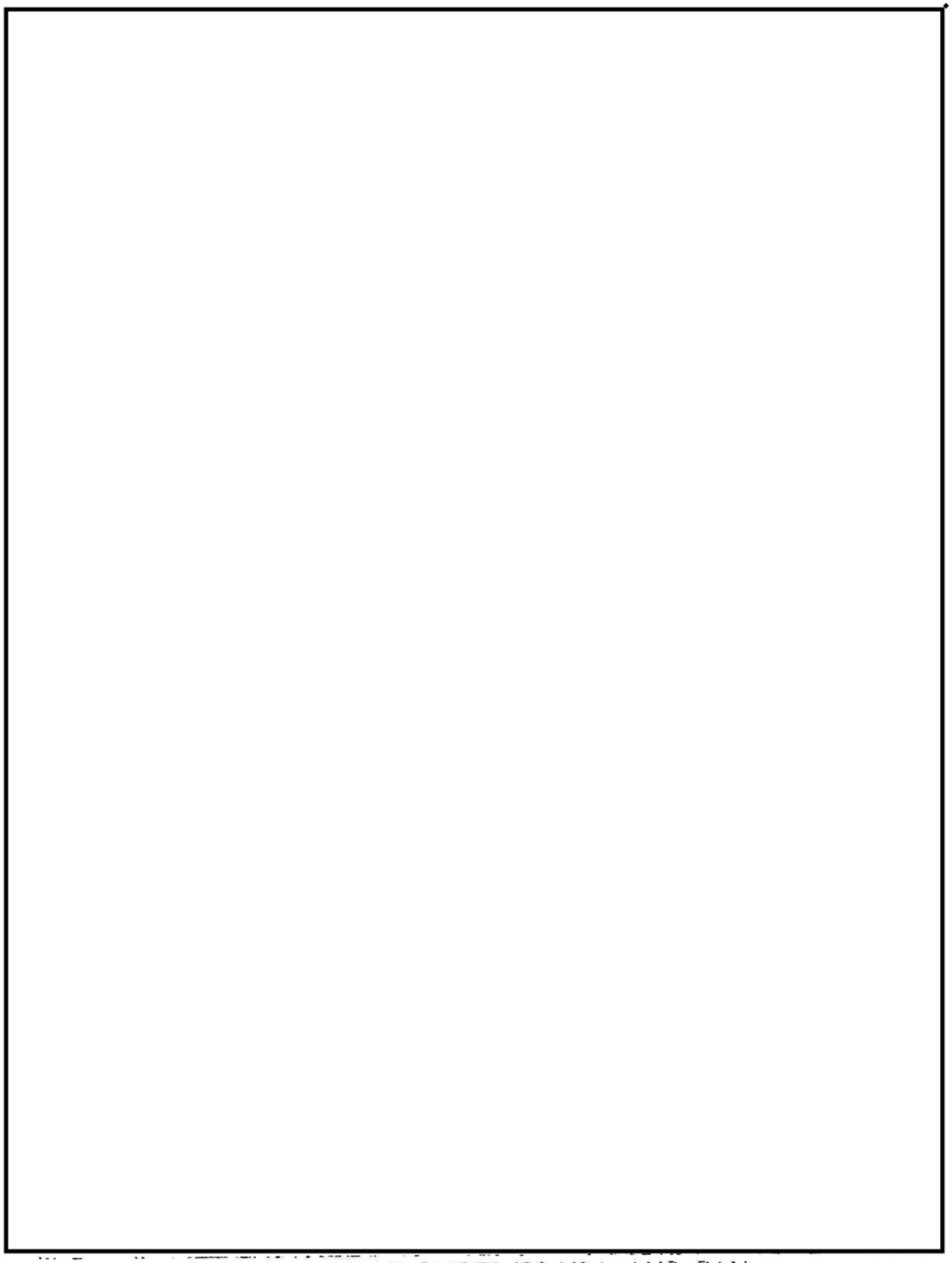
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Release 2022-7
NSA 20817

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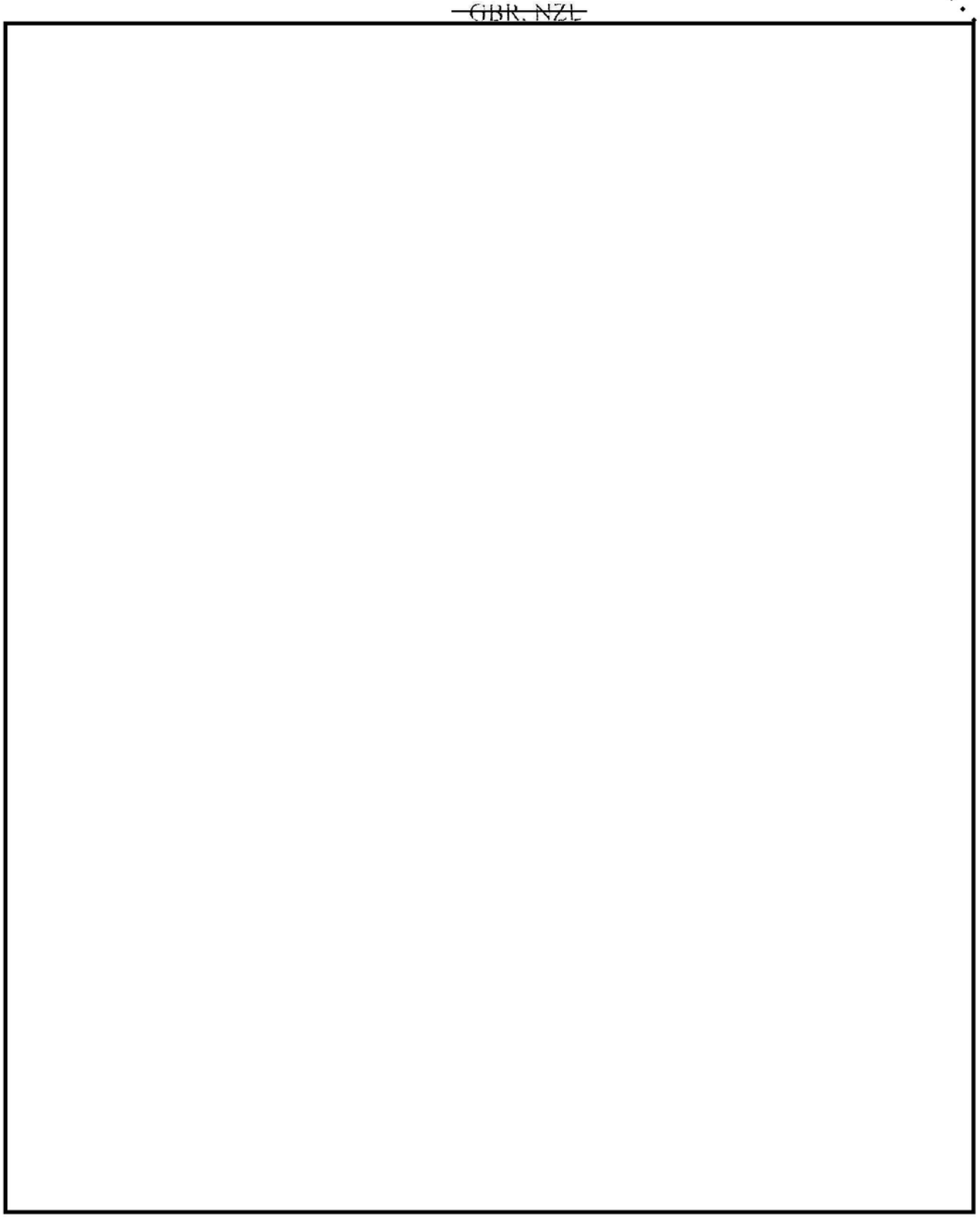
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~~TOP SECRET//SI//REL TO USA, AUS, CAN, GBR, NZL~~

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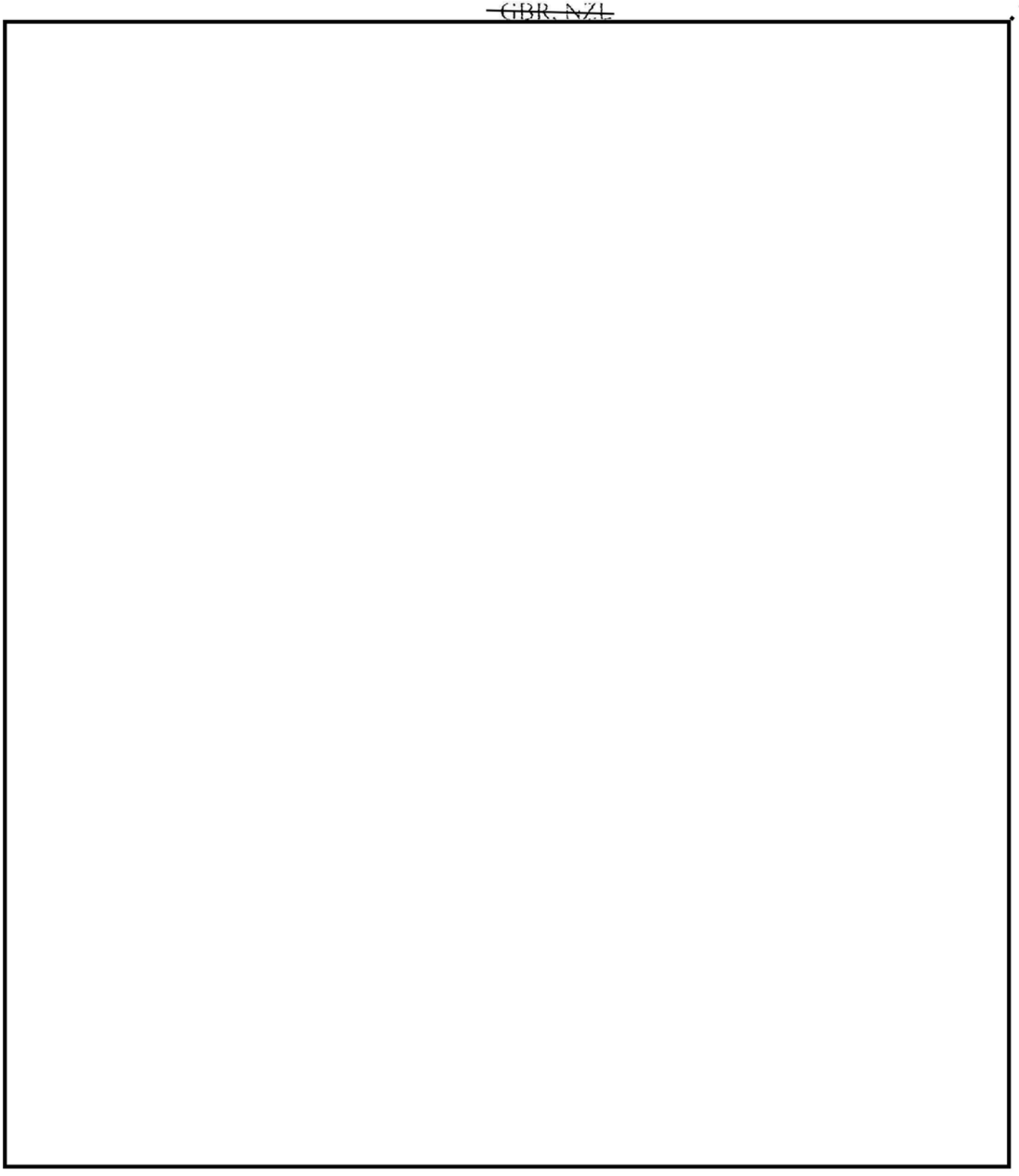
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~~TOP SECRET//SI//REL TO USA, AUS, CAN, GBR, NZL~~

(b)(1)
(b)(3)-P.L. 86-36
(b)(6)

~~TOP SECRET//SI//REL TO USA, AUS, CAN, GBR, NZL~~



~~TOP SECRET//SI//REL TO USA, AUS, CAN, GBR, NZL~~

APPENDIX E3

From: [redacted]
To:
Cc:
Subject: RE: (U) Request for 2012 and 2013 LADP Promotion Records (b)(3)-P.L. 86-36
Date: Tuesday, January 13, 2015 3:00:48 PM
Attachments: Recommendations 2012.xls
Promotionresultsfinal.xlsx
LADPNPL2013form.pdf
LADP 2012 P9593coversheet.pdf
LADP NPL FY2012.doc

Classification: ~~CONFIDENTIAL//NOFORN~~

Hello [redacted]

(U/~~/FOUO~~) I've found some files in our share drive that may be what you are looking for or may provide further information (attached).

For 2012

Recommendations 2012.xls first tab (LASCScores) provides the following information for each LADPer: LADPer names, grades, which board members scored which PRPs, individual scores, and the total scores

Recommendations 2012.xls last tab (Finals) provides the promotion priority list

LADP 2012 P9593coversheet.pdf and LADP NPL FY2012.doc which were sent together to HR

We do not have any score sheets, because we were told by HR that those were considered "personal notes" of the board members and not official records.

For 2013

Promotionresultsfinal.xlsx second tab (Probability) provides the following information for each LADPer: LADPer names, grades, which board members scored which PRPs, individual scores, and the average scores

LADPNPL2013form.pdf is the final Nomination Priority List

And again, we do not have any score sheets, because we were told by HR that those were considered "personal notes" of the board members and not official records. Any score sheets that you did find in the archives were included in the official records mistakenly.

(U/~~/FOUO~~) I'm aware that I've provided some of this information to you before, but just want to be sure that you have everything you need. I will be on leave 14-21 January, so if you have any immediate questions, please contact [redacted] (cc'd).

Best regards,

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

(U/~~/FOUO~~)

[redacted]

Director

Language Analysis Skill Community

NSA/CSS

From:
Sent: Tuesday, January 13, 2015 1:45 PM
To:
Subject: FW: (U) Request for 2012 and 2013 LADP Promotion Records

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

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

In conjunction with the OIG investigation I'm conducting, I've reviewed the LADP promotion materials that were returned from archives for the 2012 and 2013 promotion cycles.

In the boxes that contained the 2012 materials, there were no score sheets from board members and no Nomination Priority List (NPL). Do you know if the score sheets and NPL are still in the LADP local files?

In the boxes that contained the 2013 materials, only some of the score sheets were included. The complainant's PRP was reviewed by five board members, but there were only three score sheets in the archived records. Do you know if the score sheets are still in the LADP local files?

If I should contact someone else to obtain the records, please let me know.

Thank you,

From:
Sent: Wednesday, October 22, 2014 1:58 PM
To:
Cc:
Subject: RE: (U) Request for 2012 and 2013 LADP Promotion Records

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

Follow-up to our recent phone conversation. This request resulted in five boxes of Promotion Records which will be sent to you in tomorrow's mail cage. I got an exception for the extra box.

(U//~~FOUO~~)

[redacted]

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

From: [redacted]
Sent: Wednesday, October 22, 2014 11:56 AM
To: [redacted]
Cc: [redacted]
Subject: (U) Request for 2012 and 2013 LADP Promotion Records

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

[redacted]

(U//~~FOUO~~) Per guidance I received from the Records Management Center, I am requesting your approval and assistance to have the 2012 and 2013 LADP Promotion Records withdrawn from storage and returned to the Office of the NSA/CSS Senior Language Authority, [redacted] This information is being requested by an OIG Investigator (see attached).

(U//~~FOUO~~) The Collection #s are: [redacted] for 2102 and [redacted] for 2013. I do not know the Box #s. I believe that the records for both years were submitted by [redacted] who was a contractor supporting the Language Analysis Skill Community during the referenced timeframe, but no longer works in the building.

(U//~~FOUO~~) Please provide an estimated timeframe that we can expect the materials? Feel free to contact me with any questions. Thank you.

(U//~~FOUO~~) [redacted]
Office of the NSA/CSS Senior Language Authority.

[redacted]

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

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

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

Classified By: [redacted]
Derived From: NSA/CSSM 1-52
Dated: 20070108
Declassify On: 20400101

APPENDIX E4

[redacted]

From: [redacted]
Sent: Tuesday, January 13, 2015 3:01 PM
To: [redacted]
Cc:
Subject: RE: (U) Request for 2012 and 2013 LADP Promotion Records
Attachments: Recommendations 2012.xls; Promotionresultsfinal.xlsx; LADPNPL2013form.pdf; LADP 2012 _P9593coversheet.pdf; LADP NPL FY2012.doc

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

Classification: ~~CONFIDENTIAL//NOFORN~~

Hello [redacted].

(U//~~FOUO~~) I've found some files in our share drive that may be what you are looking for or may provide further information (attached).

For 2012

- Recommendations 2012.xls first tab (LASCScores) provides the following information for each LADPer: LADPer names, grades, which board members scored which PRPs, individual scores, and the total scores
- Recommendations 2012.xls last tab (Finals) provides the promotion priority list
- LADP 2012 P9593coversheet.pdf and LADP NPL FY2012.doc which were sent together to HR

We do not have any score sheets, because we were told by HR that those were considered "personal notes" of the board members and not official records.

For 2013

- Promotionresultsfinal.xlsx second tab (Probability) provides the following information for each LADPer: LADPer names, grades, which board members scored which PRPs, individual scores, and the average scores
- LADPNPL2013form.pdf is the final Nomination Priority List

And again, we do not have any score sheets, because we were told by HR that those were considered "personal notes" of the board members and not official records. Any score sheets that you did find in the archives were included in the official records mistakenly.

(U//~~FOUO~~) I'm aware that I've provided some of this information to you before, but just want to be sure that you have everything you need. I will be on leave 14-21 January, so if you have any immediate questions, please contact [redacted] (cc'd).

