INSPECTOR GENERAL
REPORT OF INVESTIGATION
9 September 2014
IV-14-0087
Falsified Medical Documentation

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(U) OFFICE OF THE INSPECTOR GENERAL

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

(U) AUDITS

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

(U) INVESTIGATIONS

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

(U) INTELLIGENCE OVERSIGHT

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

(U) FIELD INSPECTIONS

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


(U/FOUO) The OIG concluded that [redacted] knowingly created and presented a false statement to [redacted] on 25 April 2014 when he provided a letter to [redacted] that appeared to be written and signed by a doctor. The note was in fact created by [redacted] who also forged the doctor’s signature. His actions were in violation of 18 U.S.C. §1001, subparagraph 3, and NSA/CSS Personnel Management Manual (PMM) Chapter 366, Section 2-1(K).

(U/FOUO) The OIG concluded that [redacted] knowingly made materially false and fictitious statements to [redacted] during the period of 21 April 2014 through 24 April 2014 when he told [redacted] each day that he could not come into work because [redacted] during this time period. [redacted] actions were in violation of 18 U.S.C. §1001, subparagraph 2, and NSA/CSS Personnel Management Manual (PMM) Chapter 366, Section 2-1(K).

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

(U) Introduction

(U//FOUO) On 29 April 2014, the OIG received a complaint that on 25 April 2014 [redacted] provided his supervisor a false doctor’s letter to excuse four days he called out of work.

(U//FOUO) has been assigned to [redacted] since [redacted], and has been an employee [redacted].

(U) Applicable Authorities

(U//FOUO) The investigation looked at possible violations of the following authorities. Full citations are contained in Appendix A.

(U) 18 U.S.C. §1001 – Statements or Entries Generally

(U) NSA/CSS PMM, Chapter 366, Section 2, Personnel and Security Standards, Paragraph 2-1(K) False Statements
III. (U) FINDINGS

(U//FOUO) ALLEGATION 1: Did □ knowingly present a false document in violation of 18 U.S.C. § 1001, subparagraph 3, and NSA/CSS PMM, Chapter 366, Section 2, Paragraph 2-1(K)?

(U//FOUO) CONCLUSION: Substantiated.

(U//FOUO) ALLEGATION 2: Did □ knowingly make materially false and fictitious statements in violation of 18 U.S.C. § 1001, subparagraph 2, and NSA/CSS PMM, Chapter 366, Section 2, Paragraph 2-1(K)?

(U//FOUO) CONCLUSION: Substantiated.

(U) Evidence

(b) (3)-P.L. 86-36
(b) (5)

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

(U) Documentary Evidence

(U//FOUO) False doctor’s letter. On 30 April 2014, □ provided the OIG a copy of a letter that □ provided her on 25 April 2014. The letter is dated 24 April 2014 and states the following:

I have been the attending Physician for □ starting on 04/21/14 till today 04/24/14, and □ I have been in daily contact with □ and family members. I am not able to provide any further details due to existing privacy rights laws. If you have any questions, please contact my Office Manager at the above number.

(U//FOUO) The letter contains a signature block with □ signed in cursive and □ typed beneath. This letter is attached at appendix B.

(U//FOUO) Letter from □. On 2 May 2014, the OIG faxed a copy of the letter in question to □ to determine its validity. On 5 May 2014, a representative from □ office told the OIG that after reviewing the letter, it could not have been produced by their office. The representative advised that □ would write a note to the OIG to confirm that fact. On 5 May 2014, the OIG received a fax from □ office. The fax contained a copy of the letter □ provided his supervisor on 25 April 2014 and a handwritten note on the letter from □ stating:
The last time I saw [redacted] for a routine office visit was on 2/14/2014. I have not seen him since. This is not my signature.

A copy of [redacted] fax is attached at appendix C.

Other doctor's letters: On 6 June 2014, [redacted] provided the OIG a copy of doctors' letters. On 17 June 2014, the OIG selected three notes from three different doctors to review and determine if they were valid. All three doctor's offices confirmed that [redacted] noted on the letters. The OIG did not review the remaining doctor's letters.

