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NATIONAL SECURITY AGENCY/CENTRAL SECURITY SERVICE



INSPECTOR GENERAL

REPORT OF INVESTIGATION

14 April 2016

IV-15-0035

Alleged Reprisal

THIS REPORT MODIFIES AN EARLIER VERSION DATED 18 MARCH 2016

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Approved for Release by NSA on 26 August 2022, FOIA Case # 85643 Litigation

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(U) OFFICE OF THE INSPECTOR GENERAL

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

(U) AUDITS

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

(U) INVESTIGATIONS

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

(U) INTELLIGENCE OVERSIGHT

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

(U) FIELD INSPECTIONS

(U) Inspections are organizational reviews that assess the effectiveness and efficiency of Agency components. The Field Inspections Division also partners

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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

(U//~~FOUO~~) The NSA Office of the Inspector General (OIG) conducted this investigation in response to an allegation that [redacted] GG-15, suffered acts of reprisal from her management chain in the [redacted] National Threat Operations Center (NTOC) for making protected disclosures.

(U//~~FOUO~~) The OIG established a prima facie case of reprisal. The preponderance of the evidence showed that [redacted] made a protected communication, was the subject of an adverse personnel action, and the protected disclosure was a contributing factor in the adverse personnel action.

(U//~~FOUO~~) Of [redacted] disclosures, the OIG identified two that qualified as protected communications. We found that [redacted] communicated what she reasonably believed to be a violation of law on the part of the Agency to her chain of command when she reported [redacted] to [redacted] Chief [redacted] Since [redacted] is a member of [redacted] chain of command, he is considered a person established under NSA/CSS Policy 1-62 to receive such communications. Therefore, this communication was protected. In addition, [redacted] contacted the OIG with concerns that she was being "targeted" by her chain of command, which is also a protected communication.

(U//~~FOUO~~) Of the alleged acts of reprisal, the OIG identified four that qualified as personnel actions; a letter of reprimand, three Absent Without Leave (AWOL) charges, a Notice of Suspension, and a management request for disciplinary action. [1]

(U//~~FOUO~~) The OIG found that the protected communications were a contributing factor in the adverse personnel actions. However, the agency showed by clear and convincing evidence that the personnel actions taken against [redacted] would have occurred absent her protected communications. The OIG found sufficient evidence supporting all four personnel actions, along with an absence of a motive to retaliate on the part of Agency officials. The available evidence established that the actions taken against [redacted] were in accordance with guidance provided

[1] (U//~~FOUO~~) AWOL charges for 8 October, 18 November, and 19 November 2014 are examined as a single Personnel Action.

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

Classified By: [redacted]
Derived From: NSA/CSSM 1-52
Dated: 20130930
Declassify On: ~~20410301~~

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

by Employee Relations (ER) and the Agency's Recommended Range of penalties for Stated Offenses contained in PMM Chapter 366 for instances of insubordination. Therefore, the OIG found the allegations of reprisal to be unsubstantiated.

(U//~~FOUO~~) Although the investigation did not substantiate the allegation of reprisal, to give full consideration to whether Agency personnel acted improperly, the OIG considered whether management's actions constituted an "abuse of authority." In doing so, the OIG used the definition supplied by the Merit Systems Protection Board (MSPB); "an arbitrary or capricious exercise of power by a federal official or employee that adversely affects the rights of any person or results in the personal gain or advantage to himself or preferred other person."[2]

(U//~~FOUO~~) The OIG also considered whether management created a "hostile work environment." NSA/CSS PMM 366, Section 1-3, prohibits employees from engaging in any conduct that creates a hostile work environment and/or interferes with an individual's work performance, including harassment or intimidation in the form abusive or offensive language, threats, gestures, or menacing conduct by any Agency employee.

(U//~~FOUO~~) An examination of the evidence revealed verbal and written exchanges between [redacted] and her supervisory chain, primarily her immediate supervisor, [redacted] Chief, [redacted] which were adversarial and uncivil. However, the OIG did not find sufficient evidence to conclude that conduct by any Agency employee rose to the level of an abuse of authority or created a hostile work environment.

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

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

[2] (U//~~FOUO~~) *See Jessup v. Department of Homeland Security*, 8107 M.S.P.R 1, ¶8 (2007)

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

II. (U) BACKGROUND

(U//~~FOUO~~) The time period reviewed for this investigation was [redacted]. GG-15, joined [redacted] as the NTOC [redacted] on [redacted]. According to draft ACE objectives sent by her supervisor, [redacted] to [redacted] on [redacted].

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

(U//~~FOUO~~) The following hierarchy reflects [redacted] leadership chain during the time period under review:

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- [redacted] Chief NTOC [redacted]
  - [redacted] GG15, Chief, [redacted]
  - [redacted] GG15, Deputy Chief, [redacted]
  - [redacted] GG13, Chief, [redacted]
  - [redacted] GG13, Chief, [redacted]

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

(U//~~FOUO~~) [redacted] immediate supervisor and rater was [redacted] from [redacted] until [redacted] when he was replaced by [redacted].

(U//~~FOUO~~) Effective [redacted] was transferred from [redacted] to the [redacted]. Her transfer was a result of a mediation agreement reached in [redacted] between [redacted] and representatives from NTOC and [redacted].

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

(U) Scope and Authorities

(U) Section 7(c) of the Inspector General Act of 1978, as amended, states that "[a]ny employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or threaten to take any action against any employee as a reprisal for making a complaint or disclosing information to an Inspector General…."

(U//~~FOUO~~) NSA/CSS Policy 1-62, *Whistleblower Protection* (Policy 1-62), issued 6 July 2005, supplemented by NSA/CSS Policy Memorandum 2013-03 dated 14 June 2013 (App. A) provides protection to NSA employees who make a "protected communication."[3] A protected

[3] (U//~~FOUO~~) Policy 1-62 and NSA/CSS Policy Memorandum 2013-03 implemented Presidential Policy Directive (PPD) 19, Protecting Whistleblowers with Access to Classified Information, dated 12 October

communication is any lawful communication to a member of Congress or an IG, or a "lawful communication of information which the communicant reasonably believes evidences a violation of law or regulation, mismanagement, a gross waste of funds or other resources, an abuse of authority, or a substantial and specific danger to public health or safety, when such communication is made to a member of Congress, an IG, or any other person or organization (including any person or organization in the chain of command) designated under Agency policy or other established administrative procedures to receive such communications."

(U//~~FOUO~~) NSA/CSS Policy 1-62, paragraph 11, prohibits taking, or threatening to take, an unfavorable personnel action, or withholding or threatening to withhold a favorable personnel action, for making a protected communication. Paragraph 9 defines a "personnel action" as an action that affects, or has the potential to affect, the employment opportunities, the current position, or the career of an employee.

(U//~~FOUO~~) The NSA/CSS OIG employs a two stage process in conducting whistleblower reprisal investigations.[4] The first stage focuses on the alleged protected communication, personnel actions, and whether the protected communication was a contributing factor in the personnel action. The second stage focuses on whether the Agency would have taken, withheld, or threatened the personnel actions absent the protected communication. The first stage of the whistleblower reprisal analysis, determining whether a prima facie reprisal case exists, requires that findings be proven by a preponderance of the evidence. "Preponderance of the evidence" is that degree of relevant evidence that a reasonable person, considering the record as a whole, would accept as sufficient to find that a contested fact is more likely to be true than untrue.

(U//~~FOUO~~) To progress to the second stage of the investigative process, there must be proof by a preponderance of the evidence to make three findings:

1. (U//~~FOUO~~) The complainant made a protected communication;
2. (U//~~FOUO~~) The complainant was the subject of an adverse personnel action; and
3. (U//~~FOUO~~) The protected communication was a contributing factor in the personnel action.[5]

2012. Intelligence Community Directive (ICD) 120, Intelligence Community Whistleblower Protection, dated 20 March 2014, also implements PPD-19. NSA/CSS Policy 1-62 was re-issued 24 June 2015 to incorporate ICD-120, however, because both the alleged protected communications and personnel actions in this case occurred prior to that date, the previous version of NSA/CSS Policy 1-62 and the associated policy memo were applied in this investigation.

[4] (U//~~FOUO~~) 5 U.S. Code 2302(a)(2)(C)(ii)(1) exempts Intelligence Community employees from statutory whistleblower protections. However, we still use as a guide the implementing guidance found in U.S. Merit Systems Protection Board, U.S. Office of Special Counsel, and DoD decisions and regulations under that title.

[5] (U//~~FOUO~~) This third finding may be established if the acting official had knowledge, actual or imputed, of the complainant's communication and the personnel action took place within a period of

(U//~~FOUO~~) If a preponderance of the evidence supports the three findings, the investigation will proceed to the second stage. At that point, the Agency is afforded the opportunity to provide evidence that establishes that the Agency would have taken, withheld, or threatened the personnel action against the complainant absent the protected communication. The second stage of analysis is governed by a clear and convincing standard. "Clear and convincing evidence" is that measure or degree of proof that produces in the mind of the trier of fact a firm belief as to the allegations sought to be established. It is a higher standard than preponderance of the evidence, but a lower standard than beyond a reasonable doubt.

(U//~~FOUO~~) In the second stage, we consider the following three factors for presence of "clear and convincing evidence:"

1. (U//~~FOUO~~) The strength of the Agency's evidence in support of its personnel action;
2. (U//~~FOUO~~) The existence and strength of any motive to retaliate on the part of the Agency officials involved in the decision; and
3. (U//~~FOUO~~) Evidence that the Agency has taken similar actions against employees who are not whistleblowers but are otherwise similarly situated.

(U//~~FOUO~~) In addition to interviewing [redacted] we obtained sworn testimony from seven witnesses, including two of her (former) immediate supervisors. We also spoke with representatives from the Associate Directorate for Human Resources [redacted] We obtained all pertinent performance documents and copies of relevant correspondence from various sources, including [redacted]

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(U//~~FOUO~~) Sequence of Events

(U//~~FOUO~~) On [redacted], [redacted] was selected by [redacted], Chief, [redacted] to fill the position of [redacted]

(U//~~FOUO~~) On [redacted] sent draft ACE objectives to [redacted] and suggested they set a time to discuss. (Appendix 2) The draft states in part:

"As the NTOC [redacted]

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time subsequent to the communication, such that a reasonable person could conclude that the communication was a contributing factor in the decision to take the action.

(U//~~FOUO~~) On 2 June 2014, [redacted] sent an email to [redacted] alleging that the [redacted] She also asked that she be released "from my [redacted] so I can move to another position asap." She further declared that she was no longer willing to be the [redacted] because she was not getting the support of management. (Appendix 3)

(U//~~FOUO~~) [redacted] testified that he went to [redacted] NTOC, [redacted] to discuss [redacted] concerns. [redacted] was told by the [redacted] NTOC leadership wanted it kept in operation. Since [redacted] it was part of [redacted]. According to [redacted], he directed [redacted] to work with [redacted] but she refused stating that [redacted] was not competent. In her testimony, [redacted] confirmed that she refused to work with [redacted] because [redacted] was "too junior." According to [redacted], she would have done all the work and [redacted] would have taken the credit for it.

(U//~~FOUO~~) On 2 June 2014, [redacted] sent a list of issues related to [redacted] training to [redacted] Training Lead, [redacted] She subsequently forwarded those issues to [redacted] on 17 June 2014, to [redacted] Deputy Chief, [redacted] and [redacted] on 19 June 2014, [redacted] asserted that the training was full of errors due to the fact that the content was not developed by a Subject Matter Expert.[8]

(U//~~FOUO~~) On 30 June 2014, [redacted] sent an email to [redacted] and [redacted] Deputy Chief, [redacted] and copied [redacted] alleged that she had been reporting for some time that [redacted] She asked, [redacted] (Appendix 4)

(U//~~FOUO~~) On 16 July 2014, [redacted] sent an email to [redacted] accusing the [redacted] leadership of "dropping the ball" on a project. [redacted] testified that [redacted] verbiage

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

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

[8] (U//~~FOUO~~) [redacted] asserted in her interview with OIG that contractors were developing training without the proper expertise to produce good quality training, which she considered to be fraud.

in this email was unnecessarily accusatory, unprofessional, and an unfair characterization of the performance of the three employees she identified in the email. According to [redacted], [redacted] "jumped the chain of command" and sent derogatory information about fellow employees without addressing it at the lowest possible level. [redacted] testified that this incident, in addition to complaints from [redacted] co-workers about her unprofessional behavior, led to the discussions with [redacted] leadership regarding whether [redacted] was a good fit for the organization. (Appendix 5)

(U//~~FOUO~~) On or about 24 July 2014, [redacted] consulted with [redacted] Human Resources (HR) Consultant to NTOC, in the preparation of a "letter" he intended to issue to [redacted]. The purpose of the letter was to address [redacted] unprofessional behavior including her disregard for supervisory direction and failure to respect the chain of command. (Appendix 6)

(U//~~FOUO~~) On 29 July 2014, [redacted] was told to report to the HR office to meet with [redacted] According to [redacted], when she arrived at HR she found [redacted], and [redacted] waiting for her. [redacted] was provided an undated letter written by [redacted] stating she had engaged in unprofessional behavior by being accusatory, disruptive, argumentative, and conveying inaccurate descriptions of interactions with others.[9] The letter further stated, "We hereby are formally releasing you from your [redacted] obligation period.[10] If you chose[sic] to stay with NTOC, we will provide you an ACE plan that will stress the importance of interpersonal skills and building solid working relationships." (Appendix 7)

(U//~~FOUO~~) On 1 August 2014, [redacted] sent an email to [redacted] and [redacted] stating that contractors in [redacted] were creating PowerPoint training modules using [redacted] According to [redacted], "Regarding the [redacted] training modules from [redacted] that I reviewed, I urge you not to release this training, as it has many errors, many examples of bad rules, no examples of good rules, and also it includes [redacted] On 18 September 2014, [redacted] replied to [redacted] that he had investigated her allegations [redacted] violations and provided her the results. (Appendix 8)

(U//~~FOUO~~) As part of a reorganization within [redacted] in early [redacted] was selected to replace [redacted] as Chief, [redacted] began working alongside [redacted] in preparation to assume his position in late [redacted]

(U//~~FOUO~~) On 18 August 2014, after meeting with [redacted], [redacted] entered into the Human Resource Management System (HRMS) ACE objectives that were substantially different from those he sent her on [redacted] testified that he changed the objectives to

[9] (U//~~FOUO~~) Although the letter was undated, for simplification, the OIG refers to it as the [redacted] counseling letter.

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

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include some of the areas that [redacted] was complaining about such as the [redacted] considered [redacted] to be within [redacted] scope of duties as [redacted]

(U//~~FOUO~~) In an email dated 26 August 2014, [redacted] responded to [redacted] 29 July 2014 counseling letter. She stated that the charges [redacted] leveled against her were unfounded and false. She also claimed to be the victim of a hostile work environment and harassment. (Appendix 9)

(U//~~FOUO~~) On or about 3 September 2014, [redacted] contractor-employee, participated in a meeting with [redacted] and others. [redacted] testified that he was aggressively confronted by [redacted] regarding his presence at the meeting. He reported feeling intimidated by the encounter because of the accusatory and confrontational manner in which [redacted] approached him and demanded that he justify his role and purpose. This was one of two encounters he subsequently reported to [redacted]

(U//~~FOUO~~) On [redacted] [redacted] reported to the OIG that she believed she was being "targeted for raising waste, fraud and abuse issues about activities [redacted] is involved in." [11] (Appendix 10)

(U//~~FOUO~~) On 4 September 2014, [redacted] was presented with a Letter of Counseling (LOC) by [redacted] ER Counselor, at the request of [redacted]. The LOC alleged that [redacted] was engaging in unprofessional conduct including disrespectful, inflammatory, disruptive and argumentative behavior. (Appendix 11)

(U//~~FOUO~~) On 12 September 2014, [redacted] informed [redacted] that since the 4 September 2014 LOC, he had seen no change in [redacted] behavior or tone. In his email, [redacted] cited another unprofessional message sent from [redacted] to [redacted] on 11 September 2014. [redacted] advised [redacted], "We can now move forward with a Letter of Reprimand" and provided a sample LOR template to [redacted]. (Appendix 12)

(U//~~FOUO~~) [redacted] testified that he directed [redacted] to inform him of her meeting schedule so that he could accompany her to meetings and observe for himself her behavior. He communicated this to [redacted] during a meeting on 15 September 2014. However, [redacted] simply said "no" asserting that [redacted] did not have sufficient technical expertise to attend her meetings. [redacted] also testified that, despite [redacted] instruction, she did not see a purpose in inviting "junior people" to her meetings. [12]

(U//~~FOUO~~) On 15 September 2014, [redacted] informed [redacted] that he wanted to check the legality of the training slides before the training was deployed. According to [redacted] he

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[11] (U//~~FOUO~~) [redacted] communicated her specific allegations in subsequent meetings with OIG hotline personnel.

[12] (U//~~FOUO~~) [redacted] is a GG15 employee. [redacted], her supervisor, is a GG13 employee.

wanted to address concerns about before releasing the training for use. (Appendix 13)

(U//~~FOUO~~) On 16 September 2014, sent a draft LOR which became the basis for a LOR signed by Chief, ER, on 2 October 2014. (Appendix 14)

(U//~~FOUO~~) On 2 October 2014, while was away from her work area, took a book from the top of her desk entitled "*The No Asshole Rule.*" According to the title of the book was "very offensive." According to , the book is a NY Times bestseller regarding dealing with difficult people in the workplace and authored by a well-known Stanford Professor.[13] This incident is captured in email to , which he immediately forwarded to including the term "lol" commonly known as "laughing out loud." (Appendix 15)

(U//~~FOUO~~) On 3 October 2014 counseled regarding her work hours and duty location. testified that refused to keep her chain of command informed of her whereabouts during the work day. testified that she seemed to employ a practice of "catch me if you can." According to , attempted to "hot-desk" at locations other than her assigned work area. She would send emails from other workstations and then refuse to reply to his emails requesting her location. testified that disregarded instructions to update Jsignout regarding her whereabouts despite being repeatedly told to do so. (Appendix 16)

(U//~~FOUO~~) On 7 October 2014, presented with the LOR. The letter was signed on 2 October 2014 by The LOR charged with insubordination, failing to notify management of her whereabouts, not updating Jsignout, and confronting a contractor employee regarding his presence at a meeting. (Appendix 17)

(U//~~FOUO~~) On 7 October 2014, also presented with a Memorandum for Record (MFR) also known as a "Leave Letter" that outlined new attendance requirements for . According to , the MFR came about due to frequent absences from her desk during the duty day, management's inability to locate her, and lack of cooperation in notifying management of her whereabouts. (Appendix 18)

(U//~~FOUO~~) Included in the MFR were the following requirements:

> When requesting unscheduled leave (sick leave or late arrival), please use the following guidance:
>
> - Call your supervisor by your official start time or within the first hour of your workday. If you are unable to contact leave a voicemail; and then

[13] (U//~~FOUO~~) The referenced book is "The No Asshole Rule: Building a Civilized Workplace and Surviving One that Isn't," by Robert I. Sutton, PhD, Stanford Professor. The book has appeared on the NY Times, Wall Journal, USA Today, and Business Week bestseller lists. Source: Amazon.com

- Call your Division Chief, [redacted] if he is not available, leave a voicemail; and then call
- Call the main office number at: 301-688-7245. Leave a message for [redacted] that you are requesting late arrival/sick leave;
- You will be carried in an AWOL status until you receive supervisory approval for leave;
- Failure to notify your supervisor of your inability to report to duty within the first hour of your workday will result in AWOL procedures being initiated.

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(U//~~FOUO~~) [redacted] testified that she was ill on 8 October 2014, the day after receiving the Leave Letter. On that morning, she attempted to call [redacted] at the phone number provided in the letter. However, he did not answer. [redacted] attempted to leave a voice message, but [redacted] voicemail had not been set-up. She testified that she did not call [redacted] after failing to reach [redacted] as is prescribed in the MFR because she did not have the MFR on her nightstand beside her bed and did not recall that she was supposed to call three people to call in sick. [redacted] eventually reached the NTOC front office and informed the individual who answered of her illness. After receiving [redacted] message, [redacted] called [redacted] at home to inform her she was being charged with AWOL for not following the procedures outlined in the MFR. Both [redacted] and [redacted] testified there was no discussion during [redacted] call of whether he would approve her sick leave for the day, only that she failed to follow the instructions in the MFR and was, therefore, being charged with AWOL. (Appendix 19)

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(U//~~FOUO~~) On 8 October 2015, [redacted] sent an email (Appendix 20) to [redacted] and [redacted], and [redacted] advising them of the following:

> Given that [redacted] was provided specific instructions regarding any request for leave or unexpected time off, she should be charged AWOL for today on her timesheet for not following the conditions of the MFR given yesterday. Please first verify that she did not leave any messages on the voicemails of those listed in the MFR. If we don't hold her to the expectations outlined, we shouldn't have given it in the first place. This will act as another aggravator to support a suspension.[14]

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(U//~~FOUO~~) According to the Payroll office, [redacted] current payroll records currently reflect eight hours of AWOL for 8 October 2014.[15] (Appendix 21)

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[14] (U//~~FOUO~~) [redacted] testified that the sick leave procedures in the MFR were designed so that [redacted] would be aware that she would be declared AWOL until she reached a supervisor who could approve her sick leave pending receipt of a doctor's note.

[15] (U//~~FOUO~~) In accordance with NSA PMM 363, Section 7b, "If the unauthorized absence is found to be excusable because of conditions that made prior approval impracticable, the supervisor may allow the employee to use (or substitute, if the timesheet had already been submitted for processing) the appropriate type of personal leave." The OIG asked ER to review the determination that the eight hours were recorded as AWOL rather than sick leave as [redacted] requested. ER reported to the OIG on 15 March 2016 that [redacted] records were being updated to change the eight hours of AWOL to sick leave.

(U//~~FOUO~~) On 9 October 2014, [redacted] submitted a draft SPF to ER to "request appropriate disciplinary action be taken" against [redacted]. The SPF cited several instances of violating the attendance MFR, AWOL for 8 October 2014, displaying offensive material in the workplace, and insubordination. (Appendix 22)

(U//~~FOUO~~) On [redacted] received from [redacted] a Non-Rated (NR) ACE evaluation for the period [redacted] through [redacted]. The evaluation contained a narrative write-up, but no numerical score because she had less than 90 days of rated time under the objectives put in place on [redacted] alleged that [redacted] violated Agency policy by not providing her ACE objectives within the first 30 days under his supervision. She also alleged that the negative comments contained in the ACE narrative were unwarranted. [redacted] testified that he sent draft objectives to [redacted] within 30 days, but [redacted] refused to meet with him to discuss them until [redacted] at which time he entered them into HRMS. The evaluation cited [redacted] consistent pattern of unprofessional behavior, disregard for the chain of command, and counterproductive relationships with co-workers. (Appendix 23)

(U//~~FOUO~~) On [redacted] counselled [redacted] via email regarding her "continued harassment of contractors" at meetings, specifically [redacted] testified that [redacted] reported two such incidents to her. [redacted] testified that [redacted] embarrassed him on at least two separate occasions by aggressively questioning his role and purpose at meetings in the presence of others. (Appendix 24)

(U//~~FOUO~~) On 29 October 2014, [redacted] received opinions from both the NSA Office of General Counsel and the Contract Management Oversight Group stating that the completed NTOC training modules complied with [redacted] and could be released. [redacted] notified [redacted] and other [redacted] personnel of the decision. (Appendix 25)

(U//~~FOUO~~) On 1 November 2014, [redacted] forwarded to [redacted] an email regarding [redacted] purported harassment of contract employee [redacted] had reported this encounter to [redacted] because she was the Branch Manager in the branch he supported as a contractor. In his email [redacted] reported this to be the third incident where he was treated in a "rude and unprofessional manner" by [redacted]. (Appendix 26)

(U//~~FOUO~~) On 3 November 2014, [redacted] presented [redacted] with a Proposal for Suspension for 14 days. The letter was based on the [redacted] SPF submitted by [redacted]. The letter charged [redacted] with insubordination for failing to comply with rules, regulations, written procedures, or proper supervisory instructions. (Appendix 27)

(U//~~FOUO~~) On 12 November 2014, [redacted] asked [redacted] for specific information regarding a charge in the suspension proposal letter. Specifically, "On 23 October, you berated a contractor from another branch during a meeting, in violation of instructions you received from management after a prior similar incident." [redacted] asked, "Which contractor and meeting are you referring to, and how did I supposedly 'berate' them? Please also provide the details for

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the referenced 'prior similar incident.'" [redacted] stated that she was making the request so that she could prepare a response. (Appendix 28):

(U//~~FOUO~~) On 14 November 2014, [redacted], contract employee supporting [redacted], reported to [redacted] several instances of unprofessional conduct by [redacted] during the period July through October of 2014. [redacted] requested that [redacted] document the information in writing and send it to her. [redacted] sent an email and copied Contract Program Manager, [redacted] who according to [redacted], was reluctant to assign contractors to [redacted] because of reports of the maltreatment by [redacted]. In her email, [redacted] referenced numerous examples of [redacted] making belittling and disparaging comments about co-workers and supervisors. (Appendix 29). Contract management's concerns with assigning contractors to work with [redacted] were further discussed in [redacted] email to [redacted] on 6 November 2014. (Appendix 30)

(U//~~FOUO~~) On 17 November 2014, [redacted] notified NTOC [redacted] contract employees [redacted] that [redacted] had been entered into [redacted] "for which NTOC/NSA has not purchased licenses, which are typically charged on a [redacted] basis. Without licenses, NTOC may not enter [redacted] in [redacted] (Appendix 31)

(U//~~FOUO~~) As a result of unapproved absences on 18 and19 November hours 2014, [redacted] was carried in an AWOL status on her timesheet pending receipt of approved medical documentation.[16] (Appendix 32)

(U//~~FOUO~~) On 21 November 2014, a meeting was held with [redacted] personnel including [redacted], OGC attorneys, and personnel from the NTOC [redacted] office to discuss NTOC's tasking of [redacted]. [redacted] forwarded meeting notes to all of meeting participants including [redacted]. In his notes [redacted] referred to [redacted] being tasked "inadvertently." [redacted] "replied all" to [redacted] email stating that his notes were incorrect in that the tasking was not inadvertent, but an intentional decision made by a number of NTOC personnel. [redacted] asked [redacted] to correct his meeting notes. [redacted] then reduced the email audience to only [redacted], with [redacted] and [redacted] cc'd. [redacted] then wrote to [redacted] that she had "no apparent care or concern for the humanity" and "We have just returned from watching a dear friend and co-worker lay his wife to rest. It is no surprise that while others grieve a loss and feel a moment compassion and reflection, you remain behind to continue forth with your contentious ways. For me, our loss puts this into perspective, and only serves to reflect poorly upon anyone who does not wish to follow simple requests or create harmony. Individuals of this ilk rarely see the bigger picture and typically work in a myopic state. [redacted], your actions continue to further isolate you from those you are surrounded by, at this point I truly feel sorry for you." He further wrote,

[16] (U//~~FOUO~~) Both AWOLs were subsequently converted to sick leave; the18 November 2014 event upon receipt of medical documentation, and 19 November 2014 as the result of a mediation session with the Office of Administrative Grievances.

"Your actions are undoubtedly [an] outward indication of an inner problem, and I would welcome the opportunity to address them with you." He ended the email with, "'tis the season! ;)" (Appendix 33)

(U//~~FOUO~~) The OGC ultimately opined on 4 December 2014 [redacted] (Appendix 34)

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

(U//~~FOUO~~) On 16 December 2014, [redacted] reviewed a draft SPF sent to her by [redacted] that described [redacted] continuing misconduct since receiving the Notice of Suspension. [redacted] recommended to [redacted] that he "finalize this SPF and get it ready for coordination; but we must wait to see what for the outcome of the proposed suspension. The minute we know the decision, we will move forward with the SPF." (Appendix 35)

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

(U//~~FOUO~~) On [redacted], [redacted] received a non-rated ACE evaluation from [redacted] The ACE was non-rated because the evaluation period was less than 90 days. The write-up included negative comments regarding [redacted] lack of professionalism, disregard for management direction, and refusal to collaborate. (Appendix 36)

(b) (6)

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

(U//~~FOUO~~) On [redacted] was transferred from [redacted] to [redacted] in accordance with an agreement reached in a mediation session with [redacted] and [redacted] Deputy Chief of [redacted]. The mediation was facilitated by the NSA Office of Administrative Grievances.

(U//~~FOUO~~) On 10 February 2015, [redacted] sent an email to [redacted] recommending that he send [redacted] the documentation of [redacted] "continued misconduct." (Appendix 37)

(U//~~FOUO~~) On [redacted] forwarded the SPF to [redacted] for signature. [redacted] wrote, "MR has requested the submission of this." (Appendix 38) On [redacted] digitally signed the document with [redacted] digitally signing it on 20 February 2015.

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

(U//~~FOUO~~) On [redacted] sent to [redacted] an 11-page SPF requesting that disciplinary action be taken against [redacted].[17] [redacted] testified that the objective of the SPF was to document continued misconduct by [redacted] that occurred following her receipt of the Notice of Suspension and prior to her departure from [redacted] on [redacted] testified that she advised [redacted] to document the additional misconduct in this way to complete

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

[17] (U//~~FOUO~~) The fact that [redacted] requested additional disciplinary action against [redacted] after she left his organization is apparently unknown to [redacted] because no action was taken by ER as a result of his request. Therefore, it was not alleged in her complaint. However, the OIG analyzed [redacted] request as a personnel action and for potential abuse of authority.

the record on [redacted] for future reference. [redacted] replied that he would place document in the "employee's file." (Appendix 39)

(U//~~FOUO~~) On [redacted] received notice that Francis Delker, Chief, Human Resources (HR), after having reviewed the charge and facts contained in [redacted] written and oral replies, reduced [redacted] period of suspension from 14 to 5 days. [redacted] served her 5 day suspension in early March 2015. (Appendix 40)

(b) (6)

III. (U) Findings

(U//~~FOUO~~) The OIG examined five possible protected communications and eight potential personnel actions that are identified in below table and later discussed in further detail:

Date and Activity	Responsible Official	Protected Communication	Personnel Action	Reason
2 and 30 June 2014 Allegation of Gross Mismanagement [redacted] Tool		No		Allegation was a matter of debate and did not involve wrongdoing, negligence, or an element of blatancy. *Nafus v. Dep't of the Army (1993)*
2 and 19 June 2014 [redacted] Training Module errors		No		No substantial information or evidence of a violation, of law, regulation or policy, gross mismanagement gross misuse of funds or abuse of authority. *Garrison v. DoD (2006)*
1 August 2014 Allegation of [redacted] Violation, re: Training Material		Yes		Reasonable belief of violation of law made to member of chain of command. *Rusin v. DHHS (2002)*
[redacted] Complaint to IG		Yes		Communication made to recipient(s) established under policy to receive protected communications. *NSA/CSS Policy 1-62*
4 September 2014 Counseling Letter	[redacted]		No	Counseling is a non-disciplinary action. *Gober v. Navy (1983)*
2 October 2014 LOR	[redacted]		Yes	Disciplinary action. *Gober v. Navy (1983)*
7 October 2014 Leave Letter	[redacted]		No	Non-disciplinary action informing of management expectations. *Gober v. Navy (1983)*
8 October, 18 and 19 November 2014 AWOLs	[redacted]		Yes	Decision that concerned pay and benefits. *NSA/CSS Policy 1-62and PPD 19*
[redacted] ACE from [redacted]	[redacted]		No	Accurate indication of performance. *Ireland v. DHHS 1987 MSPB 36*
3 November 2014 Notice of Suspension	[redacted]		Yes	Disciplinary action. *Gober v. Navy (1983)*
17 November 2014 Allegation of [redacted] Violation, re: Use [redacted]		No		Communication not made to recipient(s) established under policy to receive protected communications. *NSA/CSS Policy 1-62*

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

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

(b) (6)

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(b) (6)

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

ACE from			No	Accurate indication of performance. *Ireland v. DHHS 1987 MSPB 36*
SPF Request for Disciplinary Action			Yes	Potential to affect career. *NSA/CSS Policy 1-62 and PPD 19*

Table 1 - Potential Protected Communications and Personnel Actions

1. (U//~~FOUO~~) Did [redacted] make a protected communication? **Yes.**

(U//~~FOUO~~) NSA/CSS Policy 1-62 defines a protected communication as:

a. (U) Any lawful communication of information to a Member of Congress or an IG; or

b. (U) A lawful communication of information which the communicant reasonably believes evidences a violation of law or regulation, mismanagement, a gross waste of funds or other resources, an abuse of authority, or a substantial and specific danger to public health or safety, when such communication is made to a member of Congress, an IG, or any other person or organization (including any person or organization in the chain of command) designated under Agency policy or other established administrative procedures to receive such communications.

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

(U//~~FOUO~~) **The [redacted] Tool**

(U//~~FOUO~~) On 2 and 30 June 2014, [redacted] sent emails to her supervisory chain complaining of the defective state of the [redacted] tool. [redacted] testified that she believed the defective state of the tool was the result of gross mismanagement by [redacted] management including [redacted] and [redacted]. [redacted] testified that, [redacted] it was not only [redacted] job to identify problems [redacted] but also to work to resolve them. [redacted] met with [redacted] regarding [redacted] concerns. Both [redacted] and [redacted] testified that although not perfect, the [redacted] program was the best tool that NTOC had [redacted] and it had the support of the NTOC leadership. According to [redacted], he discussed [redacted] concerns with Subject Matter Experts (SME), including [redacted], who also believed the tool was beneficial. [redacted] testified that he kept the [redacted] tool in operation with the knowledge that it was not a perfect product, but still a worthwhile tool.

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

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

(U//~~FOUO~~) In *Nafus v. Department of the Army (1993),* the MSPB concluded that "gross mismanagement is more than de minimis wrongdoing or negligence. Thus, gross

mismanagement does not include management decisions which are merely debatable, nor does it mean action or inaction which constitutes simple negligence or wrongdoing. There must be an element of blatancy."[18]

(U//~~FOUO~~) The OIG concluded that [redacted] allegation of gross mismanagement of the [redacted] tool was a matter of debate between [redacted] and [redacted] management. In addition, there was no evidence of wrongdoing or negligence associated with management's decision to keep the tool in operation. Therefore, because there was no element of blatancy, [redacted] concerns with [redacted] did not meet the standard of "gross mismanagement" required for a protected communication.

(U//~~FOUO~~) [redacted] **Training Modules**

(U//~~FOUO~~) On 19 June 2014, [redacted] provided to [redacted] a list of errors that she had identified in the [redacted] training slides. On 30 June 2014, [redacted] alleged to [redacted], that [redacted] training slides sent to her for review contain "many, many, errors…I urge you not to release this training." According to [redacted], the contractors preparing the materials were not subject matter experts. [redacted] testified that she had tasked [redacted] to assist in the development of the training by reviewing the materials and providing any input or corrections she believed to be appropriate. However, [redacted] refused [redacted] request. According to [redacted], she refused the request because it fell short of "giving her an order to do it," and it would be fraud for her to perform or correct contractor work.

(U//~~FOUO~~) The OIG examined [redacted] alleged protected disclosure for gross mismanagement. A reasonable belief of gross mismanagement requires more substantial information than mere suspicion or matters of debate. The conduct and significant harm to the Agency must be clear.[19]

(U//~~FOUO~~) The OIG finds that a reasonable person in the complainant's position would view [redacted] allegation as a matter of debate with no evidence of wrongdoing or an element of blatancy on behalf of the Agency. Although [redacted] belief that the training was not effective and was filled with errors may have been reasonable, that belief, does not constitute gross mismanagement. Likewise, managements request to her to provide assistance in correcting what she believed to be inadequate training did not constitute gross mismanagement. Therefore, [redacted] allegation of fraud with regard to a management request for her assistance with what she believed to be error-filled or inadequate [redacted] Training Modules was not a protected communication.

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

[18] (U//~~FOUO~~) *Nafus v. Department of the Army*, 57 MPR 386 (1993).
[19] (U//~~FOUO~~) *Parikh v. Department of Veteran's Affair*, 2009 MSPB LEXIS 7396 at 12-13.

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(U//~~FOUO~~) On 1 August 2014, [redacted] sent an email to [redacted] stating that contractors in [redacted] were creating PowerPoint training modules using [redacted] material. [redacted] stated, "Regarding the [redacted] training modules from [redacted] that I reviewed, I urge you not to release this training, as it has many errors, many examples of [redacted] and also it includes [redacted]

(U//~~FOUO~~) [redacted] communicated what she reasonably believed to be a violation of law on the part of the Agency to her chain of command. Since [redacted] is member of [redacted] chain of command, he is considered a person established under NSA/CSS Policy 1-62 to receive such communications. Therefore, this communication was protected.