Best regards,

[redacted]

(U//~~FOUO~~)

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

[redacted]
Director
Language Analysis Skill Community
NSA/CSS

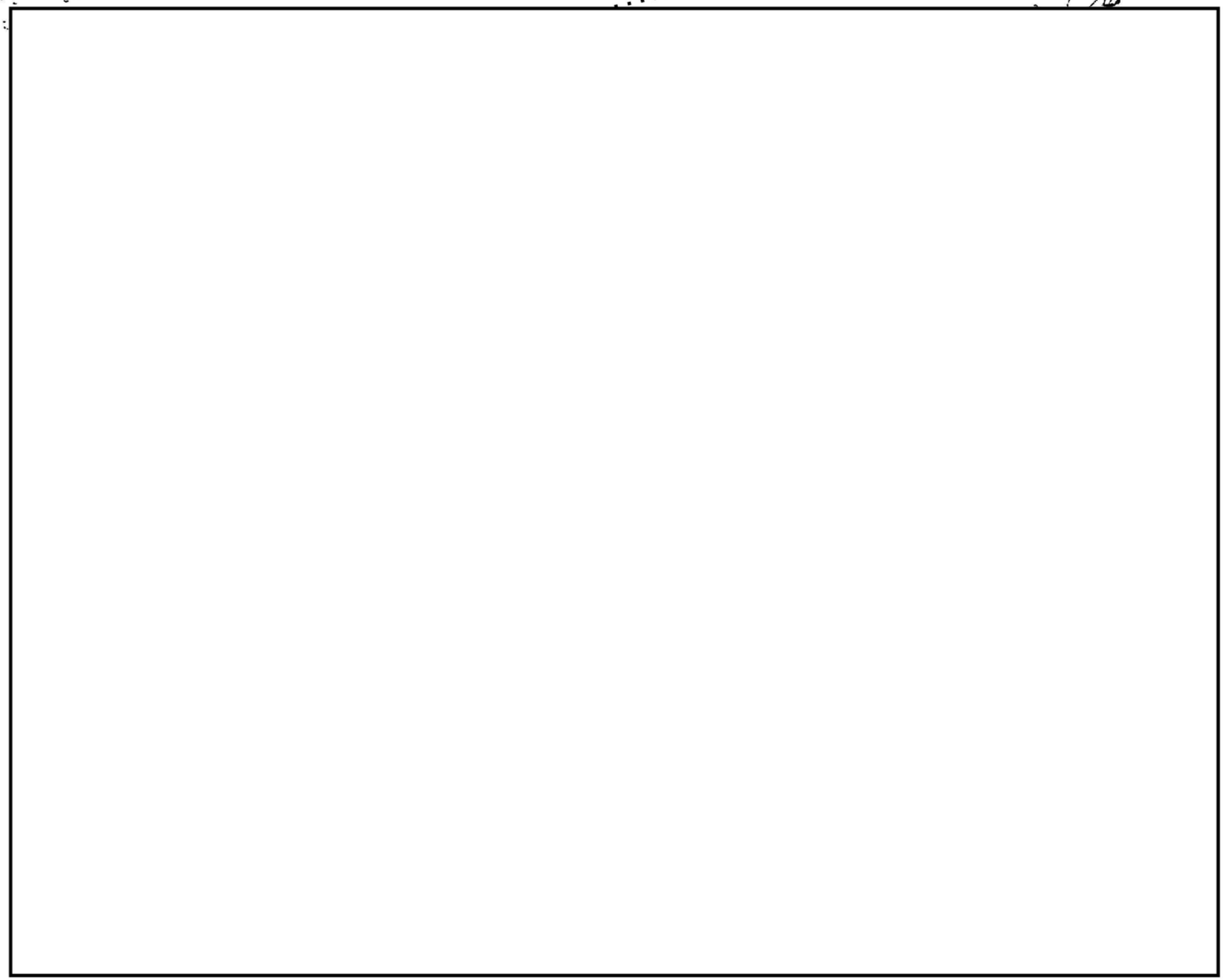
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1

File with Score Sheet

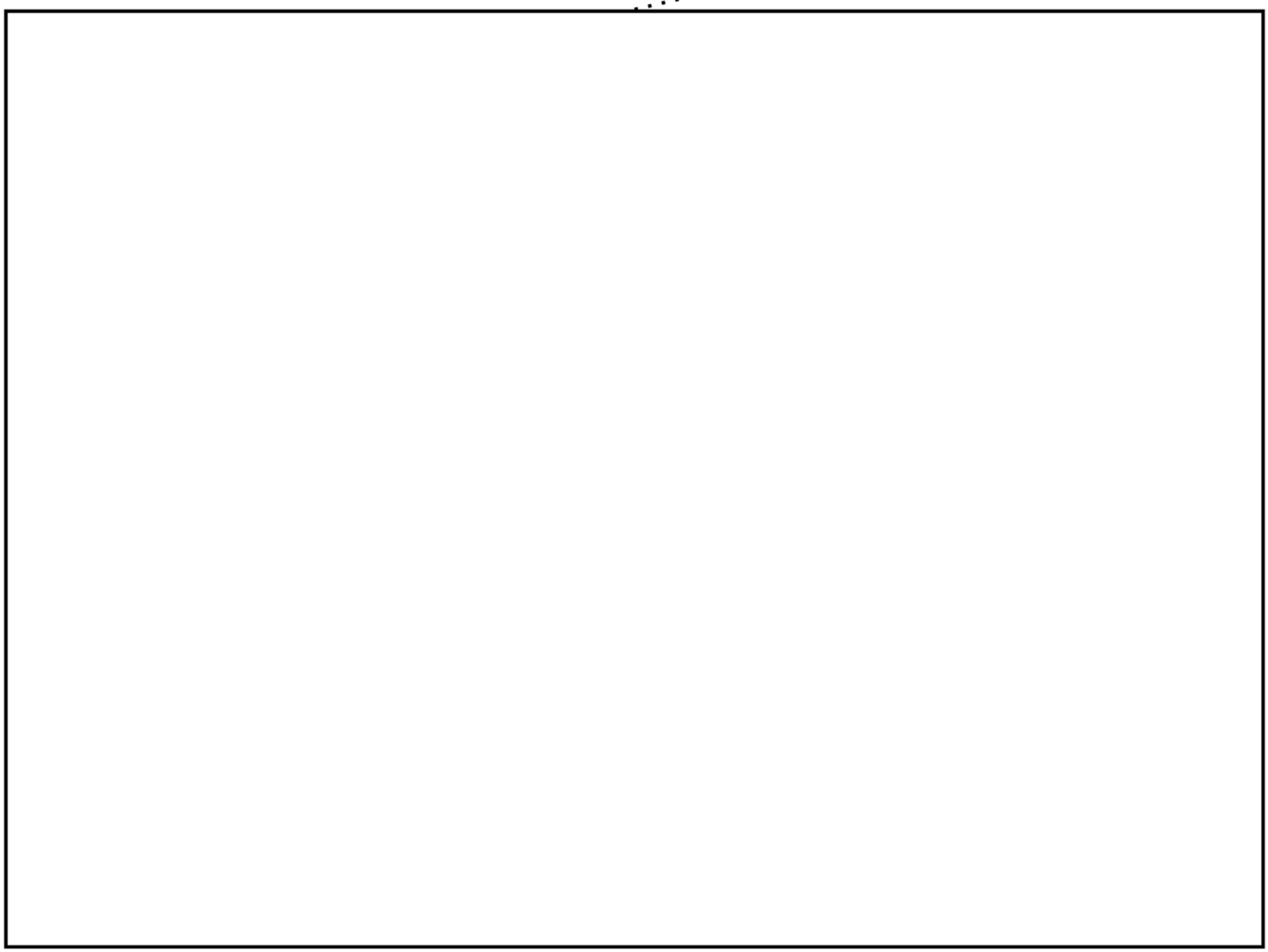
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(b)(3)-P.L. 86-36
(b)(6)

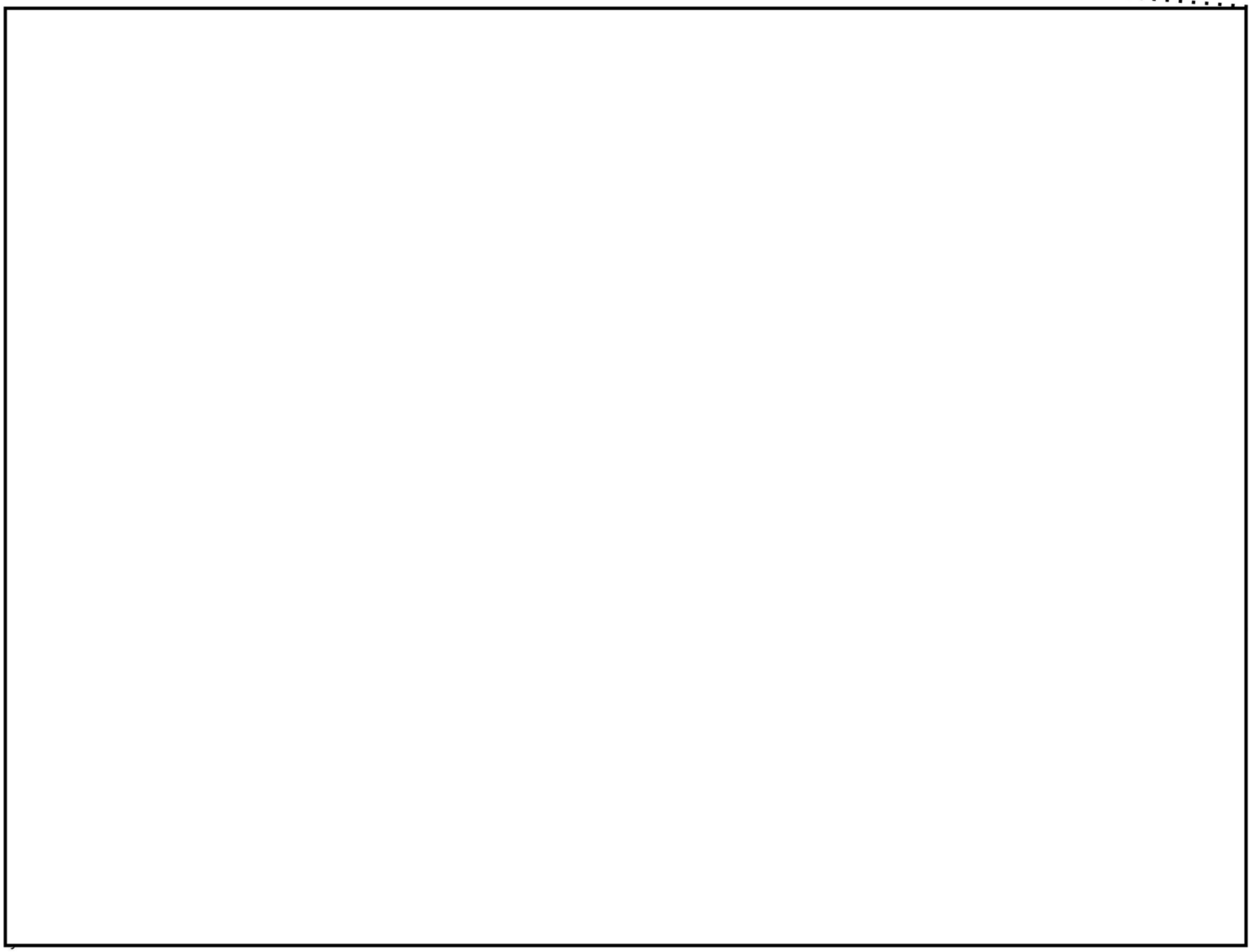


Release 2022-7
NSA 20825

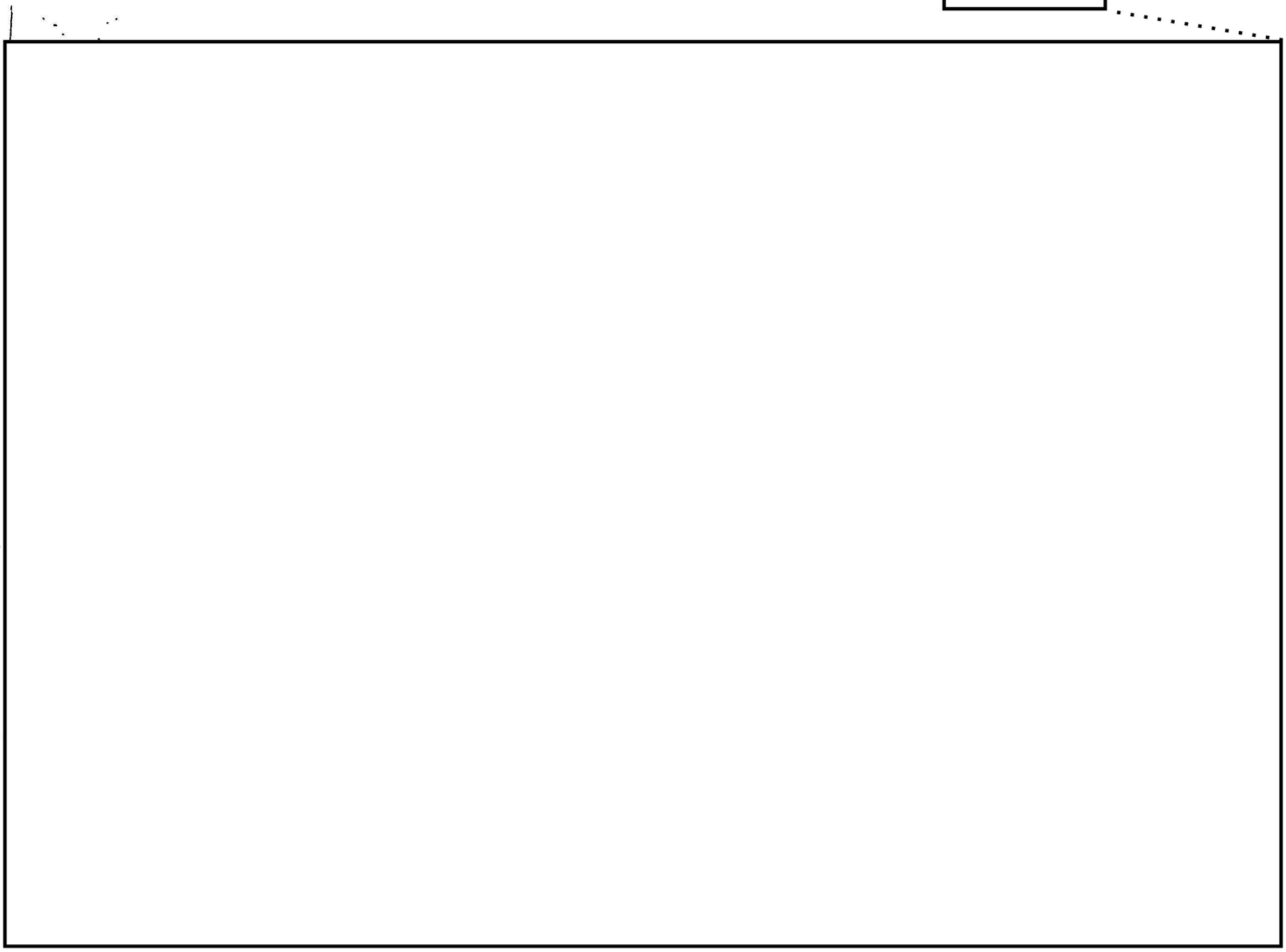
(b)(3)-P.L. 86-36
(b)(6)



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

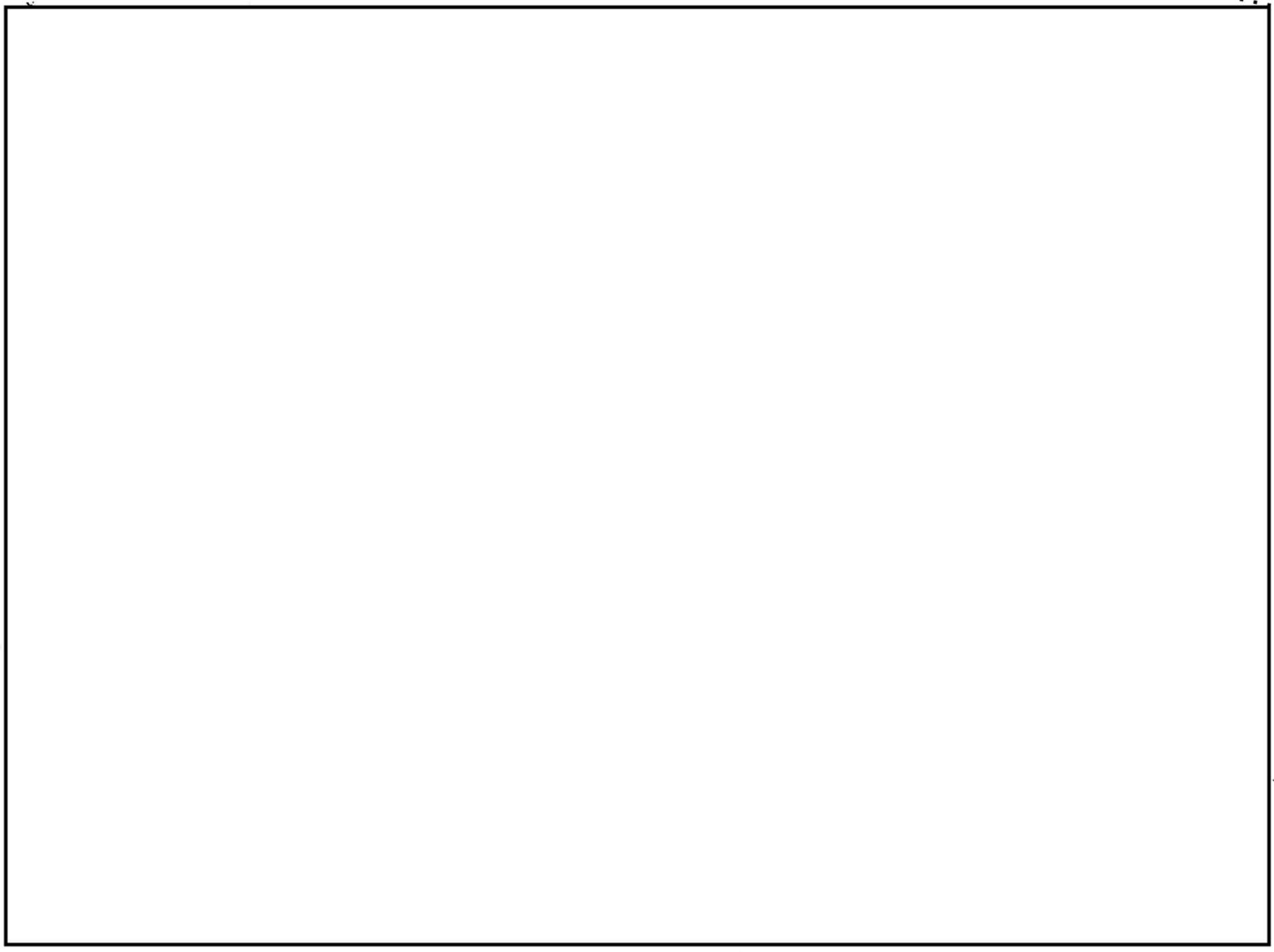


(b)(3)-P.L. 86-36
(b)(6)



