NATIONAL SECURITY AGENCY/CENTRAL SECURITY SERVICE

OFFICE OF THE INSPECTOR GENERAL

REPORT OF INVESTIGATION

1 May 2015

IV-15-0023

Misuse of Government Resources

WARNING: THIS REPORT MAY CONTAIN GRAPHIC IMAGES AND/OR LANGUAGE

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SECRET/REL TO USA, FVEY

Approved for Release by NSA on 03-31-2022, FOIA Case # 85643 (Litigation)
(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) On 9 July 2014, the Office of Inspector General (OIG) received a referral from the NSA/CSS identifying potential computer misuse by NSA/CSS contractor [redacted]. On 9 December 2014, the OIG initiated an investigation of [redacted]'s use of the classified and unclassified NSA/CSS Information Systems (ISs). The investigation included a review of the evidence, an interview of [redacted], and a review of emails provided to the OIG that came from his classified IS account and were pertinent to his computer misuse.

(S//REL) An analysis of [redacted]'s classified computer usage revealed extensive use not related to his contract duties. A review of [redacted] reports revealed that [redacted] used his classified IS to type thoughts he had related to a Dungeons and Dragons (D&D) [superscript 1] like fantasy story he was creating, some of his story contained [redacted] and the time spent doing this was then billed to the NSA contract he supported.

(U//FOUO) During his interview with the OIG, [redacted] admitted that he used his classified IS to type thoughts he had related to a Dungeons and Dragons (D&D) [superscript 1] like fantasy story he was creating, some of his story contained [redacted] and the time spent doing this was then billed to the NSA contract he supported. The preponderance of the evidence supports the conclusion that, from February 2013 to December 2014, [redacted] misused the classified NSA/CSS IS by typing extensive amounts of material related to his fantasy story in violation of NSA/CSS Policy 6-4 [superscript 2] and NSA/CSS Policy 6-6 [superscript 3]. [redacted] spent about three hours per week over this period engaged in this non-work, non-contract related activity on the classified NSA/CSS IS [superscript 4]. In an effort to prevent detection, [redacted] deliberately [redacted] his thoughts and ideas. He removed printed text of this activity from NSAW a couple times a week and took it home.

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[1] (U) D&D is a fantasy tabletop role-playing game. D&D characters embark upon imaginary adventures within a fantasy setting. A Dungeon Master serves as the game's referee and storyteller, while also maintaining the setting in which adventures occur and playing the role of the inhabitants. Characters solve dilemmas, engage in battles, and gather treasure and knowledge.

[2] (U//FOUO) NSA/CSS Policy 6-4 was revised on 22 October 2013; thus, the OIG examined [redacted]'s conduct against both Policy 6-4 dated 22 October 2013 and its predecessor.

[3] (U//FOUO) NSA/CSS Policy 6-6 was revised on 1 August 2014; thus, the OIG examined [redacted]'s conduct against both Policy 6-6 dated 1 August 2014 and its predecessor.

[4] (U//FOUO) Even though the OIG's investigative focus was computer misuse, there is potential labor mischarging by [redacted] due to his admission that he spent approximately three hours per week over 22 months engaged in his fantasy writing that he billed to the NSA contract he worked. The total hours of labor mischarging were calculated to be 246 (22 months period equates to 96 weeks worked minus seven weeks for leave/holidays equals 82 weeks times 3 hours per week totaling 246 hours).
(U//FOUO) A summary of the findings will be provided to the Maryland Procurement Office (BA3) for review and any appropriate action. A copy of the summary of the findings will be forwarded to Special Actions (Q242), Associate Directorate for Security and Counterintelligence (ADS&CI) and to his company.
II. (U) BACKGROUND

(U) Introduction

(U//FOUO) is a contractor affiliate with assigned to support the Installations & Logistics Business IT organization currently working under contract number project name. And he previously worked as a under contract number project name advised the OIG that it's billing rate to NSA under and was

(S//REL) The reviewed

(U) Applicable Authorities


(U//FOUO) NSA/CSS Policy 6-6, “USE OF UNCLASSIFIED INFORMATION SYSTEMS AND INTERNET-BASED CAPABILITIES,” issued 1 August 2014.


(U) See Appendix A for the full text of the applicable authorities.
III. (U) FINDINGS

(U/FOUO) [ ] contractor, misuse his NSA/CSS IS in violation of NSA/CSS Policy 6-4 and NSA/CSS Policy 6-6?