Email from [redacted]: On 4 September 2014, the OIG emailed [redacted] the below message because in testimony it was not clear during the week of 21 April 2014 through 25 April 2014.

Although I did not directly address it during our interview, I wanted to confirm with you that during the week in question (21 April, 2014 through 25 April 2014). Is that correct?

responded that [redacted] during that week. This email is attached at appendix D.

Interviews:

Branch Chief, [redacted] was interviewed on 29 May 2014, and provided the following sworn statement.

has been the Branch Chief in [redacted] since July 2013. is [redacted] and has a very hard time making independent decisions, oftentimes requesting assistance from his coworkers. The normal shift is Monday through Friday, 0930 to 1800 hours. However, he will soon be required to arrive to work earlier so that can provide direct supervisory oversight, hopefully reducing the need for him to constantly ask for help from his coworkers. When is in the office, he is working the entire time, but works at a much slower pace than the other.

was already on a “leave letter”¹ when became the Branch Chief of SIC3. The leave letter restricted from taking any unplanned leave. followed the leave letter’s requirements for about a year and he was officially removed from the leave letter in November 2013. Since attendance had improved, assigned to a more important target to work on in November 2013.

¹ A letter used to address attendance issues used to be called a “leave letter” but is now referred to as an Attendance Memorandum for the Record (MFR).
(U//FOOU) In February 2014, called out of work on five different days. brought him in a doctor’s note for two days and the other days were attributed to roof and car problems. brings in doctor’s notes for everything, even when he is not required to provide one. The office leave policy requires supervisors to use their discretion on whether or not to require a doctor’s letter from employees that use sick leave for three or more consecutive days. When was removed from the leave letter in November 2013, told him he only had to provide her a doctor’s note when he used sick leave for three or more consecutive days. kept all of doctors’ letters that he provided her and will send them all to OHESS and the OIG shortly.

(U//FOOU) On 21 April 2014, called someone in while was away from her desk and said that he would not be in that day. On 22 April 2014, called and told her that he would not make it into work that day. Additionally, told that he felt like

On 23 April 2014, and left her a voice message. said that he had to track down and said he would be in the next day. On 24 April 2014, called and left a message that he would not make it into work. On the 24th of April, at approximately 130 hours, called to determine his status. told her it was very confusing and he told that when he returned to work he needed to provide a doctor’s note since he called out of work the fast three days. immediately responded that he would just come into work because he did not want to bother with getting a doctor’s note. told him he was still required to provide a note since he had already called out of work for three days. called a couple hours later and told her that her doctor was not happy about having to write the letter, but would provide it to her when he returned to work on 25 April 2014.

(U//FOOU) On 25 April 2014, provided a doctor’s note purporting to be from. She did not believe it was legitimate as it did not look like a typical doctor’s note. told her Division Chiefs about the letter and then called Human Resources Customer Gateway (MD) to ask what she should do next. An MD representative instructed her to scan the letter and send it to OHESS and the OIG. OHESS told the doctor’s letter was not acceptable for sick leave. On 29 April 2014, submitted a Request for Leave or Approved Absence (SF71) form to request to use Annual Leave for. 21 April 2014 through 24 April 2014. told he was requesting Annual Leave because he was not the one that was sick. found out through MD or OHESS that she did not have to approve his Annual Leave request because his request did not meet the criteria for unplanned leave. On 29 April 2014, and her Division Chiefs met with and told him they were denying his request for Annual Leave and that he would be marked as Absent Without Leave (AWOL) those days. sent “ok” and did not ask why the letter was determined to not be sufficient. Later that day, talked to and asked if he could change his request to Sick Leave. told he could not use Sick Leave for those days.
because OHESS had determined that his doctor's letter was not sufficient to grant Sick Leave. [b]he would[/b] discuss the doctor's letter. That was the last time [b]and[/b] discussed the doctor's letter.