Doc ID: 6775835

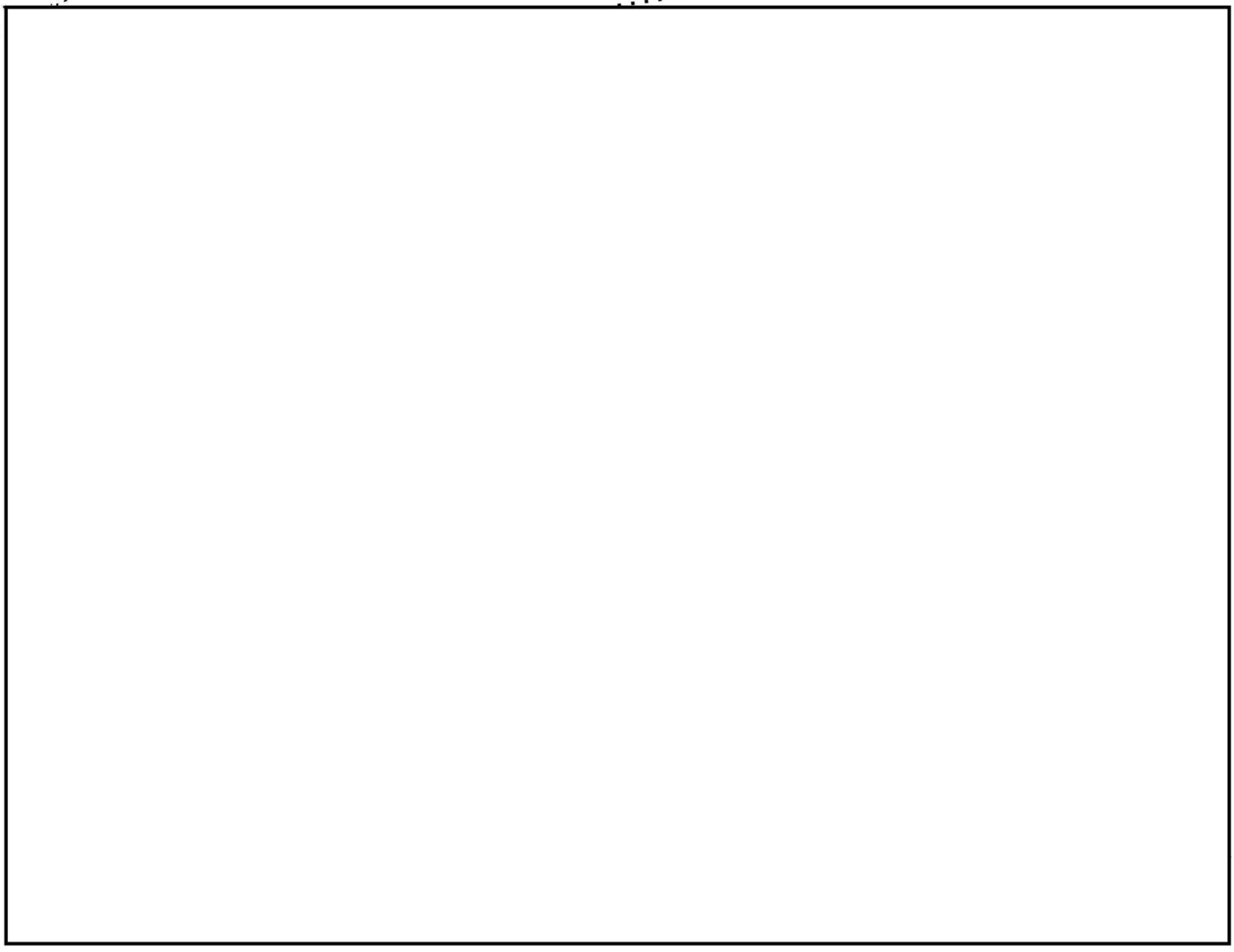
(b)(3)-P.L. 86-36
(b)(6)



Release 2022-7
NSA 20829

Doc ID: 6775835

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



Release 2022-7
NSA 20830

APPENDIX E5

From: [redacted]
To:
Subject: (U) LADP Promotion Information
Date: Thursday, October 16, 2014 11:51:53 AM
Attachments: Recommendations 2012.xls
2013PromotionBoard Scores (9).xls

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

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

Hi, [redacted].

(U~~//FOUO~~) It was very nice meeting you this morning. Attached are the two documents you asked for. Here are the names you requested for the promotion board members:

2012

[redacted] (b) (3)-P.L. 86-36 (b) (6)

2013

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

(U~~//FOUO~~) I've also attached [redacted] EPA's for 2012 and 2013, which include the NJS's of his operational tour supervisor. It's worth noting how little he wrote in his own EPAs despite the rather generous 4000 and 2000 character limits in the various sections.

(U~~//FOUO~~) Some additional information for you: For the past three years, our promotion rate (percentage of LADP personnel promoted as a percentage of those who submitted promotion

packages) has been between 34 and 36 percent.

(U//~~FOUO~~) Please let me know if you need anything else.

[redacted]

(U//~~FOUO~~)

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

Director
Language Analysis Skill Community
NSA/CSS

[redacted]

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

APPENDIX E7

From:
To:
Cc:
Subject: (U) OIG Investigation - LADP promotion 2013
Date: Tuesday, October 21, 2014 10:51:34 AM

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

Hi,

(U//~~FOUO~~) Below are two emails that were sent to all LADP-ers leading up to the 2013 promotion cycle. The first email was sent by my predecessor, The second email was sent by the one of our contractors (who is now gone).

(U//~~FOUO~~)

Director
Language Analysis Skill Community
NSA/CSS

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

From:
Sent: Monday, January 14, 2013 1:01 PM
To:
Cc:

Subject: FW: (U) LADP - Important information about the 2013 promotion cycle

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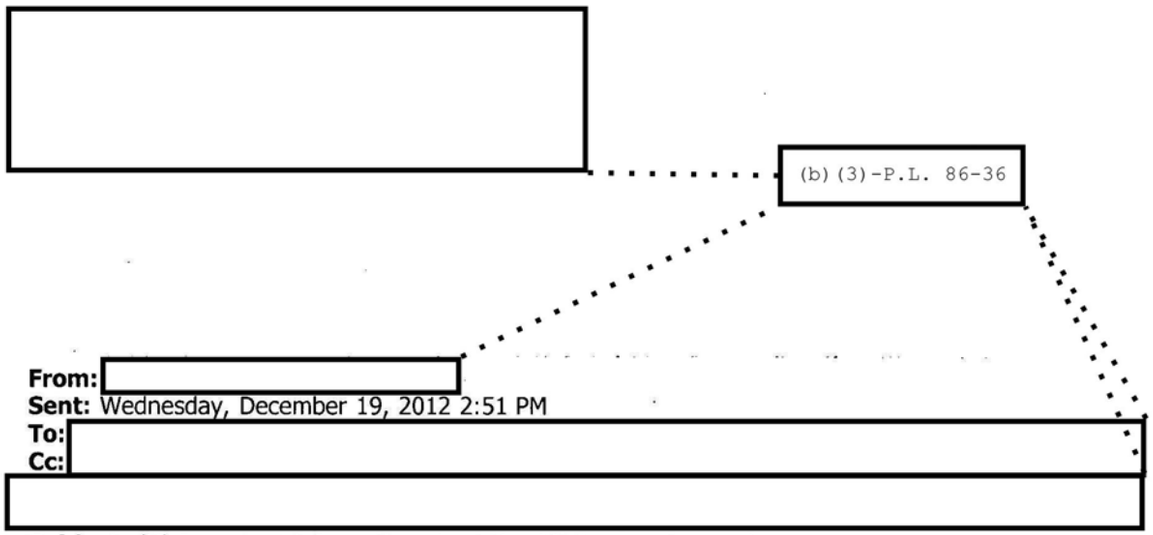
Good afternoon,

This is just a reminder that promotion packages are due on **January 22 no later than 3:00.**

Thanks.

(U//~~FOUO~~)

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



From:
Sent: Wednesday, December 19, 2012 2:51 PM
To:
Cc:

Subject: (U) Important information about the 2013 promotion cycle

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

All,

//Please read this information in its entirety before asking any questions.//

(U//~~FOUO~~) Members of the Language Analysis Development Program (LDP), Language Cross-Training Program, Senior Language Analysis Development Program (SLDP), and tour supervisors/managers:

(U//~~FOUO~~) What follows is information about the 2013 LDP/SLDP promotion process that we hope will be helpful in preparing Employee Promotion Assessments (EPAs) and Promotion Review Packages (PRPs) for language development program participants. As indicated in recent announcements marking the start of the promotion season, **now** is an appropriate time to work on these documents, especially the EPA, which deserves a thoughtful investment of time and attention. The guidance below is based on all information available to us, which is essentially the same information available to you on the Agency's promotion pages. Although the language throughout this email addresses development program members, the guidance also is relevant to those supporting the process and we are providing our guidance to supervisors in this same message.

-

The Employee Promotion Assessment (EPA)

(U//~~FOUO~~) Please review the EPA information available on the promotion website. You can access the page by typing "go promotions" on your web browser. The website contains all of the information and links you will need in order to determine if you are ready for promotion and the basics of the process to follow. On the website, please reference the "Employees" section. If you believe you are ready for promotion (recognizing your competence, proven ability, ability to assume a higher level of work and increased responsibility), you should complete a self-assessment using the

promotion criteria for the next higher grade level, the work level descriptions, and the framing questions.

(U//~~FOUO~~) If you believe you are ready for promotion, the EPA form is available at the "forms" tab. The EPA is a substantial component of your Promotion Review Package (PRP) and must be submitted to your tour supervisor if you want to be considered for promotion in 2013.

(U//~~FOUO~~) To avoid problems with the form and for ease of revision, **we strongly recommend that you use a word document or other text format to draft your EPA**. After completing your draft EPA, we encourage you to have someone in your office or a trusted mentor pre-review the EPA. **As part of your promotion consideration chain, the LASC staff, or the Associate Language Authorities cannot do this review for you.** Once you have a final version that you are happy with, copy the document into the EPA form and print out a hard copy of your version to include in your PRP folder. Once you have done that, and only after you have done that, forward the form electronically to your current tour supervisor/rater as indicated in the Agency guidance.* The supervisor must be an NSA employee; if your supervisor/rater is not an NSA employee, please coordinate with the LASC Associate Director that manages you while in the program.

> *In an exception to this policy, because we have so much movement in this program, we are permitting LDPers/SLDPers to forward the EPA to their previous tour supervisor for endorsement if the LDPer/SLDPer has been in their current tour office for less than 90 days. If you have been in your current office for less than 90 days, please discuss completion of the EPA with your current and previous supervisor as soon as possible so that all three of you are clear about who will do this well in advance of the deadline for submission.

(U//~~FOUO~~) To support their work on the Nomination Justification Statement (NJS), please provide a courtesy copy of the documents in your PRP to the supervisor who will do the NJS for you (unless they prefer not to receive it, of course). Be sure to mark "Courtesy Copy Only" or a similar statement on each document that you provide for this purpose, so that your supervisor understands that they are not responsible for submitting a promotion folder on your behalf. These copies are not official records, so they can be returned to you or destroyed when no longer needed. Once you have completed and forwarded the EPA form, your supervisor/rater will review the EPA and provide a Nomination Justification Statement in the area provided on the EPA. Once the supervisor has reviewed the EPA (and completed the NJS if recommending promotion), they should email the form to [redacted] and the corresponding Associate Director. **We ask that supervisors please forward all LDP/SLDP EPA forms to [redacted] even if promotion is not being recommended. Supervisor Nomination Justification Statements are due to the LASC Office NLT Feb 1, 2013.**

(U//~~FOUO~~) We follow Agency and SID promotion timelines and policies. As of this date, we anticipate that **Promotion Review Packages will be due to the LASC office [redacted] no later than 3:00 PM on Tuesday, 22 January 2013**. Your

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

supervisor may require you to complete and submit your EPA by an earlier deadline in order to meet their own requirements. If so, you must adhere to the deadline they set. If an earlier deadline poses problems for you because of your particular circumstances and you are unable to sort it out with your supervisor, please let us know. **It is essential that you plan ahead and complete your EPA well in advance in order to allow your supervisor time to complete the EPA electronically and, in turn, send it to the LASC office by the 22 January 2013 deadline.** If your supervisor cannot meet that deadline for any reason, please ask him/her to contact the LASC office to make other arrangements.

Promotion Review Packages

(U//~~FOUO~~) **The Language Analysis Skill Community (LASC) office will accept PRPs between the hours of 0900 and 1500 Monday through Friday until Tuesday, 22 January 2013.** Please give your completed PRP to a member of the LASC staff. You will be asked to sign a roster indicating you have submitted a complete PRP for review by LASC staff.

- If you are Maryland-based, and in the local area, you should submit your hard copy PRP to the LASC staff, located in [redacted] by 3:00pm on 22 January 2013. That is 1500 EST.
- If you are based at a cryptologic center, then please scan and email your PRP documents to [redacted] drop box, with a cc: to your LASC Associate Director. **PLEASE use "PRP" somewhere in your subject line.**
- If you are out of the country and won't be back before the 22 January 2013 deadline, please email as much of your PRP as you have. We will build your PRP from here if you are deployed and you have provided us or your LASC Associate Director with the necessary documents. If you are at NSAW now, but will be deployed, detailed, TDY, on leave, or out due to any other reason, on 22 January, be sure to complete your EPA and submit the PRP **before** you depart.
- **PRPs will not be accepted after the due date.**

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

(U//~~FOUO~~) Please note that you will not get the PRP back; they become official records and are turned in to HR when the promotion cycle is over. Please keep copies of what you submit for your personal records.

FORMAT/CONTENTS OF THE PRP

(U) Letter-sized folder with tab, labeled as follows:

- LAST NAME, First Name, MI
- EMPLID:

- Current grade:
- Current duty organization:

(U) Your PRP Folder should contain:

- Promotion Profile (emailed to employee on Jan 14 or available on-line.)
- Copies of your last three final employee appraisals (ACE) at your **current grade**. You should include any interim evaluations and close-outs that accompany the last three final appraisals. Interim evaluations or close-outs post-31 July 2012 are not permitted. For example, if you have a closeout evaluation for 1 Sept 2012 to 15 December 2012, it cannot be included in this year's PRP.
- EPA printout

NOTE: If you got promoted with a date of June 2012 your packet should not have any ACEs. It is important that your EPA reflects accomplishments since your last promotion. **Do not include information about accomplishments in a prior grade.** If you got promoted in June of 2012, your EPA can reflect your accomplishments from until the point you turn it in.

(U) If you have any questions about these promotion guidelines, please contact your LASC Associate Director.

V/r

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

Language Analysis Skill Community Director
Office of the Senior Language Authority

[redacted]

[redacted] (b)(6)

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PPENDIX E8

From: Automated Mass Mailer
To: Agency All 2.0 (alias)
Subject: (U//~~FOUO~~) Director"s Message: "Director"s 2013 Promotion Charge"
Date: Tuesday, January 29, 2013 2:29:36 PM

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

(U//~~FOUO~~) I am pleased to announce the official kickoff of our 2013 civilian promotion program. NSA's workforce continues to make extraordinary contributions to the security of our nation, and promotions are an opportunity to advance employees who have demonstrated strong performance and readiness to assume greater levels of responsibility.

(U) In the weeks ahead you will be hearing more specifics, but in the meantime I want to point out three key aspects of this year's program:

* (U) First, the removal of promotion caps at grades 13, 14, and 15. As most of you are aware, these were used to limit increases in the percentage of the civilian population at those grade levels in accordance with DoD guidance. The Senior Leadership Team is committed to controlling growth at those grades without the arbitrary constraints of caps on promotions.

* (U) Second, a base-salary increase program that replaces the Quality Salary Increase with the ability to provide one- or two-step increases. This tool provides managers increased flexibility in recognizing employees' performance at their current grade levels. It allows for recognition to additional steps of 11 and 12. See the promotion web page ("go promotion").

* (U) Third, continued emphasis on promotions to grades 12 and below to ensure we recognize the outstanding contributions of our newest employees as they begin their careers at the Agency.

(U) It is my intention that the 2013 program will result in the advancement of the most highly performing employees at every level - those who are truly deserving and who will help lead us through the current challenges and into the future. Managers at every level should ensure they evaluate employees against the Agency's established promotion criteria in accordance with equal employment opportunity and diversity principles.

(U) Finally, I ask managers to remain aware of employees who may have deployed in service to our nation's armed forces, evaluate them (along with their colleagues who have not deployed), and identify those whose performance merits further advancement. I continue to be proud of our outstanding NSA workforce, and I thank you all for your dedication to our mission.

KEITH B. ALEXANDER
General, U.S. Army
Commander, U.S. Cyber Command
Director, NSA/Chief, CSS

(U//~~FOUO~~) Release Authority: Corporate Communications, Messaging and Public Affairs, DN1
(U//~~FOUO~~) POC for Message: GEN Keith B. Alexander [redacted]
(U//~~FOUO~~) Content Approval for Message:
(U//~~FOUO~~) Distro: Entire NSA Workforce

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

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

Doc ID: 6775835

From: [redacted]
Date: Thursday, January 15, 2015 9:21:29 AM
Posted At: FY13 PROMOTION PROGRAM
Conversation: Collection of FY2013 Promotion Program Records
Subject: Collection of FY2013 Promotion Program Records

APPENDIX E9

Posted on: August 08, 2013

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

(U//~~FOUO~~) Collection of FY2013 Promotion Program Records

Distribution: Entire NSA Workforce

POC: Recognition Team, [redacted]

(U) Under the implemented process for on-line records management, Human Resources will be opening the collection of FY2013 Promotion Program records under collection number: [redacted] From 15 August through 30 September 2013, Records Management Officers throughout the Agency and the Extended Enterprise will be collecting records associated with the FY13 Promotion Program that need to be retained. These records, listed below, will be maintained by the NSA/CSS Records Center (NCRC) for seven years.

(U//~~FOUO~~) Organizations' records officers should adhere to current procedural guidance for compiling records outlined under the Records Disposition Schedule (RDS 330-11). Promotion documentation contains all records supporting promotion authority recommendations for promotion during the 2013 cycle. Included are nominations, supporting narrative and statistical data, and promotion recommendation packages. Records are to include only those associated with the 2013 Promotion Program and need to be identified as Restricted Access. Any records from previous years' programs that were not collected at the time should be packed and shipped separately. Records include but are not limited to:

* Organization's strategic guidance;
* All Performance Review Packages (PRPs), to include hardcopy of Employee Promotion Assessments (EPAs) that were submitted for review;
* Supervisors' completed EPAs containing Nomination Justification Statements and scores for employees who were evaluated for promotion;
* All Nomination Priority Lists;
* All promotion evaluation scoresheets or promotion evaluation spreadsheets, apart from those contained in EPAs, that were used;
* All other relevant documentation, including manager's written records;
* If promotion boards were used, documentation indicating board composition, including names, titles, and all documentation completed by board members.

(U) While the promotion review process calls for certain documentation (Employee Promotion Assessments, Nomination Priority List, etc.) to be forward electronically, instructions also included the requirement to print hardcopy of major records for collection and inclusion as records of the 2013 promotion process. Decision authorities and managers involved in the promotion evaluation process should ensure that all documentation is collected to be forwarded in accordance with HR and Records Management guidance.