(S/REL) CONCLUSION: Substantiated. The preponderance of the evidence supports the conclusion that [ ] misused his classified NSA/CSS IS for his personal use. [ ] used Government resources to [ ]

(U) Documentary Evidence

(U/FOUO) [ ] Reporting of [ ]

(S/REL) The [ ] provided the OIG with [ ]

(U/FOUO) Emails provided to the OIG by [ ]

(U/FOUO) On 11, 12, and 15 December 2014, [ ] provided the OIG 60 undated emails he had previously drafted from his NSAnet email account related to his fantasy writing created using Government resources. During his testimony he indicated that he had draft emails pertaining to his fantasy writing and that these emails were stored in his email account and never sent to anyone. The content of the 60 emails can be found at Appendix C.
(U//FOUO) [redacted]'s Labor Classification and Billing Rate.

(U//FOUO) On 18 December 2014, [redacted] advised that for the period of 1 January 2013 to the present, [redacted]'s labor classification was categorized as a [redacted] with a Billing Rate of [redacted]. The [redacted] email can be found in Appendix D.

(U) Testimonial Evidence

(U//FOUO) [redacted]

(U//FOUO) On 11 December 2014, [redacted] was interviewed and provided the following sworn testimony.

(U//FOUO) [redacted] stated that when he completed his work assignments, to stay busy and fend off boredom during his duty hours, he often writes pieces of stories to himself on NSAnet that are based on fantasy and characters associated with Dungeons and Dragons (D&D). He began the story writing a couple years ago to update his D&D tabletop role-playing games. He writes about characters from D&D as they [redacted].

[redacted] The pieces he writes at work are fantasy and random fragments of thoughts or ideas that he plans to incorporate into a story that he's writing at home. The material is fragmented and rambling, and sometimes describes [redacted].

(U//FOUO) [redacted] did not think there was any harm with what he was doing because he always got his work done first and this activity was done on “down time” while waiting for additional work. He does not write the stories every day but only when he has nothing to do on the [redacted] contract. He does this approximately three hours a week but acknowledged that he really does not keep track of the time associated with this activity. He considers the time he spends writing his stories as part of his work time that he billed directly to the [redacted] contract. No one at work or at home knows that he is doing this activity. He currently has roughly 60 draft emails containing his writings on his NSAnet email account. He admitted to using his NSAnet account substantially for his personal use, and that these activities had been going on for more than a year. [redacted] stated that he knew that the Government computer was for official use only and not to be used as his own personal resource. Despite this, he continued using the classified IS for his own personal, non-work related use.
(U) Analysis and Conclusions

(S//REL) A review of reports revealed that

During his interview with the OIG, admitted that he used his classified IS to type thoughts he had related to a fantasy story he was creating based on D&D, and some of the thoughts he wrote contained amongst his characters. He indicated that he used estimated that he spent approximately three hours per week over the course of a year or more engaged in misuse of the Government classified IS, and this time was billed to the NSA contract he supported. Following the interview, provided the OIG with 60 emails he maintained in his NSA/CSS classified IS that pertained to his fantasy writing.

(U//FOUO) In accordance with NSA/CSS Policy 6-4, issued 22 October 2013 and its previous issuance dated 7 June 2007, contractors shall only use NSA/CSS ISs to perform tasks that are authorized by the contract, approved by the Contracting Officer, and permitted by that policy, and shall not use NSA/CSS ISs for personal use except for brief, infrequent communications to deal with urgent matters. According to paragraph 8, this limited exception to the personal use prohibition applies only when:

a. (U) Unavoidable personal matters arise such as, but not limited to, contracting a spouse, dependent family member, or other individuals responsible for a dependent’s care; scheduling a physician’s appointment; or vehicle maintenance;

b. (U) The communication does not adversely affect the NSA/CSS mission or reflect poorly on NSA/CSS;

c. (U) The communication does not result in other than minimal expense to the Government (e.g. the call is local, toll free);

d. (U) Time spent using the NSA/CSS IS or resource is not billed to the contract; and

e. (U) The use is not associated with personal business activities outside the scope and purpose of the contract.

(U//FOUO) violated NSA/CSS Policy 6-4 when he used his NSA/CSS classified IS for his personal fantasy writing. The fantasy writing had no relevance to NSA/CSS mission, was avoidable, and reflected poorly on NSA/CSS due to’s continued use that included activities by his characters. Additionally, billed his NSA/CSS contract for the significant amount of time he spent doing this personal activity.