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

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

(b) (6)

(U//~~FOUO~~) **Complaint to OIG**

(U//~~FOUO~~) On [redacted] communicated to the IG in an email that she believed she was being "targeted" by her chain of command for raising issues concerning fraud waste and abuse. In subsequent meetings with OIG hotline personnel, she reported specific information regarding her allegations.

(U//~~FOUO~~) The OIG is established under NSA/CSS Policy 1-62 administrative procedures to receive protected communications. Therefore, [redacted] report to the OIG is a protected communication.

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

(U//~~FOUO~~) On 17 November 2014, [redacted] notified NTOC [redacted] contract employees [redacted] via email [redacted] NTOC, later notified [redacted] and OGC of [redacted] allegations.

(U//~~FOUO~~) None of the recipients of [redacted] 17 November 2014 email are established under NSA/CSS Policy 1-62 administrative procedures to receive protected communications. Therefore, this communication was not protected.[20]

[20] (U//~~FOUO~~) Although recent case law interpreting the *Whistleblower Protection Enhancement Act* has widened the range of persons authorized to receive PCs, co-workers and contractors are still excluded. Furthermore, even if this had been a PC, or if her comments at or following the 21 November 2014 meeting regarding [redacted] concerns about [redacted] were considered PCs, it would not affect the conclusion because the only adverse personnel action that occurred after the meeting, the [redacted] SPF, would have occurred anyway for the same reasons contained in the later analysis related to the SPF.

2. (U//~~FOUO~~) Was an unfavorable personnel action taken or threatened, or was a favorable action withheld or threatened to be withheld following the protected communication? **Yes.**

(U//~~FOUO~~) NSA/CSS Policy 1-62 defines a personnel action as "any action that affects or has the potential to affect the employment opportunities, the current position or the career of any employee of the NSA/CSS…. Such actions include a promotion; a disciplinary or corrective action; a transfer or reassignment; a performance evaluation; a decision on pay, benefits, awards or training; and any other significant change in duties or responsibilities inconsistent with the employee's salary or grade level."

(U//~~FOUO~~) [redacted] alleged that she was subjected to the following adverse personnel actions:

1) The 4 September 2014 LOC written by [redacted].
2) The 2 October 2014 LOR requested by [redacted] and signed by [redacted]
3) The 7 October 2014 MFR or "Leave Letter" outlining new attendance requirements for [redacted].
4) The 8 October 2014, 18 November, and 19 November 2014 AWOL charges.
5) The [redacted] non-rated ACE evaluation from [redacted] containing negative comments, but no numerical score.
6) The 3 November 2014 Notice of Proposed for Suspension signed by [redacted] which resulted from the [redacted] SPF signed by [redacted]
7) The [redacted] non-rated ACE evaluation from [redacted] containing negative comments, but no numerical score.
8) The [redacted] SPF sent from [redacted] to [redacted] requesting disciplinary action against [redacted].

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

(b) (6)

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

(U//~~FOUO~~) The OIG examined each of [redacted] allegations and determined that four of the above actions constituted personnel actions (#2, #4, #6, and #8).

1) The 4 September 2014 LOC written by [redacted]

(U//FOUO) Although alleged by [redacted] as a personnel action, the 4 September 2014 LOC was non-disciplinary. It was intended to communicate management expectations to her. The letter states, "This counseling is non-disciplinary" and no disciplinary action was imposed. Therefore, it does not constitute a personnel action. See *Gober v. Department of the Navy*, 15 MSPR at 357 (1983).

2) The 2 October 2015 LOR signed by [redacted]

~~(U//FOUO)~~ The LOR charged [redacted] with insubordination, failing to notify management of her whereabouts, not updating Jsignout, and confronting a contractor employee regarding his presence at a meeting. [redacted] alleged that the LOR was issued in reprisal for her protected communications. [redacted] testified that [redacted] reported to her that the prior LOC issued to [redacted] had not resulted in any change in her unprofessional and disruptive behavior. In his email to [redacted], [redacted] informed her that [redacted] was demonstrating complete disregard for his authority and direction. In his request, [redacted] forwarded an email wherein [redacted] used a disrespectful and condescending tone with an NTOC co-worker, [redacted]. [redacted] sent the email as further evidence that there had been no change in [redacted] behavior since the LOC.

~~(U//FOUO)~~ On 12 September 2104, [redacted] advised [redacted] that in view of [redacted] continued disrespectful behavior it was possible to move forward to an LOR. She asked [redacted] to submit an SPF with "documented factual instances of infractions." However, according to [redacted], no such SPF was received by ER. Instead, [redacted] submitted a draft LOR prepared from a "sample LOR" she had provided to him. [redacted] testified that an SPF was preferred, but not required by policy. [redacted] further testified that the draft LOR submitted by [redacted] contained the necessary information to prepare the LOR for [redacted] signature, which she did. The letter charged [redacted] with creating a hostile work environment, insubordination, and disrespect in dealings with fellow workers in violation of NSA/PMM Chapter 366.

(U//~~FOUO~~) Letters of reprimand are considered personnel actions when the letter is intended as a penalty. *See McVay v. Arkansas National Guard*.[21] The letter of reprimand issued to [redacted] states, "This reprimand represents the Agency's lowest level of disciplinary action." Under NSA/PMM Chapter 366 Recommended Range of Penalties for Stated Offenses, LOR's are listed as a recommended penalty for first offenses of insubordination. Therefore, the OIG determined that the LOR issued to [redacted] by ER on 7 October 2014 constituted a personnel action.

3) (U//~~FOUO~~) The 7 October 2014 MFR outlining new attendance requirements for [redacted]

(U//~~FOUO~~) [redacted] alleged that the MFR or "leave letter" issued by ER was onerous, restrictive, and targeted her with requirements above and beyond those of her co-workers. She further alleged that it created conditions impossible for her to meet.

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

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

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

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

[21] (U//~~FOUO~~) McVay vs. Arkansas National Guard, 80 M.S.P.R. 120,122 (1998)

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

(U//~~FOUO~~) According to [redacted], the MFR was issued due to management's persistent problems in determining [redacted] whereabouts during the duty day. [redacted] testified that [redacted] was frequently away from her desk and could not be located. Although Jsignout would indicate that she was signed-in, she would not update the comments section to state her actual physical work location or respond to emails requesting her whereabouts. This is documented in an email from [redacted] to [redacted] on 3 October 2014.

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

(U//~~FOUO~~) [redacted] testified that the MFR was not intended to be a disciplinary action. Rather, it was a communication of new attendance expectations for [redacted] brought about by her frequent absences from her primary work area. The letter specifically stated that the MFR was "being provided in order to communicate expectations regarding your attendance."

(U//~~FOUO~~) To constitute a personnel action, the action must be a "significant change in duties, responsibilities or working conditions." Both before and after the 7 October 2014 attendance MFR, [redacted] performed the same duties as the NTOC [redacted] Although the MFR outlined new attendance requirements and management expectations for [redacted], it made no change to her duties, responsibilities, or working conditions.

(U//FOUO) Therefore, the OIG determined that the attendance MFR issued to [redacted] by ER on 7 October 2014 did not constitute a personnel action.

4) (U//~~FOUO~~) AWOLs.

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

(U//~~FOUO~~) [redacted] was declared AWOL for eight hours on 8 October 2014. Documentary evidence as well as witness testimony established that she attempted to call-in sick for the day using her benefit of sick leave. However, [redacted] following very specific guidance from [redacted], declared [redacted] AWOL for not following the instructions contained in the "leave letter."[22] In addition, [redacted] was declared AWOL for 18 and 19 November 2014 for failing to follow the requirements of the leave letter.[23]

(U//~~FOUO~~) The definition of a "personnel action" includes "a decision concerning pay, benefits, or awards."[24] Employees are not paid for periods of AWOL and sick leave is a benefit afforded federal employees. [redacted] decisions to declare

[22] (U//~~FOUO~~) As noted in the sequence of events, [redacted] did not have the ability to leave a voice mail for [redacted] as required by the Leave Letter because his voice mail account had not been set-up.
[23] (U//~~FOUO~~) All of [redacted] AWOL hours were subsequently converted by to sick leave by [redacted] management with the exception of the eight hours for 8 October 2014.
[24] (U//~~FOUO~~) See 5 USC § 2302(a)(2)(A)(ix) (1994)

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

[redacted] AWOL affected her pay and benefits. Therefore, his decisions constituted a personnel action.

5) (U//~~FOUO~~) [redacted] non-rated ACE evaluation from [redacted] that contained negative comments.

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

(U//~~FOUO~~) NSA/CSS Policy 1-62 lists a performance evaluation as a type of action that has the potential to affect the career of an employee. Within the Agency, ACEs of record are used to determine performance bonuses for civilian employees. Additionally, the most recent three ACEs of record are part of the promotion review package an employee submits when seeking promotion to the next higher grade and the ratings received are a consideration in the decision whether or not to promote. Further, when applying for another position within NSA, an employee must submit their computer-generated employment history profile, which includes the overall rating of the employee's ACEs of record for the last several performance appraisal cycles.

(U//~~FOUO~~) [redacted] alleged that, in an act of reprisal, [redacted] failed to enter ACE objectives into the HRMS system within 30 days. In addition, her ACE contained negative comments regarding her performance, which according to [redacted], were unwarranted.

(U//~~FOUO~~) [redacted] included the following narrative comments regarding [redacted] performance:

> Section 1 - Collection Management Collaboration
>
> Displayed a consistent pattern of unprofessional behavior and counterproductive working relationships with the NTOC Collection Management team. The feedback received and behavior concerning actions included accusatory remarks, inaccurate descriptions of interactions with others, disruptive and argumentative behavior, complete disregard for supervisor direction, disrespect of established chain of command, and alienation of co-workers. The failure to practice active and professional interpersonal skills over the past few months is in direct opposition to the NTOC values. The actions clearly demonstrate a blatant disregard and disrespect for leadership and Agency policies. Overall, this type of behavior is not conducive to teaming, collaboration, or effective mission execution.

(b) (6)

(U//~~FOUO~~) The fact that [redacted] did not receive a numerical score on her ACE was in accordance with Agency policy for rating periods of less than 90 days.[25]

[25] (U//~~FOUO~~) On [redacted] had less than 90 days under the objectives [redacted] entered into HRMS on [redacted] Although [redacted] sent [redacted] draft objectives on [redacted] he testified that the [redacted] meeting was his first opportunity to discuss the objectives with [redacted] because until that point she had refused to meet with him. Therefore, [redacted] was not under an approved plan for the requisite 90 days to be eligible for a numerical rating.

(U//~~FOUO~~) NSA/CSS Policy Manual 4-16A provides:

> VIII. Interim Periods of Performance During the Performance Rating Cycle
>
> B. Closeout Evaluation
>
> 3. If there were less than 90 days under Performance Plan, the rater shall complete a brief narrative description of the employee's performance, accomplishments, and contributions; however, no numerical rating is assigned.

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

(U//~~FOUO~~) characterization of performance is supported by at least two documented instances of insubordination: 1) refusing to work with on the tool; and 2) disobeying his instructions to notify him of her meetings so that he may attend with her. In addition, and testified that they believed the email sent to accusing three co-workers of "dropping the ball" on an important mission was unprofessional and counterproductive.

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

(U//~~FOUO~~) Therefore, the OIG determined that ACE was an accurate indication of her performance and the appropriate performance standard was applied.[26] Therefore, it was not a personnel action.

6) Notice of Proposed Suspension, 3 November 2014.

(U//~~FOUO~~) On forwarded to an SPF requesting disciplinary action against . The SPF was also signed by and . The SPF cited failure to follow supervisory direction and unwillingness to comply with the basic management requests such as completing required work schedule forms.

(b)(6)

(U//~~FOUO~~) The SPF became the basis for the 3 November 2014 Notice of Proposed Action to Suspend, signed by and presented to on 7 November 2014. The letter contained a single charge of insubordination and proposed that be suspended for 14 days. The letter stated, "The proposed penalty is consistent with the Agency's Recommended Range of Penalties and other discipline imposed for similar cases."

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[26] (U//~~FOUO~~) *See, e.g., Ireland v. Dep't of Health and Human Serv.*, 1987 M.S.P.B. 36 at 6-7, which found that there was no reprisal because the standard against which the Agency measured the appellant's performance permitted an accurate evaluation of his job performance.

(U//~~FOUO~~) As the letter was clearly intended as a penalty and disciplinary action, the OIG found the letter of proposed suspension issued to [redacted] on 7 November 2014 to be a personnel action.

(b) (6)

7) (U//~~FOUO~~) The [redacted] Non-rated ACE evaluation from [redacted] that contained negative comments.

(U//~~FOUO~~) [redacted] officially replaced [redacted] as Chief, [redacted] and [redacted] supervisor on [redacted] departed [redacted] for a new position in [redacted] on [redacted] As [redacted] only had 84 days in the rating period under [redacted] there was insufficient time for a numerical score to be applied to [redacted] evaluation.

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

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

(U//~~FOUO~~) In the ACE narrative [redacted] included the following comments regarding [redacted] performance:

> Section 1 - Collection Management Collaboration
>
> [redacted] refused to meet to discuss her ACE objectives, as well as refused to provide input. As documented, [redacted] blatantly refused to work with management at any capacity, to include meeting to discuss her ACE; as a result of her complete disregard for management, professionalism and direct orders, her ACE objectives were never discussed.
>
> During this reporting period, [redacted] refused to engage in Collection Management and Collaboration. [redacted] not only refused to collaborate, but further isolated herself and organization by attacking her peers, superiors and customers; as a result of her negative work approach and ethics, collaboration deteriorated to the point of nonexistent, which directly addressed her inability to practice active and professional interpersonal skill development.

(U//~~FOUO~~) During the rating period, [redacted] was cited for five instances of failure to adhere to management's instructions contained in the attendance MFR issued to her on 7 October 2014. Additionally, she continued to engage in the behavior she was warned about. Her second incident of aggressive and unprofessional behavior toward [redacted] occurred on or about 23 October 2014 as evidenced in his emails to [redacted] and [redacted] counselling of [redacted].

(U//~~FOUO~~) Therefore, the OIG determined that [redacted] ACE, was not a personnel action because it was an accurate indication of her performance and the appropriate performance standard was applied. The absence of a numerical score was in accordance with Agency policy regarding personnel evaluations when the rating period was less than 90 days. Therefore, Agency policy was correctly applied to [redacted] ACE evaluation.

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8) (U//~~FOUO~~) The [redacted] SPF sent from [redacted] to [redacted] requesting disciplinary action against [redacted].

(U//FOUO) The OIG reviewed the SPF as a potential personnel action because it was submitted to ER as request for disciplinary action with the potential to affect [redacted] career. [redacted] testified that following [redacted] receipt of the Notice of Suspension on 7 November 2014, her disregard for management authority became more severe as she refused to complete assigned work. He consulted [redacted] regarding how to address [redacted] behavior while her suspension was still under appeal.

(U//~~FOUO~~) [redacted] testified that she advised [redacted] to continue to document the additional misconduct and report it to ER as a means to complete the record on [redacted] behavior in [redacted] complied with [redacted]'s guidance by sending the SPF to [redacted] In his email, [redacted] stated that the purpose of the SPF was to provide "documentation of continued misconduct for a period of time that would otherwise be 'missing' from the record." He further wrote, "These offenses, in many ways, represent the most egregious to date." Although no action was ultimately taken, the SPF had the potential to affect the [redacted] career.

(U//~~FOUO~~) Therefore, the OIG determined that the [redacted] SPF request for disciplinary action against [redacted] constituted a personnel action.

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

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

3. (U//~~FOUO~~) Were the protected communications contributing factors in the personnel actions? **Yes**

(U//~~FOUO~~) A protected communication can be shown to be a "contributing factor" to a personnel action when the responsible official had knowledge of the protected communication and acted within such a period of time that a reasonable person could conclude that the disclosures were a contributing factor in the personnel action. One way in which this "knowledge/timing" test is satisfied is when the action follows knowledge of the disclosure by no more than one year.[27]

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

(U//~~FOUO~~) [redacted] 1 August 2014 assertion of [redacted] violations committed during the development of training materials in NTOC were known to [redacted] and [redacted] as documented in the 26 September 2014 email. [redacted] testified he was aware of her allegations and elevated them to [redacted]. [redacted] testified that she discussed the matter with [redacted] and deferred to him to take the lead on resolving [redacted] allegations.

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[27] (U//~~FOUO~~) *See Smith v. Department of Agriculture*, 64 M.S.P.R. 46, 65 (1994)

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(U//~~FOUO~~) [redacted] testified that he took [redacted] allegations seriously and ordered work on the training materials stopped while he sought resolution of the matter through OGC. The allegation remained a point of discussion through various emails between [redacted] and [redacted] until it was resolved on 29 October 2014 with "final word from the OGC" indicating [redacted]

(b) (5)

(U//~~FOUO~~) Therefore, it was established that [redacted] and [redacted] had knowledge of [redacted] protected communication approximately five months prior to the LOR, her AWOL charges, and the Notice of Suspension; and approximately eight months prior to the request [redacted] sent to ER in February 2015. This is within a timeframe that a reasonable person could conclude that the disclosures were a contributing factor in the personnel actions.

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

(U//~~FOUO~~) **IG Complaint**

(U//~~FOUO~~) [redacted] testified that [redacted] often threatened to file complaints with various offices including EEOD and the grievance office when she disagreed with management direction. However, according to [redacted], he first learned of [redacted] IG complaint when he was contacted by an OIG investigator for an interview in the summer of 2015.

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

(U//~~FOUO~~) [redacted] also recalled periodic threats from [redacted] to file formal complaints against various individuals and organizations including against the OGC when she disagreed with their legal opinions on [redacted] violations. However, he did not become aware that [redacted] had actually filed a formal IG complaint until he was invited to the IG office by an investigator for an interview in July of 2015.

(U//~~FOUO~~) [redacted] and [redacted] are the responsible officials for [redacted] personnel actions. Neither learned of her communication with the IG until several months after their decisions regarding her personnel actions. [redacted] was first contacted by the OIG on 6 August 2015 and [redacted] on 7 July 2015. [redacted] final personnel action from [redacted] occurred [redacted]

(U//~~FOUO~~) However, [redacted] frequently threatened to report disagreements to the IG and EEOD. [redacted] testified that he encouraged her to do so. Although neither [redacted] nor [redacted] were aware of whether she did in fact report to either of those organizations, the fact that she threatened to do so, and in fact was encouraged to do so, demonstrates that, at a minimum, they believed it was possible that she would be reporting what she believed were improprieties to organizations authorized to receive complaints of fraud, waste, and abuse.

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

(U//~~FOUO~~) Therefore, it is reasonable to assume that they perceived her as a whistleblower. As such, it is assumed that her communications with the IG are contributing factors to all personnel actions that took place following her first communication with the OIG, which occurred on [redacted] See *Mausser v. Department of the Army*, 63 MSPR 41 (1994)

(b) (6)

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4. (U//~~FOUO~~) Does the evidence establish that the personnel actions would have been taken absent the protected communication? **Yes**

(U//~~FOUO~~) As discussed individually below, the OIG concluded that the adverse personnel actions would have been taken absent the protected communications, therefore there was no reprisal.

(U//~~FOUO~~) **2 October 2014 Letter of Reprimand**

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

(U//~~FOUO~~) As [redacted] direct supervisor, [redacted] initiated the request for the LOR. This was [redacted] first disciplinary action following three documented non-disciplinary attempts to correct her behavior. [redacted] began attempting to address [redacted] behavior with the letter of counseling he drafted on 24 July 2014, six days before [redacted] protected communication. [redacted] and [redacted] met with [redacted] for guidance on how to address [redacted] "disruptions to our workforce."

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

(U//~~FOUO~~) [redacted] testified that the Agency's Recommended Range of Penalties for Stated Offenses was applied in [redacted] case.[28] Despite [redacted]'s 29 July 2014 written counseling, [redacted] 4 September 2014 letter of counseling, and [redacted] 7 October 2014 attendance MFR, [redacted] continued to disregard management authority and engage in disrespectful and unprofessional behavior toward fellow employees. With all prior measures having failed, [redacted] advised [redacted] that "we can now move forward to a LOR." [redacted] sent to [redacted] a draft LOR regarding [redacted] offenses and [redacted] drafted the final version that was signed by [redacted] on 2 October 2014.

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

(U//~~FOUO~~) [redacted] insubordinate conduct was corroborated in her own testimony. She admitted that she refused to follow [redacted]'s request to take him with her to her meetings with senior officials. According to [redacted], [redacted] was too junior and non-technical; and she was "not in the habit of taking non-technical people with her to technical meetings." Further, [redacted] requested [redacted] work with [redacted] as "co-leads" to improve the [redacted] tool. Again, [redacted] refused supervisory instruction stating that [redacted] was too junior and she would take credit for [redacted] work.

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

(U//~~FOUO~~) [redacted] protected communication concerning an alleged [redacted] violation was not related in any way to [redacted] actions. Her complaint did not reflect poorly upon him in any way. Likewise, [redacted] occasional threats to seek IG assistance were not likely to have influenced his decision to pursue the LOR as he was advised by [redacted] that a LOR was the next step in the application of progressive discipline. [redacted] may have assumed that [redacted] would at some point communicate with the IG based upon her

[28] (U//~~FOUO~~) The PMM, Chapter 366, Recommend Range of Penalties for Stated Offenses, lists "Letter of Reprimand to 5 day suspension" as an appropriate range for first offenses of insubordination.

threats to do so. However there is no evidence to suggest that he had a motive to retaliate based on this assumption. Accordingly, the OIG found that [redacted] had little motive to retaliate against [redacted] based on her protected disclosures.

(U//~~FOUO~~) The OIG examined the period 2013 through 2015 to determine whether any similarly situated employees to [redacted] received LORs in the [redacted] organization. According to [redacted], two LORs were issued in 2013 and none for 2014 or 2015. In 2013, a GG11 employee received an LOR for Inaccurate Timekeeping, and a GG13 employee received an LOR for Failure to Follow Instructions and Unprofessional Behavior. Neither employee had alleged reprisal prior to the LORs.

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

(U//~~FOUO~~) Given the strength the Agency's evidence supporting the LOR, the absence of motive to retaliate on the part of [redacted], and evidence that the Agency takes similar action against employees who are not "Whistleblowers," the OIG finds that the LOR would have occurred absent [redacted] protected disclosures.

(U//~~FOUO~~) **AWOLs**

(U//~~FOUO~~) As previously noted, on 7 October 2014, [redacted] was issued an attendance MFR also known as a "Leave Letter" that outlined new attendance requirements for her. According to [redacted], the MFR came about due to management's complaints about [redacted] frequent absences from her desk during the duty day and their inability to locate her. In addition, [redacted] refused to cooperate in notifying management of her whereabouts.

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

(U//~~FOUO~~) [redacted] testified that he sought ER's guidance on how to properly document [redacted] absence from work on 8 October 2014. [redacted] provided the following guidance in an email to [redacted] (cc [redacted]

[redacted]

> Given that [redacted] was provided specific instructions regarding any request for leave or unexpected time off, she should be charged AWOL for today on her timesheet for not following the conditions of the MFR given yesterday. Please first verify that she did not leave any messages on the voicemails of those listed in the MFR. If we don't hold her to the expectations outlined, we shouldn't have given it in the first place. This will act as another aggravator to support a suspension.
>
> [redacted]
> Employee Relations (MR)

(U//~~FOUO~~) Considering [redacted] unambiguous guidance on the matter, it is unlikely [redacted] engaged in any retaliation. In fact, [redacted] guidance on how to document [redacted] timesheet left little to [redacted] discretion.

(U//~~FOUO~~) It was logical for [redacted] to apply the ER guidance he was given on 8 October 2014 to future incidents of unauthorized absence. On 18 and 19 November 2014, [redacted] requested sick leave for medical appointments. Until she could produce a "doctor's note" to account for her absences, [redacted] charged her AWOL on her timesheets. Her AWOL on 18 November 2014 was converted to sick leave upon receipt of medical documentation, and the 19 November AWOL was converted to sick leave during a mediation session on [redacted]

(b) (6)

(U//~~FOUO~~) Like [redacted] had nothing to do with the alleged [redacted] violation. He was not involved or responsible for the development of the training materials and, therefore, lacked motivation to retaliate against [redacted] for her protected communication regarding [redacted] violations. In addition, [redacted] threats to communicate with the IG were unlikely to have been a motivating factor in his decisions regarding the AWOLs. The fact that he actually encouraged her to do so demonstrated that he did not perceive such communication as a negative reflection upon himself or affect his decisions with regard to her personnel matters.

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

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

(U//~~FOUO~~) Therefore, the OIG found that [redacted] AWOL charges for 8 October 2014 and 18-19 November 2014 would have occurred absent her protected communication regarding [redacted] violations or her assumed communication with the IG.

(U//~~FOUO~~) **3 November 2014 Notice of Proposed Suspension for 14 Days**

(U//~~FOUO~~) [redacted] wrote and signed the SPF that formed the basis for the suspension notice signed by [redacted]. The offenses cited in the suspension letter provided to [redacted] on 7 November 2014 were supported by the evidence contained in emails and the SPF provided to ER. The suspension letter contained a single charge of insubordination for "Failure to comply with Rules, Regulations, and Written procedures" and cited six violations of the attendance MFR and one instance of "berating" a contractor. The Agency's Recommended Range of Penalties for Stated Offenses suggests 1-20 day suspensions for second offenses of this type.

(U//~~FOUO~~) Contract employee [redacted] testified that he was unprofessionally confronted by [redacted] at two separate meetings. According to [redacted] confronted him following a meeting in early September and, in an aggressive and accusatory manner, demanded that he identify his purpose and role at the meeting. [redacted] testified that he attempted to explain to [redacted] that his supervisor sent him to the meeting and it was in-line with his job responsibilities. However, [redacted] repeated her unprofessional behavior toward him a few weeks later. The second instance occurred during a meeting in the presence of other attendees when [redacted] told [redacted] he had no role at the meeting and to get the information he needed from the minutes. [redacted] was offended by [redacted] actions and reported the encounters to the chief of the branch he supported, [redacted] who reported them to [redacted]

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

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(U//~~FOUO~~) protected disclosure regarding violations did not pertain to or his branch: allegation was made against personnel from a separate branch outside of supervisory authority. There was no requirement for any action on his part and he remained unaffected by the matter. took charge of resolving the issue by suspending development of the training materials and seeking an OGC legal opinion. As such, the OIG found that had insufficient motive to retaliate against for her protected disclosure regarding violations. Similarly, there is no evidence to suggest that presumed contact with the IG provided any motivation to his decision to seek disciplinary action against her.

(U//~~FOUO~~) According to , no other employees received a proposed suspension during the period 2013 through 2015. Therefore, there were no similarly situated employees for comparison to . However, given the strength the Agency's evidence supporting the LOR and the absence of motive to retaliate on the part of , the OIG found that the LOR would have occurred absent protected disclosures.

(U//~~FOUO~~) **SPF Requesting Disciplinary Action**

(U//~~FOUO~~) According to testimony, reported to her in November of 2014 that, after having receiving the Notice of Suspension, continued to disregard supervisory authority and refused to complete mission critical assignments. At this time, a decision regarding appeal of the suspension was pending before . advised to continue to document misconduct, but wait to submit it until appeal had been decided.

(U//~~FOUO~~) testified that, in addition to refusing work assignments, continued to violate the requirements of the attendance MFR by reporting to work late on 4 occasions and failing to report to work at all on 19 November 2014. According to , he followed guidance in continuing to document misconduct. stated that he maintained the SPF as a "living document" that he updated when incidents of new misconduct occurred. denied that he sent the SPF as reprisal for any complaints or reports made about fraud, waste, abuse or mismanagement. According to his purpose for the submitting the SPF was to provide an accounting of misconduct that would have otherwise been missing from the record after her departure from followed the advice of ER and submitted the SPF when advised to do so by .

(U//~~FOUO~~) The OIG concluded that the strength of the evidence on the part of to request disciplinary evidence was clear and convincing. The misconduct described in the SPF was a continuance of a well-established pattern of similar offenses committed by over the and five documented attempts to correct her behavior. Although no action was taken, the evidence contained in the SPF supported request. Furthermore, the OIG concluded that, for reasons similar to the AWOL charges and the Notice of Suspension, had little reason to retaliate for complaint of

violations or any assumed communication she may have had with the IG. According to , ER received no similar requests for disciplinary action from during the period 2013-2015.

(U//~~FOUO~~) By clear and convincing evidence, the OIG assessed that the personnel actions would have taken place irrespective of protected communications. Therefore, the OIG did not substantiate the allegation of reprisal. However, to give fullest consideration to whether the Agency acted improperly, we next considered whether the Agency's actions constituted a "hostile work environment" or an "abuse of authority."

(U) Abuse of Authority / Hostile Work Environment

(U//~~FOUO~~) Did use abusive language, gestures, or other conduct directed against other employees that could affect the individual's work performance or impact the work environment in violation of NSA/CSS PMM, Chapter 366, Section 2-1A; or engage in an arbitrary or capricious act that adversely affected the rights of any person or resulted in personal gain or advantage to himself in violation of NSA/CSS PMM, Chapter 366? Unsubstantiated.

(U//~~FOUO~~) were responsible for the four personnel actions that adversely affected . Therefore, the OIG considered whether their actions were an abuse of authority or caused a hostile work environment. Four witnesses including described behavior toward as potential harassment. However, there was no testimony indicating potential harassment on the part of . The witnesses testified as follows:

(U//~~FOUO~~)

(U//~~FOUO~~) testified that she was "yelled at" and sent "toxic emails" by her chain of command, primarily . She also testified that "malicious gossip" was spread about her to her chain of command by co-worker . According to , shared with her that told him about being warned by another organization that had poor "people skills." considers such "malicious gossip" a form of harassment. testified that she was the victim of bullying and harassment by her chain command that affected her work environment and her ability to do her job.

(U//~~FOUO~~) **Technical Director,**

(U//~~FOUO~~) testified that was "sarcastic" and "mean spirited" with . However, she characterized all of the interactions between the two as

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

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(b) (6)

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disagreements. She testified that [redacted] was technically competent, but very "defensive" when someone disagreed with her. Although the encounters were often loud and unprofessional, [redacted] testified that both [redacted] and [redacted] were equally unprofessional. According to [redacted] the subject matter of the disagreements was always work-related. [redacted] did not witness any profanity, threats, or offensive words or gestures by anyone toward [redacted]. [redacted] did not witness any contentious encounters between [redacted] and [redacted]. In contrast to [redacted] tended not to raise his voice during discussions.

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

(U//~~FOUO~~) [redacted] **Analyst,** [redacted]

(U//~~FOUO~~) [redacted] testified that [redacted] was held to a different standard than other employees with regard to her work schedule. However, he was not aware of the official reason for [redacted] more stringent work schedule requirements. He further testified that although [redacted] appeared to be the victim of "high school bullying" at times by [redacted], she was also confrontational during their encounters. [redacted] did not hear [redacted] use profanity, offensive words or refer to [redacted] by anything other than her name during any disagreements with [redacted]. However, he did hear [redacted] using "f-bombs" and referring to [redacted] and other managers in profane and derogatory language. [redacted] testified that he did not believe the behavior he witnessed toward [redacted] amounted to be a hostile work environment.

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

(U//~~FOUO~~) [redacted] **Contractor Employee (and former Technical Director, [redacted])**

(U//~~FOUO~~) [redacted] testified that [redacted] had a tendency to raise his voice and speak loudly to [redacted]. She further testified that [redacted] made inappropriate jokes about [redacted] when she was not present. However, [redacted] also acted unprofessionally in her encounters with others. [redacted] witnessed [redacted] confront [redacted] regarding his purpose for attending a meeting in the presence of other attendees. According to [redacted] the subject matter of the meeting was within the scope of his position and he was asked to attend the meeting by his leadership. [redacted] appeared to be humiliated by the encounter. [redacted] did not witness any contentious encounters between [redacted] and [redacted]. In contrast to [redacted] tended not to raise his voice during discussions.

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

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(b) (6)

(U//~~FOUO~~) [redacted] testified that he attempted to communicate with [redacted] primarily by email because she often accused him of harassing or bullying her during personal encounters. However, he eventually had to personally confront her regarding tasks that he had sent to her that she refused to complete. According to [redacted], [redacted] usually complained that the tasks were either "stupid" or "illegal" and would not complete them. She frequently commented that her co-workers were "dumb" and specifically referred to [redacted] as an "idiot."

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(U//~~FOUO~~) [redacted] further testified that his personal encounters with [redacted] were usually preceded by an exchange of contentious emails regarding her refusal to perform assigned work

so the personal interactions that followed were also contentious. Others who witnessed the encounters were not aware of the history of email exchanges that led-up to these interactions between [redacted] and [redacted]. [redacted] denied using any offensive words or actions to denigrate [redacted]. According to [redacted], he considered his behavior toward [redacted] to be mostly professional and with the goal of having her do her job.

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

(U//~~FOUO~~) [redacted] testified that he advised [redacted] to document any problems with [redacted] performance and to consult with HR and ER before taking any action. According to [redacted], [redacted] was rude in her interactions with co-workers especially in meetings. [redacted] heard [redacted] refer to others' ideas as "crazy" or "stupid," which he considered unnecessary and detrimental in a collaborative environment. [redacted] testified that he was aware of all actions taken against [redacted] and believed they were warranted.

(U//~~FOUO~~) **Analysis**

(U//~~FOUO~~) While the work environment in [redacted] may have been stressful for [redacted] as well as fellow employees who witnessed her encounters with her supervisors, primarily [redacted], the environment was not hostile within the meaning of NSA/CSS Chapter 366. There was no evidence or witness testimony from anyone, including [redacted], that demonstrated the use of offensive words, gestures, threats, or menacing conduct, by anyone toward [redacted]. While [redacted] working conditions were perhaps stressful, courts have routinely held that employees are not guaranteed a perfectly harmonious and stress-free work environment. [29]

(U//~~FOUO~~) The evidence established that [redacted] encounters with [redacted] were loud, boisterous and contentious. [redacted] admitted to being highly frustrated with [redacted] refusal to accomplish even minor assignments by contending that they were either "stupid" or "illegal." He acknowledged that he could have handled some of his personal interactions with her better. Indeed, the email exchanges between [redacted] and [redacted] were rife with petty insults and recriminations. [redacted] actions and words lacked the degree of maturity and professionalism expected of supervisors. However, they were not tantamount to creating hostile work environment.

(U//~~FOUO~~) The US Court of Appeals for the District of Columbia concluded in a recent hostile work environment case that "while the supervisor's actions may have been unprofessional, uncivil, and somewhat boorish, they did not constitute an adequate factual basis for Title VII claims presented here."[30] [redacted] managerial shortcomings may well have been exposed by a difficult leadership challenge. He did not, however, violate policy or regulation.

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[29] (U//~~FOUO~~) *See Carter v. Ball*, 33 F.3d 450, 459 (4th Cir. 1994)

[30] (U//~~FOUO~~) *See Brooks v. Grundmann, Chairman, Merit Systems Protection Board*, 748 F.3d 1273 (D.C. Cir. 2014).

(U//~~FOUO~~) In addition, the evidence suggested that [redacted] was deliberately provocative and antagonistic in her interactions with co-workers and supervisors. [redacted] documented several instances of [redacted] belittling the professional backgrounds and intellect of employees with whom she disagreed. According to [redacted], [redacted] referred to [redacted], a Senior Executive, as an "idiot" and work assignments given to her as "stupid," but that everyone else was too "dumb" to realize it. [redacted] testified that [redacted] often responded to others' ideas or suggestions with comments such as "you're crazy" or "that is just stupid." [redacted] a former Air Force fighter pilot and Vietnam era veteran reported to [redacted] that he had never been "talked to" in his life the way he had by [redacted], who witnessed the encounter between [redacted] stated that [redacted] acted unprofessionally in her encounters with others. As such, the evidence established that [redacted] contributed to the stressful work environment that existed in [redacted]

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

(U//~~FOUO~~) The OIG also examined whether any actions taken by [redacted] with regard to [redacted] constituted an abuse of authority. In doing so, the OIG applied NSA/CSS PMM, Chapter 366, 1-3A, General Principles for On-the-job Conduct, and the definition provided by the Merit Systems Protection Board (MSPB). In *Jessup v. Department of Homeland Security* the MSPB defined an abuse of authority as an "arbitrary or capricious exercise of power by a federal official or employee that adversely affects the rights of any person or results in personal gain or advantage to himself or preferred other persons."