[U/FOUO] has never suspected any of the other doctor's notes submitted by [b]were false except for a recent note he provided for[/b]

[U/FOUO] was interviewed on 19 June 2014, and provided the following voluntary sworn testimony.

[U/FOUO] has been in his job for four years. Currently, [b]is on a strict Attendance MFR. When he wants to use leave he must send a leave request to his supervisor. About seven years ago, [b]About four years ago,[/b] has been very challenging for [b]He has been[/b] There are days [b]does not feel well[/b] but chooses to go to work instead of use his leave. [b]usually brings in a doctor's note when he takes leave because his supervisors prefer that. Sometimes [b]is unable to get a doctor's note because, although he is not feeling well, he does not always require a doctor's visit. [b]does not think he is considered to be a valuable employee any longer, and believes that [b]treats him differently than she treats his coworkers.

[U/FOUO] Several weeks ago [b]provided a false doctor's letter to This was the only time [b]the employee submitted a false doctor's letter for his absences. [b]is embarrassed by his actions. The letter appeared to have been signed by [b]which is [b]created and signed the letter himself. During the week [b]told] created the false letter to protect himself from his supervisors. [b]feels afraid to use leave when he needs it and has not taken a vacation. [b]made the letter try his home computer and forged [b]signature. [b]has kept all of his doctor's notes for the last several years and all except for this one are legitimate.

(U) Analysis and Conclusions

(U/FOUO) 18 U.S.C. §1001, Statements or Entries Generally, states that "[W]henever, in any matter within the jurisdiction of the executive...of the Government of the United States, knowingly and willingly..." (2) makes any materially false, fictitious, or fraudulent statement

2 This letter was one of the three doctor's letters referred to in "Other doctor's letters" under Documentary Evidence, which the OIG reviewed and determined was legitimate.
or representation; or (6) makes or uses any false writing or document knowing the same to contain any materially false, fictitious or fraudulent statement or entry...shall be fined...imprisoned...or both....” PMM Chapter 366, Section 2-1(K), Personnel and Security Standards, states that “Employees will not knowingly make or present a false or fraudulent statement or claim...or, knowingly and willfully falsify or conceal a material fact by a trick, scheme or device....

(U/FOUO) When interviewed by the OIG on 19 June 2014, tested that the letter he provided to on 25 April 2014, that appeared to be signed by was a fake. testified that he created the letter on his home computer and forged signature on the letter, therefore knowingly, creating and presenting a false document.

(U/FOUO) The preponderance of the evidence supports the conclusion that knowingly created and presented a false document to on 25 April 2014 when he provided her a self-generated letter containing a physician’s signature that he admittedly forged. In doing so, violated 18 U.S.C. §1001, subparagraph 3, and NSA/CSS PMM Chapter 366, Section 2-1(K).

(U/FOUO) told her he could not come into work during the period of 21 April 2014 through 23 April 2014 because of illness. Based on the note provided the OIG stating that she has never spoken to and since 14 February 2014, and an email to the OIG that during the week of 21 April 2014, made materially false and fictitious statements to his supervisor.

(U/FOUO) The preponderance of the evidence supports the conclusion that knowingly made materially false and fictitious statements to during the week of 21 April 2014, when he told on multiple occasions that he could not come into work because of illness. In doing so, violated 18 U.S.C. §1001, subparagraph 2, and NSA/CSS PMM Chapter 366, Section 2-1(K).
IV. (U) RESPONSE TO TENTATIVE CONCLUSION

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

(U//FOUO) On 9 September 2014, the OIG notified [redacted] of the tentative conclusions. On 9 September 2014, [redacted] emailed the OIG the following:

Hi [redacted],

Do you have everything that you need from the interview? I have owned up to what I have done, and I have given my statement to you with all the circumstances of that time period.

Since this incident occurred, I have been written up by my boss, and I have been put on the most restrictive work schedule. All my leave has to be approved via the guidelines in a letter that was constructed by Employee Relations.

I was not paid for those 4 days in April, and I was considered AWOL.

This has been a completely embarrassing time for me, and I have been moving forward in a positive manner.