(U//FOUO) NSA/CSS Policy 6-6 dated 1 August 2014, paragraph 18 h, prohibits use of any NSA/CSS IS “that are incompatible with public service.” Its predecessor, NSA/CSS Policy 6-6,
dated 30 September 2004 and revised 15 October 2013, paragraph 1, stated that unclassified NSA/CSS ISs were provided for uses “that are directly related to official unclassified U.S. Government business.”\(^5\) Use of the classified NSA/CSS ISs to engage in fantasy writing was neither compatible with public service nor directly related to official U.S. Government business.

(U//FOOU) Thus, the OIG concludes by a preponderance of the evidence that, from February 2013 through December 2014, [redacted] misused NSA/CSS ISs by engaging in his fantasy writing, which included [redacted] content, in violation of NSA/CSS Policy 6-4 and NSA/CSS Policy 6-6.

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\(^5\) Paragraph 3 of NSA/CSS Policy 6-6 also stated that limited personal use of the ISs may be authorized consistent with NSA/CSS Policy 6-4. As noted above, the OIG found that [redacted] use of the classified ISs was not consistent with NSA/CSS Policy 6-4.
IV. (U) RESPONSE TO TENTATIVE CONCLUSION(S)

(U/FOUO) On 30 April 2015, _________ emailed the OIG regarding the tentative conclusions and stated that he concurred and apologized and now clearly understood that what he did was a violation of NSA/CSS Policy 6-4 and this will never happen again! But please note that none of my work has ever suffered nor have I ever been late with any assignments due to my lack of poor judgment. If you have any other questions that can help with the conclusion of your investigation, please don’t hesitate to contact me.
V. (U) CONCLUSION

(S//REL) The preponderance of the evidence supports the conclusion that
misused his classified NSA/CSS IS for his personal use. He spent approximately three hours per work
week from February 2013 to December 2014 engaged in personal use of the NSA/CSS
classified IS and he deliberately tried to

This personal use was not brief and infrequent, was avoidable, reflected poorly on
NSA/CSS, had no relevance to NSA mission, and was time that was billed to the NSA
contract he supported, all of which violated NSA/CSS Policy 6-4 and NSA/CSS Policy 6-6.
V. (U) DISTRIBUTION OF RESULTS

(U/FOCO) A summary memorandum will be provided to the Maryland Procurement Office (BA3) for review and any action deemed appropriate. A copy of the summary of the findings will be provided to Q242, ADS&CI and to his company.
APPENDIX A

(U) Applicable Authorities
(U) Applicable Authorities

(U/FOUO) NSA/CSS Policy 6-4, “CONTRACTOR USE OF NSA/CSS INFORMATION SYSTEMS AND RESOURCES,” issued 22 October 2013:

1. (U) Contractors shall only use NSA/CSS ISs to perform tasks that are authorized by contract, approved by the Contracting Officer, and permitted by this policy.

8. (U) Contractors shall not use NSA/CSS ISs or telephone services for personal use except for brief, infrequent communications to deal with urgent matters. This limited exception to the personal use prohibition applies only when:
   a. (U) Unavoidable personal matters arise such as, but not limited to, contacting a spouse, dependent family member, or other individuals responsible for a dependent’s care; scheduling a physician’s appointment; or vehicle maintenance;
   b. (U) The communication does not adversely affect the NSA/CSS mission or reflect poorly on NSA/CSS;
   c. (U) The communication does not result in other than minimal expense to the Government (e.g., the call is local, toll-free);
   d. (U) Time spent using the NSA/CSS IS or resource is not billed to the contract; and
   e. (U) The use is not associated with personal business activities outside the scope and purpose of the contract.

(U/FOUO) NSA/CSS Policy 6-4, “CONTRACTOR USE OF NSA/CSS INFORMATION SYSTEMS AND RESOURCES,” revised 7 June 2007:

1. (U) Contractors shall use NSA/CSS ISs only to perform tasks that are authorized by contract, approved by the Contracting Officer, or permitted by this policy.

4. (U) Contractors shall not make personal use of NSA/CSS ISs except for brief, infrequent communications to take care of unavoidable personal matters (e.g., contacting a spouse, dependent, or individual responsible for a dependent’s care; scheduling a physician’s appointment or car maintenance; etc.). This limited exception to the personal use prohibition applies only when:
   a. (U) The communication could not have reasonably been made at another time (e.g., the physician is only available during working hours);
   b. (U) The communication does not adversely affect the Agency mission or reflect poorly on the Agency;

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c. (U) The communication does not result in other than minimal expense to the Government (e.g., the call is local, toll-free, or charged to a personal telephone calling card);

d. (U) Time spent using the NSA/CSS IS for personal use is not billed to the contract; and

e. (U) The personal communication is of a non-commercial nature. This exception does not permit the use of NSA/CSS ISs in conjunction with a contractor employee’s personal business activity.