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

(U//~~FOUO~~) According to the NSA PMM, Counseling, Disciplinary and Adverse Actions, Chapter 370 Section 4, "The NSA Employee Relations office will provide consultation and assistance to supervisors and managers…" Both [redacted] consulted [redacted], NTOC's designated ER Counselor, before taking each administrative and disciplinary action. [redacted] and [redacted] guidance to [redacted] management was well documented and supported a finding that management's actions were neither arbitrary nor capricious but rather carefully considered and coordinated.

(U//~~FOUO~~) Accordingly, the OIG found that neither [redacted] engaged in an arbitrary or capricious act that adversely affected the rights of any person or resulted in personal gain or advantage to himself in violation of NSA/CSS PMM, Chapter 366, 1-3A.

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

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IV. (U) CONCLUSION

(U//~~FOUO~~) Conclusion

(U//~~FOUO~~) The OIG concluded that [redacted] did not reprise against [redacted] for reporting to them what she believed to be a violation of the law.

(U//~~FOUO~~) The OIG concluded neither [redacted] used abusive language, gestures, or other conduct directed against [redacted] that affected her work performance or impacted her work environment in violation of NSA/CSS PMM, Chapter 366, Section 2-1A

(U//~~FOUO~~) The OIG concluded that neither [redacted] engaged in an arbitrary or capricious act that adversely affected the rights of [redacted] and, therefore, did not abuse their authority in violation of NSA/CSS PMM, Chapter 366, Section 1-3A.

(U) Distribution of Results

(U//~~FOUO~~) [redacted] will be informed of the results of our inquiry in this matter. A summary of the investigative findings will be provided to [redacted] and the DoDIG.

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(b) (6)

[redacted]
Senior Investigator

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

[redacted]
Assistant Inspector General
for
Investigations

(U) Appendices

1. (U//~~FOUO~~) Authorities
2. (U//~~FOUO~~) ACE Objectives
3. (U//~~FOUO~~) Email to , 2 June 2014
4. (U//~~FOUO~~) email to 30 June 2014
5. (U//~~FOUO~~) email to 16 July 2014
6. (U//~~FOUO~~) consult with 24 July 2014
7. (U//~~FOUO~~) Counselling Letter, 29 July 2014
8. (U//~~FOUO~~) email to , 1 August 2014
9. (U//~~FOUO~~) email to 18 August 2014
10. (U//~~FOUO~~) email to the IG hotline,
11. (U//~~FOUO~~) Letter of Counseling, 4 September 2014
12. (U//~~FOUO~~) consult with 12 September 0214
13. (U//~~FOUO~~) email to 15 September 2014
14. (U//~~FOUO~~) email to (draft LOR), 16 September 2014
15. (U//~~FOUO~~) email to , 2 October 2014
16. (U//~~FOUO~~) email , 3 October 2014
17. (U//~~FOUO~~) LOR, 2 October 2014
18. (U//~~FOUO~~) MFR (leave Letter), 7 October 2014
19. (U//~~FOUO~~) AWOL, 8 October 2014
20. (U//~~FOUO~~) AWOL Guidance from 8 October 2014
21. (U//~~FOUO~~) AWOL Timesheet, 8 October 2014
22. (U//~~FOUO~~) SPF sent to ER,
23. (~~S//REL~~) ACE Evaluation,
24. (U//~~FOUO~~) email to , 27 October 2014
25. (U//~~FOUO~~) OGC Opinion Re: 29 October 2014
26. (U//~~FOUO~~) email to 1 November 2014
27. (U//~~FOUO~~) Notice of Proposed Suspension, 3 November 2014
28. (U//~~FOUO~~) email to 12 November 2014
29. (U//~~FOUO~~) email to 14 November 2014
30. (U//~~FOUO~~) email to 6 November 2014
31. (U//~~FOUO~~) email to 17 November 2014
32. (U//~~FOUO~~) email to 5 December 2014
33. (U//~~FOUO~~) Email to , 3 December 2014
34. (U//~~FOUO~~) OGC Opinion, Re: 4 December 2014
35. (U//~~FOUO~~) email to , 16 December 2014
36. (~~S//REL~~) ACE Evaluation,
37. (U//~~FOUO~~) email to 10 February 2015
38. (U//~~FOUO~~) email (SPF) to
39. (U//~~FOUO~~) email to
40. (U//~~FOUO~~) decision Re: Suspension,

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(U) APPENDIX 1

(U) Applicable Authorities

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NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
NSA/CSS POLICY 1-62

Issue Date: 6 July 2005

Content Verified Current on 02 August 2010

(U) WHISTLEBLOWER PROTECTION

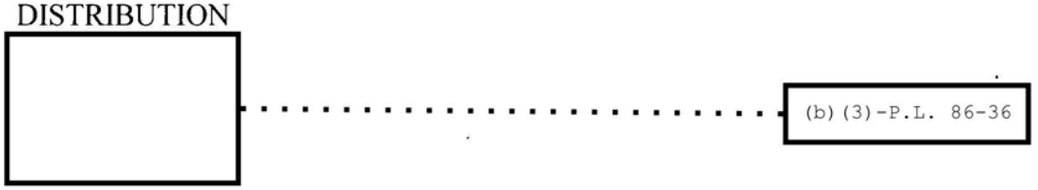
(U) PURPOSE AND SCOPE

(U) This policy implements References a-p and establishes the responsibilities and rights of individuals employed, assigned, or detailed to the NSA/CSS, or *applicants for employment*, who disclose information they reasonably believe is evidence of unlawful or improper conduct. This policy does not affect the Equal Employment Opportunity (EEO) rights and responsibilities of *NSA/CSS employees*.

(U) This policy applies to any *employee of the NSA/CSS*, any qualified applicant for employment, members of the Armed Forces assigned, attached, or detailed to the NSA/CSS, and Nonappropriated Fund Instrumentality (NAFI) employees and applicants.

WILLIAM B. BLACK, JR.
Acting Director

Endorsed by
Associate Director for Policy
DISTRIBUTION



(U) This Policy supersedes NSA/CSS Regulation 30-3, dated 1 April 1996.
(U) OPI: Office of the Inspector General, [redacted]-963-0925s).
(b) (3)-P.L. 86-36
(U) The compilation of the information contained in this document is UNCLASSIFIED//FOR OFFICIAL USE ONLY. No section of this document shall be released without approval from the Office of Policy and Records (DJP).

(U) POLICY

1. (U) All employees of the NSA/CSS and applicants for employment, members of the Armed Forces assigned, attached, or detailed to the NSA/CSS, and NAFI employees and applicants shall be free from *reprisal* for making or preparing to make a *protected communication*. Contractors shall not discriminate against or discharge an employee for disclosing to an appropriate government official information relating to a substantial violation of a law related to a contract (References a, b, c and e-j).

2. (U) No person shall restrict or intimidate another NSA/CSS employee or applicant, NAFI employee or applicant, or member of the Armed Forces assigned, attached, or detailed to the NSA/CSS, who wishes to make or prepare a protected communication in accordance with References b, and d-j.

3. (U) The NSA/CSS IG shall investigate and report, or refer allegations of reprisal against individuals to the appropriate Inspector General organization or other government entity, in accordance with this policy and Reference k.

(U) RESPONSIBILITIES

4. (U) The Office of the Inspector General (OIG) shall:

a. (U) Receive all allegations and evidence of reprisal consistent with the provisions of this policy and in accordance with Reference k;

b. (U) Conduct an investigation of the allegation (unless obviously frivolous) and prepare a Report of the Investigation (ROI) within 180 days of receipt of the allegation. The ROI shall include a thorough review of the facts and circumstances surrounding the allegation, the relevant documents acquired during the investigation and summaries of interviews conducted;

c. (U) If the ROI cannot be issued within 180 days of receipt of the allegation, notify the complainant and all management parties concerned of the reason(s) why the ROI will not be issued within that time period, and provide an estimate as to when the ROI will be issued;

d. (U) Obtain legal review of the ROI. In cases of substantiated reprisal, forward the ROI to the Associate Directorate for Human Resource Services, Employee Relations (MR) office for disciplinary action;

g. (U) Refer to the DoD IG any allegations of reprisal submitted by NAFI employees or applicants in accordance with References g and h;

h. (U) Refer to the DoD IG any complainants who seek to submit a complaint to Congress under the provisions of the Intelligence Community Whistleblower Protection Act in accordance with References l, m, n and o; and

i. (U) In accordance with Reference p, report to the DoD IG any allegations that an NSA senior official has engaged in reprisal.

5. (U) The Office of General Counsel (OGC) shall provide legal review of investigative findings and recommendations, if requested to do so by the IG.

(U) REFERENCES

6. (U) References:

a. (U) DoD Inspector General Memorandum, "Policy on Whistleblower Protection for DoD Employees, Standards Applied to Complaints," dated 7 January 2005.

b. (U) IG Act of 1978, Section 7, DoD IG Guidance Memorandum, dated 05 October 2009.

c. (U) Title 5, United States Code, Section 2301(c)(2).

d. (U) Title 5, United States Code, Section 2302, "Prohibited Personnel Practices."

e. (U) Title 10, United States Code, Section 1034, "Protected Communications: Prohibition of Retaliatory Personnel Actions."

f. (U) DoD Directive 7050.6, "Military Whistleblower Protection," dated 23 July 2007.

g. (U) Title 10, United States Code, Section 1587, "Employees of Nonappropriated Fund Instrumentalities: Reprisals."

h. (U) Department of Defense Directive 1401.03, "DoD Nonappropriated Fund Instrumentality Employee Whistleblower Protection," dated 23 April 2008

i. (U) Title 10, United States Code, Section 2409, "Contractor Employees: Protection From Reprisal for Disclosure of Certain Information."

j. (U) Federal Acquisition Regulation, Subpart 3.9, "Whistleblower Protections for Contractor Employees."

k. (U) NSA/CSS Policy 1-60, "NSA/CSS Office of the Inspector General," dated 6 July 2005

l. (U) The IG Act of 1978, Title 5, United States Code, Appendix III, as amended by the Intelligence Community Whistleblower Protection Act of 1998.

m. (U) DOD Inspector General Memorandum, "Implementation of the Intelligence Community Whistleblower Protection Act of 1998," dated 11 March 1999.

n. (U) DOD Inspector General Memorandum, "Change to the Intelligence Community Whistleblower Protection Act of 1998," dated 5 March 2002.

o. (U) DOD Inspector General Memorandum, "Inspector General Implementation of the Intelligence Community Whistleblower Protection Act of 1998," dated 27 February 2004.

p. (U) DoD Directive 5505.06, "Investigations of Allegations Against Senior Officials of the Department of Defense," dated 10 April 2006.

(U) DEFINITIONS

7. (U) Applicant for Employment: Any person who is applying for employment with, or who is seeking assignment or detail to the NSA/CSS, other than an applicant who is a member of the Armed Forces or an applicant for a NAFI position.

8. (U) Employee of the NSA/CSS: Any civilian who is an assignee, detailee, or employee with the NSA/CSS.

9. (U) Personnel Action: Any action that affects or has the potential to affect the employment opportunities, the current position or the career of any employee of the NSA/CSS, any qualified applicant for employment, members of the Armed Forces assigned, attached, or detailed to the NSA/CSS, and NAFI employees and applicants. Such actions include a promotion; a disciplinary or corrective action; a transfer or reassignment; a performance evaluation; a decision on pay, benefits, awards or training; and any other significant change in duties or responsibilities inconsistent with the employee's salary or grade level.

10. (U) Protected Communication:

1) (U) Any lawful communication of information to a Member of Congress or an IG; or
2) (U) A lawful communication of information which the communicant reasonably believes evidences a violation of law or regulation, mismanagement, a gross waste of

funds or other resources, an abuse of authority, or a substantial and specific danger to public health or safety, when such communication is made to a member of Congress, an IG, or any other person or organization (including any person or organization in the chain of command) designated under Agency policy or other established administrative procedures to receive such communications.

11. (U) Reprisal: Taking or threatening to take an unfavorable *personnel action*, or withholding or threatening to withhold a favorable personnel action, for making or preparing a protected communication.

NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
NSA/CSS POLICY
MEMORANDUM 2013-03

Issue Date: 14 June 2013

Expiration Date: 14 June 2015

PROTECTING WHISTLEBLOWERS WITH ACCESS TO CLASSIFIED INFORMATION

PURPOSE AND SCOPE

This document establishes policy and procedures to ensure that employees serving in an *Intelligence Community Element* who are eligible for access to classified information can effectively report waste, fraud, and abuse while protecting classified national security information. This policy memorandum implements Presidential Policy Directive (PPD) 19, "Protecting Whistleblowers with Access to Classified Information" (Reference a).

This policy memorandum is supplemental to NSA/CSS Policy 1-62, "Whistleblower Protection" (Reference b). It is effective upon signature and will be incorporated into NSA/CSS Policy 1-62 by the expiration date.

KEITH B. ALEXANDER
General, U.S. Army
Director, NSA/Chief, CSS

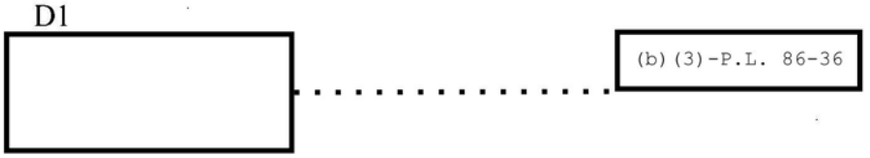
Release 2022-9
NSA 21642

Endorsed by

Associate Director for Policy

DISTRIBUTION

D1



OPI: Office of the Inspector General, D1, 963-3544 (secure) or 301-688-5761 (public).
The Chief, Corporate Policy approved a 1 year extension on 3 June 2014 to accommodate the reissuance of NSA/CSS Policy 1-62, "Whistle Blower Protection."

Policy Memorandum 2013-03 is approved for public release.

POLICY

1. Retaliation against employees for reporting waste, fraud, and abuse is prohibited.

2. Pursuant to Reference a, any officer or employee of NSA/CSS who has authority to take, direct others to take, recommend, or approve any *personnel action*, shall not, with respect to such authority, take or fail to take, or threaten to take or fail to take, a personnel action with respect to any employee serving in an Intelligence Community Element as a *reprisal* for a *protected disclosure*.

3. An employee may seek review of a personnel action he or she alleges to be a reprisal for a protected disclosure, in accordance with Reference b.

4. As part of the review process stipulated in paragraph 3, the NSA Inspector General (IG) shall conduct a review of a personnel action an employee alleges to be a reprisal for a protected disclosure, in accordance with the provisions outlined in Reference a.

5. Any officer or employee of NSA/CSS who has authority to take, direct others to take, recommend, or approve any action affecting an employee's *eligibility for access to classified information* shall not, with respect to such authority, take or fail to take, or threaten to take or fail to take, any action affecting an employee's eligibility for access to classified information as a reprisal for a protected disclosure.

6. An employee may appeal any action affecting his or her eligibility for access to classified information he or she alleges to be a reprisal for a protected disclosure, in accordance with Reference b. As part of the appeal process, the Department of Defense IG (DoD IG) shall conduct a review of an action affecting eligibility for access to classified information an employee alleges to be a reprisal for a protected disclosure, in accordance with the provisions outlined in Reference a.

7. With respect to matters covered by PPD-19, NSA/CSS employees shall cooperate with the Agency IG, the Inspector General of the Intelligence Community, and External Review Panels, and provide such information and assistance requested by same to the extent permitted by law.

PROCEDURES

8. The NSA/CSS IG shall conduct a review to determine whether a personnel action violated PPD-19, and may recommend that the agency take specific corrective action to return the employee, as nearly as practicable and reasonable, to the position he or she would have held had the reprisal not occurred. The Director, NSA/Chief, CSS (DIRNSA/CHCSS) shall carefully consider the findings of and actions recommended by the NSA/CSS IG. To the extent authorized by law (including the Back Pay Act), corrective action may include, but is not limited to, reinstatement, reassignment, the award of reasonable attorney's fees, other reasonable costs,
back pay and related benefits, travel expenses, and compensatory damages.

9. The DoD IG shall conduct a review to determine whether an action affecting eligibility for access to classified information violated PPD-19, and may recommend that NSA take specific corrective action to reconsider the employee's eligibility for access to classified information consistent with Executive Order 12968 (Reference c) and return the employee, as nearly as practicable and reasonable, to the position he or she would have held had the reprisal not occurred. DIRNSA/CHCSS shall carefully consider the findings of and actions recommended by the DoD IG. To the extent authorized by law (including the Back Pay Act), corrective action may include, but is not limited to, reinstatement, reassignment, the award of reasonable attorney's fees, other reasonable costs, back pay and related benefits, travel expenses, and compensatory damages.

10. The Agency review process stipulated in paragraphs 8 and 9 above shall provide for the protection of classified national security information and intelligence sources and methods.

11. An employee alleging a reprisal who has exhausted the review process required in paragraphs 8 and 9 above may request an external review by a three-member Inspector

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General panel (External Review Panel) chaired by the Inspector General of the Intelligence Community (IGIC). In requesting an external review, the employee must follow procedures established by the IGIC, including adherence to any explicit timelines.

12. If the External Review Panel determines that the individual was the subject of a personnel action prohibited by PPD-19 while an employee of NSA/CSS, the panel may recommend that DIRNSA/CHCSS take corrective action to return the employee, as nearly as practicable and reasonable, to the position such employee would have held had the reprisal not occurred.

13. If the External Review Panel determines that the individual was the subject of an action affecting his or her eligibility for access to classified information, prohibited by PPD-19, the panel may recommend that DIRNSA/CHCSS reconsider the employee's eligibility for access to classified information consistent with national security and Reference c.

RESPONSIBILITIES

14. DIRNSA/CHCSS shall carefully consider the findings of and actions recommended by the agency Inspector General and the DoD IG. In the event that an employee seeks review from the External Review Panel, DIRNSA/CHCSS shall carefully consider the recommendation of the panel and within 90 days inform the panel and the Director of National Intelligence (DNI) what action he or she has taken.

15. The NSA Office of the Inspector General (OIG) shall:

a. Conduct reviews of alleged violations of Section A of PPD-19; and

b. Advise employees of their right to request an external review by a three-member Inspector General panel (External Review Panel) chaired by the Inspector General of the Intelligence Community.

REFERENCES

16. References:

a. Presidential Policy Directive/PPD-19, "Protecting Whistleblowers with Access to Classified Information," dated 10 October 2012.

b. NSA/CSS Policy 1-62, "Whistleblower Protection," dated 6 July 2005.

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c. Executive Order 12968, "Access to Classified Information," dated August 2, 1995.

DEFINITIONS

17. Eligibility for Access to Classified Information - The result of the determination whether an employee (a) is eligible for access to classified information in accordance with Executive Order 12968 (relating to access to classified information), or any successor thereto, and Executive Order 10865 of February 20, 1960, as amended (relating to safeguarding classified information with industry), or any successor thereto; and (b) possesses a need to know under such orders.

18. Intelligence Community Element – Includes the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, and the National Reconnaissance Office, and any other DoD Component determined by the President pursuant to section 2302(a)(2)(C)(ii) of title 5, United States Code, to have as its principal function the conduct of foreign intelligence or counterintelligence activities.

19. Personnel Action - An appointment, promotion, detail, transfer, reassignment, demotion, suspension, termination, reinstatement, restoration, reemployment, or performance evaluation; a decision concerning pay, benefits, or awards; a decision concerning education or training if the education or training may reasonably be expected to lead to an appointment, reassignment, promotion, or performance evaluation; a decision to order psychiatric testing or examination; and any other significant change in duties, responsibilities, or working conditions. It does not include:

a. Any actions taken prior to October 12, 2012;

b. Actions taken with respect to a member of the Military Services, as used in section 1034 of Title 10, United States Code;

c. Actions taken with respect to an employee in a position that DIRNSA has designated, prior to the action, as being of a confidential, policy determining, policy making, or policy advocating character; and

d. Certain terminations of an employee pursuant to sections 102A(m) or 104A(e) of Title 50, United States Code (also known as "The National Security Act of 1947") or section 7532 of Title 5, United States Code.

20. Protected Disclosure:

a. A disclosure of information by the employee to a supervisor in the

employee's direct chain of command up to and including the head of the employing agency, to the Inspector General of the employing agency or Intelligence Community Element, to the Director of National Intelligence, to the Inspector General of the Intelligence Community, or to an employee designated by any of the above officials for the purpose of receiving such disclosures, that the employee reasonably believes evidences (i) a violation of any law, rule, or regulation; or (ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;

b. Any communication described by and that complies with subsection (a)(1), (d), or (h) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App.); subsection (d)(5)(A) of section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q); or subsection (k)(5)(A), (D), or (G) or section 103H of the National Security Act of 1947 (50 U.S.C. 403-3h);

c. The exercise of any appeal, complaint, or grievance with regard to the violation of Section A or B or PPD-19;

d. Lawfully participating in an investigation or proceeding regarding a violation of Section A or B of PPD-19, or

e. Cooperating with or disclosing information to an Inspector General, in accordance with applicable provisions of law in connection with an audit, inspection, or investigation conducted by the Inspector General, if the actions described under subparagraphs c. through e. do not result in the employee disclosing classified information or other information contrary to law.

21. Reprisal - Taking, directing others to take, or threatening to take an unfavorable personnel action or an adverse determination regarding an employee's access to classified information, or withholding, failing to take, or threatening to withhold a favorable personnel action or a favorable determination regarding an employee's access to classified information, for making or preparing a protected disclosure.

(U) NSA/CSS PMM, Chapter 366 — *Personal Conduct*

Section 1-3 — (U) *General Principles for On-The-Job Conduct*

A. Uphold the public trust by placing the Constitution, the laws and ethical principles above private gain.

E. Give thorough, efficient, and industrious service in the performance of assigned duties including presenting oneself for duty in a condition to perform work effectively; exercising courtesy and respect in dealings with fellow workers and the public; and exercising reasonable care in carrying out one's assigned duties.

Section 2-1 — (U) *Work Environment*

Employees will not engage in any conduct that creates a hostile work environment and/or interferes with an individual's work performance.

A. (U//~~FOUO~~) Harassment/Intimidation – Employees will not use actions or words that denigrate or show hostility toward an individual for any reason, but especially because of race, color, religion, gender, national origin, age, or disability. Likewise, employees will not use abusive or offensive language, gestures, or other conduct (e.g. display of offensive writings, objects or pictures) directed against other employees that could affect the individual's work performance or impact the work environment.

E. (U//~~FOUO~~) Violence, Threatening Behavior, OR Creating a Disturbance – Employees will not make threats, create a disturbance, engage in threatening behavior or perform acts of violence against Agency persons…This behavior includes physical or verbal aggression, other threatening communications (e.g. writing or gestures,) menacing conduct and disorderly or unusual behavior that disrupts the workplace…."

(U) NSA/CSS Policy 1-37, Annex D: *Prohibition of Harassment*

1. (U//~~FOUO~~) NSA/CSS shall maintain a work environment free of conduct that interferes with another's individual performance or that creates an intimidating, hostile, or offensive environment. All NSA/CSS personnel are responsible for ensuring a harassment-free workplace.

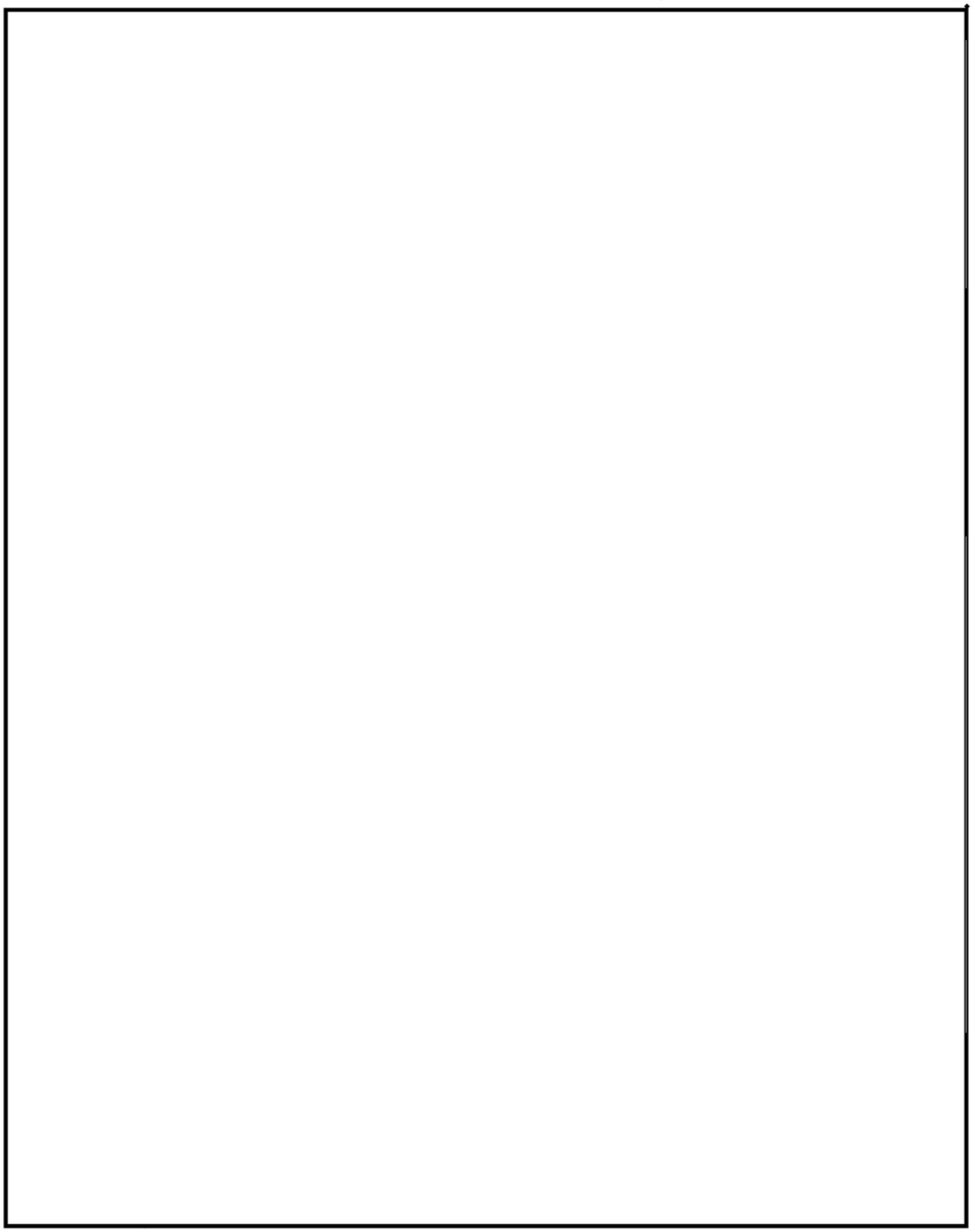
APPENDIX 2

(U//~~FOUO~~) ACE Objectives [redacted] . . . . . (b) (6)

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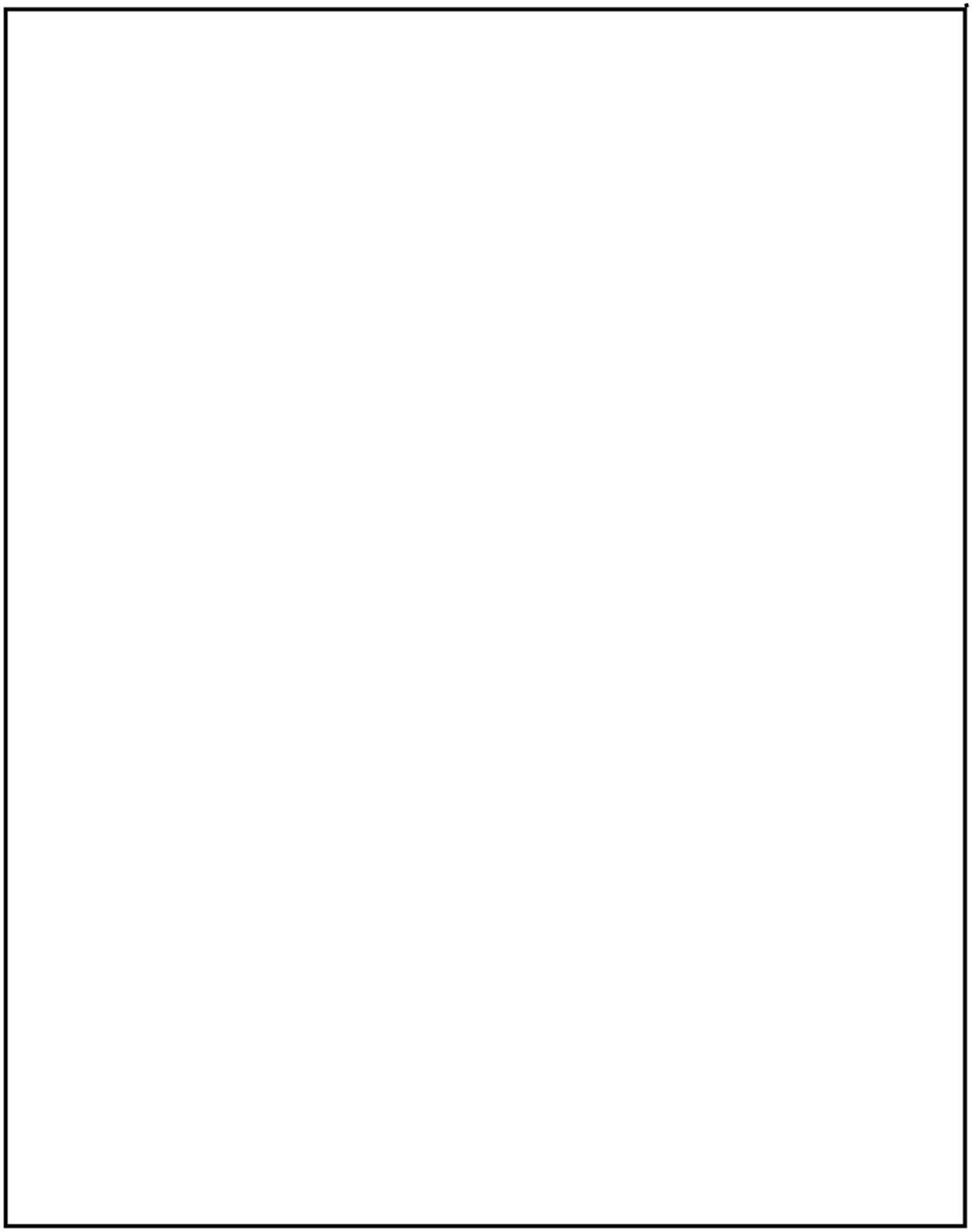
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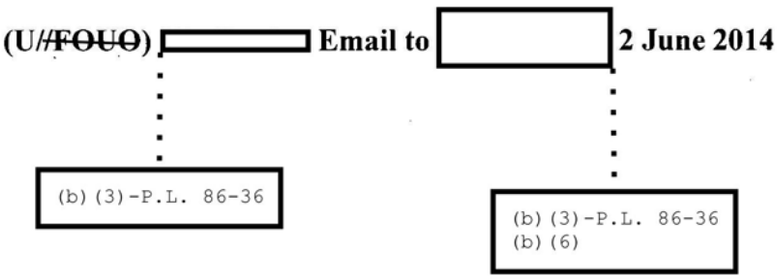
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Release 2022-9
NSA 21651

APPENDIX 3



From: [redacted]
To: [redacted]
Subject: RE: (U) [redacted]
Date: Tuesday, June 17, 2014 5:37:55 PM

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

Please respond.

Thanks,

[redacted]

[redacted]

From: [redacted]
Sent: Wednesday, June 04, 2014 9:39 AM
To: [redacted]
Subject: (U) [redacted]

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

After yesterday's meeting, I am no longer willing to [redacted] nor to be involved in that project in any way. It's clear that I don't have the support I would need to be successful [redacted] despite the fact that I am a SME [redacted]

My expert opinion is [redacted] as I have demonstrated repeatedly - and should be turned off. I can recommend alternatives if anyone is interested, which I doubt.

Everyone else in NTOC seems to be happy with the poor quality [redacted] My passion for high quality [redacted] has no place here. Please release me from my [redacted] so I can move to another position asap.

Thanks,

[redacted]

[redacted]

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

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NSA 21654

APPENDIX 4

(U//~~FOUO~~) [redacted] email to [redacted], 30 June 2014

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

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

From: [redacted]
To: [redacted]
Cc: [redacted]
Subject: RE: (U) [redacted] Training Modules
Date: Thursday, July 10, 2014 11:55:35 AM

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

[redacted]

[redacted] and I would like to meet with you to address the matters you've presented below. A calendar invite was sent to you this morning; please let us know if you are able to meet with us. Plea

(U//~~FOUO~~)

[redacted]

(U//~~FOUO~~)

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

From: [redacted]
Sent: Wednesday, July 09, 2014 4:29 PM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) [redacted] Training Modules

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

Hi,

You didn't respond to the most important issue I raised, which is that there are still *many, many errors* in these training slides.

Other comments inline below.

Once again, I urge you not to release this training, as it will only confuse anyone trying to learn how to [redacted] We need training that is developed by a SME.

Regards,

[redacted]

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

[redacted]

From:
Sent: Wednesday, July 09, 2014 3:14 PM
To:
Cc:
Subject: RE: (U) Training Modules

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

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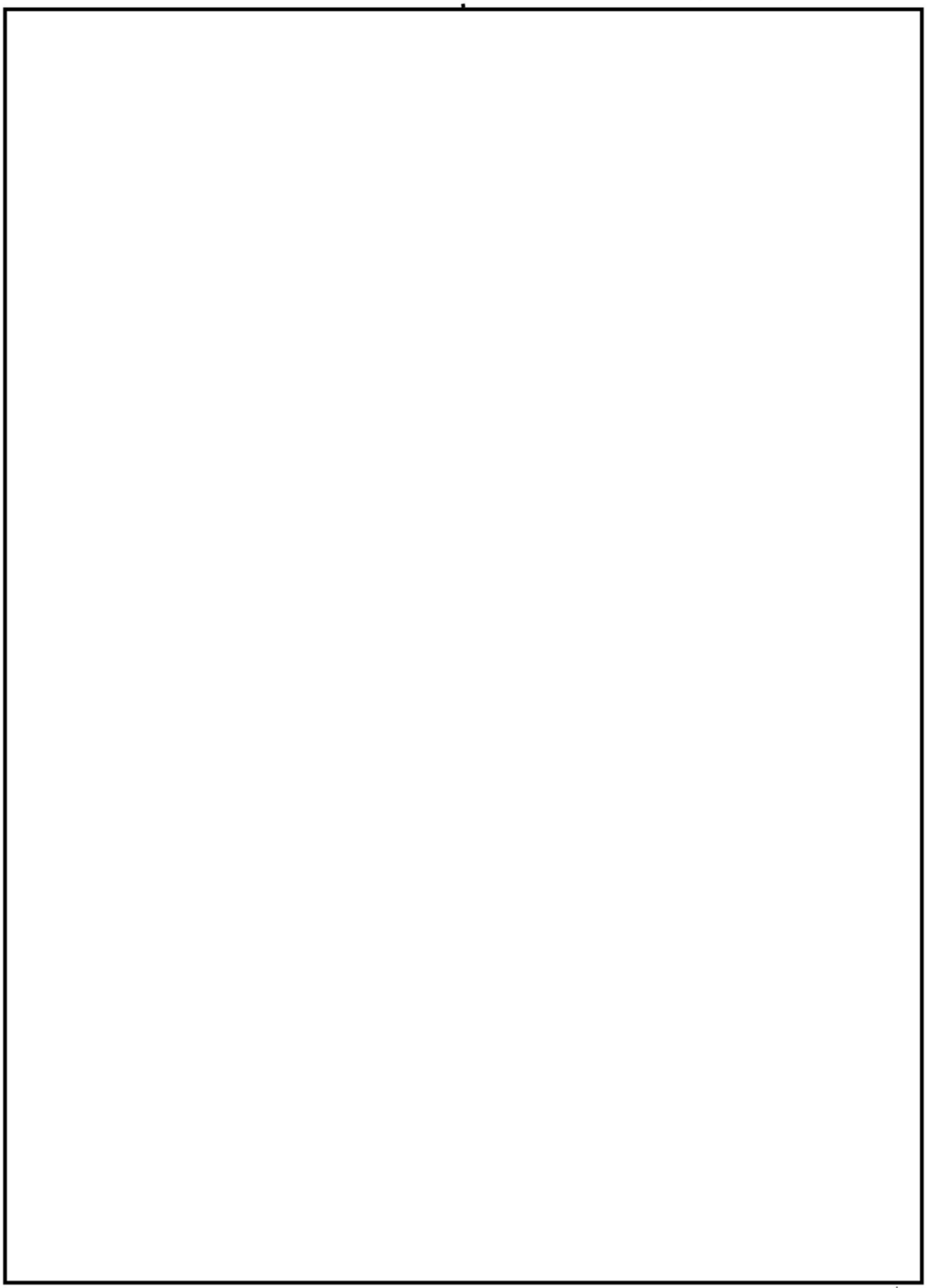
Please see the response from our training team.