(U) Organizations in the Extended Enterprise should also submit documentation through their records management officer to the NCRC.

(U) Please be advised that all shipments must comply with current shipping and handling instructions, and each shipment is to be certified by a records management officer. Please adhere to requirements regarding the weight of the boxes, as well as how to transfer the boxes to the Records Center. Current instructions on submitting items to the NSA/CSS Records Center may be found at the Records Center web site:

[redacted]

(U//~~FOUO~~) You may obtain information from the records management officer for your organization, a list of whom may be found on this website:

[redacted]

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

(U) All records are to be submitted by 30 September 2013, at which time HR will close the collection. No electronic versions or softcopy records received or processed via email should remain within office files after the close of the records collection period. Please ensure all e-copy material is printed and stored with the records for each office.

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

Senior Investigator

NSA/CSS OIG, Office of Investigations, [redacted]

[redacted]

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

APPENDIX F1

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

From:
Sent: Monday, December 03, 2012 1:1:35 AM
To:
Cc:

Subject: RE: (U) Unauthorized LWOP ICO IADP Intern

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

If the LWOP is not being approved, it must be coded as AWOL on his timesheet. It cannot be entered as LWOP and later changed to AWOL. Timesheets are going in today and tomorrow.

Thanks,

Employee Relations Counselor

PERSONNEL PRIVILEGED INFORMATION
Do not release without approval from Employee Relations

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

From
Sent: Monday, December 03, 2012 11:28 AM
To:
Cc:

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

Subject: RE: (U) Unauthorized LWOP ICO IADP Intern

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

is in class all this week. I'm sure he'll be in touch again next week.

Release 2022-7
NSA 20841

From: [redacted]
Sent: Monday, December 03, 2012 9:49 AM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) Unauthorized LWOP ICO IADP Intern [redacted]

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

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

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

[redacted]

Please call me when you get this message. We have do not have anything on this employee at this time, so it appears that everything has been done informally thus far. I will need some information before I can take it to the formal side. My direct line is 968-6352s.

Thanks,

[redacted]

Employee Relations Counselor

[redacted]

PERSONNEL PRIVILEGED INFORMATION
Do not release without approval from Employee Relations

From: [redacted]
Sent: Friday, November 30, 2012 2:55 PM
To: [redacted]
Cc: [redacted]
Subject: (U) Unauthorized LWOP ICO IADP Intern [redacted]

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

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

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

Good Afternoon [redacted]

I need guidance with regards to my intent to issue either a Memorandum For the Record or a Formal Letter of Counseling with respect to unauthorized LWOP incurred by intern [redacted] for the pay period ending 1 December 2012. This member has been previously counseled by [redacted] Deputy Division Chief for taking unauthorized LWOP. During a 29 November 2012 meeting with [redacted] Division Chief, [redacted] member admitted that he "ran out" of regular leave due to Hurricane Sandy which had forced him to take leave he had intended to take on approved UFT travel to [redacted] He then asked [redacted] could approve LWOP on his behalf on the grounds of maintaining his "morale." [redacted] denied his request. Member was advised that his previous counseling and over 1 year experience with NSA precluded the granting of LWOP. He was further counseled to contact HR and attempt to secure "advance leave" to cover the 10.5 hours AWOL that will be reflected on his timesheet.

(b)(6)

V/r

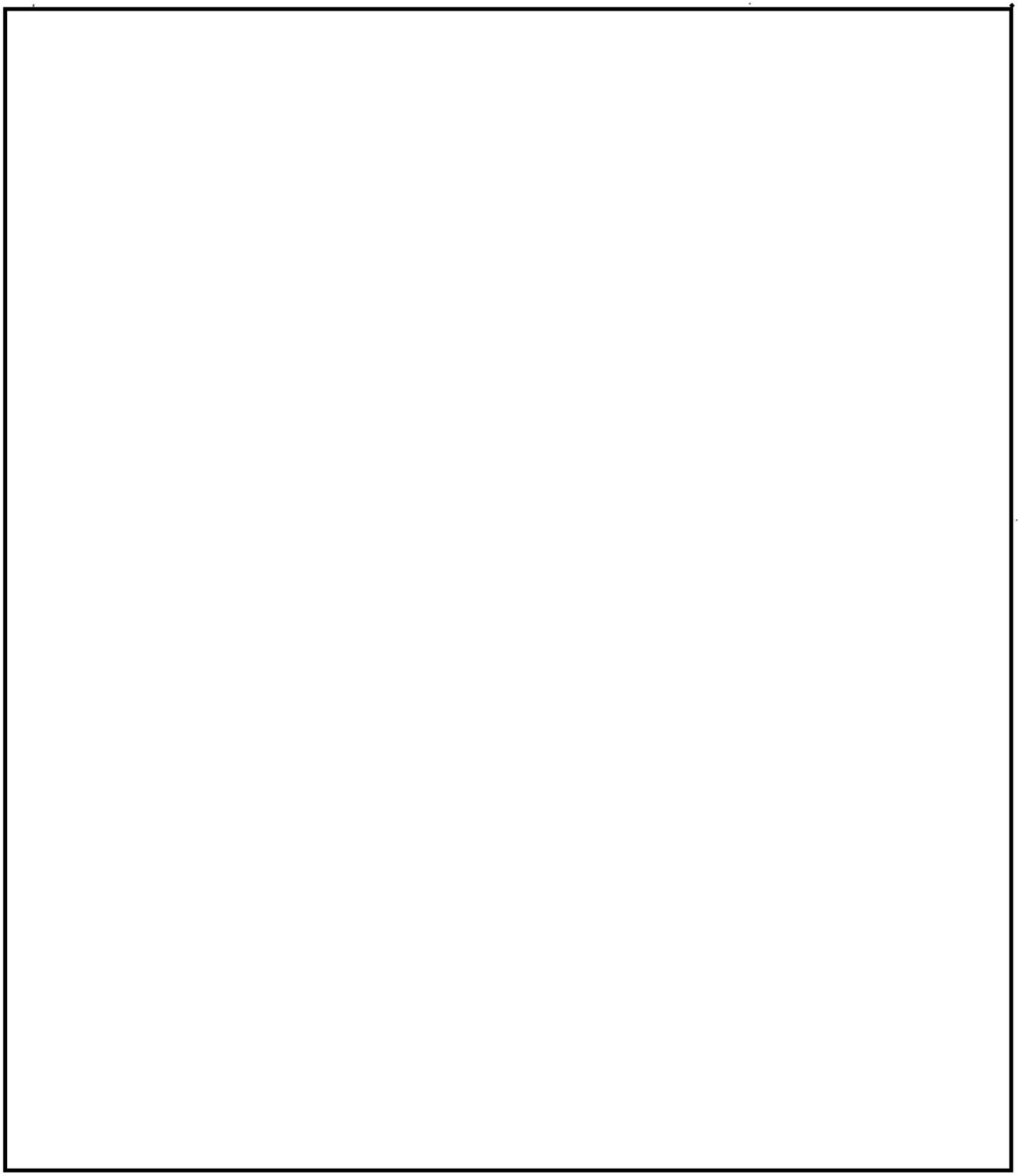
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Release 2022-7
NSA 20842

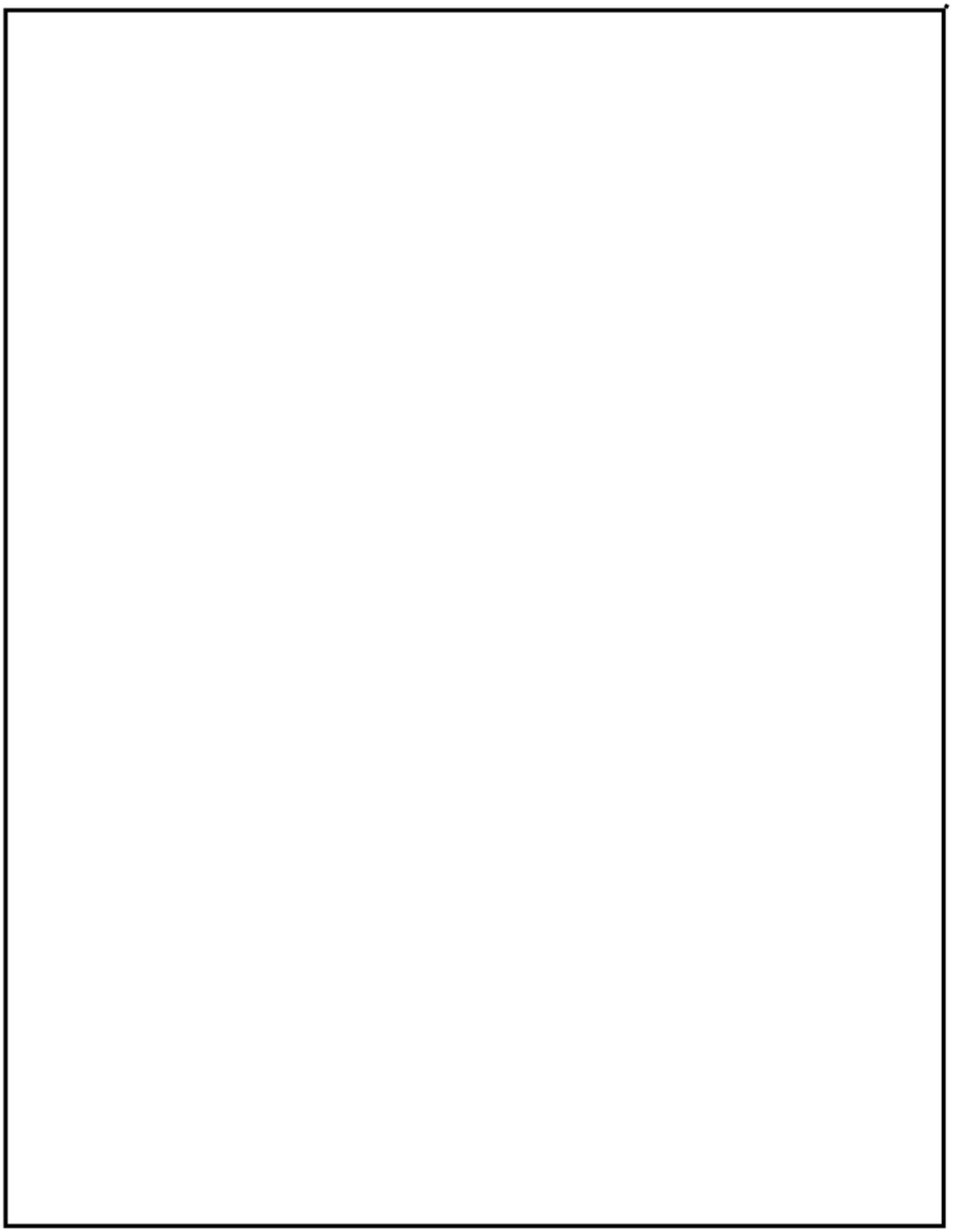
APPENDIX F2

(b) (1)
(b) (3)-P.L. 86-36
(b) (6)



Release 2022-7
NSA 20843

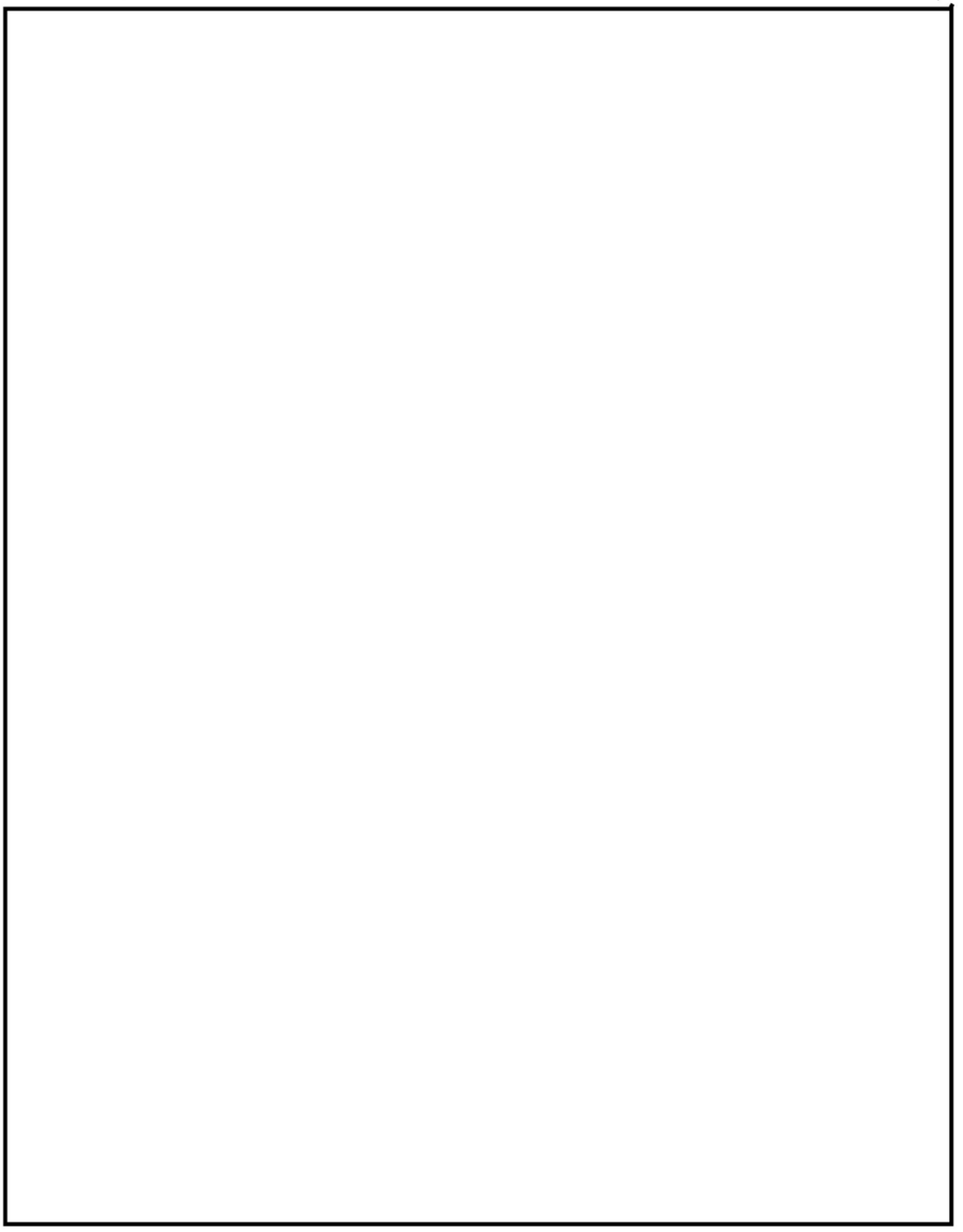
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(b) (3)-P.L. 86-36
(b) (6)