(U/FOUO) NSA/CSS Policy 6-6: USE OF UNCLASSIFIED INFORMATION SYSTEMS AND INTERNET-BASED CAPABILITIES (dated 1 August 2014).

(U) Prohibited Activities.

18. (U) Users shall avoid all prohibited activity and must not take any action (e.g., opening an lbc application) that potentially circumvents security protections and/or presents a security risk to the NSA/CSS information technology infrastructure. When using an associate access account, the following actions are prohibited:

   h. (U) Violating laws or regulations or participating in other uses of any NSA/CSS IS that is incompatible with public service.

(U/FOUO) NSA/CSS Policy 6-6: USE OF UNCLASSIFIED INFORMATION SYSTEMS SUCH AS THE INTERNET (dated 30 September 2004, revised 15 October 2013; the policy in effect prior to 1 August 2014)

(U) Policy

1. (U) NSA/CSS provides authorized users with access to unclassified information systems (ISs) for the purpose of research, training, and/or communications that are directly related to official unclassified U.S. Government business.

2. (U) Supervisors may authorize NSA/CSS affiliates to conduct limited personal communications while using an NSA/CSS-sponsored account for official business, or while using U.S. Government resources such as ISs consistent with [For contractors, NSA/CSS Policy 6-4].
APPENDIX B

(U//FOUO) Reporting of Computer Activity

(b)(3)-P.L. 86-36
(U//FOUO) REPORTING

(U//FOUO) SUBJECT: 

(U//FOUO) SIC: 

(U//FOUO) NSA Net Computer Misuse Activity from February 2013 to December 2014

(U) 02/01/2013

Classified By: 

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

(SECRET//REL TO USA, FVEY)
SECRET/REL TO USA, FVEY

(b)(1)
(b)(3)-P.L. 86-36
(b)(6)
APPENDIX C

(U//FOLQ) Emails from [Redacted] regarding his fantasy writing
(U) Emails sent from __________ to OIG
Concerning His Computer Misuse

11, 12, & 15 December 2014

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UNCLASSIFIED//FOR OFFICIAL USE ONLY
UNCLASSIFIED//FOR OFFICIAL USE ONLY
APPENDIX D

(U//FOUO) Email containing [redacted]'s Labor Classification and Billing Rate

(b)(3)-P.L. 86-36
Here is the info you requested, ...sorry for the delay! I also added our company's PM information too. I informed him as well as HR and our owner of what's going on so they are not blind-sided if this goes South. What is/are the NSA contract(s) that performed on since 1 January 2013?

- On the bench awaiting new contract

This contract has multiple CORs, ...one for each TTO, however the other main ones in addition to... are listed below

- Who is/are the NSA Contracting Officer(s)?

- What is the place of performance?

- What are labor classifications and billing rates for period of 1 January 2013 to present.

Please let me know if you need anything else.
My voice mail to you was concerning the OIG investigation regarding... 

All I can tell you at this point is we have an open OIG investigation concerning him.

Appreciate if you could provide me with the following NSA contract information regarding...

- What is/are the NSA contract(s) that performed on since 1 January 2013?
- Who is/are the NSA Contracting Officer(s)?
- What is the place of performance?
- What are labor classifications and billing rates for period of 4 January 2013 to present.

Thanks in advance for this information!

Regards...

NSA/CSS Office of the Inspector General

969-4280s.

"Privacy sensitive – any misuse or unauthorized disclosure may lead to disciplinary action."

From: ...
Sent: Thursday, December 11, 2014 3:09 PM
To: ...
Subject: RE: (U)
know you're busy but one last question, was informed of the Open "IG" Investigation during his meeting with your office?

I'm assuming "yes", but don't want to do that!

Thanks,

From: ______
Sent: Thursday, December 11, 2014 2:37 PM
To: ______
Subject: (U)

Hi ______

Hope all is well! Can you please shed some light on what's going on with ______? He told me something about being called to come see you to discuss computer abuse on the unclass. He called me about 30 minutes ago and said it was on the H/S, writing personal notes, and that he needed to provide you what he was typing? I'd like to hear what's going on from you (if possible).

Please give me a shout or drop me a line when you can.

Thanks,

Contractor ______

(U//FOUO)