Background: Modules 1-5 introduce or define Module 6 will be geared towards application of concepts and content presented in modules 1-5. For instance, in Module 3 however, Module 3 does not directly address So, that is where Module 6 comes in as it will attempt to address some of "hows" and in this instance

Please see comments below.

These issues can be addressed in Module 6 as a continuation of Module 4 or added as an update to Module 4. But, this will require input as to what she considers to be

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



[redacted]

v/r

[redacted]

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

From: [redacted]
Sent: Monday, June 30, 2014 5:29 PM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) [redacted] Training Modules

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

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

Hi,

Thanks for the slides.

Unfortunately, there are still *many, many errors* in these slides, and *none* of the issues I raised (see email at the bottom of this thread) have been addressed. I urge you not to release this training, as it will only confuse anyone trying to learn how to [redacted]

Please note that my issue #14 is incorrect; I was shocked to learn that [redacted] *has* been [redacted] This was done shortly *after* I *demonstrated* to many folks in [redacted] that [redacted] For a long time I have been recommending that [redacted] that is still my recommendation.

Why did [redacted] make [redacted] a mandatory component of operations knowing it was broken?

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

Regards,

[redacted]

[redacted]

From: [redacted]

Sent: Monday, June 30, 2014 2:14 PM
To:
Cc:
Subject: RE: (U) Training Modules

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

The latest training modules have been put into your dropbox. These are currently in the process of CAO approval.

v/r

From:
Sent: Monday, June 30, 2014 2:06 PM
To:
Cc:
Subject: RE: (U) Training Modules

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

I don't know a POC in ADET but please try the following link to identity/reach out:

I believe you will be the perfect person to address the training requirement/need to ADET and educate them why it is important for ADET to support this training requirement.

As for the latest training modules, please reach out to your colleagues in to request a copy.

(U//~~FOUO~~)

(U//~~FOUO~~)

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

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

From: [redacted]
Sent: Monday, June 30, 2014 1:57 PM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) [redacted] Training Modules

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

[redacted]

Wrt my [redacted] I'm happy to report that the responses I've received have been very, very positive.

Please provide a POC in ADET that I can work with on the proposal for a [redacted] training class.

Also, please send me the latest [redacted] training modules.

Regards,

[redacted]

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

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

From: [redacted]
Sent: Monday, June 23, 2014 10:43 AM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) [redacted] Training Modules

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

[redacted]

I hope your posted reference materials can help our folks in supporting the mission. It is too early to gather its impact and/or helpfulness of the info yet but I am confident [redacted] team will help us to obtain feedback. I personally have not encountered anyone who had expressed any thought/opinion on the reference material yet.

As for your concern regards to [redacted] I am confident our [redacted] team had received your concerns via the contractor you spoke with on this matter and they have taken appropriate action.

As I inform you and others during our meeting, we do not have funding allocated for [redacted] training in FY15. This was the precise reason that I asked of you to provide the cost and type of training the company is equipped to provide for us when you brought you idea to our attention. ADET/NSA won't be able to make any decision without the detail info about the training

description, cost, and qualified trainer/facility/company. I will be happy to work with you to reach out to ADET when you have the comprehensive information to present to ADET for their consideration.

Thanks,

[redacted]

(U//~~FOUO~~)

[redacted]

(U//~~FOUO~~)

From: [redacted]
Sent: Monday, June 23, 2014 9:33 AM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) [redacted] Training Modules

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

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

[redacted]

I am so glad that the training slides and other reference materials I posted are helping to fill the void of [redacted] training at NSA.

Please note that none of the information on the wiki should be incorporated into the NTOC training modules. The contractor putting together the training slides said he had been directed to copy the material I posted into his slides; I informed him he should NOT do this with any of the material on the wiki.

As noted on the wiki, the training and reference materials I posted [redacted]. Also, US CERT provded their training materials and agreed that they could be shared with NTOC, and requested that the material NOT be used for derivative training material. I request that NTOC please honor their request.

I have not seen the latest NTOC [redacted] training so I cannot comment as to its current state; as discussed at our meeting several weeks ago, there are many issues with that training because it was not developed by a SME, as it should be for a complex subject like this.

Wrt ADET, from my discussions with the company, there is interest in providing training for NSA. To discuss specifics, please provide some details as to what sort of funding is expected to be available and when.

Regards,

[redacted]

From: [redacted]
Sent: Friday, June 20, 2014 5:51 AM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) [redacted] Training Modules

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

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Good Morning [redacted]

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

Thanks for forwarding your email trail. I am confident your feedback was assessed and incorporated as appropriate by the team. As you are aware, the team had reached out to [redacted], [redacted] analysts, and [redacted] to obtain their feedback as well.

I am happy to hear that you have finally received the US CERT training slides. Thanks for working to obtain the material. Now the training slides are available, I am sure [redacted] will work with his team to make sure the information on the wiki will be referenced in our training modules.

As for the potential funding for a [redacted] training course, I've been waiting for you to provided info on the particular company you had recommended as I suggested to you during our discussion. It won't be effective to start communicating with ADET requesting for funds without any information to present to them. Please let me know when you are ready to reach out to ADET for potential funding support from them. You are the perfect SME to present and convey ADET on this matter. As I mentioned, I will be happy to work with you in this endeavor.

Thanks,

[redacted]

(U//~~FOUO~~)

[redacted]

(U//~~FOUO~~)

From: [redacted]
Sent: Thursday, June 19, 2014 4:50 PM
To: [redacted]

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

Cc: [redacted]
Subject: FW: (U) [redacted] Training Modules

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[redacted]

FYI, here is the training feedback I provided to [redacted] I haven't seen the latest set of slides, but the issues I listed below apply to every version I have reviewed to date.

FYI, I received the US CERT training slides and posted them along with a host of other material on [redacted] and related topics on my wiki.

Any progress with ADET on funding for a [redacted] course?

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

Regards,

[redacted]

[redacted]

From: [redacted]
Sent: Tuesday, June 17, 2014 2:58 PM
To: [redacted]
Subject: FW: (U) [redacted] Training Modules

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[redacted]

Not sure if you saw the feedback I provided a couple of weeks ago.

You mentioned yesterday that there is a new version of the training that has been approved by the relevant NTOC elements; can you please dropbox those to me?

Thanks,

[redacted]

[redacted]

From: [redacted]
Sent: Monday, June 02, 2014 3:30 PM
To: [redacted]

Subject: RE: (U) [redacted] Training Modules

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

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[redacted]

There are still many issues with the training. I know you're just coming on board, so here's a high level summary of the issues I see.

[redacted]

All these issues stem from the fact that the training content was not developed by a SME. I'm trying to bring in other training material that was developed by SMEs, which I'm posting on the [redacted]

May be best to start with an understanding of what the goals are for this training material to figure out the way forward.

Happy to meet and discuss.

Regards,

[redacted]

[redacted]

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

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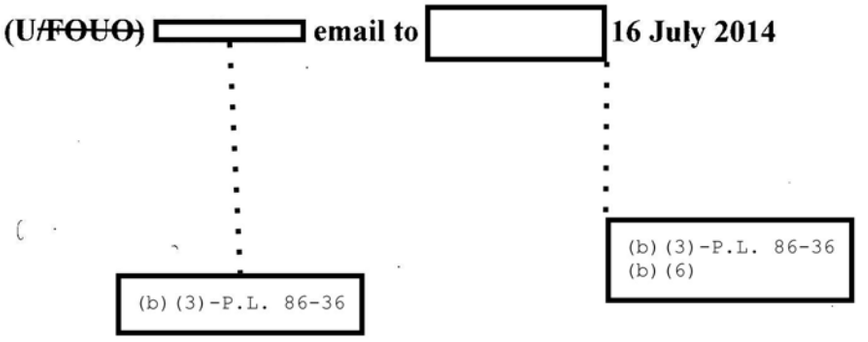
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APPENDIX 5



From:
Sent: Wednesday, July 01, 2015 11:48 AM
To:
Subject: FW: (U)

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

From:
Sent: Thursday, July 17, 2014 4:24 PM
To:
Cc:
Subject: RE: (U)

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

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

As I said, I exercised my best judgement in this as in all matters and will continue to do so. That is all anyone can do.

You have a different opinion on this subject; oh well.

Maybe my mistake was in cc'ing you ;)

Cheers,

From:
Sent: Thursday, July 17, 2014 3:52 PM
To:
Cc:
Subject: RE: (U)

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I ask that you respect the chain of command that is in place by sending the information to me and then I will work with the other division chiefs to come to a resolution. If we are unable to come to a resolution, we will then involve the next level of leadership.

Thanks.

Release 2022-9
NSA 21668

(U//~~FOUO~~)

[redacted]

From: [redacted]
Sent: Thursday, July 17, 2014 3:45 PM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) [redacted]

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

[redacted]

All I can do is use my best judgement, as I have in this case. I think [redacted] and [redacted] need to be aware as this is not just a [redacted] issue and this effort had NTOC wide visibility.

Cheers,

[redacted]

[redacted]

From: [redacted]
Sent: Thursday, July 17, 2014 3:40 PM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) [redacted]

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

[redacted]

I appreciate your feedback on this situation, however I ask you to send this information to me, as I would like to have the opportunity to discuss with [redacted] before we bring it to the attention of my leadership.

Thank you.

[redacted]

(U//~~FOUO~~)

[redacted]

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

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

Release 2022-9
NSA 21669

From: [redacted]
Sent: Thursday, July 17, 2014 1:55 PM
To: [redacted]
Subject: FW: (U) [redacted]

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

Meant to cc you …

[redacted]

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

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

From: [redacted]
Sent: Wednesday, July 16, 2014 4:35 PM
To: [redacted]
Subject: RE: (U) [redacted]

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[redacted]

You should be aware that [redacted] leadership – [redacted] – really dropped the ball on this one. They stopped showing up for the coordination meetings and did not respond to repeated requests for concurrance on the implementation plan. They also did not commit to making the changes to [redacted] or designate who in [redacted] was responsible for making the changes despite several requests for them to do so.

[redacted] also failed to show up at Monday's tasking and targeting meeting where this was a topic on the agenda. We had to pull [redacted] from the Ops floor; it was her first day back from leave and she had heard nothing from her management about this effort. We brought her up to speed and by COB she agreed to have the [redacted] make the changes.

[redacted] also raised some important issues about the impact of the changes on the [redacted] These issues haven't been addressed; they are out of scope for [redacted].

So a special thanks to [redacted] for stepping up to the plate when [redacted] leadership dropped the ball.

Regards,

[redacted]

[redacted]

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

From: [redacted]
Sent: Wednesday, July 16, 2014 6:41 AM
To: [redacted]

Release 2022-9
NSA 21670

Subject: FW: (U)

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(U) All,

(U//~~FOUO~~) FYSA thanks to you and all who helped to get this done.

(U//~~FOUO~~)

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

(U//~~FOUO~~)

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

From:
Sent: Tuesday, July 15, 2014 1:34 PM
To:
Cc:
Subject: RE: (U)

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are also complete.

From:
Sent: Tuesday, July 15, 2014 1:07 PM
To:
Subject: (U)

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

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

Hi,

has completed the changes to

Cheers,

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NSA 21671

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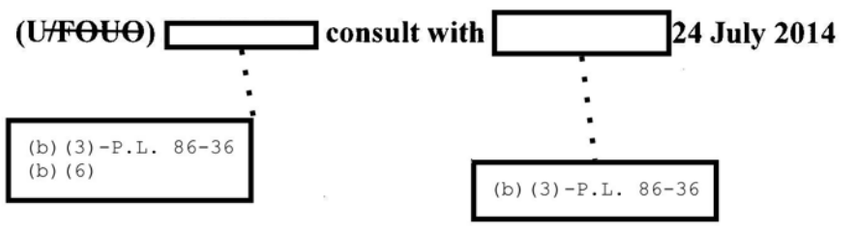
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Release 2022-9
NSA 21672

APPENDIX 6



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

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

From:
To:
Cc:
Subject: RE: (U) Letter
Date: Friday, July 25, 2014 4:42:00 PM

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

Hi

As discussed via phone con, I absolutely don't mind attending the meeting, however, I feel it's more appropriate that be present. Knowing her issues regarding not respecting the chain of command, this would be a great opportunity for to show a united front on this issue. Otherwise, she will leave the meeting and go directly to and/or . Let me know if you have any questions. Many Thanks.

From:
Sent: Friday, July 25, 2014 9:29 AM
To:
Cc:
Subject: RE: (U) Letter

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

I made changes based off your recommendations. I'd like to present with this letter sooner rather than later, and I would appreciate if you could attend. Are you available today or next week?

Thanks.

(U//~~FOUO~~)

[redacted]

From: [redacted]
Sent: Thursday, July 24, 2014 5:38 PM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) Letter

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

Hi [redacted]

I could not have written it any better myself. My only recommendation is to take out the reference to "defamation of character"—that can be pretty broad and unless you have a specific example to cite, I probably wouldn't reference it. That said, if you can be more specific, please do. Same would go for "exaggerations"—what type of exaggeration and give an example. I don't doubt for a minute that she has behaved in this way, but would like to be more specific if we could. Let me know if you have any questions. Many Thanks. [redacted]

[redacted]

From: [redacted]
Sent: Thursday, July 24, 2014 2:38 PM
To: [redacted]
Cc: [redacted]
Subject: (U) Letter

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

Good Afternoon [redacted]

Below is the letter I drafted in reference to [redacted], please review and let me know if you have any feedback:

Over the past few months, my concerns over your professional behavior have continued to grow. I have met with people from both inside and outside of NTOC and we have noticed that you display a consistent pattern of unprofessional behavior and counterproductive working relationships. The feedback I have received and behavior I have personally noticed with regards to your actions include accusatory remarks, inaccurate descriptions of interactions with others, defamation of character, exaggerations, complete disregard for supervisor direction, disrespect of established chain of

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

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

command, and alienation of co-workers. This type of unprofessional behavior places our critical partnerships at risk and negatively impacts employee morale. This behavior will not be tolerated in [redacted] as we hold both mission and our entire organization higher than any single employee.

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

In order for NTOC to remain successful, we will continue to operate in a team environment. We value everyone's opinions and perspectives, no matter his or her experience level. We value respect, professional courtesy, and the ability to compromise in order to achieve the most efficient and effective mission outcomes. Your behavior over the past few months is in direct opposition to the NTOC values and has identified that the [redacted] working environment is not a good match for your mode of operation.

We hereby are formally releasing you from your [redacted] obligation period. If you chose to stay with NTOC, we will provide you an ACE plan that will stress the importance of interpersonal skills and building solid working relationships. If you chose to leave NTOC, we wish you the best in your future endeavors.

Thank you.

[redacted]

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

(U//~~FOUO~~)

[redacted]

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

APPENDIX 7

(U//~~FOUO~~) [redacted] Counselling Letter, 29 July 2014

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

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

Over the past few months, my concerns over your professional behavior have continued to grow. I have met with people from both inside and outside of NTOC and we have noticed that you display a consistent pattern of unprofessional behavior and counterproductive working relationships. The feedback I have received and behavior I have personally noticed with regards to your actions include accusatory remarks, inaccurate descriptions of interactions with others, disruptive and argumentative behavior, complete disregard for supervisor direction, disrespect of established chain of command, and alienation of co-workers. This type of unprofessional behavior places our critical partnerships at risk and negatively impacts employee morale. This behavior will not be tolerated in [redacted] as we hold both mission and our entire organization higher than any single employee.

In order for NTOC to remain successful, we will continue to operate in a team environment. We value everyone's opinions and perspectives, no matter his or her experience level. We value respect, professional courtesy, and the ability to compromise in order to achieve the most efficient and effective mission outcomes. Your behavior over the past few months is in direct opposition to the NTOC values and has identified that the [redacted] working environment is not a good match for your mode of operation.

We hereby are formally releasing you from your [redacted] obligation period. If you chose to stay with NTOC, we will provide you an ACE plan that will stress the importance of interpersonal skills and building solid working relationships. If you chose to leave NTOC, we wish you the best in your future endeavors.

Thank you.

[redacted]

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

APPENDIX 8

(U//~~FOUO~~) [redacted] email to [redacted] 1 August 2014

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

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

Release 2022-9
NSA 21679

From: [redacted]
To: [redacted]
Cc: [redacted]
Subject: RE: (U) [redacted] Training
Date: Thursday, September 18, 2014 3:20:02 PM

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

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

(U) [redacted]

(U//~~FOUO~~) We did specifically inquire with [redacted] regarding the fact that we had contractors involved in putting this training together and that we were concerned with the fact that they were being paid to do this [redacted] I am supplying the answer we received below on this:

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

[redacted]

(U//~~FOUO~~)

[redacted]

[redacted]

(U//~~FOUO~~)

From: [redacted]
Sent: Thursday, September 18, 2014 1:40 PM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) [redacted] Training

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

[redacted]

[redacted]

NTOC [redacted] made this same mistake a few years ago in another set of [redacted] training slides; I raised the same issue then, and the training slides were scrapped. It was wrong then, and it's wrong now.

There is also the issue of the poor quality of the training materials, which has been repeatedly raised by me and [redacted]

Regards,

[redacted]

[redacted]

From: [redacted]
Sent: Thursday, September 18, 2014 8:53 AM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) [redacted] Training

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

(U) [redacted]

(U//~~FOUO~~) I have been working with [redacted] and [redacted] to check into [redacted] In summary, after checking with the appropriate folks (specifically personnel in the [redacted] and explaining the situation to them on [redacted] and [redacted] we have been told there are no issues. I am adding [redacted] to this email, so she can chime in case I missed anything.

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

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

(U//~~FOUO~~)

[redacted]

(U//~~FOUO~~)

From: [redacted]
Sent: Wednesday, September 17, 2014 6:40 PM
To: [redacted]
Subject: RE: (U) [redacted] Training

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

[redacted]

I am concerned about [redacted] statements today wrt the [redacted] training modules. Please clarify what the plans are for those modules. Has anyone raised these issues – the quality of the content [redacted] with the COR of the contractors who created the training? This is a serious issue.

[redacted]

From: [redacted]
Sent: Thursday, September 11, 2014 4:35 PM
To: [redacted]
Subject: FW: (U) [redacted] Training

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

[redacted]

This is the email thread in which I raised many issues with the [redacted] training, including [redacted]

My understanding from discussion with [redacted] and [redacted] is that [redacted] directed that the training be developed by non-SMEs using the [redacted] manual, because they had no knowledge of [redacted]

[redacted] is a very complex technical activity that requires good training, good [redacted] and appropriate [redacted] to do well. [redacted]

Regards,

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

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

[redacted]

[redacted]

From: [redacted]
Sent: Friday, August 01, 2014 4:02 PM
To: [redacted]
Cc: [redacted]
Subject: (U) [redacted] Training

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

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

Hi,

I've been in contact with ADET about [redacted] training. They already offer one class that's focused on [redacted] which is a nice introductory class (CYBR1200) but sadly out of date. They are setting up a meeting with the vendor to discuss updating the material.

ADET is also piloting a [redacted] Fundamentals class soon. From the course outline it covers much of the same material on [redacted] but it also has some irrelevant material like installing [redacted] and using open source GUIs for viewing alerts. ADET said they will try to get me a copy of the training materials to review.

Both of these courses have hands on [redacted] exercises, which is good.

There is one other course - [redacted] - that has a few slides devoted to [redacted] but they are outdated and cover very little of the topic.

None of the courses cover advanced [redacted] topics; I will follow up with ADET on this as soon as I get the [redacted] Fundamentals course material. Obviously the courses do not cover anything specific to [redacted]

I have some information on these topics on the [redacted], which I'm continuing to evolve [redacted]

Regarding the [redacted] training modules from [redacted] that I reviewed, I urge you not to release this training, as it has many errors, many examples of [redacted] and also it includes [redacted]

Regards,

[redacted]

[redacted]

[redacted]

From: [redacted]
Sent: Tuesday, July 22, 2014 1:29 PM
To: [redacted]
Subject: RE: (U) [redacted] Training Modules

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It seems [redacted] is continuing to have non-SMEs put together training slides for [redacted] which is a very complex technical subject. Once again I urge you to discontinue this effort and to support my efforts to get [redacted] training developed by SMEs.

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

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

[redacted]

From: [redacted]
Sent: Wednesday, July 09, 2014 4:29 PM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) [redacted] Training Modules

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

Hi,

You didn't respond to the most important issue I raised, which is that there are still *many, many errors* in these training slides.

Other comments inline below.

Once again, I urge you not to release this training, as it will only confuse anyone trying to learn how to [redacted] We need training that is developed by a SME.

Regards,

[redacted]

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

[redacted]

From: [redacted]
Sent: Wednesday, July 09, 2014 3:14 PM

To:
Cc:
Subject: RE: (U) Training Modules

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

Please see the response from our training team.

Background: Modules 1-5 introduce or define Module 6 will be geared towards application of concepts and content presented in modules 1-5. For instance, in Module 3 however, Module 3 does not directly address So, that is where Module 6 comes in as it will attempt to address some of "hows" and in this instance how does

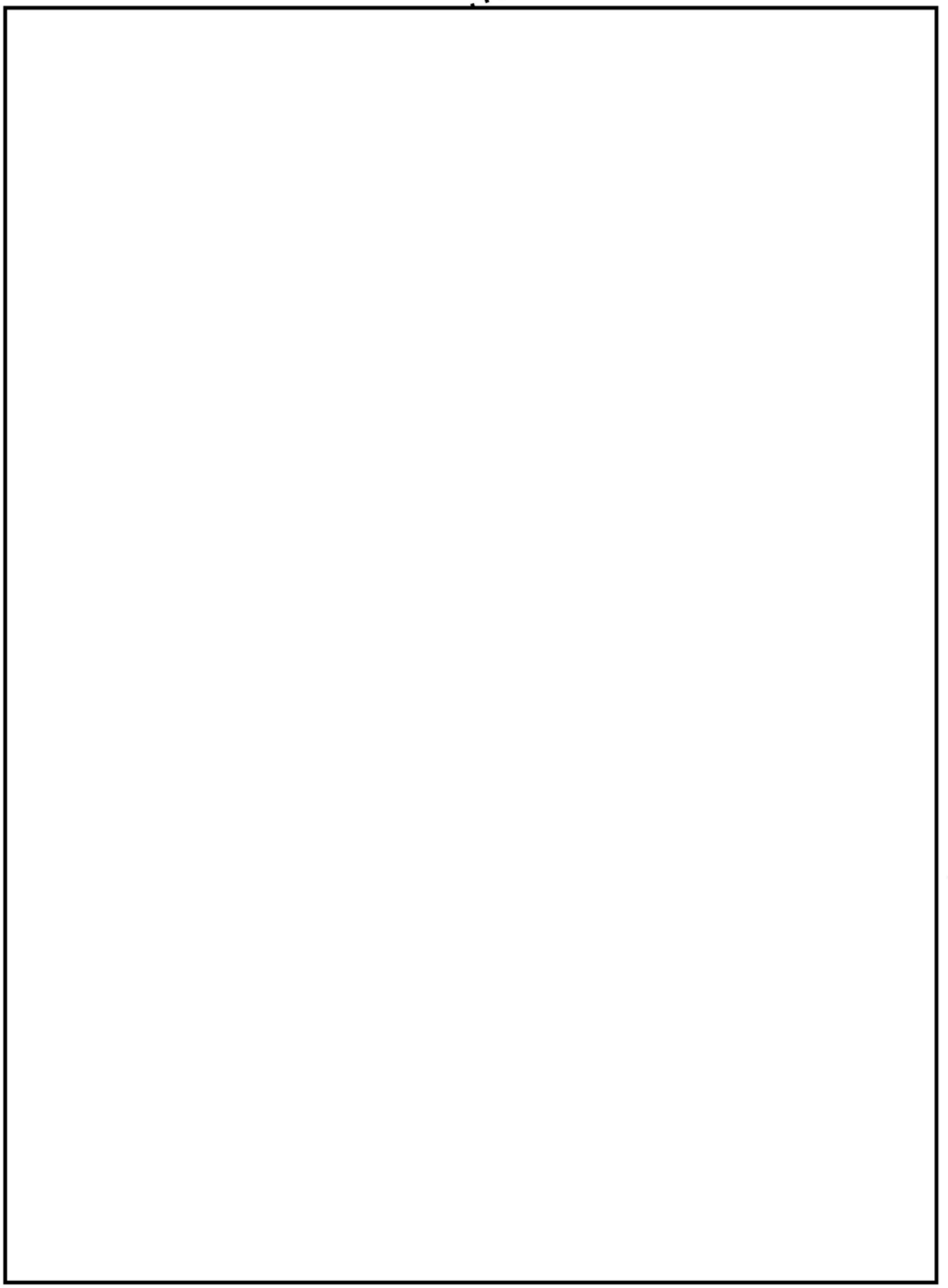
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Please see comments below.

These issues can be addressed in Module 6 as a continuation of Module 4 or added as an update to Module 4. But, this will require input as to what she considers to be

Doc ID: 6783398

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



Release 2022-9
NSA 21686

v/r

[redacted]

From: [redacted]
Sent: Monday, June 30, 2014 5:29 PM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) [redacted] Training Modules

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

Hi,

Thanks for the slides.

Unfortunately, there are still *many, many errors* in these slides, and *none* of the issues I raised (see email at the bottom of this thread) have been addressed. I urge you not to release this training, as it will only confuse anyone trying to learn how to [redacted]

Please note that my issue #14 is incorrect; I was shocked to learn that [redacted]. This was done shortly *after* I *demonstrated* to many folks in [redacted] that [redacted] For a long time I have been recommending that [redacted] that is still my recommendation.

Why did [redacted] make [redacted] a mandatory component of operations knowing it was broken?

Regards,

[redacted]

From: [redacted]
Sent: Monday, June 30, 2014 2:14 PM
To: [redacted]
Cc: [redacted]

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

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

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

Subject: RE: (U) [redacted] Training Modules

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[redacted]

The latest [redacted] training modules have been put into your dropbox. These are currently in the process of CAO approval.

v/r

[redacted]

From: [redacted]
Sent: Monday, June 30, 2014 2:06 PM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) [redacted] Training Modules

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[redacted]

I don't know a POC in ADET but please try the following link to identity/reach out:

[redacted]

I believe you will be the perfect person to address the [redacted] training requirement/need to ADET and educate them why it is important for ADET to support this training requirement.

As for the latest [redacted] training modules, please reach out to your colleagues in [redacted] to request a copy.

[redacted]

(U//~~FOUO~~)

[redacted]

(U//~~FOUO~~)

From: [redacted]
Sent: Monday, June 30, 2014 1:57 PM
To: [redacted]
Cc: [redacted]

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

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

Subject: RE: (U) [redacted] Training Modules

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

[redacted]

Wrt my [redacted] I'm happy to report that the responses I've received have been very, very positive.

Please provide a POC in ADET that I can work with on the proposal for a [redacted] training class.

Also, please send me the latest [redacted] training modules.

Regards,

[redacted]

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

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

From: [redacted]
Sent: Monday, June 23, 2014 10:43 AM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) [redacted] Training Modules

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

[redacted]

I hope your posted reference materials can help our folks in supporting the mission. It is too early to gather its impact and/or helpfulness of the info yet but I am confident [redacted] team will help us to obtain feedback. I personally have not encountered anyone who had expressed any thought/opinion on the reference material yet.

As for your concern regards to [redacted] I am confident our [redacted] team had received your concerns via the contractor you spoke with on this matter and they have taken appropriate action.

As I inform you and others during our meeting, we do not have funding allocated for [redacted] training in FY15. This was the precise reason that I asked of you to provide the cost and type of training the company is equipped to provide for us when you brought you idea to our attention. ADET/NSA won't be able to make any decision without the detail info about the training description, cost, and qualified trainer/facility/company. I will be happy to work with you to reach out to ADET when you have the comprehensive information to present to ADET for their consideration.

Thanks,

(U//~~FOUO~~)

(U//~~FOUO~~)

From:
Sent: Monday, June 23, 2014 9:33 AM
To:
Cc:
Subject: RE: (U) Training Modules

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

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

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

I am so glad that the training slides and other reference materials I posted are helping to fill the void of training at NSA.

Please note that none of the information on the wiki should be incorporated into the NTOC training modules. The contractor putting together the training slides said he had been directed to copy the material I posted into his slides; I informed him he should NOT do this with any of the material on the wiki.

As noted on the wiki, the training and reference materials I posted Also, US CERT provded their training materials and agreed that they could be shared with NTOC, and requested that the material NOT be used for derivative training material. I request that NTOC please honor their request.

I have not seen the latest NTOC training so I cannot comment as to its current state; as discussed at our meeting several weeks ago, there are many issues with that training because it was not developed by a SME, as it should be for a complex subject like this.

Wrt ADET, from my discussions with the company, there is interest in providing training for NSA. To discuss specifics, please provide some details as to what sort of funding is expected to be available and when.

Regards,

[redacted]

From: [redacted]
Sent: Friday, June 20, 2014 5:51 AM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) [redacted] Training Modules

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

Good Morning [redacted]

Thanks for forwarding your email trail. I am confident your feedback was assessed and incorporated as appropriate by the team. As you are aware, the team had reached out to [redacted] analysts, and [redacted] to obtain their feedback as well.

I am happy to hear that you have finally received the US CERT training slides. Thanks for working to obtain the material. Now the training slides are available, I am sure [redacted] will work with his team to make sure the information on the wiki will be referenced in our training modules.

As for the potential funding for a [redacted] training course, I've been waiting for you to provided info on the particular company you had recommended as I suggested to you during our discussion. It won't be effective to start communicating with ADET requesting for funds without any information to present to them. Please let me know when you are ready to reach out to ADET for potential funding support from them. You are the perfect SME to present and convey ADET on this matter. As I mentioned, I will be happy to work with you in this endeavor.

Thanks,
[redacted]

(U//~~FOUO~~)

[redacted]

(U//~~FOUO~~)

From: [redacted]
Sent: Thursday, June 19, 2014 4:50 PM
To: [redacted]
Cc:
Subject: FW: (U) [redacted] Training Modules

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

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

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

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

FYI, here is the training feedback I provided to [redacted] I haven't seen the latest set of slides, but the issues I listed below apply to every version I have reviewed to date.

FYI, I received the US CERT training slides and posted them along with a host of other material on writing [redacted] and related topics on my wiki.

Any progress with ADET on funding for a [redacted] rule course?

Regards,

[redacted]

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

From: [redacted]
Sent: Tuesday, June 17, 2014 2:58 PM
To: [redacted]
Subject: FW: (U) [redacted] Training Modules

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

[redacted]

Not sure if you saw the feedback I provided a couple of weeks ago.

You mentioned yesterday that there is a new version of the training that has been approved by the relevant NTOC elements; can you please dropbox those to me?

Thanks,

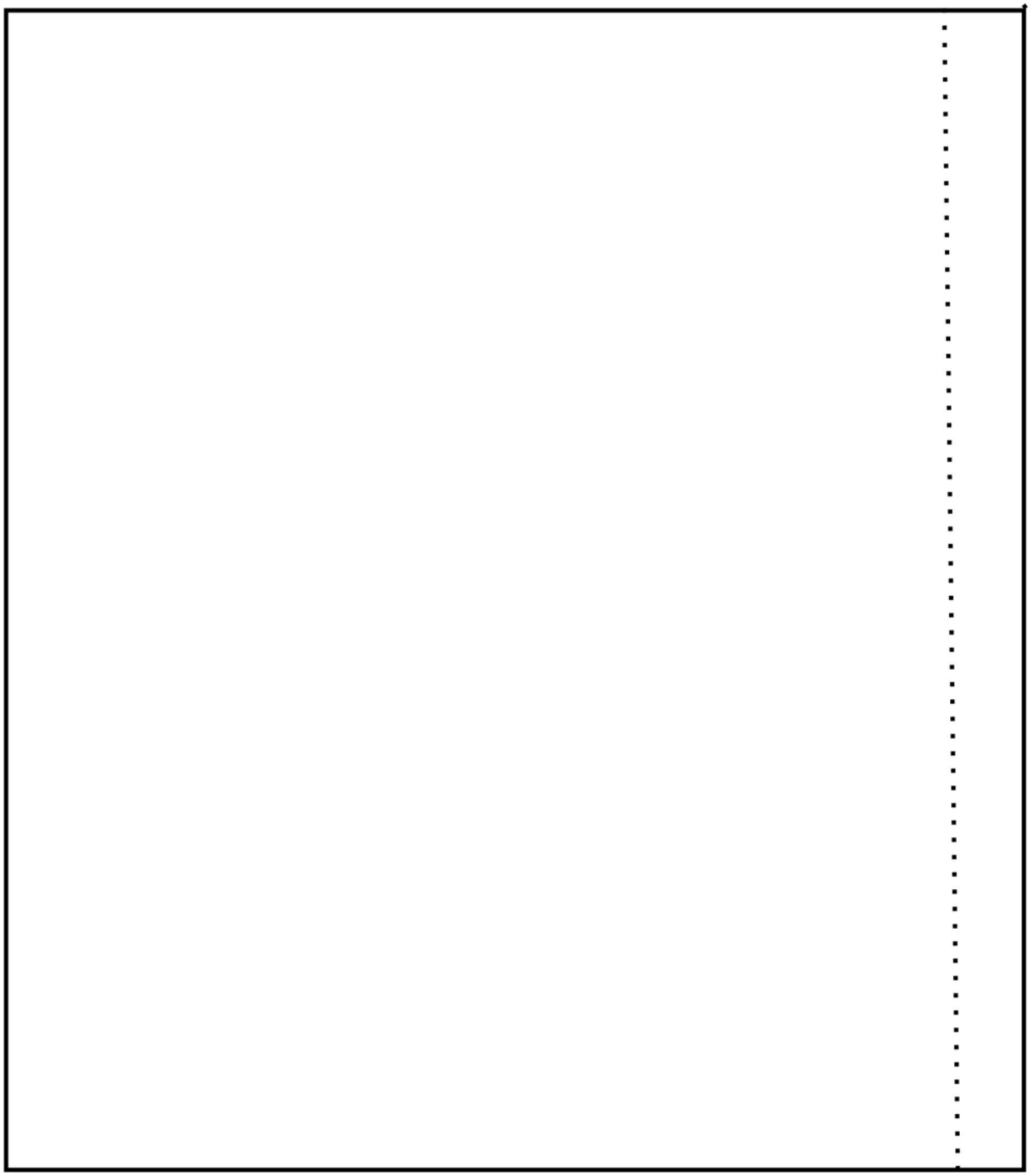
[redacted]

From: [redacted]
Sent: Monday, June 02, 2014 3:30 PM
To: [redacted]
Subject: RE: (U) [redacted] Training Modules

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

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

There are still many issues with the training. I know you're just coming on board, so here's a high level summary of the issues I see.



All these issues stem from the fact that the training content was not developed by a SME. I'm trying to bring in other training material that was developed by SMEs, which I'm posting on the [redacted]

[redacted]

May be best to start with an understanding of what the goals are for this training material to figure out the way forward.

Happy to meet and discuss.

Regards,

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

[redacted]

[redacted]

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APPENDIX 9

(U//~~FOUO~~) [redacted] email to [redacted], 18 August 2014

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

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

From:
To:
Cc:

Subject: RE: (U) Letter
Date: Tuesday, August 26, 2014 7:27:28 PM
Attachments: RE (U)

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

The charges in this letter are unfounded and false. I do my best to respect the chain of command, and to follow all management directives, while freely giving my input and working tirelessly and fearlessly as a team player to help support our mission.

You claim that the evidence for my disrespect for chain of command is an email I sent to , which was a reply to an email that sent to me, thanking me for my *productive teamwork* (email attached). I forwarded my reply to to you and when I realized I had inadvertently left you off the cc list. As I stated at the meeting on 29 July, the intent of my email was to convey a special thanks to a branch chief in , who came through on a short fuse tasker on her first day back from leave when her management failed to cooperate with the NTOC directive and deadline. Neither nor her management work for you; they work for Yet you somehow believe that I should have sent my reply to you and you alone, which makes no sense.