V/R [redacted]

(U//FOUO) [redacted] response provided no new information relative to the conclusions or requiring additional investigation; therefore, the conclusions remain unchanged.
V. (U) CONCLUSION

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


2. (U//FOOU) [redacted] knowingly made materially false and fictitious statements to [redacted] during the week of 21 April 2014, when he told [redacted] on multiple occasions that he could not come into work because [redacted]. In doing so, [redacted] violated 18 U.S.C. §1001, subparagraph 2, and NSA/CSS PMM Chapter 366, Section 2-1(K).

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VI. (U) DISTRIBUTION OF RESULTS

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

1. M/ER for information and any appropriate action.

2. Q242, Special Actions, for information and any appropriate action.

Concurred by:

Assistant Inspector General for Investigations

(b)(3)-F.I. 86-36
APPENDIX A

(U) Applicable Authorities
(U) 18 U.S.C. §1001 — Statements or Entries Generally

(a) Except as provided in this section, whoever, in any matter within the jurisdiction of the executive ... of the Government of the United States, knowingly and willfully—
    (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;
    (2) makes any materially false, fictitious, or fraudulent statement or representation; or
    (3) makes or uses any false writing or document knowing the same to contain any
        materially false, fictitious, or fraudulent statement or entry;
    shall be fined under this title, imprisoned not more than 5 years or ... both.

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

K. False Statements - Employees will not knowingly make or present a false or fraudulent statement or claim; enter into an agreement or conspiracy to defraud the Government by obtaining or aiding in the payment or allowance of a false or fraudulent claim; or, knowingly and willfully falsify or conceal a material fact by a trick, scheme, or device.
APPENDIX B

(U) False doctor's letter
April 24, 2014

To Whomever This May Concern.

I have been the attending Physician for [redacted], starting on 04/21/14 till today 04/24/14, and I have been in daily consult with [redacted] and family members. I am not able to provide any further details due to existing privacy rights laws. If you have any questions, please contact my Office Manager at the above number.
APPENDIX C

(U) Note from

(b) (6)
April 24, 2014

To Whomsoever This May Concern,

I have been the attending Physician for [redacted] starting on 04/21/14 till today 04/24/14, and I have been in daily consult with [redacted] and family members. I am not able to provide any further details due to existing privacy rights laws. If you have any questions, please contact our Office Manager at the above number.
APPENDIX D

(U) Email from...

(b) (3) - P.L. 86-36
(b) (6)
From:
To:
Subject: (U) Reply: (U//FOIA) OIG Inquiry
Date: Thursday, September 04, 2014 3:12:58 PM

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Hi

I thought I had clearly addressed this aspect during the interview. My sincere apologies if I was unclear.

No, he was not.

V/R

(U//FOIA)

From: 
Sent: Thursday, September 04, 2014 3:08 PM
To: 
Subject: REL (U) Reply: (U//FOIA) OIG Inquiry

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Although I did not directly address it during our interview, I wanted to confirm with you that during the week in question (21 April 2014 through 25 April 2014). Is that correct?

Thank you,

(U//FOIA)

Investigator
Office of the Inspector General
983-0947(s)

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

From: [redacted]
Sent: Friday, June 20, 2014 8:31 AM
To: [redacted]
Subject: (U) Reply: (U) OIG Inquiry

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Thanks

Life is what it is. I need to

As you get older, you will see some of the things I have seen and felt. Life is a process of losing that things that we enjoy (i.e.: health, family members, in-laws, etc).

Thanks for your time. Sorry, my nose was draining into my mouth. It happens if I get upset. UGH!

V/R: [redacted] (TGIF 😊)

UNFOGD

From: [redacted]
Sent: Thursday, June 19, 2014 5:04 PM
To: [redacted]
Subject: (U) OIG Inquiry

Classification: UNCLASSIFIED//FOR OFFICIAL USE ONLY

It was very nice to meet you today and I appreciated your cooperation.
I will email you when I've completed my analysis and conclusions.

Thank you,

(U//FOUO)

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

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

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