Release 2022-7
NSA 20844

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(b)(3)-P.L. 86-36
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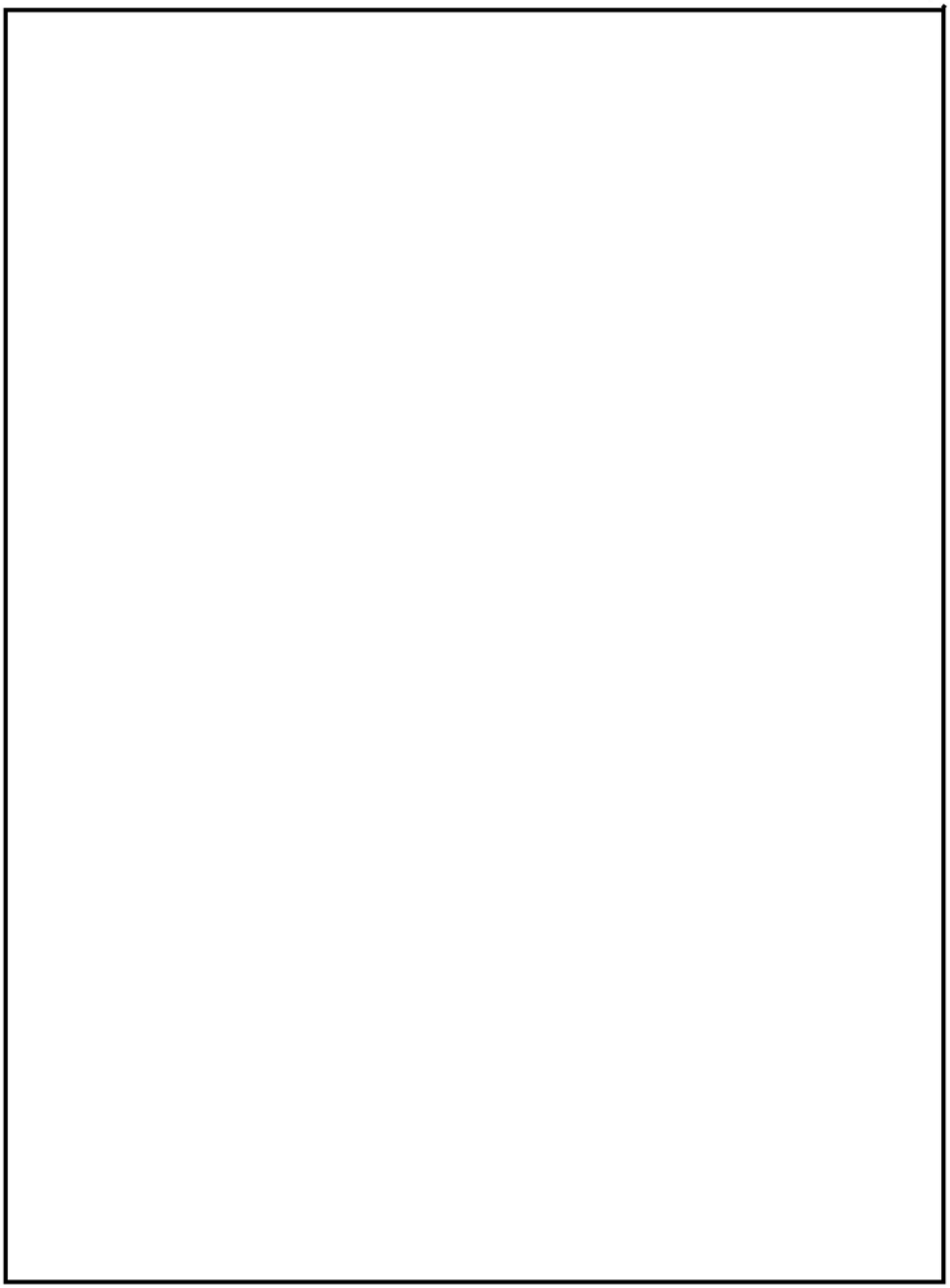
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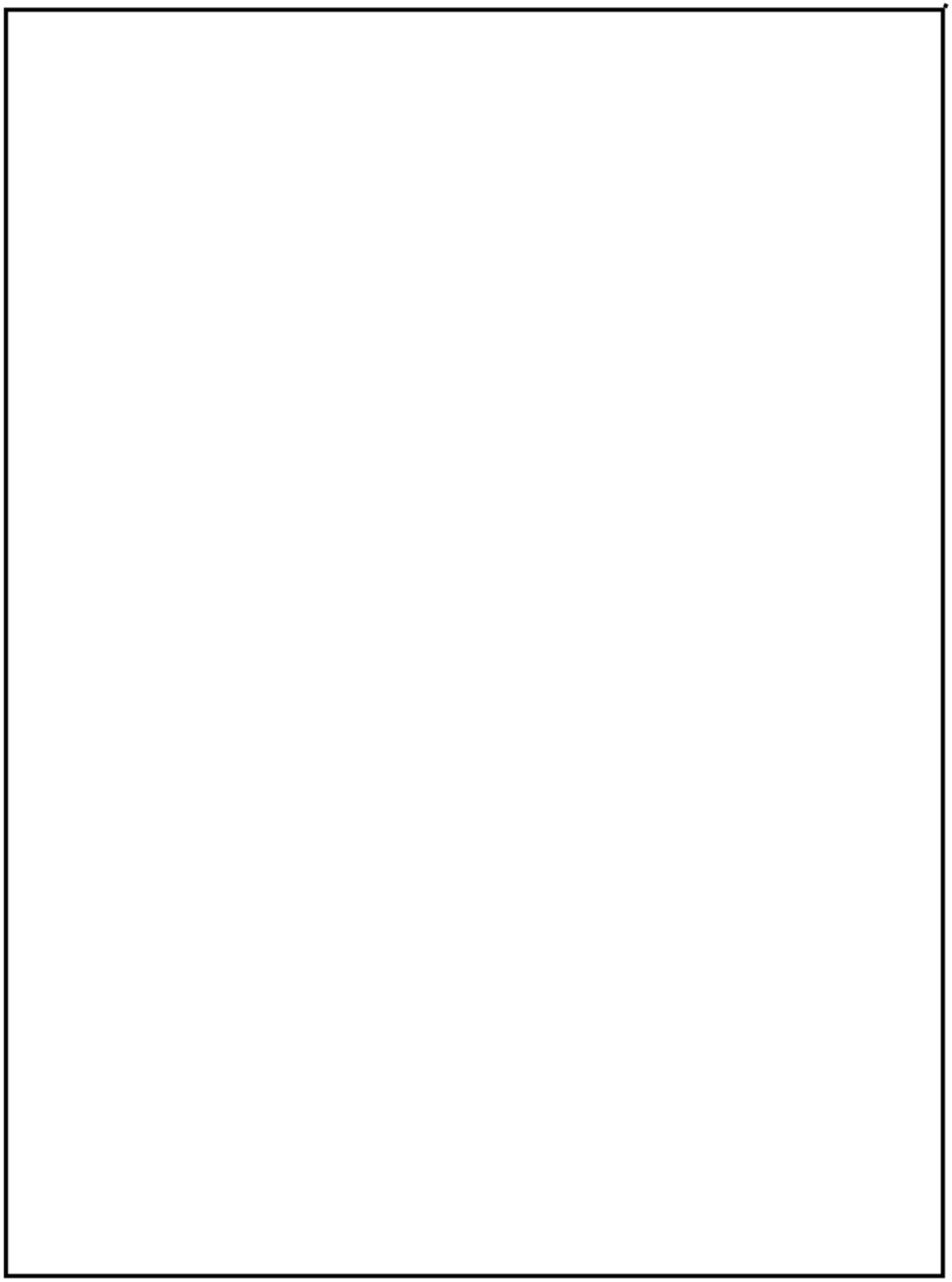
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(b)(3)-P.L. 86-36
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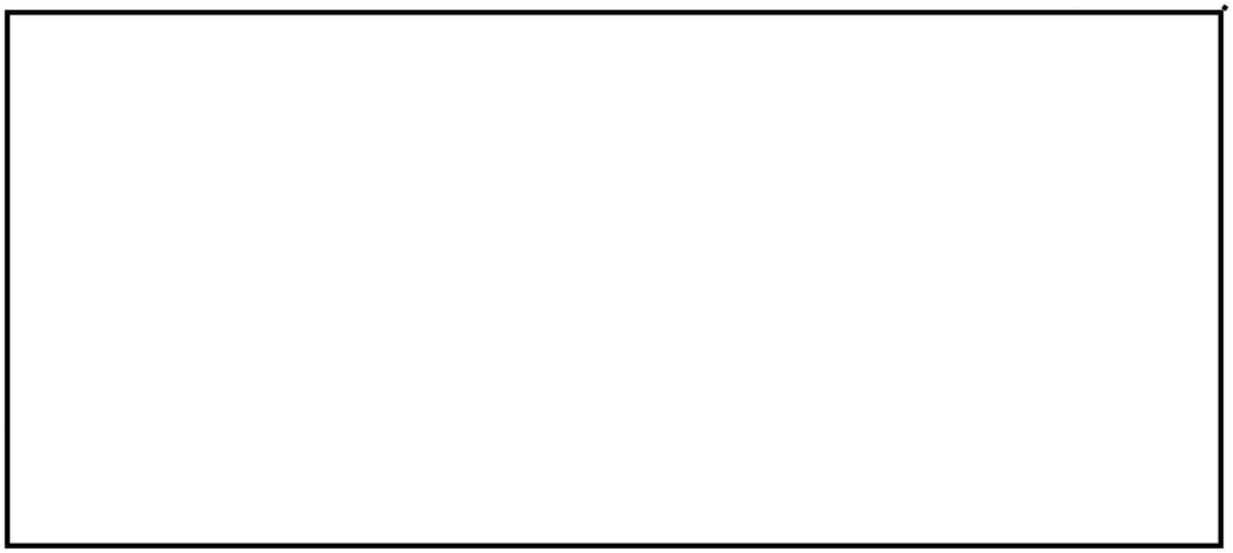
Release 2022-7
NSA 20846

(b) (1)
(b) (3)-P.L. 86-36
(b) (6)



Release 2022-7
NSA 20847

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



Release 2022-7
NSA 20848

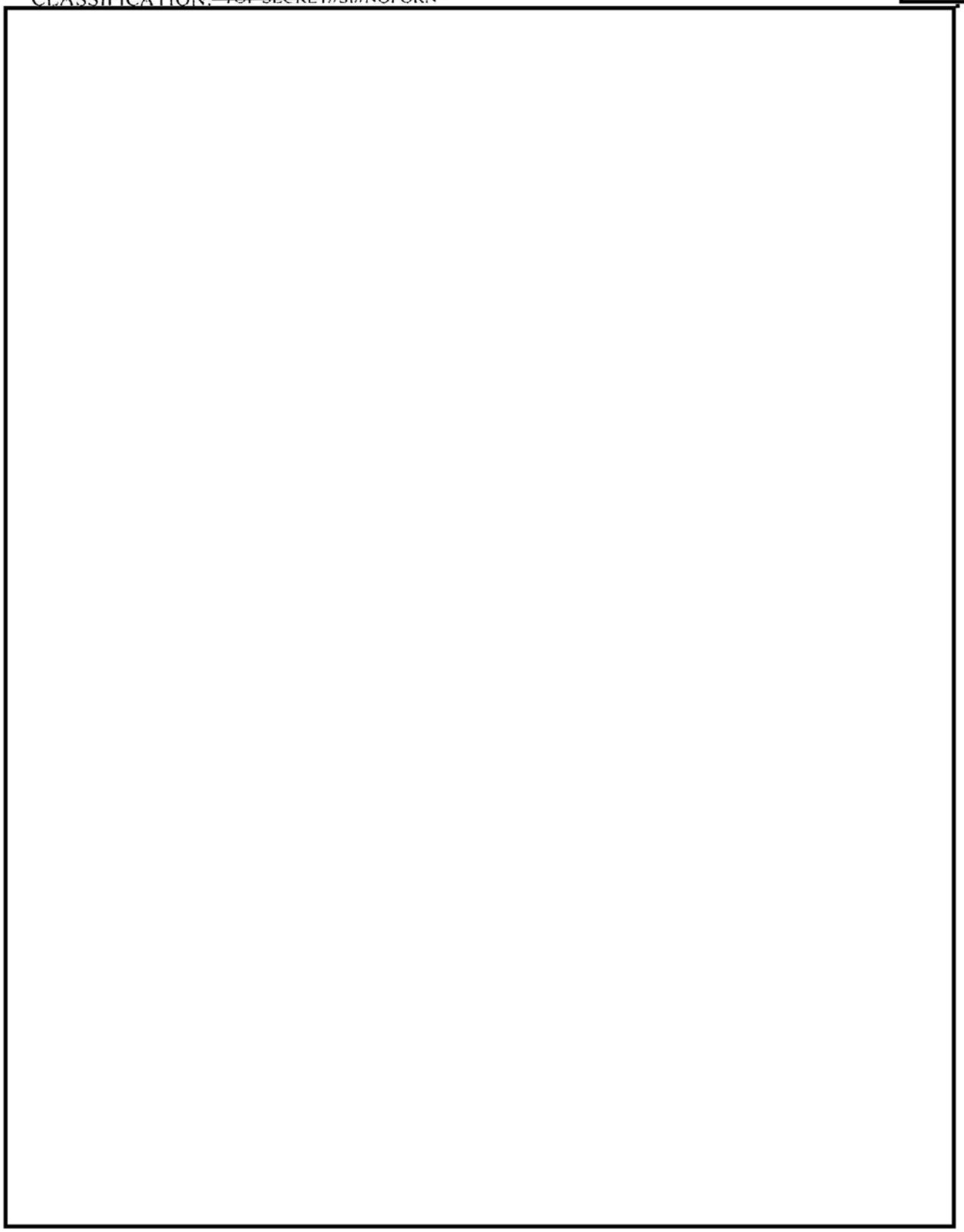
APPENDIX F3

(b) (1)
(b) (3)-P.L. 86-36
(b) (6)

* CLASSIFICATION: ~~TOP SECRET//SI//NOFORN~~

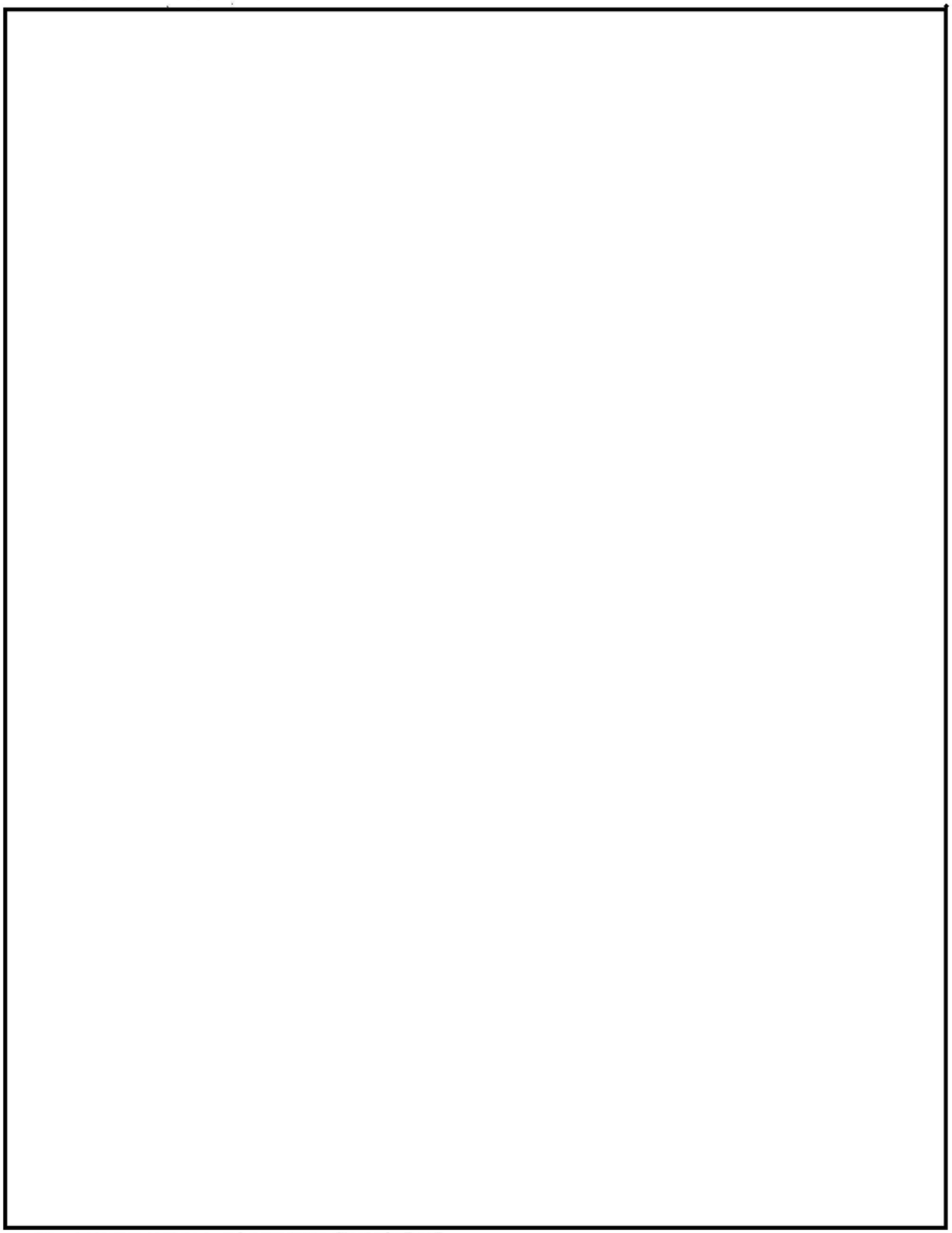
Release 2022-7
NSA 20849

(b) (1)
(b) (3)-P.L. 86-36
(b) (6)



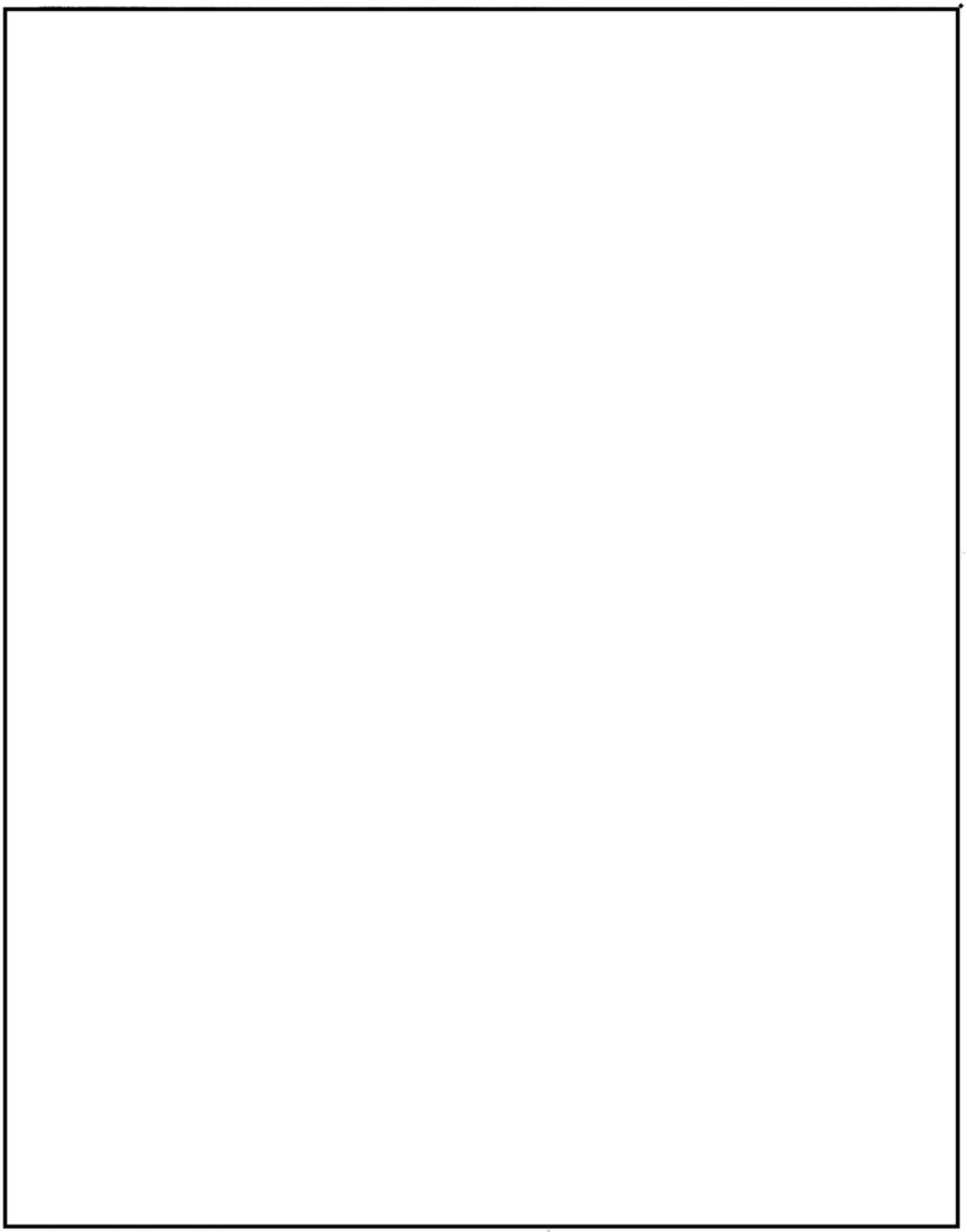
Release 2022-7
NSA 20850

(b)(1)
(b)(3)-P.L. 86-36
(b)(6)