You also accused me of insubordination for not removing a statement from my . I *did* remove the statement as requested, and replaced it with this: "(U//FOUO) Tip: If you are using

You removed that statement from the wiki because you said you were under a lot of pressure from to do so. As I demonstrated to you and many others in , which is causing confusion amongst analysts trying to learn how to has not been announcing their releases or adding to the confusion, since the behavior of putting pressure on their customer to remove a true and very politely worded statement to help analysts who may be confused

I have many productive working relationships across NTOC and NSA. There have been issues with some members of and , who have repeatedly harassed me since shortly after I joined Recently you have also been harassing me, e.g. by coming to my desk and yelling at me for things other people are doing wrong, upbraiding me for engaging leadership in an exercise to determine actual status so that it can be fixed, trying to interfere with current path to IOC, which is now on track - a major accomplishment by me and the team in turning around a project that has been failing for years.

I have never experienced such a hostile work environment as in all of my many years working at

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

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

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

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

(b) (6)

NSA and in the commercial world.

I have a strong track record of success in difficult and highly technical achievements throughout my career, including graduating [redacted] – one of the agency's premier and highly competitive programs. I am working to apply the knowledge and skills I gained in the program to help improve the quality of NTOC's [redacted] inadequate training, all of which I'm trying to address. You should be supporting me instead of subjecting me to an extremely hostile work environment where I am being targeted because I'm pointing out issues [redacted] processes and training. We will not make progress in improving [redacted] quality unless these issues are acknowledged and addressed.

I ask for [redacted] support, and for an end to all of the harassment.

Regards,

[redacted]

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

From: [redacted]
Sent: Tuesday, July 29, 2014 4:07 PM
To: [redacted]
Cc: [redacted]
Subject: (U) Letter

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

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

[redacted]

Attached is the soft copy of the letter that I delivered to you this afternoon. Please file in your records.

Thank you.

[redacted]

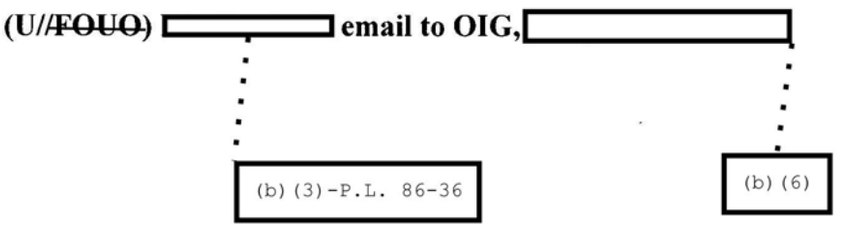
(U//~~FOUO~~)

[redacted]

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

APPENDIX 10



From: [redacted]
To:
Subject: (U) meet Thursday at 0930?
Date: Wednesday, [redacted] 6:48:19 PM

(b) (6)

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

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

Hi,

I've learned that I'm being served with a letter of counseling, which is scheduled for Friday. I haven't been told why.

Sorry for the late notice, but would it be possible to meet Thursday 4 September at 930 for 30 minutes? I'd like to understand a bit more about whistleblower protection before that meeting, as I believe I'm being targeted for raising waste, fraud and abuse issues about activities [redacted] is involved in.

Thanks,

[redacted]

[redacted]

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

From: [redacted]
To: [redacted]
Subject: FW: (U) Documentation of Your Actions
Date: Friday, August 29, 2014 7:43:58 AM

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

I really cant get much firmer than that.. lol

V/r,

[redacted]

(U//~~FOUO~~)

[redacted]

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

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

From: [redacted]
Sent: Friday, August 29, 2014 7:43 AM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) Documentation of Your Actions

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

[redacted]

This is most interesting; you first request that I do opine on the matter until I have heard all sides, yet you insist on returning emails with your side; [redacted] enough. As I stated before, we will ALL meet next week to discuss this.

Yes you, and only you, have consumed my time, as you remain the common denominator here, and continue, as of this moment to demand my time. [redacted] perhaps in prior offices you were able to successfully pull of your " mind games." I assure you that you will not be able to do so in [redacted] with [redacted] or myself. I am fighting all my urges to revert back to my law school days, and point out your fallacy of logic, but will refrain from doing so. That said, I have a mission to do, and will allow HR and other resources to do what they are best trained in.

Until we meet, and until the next scheduled meeting with HR/ER, I am again asking you to cease your disruption of the workplace. [redacted] this division belongs to [redacted] and myself; I/we will not allow

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

a singular person to dictate the policy, strategies and work environment for the Agency – cease and desist your current actions.

Please return to fruitful work at this time.

V/r,

[redacted]

(U//~~FOUO~~)

[redacted]

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

From: [redacted]
Sent: Thursday, August 28, 2014 5:01 PM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) Documentation of Your Actions

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

[redacted]

Recall that I did not interrupt your day, today or any other, to complain about other people upsetting me by their unprofessional and hurtful behaviors. If I did, you would be hearing about issues for the same group of individuals over and over.

Maybe you should encourage people to try to address issues themselves, rather than bothering you. Then they might learn not to bother you, and may become better at working with others.

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

Regards,

[redacted]

[redacted]

From: [redacted]
Sent: Thursday, August 28, 2014 4:05 PM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) Documentation of Your Actions

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

[redacted]

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

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

Sounds good – quit honestly though, I weary of having my day interrupted with your name as the common denominator. Perhaps you are innocent, perhaps someone else is at "fault." What I do know, is this continual need to halt work to address issues related to one individual is quickly having an adverse effect and creating an undue burden for all.

V/r,

[redacted]

(U//~~FOUO~~)

[redacted]

From: [redacted]
Sent: Thursday, August 28, 2014 3:53 PM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) Documentation of Your Actions

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

[redacted]

Your email indicates that you have already concluded that I am the "the root problem" and that I "continue to create confusion and disrupt the workplace".

Neither of these conclusions is justified.

All I'm asking is for you to be fair and make conclusions only after you have heard both sides of the story.

Regards,

[redacted]

From: [redacted]
Sent: Thursday, August 28, 2014 3:49 PM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) Documentation of Your Actions

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

[redacted]

That is what I am saying – we will need to discuss this next week.

Thanks.

V/r,

[redacted]

(U//FOUO)

[redacted]

From: [redacted]
Sent: Thursday, August 28, 2014 3:48 PM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) Documentation of Your Actions

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

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

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

[redacted]

I have myself been upset by the actions of multiple [redacted] people today, both government and contractors.

Unlike other people, I don't complain to management every time someone does something that is unprofessional and irritating, but rather try to work through the issues with the persons involved. It would be good to encourage people to do the same, instead of rewarding the complainer with the assumption that the complaint is justified. Just because I don't complain, that doesn't make me the root of the problem.

There are at least two sides to every story. Please be fair and hear all sides of the story before coming to any conclusion about what actually happened.

Regards,

[redacted]

[redacted]

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

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

From: [redacted]
Sent: Thursday, August 28, 2014 3:39 PM
To: [redacted]
Cc: [redacted]
Subject: (U) Documentation of Your Actions

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

[redacted]

Twice today, I have been interrupted while working on ACEs; in both cases, the individuals were very upset and felt compelled to ask me to put aside mission to address their concerns. In both instances, while completely different parties, you were the root problem.

We will address this next week with [redacted] but this is to document that you continue to create confusion and disrupt the workplace. This is a professional organization, and I am obligated to remind you that I am charged with keeping it so – you are not to be questioning the work of others outside your scope. You are NOT to be undermining the authority and mission of those you are here to support.

Again, we will discuss this more next week; I am writing you now, asking you to cease your undermining actions, and act as is expected of one in your grade.

V/r,

[redacted]

(U//~~FOUO~~)

[redacted]

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

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APPENDIX 11

(U//~~FOUO~~) [redacted] consult with [redacted] 12 September 0214

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

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

Doc ID: 6783398

LETTER OF COUNSE UNG 4 EPTEMBER 20 14

SUBJECT: [redacted] EMPLTD: [redacted]

(U//~~FOUO~~) You arc bei ng issued this Letter of Counseling (LOC) for failure to demonstrate courtesy and respect in the workplace, failure to follow supervisory instructions, and failure to follow Agency regulations. [redacted] is attending this counseli ng session as a witness.

(U//~~FOUO~~) Management has attempted to address your conduct issues through informal verbal counseling as well as a documented Memorandum for the Record (MFR) that was presented to you on 29 July 2014. Despite management's efforts, you continue to display a pattern of unprofessional behavior to include inflammatory and disrespectful comments, derogatory and negative emails, disruptive and argumentative behavior, disrespect to leadership, and a complete disregard for supervisory instructions. Your manager provided the following:

- On 26 June 20 14, you were provided clear guidance on [redacted] yet you continue to discredit and disregard the established process.
- On 15 July 20 14, you met with Chief [redacted] without prior notification to your supervisor or the designated [redacted] POC, which created much confusion and misunderstanding amongst the product stakeholders.
- On 29 July 2014, you were presented with an MFR outlining my observations and concerns regarding your actions and disrespectful behavior.
- On 14 August 2014, you sent an inappropriate and unsolicited message to [redacted] leadership to include myself regarding your disapproval of the [redacted] reorganization plan.
- On 18 August 20 14, a [redacted] employee felt verbally attacked by comments you made in an email message. The employee felt that your comments devalued their work and concern for mission.

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

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

(U//~~FOUO~~) Your actions clearly demonstrate a disregard for supervisory direction and disrespect for leadership and Agency policies. In addition, your inappropriate conduct toward management. colleagues, and co-workers creates an uncomfortable and hostile work environment. As a GG-15, it is expected that you remain professional and set the example of appropriate conduct in the workplace. Overall, your conduct is unacceptable and this type of behavior is not conducive to teaming, collaboration, and/or effective mission execution. Your behavior is in direct violation of the following Agency Policies:

> NSA/CSS PMM Chapter 366, Section 1-3, GENERAL PRINCIPLES FOR ON-THE JOB CONDUCT, E. Generally, every employee is expected to give thorough, efficient, and industrious service in the perfonnance of assigned duties including presenting oneself for duty in a condition to perform work effectively; exercising courtesy and respect in dealings with fellow workers and the public...

Release 2022-9
NSA 21708

Doc ID: 6783398

NSA/CSS PMM Chapter 366, Section 2-1.WORK ENVIRONMENT L.
Insubordination - Employees will respect Agency rules, regulations, and supervisory authority and comply with authoritative instructions from supervisors and/or individuals in leadership positions.

NSA/CSS PMM Chapter 366, Section 2-1. WORK ENVIRONMENT
States the following: "Employees will not engage in any conduct that creates a hostile work environment and/or interferes with an individual's work performance. A. Harassment/Intimidation – Employees will not use actions or words that denigrate or show hostility toward an individual for any reason…

(U//~~FOUO~~) After reviewing the facts of this matter, I have determined that an LOC is warranted. As an Agency employee, you are expected to follow all guidance and instruction given to you by your managers as well as respect all employees and Agency policies.

(U//~~FOUO~~) This counseling is non-disciplinary; however, future actions of this nature may be cause for disciplinary action. A copy of this letter will be retained in Employee Relations, in a suitability file, for five (5) years from the date of issuance.

(U//~~FOUO~~) This action may be grieved. For information about the grievance process you may contact the NSA Office of Administrative Grievances on 963-6690 secure or 410-854-6228 unsecure, or see information on the Office of Administrative Grievances internal website.

[redacted]
Employee Relations Counselor

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

I HEREBY ACKNOWLEDGE RECEIPT OF THIS LETTER:

[redacted]
EMPLOYEE SIGNATURE/DATE 9/4/14

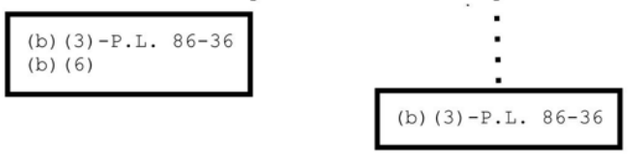
[redacted]
WITNESS SIGNATURE/DATE

[redacted]

Release 2022-9
NSA 21709

APPENDIX 12

(U//~~FOUO~~) [redacted] consult with [redacted], 12 September 0214



From: [redacted]
To: [redacted]
Cc: [redacted]

Subject: RE: (U) [redacted] tomorrow at 1400
Date: Friday, September 12, 2014 11:48:46 AM
Attachments: LOR courtesy 2014 template.doc

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

Hi [redacted]

With documented, factual instances of infractions to the original MFR (disrespectful behavior/failure to follow supervisory instructions, etc.) and LOC, we can move forward now to the LOR. Since an LOR is considered a "formal" disciplinary action, I would need an SPF signed by you, through your chain of command, requesting we (MR) take the action. I would ask that someone from the [redacted] level sign off on it. If you feel this is warranted, I would not wait.

[redacted] may have mentioned that we have a meeting with [redacted] and the CoS on Wednesday, 1 October to discuss ongoing NTOC MR cases. I will be curious as to his direction with how to handle this situation (if he gets involved). I will be addressing the issue of time away from mission for all involved and the time-intensive resource drain.

Until then, attached is a ***sample*** LOR should you wish to pursue. This is just to give you an idea of what one may look/flow like, but include all aspects of behavior going on. I would suggest you do this soon citing incidents since the LOC.

Thanks,

[redacted]

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

From: [redacted]
Sent: Friday, September 12, 2014 9:23 AM
To: [redacted]
Cc: [redacted]

Subject: FW: (U) [redacted] tomorrow at 1400

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

[redacted]

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

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

In light of the Letter of Counseling, given the tone of the highlighted areas in the message below, I am not seeing a change in [redacted] professional behavior. I've heard rumors that she is planning to appeal the Letter of Counseling. I expected her to do so, and I will comply.

I'm extremely concerned that since I have not seen a change in attitude/behavior since the LOC was delivered, she must not be taking our measures of discipline seriously. I'd expect once someone received a LOC, they would be much more mindful in their tone. I feel like I am in a very difficult situation where any time I confront her about these issues she brings up excuse after excuse, claims that I am yelling at her and/or harassment. Her complete disregard of my authority and direction has left me bewildered, and I have little confidence in her willingness to change. With that said, I would like to discuss with you how we can expedite the process to have her removed from our office for the sake of the organization and our mission.

FYI...I've directed [redacted] to set up a face-to-face meeting with [redacted] to discuss the capability described below. I reminded [redacted] of her ACE objective, and if she did not comply that I would follow up with a Letter of Reprimand.

Thank you.

[redacted]

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

(U//~~FOUO~~)

[redacted]

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

From: [redacted]
Sent: Thursday, September 11, 2014 4:26 PM
To: [redacted]
Cc:
Subject: RE: (U) [redacted] tomorrow at 1400

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

[redacted]

I was merely asking for clarification about [redacted] role as Mission Owner, not telling her or anyone else what their job is.

[redacted]

From:
Sent: Thursday, September 11, 2014 4:23 PM
To:
Cc:
Subject: RE: (U) tomorrow at 1400

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

Before sending out emails, you really need to consider the tone. I certainly wouldn't appreciate someone telling me (or reminding me) of my job. I understand what you are trying to say, but I believe the way you said it comes off as offensive and condescending.

I understand you are frustrated, but consider how others may interpret your messages before you send.

Thank you.

(U//~~FOUO~~)

From:
Sent: Thursday, September 11, 2014 4:12 PM
To:
Cc:
Subject: RE: (U) tomorrow at 1400

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

Your job is to define prioritize development requirements for correct?

This ticket, as with all my tickets, has an explanation including extensive examples. indicated that issues have to be vetted by your working group, so maybe you should proceed with that.

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

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

From: [redacted]
Sent: Thursday, September 11, 2014 1:58 PM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) [redacted] tomorrow at 1400

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

[redacted]

The [redacted] team does not report to me so I cannot task the team to fix or do anything. This request was not submitted by NTOC and according to [redacted] this issue needed further clarification. Would you be able to provide this information?

[redacted]

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

****

[redacted]

****

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

From: [redacted]
Sent: Thursday, September 11, 2014 1:51 PM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) [redacted] tomorrow at 1400

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

[redacted]

The second item is a [redacted] It was reported a long time ago, maybe 2 years. So why is it not scheduled to be fixed?

[redacted]

From: [redacted]
Sent: Thursday, September 11, 2014 10:19 AM
To: [redacted]

Cc: [redacted]
Subject: RE: (U) [redacted] tomorrow at 1400

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

I reached out to the [redacted] team and the agenda is based on the critical issues and features identified we need to address. There are two open critical ticket items (listed below)

[redacted]

[redacted]

****

[redacted]

****

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

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

From: [redacted]
Sent: Thursday, September 11, 2014 9:53 AM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) [redacted] tomorrow at 1400

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

[redacted]

The discussion items below do not include any of the [redacted]. My understanding from our last meeting with [redacted] is that you were going to review the existing [redacted] tickets and get these defects assigned a priority. What is the status of that action?

[redacted]

From: [redacted]
Sent: Thursday, September 11, 2014 9:22 AM
To: [redacted]
Subject: FW: (U) [redacted] tomorrow at 1400

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

FYI...

(U//~~FOUO~~)

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

From:
Sent: Wednesday, September 10, 2014 11:50 AM
To:
Subject: (U) tomorrow at 1400

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

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

Good Afternoon,

Just a friendly reminder, we have a meeting scheduled for **tomorrow at 1400 in OPS Room A**. Listed below are the items provided by the team they would like to discuss. If NTOC has anything additional they would like to add to the agenda viewing, please let me know soonest.

Discussion Topics:

Feature requests that still need to be addressed/vetted for implementation.

Thanks,

****



****

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

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APPENDIX 13

(U/~~FOUO~~) [redacted] email to [redacted] 15 September 2014

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

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

From:
To:
Cc:
Subject: RE: (U//~~FOUO~~) Please Read
Date: Monday, September 15, 2014 8:59:51 AM

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

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(U)

(U//~~FOUO~~) Thanks for the information. Per our discussions this morning, here is what I want to check on:

1.)

2.)

3.)

(U//~~FOUO~~) In summary, I think you can see the spirit of my questions at this point. My hope is that this is going to be a simple check and we will be good to go. However, just want to be safe, and we should check before we fully deploy this cited material in our training.

(U//~~FOUO~~) Thanks so much for your help on this. I really appreciate it. You are doing a great job in getting this training together.

(U//~~FOUO~~)

(U//~~FOUO~~)

From:
Sent: Thursday, September 11, 2014 3:31 PM
To:
Subject: RE: (U//~~FOUO~~) - Please Read

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Yes material from the [redacted] manual is used and paraphrased where possible. This was discussed in the early parts of the development of the training. In addition, the training team provided citations as well a direct references to the manual.

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

From: [redacted]
Sent: Thursday, September 11, 2014 3:16 PM
To: [redacted]
Cc: [redacted]
Subject: (U//~~FOUO~~) [redacted] - Please Read

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

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

(U) [redacted] and [redacted]

(U//~~FOUO~~) For the [redacted] training material being produced, do you know if [redacted] was used and incorporated into the training guides? Thanks for your help on this. I really appreciate it.

(U//~~FOUO~~)

[redacted]

(U//~~FOUO~~)

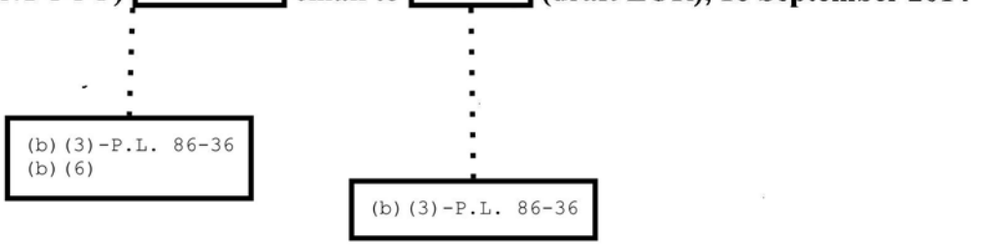
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Classification: UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

APPENDIX 14

(U/~~FOUO~~) [redacted] email to [redacted] (draft LOR), 16 September 2014



LETTER OF REPRIMAND

X SEPTEMBER 2014

[redacted]
National Security Agency

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

Dear [redacted],

This Letter of Reprimand (LOR) is being issued to address your continued failure to demonstrate courtesy and respect in the workplace. This action is being taken to promote the efficiency of the service under the provisions of the NSA/CSS Personnel Management Manual (PMM) Chapters 366 "Personal Conduct" and 370 "Counseling, Disciplinary and Adverse Actions."

You were issued a Letter of Counseling (LOC) on September 4, 2014, which addressed disrespectful behavior in the workplace. In the LOC, you were advised, "this counseling is non-disciplinary; however, future actions of this nature may be cause for disciplinary action."

On July 29, 2014, you received specific written and verbal guidance from your leadership regarding the expectation that you would be respectful to others.

On September 3 2014, you falsely accused your direct supervisor of having involvement with the removal of a piece of personal property from her desk. Employees will not knowingly make or present a false or fraudulent statement or claim.

On September 4, 2014, your chain of command sent you an email asking you where you were located – you were sending numerous emails, but not responding. You refused to answer this legal order; it is your management's responsibility to know where you are located at all times, your refusal to respond is not only in direct violation of NSA policies, but further jeopardizes prescribed safety measures.

On September 4, 2014, you confronted a division asset (contractor) at a meeting, demanding that he account for his time, notes and reason for attending the meeting. He was following the direct order of his senior, and your senior, leadership; at no point are you entitled to berate him, or attempt to bully him into answering to you, which you attempted. You then pulled several others into your discussion, creating an uneasy environment for all in attendance. [redacted] was informed of your harassment and subsequently reached out to you via email. This incident greatly affected the said individual, and painted the organization in a

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

Doc ID: 6783398

poor light. You have been warned, cautioned and explicitly ordered to cease your harassment of your colleagues, and creating scenes in meeting environments – to date, you refuse to abide by this lawful expectation.

On September 5, 2014, you approached your supervisor's desk and demanded that he discontinue a project involving moving [redacted]. After your supervisor explained his rationale, you blatantly insulted the expertise of the involved team members... These actions were disrespectful and unprofessional.

On September 11, 2014, you sent an email message to a co-worker that conveyed a disrespectful tone in which you felt necessary to remind one of their duties/responsibilities... These actions were rude and unprofessional.

On September 15, 2014, you met with both of your division leaders, as well as your Office Chief. At this time you were told by your Division Chief, [redacted] that you were to include [redacted] in all meetings at the senior level. You stated this was an infringement of your rights; and you should be allowed to hold private discussions. Your Chief shared that he supported you in meeting with senior technicians, and encourages this collaboration; however, he wanted division leadership included. You then proceed to mock [redacted] leadership and technical abilities, proclaiming: "I will not take him." Again, [redacted] stated that is was not an option, you were to include your senior management – to this you replied "I will not." Your inability and unwillingness to follow the most simple, legal and ethical of orders undermines the chain of command and your ability to perform within the organization. You actions go against not only NSA policies, but also your LOC dated September 4, 2014. These actions can simply not be tolerated as they are prejudicial to good order.

On September 15 2014, you falsely claimed that your direct supervisor would not allow you to attend work-related conferences in order to achieve your Training objectives. Employees will not knowingly make or present a false or fraudulent statement or claim.

On September 16, 2014, [redacted] was informed that you continue to refuse to proffer even the most civil of exchanges with your coworkers. Your continued inability to behave in a professional manner has created a chasm between yourself and your coworkers, making yourself impossible to collaborate and work with.

On September 16, 2014, [redacted] had to again request that you follow office/security procedures by updating your Jsignout, at which point you had not updated in several days. This goes back to the September 4th incident where you willingly and blatantly refused to apprise management of your location. Again,

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

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

Release 2022-9
NSA 21723

you failed to follow simple, mandated instructions – your desires to disregard an authoritative instruction from a supervisor is in direct violation of NSA policies, as well as your most recent LOC.

Your actions are in direct violation of the following Personnel Management regulation:

> **NSA/CSS PMM Chapter 366, Personal Conduct , Section 2-1. WORK ENVIRONMENT states, "Employees will not engage in any conduct that creates a hostile work environment and/or interferes with an individual's work performance. Insubordination - Employees will respect Agency rules, regulations, and supervisory authority and comply with authoritative instructions from supervisors and/or individuals in leadership positions (to include carrying out work assignments in a timely manner)."**

> **NSA/CSS PMM Chapter 366, Personal Conduct, Section 1-3. E. General Principles for On-The-Job Conduct states, "Generally, every employee is expected to ...Exercising courtesy and respect in dealings with fellow workers and the public..."**

After reviewing the facts of this matter, I have determined that a reprimand is warranted to promote the efficiency of the service. You are hereby reminded of your responsibility to comply with Agency rules, regulations, policies and procedures and to refrain from any future misconduct.

This reprimand represents the Agency's lowest level of disciplinary action. A copy of this reprimand will be retained in your Employee Relations suitability file for seven (7) years. Should you engage in any misconduct in the future, this reprimand will be used to support a more severe penalty, to include removal from Agency employment.

This disciplinary action may be grieved. To file a grievance, you must contact the Office of Administrative Grievances (OAG) within 15 calendar days of receiving this LOR. OAG can be contacted via phone at 963-6690 or 410-854-6228 or via the Office of Administrative Grievances internal website.

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

[redacted]

Chief, Employee Relations

Doc ID: 6783398

I ACKNOWLEDGE RECEIPT OF THIS REPRIMAND:

_____

Employee signature/ date

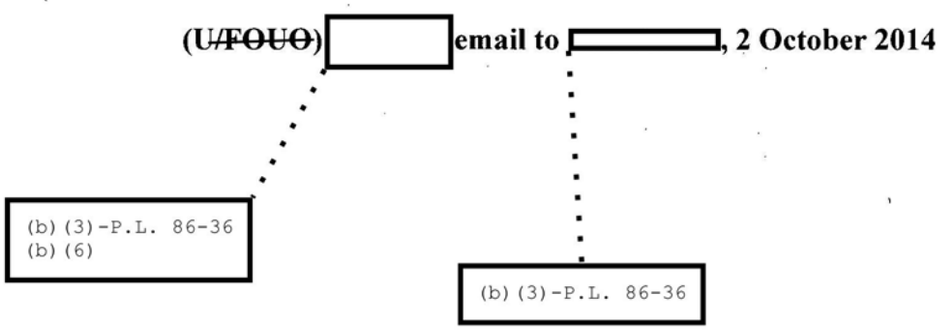
_____

Witness signature/ date

Release 2022-9
NSA 21725

APPENDIX 15

(U//~~FOUO~~) [redacted] email to [redacted], 2 October 2014



From: [redacted]
To: [redacted]
Subject: FW: (U) Your Desk and Offensive Material
Date: Wednesday, October 08, 2014 7:26:45 AM

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

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

2 of 12 lol

V/r,

[redacted]

(U~~//FOUO~~)

[redacted]

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

From: [redacted]
Sent: Wednesday, October 08, 2014 7:26 AM
To: [redacted]
Subject: RE: (U) Your Desk and Offensive Material

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

[redacted]

You are welcome to come by and reclaim your offensive material.

No, I have neither noted, nor care to note the status of the said professor. For the most part, I adhere or pay attention to the fundamentals, such as offense words – I understand that you are struggling to comprehend that this, and suggest we both simply move on. My aunt so happens to be a NY sellers best author (five times), and by further coincidence is a professor at Stanford as well, perhaps these two are dear friends. That said, I would never claim that her status would automatically put her in the position where something she writes or states would be above reproach or always conducive to workplace.

A quick Google search (at home) would find a great deal of offensive material authored by brilliant and renowned authors. I would proffer that the status of an author or public adoration of one's material does not necessarily constitute or validate it as "workplace" material. If those parameters defined such, Mein Kempf by Adolf Hitler would be acceptable; I am quite sure we can both it agree

that it is most surely not.

Lastly, please view this from a less myopic standpoint, and consider how your co-workers would see such material. Beyond the offensive words, and your not-so-subtle attempt to call them out, would only serve to isolate you further. I wish to see you fully integrated and engaged with your team. I wish to see you a productive and happy team member; this act would only undermine my hopes for you [redacted] but eradicate the foundation you are attempting to build within NTOC.

As with the other chain emails, this one has run its course, no further response is necessary. Kindly pick up your book and we will conclude this chapter.

With great hopes for your future,

V/r,

[redacted]

~~(U//FOUO)~~

[redacted]

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

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

From: [redacted]
Sent: Tuesday, October 07, 2014 7:38 PM
To: [redacted]
Subject: RE: (U) Your Desk and Offensive Material

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

[redacted]

Please return my book to one of my two unlocked, empty flippers now.

BTW, perhaps you have noticed by now that it is authored by an eminent Stanford Professor, and is considered one of the best recent management books, as are his other books on this topic.

[redacted]

[redacted]

From: [redacted]
Sent: Tuesday, October 07, 2014 11:01 AM
To: [redacted]
Subject: RE: (U) Your Desk and Offensive Material

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

[redacted]

I did not at any time refuse to declare my location; last Friday I noted my location in jsignout on login, and again before leaving for the day, as per my supervisor's direction. I did not have my cell phone at [redacted] as that would be a security violation. I did not see your emails requesting my location until I responded to your email at 1420.

So I made every effort to ensure you were aware of my whereabouts last Friday, as I try to do every day.

Regards,

[redacted]

[redacted]

From: [redacted]
Sent: Friday, October 03, 2014 2:25 PM
To: [redacted]
Subject: RE: (U) Your Desk and Offensive Material

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

[redacted]

That is not an acceptable answer – you were asked multiple times to declare your location/schedule for the day – you refused to do so.

V/r,

[redacted]

(U//~~FOUO~~)

[redacted]

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

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

[redacted]

From: [redacted]
Sent: Friday, October 03, 2014 2:20 PM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) Your Desk and Offensive Material

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

[redacted]

On my calendar there is an 830 appointment at [redacted] At [redacted] I logged in and updated my jsignout status this morning to indicate that I was at [redacted] I didn't have my cell phone at [redacted] I submitted my timesheet from there.

After lunch I have been at the meetings that are on my calendar.

So you have had all the information you need to know my location.

[redacted]

From: [redacted]
Sent: Friday, October 03, 2014 1:33 PM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) Your Desk and Offensive Material

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[redacted]

I tried to call your cell phone, no answer, and then I tried your home phone and spoke with someone who indicated you were heading to the pharmacy to pick up medication. I asked him if he can relay my request to have you contact me. I have yet to hear from you, or know your true whereabouts.

I had no idea you were going to [redacted] this morning, I had to hear this information from someone else.

Until I hear from you and you can verify your location, I am not going to sign your current timesheet.

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

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

Thank you.

[redacted]

(U//~~FOUO~~)

[redacted]

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

From: [redacted]
Sent: Friday, October 03, 2014 12:09 PM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) Your Desk and Offensive Material

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

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[redacted]

I hope you are feeling better, where are you sitting today?

Thank you.

[redacted]

(U//~~FOUO~~)

[redacted]

From: [redacted]
Sent: Friday, October 03, 2014 10:51 AM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) Your Desk and Offensive Material

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

[redacted]

It's a NY Times bestseller; nothing offensive about it. Everyone should read this book. This rule is widely known as part of Google's hiring policy. NSA would do well to adopt it.

Please put my book in one of the two empty, unlocked flippers at my desk.

[redacted]

From: [redacted]
Sent: Thursday, October 02, 2014 11:32 AM
To: [redacted]
Cc: [redacted]
Subject: (U) Your Desk and Offensive Material

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

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

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[redacted]

I appreciate your passion for ensuring the workplace is harassment free and absolutely encourage you as a champion of it. That said, you currently have a book standing on display by your computer, which has a very offensive title on the front cover in large font – Out of respect for those you work with, I am compelled to take this down. I would ask you to do this, but unfortunately you have suddenly fallen ill, and will be out for the foreseen future - we wish you a speedy recovery.

Please know that this item has not been stolen, but rather in my desk for safekeeping – again, this is very offensive language and cannot be tolerated within the workplace; as a leader charged with ensuring a comfortable environment for my people, I must remove this. When you return, feel free to retrieve your book from me – I must ask that you do not prop it up as a display in the future though. If you have any issues, please contact ER/HR or any other resource at your disposal.

With warm regards,

V/r,

[redacted]

(U//~~FOUO~~)

[redacted]

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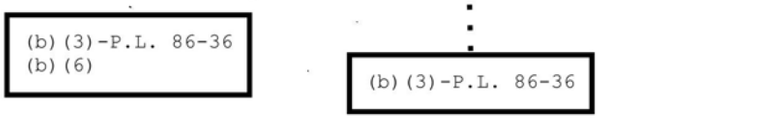
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Classification: UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

APPENDIX 16

(U//~~FOUO~~) [redacted] email [redacted], 3 October 2014



[redacted]

From: [redacted]
Sent: Friday, October 03, 2014 1:34 PM
To: [redacted]
Cc: [redacted]

Subject: (U) Your Hours and Location

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

[redacted]

As you are well aware, both [redacted] and myself spent a great deal of time attempting to locate you today; we called your personal phone, your work phone, as well as your emergency contact, and work email.

As of this email, you have yet to respond to any of the aforementioned attempts. We did notice that you finally updated your Jsignout to reflect you were in for approximately 90 minutes, but again, you refused to respond to direct requests to your location, so I/we cannot confirm where you were.

[redacted] – accountability is very important; I understand that this is a concept you reject, however it is very important in all that we do. You cannot simply come and go as you wish; if you are not going to complete a full workday, you are to inform your direct supervisor, [redacted]. At this point, we have held this discussion multiple times; this email is to document your above actions as an official record.

On Monday, you are to report to [redacted]. You will fill out your P6952 as mandated by Agency policy prior to attending any meetings, or conducting any work that you believe to be more important and overriding. At the same time, you will also complete your employee check-in sheet as requested multiple times as well. Finally, you are well aware that ER is in the process of setting up a meeting with you, again, attending their mandatory meeting would override my last request – you are to meet them at the prescribed time and location.

V/r,

[redacted]

(U//~~FOUO~~)

[redacted]

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

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

Release 2022-9
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Release 2022-9
NSA 21736

APPENDIX 17

(U//~~FOUO~~) LOR, 2 October 2014

Release 2022-9
NSA 21737

UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~
NATIONAL SECURITY AGENCY
FORT GEORGE G. MEADE, MARYLAND 20755-6000

LEITER OF REPRIMAND 2 OCTOBER 2014

[redacted]
Threat Operations Center
National Security Agency

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

Dear [redacted],

This Letter of Reprimand (LOR) is being issued to address your counterproductive workplace behavior and your continued failure to follow supervisory instructions. This action is being taken to promote the efficiency of the service under the provisions of the NSA/CSS Personnel Management Manual (PMM) Chapters 366 "Personal Conduct" and 370 "Counseling, Disciplinary and Adverse Actions."

On 29 July 2014, you received specific written and verbal guidance from your leadership regarding the expectation that you would be respectful to others.

You were issued a Letter of Counseling (LOC) on 4 September 2014, which addressed your disrespectful behavior in the workplace. In the LOC, you were advised, "this counseling is non-disciplinary; however, future actions of this nature may be cause for disciplinary action."

On 3 September 2014, you falsely accused your direct supervisor of having involvement with the removal of a piece of personal property from your desk.

On 4 September 2014, after failed attempts to determine your physical location, your chain of command sent you an email questioning your whereabouts. It is your management's responsibility to know where you are located at all times. Your failure to respond is not only in direct violation of NSA policies, but further jeopardizes prescribed safety measures and negatively impacts mission.

On 4 September 2014, you confronted a division asset (contractor) at a meeting, demanding that he account for his time, notes and reason for attending the meeting. He was following direct orders and at no point were you authorized to interrogate him about his duties. You then included several others in the discussion creating an uneasy environment for all in attendance. This incident had a negative impact on the individual and painted the organization in a poor light. You have been warned, cautioned and explicitly ordered to cease the aggressive confrontation of your colleagues, and creating scenes in meeting environments -yet this behavior continues.

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

On 5 September 2014, you approached your supervisor's desk and demanded that he discontinue a project involving moving [redacted] data to the Cloud. After your supervisor explained his rationale, you blatantly insulted the expertise of the involved team members. Subsequently, you insulted the expertise of team members on numerous occasions both verbally and via email messages.

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

On 15 September 2014, you met with both of your division leaders as well as your Office Chief. At this time you were told by your Division Chief, [redacted], that you were to include [redacted] in all meetings at the senior level. You stated this was an infringement of your rights, and you should be allowed to hold private discussions. Your Chief shared that he supported you in meeting with senior technicians, and encourages this collaboration; however, he wanted division leadership included. You reacted by saying: "I will not take him." Again, [redacted] stated that is was not an option and you were to include your senior management. To this you replied: "I will not." Your unwillingness to follow even simple supervisory instructions is considered misconduct and undermines your ability to perform efficiently within the organization.

On 15 September 2014, you falsely claimed that your direct supervisor would not allow you to attend work-related conferences in order to achieve your training objectives.

On 16 September 2014, [redacted] had to again request that you follow office/security procedures by updating your Jsignout, at which point had not updated in several days. This goes back to the September 4th incident where you willingly and blatantly refused to apprise management of your location. Again, you failed to follow simple, mandated instructions. Disregarding an authoritative instruction from a supervisor is in direct violation of NSA policies, as well as your most recent LOC.

Your actions cannot be tolerated and are in direct violation of the following Personnel Management regulations:

> NSA/CSS PMM Chapter 366, Personal Conduct , Section 2-1. WORK ENVIRONMENT states, "Employees will not engage in any conduct that creates a hostile work environment and/or interferes with an individual 's work performance.
>
> Insubordination - Employees will respect Agency rules, regulations, and supervisory authority and comply with authoritative instructions from supervisors and/or individuals in leadership positions (to include carrying out work assignments in a timely manner)."
>
> NSA/CSS PMM Chapter 366, Personal Conduct, Section 1-3.E. General Principles for On-The-Job Conduct states, "Generally, every employee is expected to ...Exercising courtesy and respect in dealings with fellow workers and the public..."

After reviewing the facts of this matter, I have determined that a Letter of Reprimand is warranted to promote the efficiency of the service. You are hereby reminded of your responsibility to comply with Agency rules, regulations, policies and procedures and to refrain from any future misconduct.

This reprimand represents the Agency's lowest level of disciplinary action. A copy of this reprimand will be retained in your Employee Relations suitability file for seven (7) years. Should you engage in any misconduct in the future, this reprimand will be used to support a more severe penalty, to include removal from Agency employment.

This disciplinary action may be grieved. To file a grievance, you must contact the Office of Administrative Grievances (OAG) within 15 calendar days of receiving this LOR. OAG can be contacted via phone at 963-6690 or 410-854-6228 or via the Office of Administrative Grievances internal website.

[redacted]

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

Chief
Employee Relations

I ACKNOWLEDGE RECEIPT OF THIS REPRIMAND:

Employee Refused to Sign
Employee signature/ date

[redacted] 10/7/14
Witness signature/ date

APPENDIX 18

(U//~~FOUO~~) MFR, 7 October 2014

Release 2022-9
NSA 21741

Doc ID: 6783398

MEMORANDUM FOR THE RECORD **07 October 2014**

EMPLOYEE: [redacted] **EMPLID:** [redacted]

(U//~~FOUO~~) Based on recent events which have resulted in the inability to locate you and your failure to respond to attempts made by management to locate you, this Memorandum for the Record (MFR) is being provided in order to communicate expectations regarding your attendance. For obvious security and safety reasons, supervisors must know where employees are at all times. [redacted] MR Counselor, is also in attendance at this session.

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

(U//~~FOUO~~) Despite the flexibility built into the AWS5 schedule followed by most of the Agency, effective immediately, you must adhere to the following terms:

- Your current duty hours are 0900-1730 (or 1600 if you opt out of the 30-minute meal period), Monday through Friday; everyone has a recorded start time to ensure accountability;
- You must complete Form P6952 (Work Schedule Notification Form) and submit it to your supervisor;
- You are required to be present during office core hours (0900-1300);
- All requests to flex your schedule must have **prior** management approval;
- You must update J-Signout daily upon arrival, departure, and throughout the business day to reflect your location. J-Signout should also reflect approved leave.
- Until further notice, you are to also to send an email to your supervisors (to include [redacted] when you arrive each day and when you depart. Your arrival email must indicate your physical whereabouts covering your work day.
- All absences from duty must be covered by approved leave;
- When requesting unscheduled late arrival, you must contact your supervisor before or by your official start time of 0900. You must specify your expected time of your arrival during this call. If you are unable to contact your supervisor, use the guidance provided in the next bullet. You must speak to a person. Leaving a voicemail is not acceptable;
- When requesting unscheduled leave (sick leave or late arrival), please use the following guidance:

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

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NSA 21742

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

- Call your supervisor, [redacted] by your official start time or within the first hour of your workday. If you are unable to contact [redacted] leave a voicemail; and then
- Call your Division Chief, [redacted] if he is not available, leave a voicemail; and then call
- Call the main office number at: [redacted] Leave a message for [redacted] that you are requesting late arrival/sick leave;
- You will be carried in an AWOL status until you receive supervisory approval for leave;
- Failure to notify your supervisor of your inability to report to duty within the first hour of your workday will result in AWOL procedures being initiated.

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

(U//~~FOUO~~) Please be aware that AWOL charges may lead to administrative and/or disciplinary action.

(U//~~FOUO~~) You are encouraged to use the available Agency resources (including but not limited to ODA, MD1 and EAS) to address any issues that may be affecting your ability to adhere to these expectations. If there is anything preventing you from being able to successfully meet these expectations, please let your management know immediately.

(U//~~FOUO~~) A copy of this memorandum will be retained in your management's records. If further administrative action is needed, this documentation can be used as supporting documentation in the subsequent action.

(U) This Memorandum for the Record may be grieved. For information about the grievance process you may contact the NSA Office of Administrative Grievances on 963-6690 secure or [redacted] non-secure, or see information on the Office of Administrative Grievances internal website.on can be used as supporting documentation in the subsequent action.

[redacted]
MR

I HEREBY ACKNOWLEDGE RECEIPT OF THIS MEMORANDUM:

_____ _____

Employee Signature/ DATE Witness Signature/ DATE

Release 2022-9
NSA 21743

APPENDIX 19

(U//~~FOUO~~) AWOL, 8 October 2014

Release 2022-9
NSA 21744

From: [redacted]
To: [redacted]
Cc: [redacted]
Subject: RE: (U) Status
Date: Thursday, October 09, 2014 1:54:09 PM

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

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

All,

I've submitted ITSC ticket EAINC0000578332 to correct my voicemail issues. I'll let everyone know once it's been resolved. But until then [redacted] should be leaving voicemails with [redacted].

Thank you.

[redacted]

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

(U//~~FOUO~~)

[redacted]

From: [redacted]
Sent: Thursday, October 09, 2014 12:38 PM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) Status

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

[redacted]

Yesterday I was very ill, and called your work phone number on the sheet you provided with everyone's contact information. There was no answer and **your voicemail is not set** up, so I could not leave you a voicemail. I then called the front desk number on that sheet, and informed the person who answered, which I believe was [redacted] but I can't be sure as I was very sick. Around 1030, when I was still sick in bed, I got a call from [redacted] who was very abrasive and intimidating, and demanded to know why I didn't call him. I explained that I was very sick, in bed, and frankly, I didn't know that for being sick I was supposed to make three phone calls. In any case, I was too sick to get out of bed and try to find any other contact info. [redacted] gleefully said that he was going to mark me down as not following protocol. He did not express any concern for my health.

I did follow the guidance in the MFR today, as I was not feeling as bad as yesterday, and [redacted] had reminded me that this was required in his phone call yesterday. I called your work phone at around

0830 this morning; there was no answer, and **your voicemail is still not set up**, so I could not leave a message.

I then called [redacted] and informed him that I was feeling ill, and would not be in until around noon. I then called [redacted] number and spoke to [redacted] and told her I was ill and would not be in until noon. She said that she would updated jsignout and send out a note. I will be taking sick leave for this morning.

You have no grounds for removing me from the keylist or declaring me to be AWOL.

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

[redacted]

From: [redacted]
Sent: Thursday, October 09, 2014 10:46 AM
To: [redacted]
Cc: [redacted]
Subject: (U) Status

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

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

[redacted]

For Wednesday October 8, 2014 you are officially listed as AWOL. You failed to comply with the guidance for requesting unscheduled leave as noted in October 7 MFR.

- Call your supervisor, [redacted] by your official start time or within the first hour of your workday. If you are unable to contact [redacted] leave a voicemail;
  - Neither [redacted] or myself received a voicemail from you on Wednesday.
  - You are required to use the timesheet code 'KC' for Wednesday October 8, 2014.

For Thursday October 9, 2014 you called that you are were going to arrive at noon. From the guidance noted in the October 7 MFR:

- Your current duty hours are 0900-1730 (or 1700 if you opt out of the 30-minute meal period), Monday through Friday
  - You are required to take 3 hours of leave for the missed time.

Also, given that your duty hours are 0900-1730 Monday thru Friday, and that other personnel will be in the office during those times, we've removed you from the key list.

Thank you,

[redacted]

(U//~~FOUO~~)

[redacted]

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

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

Classification: UNCLASSIFIED//~~FOR OFFICIAL USE O~~NLY

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

APPENDIX 20

(U//FOUO) AWOL Guidance from [redacted] 8 October 2014

[redacted]

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

Release 2022-9
NSA 21748

From: [redacted]
To: [redacted]
Cc:
Subject: FW: (U) AWOL Today
Date: Wednesday, October 08, 2014 12:02:41 PM

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

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

Hi [redacted]

I sent this to the wrong [redacted]...uuggg!! ....I have contacted him to ensure he deleted it. Thankfully, I did not use her last name, but it would take little to find out.

Sorry!

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

[redacted]

From: [redacted]
Sent: Wednesday, October 08, 2014 11:47 AM
To: [redacted]
Cc: [redacted]
Subject: (U) AWOL Today

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

[redacted]

Given that [redacted] was provided specific instructions regarding any request for leave or unexpected time off, she should be charged **AWOL** for today on her timesheet for not following the conditions of the MFR given yesterday.
Please first verify that she did not leave any messages on the voicemails of those listed in the MFR.
If we don't hold her to the expectations outlined, we shouldn't have given it in the first place.
This will act as another aggravator to support a suspension.

[redacted]

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

Release 2022-9
NSA 21750

APPENDIX 21

(U~~//FOUO~~) AWOL Timesheet, 8 October 2014

Release 2022-9
NSA 21751

Doc ID: 6783398

UNCLASSIFIED//[redacted]
CLASSIFICATION ** Required to apply Digital Signature

(b) (6)

TIMESHEET FORMAT 2 Privacy Act Statement: See 'Go E-Timesheets' for current statement

SSN **Required	NAME (Last, First Middle) ** Required to apply Digital Signature	SID/UID *Req	PP ENDING *Req	PLT ROT SFT ROT
			10/18/14	

TAG/BLK	ACT UIC (Agency) *Req	DIST (Org) *Req	Timekeeper SID *Req	HOURS OF WORK (AWS 0,1,6,8) (From)	(To)
0272	N				

STD JON

	AWS	SUN	MON	TUE	WED	THU	FRI	SAT	SUN	MON	TUE	WED	THU	FRI	SAT
TOUR Required	5														80.00
TYPE/SHIFT										LH 0					
GRADED NITE DIFF															

JOB ORDER NUMBER / DESCRIPTION	TYPE TOTAL	TYPE HOUR	WEEK	SUN	MON	TUE	WED	THU	FRI	SAT
Regular Hours -- Graded	30.25	RG	1		8	11		5.25	6	
			2							
Absent Without Pay (AWOL)	8	KC	1				8.00			
			2							
Sick Leave	4.75	LS	1					2.75	2.00	
			2							
Holiday Leave	8	LH	1							
			2		8.00					
Annual Leave	29	LA	1							
			2			8.00	8.00	8.00	5.00	

REG	30.25	OT		COMP/ CREDIT		HOL		SUN		2ND		3RD		ND		E/H		LV	41.75	NP/LV	8

	WEEK 1						HOL	MEDAL	HOURS WORKED	WEEK 2						HOL	MEDAL	HOURS WORKED
	IN	OUT	IN	OUT	IN	OUT				IN	OUT	IN	OUT	IN	OUT			
SUN																		
MON	0830	1700							8							X		
TUE	0930	2030						X	11									
WED																		
THU	1215	1730						X	5.25									
FRI	0900	1200	1400	1700				X	6									
SAT																		

REMARKS:

CERTIFICATION: Attendances and absences certified correct. Overtime approved in accordance with existing laws and regulations. For non-exempt FLSA, did not suffer or permit any overtime work other than as reported for this pay period.

CERTIFIER'S PHONE (Secure)	(Non-Secure)	SID
969-3221		

EMPLOYEE'S SIGNATURE (Name/Rank/Service, SSN, Home PP Ext, AWS, TK SID, SID, ORG, Approval Date)

CERTIFIER'S SIGNATURE

Sent to payroll on: 10/23/2014 | Entered in DCPS: X

FORM P3091B 25 FEB 2012 REV 3.0 NSN: 7540-FM-001-5538
Supersedes All previous versions of P3091B which are obsolete

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

Derived From:
Dated:
Declassify On:

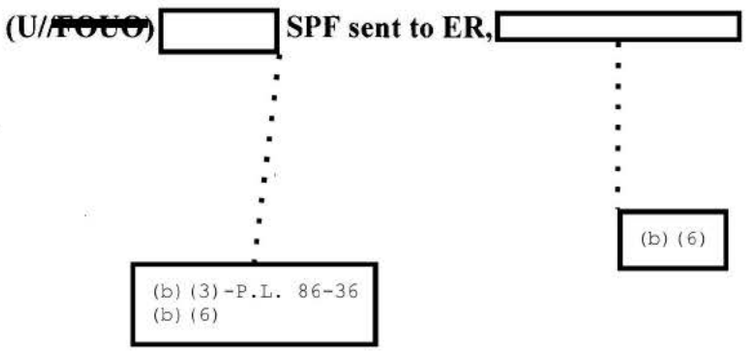
(b) (3)-P.L. 86-36
(b) (6)

UNCLASSIFIED//[redacted]
CLASSIFICATION ** Required to apply Digital Signature

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

Release 2022-9
NSA 21752

APPENDIX 22



UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

SECURITY CLASSIFICATION

NSA STAFF PROCESSING FORM

TO	EXREG CONTROL NUMBER	KCC CONTROL NUMBER
MR		

THRU	ACTION	EXREG SUSPENSE
	☒ APPROVAL	
SUBJECT	☐ SIGNATURE	KCC SUSPENSE
Request for Employee Relations Disciplinary Action	☐ INFORMATION	ELEMENT SUSPENSE

DISTRIBUTION

NTOC Chief of Staff

SUMMARY

RECOMMENDATION: (U//~~FOUO~~) Employee Relations (MR) becoming involved in taking appropriate necessary disciplinary action for a [redacted] employee.

PURPOSE: (U//~~FOUO~~) Document the request for Employee Relations to take appropriate disciplinary action for an employee consistently not following supervisory instructions.

BACKGROUND: (U//~~FOUO~~) [redacted] was presented with a Memorandum for the Record (MFR) in July 2014 for misconduct. On 4 Sep 2014, she was presented with a Letter of Counseling by MR for several additional infractions. On 7 October, she was presented with a Letter of Reprimand (LOR) for continued and consistent failure to follow supervisory instructions as well as another MFR for attendance issues. There have been several instances where [redacted] whereabouts were uncertain and could not be confirmed. Her expectations were specifically detailed in the MFR.

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

(U//~~FOUO~~) On 16 September 2014 at 1335, [redacted] was asked to submit a P6952 by [redacted], which is an Agency expectation and requested by [redacted]. To date, after no less than 12 engagements, and follow up requests, [redacted] refuses to follow Agency policies and comply.

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

(U//~~FOUO~~) On Wednesday, 1 October, [redacted] was told to report to MR at 1300 for an appt. Several minutes after this direction, she sent an email to MR saying she was going home sick and the meeting would have to be rescheduled. Before she departed, she prominently displayed a book with the title "The No Asshole Rule", which was subsequently removed by her supervisor [redacted]

☐ Change Name and Date column(s) type

COORDINATION/APPROVAL

OFFICE	NAME AND DATE	SECURE PHONE	OFFICE	NAME AND DATE	SECURE PHONE
[redacted]	[redacted]	963-3707			
	[redacted]	969-2995			

ORIGINATOR	ORG.	PHONE (Secure)	DATE PREPARED
[redacted]	[redacted]	969-3221	[redacted]

(b) (6)

FORM A6796D REV APR 2014 (Supersedes A6796D JUN 2012)
NSN: 7540-FM-001-5465

SECURITY CLASSIFICATION

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Derived From: _____
Dated: _____
Declassify On: _____

SECURITY CLASSIFICATION

(U//~~FOUO~~) On Friday, 3 October, [redacted] physical location could not be determined. Her presence (anival at work) could somewhat be established via a Jsignout entry, but [redacted] did not respond to several emails and voice-mails from her supervisory chain. After a visit from Ops to FANX by her supervisor, she could still not be physically located and she still did not directly answer any of the queries regarding her location. She was verbally reminded of the importance of accountability for obvious security and safety reasons.

(U//~~FOUO~~) MFR 070CT14, Paragraph 2.5 states: "You must update J-Signout daily upon arrival, departure, and throughout the business day to reflect your location. J-Signout should also reflect approved leave."

(U//~~FOUO~~) Ignoring repeated supervisory queries is not only prejudicial to good order and discipline, but in direct violation of her MFR, LOC and previous counseling on said issue. To date, and following the issuance of all directives, [redacted] continues to maintain her stance in refusing to inform or appraise management of not only her location, but ongoing work efforts.

(U//~~FOUO~~) During the multiple attempts to contact [redacted], she was informed to report to her designated location on Monday the 6th. These voice-mails clearly stated that she was to report to her deski and subsequently to MR. [redacted] refused these orders and opted instead to attend a conference in Baltimore, MD.

(U//~~FOUO~~) On Monday, 6 October, after failing to appear to work, her Division Chiefs attempted to make contact with her throughout the day, to include contacting her emergency contact. Finally at 1650 on 6 October, [redacted] contacted [redacted] to inform him that she had no intention of coming into work, and would continue to attend the conference until 8 October 2014. When [redacted] attempted to explain why she could not attend said event, she hung up on him.

(U//~~FOUO~~) Furthermore, the Group Chief for [redacted] attempted to contact [redacted] on the afternoon of October 6, 2014. The Chief of [redacted] left a message on [redacted] voice mail including the cell phone number of [redacted] Office Chief for [redacted] did call the Office Chief's cell later in the day and left a voice mail which the Office Chief received in the evening of October 6[th] indicating that she had left her status in JSignOut that she was at the aforementioned conference until Thursday. Later in the evening on October 6, [redacted] contacted the [redacted] Chief at home. During this phone conversation, the [redacted] Chief informed [redacted] that reporting to Employee Relations took priority over the conference she was attending. [redacted] advised the Chief [redacted] that she intended to attend the conference instead and would return to work the following Thursday. After several iterations of the [redacted] Chief reemphasizing that [redacted] needed to report to Employee Relations instead of the conference, the Chief [redacted] informed [redacted] that he would let the appropriate personnel know of [redacted] decision [redacted] and [redacted] who is the Group Chief of [redacted] to go to the conference instead of reporting to Employee Relations as she had been advised to do. The Chief of [redacted] also documented this phone conversation upon arriving to work on October 7[th] which he sent to [redacted] in Employee Relations. [redacted] followed this email up with a phone call to [redacted] as well. [redacted] also let [redacted] and [redacted] know what had transpired in the phone conversation.

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

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SECURITY CLASSIFICATION

(U//~~FOUO~~) On the morning of Tuesday, 7 October, it was not until after security had been contacted, and had left a message on [redacted] voicemail stating that they were in the process of heading to the conference to locate her, that [redacted] finally capitulated and agreed to leave her conference attendance to report to MR to receive both her MFR and LOR.

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

(U//~~FOUO~~) On Wednesday, 8 October, after [redacted] was given specific instructions via an MFR the day before (7 October), she called the NTOC Directorate front office to say she wouldn't be coming in, blatantly ignoring her instructions in the MFR. Upon the instruction of MR, [redacted] was contacted by her Division Chief, [redacted], who informed her that she had not followed the protocol set forth by her MFR. [redacted] stated that she had not received an MFR from MR or her management. While [redacted] had refused to sign the MFR while at MR, she had been provided it, and subsequently signed it later that day with [redacted] as witness. After signing, [redacted] walked off with the originals, retaining the signed copies.

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

(U//~~FOUO~~) When [redacted], via a phone call to [redacted], attempted to again outline the exceptions set forth in the MFR, [redacted] cut him off and stated he was being, "rude, discourteous and unprofessional," and hung up on him.

(U//~~FOUO~~) In light of these facts, [redacted] is in direct contempt of failure to comply with a lawful order and expectation as outlined by MR and her direct supervisors, where

(U//~~FOUO~~) MFR 70CT14, Paragraph 2.14 states: "Failure to notify your supervisor of your inability to report to duty within the first hour of your workday will result in AWOL procedures being initiated."

(U//~~FOUO~~) MFR 70CT14, Paragraph 3 states: "Please be aware that AWOL charges may lead to administrative and/or disciplinary action."

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

As a direct result of said actions, [redacted] has been charged as AWOL for 8 October 2014.

DISCUSSION: (U//~~FOUO~~) Based on [redacted] continuous misconduct resulting in counterproductive workplace behavior and negative mission impact, [redacted] requests Employee Relations' involvement to take the appropriate disciplinary action against [redacted]. As presented in this write-up, and as also documented in multiple email threads sent to MR, [redacted] has a documented history of not following supervisory direction to report her whereabouts as required by Agency policy to include locking managers out of her MS calendar and failing to properly update her Jsignout as required by her LOC, LOR, and MFR. By also employing the tactic of "not seeing" emails, [redacted] refuses to respond to any email that requests she declare her current location. [redacted] refuses to engage managers and makes every attempt to sidestep or circumvent the chain of command, making her accountability and work productivity minimally successful. Her unwillingness to comply with the most basic and legal of requests, i.e, Work Schedule Form (P6952) proves not only her desire to test management at every move, but further exposes her undermining desires. All attempts to resolve this employee's conduct issues have failed thus far indicating that refmm is unlikely. Without intervention and action from MR, her management has no reason or indication that she will alter her current course.

APPENDIX 23

~~(S//REL)~~ **ACE Evaluation,** [redacted] (b) (6)

Release 2022-9
NSA 21757

PRIVACY ACT STATEMENT:
Authority for collecting information requested on this form is contained 10 U.S.C. Sections 1601-1614, 50 U.S.C. Section 402 note, and Executive Orders 12333 and 12968. NSA's Blanket Routine Uses found at 58 Fed. Reg. 10,531 (1993) as well as the specific uses found in GNSA09 apply to this information. The requested information will be used for promotion, training, assignment and other human resource purposes. Your disclosure of requested information is voluntary. However, failure to furnish the requested information, other than the Employee ID number, may delay inclusion of the information into your personnel files for consideration in human resource actions.

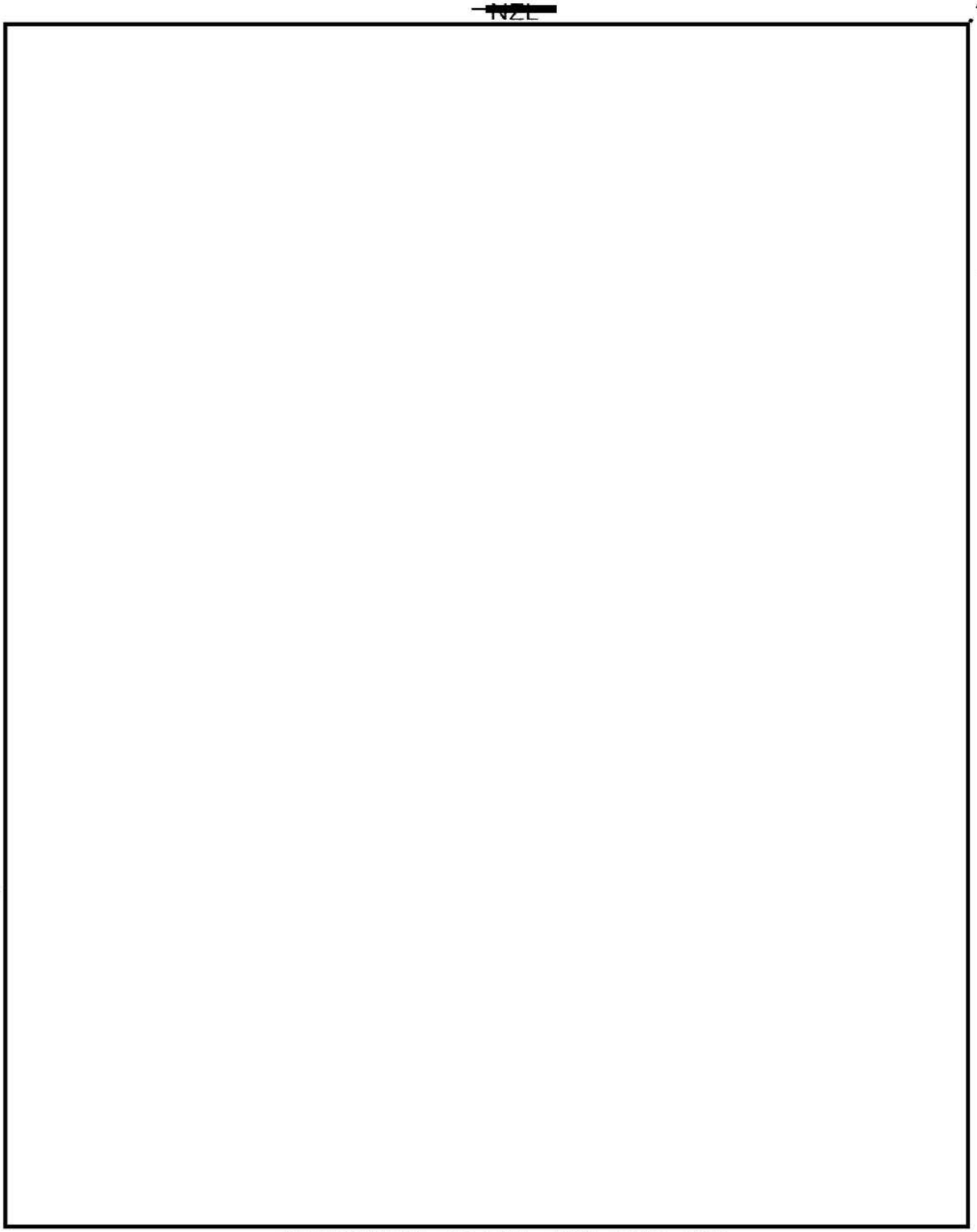
(b)(3)-P.L. 86-36
(b)(6)

Performance Document - Perf. Plan and Evaluation

Manager Evaluation

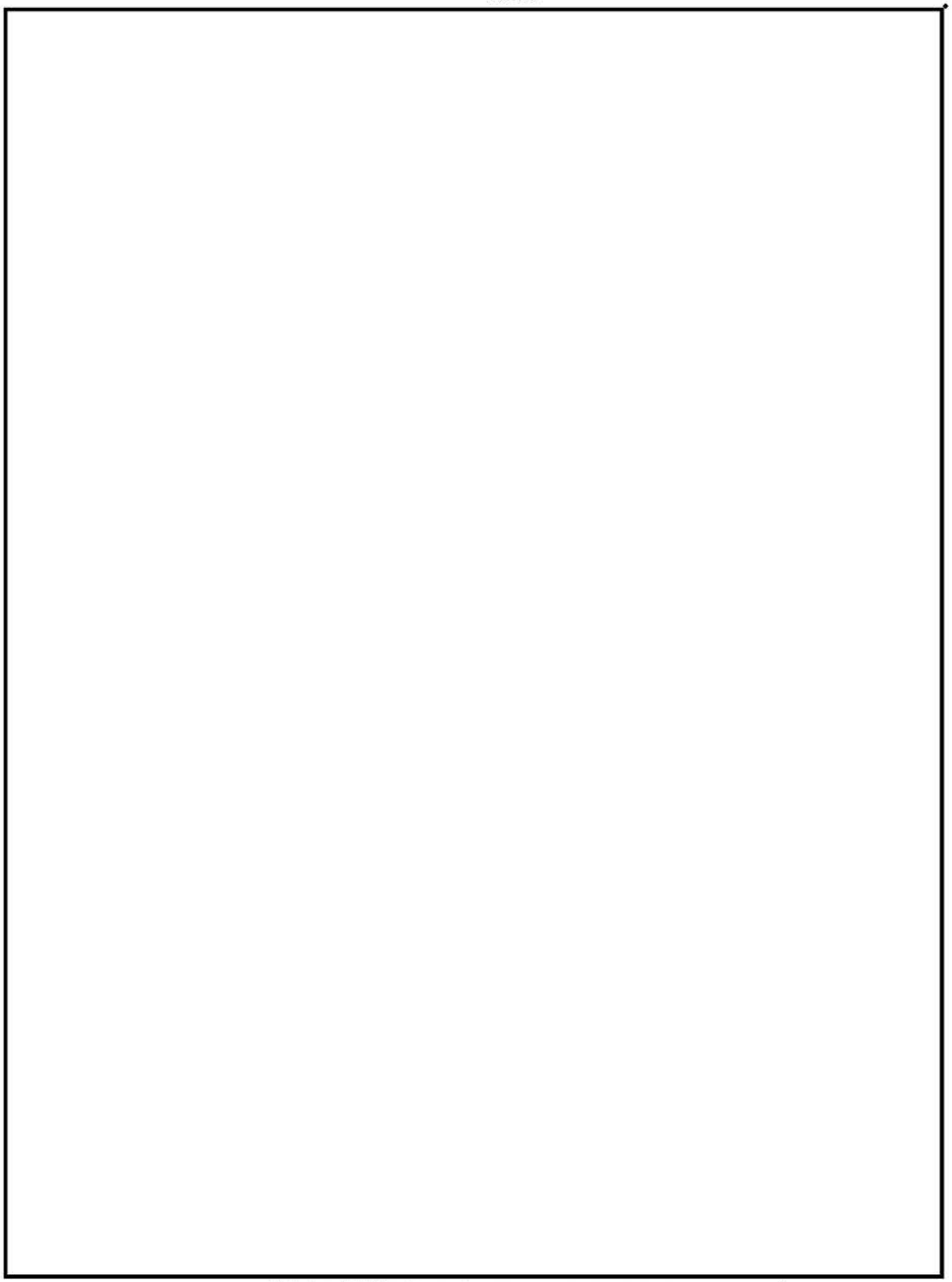
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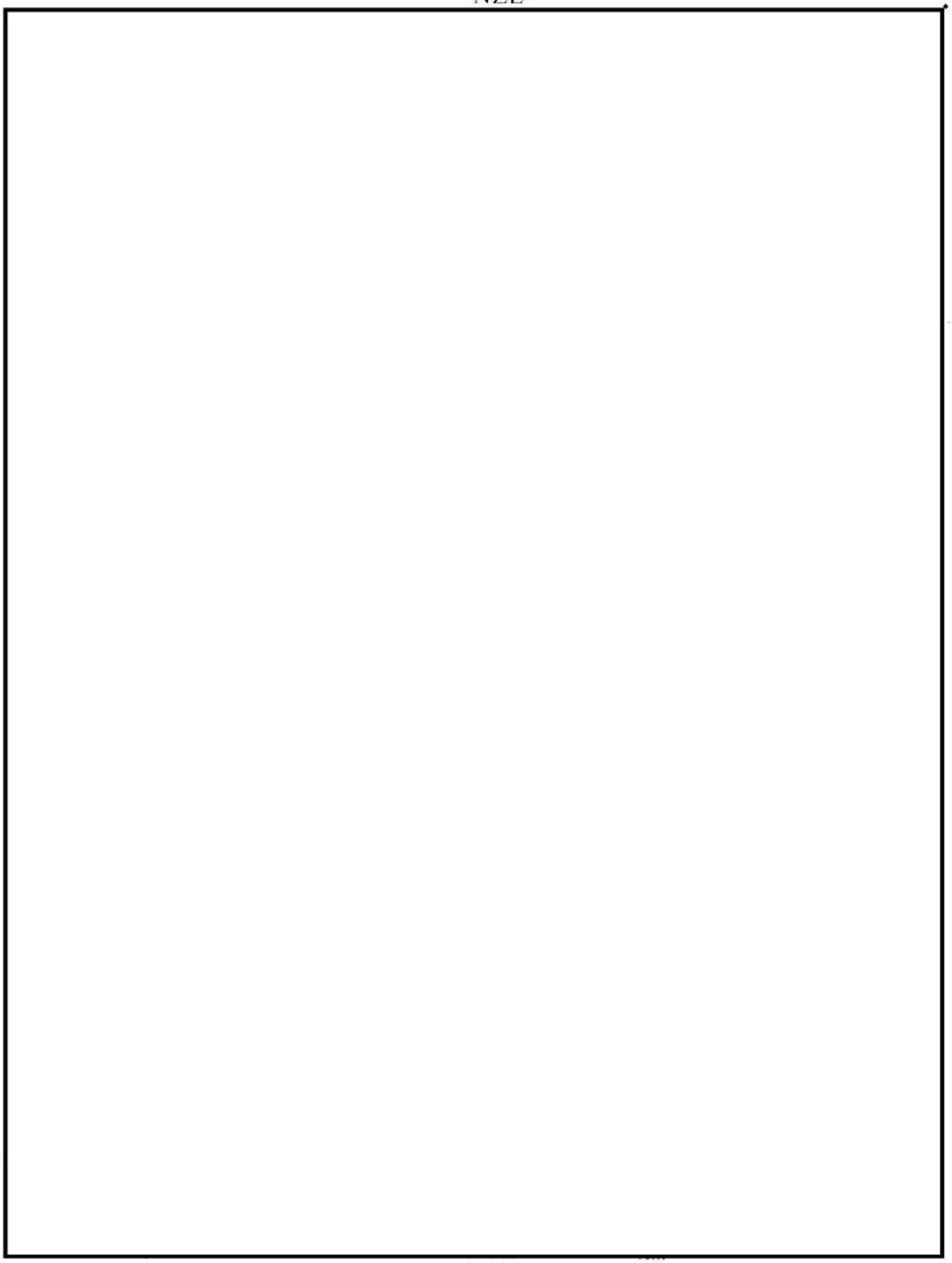
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(b) (3)-P.L. 86-36
(b) (6)



Release 2022-9
NSA 21760

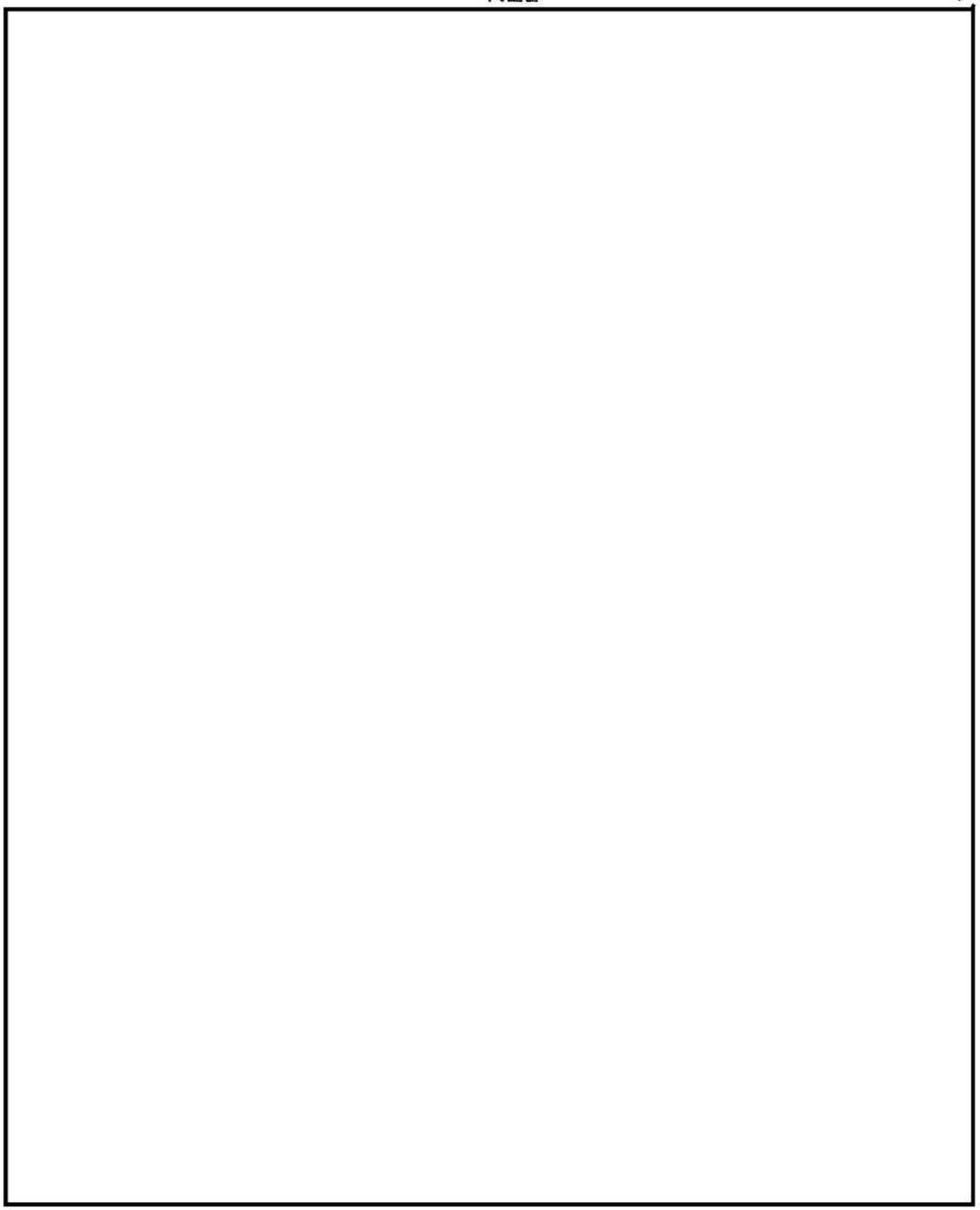
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(b) (6)

~~SECRET//REL TO USA, AUS, CAN, GBR, NZL~~



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

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Release 2022-9
NSA 21762

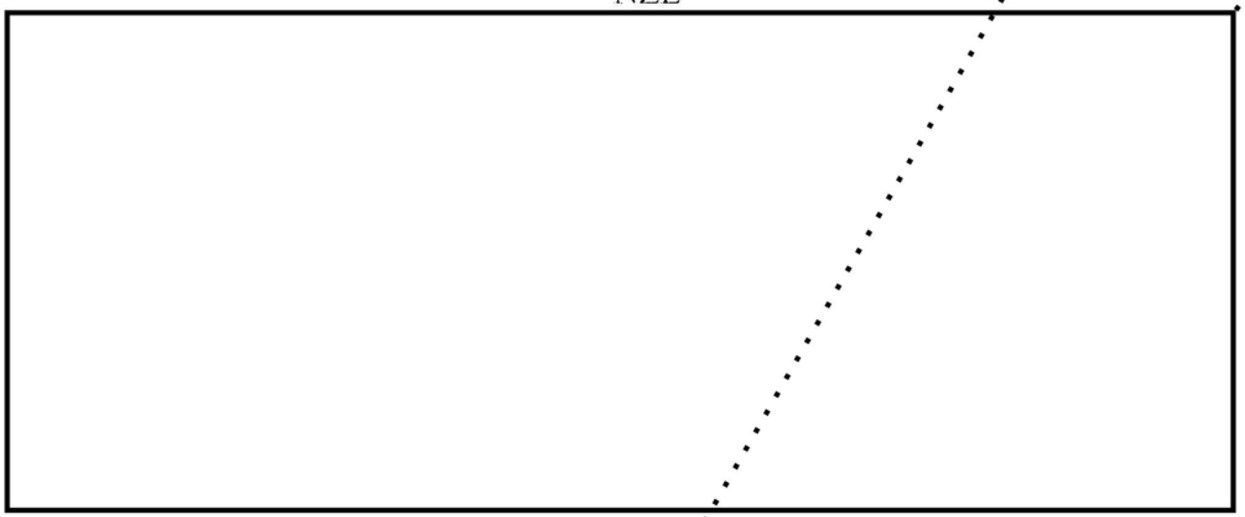
(b)(3)-P.L. 86-36
(b)(6)

Section 2 - Performance Elements

Release 2022-9
NSA 21763

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

~~SECRET//REL TO USA, AUS, CAN, GBR. NZL~~



Section 3 - Employee Comments

Comments :

Section 4 - Overall Summary

Rating: Not Rated 0.00

Section 5 - Signatures

employee Name· Date Acknowledged

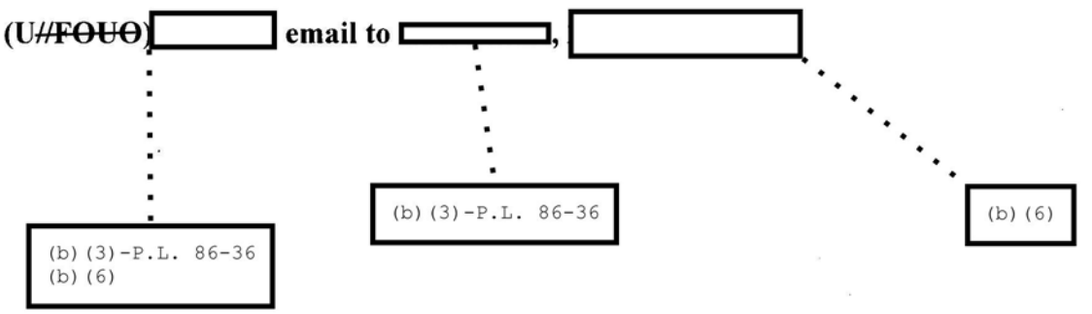
Rarer Name. Dare Completed

01/29/2015

Reviewer Name Date Approve<!