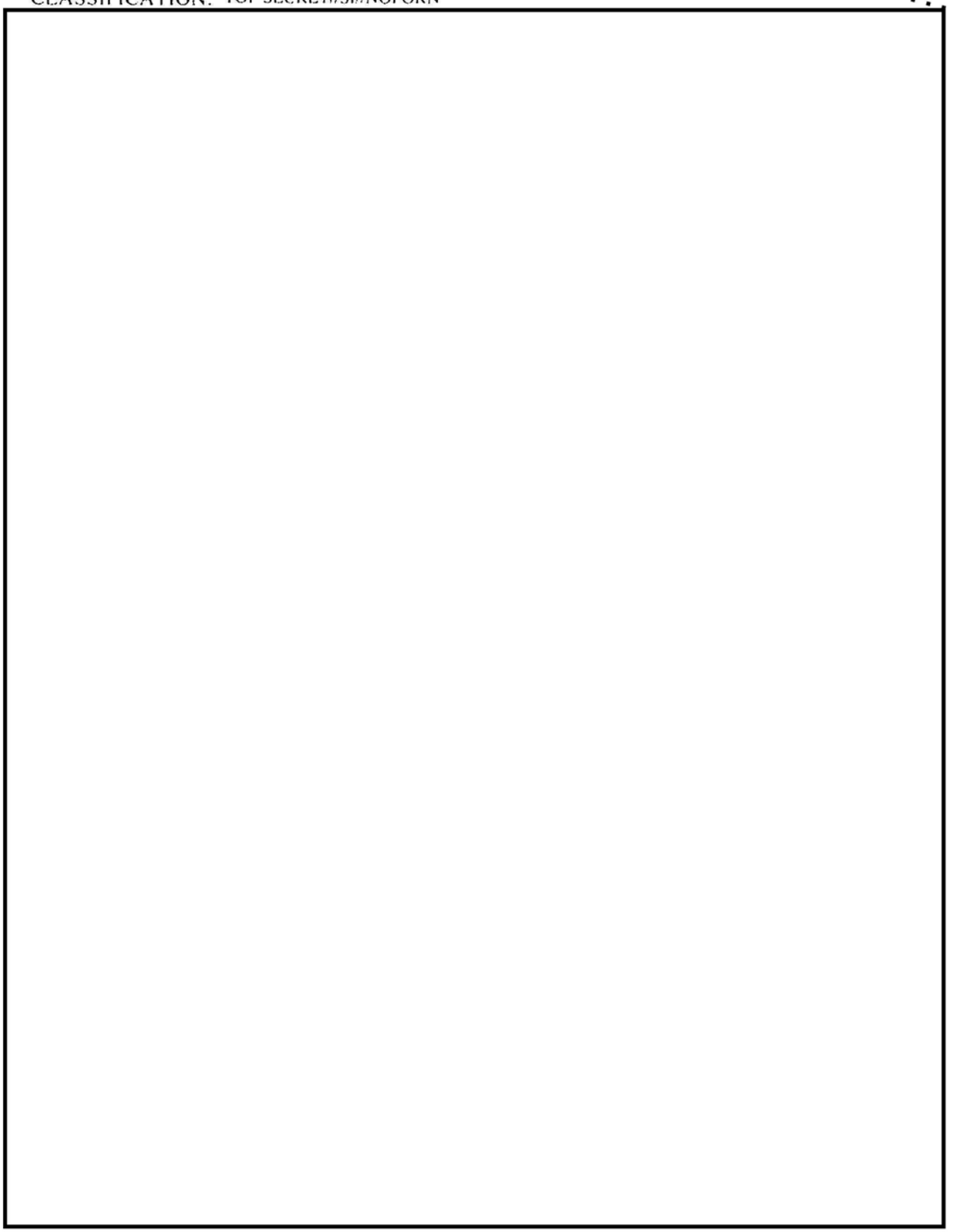
Release 2022-7
NSA 20851

(b)(1)
(b)(3)-P.L. 86-36
(b)(6)



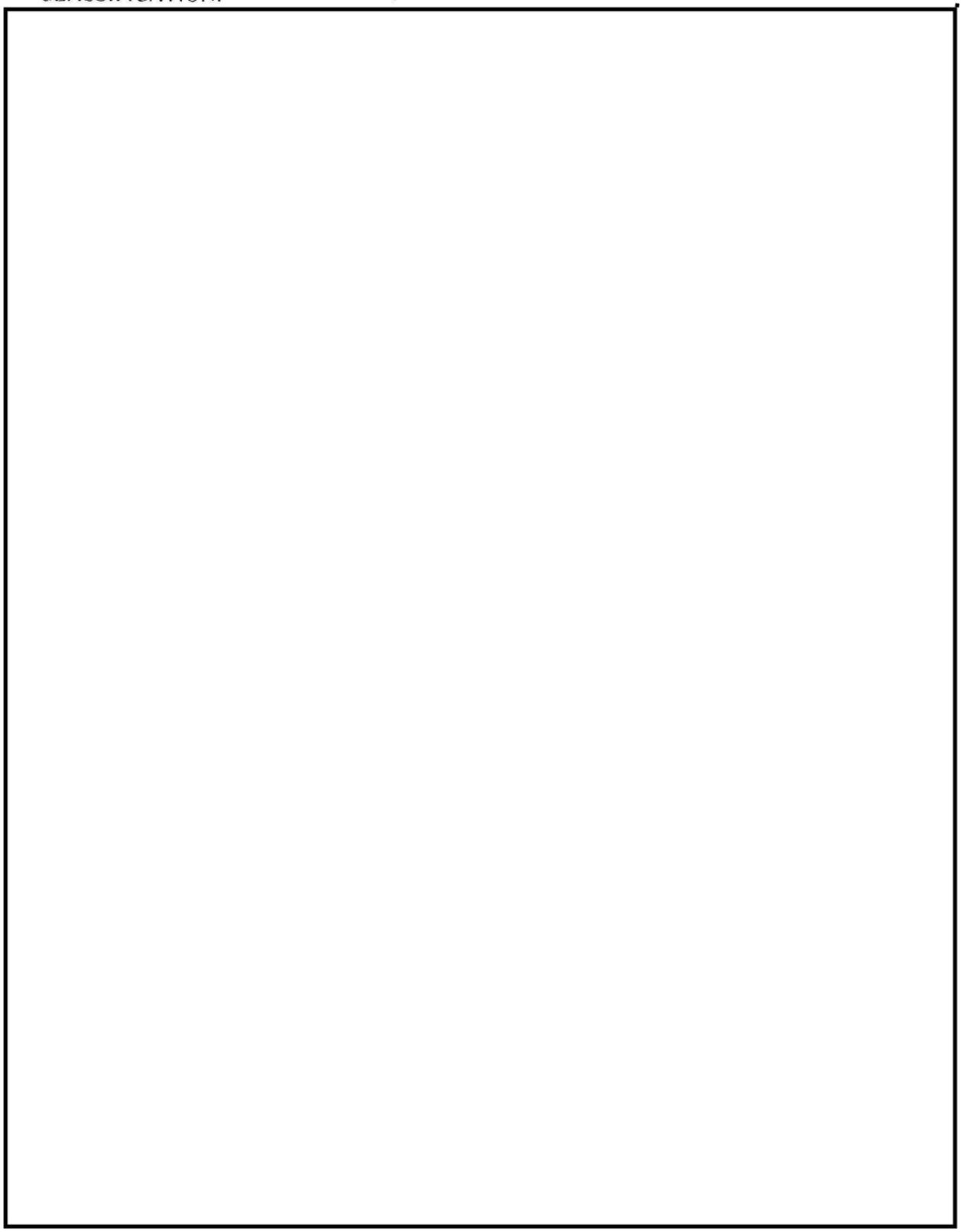
Release 2022-7
NSA 20852

(b)(1)
(b)(3)-P.L. 86-36
(b)(6)



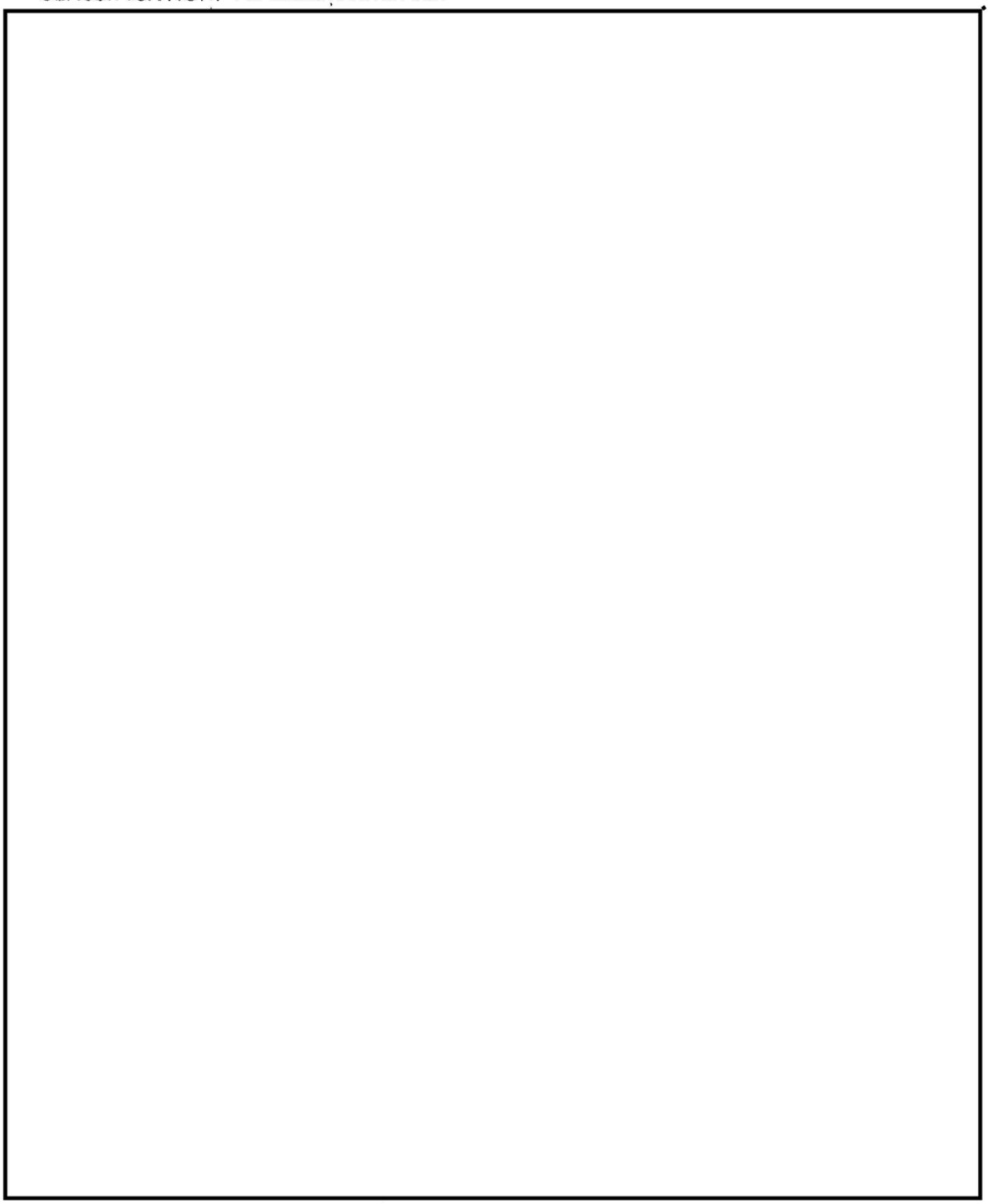
Release 2022-7
NSA 20853

(b) (1)
(b) (3)-P.L. 86-36
(b) (6)



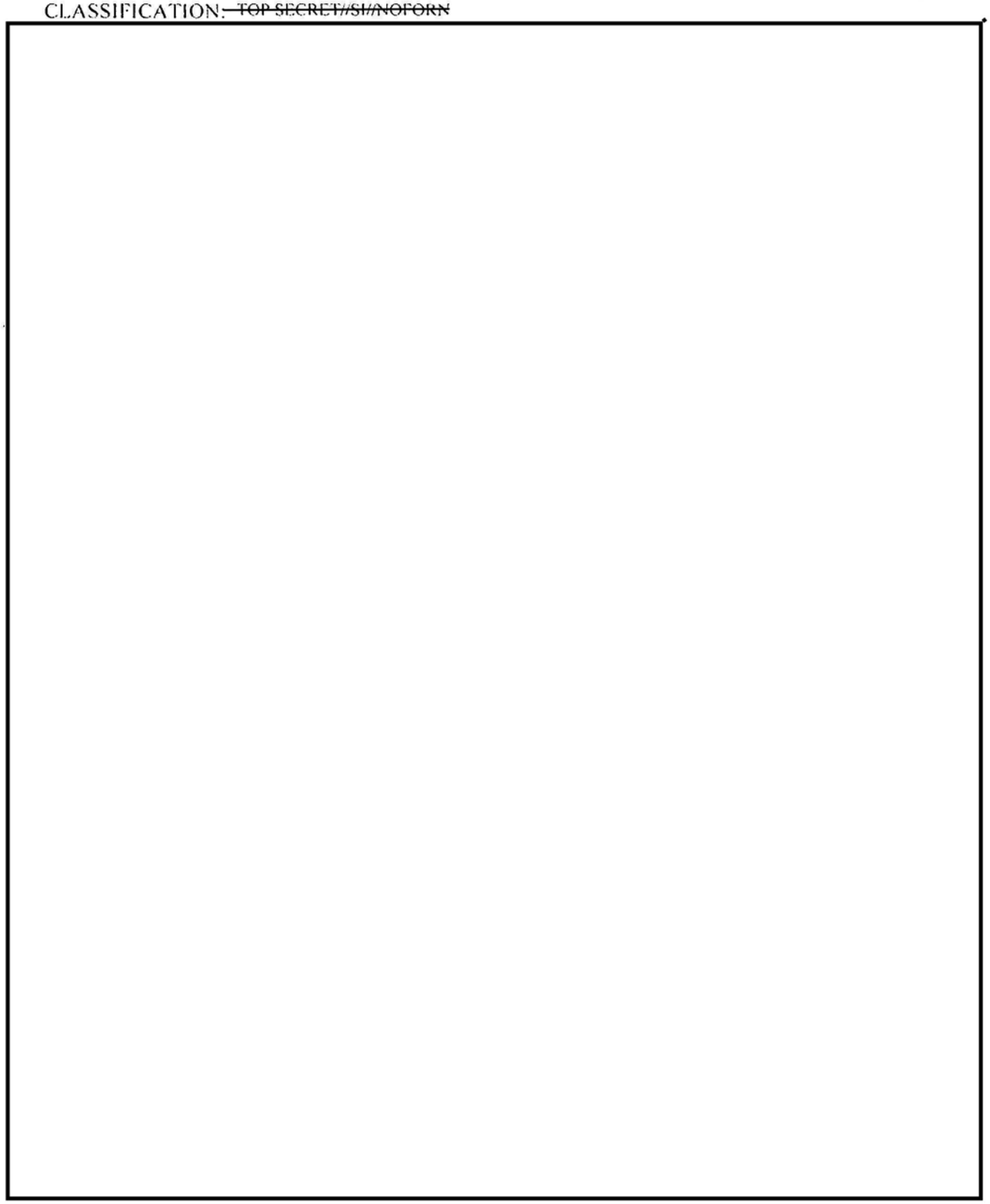
Release 2022-7
NSA 20854

(b) (1)
(b) (3)-P.L. 86-36
(b) (6)



Release 2022-7
NSA 20855

(b)(1)
(b)(3)-P.L. 86-36
(b)(6)



Release 2022-7
NSA 20856

APPENDIX F4

[redacted]

From: [redacted]
Sent: Thursday, April 16, 2015 9:19 AM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) OIG Investigation - follow-up question
Signed By: [redacted]

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

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

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

Hi [redacted]

Unfortunately, I cannot remember the specific reason behind why [redacted] believed that ACE could not be included in the PRP. Sorry, it was just too long ago.

V/r

[redacted]

(U//~~FOUO~~)

[redacted]

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

From: [redacted]
Sent: Thursday, April 16, 2015 3:09 PM
To: [redacted]
Subject: (U) OIG Investigation - follow-up question

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

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

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

Hello [redacted],

I know it has been quite a while since I spoke with you about the complaint [redacted] filed with the OIG, but I have a follow-up question.

First, some background….

F4

Release 2022-7
NSA 20857

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

(b) (6)

You may recall that we spoke about an ACE rating [redacted] received that was a 3.4—Successful for the rating period of [redacted] through 24 November 2011. This ACE should have been included in [redacted] PRP for the 2012 promotion review cycle, but it was not included. When we spoke, you could not remember why the ACE was not included but believed it should have been.

Before [redacted] departed for his military reserve duty, in an email dated 18 November 2011 he asked you to finalize his ACE and include it in his PRP. PRPs were due on 30 January 2012.

Even though the rating period ended on 24 November 2011, it was not signed by [redacted] until 27 January 2012, as the Reviewer, and by you until 28 January 2012 as the Rater.

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

I now have an email dated 26 January 2012 from [redacted] to you (Subject, "(U) Hi [redacted] – when you have a minute…") and in the email [redacted] told you to backdate the beginning date of the rating period to his actual EOD date (from [redacted] and that "technically he [redacted] can't include it (the ACE) in the folder (his PRP) and I can explain later."

MY QUESTION: If [redacted] followed-up with you after sending her email, do you recall [redacted] reasons why the ACE could not be included?

I'm wondering if she confused his **final ace rating** with being an interim or a closeout rating because in an email dated 17 January 2012 from [redacted] to a wide LADP distribution (Subject: "FW: (U) 2012 promotion process UPDATE!!"), [redacted] stated "***Interim evaluations*** or ***close-outs*** post-31 July 2011 are not permitted" to be included in a PRP.

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

I know this was a long time ago, but I'm hopeful that the emails I referenced might prompt your memory.

Thank you for your time and assistance.

[redacted]

(U//~~FOUO~~) [redacted]
Senior Investigator
NSA/CSS OIG, Office of Investigations, [redacted]
[redacted]

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

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

Release 2022-7
NSA 20858

APPENDIX G1

From:
To:
Subject: FW: (U) MLWOP Action -
Date: Tuesday, October 21, 2014 2:50:05 PM

MD1 HR Advisor
HR Employee Gateway

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

From:
Sent: Monday, June 11, 2012 4:25 PM
To:
Cc:
Subject: RE: (U) MLWOP Action

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

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

Hi

Thanks for below information. As we discussed, supports reemployment following his deployment for re-training with the Air Force. We are merely releasing him back to the LADP pool for timesheet accountability and for eventual reassignment to his next internship rotation as part of the LADP program. Please advise if further action is needed from or the LADP program principals.

V/r

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

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

From:
Sent: Monday, June 11, 2012 4:04 PM
To:
Cc:
Subject: RE: (U) MLWOP Action -

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

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

Hello [redacted],

[redacted] has been in contact with me and in accordance with 38 USC 4304 and 4312, an employee is entitled to reemployment following a period of uniformed service IF

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

- the employee has given advance written or verbal notice of uniformed service
- the cumulative length of uniformed service does not exceed five years after your first appointment as a federal employee
- he/she submits an application for reemployment within established time limits
  a) Employees who served less than 31 days must report back to work at the beginning of the next scheduled workday following their release from service
  b) Employees who served more than 30 days but less than 181 days must apply for reemployment within 14 days of release by the military
  c) Employees who served more than 180 days have 90 days to apply for reemployment
- he/she separated from uniformed service under honorable conditions

[redacted] has served more than 180 days and has requested the full 90 days to apply for reemployoment. He will be out on Civilian LWOP from 06/11/2012 – 09/07/2012. He will physically return to your office 09/10/2012. Civilian LWOP is coded with 'KA'. Please ensure that his timesheet is annotated with 'KA', Leave Without Pay, for the period specified: 06/11/2012 – 09/07/2012.