Release 2022-9
NSA 21764

APPENDIX 24



From:
To:
Cc:

Subject: RE: (U) Working Group
Date: Monday, 7:41:45 AM

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

(b) (6)

You have been counseled before about your continued harassment of contractors, and specifically that of on his first day you proceeded to interrogate him, asking him his name, organization and work role; you demanded accountability for his time and notes taken during a meeting you both were in. The fact you cannot remember his name, and want a secondary introduction is lost to me, but neither here nor there, and definitely outside the scope of your job responsibilities. You simply cannot call someone "unprofessional" for not making a introduction, that they already made. I will review your ACE objectives, but I do not recall any expectation for overseeing contractor performance or accountability, in the meantime, please feel free to highlight and send to me.

In the vein, you are not to be asking your senior management to "explain" every decision they make – these ladies hold a full schedule, and breaking away from it to answer to you is something I cannot support. far too often you forget your role within this organization, you were hired to conduct and perform a very particular task, to that, I will hold you accountable and work with your ACE objectives to ensure that we give you what you need to accomplish them, in turn, you will perform at a level becoming of your grade. We have made decisions that we deem best; you are to continue to fulfill your expectations, while allowing others to do theirs.

I expect this to be the last time that I hear you were yet again harassing a contractor – and specifically I cannot and will not allow you to use your bullish tactics to harass anyone within this organization, you are to cease and desist these actions immediately.

Lastly, you left early "sick" on Friday, I will need you to provide your management with a doctor's note on Tuesday upon your return.

V/r,

(U~~//FOUO~~)

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

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

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

[redacted]

From: [redacted]
Sent: Thursday, October 23, 2014 4:27 PM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) [redacted] Working Group

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

[redacted]

I asked him what [redacted] role was, and he explained it. It is entirely appropriate for me to do so, as [redacted] did not show me the respect and courtesy of introducing himself or informing me of his role beforehand, which was most unprofessional of him.

This discussion with a capability lead has never happened before at these meetings. Other people have explained their role in the project at these meetings, of course.

Frankly, I do not understand why [redacted] has to attend these meetings to develop [redacted] The meeting minutes are published by [redacted] along with the actions and agreed upon requirements. I also don't understand why he attended our meeting with SID this morning; it has no bearing on [redacted] Please explain.

I also have questions about the [redacted] that I've seen, which do not satisfy the function of [redacted] E.g., I never received a response to the attached, despite multiple requests. Please respond.

[redacted]

From: [redacted]
Sent: Thursday, October 23, 2014 4:09 PM
To: [redacted]
Cc: [redacted]
Subject: (U) [redacted] Working Group

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

[redacted]

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

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

[redacted] and I have been informed that you questioned the responsibilities of one of the [redacted] contractor Capability Leads at the [redacted] WG meeting today. Out of respect and professionalism, I ask that this not happen again, as this is the second time something like this has occurred during the same meeting.

I believe we've had the discussion of what [redacted] roles/responsibilities are but maybe we need to revisit this again. If you have any questions please direct them to myself or [redacted] as the [redacted] contractor leads are following our direction.

Regards,

[redacted]

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

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

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

APPENDIX 25

(U//~~FOUO~~) OGC Opinion Re: [redacted] 29 October 2014

[redacted]

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

From:
To:
Cc:

Subject: FW: (U) Follow-up and Feedback on Training Modules
Date: Wednesday, October 29, 2014 2:02:17 PM

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

All,

We got final word from the OGC and we are good to go, therefore, training team please proceed to release the modules on E-campus please.

Thank you all for your time and patience and we worked through this!!!

(b) (5)

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

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

From:
Sent: Wednesday, October 29, 2014 10:31 AM
To:
Subject: FW: (U) Follow-up and Feedback on Training Modules

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

All,

I believe we now have the green light for you to release this training through ADET.

Thanks,

From:
Sent: Wednesday, October 29, 2014 10:24 AM
To:
Cc:
Subject: RE: (U) Follow-up and Feedback on Training Modules

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

Good morning all,

The training material was delivered without restriction.

Thank you

****

[redacted]

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

****

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

From: [redacted]
Sent: Wednesday, October 29, 2014 9:19 AM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) Follow-up and Feedback on Training Modules

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

Everyone:

[redacted]

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

Sincerely,

[redacted]

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

[redacted]
Attorney
Office of General Counsel
[redacted]

[redacted]

From: [redacted]
Sent: Friday, October 24, 2014 9:02 AM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) Follow-up and Feedback on Training Modules

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

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

All,

My apologies I have been under the weather the last two days and unavailable for question or comment.....

After reading the emails that has been going back and forth I believe this was the last of the chain,..

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

From what I am reading I think majority of the question from a contract/deliverable perspective has been answered but there is one overarching question that we need clarified.

When developing this course the training team collaborated with numerous personnel such as analysts, SMEs, Home Offices, NTOC personnel within multiple organizations, and [redacted] group to ensure the content's accurate presentation. The [redacted] manual was also a critical source in developing the training modules the [redacted] manual is referenced multiple times within the training modules. [redacted]

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

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

If you have any questions or additional comments on what I mentioned above please contact me!

Thanks!

[redacted]

From: [redacted]
Sent: Thursday, October 23, 2014 1:01 PM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) Follow-up and Feedback on Training Modules

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

[redacted]

This training was developed in accordance with language on the attached TTO. The training is not an official CDRL. Can you please reply back to [redacted]

Thanks,

[redacted]

[redacted]

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

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

From: [redacted]
Sent: Thursday, October 23, 2014 11:59 AM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) Follow-up and Feedback on Training Modules

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

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

[redacted] Everyone:

[redacted]

[redacted]

Sincerely,

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

[redacted]

[redacted]
Attorney
Office of General Counsel
[redacted]

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

From [redacted]
Sent: Thursday, October 23, 2014 10:55 AM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) Follow-up and Feedback on Training Modules

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

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(U) Everyone,

(U//~~FOUO~~) I wanted to chime in on this. I am not the expert on these efforts, [redacted] needs to answer these questions. She is out on sick leave today. I am sure she will respond when she gets back from sick leave. At the heart of our question is the following:

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

[redacted]

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

(U//~~FOUO~~) If I have gotten anything wrong, I will let [redacted] chime in on her return. Thanks.

(U//~~FOUO~~)

(U//~~FOUO~~)

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

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

From: [redacted]
Sent: Thursday, October 23, 2014 10:06 AM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) Follow-up and Feedback on Training Modules

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[redacted]

I'll defer to [redacted] about from where the information was pulled, such as Gov't Wikis.

Thanks,

[redacted]

[redacted]

From: [redacted]
Sent: Thursday, October 23, 2014 10:02 AM

To:
Cc:
Subject: RE: (U) Follow-up and Feedback on Training Modules

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

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

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

Sincerely,

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

Attorney
Office of General Counsel

From:
Sent: Thursday, October 23, 2014 9:54 AM
To:
Cc:
Subject: RE: (U) Follow-up and Feedback on Training Modules

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

I thought the question to OGC was

Thanks,

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

[redacted]

From: [redacted]
Sent: Thursday, October 23, 2014 6:45 AM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) Follow-up and Feedback on Training Modules

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

Good morning,

I am adding the [redacted] to this email to help with determination.

Thank you

[redacted]

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

****

[redacted]

****

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

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

From: [redacted]
Sent: Tuesday, October 21, 2014 2:58 PM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) Follow-up and Feedback on Training Modules

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

[redacted]

[redacted]

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

[redacted]

Sincerely,

[redacted]

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

[redacted]
Attorney
Office of General Counsel
[redacted]

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

From: [redacted]
Sent: Tuesday, October 21, 2014 7:08 AM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) Follow-up and Feedback on Training Modules

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

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

Good morning [redacted]

I am following up in regards to the modules I sent to a few weeks ago. I am back from leave and wanted to reach out.

Thanks

From: [redacted]
Sent: Friday, October 10, 2014 12:20 PM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) Follow-up and Feedback on Training Modules

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

[redacted]

We will follow up with [redacted].

Sincerely,

[redacted]

[redacted]
Attorney
Office of General Counsel
[redacted]

From: [redacted]
Sent: Friday, October 10, 2014 12:02 PM
To: [redacted]
Cc: [redacted]
Subject: (U) Follow-up and Feedback on Training Modules

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

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

Good morning [redacted]

This is [redacted] again and I am following up with you in regards to questions on [redacted] for the training modules my team had developed. I know you were reviewing the case and would provide feedback by today.

Starting this afternoon, I will be on leave from Oct 14th -20th. In my absence please contact [redacted] cc'd on this email when the review is done or if you have any additional questions!

Thank you and have a great day!

[redacted]

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APPENDIX 26

(U//~~FOUO~~) [redacted] email to [redacted], 1 November 2014

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

From: [redacted]
To: [redacted]
Cc: [redacted]
Subject: FW: (U) VERY PERSONAL!!
Date: Saturday, November 01, 2014 9:15:19 AM
Sensitivity: Personal

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

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

[redacted]

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

FYSA, I am forwarding you an email from one of our contractor colleagues. [redacted] continues to create a hostile work environment not allowing us to enable the mission and driving away great employees who want to do great work. This is the third instance where [redacted] has questioned the contractor's roles and responsibilities even after she has been told (on several occasions) to direct any questions to her government leads.

Please let me know if you'd like any additional information. Thank you!!

v/r

[redacted]

From: [redacted]
Sent: Friday, October 31, 2014 6:11 AM
To: [redacted]
Subject: (U) VERY PERSONAL!!
Sensitivity: Personal

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

[redacted]

Unfortunately, the email below from [redacted] was on my mind quite a bit last night. Having been in the "working world" for quite a while, I hesitated to even say anything about it (but really needed to vent). Anyway, I have *never* in my career been treated in such a rude and unprofessional manner as I have with my three encounters with [redacted] On no occasion have I been questioned so much about my role/responsibilities as I have by her, especially for a position that is deemed important to the government. If my actual job performance were in question, that would be one thing … but "what am I doing"?? I do realize that these are not aimed at me as a person, however it still does have an impact. Bottom line, it is not fun (or even pleasant) working on the same capability.

Happy Halloween!

[redacted]

---- (U//~~FOUO~~) ----

[redacted]

From: [redacted]
Sent: Thursday, October 30, 2014 1:39 PM
To: [redacted]
Subject: RE: (U) [redacted] Question

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

Good afternoon,

My understanding is that your role in [redacted] is to [redacted] is that correct?

If so, it's not clear to me why you would be attending the [redacted] working group, or sending out emails like the below, both of which are out of your lane [redacted] and the information in the meeting minutes and other documentation produced by the [redacted]

Please advise.

Thanks,

[redacted]

[redacted]

From: [redacted]
Sent: Thursday, October 23, 2014 9:05 AM
To: [redacted]
Cc: [redacted]
Subject: (U) [redacted] Question

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

Good Morning,

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

At a meeting yesterday with [redacted] there was discussion about the process by which [redacted] A question came up as to whether it would be necessary or beneficial for mission to [redacted] and, if so, should that be done in [redacted] Please let me know if there would be any value added for [redacted] Thanks.

[redacted]

---- (U//~~FOUO~~) ----

[redacted]

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

Classified By: [redacted]
Derived From: NSA/CSSM 1-52
Dated: 20070108
Declassify On: 20391001

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

Classified By: [redacted]
Derived From: NSA/CSSM 1-52
Dated: 20070108
Declassify On: 20391001

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

Classified By: [redacted]
Derived From: NSA/CSSM 1-52
Dated: 20070108
Declassify On: 20391001

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

Classified By: [redacted]
Derived From: NSA/CSSM 1-52
Dated: 20070108
Declassify On: 20391101

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

APPENDIX 27

(U//~~FOUO~~) Notice of Proposed Suspension, 3 November 2014

Release 2022-9
NSA 21786

NATIONAL SECURITY AGENCY

FORT GEORGE G. MEADE, MARYLAND 20755-6000

3 November 2014

[redacted]
NSA/CSS Threat Operations Center
(b)(3)-P.L. 86-36 National Security Agency

Dear [redacted],

This is a notice of proposed action to suspend you from pay and duty status for fourteen (14) calendar days from your position as a [redacted], GG 15, with the National Security Agency. This action is being proposed under the provisions of NSA/CSS Personnel Management Manual (PMM) Chapters 366, "Personal Conduct," and 370, "Counseling, Disciplinary, and Adverse Actions" to promote the efficiency of the service.

Charge: Insubordination--Failure to Comply with Rules, Regulations, Written Procedures, or Proper Supervisory Instructions

Information Supporting Charge - Failure to follow Supervisory Instructions

On 10 October 2014, [redacted] leadership requested that Employee Relations (ER) take appropriate disciplinary action regarding your repeated failure to follow supervisory instructions. (Enclosure 1) Management's attempts to correct your misconduct with face-to-face meetings, written reminders of expectations, a Letter of Counseling (LOC) (Enclosure 2) and a Letter of Reprimand (LOR) (Enclosure 3) have been unsuccessful.

On 7 October 2014, you were presented with a Letter of Reprimand (LOR) for continued failure to follow instructions and for your counterproductive workplace behavior. You were also issued a Memorandum for the Record (MFR) with attendance expectations based on your failure to make your whereabouts transparent. Very clear and specific instructions were articulated in this MFR. (Enclosure 4). Since your arrival in the Threat Operations Center in [redacted] you have been verbally asked on numerous occasions to complete Form P6952 (Work Schedule Notification Form) including on 7 October 2014 via MFR. This form is used to establish your work schedule so that managers can achieve 100% accountability for employees during the duty day as required. It wasn't until 3 November 2014 that you finally completed the fonn and turned it in.

(b)(6)

Release 2022-9
NSA 21787

Immediately following receipt of the MFR dated 7 October 2014, you violated the instructions contained therein on a regular basis:

On 8 October, despite the specific instructions in the MFR, you failed to notify your supervisor that you would not be coming to work and instead contacted the NTOC Directorate front office. As a direct result, you were charged as AWOL on that day.

On 21 October, you reported to work late and did not notify your supervisor; additionally you worked past designated hours (0900-1730) without permission.

On 22, 23 and 24 October, you again reported to work late and failed to notify your supervisor.

On 23 October, you failed to update the J-Signout as to your whereabouts, as required under the terms of the MFR. Responding to an email request by your supervisor as to your location, you responded in a disrespectful manner as follows: "My physical whereabouts are at my workplace, which includes my desk, the hallways, the ladies rooms, the cafeterias, my colleagues' workspaces, and the meeting rooms for meetings in my calendar. Does that answer your question?"

On 23 October, you berated a contractor from another branch during a meeting, in violation of instructions you received from management after a prior similar incident. While the MFR violations committed individually may seem minor, your constant and continuing disregard for instructions and your lack of respect for management are particularly troubling in someone as senior as you.

Management's numerous attempts to col1'ect your unwillingness to adhere to the rules and follow your supervisor's instructions have been unsuccessful. You accept no responsibility for your actions and continue to engage in improper behavior. Your pattern of misconduct and unwillingness to acknowledge that misconduct is most concernmg.

Policy

The following NSA/CSS policies are applicable:

NSA/CSS Personnel Management Manual (PMM) 30-2 Chapter 366, "Personal Conduct," Section 2-1. L. Insubordination, states "Employees will respect Agency rules, regulations, and supervisory authority and comply with authoritative instructions from supervisors and/or individuals in leadership positions (to include carrying out work assignments in a timely manner").

Release 2022-9
NSA 21788

Range of Penalties

The penalty range recommendations are but one factor to be considered when determining the appropriateness of a penalty. The Agency's PMM states that, "the range of penalties listed in this table is provided as a guide. Greater or lesser penalties than those listed in the table are possible..." The table is far from comprehensive and does not cover all possible violations/penalties. The specific facts surrounding the misconduct as well as the continuous pattern of misconduct must also be considered.

The NSA/CSS Personnel Management Manual (PMM) Appendix to Chapter 366, "Recommended Range of Penalties for Stated Offenses," **(Enclosure** 5) lists the recommended penalties as follows:

> "Insubordination - Failure to comply with Rules, Regulations, Written Procedures, or Proper Supervisory Instructions.
> 2"d **Offense** - 1-20 day suspension."

Your continuous disregard for instructions and failure to follow your supervisor's directions warrant a fourteen (14) day suspension.

(b) (6)

Penalty Determination:

In determining the appropriate penalty for your misconduct, I considered several factors. As mitigating factors, I noted that you entered-on-duty on [redacted] and have **11** years of service to this Agency. Your last five performance evaluations indicate excellent performance. You received an Annual Perfonnance Bonus each year since 2010 and Special Achievement Awards in 2009 and 2011. An Employee profile is attached. **(Enclosure 6)**

The following aggravating factors were also considered:

You received a Letter of Counseling (LOC) on 4 September 2014 and a Letter of Reprimand (LOR) on 7 October 2014 for misconduct very similar to your cunent misconduct. Although your managers have put forth considerable effort in their attempts to correct your misconduct, and although you have been advised that continued misconduct could lead to more severe disciplinary actions, up to and including removal from Agency employment, your behavior has not changed. Your conduct has negatively affected the efficiency of your organization. Your management reported that your disrespectful attitude towards [redacted] leadership has had a negative impact on both the morale and productivity in your organization. Above all else, I have considered the Agency's needs, including the negative impact and disruption caused by your continued misconduct.

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

Release 2022-9
NSA 21789

You received a Memorandum for the Record (MFR) on 7 October 2014. This MFR outlined very specific instructions regarding your work schedule, accountability procedures, and notification of unscheduled leave guidelines. You continue to insist that the MFR shouldn't have been presented and should be rescinded. You consistently violate the instructions provided in the MFR showing total disregard for supervisory instructions.

Clearly, management 's attempts to correct your misconduct have been unsuccessful as you continue not to follow supervisory instructions. Such disregard indicates that counseling and prior disciplinary actions have had no effect on changing your behavior. NSA management must be able to rely on employees to follow established rules. The repetitive nature of your misconduct and your unwillingness to accept responsibility is troublesome. Your actions evidence a pattern of failing to comply with Agency policy. In this case, severe disciplinary action is needed to ensure corrective action. While rehabilitation is possible, there must be a conceited effort on your part to meet Agency expectations.

The proposed penalty in this case is consistent with the Agency's Recommended Range of Penalties and other discipline imposed for similar cases. After carefully considering all the relevant facts in this case, I find that a suspension of fourteen (14) days from pay and duty isjustified and warranted in order to promote the efficiency of the service.

Employee Due Process Provisions:

You may reply to this proposed action orally, in writing, or both, to the deciding official, Ms. Frances Bracken Delker, Deputy, Associate Director for Human Resources (D/ADHR). You may present affidavits and any other relevant documentary evidence in support of your reply. Your written reply and other relevant documents should be forwarded within ten (10) calendar days after receipt of this letter to [redacted] Employee Relations [redacted] Fort George Meade, MD 20755-6000. [redacted] will forward your reply and Administrative record to the Deputy, ADHR and will arrange an appointment for an oral reply, if so requested. Full consideration will be given to any reply you submit. As soon as possible after your reply is received, or after expiration of the 10-day limit if you do not reply, you wil l be furnished with a written notice of the final decision.

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

An attorney or another individual of your choice may represent you. You must designate, in writing, the name of your chosen representative within ten (10) calendar days of your receipt of this letter. Please note that you are not permitted to discuss classified information with your chosen representative if s/he is not cleared for access to such information. You may review the official records relied on to support this proposed

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

action. In addition, you may request up to eight (8) hours of administrative leave to prepare your reply. If you wish to review this material, arrange for the use of administrative leave, or if you do not fully understand the reasons for this proposed action, you may contact [redacted] at the address above or by telephone at [redacted] for further explanation or assistance.

In accordance with ER policy, this letter serves as the required advance written notice of the proposed suspension action. During this advance notice period, you will remain in a pay and duty status.

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

Sincerely

[redacted]

Chief
Employee Relations

6 Enclosures

Release 2022-9
NSA 21791

Doc ID: 6783398

UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~
SECURITY CLASSIFICATION

NSA STAFF PROCESSING FORM

TO	EXREG CONTROL NUMBER	KCC CONTROL NUMBER
MR		

THRU	ACTION	EXREG SUSPENSE
	[X] APPROVAL	
SUBJECT	[ ] SIGNATURE	KCC SUSPENSE
Request for Employee Relations Disciplinary Action	[ ] INFORMATION	ELEMENT SUSPENSE

DISTRIBUTION

NTOC Chief of Staff

SUMMARY

(U//~~FOUO~~) RECOMMENDATION

(U//~~FOUO~~) Employee Relations (MR) take appropriate disciplinary action for a [redacted] employee.

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

(U//~~FOUO~~) PURPOSE

(U//~~FOUO~~) Document the request for Employee Relations to take appropriate disciplinary action for an employee consistently not following supervisory instructions.

(U//~~FOUO~~) BACKGROUND

(U//~~FOUO~~) On 10 October 2014, [redacted] was presented with a Proposal for Suspension by Employee Relations (ER), following the submission of a Staff Processing Form (SPF) by [redacted] as approved by [redacted]; this was only submitted as all attempts to resolve the employees conduct had failed, and reform from within the organization was unlikely. Without intervention and subsequent action from MR, [redacted] management had no reason or indication to believe that she would deter from her current course. As a result of this SPF, MR submitted a Proposal for Suspension (PS).

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

Change Name and Date column(s) type	COORDINATION/APPROVAL				Additional Comments
OFFICE	NAME AND DATE	SECURE PHONE	OFFICE	NAME AND DATE	SECURE PHONE
[redacted]					
		969-2995			

ORIGINATOR	ORG.	PHONE (Secure)	DATE PREPARED
	[redacted]	969-3221	[redacted]

FORM A6796D REV APR 2014 (Supersedes A6796D JUN 2012)
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SECURITY CLASSIFICATION

Derived From: _____
Dated: _____

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(U//~~FOUO~~) Since the aforementioned date, [redacted] has made no progress. Not only has [redacted] failed to progress, sadly her professional behavior has regressed; deteriorating and eroding to the point where communication and work production are non-existent. As stated in her prior SPF, [redacted] refused to engage managers or respect leadership; always attempting to sidestep or circumvent the chain of command, making her accountability and work productivity unsuccessful. Her unwillingness to comply with the most basic and legal of requests proved her desire to test her immediate management at every move, and exposed her undermining desires. As before, all attempts to resolve this employee's conduct issues have failed thus far indicating that reform is unlikely. Without intervention and action from MR, her management has no reason or indication to believe that she will alter her current course.

(U//~~FOUO~~) Following the issuance of her Proposal for Suspension, [redacted] continued to arrive and depart work at arbitrary hours that did not fall within the parameters of her MFR. In doing so, [redacted] did breach her MFR on the following dates:

- 21 October 2014: Reported to work late;
- 22 October 2014: Reported to work late;
- 23 October 2014: Reported to work over one hour late;
- 24 October 2014: Reported to work late;
- 3 November 2014: Reported to work late, failed to report departure;
- 4 November 2014: Reported to work late:
- 5 November 2014; Reported to work late, failed to report departure;
- 6 November 2014; Reported to work late, failed to depart on time;

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(U//~~FOUO~~) On 23 October 2014, her supervisor attempted to track down [redacted] physical location, as well as ensure that she updated her J-Signout as outlined in her MFR. Responding via email to this request, [redacted] stated: "My physical whereabouts are at my workplace, which includes my desk, the hallways, the ladies rooms, the cafeterias, my colleagues' workspaces, and the meeting rooms for meetings in my calendar. Does that answer your question?" This response neither accounted for her presence, nor ensured the ability to do so in the future. [redacted] continued and blatant attempts to impede management's ability to properly account for her, made it impossible to not only follow MFR procedures but account for her physical security and work functions.

(U//~~FOUO~~) By refusing to comply with her MFR, it is believed and therefore averred that [redacted] breached her **MFR 7OCT14, Paragraph 3.1**, which states "Your current duty hours are 0900-1730 (or 1600 if you opt out of the 30-minute meal period), Monday through Friday; everyone has a recorded start time to ensure accountability; the fact that you have refused to sign your P6952 does not exempt you from accountability; you are required to be present during office core hours (0900-1300); all requests to flex your schedule must have **prior** management approval."

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(U//~~FOUO~~) Immediately upon issuance of her SPF dated [redacted], [redacted] began a campaign of attacking contractors within her organization. Despite management asking her to curb her attacks, and the lack of any authority thereto, [redacted] began to berate, demean, and single-handedly "push" contractors out of the organization. [redacted] habitually sought out isolated contractors and embarked on a pattern of verbal aggression, questioning their abilities, their work roles and demanding to speak to their contracting officer representatives (CORs) to opine on their inability to perform; this was often conducted within the office, exuding menacing conduct and unusual behavior that disrupted the workplace. In many cases the individuals attempted to extract themselves from the situation and mental/verbal abuse, but she physically located herself in a position to make such evasion and egress impossible.

(U//~~FOUO~~) On 23 October 2014, against previous counseling and documented requests, [redacted] began to berate a contractor from another branch during a meeting. [redacted] demanded that he account for his presence, work role, and justification for his time. This was the second time [redacted] harassed this employee for the same cause; she was previously informed of his name, his role, and was respectfully told to allow management to dictate roles within the organization - [redacted] response was that it "was her responsibility" and that she would continue to investigate others' roles as she deemed right.

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(U//~~FOUO~~) To-date, management has been unable to bridle these outbursts and attacks; below are the extracts and witness of one such case:

(U//~~FOUO~~) October 27: "*During a meeting in [redacted] area, but she was not a participant, she interjected herself and made claim that she had spoke to NSA Seniors on an issue, and she was representing their requirements, but she didn't have it in writing. She went on to say that it wouldn't matter if it was in writing since nobody in the meeting was technical (aka smart) enough to understand them, and she was the only one in [redacted] who had the necessary background to interpret the requirements the NSA Senior made. Once again, the meeting was thrown off track and she refused to get or put her remarks in writing but she would continue to disapprove the request that was being discussed..... With [redacted] reputation, her calling me out for unprofessional behavior is a bullying and belittling tactic.*"

(U//~~FOUO~~) The loss of these precious commodities (contractor support) placed an undue toll upon the organization, and greatly hindered mission. In allegations forthcoming, there is a clear tie to a lack of human capitol, and the subsequent ability to [redacted] at a critical mission time, due to the loss of an individual that could no longer work in the abusive environment created by [redacted].

(U//~~FOUO~~) Through her acts of aggression, it is believed, and therefore averred that [redacted] violated **NSA/CSS Personnel Management Manual (PMM) 30-2, Chapter 366, Section 2-1(E),** which states, "Employees will not make threats, create a disturbance or engage in threatening behavior or perform acts of violence against Agency persons, activities or property. This behavior includes physical or verbal aggression, other threatening communications (e.g. writing or gestures), menacing conduct and disorderly or unusual behavior that disrupts the workplace.

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(U//~~FOUO~~) By reaching beyond her position to conduct ad hoc inquiries and investigations on government time, [redacted] wasted government time and money; it is believed, and therefore averred that [redacted] violated **NSA/CSS Personnel Management Manual (PMM) 30-2, Chapter 366, Section 2-1(H),** which states, "Employees have the responsibility to present information to Agency authorities regarding evidence of violation of law, rule or regulation; gross mismanagement; an abuse of authority; a substantial and specific danger to public health or safety; or any deficiencies, irregularities, waste, fraud, or other similar conditions which come to their attention.

(U//~~FOUO~~) By continually overstepping her boundaries, claiming to posses power and making decisions on behalf of leadership without vested authority; it is believed, and therefore averred that [redacted] violated **NSA/CSS Personnel Management Manual (PMM) 30-2, Chapter 366, Section 2-1(K),** which states, "Employees will not knowingly make or present false or fraudulent statement or claim…"

(U//~~FOUO~~) By refusing to heed the demands of her management to cease and desist from any further attacks and harassment of [redacted] personnel, it is believed, and therefore averred that [redacted] was wantonly in direct contempt of employee guidance of her MFR dated 6 November 2014, which cites the **NSA/CSS Personnel Management Manual (PMM) 30-2, Chapter 366, Section 2-1(L). Insubordination**, and goes on to state, "Employees will respect Agency rules, regulations and supervisory authority and comply with authoritative instructions from supervisors and/or individuals in leadership positions…"

(U//~~FOUO~~) On 23 October 2014, [redacted] stopped a meeting in order to verbally attack [redacted] personnel. [redacted] specifically targeted a contractor within [redacted] who had recently started with the organization. Following the guidance of management, and in attempt to perform his job, this individual was an attendee. Unfortunately for this individual, [redacted] did not feel as though his presence was warranted, to which she began to not only berate his abilities, but question his use of government time and money on said project.

(U//~~FOUO~~) Continuing an unsolicited onslaught of verbal abuse, [redacted] then augmented her tactics with written challenges; on 30 October 2014, without informing management, [redacted] drafted a letter to the individual requesting that he account to her for his actions and tasking. [redacted] holds no authority by which to make such a request, yet she further outlined her issues with his involvement, and informed him that he was "out of your lane" working on said project.

(U//~~FOUO~~) After numerous verbal and written attacks conducted by [redacted], the individual wrote management the following:

(U//~~FOUO~~) "*Unfortunately, the email below from [redacted] was on my mind quite a bit last night. Having been in the "working world" for quite a while, I hesitated to even say anything about it (but really needed to vent). Anyway, I have never in my career been treated in such a rude and unprofessional manner as I have with my three encounters with [redacted] On no occasion have I been questioned so much about my role/responsibilities as I have by her, especially for a position that is deemed important to the government. If my actual job performance were in question, that would be one thing ... but "what am I doing"?? I do realize that these are not aimed at me as a person; however it still does have an impact. Bottom line, it is not fun (or even pleasant) working on the same capability.*"

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SECURITY CLASSIFICATION

(U//~~FOUO~~) [redacted] has a long and ongoing documented history of "hijacking" meetings, making it impossible for the meeting holder or attendees to actually conduct business. In several cases, meetings had to be adjourned, prior to accomplished tasks, in order to stave off her attacks; this resulted in the need to reschedule, ultimately costing the government thousands of dollars through the loss of man hours.

(U//~~FOUO~~) To-date, [redacted], in a direct act of insubordination, refused to heed any of her managers requests to cease and desist these attacks upon this individual. While it is unknown what her personal objectives were, it is known that she was not provoked by the besieged employee.

(U//~~FOUO~~) On 14 November 2014, contract management [redacted] reached out to [redacted] management, to address concerns that they were having issues filling billets due to [redacted] actions towards her coworkers, stating: "While [redacted] has a contractual responsibility to staff the positions quickly, with qualified candidates, the Gov't also has a responsibility to foster an environment where people are not verbally abused or bullied. [redacted] behavior is now impeding the contractor's ability to meet contractual requirements. Anything that [redacted] management can do to mitigate this issue is greatly appreciated."

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(U//~~FOUO~~) The fact that this was addressed is significant, in light of the fact that the manager requesting intervention was unaware, and therefore unbiased in their assessment of the situation, only seeking to foster a climate where individuals felt safe and comfortable.