If you have any questions please let me know.

Thanks,

[redacted]

[redacted]
MD1 HR Advisor
HR Employee Gateway
[redacted]

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

From: [redacted]
Sent: Friday, November 18, 2011 12:22 PM
To: [redacted]
Cc: [redacted]
[redacted]
Subject: RE: (U) MLWOP Action - [redacted]

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

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

[redacted]

Thanks. We'll ensure that [redacted] timesheets are appropriately marked.

v/r

[redacted]

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

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

From: [redacted]
Sent: Friday, November 18, 2011 11:45 AM
To: [redacted]
Cc: [redacted]
Subject: FW: (U) MLWOP Action [redacted]

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

Hi [redacted] and [redacted]

My name is [redacted], I'm the HR Advisor for the LDP employees. Please see the email below regarding the Military Leave Without Pay for [redacted] I was just informed that [redacted] is no longer here. If you have any questions please let me know. I will be going on extended leave in the next week or so. [redacted] cc'd on this email will be supporting the LDP in my absence.

Thanks,

[redacted]

[redacted]
MD1 HR Advisor
HR Employee Gateway
[redacted]

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

From: [redacted]
Sent: Friday, November 18, 2011 11:14 AM
To: [redacted]
Cc:
Subject: FW: (U) MLWOP Action - [redacted]

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

Hello [redacted]

You are receiving this email because you are listed as the supervisor of [redacted] The action to process his military leave without pay is below. His orders have been sent to payroll.

Please ensure that his timesheet is coded with 'KG', Military LWOP, for the period specified (12/16/2011 – 6/9/2012).

If you have any questions or concerns please do not hesitate to contact me.

Thanks,

[redacted]

MD1 HR Advisor
HR Employee Gateway
[redacted]

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

From: [redacted]
Sent: Friday, November 18, 2011 11:05 AM
To: [redacted]
Cc:
Subject: (U) MLWOP Action [redacted]

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

Hi [redacted]

Please see the below request for Military LWOP. Individuals orders are attached as well as the acknowledgement of information for employees entering military active duty.

Name: [redacted]

SSN: [redacted]

ORG: [redacted]

(b) (6)

Orders: Attached (24 November 2011 – 9 June 2012)

MLWOP EFFECTIVE DATES: 12/16/2011 – 6/9/2012

LEAVE PLANS: Military Leave (LM): 11/25/2011 – 12/15/2011

(November 24, 2011 is a Holiday. He will receive the holiday pay)

Please let me know if you need any additional information.

Thank you,

[redacted]

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

[redacted]
MD1 HR Advisor
HR Employee Gateway
[redacted]

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

HR values your feedback. Please help us evaluate our customer service by completing a short survey on service provided by Human Resources. Click on the link below or type "go hr-survey" to access the survey.

[redacted]

PERSONNEL PRIVILEGED INFORMATION
Do not release without approval from DJP4
Do not further disseminate without approval from originator
THIS DOCUMENT MAY CONTAIN PRIVACY ACT (1974, AS AMENDED) INFORMATION WHICH MUST BE PROTECTED IAW NSA/CSS POLICY 1-34 OR REMOVED PRIOR TO FURTHER DISCLOSURE. THIS INFORMATION IS FOR OFFICIAL USE ONLY (FOUO)"

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

APPENDIX G2

From: [redacted]
To: [redacted]
Subject: FW: (U) MLWOP Action [redacted]
Date: Tuesday, October 21, 2014 2:53:47 PM

[redacted]
MD1 HR Advisor
HR Employee Gateway
[redacted]

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

From: [redacted]
Sent: Monday, August 27, 2012 11:23 AM
To: [redacted]
Cc: [redacted]
Subject: FW: (U) MLWOP Action - [redacted]

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

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

Good morning,

Just checking in to let you know that I have spoken with [redacted] this morning and he will be reporting to your office tomorrow. If you have any questions please let me know.

Thanks,

[redacted]
MD1 HR Advisor
HR Employee Gateway
[redacted]

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

From: [redacted]
Sent: Friday, August 10, 2012 2:26 PM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) MLWOP Action - [redacted]

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

Good afternoon,

[redacted] has contacted me to notify me that he will now be returning Tuesday, 28 August 2012.

I'll be in touch when the date gets closer.

If you have any questions please let me know.

Thanks,

[redacted]

[redacted]
MD1 HR Advisor
HR Employee Gateway
[redacted]

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

From: [redacted]
Sent: Monday, June 11, 2012 4:04 PM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) MLWOP Action - [redacted]

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

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

Hello [redacted],

[redacted] has been in contact with me and in accordance with 38.USC 4304 and 4312, an employee is entitled to reemployment following a period of uniformed service IF

- the employee has given advance written or verbal notice of uniformed service
- the cumulative length of uniformed service does not exceed five years after your first appointment as a federal employee
- he/she submits an application for reemployment within established time limits
  a) Employees who served less than 31 days must report back to work at the beginning of the next scheduled workday following their release from service
  b) Employees who served more than 30 days but less than 181 days must apply for reemployment within 14 days of release by the military
  c) Employees who served more than 180 days have 90 days to apply for reemployment
- he/she separated from uniformed service under honorable conditions

[redacted] has served more than 180 days and has requested the full 90 days to apply for reemployoment. He will be out on Civilian LWOP from 06/11/2012 – 09/07/2012. He will physically return to your office 09/10/2012. Civilian LWOP is coded with 'KA'. Please ensure that his timesheet is annotated with 'KA', Leave Without Pay, for the period specified: 06/11/2012 – 09/07/2012.

If you have any questions please let me know.

Thanks,

APPENDIX G3
See Attachment email
"Reservist Resources"

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

From: [redacted]
To:
Subject: RE: (U) OIG Request for documentation
Date: Tuesday, October 21, 2014 2:36:12 PM
Attachments: RE (U) Reservist Resources (15.5 KB).msg
RE (U) MLWOP Action [redacted] (41.6 KB).msg
(U) Reservist Resources (8.39 KB).msg

Hi [redacted]

The emails attached specifically address promotion.

Since 2011, (I believe this practice was started in 2012) we now provide supervisors of Reservists beginning periods of MLWOP (Military Leave Without Pay) with a document called "Supervisor Checklist for a Military Reservist". This checklist is provided to supervisors as their Reservist employee departs for MLWOP. That checklist can be found on the 'go reservists' site.

I will send any additional emails I can find separately.

If you have any questions please let me know.

Thank you,

[redacted]
MD1 HR Advisor
HR Employee Gateway
[redacted]

From: [redacted]
Sent: Tuesday, October 21, 2014 2:00 PM
To: [redacted]
Subject: RE: (U) OIG Request for documentation

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

Hi [redacted]

I will gather what I have and send to you shortly.

Sorry for the delay. I was on out of the office last Thursday and Friday.

Thanks,

[redacted]
MD1 HR Advisor
HR Employee Gateway
[redacted]

APPENDIX G4

From: [redacted]
To:
Subject: FW: (U) MLWOP Action [redacted]
Date: Tuesday, October 21, 2014 2:51:44 PM

[redacted]
MD1 HR Advisor
HR Employee Gateway
[redacted]

From: [redacted]
Sent: Monday, June 25, 2012 11:36 AM
To: [redacted]
Subject: FW: (U) MLWOP Action [redacted]

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

Hello [redacted]

Just FYI below.

Thanks,

[redacted]

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

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

[redacted]
MD1 HR Advisor
HR Employee Gateway
[redacted]

From: [redacted]
Sent: Monday, June 25, 2012 11:19 AM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) MLWOP Action [redacted]

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

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

Hi [redacted]

I was just contacted by Payroll that [redacted] timesheet for last pay period was not submitted correctly. [redacted] is now out on civilian LWOP and his timesheet should be coded with 'KA':

Civilian LWOP is coded with 'KA'. Please ensure that his timesheet is annotated with 'KA', Leave Without Pay, for the period specified: 06/11/2012 – 09/07/2012.

If you have any questions please let me know.

Thanks,

[redacted]

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

[redacted]
MD1 HR Advisor
HR Employee Gateway

[redacted]

From: [redacted]
Sent: Monday, June 11, 2012 4:04 PM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) MLWOP Action - [redacted]

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

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

Hello [redacted]

[redacted] has been in contact with me and in accordance with 38 USC 4304 and 4312, an employee is entitled to reemployment following a period of uniformed service IF

- the employee has given advance written or verbal notice of uniformed service
- the cumulative length of uniformed service does not exceed five years after your first appointment as a federal employee
- he/she submits an application for reemployment within established time limits
  a) Employees who served less than 31 days must report back to work at the beginning of the next scheduled workday following their release from service
  b) Employees who served more than 30 days but less than 181 days must apply for reemployment within 14 days of release by the military
  c) Employees who served more than 180 days have 90 days to apply for reemployment
- he/she separated from uniformed service under honorable conditions

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

[redacted] has served more than 180 days and has requested the full 90 days to apply for reemployoment. He will be out on Civilian LWOP from 06/11/2012 – 09/07/2012. He will physically return to your office 09/10/2012. Civilian LWOP is coded with 'KA'. Please ensure that his timesheet is annotated with 'KA', Leave Without Pay, for the period specified: 06/11/2012 – 09/07/2012.

If you have any questions please let me know.

APPENDIX H1

[redacted]

From: [redacted]
Sent: Wednesday, March 30, 2011 8:37 AM
To:
Cc: [redacted]

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

Subject: (U//~~FOUO~~) APPROVAL for hire: [redacted]
Categories: Purple Category/New Hire Info

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

[redacted]

S2 approves for hire:

[redacted] NSAW / LDP
Grade – 9
**concur with GG-9

[redacted] [redacted] NSAW / LDP [redacted]
Grade-7
**concur with GG-7

(b) (6)

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

n.b. Please try to schedule [redacted] for an EOD of [redacted] He will join [redacted] and [redacted] for [redacted] training.

1 Aug [redacted] training

[redacted]

[redacted]

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

Release 2022-7
NSA 20869

[redacted]

From: [redacted]
Sent: Wednesday, May 04, 2011 12:41 PM
To: [redacted]
Cc: [redacted]

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

Subject: (U) New Language Hire [redacted] EOD [redacted]
Categories: Purple Category/New Hire Info

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

[redacted] is scheduled to EOD on [redacted]. The NEO Team will be setting up your new hire's computer account. You will need to ensure appropriate accesses for your office are set up. You will be responsible for the new hire's timesheet.

(b) (6)

Full Name: [redacted]
SSN: [redacted]

S2 has been working on getting new LA and IA hires into cohort training immediately upon their arrival at NSA. They would begin with new employee orientation, followed by mandatory training, SID orientation, and A&P Bootcamp before arriving in the Product Line. You will receive a copy of the Cohort Welcome Letter with your new hire's specific schedule.

Please submit an initiate FLIP form to the FLIP Admin if your new hire is eligible for FLIP (achieved level-3 or higher and working the language regularly as an integral part of their official job duties).

[redacted]

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

If you have any questions, please contact the appropriate Associate Director.

Thanks!

[redacted]

[redacted]

Language Analysis Skill Community (LASC) Programs Specialist
Office of the NSA/CSS Senior Language Authority (SLA)

[redacted]

Release 2022-7
NSA 20870

APPENDIX H2

From: [redacted]
Sent: Tuesday, October 25, 2011 1:58 PM
To: [redacted]
Subject: (U) [redacted]

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

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

Hi, [redacted]

I just got pulled aside by the DCoS to talk about [redacted] Apparently, everyone here is confused as to why he left class (ran out of leave, sick mom, military, etc ?).

Also, he used FMLA/LWOP on his time sheet without permission, and now it has to be redone. Division is frustrated, to say the least.

I mentioned to [redacted] that you spoke to him last week after learning that he was out of class. [redacted] would like to have a meeting with you [redacted] and [redacted] (or CoS) and maybe more.

What do you think ?

[redacted]

p.s

[redacted]

(U//~~FOUO~~)

Derived From: NSA/CSSM 1-52

Dated: 20070108

Declassify On: 20361001

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

Attachment 1

Release 2022-7
NSA 20871

APPENDIX H3

[redacted]

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

From: [redacted]
Sent: Monday, November 21, 2011 3:06 PM
To: [redacted]
Subject: RE: (U) [redacted] NG training and plans for when her returns.

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

[redacted]

Thanks for all your help and assistance. I am fine working with [redacted], I am glad to help out with any mission as necessary. I will e-mail or call you when my TDY is nearing its end.

Thanks,

[redacted]

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

From: [redacted]
Sent: Monday, November 21, 2011 1:03 PM
To: [redacted]
Subject: FW: (U) [redacted] NG training and plans for when her returns.
Importance: High

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

[redacted]

I'm not sure how you truly feel about the brief amount of time you worked in [redacted] but please remember that while March 2013 seems a long way off you'll be back from NG training and the end of your [redacted] tour will be here before you know it. You'll then move on to another office/tour. First tours are typically 12 months long, as I said in the below email. Subsequent tours are usually six months long. Offices, targets, missions and managers vary greatly from one organization to another and you may find that you enjoy one tour much more than another. So please keep that in mind when you're making plans for the future.

Keep in touch if you can. I have an LLC account that I use to keep in contact with the students in long-term training. You can reach me using that account if you need to –

[redacted]

[redacted]

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

Release 2022-7
NSA 20872

APPENDIX H4

~~UNFOUO~~

[redacted]

From: [redacted]
Sent: Monday, November 21, 2011 12:54 PM
To: [redacted]
Cc: [redacted]
Subject: (U) [redacted] NG training and plans for when her returns.
Importance: High

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

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

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

Good afternoon all,

[redacted] and I spoke this morning about his NG training and a plan for when he returns to NSA.

To sum up –
[redacted] EODed in [redacted] and worked in [redacted] from May (in between attending cohort classes) through July.
He then began [redacted] training on 1 August but was withdrawn from the class in mid-October and returned to [redacted].
According to the above [redacted] spent approximately four months working in [redacted] give or take a couple of weeks due to attending cohort training and taking leave.

(b)(6)

First tours for LDPers are typically 12 months long so when [redacted] returns from his training in June 2012 he will go back to [redacted] and remain there until approximately early March 2013. That will be eight months added to the four he has already worked.

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

I told [redacted] we'll see how he does when he returns after being away from working with the language for six months. If it seems like he would benefit from some refresher training we will enroll him in a few [redacted] classes as necessary.

Let me know if you have any questions.

Thanks,
[redacted]

~~UNFOUO~~

[redacted]

H-4

Release 2022-7
NSA 20873

APPENDIX H5

From:
Sent: Wednesday, November 30, 2011 11:39 AM
To:
Subject: FW: (U) grading question

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

– you might already know this but the Massachusetts NG sent to Mississippi for training into a new MOS. He's there for six months so when he returns he's going back to for about eight months.
He took the and scored a 2+/2.
The school never told us that they withdrew him from class and never told us.
The school did let management know but they didn't let me know until early November.
I'll have to keep better tabs on him when he gets back.

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

U//~~FOUO~~

From:
Sent: Wednesday, November 30, 2011 11:37 AM
To:
Subject: RE: (U) grading question

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

I agree with should be a withdraw and not be graded or given any credit for the time he did spend in class.

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

U//~~FOUO~~

From:
Sent: Tuesday, November 29, 2011 10:20 AM
To:
Cc:
Subject: RE: (U) grading question

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

Release 2022-7
NSA 20874

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

I guess [redacted] needs to be withdrawn and not graded, though I'm cc'ing [redacted] because she might also have some thoughts on this as well. Technically he wasn't showing up for class, and once he reached a point where he'd missed more than 20% of the class, he was kicked out. So maybe his record needs to reflect Withdraw – FAIL. (I'd actually prefer that route, so there's documentation. His job was to go to class, and he failed to do his job. I don't know all the back story, though, so maybe [redacted] thinks this should be handled a different way).
Regarding [redacted] it's weird that he never got registered but [redacted] did. They both started the class late.. [redacted] even later than [redacted]. because we couldn't get them EOD'd in time to start with the others. But [redacted] should definitely get credit for the weeks he spend there.
Does that help at all? [redacted]

[redacted]

Pls send large attachments to my dropbox:

[redacted]

From: [redacted]
Sent: Tuesday, November 29, 2011 8:23 AM
To: [redacted]
Subject: FW: (U) grading question
Importance: High

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

[redacted]

Can you shed any light on this?
Thanks

[redacted]

From: [redacted]
Sent: Wednesday, November 23, 2011 12:36 PM
To: [redacted]
Cc: [redacted]
Subject: (U) grading question
Importance: High

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

Hello [redacted]

I received a grade report from the LLC about an [redacted] There are 5 students on the grade sheet, and they are;

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

Release 2022-7
NSA 20875

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

[redacted] indicates [redacted] attended the course. However, [redacted] dropped from the class on 11 October. With [redacted] dropping from the class early, what grade shall I give him in ELM?

Also, [redacted] stated [redacted] started the class on 15 August, but I do not have him as enrolled. I can certainly do this and grade him accordingly. This was about the timeframe where I was granted my access to ELM and taking over the classes.

Thank you and have a wonderful Thanksgiving!

[redacted]

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

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

Release 2022-7
NSA 20876

APPENDIX H6

[redacted]

From: [redacted]
Sent: ✓ Friday, January 27, 2012 11:07 AM
To: [redacted]
Cc: [redacted]
Subject: (U) ACE/EPA ICO [redacted]
Attachments: [redacted]
Categories: Yellow Category/ACEs Promotions & Awards

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

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

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

[redacted]

[redacted] ACE on it way to you...note changes n 12 a) accounting for his absences from the work center. Also attaching his "Recommended" EPA. I know I said I wasn't recommending him at first, however, upon discussing with his language lead and others who had observed his performance, [redacted] is performing at the GG-9 level. Let me know if I should make anymore changes. Thanks!

[redacted]

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

Release 2022-7
NSA 20877

[redacted]

From: [redacted]
Sent: Friday, January 27, 2012 9:50 AM
To: [redacted]
Subject: RE: (U) Hi [redacted] when you have a minute...
Categories: Yellow Category/ACEs Promotions & Awards

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

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

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Hi [redacted]
Okay – [redacted] ACE is back to you.
One more thing, can you make sure to change the overall classification to (TS//SI//REL TO USA, FVEY).
Thanks, again!
[redacted]

Enter ratings and comments for each section in this evaluation, if applicable. Save entries made on the evaluation by selecting the Save button.

Return to Performance Docu

*Classification: UNCLASSIFIED

Section 1 - Objectives

U//~~FOUO~~

[redacted]

From: [redacted]
Sent: Friday, January 27, 2012 6:11 AM
To: [redacted]
Subject: RE: (U) Hi [redacted] when you have a minute...

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

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

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

Hi [redacted]
I'm in..only have one VTC to attend today at 1 pm. Call me any time until then..

Release 2022-7
NSA 20878

r/

[redacted]

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

From: [redacted]
Sent: Thursday, January 26, 2012 3:25 PM
To: [redacted]
Subject: (U) Hi [redacted] when you have a minute...

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

Hi [redacted]

I know you're out today but when you return and have a few minutes can we discuss [redacted] ACE? I know you probably thought we were finished with this but I just realized a few things.
It's nothing major – we don't have to straighten this out in time to get it in his promotion folder because technically he can't include it in the folder and I can explain later – but we need to backdate the ACE to his hire date [redacted] and say something about his being in class for however long he was in class. I just want to make sure we document everything so there's no possibility of a problem arising later on.

(b)(6)

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

Thanks,

[redacted]

[redacted]

U//~~FOUO~~

[redacted]

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

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

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

Release 2022-7
NSA 20879

APPENDIX H7

From:
To:
Subject: RE: (U) ACE Question -- RE: (U) OIG Investigation - scheduling of interview
Date: Tuesday, April 07, 2015 4:07:06 PM

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

Hello

I'm sorry, I don't recall why sent out the 17 January 2012 message to which you referred. I also do not recall why I emailed on 26 January 2012 and stated "technically he [ ] can't include it (the ACE) in the folder (his PRP) and I can explain later." If my memory serves me, any follow up to that email was via telephone.

The above may have been in reference to email, but again I do not remember why that guidance was sent out.

I do know that, despite email, had a rated ACE dated 11/24/2011, covering the time he began his first tour until the time he left for his deployment. This was the ACE that was included in his PRP.

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

(U//~~FOUO~~)

From:
Sent: Tuesday, April 07, 2015 2:00 PM
To:
Subject: (U) ACE Question -- RE: (U) OIG Investigation - scheduling of interview

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

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

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

Hi

I have another question…

(b) (6)

When we met, we discussed that when I obtained [redacted] PRP for the 2012 promotion cycle from archived records, it did not contain his 2011 final rating of record/ACE (the rating period was [redacted] – 24 Nov 2011).

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

In an email dated 26 January 2012 from you to [redacted] (Subject, "(U) Hi [redacted] – when you have a minute…"), you stated that "technically he [redacted] can't include it (the ACE) in the folder (his PRP) and I can explain later."

Why did you think the ACE could not be included in [redacted] PRP?

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

Background info:

- The ACE, which was a ***final rating of record*** for 2011, was signed by you on 27 January 2012 as the Reviewer and by [redacted] on 28 January 2012 as the Rater. PRPs were due on 30 January.
- Before [redacted] departed for his military reserve duty, he asked you and [redacted] in an email dated 18 November 2011 to finalize his ACE and include it in his PRP.
- When you and I met, you said the ACE <u>should have been</u> included in his PRP (which obviously conflicts with your statement to [redacted] in the email) and that maybe the ACE was lost or somehow separated from the PRP when the PRPs were collected for archiving.
- In an email dated 17 January 2012 from [redacted] to a wide distribution (Subject: "FW: (U) 2012 promotion process UPDATE!!"), [redacted] stated "***Interim evaluations*** or ***close-outs*** post-31 July 2011 are not permitted" to be included in a PRP. (Again, [redacted] ACE was a **final rating of record**).

If you would rather just discuss on the phone, please give me a call.

Please respond to this email and my email from 6 April (included below), no later than 14 April, if possible. If not possible, please let me know.

Thank you,

[redacted]

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

(U//~~FOUO~~) [redacted]
Senior Investigator
NSA/CSS OIG, Office of Investigations
[redacted]

From: [redacted]
Sent: Monday, April 06, 2015 4:19 PM
To: [redacted]
Subject: (U) Follow-up RE: (U) OIG Investigation - scheduling of interview

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

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

Hello [redacted]

I'm closing up the loose ends on the OIG investigation regarding [redacted] When we met, you said you had visited the Armed Forces Office for guidance regarding [redacted] military reserve duty. When we met, you could not remember the name of the person you spoke to in the Armed Forces Office but said you probably had some emails and you would check and let me know.

Would please check your emails and let me know who it was that provided the guidance to you, I would greatly appreciate it. This would have been late 2011. He began his military reserve duty on 28 Nov 11.

Thank you,

[redacted]

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

From: [redacted]
Sent: Thursday, January 29, 2015 9:31 AM
To: [redacted]
Subject: RE: (U) OIG Investigation - scheduling of interview

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

Sure can – I'll see you then.

[redacted]

(U//~~FOUO~~)

[redacted]

From: [redacted]
Sent: Thursday, January 29, 2015 9:06 AM
To: [redacted]
Subject: RE: (U) OIG Investigation - scheduling of interview

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

Hi [redacted]

Would you mind coming to my office, please? I'm in [redacted]

[redacted]

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

From: [redacted]
Sent: Wednesday, January 28, 2015 4:55 PM
To: [redacted]
Subject: RE: (U) OIG Investigation - scheduling of interview

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

Hi again [redacted]
I apologize if this info was in your email but where will we be meeting?

[redacted]

(U//~~FOUO~~)

[redacted]

From: [redacted]
Sent: Wednesday, January 28, 2015 3:57 PM
To: [redacted]
Subject: RE: (U) OIG Investigation - scheduling of interview

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

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

Great. I'll see you Friday 1/30 at noon.
Thank you again for your time and assistance.

From: [redacted]
Sent: Wednesday, January 28, 2015 3:57 PM
To: [redacted]
Subject: RE: (U) OIG Investigation - scheduling of interview

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

Noon on Friday is fine, if that works for you...

(U//~~FOUO~~)

[redacted]

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

From: [redacted]
Sent: Wednesday, January 28, 2015 3:54 PM
To: [redacted]
Subject: RE: (U) OIG Investigation - scheduling of interview

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

I have an interview scheduled at that time. I could do Friday at 1200. Other than that, I would have to move it to next week.

From: [redacted]
Sent: Wednesday, January 28, 2015 3:52 PM
To: [redacted]
Subject: RE: (U) OIG Investigation - scheduling of interview

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

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

Hello [redacted]

How about 1000 this Friday?

[redacted]

(U//~~FOUO~~)

[redacted]

From: [redacted]
Sent: Wednesday, January 28, 2015 3:41 PM
To: [redacted]
Subject: (U) OIG Investigation - scheduling of interview

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

[redacted],

I would like to schedule your interview next week.

Please let me know a day and time (1 hour) when you are available.
Tomorrow at 0930 no longer works for me.

Thank you,

[redacted]

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

From: [redacted]
Sent: Wednesday, January 28, 2015 9:15 AM
To: [redacted]
Subject: (U) Are we meeting at 1400 today?
Importance: High

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

Good morning.

Are we meeting at 1400 today....or is 0930 tomorrow good for you?

Thank you,

[redacted]

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

From: [redacted]
Sent: Friday, January 23, 2015 4:13 PM
To: [redacted]
Subject: (U) OIG Investigation - Request for Interview
Importance: High

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

Hello [redacted],

I'm conducting an OIG investigation regarding allegations filed by [redacted] an analyst of the LADP. One of his allegations pertains to his non-promotion in 2012. From what I

understand, at that time you were one of the Associate Directors of the LADP, [redacted] ACE reviewer, and served on the LADP promotion board.

I would like to schedule a time for us to talk about [redacted] [redacted] allegations and to obtain your input.

Are you be available to speak with me on Wednesday 1/28 from 1400-1500 or Thursday 1/29 from 0930-1000?

Prior to our discussion, it might be helpful if you searched your emails and files and reviewed any records/emails you might have that pertain to [redacted] from the timeframe 2011/2012. Topics will include the 2012 promotion cycle, his leave practices, a TDY he took in 2011 as part of his participation in the Air National Guard for cyber training, and his ACE evaluations from 2011. I have attached [redacted] ACE documents from 2011, the EPA he submitted for promotion for the 2012 cycle, and the promotion board results from 2012.

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

I look forward to talking with you.

Regards,

[redacted]

<<...>> <<...>> <<...>> <<...>>

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

Senior Investigator

NSA/CSS Office of the Inspector General (OIG)

Office of Investigations, [redacted]

[redacted]

Any misuse or unauthorized disclosure of information contained in this email may lead to disciplinary action.

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APPENDIX I1

From: [redacted]
To:
Subject: RE: (U) Promotion Policy question
Date: Tuesday, April 14, 2015 11:44:45 AM

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

For the 2012 promotion cycle, any ACEs (finals, close-outs, interims) for the previous 3 years (2010-2012) at the employee's current grade should have been included (if available) in the PRP. Assuming he did not get promoted in 2011 or 2012, you are correct in that the ACE with the score of 3.4 should have been included in the PRPs for 2011-2013.

(U//~~FOUO~~) [redacted]
HR Research and Development Specialist
HR Policy, MA2
[redacted]

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

From: [redacted]
Sent: Tuesday, April 14, 2015 10:07 AM
To: [redacted]
Subject: RE: (U) Promotion Policy question

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

Thanks, [redacted]

I have another question but this one pertains to the 2012 promotion cycle…..

(b) (6)

With regard to the 2012 promotion process (promotions announced in 2012), the rating period for the Complainant's 2011 ACE was [redacted] – 24 November 2011 (3.4 rating of record, which they received just prior to their military reserve duty). I'm thinking that any ACE closeouts or interims dated post-July 2011 should not have been included in the PRP, however, because the 3.4 ACE was his final rating of record for 2011 (and PRPs were not due in his organization until January 2012), he could have included this ACE in his PRP for the 2012 promotion cycle (as well as the 2013 cycle) – is that correct?

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

Thank you,
[redacted]

From: [redacted]
Sent: Tuesday, April 14, 2015 9:41 AM
To: [redacted]
Subject: RE: (U) Promotion Policy question

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

You're welcome! Let me know if I can be of any further assistance.

(U//~~FOUO~~) [redacted]
HR Research and Development Specialist
HR Policy, MA2
[redacted]

From: [redacted]
Sent: Tuesday, April 14, 2015 9:40 AM
To: [redacted]
Subject: RE: (U) Promotion Policy question

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

Thanks a million [redacted]

From: [redacted]
Sent: Tuesday, April 14, 2015 9:39 AM
To: [redacted]
Subject: RE: (U) Promotion Policy question

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

Hi [redacted]

Since the presumptive score is not an actual "score" for the employee it should not be used when considering candidates for promotion. Promotion boards or individuals evaluating an employee's promotion package should evaluate the employee's EPA along with any ACEs they received in the previous 3 years at their current grade (in this case, it would have included the ACE with the 3.4 rating the employee received prior to their departure to serve military duty).

(U//~~FOUO~~) [redacted]
HR Research and Development Specialist
HR Policy, MA2
[redacted]

From: [redacted]
Sent: Tuesday, April 14, 2015 9:25 AM
To: [redacted]
Subject: (U) Promotion Policy question

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

Hi again [redacted]

I have a follow-on question….

I know you said the presumptive rating is only used for bonus deliberation purposes, but I need to ask this question to be sure….

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

Should promotion boards take presumptive ratings into consideration when considering candidates for promotion?

Background:
I'm working on a USERRA case and the Complainant was serving on military reserve duty/LWOP during the end of 2011 and through mid-2012 and does not have an ACE rating of record for 2012. In accordance with ACE policy, he should have received a presumptive rating of 3.4 for bonus deliberation purposes (this was the rating he had in 2011 before the military duty). Because the presumptive rating does not appear on an employee profile or any performance management record and is only populated to the Compensation Workbench for bonus deliberation purposes, I'm wondering if a promotion board should have somehow factored in the presumptive rating when scoring the PRP (for promotions that were announced in 2013) since the last 3 ACEs are allowed to be included in the PRP.

Thank you,
[redacted]

From: [redacted]
Sent: Monday, April 13, 2015 2:13 PM
To: [redacted]
Subject: RE: (U) ACE Policy question

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

You're welcome!

(U//~~FOUO~~) [redacted]
HR Research and Development Specialist
HR Policy, MA2
[redacted]

From: [redacted]
Sent: Monday, April 13, 2015 2:13 PM
To: [redacted]
Subject: RE: (U) ACE Policy question

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

Hi [redacted]

Thank you so much!
I didn't know (or maybe forgot) that the presumptive ratings would not show on an employee's promotion profile.

Take care,

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

[redacted]

From: [redacted]
Sent: Monday, April 13, 2015 2:02 PM
To: [redacted]
Subject: RE: (U) ACE Policy question

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

Hi [redacted]

So nice to hear from you!

In this case, the employee would have receive a presumptive score of 3.4 which was the score he received prior to his military LWOP status. The system would have used this score when populating the Compensation Workbench (CWB), which is generated at the end of September every year (after all supervisors are asked to "complete, compete, complete" their ACEs to begin the bonus deliberation process). Presumptive scores do not show in the employee's profile or any performance management record; it is only used for bonus deliberation purposes.

Please let me know if this answers your question and/or if you need anything further.

Take care!

(U//~~FOUO~~) [redacted]
HR Research and Development Specialist
HR Policy, MA2
[redacted]

From: [redacted]
Sent: Monday, April 13, 2015 12:27 PM
To: [redacted]
Subject: (U) ACE Policy question

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

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

Hello [redacted]

I hope you are doing well!

I have an ACE policy question for you, highlighted below. I provided a bit of background information that leads me to the question. I'd appreciate your guidance. If I should direct my question to someone else, please let me know.

Thank you,
[redacted]

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

Senior Investigator
NSA/CSS OIG, Office of Investigations
[redacted] (b) (3)-P.L. 86-36

- Employee's EOD date: [redacted] (b) (6)
- ACE: Rating period [redacted] – 24 November 2011
  - 3.4 rating of record
- Employee served on Military Reserve duty & LWOP in conjunction with reemployment rights:
  28 November 2011 through 24 August 2012
- ACE #3: Rating period 25 Nov 2011 – 31 Jul 2012
  - No rating assigned
  - Performance summary states: Employee is currently on LWOP status from 6/11/2012 – 9/7/2012 in accordance with 28 USC 4304 and 4312.
  - NOTE: The date 9/7/2012 is incorrect. The employee returned from LWOP on 28 August 2012.
  - Question: Should a presumptive rating of record been assigned either at the end of the rating period (31 July 2012) or when the employee returned from their military duty/LWOP on 28 August 2012?
    - 4-16A, Chapter 2.X.C, states that "Employees who return to their positions following a period of uniformed military service who do not have the required 90 days of civilian service under a Performance Evaluation during the current rating cycle at the close of the rating cycle, shall be awarded a presumptive Rating of Record."
  - NOTE: <u>The employee has no rating of record for 2012</u>.

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UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~ APPENDIX I2

Skip Top Menus

Posted on: November 01, 2012

(U//~~FOUO~~) Time and Attendance Guidance for the NSAW Operating Status during Hurricane Sandy

Distribution: Entire NSA Workforce

POC: [redacted] [963-2200]

(U//~~FOUO~~) The following time and attendance guidance for 29, 30 and 31 October 2012 is based on DoD Regulations and NSA/CSS Policy:

(U) DAY SHIFT ON MONDAY, 29 OCTOBER 2012:

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

(U) Employees eligible for administrative leave:

* (U) Employees who reported for duty will receive administrative leave from their actual departure time (0800 EDT or later) to the end of their documented duty day.

* (U) Employees who were scheduled to use leave for late arrival with a planned reporting time after 0800 EDT must use personal leave until 0800 EDT and then will receive the administrative leave for the remainder of the duty day.

* (U) High School Work Study (HSWS) employees whose schools were closed will receive administrative leave for their entire duty day.

(U) Employees NOT eligible for administrative leave:

* (U) Employees who reported for duty but departed prior to 0800 EDT are not eligible for the administrative leave and must use personal leave for their absence.

* (U) Employees who did not report for work, as authorized by the Code Blue, Liberal Leave operating status, are not eligible for the administrative leave and must use personal leave for their absence.

* (U) Employees who were on scheduled leave for the entire day are not eligible for the administrative leave and must use personal leave for their absence.

* (U) Employees who were designated Tier 1 or who were determined to be mission essential by their supervisor and had to remain on duty are not eligible for the administrative leave.

(U) Employees assigned to a non-NSA facility will follow the guidance of the host facility.

(U) EVE-SHIFT AND MID-SHIFT ON MONDAY, 29 OCTOBER 2012
and
ALL THREE SHIFTS ON TUESDAY, 30 OCTOBER 2012:

(U//~~FOUO~~) The Agency's operating status for the eve-shift and mid-shift on Monday, 29 October 2012 and for all three shifts on Tuesday, 30 October 2012 was Code Red, "Emergency Conditions."

* (U) All non-essential personnel were authorized administrative leave for their entire duty day.

* (U) Employees who were designated Tier 1 or who were determined to be mission essential by their supervisor and had to report for or remain on duty are not eligible for the administrative leave.

(U) DAY-SHIFT ON WEDNESDAY, 31 OCTOBER 2012:

(U//~~FOUO~~) The Agency's operating status for day-shift on Wednesday, 31 October 2012 was Code Blue, "Liberal Leave."

[redacted]

I2

* (U) Employees who did not report for work, as authorized by the Code Blue, "Liberal Leave" operating status, must use personal leave for their absence.

* (U) Employees who were on scheduled leave for the entire day must use personal leave for their absence.

* (U) Only High School Work Study (HSWS) employees whose schools were closed will receive administrative leave for their entire duty day.

(U) TIMESHEET GUIDANCE:

* (U) Absences eligible for administrative leave should be coded as "LN" on the timesheet with the following notation in the Remarks section: "Admin Leave approved by D/DIR - Hurricane."

* (U) HSWS employees will use the "LN" timesheet code, and will annotate the Remarks section with the following: "Admin Leave IAW HR Policy 4-15, Ch. 3 Hurricane."

*(U) Employees assigned to a non-NSA facility will use the "LN" timesheet code, and will annotate the following in the Remarks section: "Admin Leave IAW [host facility or OPM guidance] Hurricane."

(U) This approved administrative leave applies to NSA/CSS civilian employees only.

(U) For additional information, please contact your HR advisor in the HR Employee Gateway (MD1), on 992-5699

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

10/15/2014

Release 2022-7
NSA 20895