(U//~~FOUO~~) By harassing and attempting to intimidate [redacted] personnel, it is believed, and therefore averred that [redacted] violated **NSA/CSS Personnel Management Manual (PMM) 30-2, Chapter 366, Section 2-1(A). Harassment and Intimidation,** which states, "Employees will not use actions or words that denigrate or show hostility toward an individual for any reason… Likewise, employees will not use abusive or offensive language, gestures or other conduct (….) directed against other employees that could affect the individual's work performance or impact the work environment."

(U//~~FOUO~~) By creating a disturbance and environment prejudicial to good order and discipline, it is believed, and therefore averred that [redacted] was in contempt of the **NSA/CSS PMM Chapter 366, Personal Conduct Section 2-1. (*)E. Violence, Threatening Behavior, or Creating a Disturbance**, which states, "Employees will not threats, create a disturbance, engage in threatening behavior or perform acts of violence against Agency persons, activities, or properly. This behavior includes physical or verbal aggression or other threatening communication…"

(U//~~FOUO~~) In attempting to publicly humiliate and question [redacted] personnel, it is believed, and therefore averred that [redacted] was in contempt of the **NSA/CSS PMM Chapter 366, Personal Conduct, Section 1-3. (E). General Principles for On-The-Job Conduct**, which states, "Generally, every employee is expected to … Exercising courtesy and respect in dealings with fellow workers and the public..."

(U//~~FOUO~~) By creating a disturbance, and wasting time and man hours, it is believed, and therefore averred that [redacted] was in contempt of the **NSA/CSS PMM Chapter 366, Personal Conduct, Section 1-3. (H). Waste, Fraud and Abuse**, which states, "Employees have the responsibility to present information to Agency authorities regarding evidence of violation of law, rule or regulation; gross mismanagement; an abuse of authority; a substantial and specific danger to public health or safety; or any deficiencies, irregularities, waste, fraud, or other similar conditions which come to their attention."

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(U//~~FOUO~~) By refusing to cease her harassment, it is believed, and therefore averred that [redacted] was wantonly in direct contempt of employee guidance of her MFR dated 6 November 2014, which states: **NSA/CSS Personnel Management Manual (PMM) 30-2, Chapter 366, Section 2-1(L). Insubordination,** "Employees will respect Agency rules, regulations and supervisory authority and comply with authoritative instructions from supervisors and/or individuals in leadership positions…

(U//~~FOUO~~) On 19 November 214, [redacted] failed to report to work, and was subsequently placed in an AWOL status. [redacted] had received her most recent MFR on 6 November 2014. In that MFR, as well as during the execution of the MFR, [redacted] was informed that as a result of her abuse of process, she was to provide a doctor's note for any future sick leave. [redacted] contested that since she had received prior approval from her previous manager months prior, she would not need to comply for the forthcoming scheduled sick leave of 19 November 2014. Her acting management, as well as Division Chief, [redacted] informed her this was not that case, and while she would be granted permission to take leave, she must provide the appropriate documentation upon her return. [redacted] declared that despite the MFR, she was not required, and essentially followed through with her declaration.

(U//~~FOUO~~) Upon her return, management besought [redacted] to provide documentation for sick leave taken on 19 November 2014. Again, [redacted] refused to provide documentation, diminishing the role of her MFR, and insisting that she was exempt from such expectations.

(U//~~FOUO~~) [redacted] then engaged OHESS in attempt to procure approval for sick leave; OHESS was inclined to not acquiesce to this request, as no documentation was proffered for their review. [redacted] was contacted by [redacted] who stated that OHESS would not be supporting her request.

(U//~~FOUO~~) Under the processing constraints of the payroll system, [redacted] Branch Chief, entered [redacted] as AWOL for 19 November 2014. Upon receiving her Leave and Earning Statement (LES), [redacted] contacted [redacted], informing him that he was in "violation of the MFR." While it remains unclear how [redacted] could be held liable for violating the MFR of [redacted], after working with OHESS and other resources, it was established that [redacted] had indeed violated her MFR, and subsequently the AWOL status was maintained.

(U//~~FOUO~~) It is documented, and therefore averred that [redacted] did, in a calculated manner decide to blatantly disobey the direct order of her superiors and her previously established **MFR dated 6 November 2014, Paragraph 3.7**, which clearly stated: "If your leave request is not approved, you will be expected to report to work. If you are not able to report to work due to illness or to care for an ill family member, a doctor's note (medical certification) is required to support your absence; even absences less than 3 days. The medical documentation must include the reason(s) you (or a family member) were incapacitated for duty. You will be carried in an AWOL status until you have provided sufficient medical documentation. The note will be reviewed by OHESS to determine adequacy for approval of leave."

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(U//~~FOUO~~) It is documented, and therefore averred that [redacted] missed critical mission meetings and discussions, violating her **MFR dated 6 November 2014, Paragraph 5,** which states, "(U//~~FOUO~~) You are required to attend meetings requested by management at the prescribed location and time."

(U//~~FOUO~~) It is believed, and therefore averred that [redacted] violated **NSA/CSS Personnel Management Manual (PMM) 30-2, Chapter 366, Section 2-1(I). Unauthorized Absence,** which states, "Employees are required to obtain approval for absence from duty in accordance with the Agency regulations. Absences which are not approved in accordance with these requirements will be charged an absence without leave (AWOL). An unauthorized absence includes failure to report to work; leaving the work station without permission; leaving before the end of the work day; and unexcused tardiness.

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(U//~~FOUO~~) By refusing to proffer the required documentation, it is believed and therefore averred that [redacted] violated **NSA/CSS Personnel Management Manual (PMM) 30-2, Chapter 366, Section 2-1(J). Responding to Official Inquiries**, which states, "Employees are required to provide oral/written statements….. Likewise, employees must furnish information (including documents) freely and honestly, whether it is favorable or unfavorable."

(U//~~FOUO~~) On 21 November 2014, a meeting was held by which to address [redacted] In attendance at this meeting were: [redacted] The intent of the meeting was to [redacted]

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(U//~~FOUO~~) During this meeting [redacted] decried and accused senior management of attempting to cover up and conceal wrongful actions of both government and contractor personnel, going so far as to accuse [redacted] of "lying," and other personnel of participating in a "cover up." Despite the presence and opining of Office of General Council personnel, [redacted] continued to berate those around her; her conduct during this meeting was unbecoming and not conducive to a professional work environment.

(U//~~FOUO~~) Not satisfied with the finding(s) of the OGC and senior personnel, [redacted] continued to proclaim her disdain and disapproval for the outcome of the meeting. OGC stated that she was welcome to follow through with her allegation by filing to the IG, and to this, senior management showed their full support. Upon returning to her desk, she continued to accuse individuals of being part of a cover up. [redacted] was asked to cease the accusations and perform her work role; all the while, being afforded the option of filing an IG report.

(U//~~FOUO~~) It is well documented, and therefore averred that [redacted] was wantonly in direct contempt of employee guidance of her MFR dated 6 November 2014, which states: **NSA/CSS Personnel Management Manual (PMM) 30-2, Chapter 366, Section 2-1(L). Insubordination,** "Employees will respect Agency rules, regulations and supervisory authority and comply with authoritative instructions from supervisors and/or individuals in leadership positions…"

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SECURITY CLASSIFICATION

U//~~FOUO~~) As a result of her outbursts and accusations during this meeting, it is a believed and therefore averred that [redacted] was in direct contempt of **NSA/CSS PMM Chapter 366, Personal Conduct, Section 2-1. WORK ENVIRONMENT**, which states, "Employees will not engage in any conduct that creates a hostile work environment and/or interferes with an individual's work performance. Insubordination - Employees will respect Agency rules, regulations, and supervisory authority and comply with authoritative instructions from supervisors and/or individuals in leadership positions (to include carrying out work assignments in a timely manner)."

(U//~~FOUO~~) In verbally accusing others, and creating an environment prejudicial to good order and discipline, it is believed, and therefore averred that [redacted] was in contempt of the **NSA/CSS PMM Chapter 366, Personal Conduct, Section 1-3. E. General Principles for On-The-Job Conduct**, which states, "Generally, every employee is expected to …Exercising courtesy and respect in dealings with fellow workers and the public…"

(U//~~FOUO~~) On 1 December 2014, at 10:37am, [redacted] was asked to perform a critical mission task. [redacted] refused said task, demanding evidence that management had the authority to request her take this action. Within hours, managers, as well as legal officers outlined not only their authority, but further, the legal parameters of this mission critical request. Recognizing the importance of this mission request, her Division Chief, [redacted] and her Office Chief, [redacted] respectfully asked her to follow her Letter of Counsel (LoC), Letter of Reprimand (LoR), Memorandum For the Record (MFR), and Annual Contribution Evaluation (ACE) objectives, and execute her assigned task.

(U//~~FOUO~~) Unwilling to comply or work with managers to execute the mission, [redacted] began a week-long campaign of refusing to perform her job, all the while, inhibiting managers from executing the needed tasking. [redacted] successfully belabored the process by demanding more, and yet more documentation, validations and "proof" that management could indeed request this action. [redacted] often refused on the grounds of "illegal" actions, and her obligation to neither condone nor participate in illicit actions. When managers would proffer evidence to the contrary, [redacted] would accuse them of lacking the intellectual ability to comprehend Policy Oversights directives. When Policy Oversight and Compliance and [redacted] weighed in on the matter, [redacted] would stymie the process by declaring them "incompetent" and unknowing of related policies or "new procedures."

(U//~~FOUO~~) On 2 December 2014, [redacted] began a full onslaught of employing techniques by which to stall, hinder and preclude managers and mission analysts to work. Throughout the week, over numerous emails and verbal conversations, she continued to berate leadership, the NSA Office of Policy Oversight and Compliance, [redacted] or any other character that unknowingly fell within the scope of her barrage. Her affinity for diminishing the capacity of leadership reached to the Office Chief, whom she accused of not holding the cognitive ability to perform his job, and therefore she was not obliged to follow his direction.

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SECURITY CLASSIFICATION

(U//~~FOUO~~) This true standoff culminated on Friday, 5 December 2014; despite facing a prodigious and overwhelming amount of compelling evidence, she declared that she would not execute the mission, but rather she would be leaving early for scheduled leave. Unwilling to perform her mission throughout the week, she held up critical mission objectives and placed NTOC; and subsequently the Agency and IC at risk of executing their mission to defend the DoDIN.

(U//~~FOUO~~) In the waning moments of 5 December 2014, in a final moment of desperation, [redacted] confronted [redacted] on her unwilling stance to support a very critical mission in a time of need; [redacted] covered her ears and began to chant unknown words, while clearly stating, "Don't yell at me." With no less than three witnesses, at no point did [redacted] yell at the subject; yet rather in a stern voice, he did lay out not only his, but his seniors expectations. [redacted] reiterated that she would not perform her functions, rather informing [redacted] that she would be leaving within moments for her weekend holiday. [redacted] then embarked upon a diatribe regarding [redacted] proclivity for the use or implementation of AWOL, which must have been spawned by her most recent and documented AWOL occurrence on 19 November 2014. Continuing to cover her ears, she stated she would be leaving, and would not be deterred, despite mission needs.

(U//~~FOUO~~) Perhaps the most alarming aspect of [redacted] behavior was found in her announcement; that after five days of asking her to perform her job, and her ongoing and documented refusal, that she did not know how regardless, and it would take "some time" to learn how to perform the mission.

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(U//~~FOUO~~) Within moments of [redacted] self proclaimed right to depart, Policy Oversight & Compliance sent yet another emailing clarifying the legitimacy of her Chain of Commands (CoCs) request; unfortunately, [redacted] had already vacated the premises. As a result of her week-long actions, and subsequent departure the mission was not able to be completed.

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(U//~~FOUO~~) On 8 December 2014, [redacted] finally capitulated that management was correct in their initial [redacted] on 1 December 2014, and it was indeed legal. After conceding to this, [redacted] stated she would now [redacted] waited only moments before informing her managers that due to established policies, she would not be [redacted]

(U//~~FOUO~~) As the senior NSA/NTOC [redacted] was fully aware for over a week of this critical mission need, and how her lack of foresight again impeded the mission. With ACE objectives clearly establishing roles and expectations of a GG-15, it is well within her grade expectations and scope of work to ensure that management is aware of any over-the-horizon challenges. Again, [redacted] showed her complete lack of professionalism and complete disregard for mission, making no effort to assist senior managers as they sought to support the mission. Again, through display of her actions, or rather inactions, it was readily evident that [redacted] held her own self-serving agenda, which did not include the success of her organization, NTOC, or the Agency as a whole. While her rationale for stalling the process can be argued, what cannot be argued is the success of it. [redacted] successfully held up a critical mission for over a week.

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(U//~~FOUO~~) It is believed, and therefore averred that by her actions and disobedience to execute mission critical elements of her job, [redacted] violated **NSA/CSS Personnel Management Manual (PMM) 30-2, Chapter 366, Section 2-2(A) Personnel Security Requirements,** which states, "Behavior, activities or associations that raise doubts about an individual's reliability, trustworthiness, or loyalty to the U.S. Government…"

(U//~~FOUO~~) It is believed, and therefore averred that by her actions and disobedience to execute mission critical elements of her job, [redacted] violated **NSA/CSS Personnel Management Manual (PMM) 30-2, Chapter 366, Section 2-2(E) Personnel Security Requirements,** which states, "Criminal, dishonest, or other conduct that would reflect adversely on the individual's reliability or trustworthiness."

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(U//~~FOUO~~) It is believed, and therefore averred that by her actions and disobedience to execute mission critical elements of her job, [redacted] violated **NSA/CSS Personnel Management Manual (PMM) 30-2, Chapter 366, Section 2-2(G) Personnel Security Requirements,** which states, "Behavior which reflects a lack of judgment and discretion or which offers the potential for undue influence, duress or exploitation."

(U//~~FOUO~~) It is well documented, and therefore averred that [redacted] was wantonly in direct contempt of employee guidance of her MFR dated 6 November 2014, which states: **NSA/CSS Personnel Management Manual (PMM) 30-2, Chapter 366, Section 2-1(L). Insubordination**, "Employees will respect Agency rules, regulations and supervisory authority and comply with authoritative instructions from supervisors and/or individuals in leadership positions (to include carrying out work assignments in a timely manner."

(U//~~FOUO~~) It is believed, and therefore averred that [redacted] violated **NSA/CSS Personnel Management Manual (PMM) 30-2, Chapter 366, Section 2-1(I) Unauthorized Absence,** which states, "Employees are required to obtain approval for absence from duty in accordance with the Agency regulations. Absences which are not approved in accordance with these requirements will be charges ad absence without leave (AWOL). An authorized absence includes failure to report to work; leaving the work station without permission; leaving before the end of the work day; and unexcused tardiness.

(U//~~FOUO~~) It is important to note that throughout this process, [redacted] refused to meet with her management to discuss her ACE objectives, or engage in any conversations with management, whether mission or ACE related.

(U//~~FOUO~~) On 9 October 2014, [redacted] set up a meeting request to discuss a myriad of issues, to include her ACE Objectives, as well as outlined expectations of her MFR. [redacted] and [redacted] were on the invite; [redacted] declined this invitation stating: "I would like security or someone else present at a meeting with the people on this invite." In response to her stance, [redacted] responded the very same day, stating: "Thank you for clarifying your expectations for a meeting environment. While there are ample chairs and tables provided for such an occasion, I was unaware that you held such an adamant stance against using them; duly noted [redacted] please set up a time with security that will work. Ultimately, in the interim, [redacted] will be hand delivering a hard-copy of an email that you received on the 21st of October that stated you are to provide a doctor's note for any sick leave. You continue to claim you are unaware of this, yet we have a time stamped copy that was delivered to you. [redacted] will give to you and confirm via email that you, yet again, received a copy of said notice. This will be the last documented attempt to have you comply with your updated/MFR expectations - if you continue to blatantly disregard this, I continue to document as necessary. For the last time, please reconsider your stance on this - if you have any concerns, you should contact MR to confirm the authenticity and validity of this request. Any further refusal to abide by your MFR could result in consequences that neither of us wishes to see realized [redacted]

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(U//~~FOUO~~) Never altering course, [redacted] continued to refuse to speak to any management until her last day in NTOC, even then refusing to comply with the most basic check-out procedures. When occasionally engaged by management, or requested to meet for ACE objective reviews, etc., [redacted] would respond with many arbitrary, insubordinate excuses; in one such case, [redacted] stated: "…the problem is that the thought of you makes me sick. I certify that I was ill this morning because the thought of coming in here made me throw up." Leveraging this excuse as the ultimate "Trump card," [redacted] successfully evaded any conversations pertaining to her MFR and her ACE objectives. As a result of her actions, [redacted] was reported as AWOL.

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(U//~~FOUO~~) It is well documented, and therefore averred that [redacted] was wantonly in direct contempt of employee guidance of her MFR dated 6 November 2014, which states: **NSA/CSS Personnel Management Manual (PMM) 30-2, Chapter 366, Section 2-1(L). Insubordination,** "Employees will respect Agency rules, regulations and supervisory authority and comply with authoritative instructions from supervisors and/or individuals in leadership positions…"

(U//~~FOUO~~) It is believed, and therefore averred that [redacted] violated **NSA/CSS Personnel Management Manual (PMM) 30-2, Chapter 366, Section 2-1(I). Unauthorized Absence,** which states, "Employees are required to obtain approval for absence from duty in accordance with the Agency regulations. Absences which are not approved in accordance with these requirements will be charges ad absence without leave (AWOL). An unauthorized absence includes failure to report to work; leaving the work station without permission; leaving before the end of the work day; and unexcused tardiness.

(U//~~FOUO~~) By refusing to meet to discuss required documentation, it is believed and therefore averred that [redacted] violated **NSA/CSS Personnel Management Manual (PMM) 30-2, Chapter 366, Section 2-1(J). Responding to Official Inquiries**, which states, "Employees are required to provide oral/written statements….. Likewise, employees must furnish information (including documents) freely and honestly, whether it is favorable or unfavorable."

(U//~~FOUO~~) DISCUSSION

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

(U//~~FOUO~~) Based on [redacted] continuous misconduct resulting in counterproductive workplace behavior and negative mission impact, [redacted] requests Employee Relations' involvement for appropriate disciplinary action against [redacted]. From multiple days of AWOL to harassing co-workers, [redacted] actions are neither controllable nor predictable. As presented, and documented in multiple email threads sent to MR, [redacted] has a documented history of not following supervisory direction to report her whereabouts as required by Agency policy, resulting in several incidents of AWOL, as reflected by LES. By also employing the tactic of "not seeing" emails, [redacted] refused to respond to any email that requested she declare her current location. [redacted] refused to engage managers and made every attempt to sidestep or circumvent the chain of command, making her accountability and work productivity unsuccessful. [redacted] actions directly impacted mission, holding up a request for [redacted] by over a week; this egregious action placed NTOC in a precarious and vulnerable position. All attempts to resolve this employee's conduct issues have failed thus far indicating that reform is unlikely.

(U//~~FOUO~~) While [redacted] is very grateful for the support and actions taken on their part by MR, [redacted] must ask, yet again, that action be taken. All aforementioned transgressions have transpired since the date of her proposal for suspension, indicating that again, without intervention and action from MR, her management has no reason or indication that she will alter her current course.

Additional Comments | Delete Comments

Release 2022-9
NSA 21802

Doc ID: 6783398

ENCLOSURE # 1

Management Request for Action

Release 2022-9
NSA 21803

SECURITY CLASSIFICATION

NSA STAFF PROCESSING FORM

TO	EXREG CONTROL NUMBER	KCC CONTROL NUMBER
MR		

THRU	ACTION	EXREG SUSPENSE
	[X] APPROVAL	
SUBJECT	[ ] SIGNATURE	KCC SUSPENSE
Request for Employee Relations Disciplinary Action	[ ] INFORMATION	ELEMENT SUSPENSE

DISTRIBUTION

NTOC Chief of Staff

SUMMARY

RECOMMENDATION: (U//~~FOUO~~) Employee Relations (MR) becoming involved in taking appropriate necessary disciplinary action for a [redacted] employee.

PURPOSE: (U//~~FOUO~~) Document the request for Employee Relations to take appropriate disciplinary action for an employee consistently not following supervisory instructions.

BACKGROUND: (U//~~FOUO~~) [redacted] was presented with a Memorandum for the Record (MFR) in July 2014 for misconduct. On 4 Sep 2014, she was presented with a Letter of Counseling by MR for several additional infractions. On 7 October, she was presented with a Letter of Reprimand (LOR) for continued and consistent failure to follow supervisory instructions as well as another MFR for attendance issues. There have been several instances where [redacted] whereabouts were uncertain and could not be confirmed. Her expectations were specifically detailed in the MFR.

(U//~~FOUO~~) On 16 September 2014 at 1335, [redacted] was asked to submit a P6952 by [redacted] which is an Agency expectation and requested by [redacted]. To date, after no less than 12 engagements, and follow up requests, [redacted] refuses to follow Agency policies and comply.

(U//~~FOUO~~) On Wednesday, 1 October, [redacted] was told to report to MR at 1300 for an appt. Several minutes after this direction, she sent an email to MR saying she was going home sick and the meeting would have to be rescheduled. Before she departed, she prominently displayed a book with the title "The No Asshole Rule", which was subsequently removed by her supervisor [redacted]

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

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

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

[ ] Change Name and Date column(s) type

COORDINATION/APPROVAL

OFFICE	NAME AND DATE	SECURE PHONE	OFFICE	NAME AND DATE	SECURE PHONE
[redacted]		963-3707			
[redacted]		969-2995			

ORIGINATOR	ORG.	PHONE (Secure)	DATE PREPARED
[redacted]	[redacted]	969-3221	[redacted]

(b) (6)

FORM A6796D REV APR 2014 (Supersedes A6796D JUN 2012)
NSN: 7540-FM-001-5465

Derived From: _____
Dated: _____
Declassify On: _____

SECURITY CLASSIFICATION

UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

SECURITY CLASSIFICATION

(U//~~FOUO~~) On Friday, 3 October, [redacted] physical location could not be determined. Her presence (an-ival at work) could somewhat be established via a Jsignout entry, but [redacted] did not respond to several emails and voice-mails from her supervisory chain. After a visit from Ops to FANX by her supervisor, she could still not be physically located and she still did not directly answer any of the queries regarding her location. She was verbally reminded of the importance of accountability for obvious security and safety reasons.

(U//~~FOUO~~) MFR 070CT14, Paragraph 2.5 states: "You must update J-Signout daily upon arrival, departure, and throughout the business day to reflect your location. J-Signout should also reflect approved leave."

(U//~~FOUO~~) Ignoring repeated supervisory queries is not only prejudicial to good order and discipline, but in direct violation of her MFR, LOC and previous counseling on said issue. To date, and following the issuance of all directives, [redacted] continues to maintain her stance in refusing to inform or appraise management of not only her location, but ongoing work efforts.

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

(U//~~FOUO~~) During the multiple attempts to contact [redacted], she was informed to report to her designated location on Monday the 6th. These voice-mails clearly stated that she was to report to her desk, and subsequently to MR. [redacted] refused these orders and opted instead to attend a conference in Baltimore, MD.

(U//~~FOUO~~) On Monday, 6 October, after failing to appear to work, her Division Chiefs attempted to make contact with her throughout the day, to include contacting her emergency contact. Finally at 1650 on 6 October, [redacted] contacted [redacted] to inform him that she had no intention of coming into work, and would continue to attend the conference until 8 October 2014. When [redacted] attempted to explain why she could not attend said event, she hung up on him.

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

(U//~~FOUO~~) Furthermore, the Group Chief for [redacted] attempted to contact [redacted] on the afternoon of October 6, 2014. The Chief of [redacted] left a message on [redacted] voice mail including the cell phone number of [redacted] Office Chief for [redacted]. [redacted] did call the Office Chief's cell later in the day and left a voice mail which the Office Chief received in the evening of October 6th indicating that she had left her status in JSignOut that she was at the aforementioned conference until Thursday. Later in the evening on October 6, [redacted] contacted the [redacted] Chief at home. During this phone conversation, the [redacted] Chief informed [redacted] that reporting to Employee Relations took priority over the conference she was attending. [redacted] advised the Chief [redacted] that she intended to attend the conference instead and would return to work the following Thursday. After several iterations of the [redacted] Chief reemphasizing that [redacted] needed to report to Employee Relations instead of the conference, the Chief [redacted] informed [redacted] that he would let the appropriate personnel know of [redacted] decision [redacted] and [redacted] who is the Group Chief of [redacted] to go to the conference instead of reporting to Employee Relations as she had been advised to do. The Chief of [redacted] also documented this phone conversation upon arriving to work on October 7th which he sent to [redacted] in Employee Relations. [redacted] followed this email up with a phone call to [redacted] as well. [redacted] also let [redacted], and [redacted] know what had transpired in the phone conversation.

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

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

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

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SECURITY CLASSIFICATION

SECURITY CLASSIFICATION

(U//~~FOUO~~) On the morning of Tuesday, 7 October, it was not until after [redacted] that [redacted] finally capitulated and agreed to leave her conference attendance to report to MR to receive both her MFR and LOR.

(U//~~FOUO~~) On Wednesday, 8 October, after [redacted] was given specific instructions via an MFR the day before (7 October), she called the NTOC Directorate front office to say she wouldn't be coming in, blatantly ignoring her instructions in the MFR. Upon the instruction of MR, [redacted] was contacted by her Division Chief, [redacted] who informed her that she had not followed the protocol set forth by her MFR. [redacted] stated that she had not received an MFR from MR or her management. While [redacted] had refused to sign the MFR while at MR, she had been provided it, and subsequently signed it later that day with [redacted] as witness. After signing, [redacted] walked off with the originals, retaining the signed copies.

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

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

(U//~~FOUO~~) When [redacted], via a phone call to [redacted], attempted to again outline the exceptions set forth in the MFR, [redacted] cut him off and stated he was being, "rude, discourteous and unprofessional," and hung up on him.

(U//~~FOUO~~) In light of these facts, [redacted] is in direct contempt of failure to comply with a lawful order and expectation as outlined by MR and her direct supervisors, where

(U//~~FOUO~~) MFR 70CT14, Paragraph 2.14 states: "Failure to notify your supervisor of your inability to report to duty within the first hour of your workday will result in AWOL procedures being initiated."

(U//~~FOUO~~) MFR 70CT14, Paragraph 3 states: "Please be aware that AWOL charges may lead to administrative and/or disciplinary action."

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

As a direct result of said actions, [redacted] has been charged as AWOL for 8 October 2014.

DISCUSSION: (U//~~FOUO~~) Based on [redacted] continuous misconduct resulting in counterproductive workplace behavior and negative mission impact, [redacted] requests Employee Relations' involvement to take the appropriate disciplinary action against [redacted]. As presented in this write-up, and as also documented in multiple email threads sent to MR, [redacted] has a documented history of not following supervisory direction to report her whereabouts as required by Agency policy to include locking managers out of her MS calendar and failing to properly update her Jsignout as required by her LOC, LOR, and MFR. By also employing the tactic of "not seeing" emails, [redacted] refuses to respond to any email that requests she declare her cmTent location. [redacted] refuses to engage managers and makes every attempt to sidestep or circumvent the chain of command, making her accountability and work productivity minimally successful. Her unwillingness to comply with the most basic and legal of requests, i.e, Work Schedule Form (P6952) proves not only her desire to test management at every move, but further exposes her undermining desires. All attempts to resolve this employee's conduct issues have failed thus far indicating that reform is unlikely. Without intervention and action from MR, her management has no reason or indication that she will alter her current course.

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NSA 21806

Doc ID: 6783398

ENCLOSURE # 2

Letter of Counseling dated 4 September 2014

Release 2022-9
NSA 21807

Doc ID: 6783398

LETTER OF COUNSELING 4 SEPTEMBER 2014

SUBJECT: [redacted]

(U//~~FOUO~~) You are being issued this Letter of Counseling (LOC) for failure to demonstrate courtesy and respect in the workplace, failure to follow supervisory instructions, and failure to follow Agency regulations. [redacted] is attending this counseling session as a witness.

(U//~~FOUO~~) Management has attempted to address your conduct issues through informal verbal counseling as well as a documented Memorandum for the Record (MFR) that was presented to you on 29 July 2014. Despite management's efforts, you continue to display a pattern of unprofessional behavior to include inflammatory and disrespectful comments, derogatory and negative emails, disruptive and argumentative behavior, disrespect to leadership, and a complete disregard for supervisory instructions. Your manager provided the following:

- On 26 June 2014, you were provided clear guidance on the requirements process for [redacted]; yet you continue to discredit and disregard the established process.
- On 15 July 2014, you met with Chief [redacted] to discuss [redacted] without prior notification to your supervisor or the designated [redacted] POC, which created much confusion and misunderstanding amongst the product stakeholders.
- On 29 July 2014, you were presented with an MFR outlining my observations and concerns regarding your actions and disrespectful behavior.
- On 14 August 2014, you sent an inappropriate and unsolicited message to [redacted] leadership to include myself regarding your disapproval of the [redacted] reorganization plan.
- On 18 August 2014, a [redacted] employee felt verbally attacked by comments you made in an email message. The employee felt that your comments devalued their work and concern for mission.

(U//~~FOUO~~) Your actions clearly demonstrate a disregard for supervisory direction and disrespect for leadership and Agency policies. In addition, your inappropriate conduct toward management, colleagues, and co-workers creates an uncomfortable and hostile work environment. As a GG-15, it is expected that you remain professional and set the example of appropriate conduct in the workplace. Overall, your conduct is unacceptable and this type of behavior is not conducive to teaming, collaboration, and/or effective mission execution. Your behavior is in direct violation of the following Agency Policies:

> 'NSA/CSS PMM Chapter 366, Section 1-3, GENERAL PRINCIPLES FOR ON-THE JOB CONDUCT, E. Generally, every employee is expected to give thorough, efficient, and industrious service in the performance of assigned duties including presenting oneself for duty in a condition to perform work effectively; exercising courtesy and respect in dealings with fellow workers and the public ...

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

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NSA/CSS PMM Chapter 366, Section 2-1.WORK ENVIRONMENT L.
Insubordination - Employees will respect Agency rules, regulations, and supervisory authority and comply with authoritative instructions from supervisors and/or individuals in leadership positions.

NSA/CSS PMM Chapter 366, Section 2-1. WORK ENVIRONMENT
States the following: "Employees will not engage in any conduct that creates a hostile work environment and/or interferes with an individual's work performance. A. Harassment/Intimidation – Employees will not use actions or words that denigrate or show hostility toward an individual for any reason…

(U//~~FOUO~~) After reviewing the facts of this matter, I have determined that an LOC is warranted. As an Agency employee, you are expected to follow all guidance and instruction given to you by your managers as well as respect all employees and Agency policies.

(U//~~FOUO~~) This counseling is non-disciplinary; however, future actions of this nature may be cause for disciplinary action. A copy of this letter will be retained in Employee Relations, in a suitability file, for five (5) years from the date of issuance.

(U//~~FOUO~~) This action may be grieved. For information about the grieving process you may contact the NSA Office of Administrative Grievances on 963-6690 secure or [redacted] unsecure, or see information on the Office of Administrative Grievances internal website.

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

[redacted]

Employee Relations Counselor

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

I HEREBY ACKNOWLEDGE RECEIPT OF THIS LETTER:

[redacted] 9/4/14

EMPLOYEE SIGNATURE/DATE

[redacted] 9/4/14

WITNESS SIGNATURE/DATE

[redacted]

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With all due courtesy and respect, I would like to place on record the real situation and refute the false charges contained in the Letter of Counseling given to me on 4 September 2014.

I am indeed a [redacted] who has spent [redacted] years acquiring specialized knowledge and expertise in improving the quality [redacted] essential to our national cyber defense under the tutelage of senior agency mentors and NSA's Senior Technical Review Panel. It is to serve this mission that I accepted the position [redacted] for NTOC.

I have been appalled at the poor quality of work done in the area [redacted] and [redacted]. I have pointed out weaknesses in our products, projects, and processes and provided a vision along with tactical and strategic guidance for approaches to solving these problems and achieving the goal of a strong national network defense. I have been surprised and shocked by some who would rather sweep all this under the rug and pretend that these problems don't exist. I also see them ganging up on me, creating an extremely hostile environment for me, creating obstacles for my work, and trying to shut me up. This attempt at silencing true and valid analysis of issues is hurting our mission and is against the values of our organization. Bullying, hostility, silencing valid criticism, and discriminating against older female technical experts are against policy and satisfying mission needs.

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

I have worked for over [redacted], where I have toiled tirelessly and fearlessly to serve our mission. I am a recognized expert with a strong track record of achievement and many awards. I am always supportive of good leadership and critical of poor management.

I see this letter of counseling as an attempt to shut up a highly experienced, competent, concerned expert with a commitment to high quality [redacted] work. The charges against me are completely unfounded and unsubstantiated by evidence. In fact, all available evidence will show that I follow the highest standards of excellence and mission focus in my actions.

(b) (6)

Specifically, with regards to the charges in the letter of counseling:

- I have never disregarded the requirements process for [redacted].
- I meet with leaders who share my interest in serving the mission with high quality products about the ways to make products serve mission better. It is entirely unprofessional to object to such meetings. I was under no directive to inform my supervisor of every discussion I have on [redacted] or other topics in support of mission; that would be unreasonable.
- I was presented with a memorandum for the record which I rebutted. The contentions in the memorandum for the record were unfounded and untrue. I have never been disrespectful towards anyone or anything deserving of respect. I am very professional in my behavior, as my track record shows.
- My messages regarding the [redacted] reorganization did not express any opinion of the reorg plan, but only the idea that good management will accept input from all involved, particularly [redacted] experts on the [redacted] team who express a desire to provide input. This is a good thing, and should

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ENCLOSURE # 3

Letter of Reprimand dated 2 October 2014

(presented on 7 October 2014)

Release 2022-9
NSA 21811

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NATIONAL SECURITY AGENCY
FORT GEORGE G. MEADE, MARYLAND 20755-6000

LETTER OF REPRIMAND 2 OCTOBER 2014

[redacted]
Threat Operations Center
National Security Agency
(b) (3)-P.L. 86-36

Dear [redacted],

This Letter of Reprimand (LOR) is being issued to address your counterproductive workplace behavior and your continued failure to follow supervisory instructions. This action is being taken to promote the efficiency of the service under the provisions of the NSA/CSS Personnel Management Manual (PMM) Chapters 366 "Personal Conduct" and 370 "Counseling, Disciplinary and Adverse Actions."

On 29 July 2014, you received specific written and verbal guidance from your leadership regarding the expectation that you would be respectful to others.

You were issued a Letter of Counseling (LOC) on 4 September 2014, which addressed your disrespectful behavior in the workplace. In the LOC, you were advised, "this counseling is non-disciplinary; however, future actions of this nature may be cause for disciplinary action."

On 3 September 2014, you falsely accused your direct supervisor of having involvement with the removal of a piece of personal property from your desk.

On 4 September 2014, after failed attempts to determine your physical location, your chain of command sent you an email questioning your whereabouts. Itis your management's responsibility to know where you are located at all times. Your failure to respond is not only in direct violation of NSA policies, but further jeopardizes prescribed safety measures and negatively impacts mission.

On 4 September 2014, you confronted a division asset (contractor) at a meeting, demanding that he account for his time, notes and reason for attending the meeting. He was following direct orders and at no point were you authorized to interrogate him about his duties. You then included several others in the discussion creating an uneasy environment for all in attendance. This incident had a negative impact on the individual and painted the organization in a poor light. You have been warned, cautioned and explicitly ordered to cease the aggressive confrontation of your colleagues, and creating scenes in meeting environments -yet this behavior continues.

On 5 September 2014, you approached your supervisor's desk and demanded that he discontinue a project involving [redacted] After your supervisor explained his rationale, you blatantly insulted the expertise of the involved team members. Subsequently, you insulted the expertise of team members on numerous occasions both verbally and via email messages.

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

On 15 September 2014, you met with both of your division leaders as well as your Office Chief. At this time you were told by your Division Chief, [redacted] that you were to include [redacted] in all meetings at the senior level. You stated this was an infringement of your rights, and you should be allowed to hold private discussions. Your Chief shared that he supported you in meeting with senior technicians, and encourages this collaboration; however, he wanted division leadership included. You reacted by saying: "I will not take him." Again, [redacted] stated that is was not an option and you were to include your senior management. To this you replied: "I will not." Your unwillingness to follow even simple supervisory instructions is considered misconduct and undermines your ability to perform efficiently within the organization.

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

On 15 September 2014, you falsely claimed that your direct supervisor would not allow you to attend work-related conferences in order to achieve your training objectives.

On 16 September 2014, [redacted] had to again request that you follow office/security procedures by updating your Jsignout, at which point had not updated in several days. This goes back to the September 4th incident where you willingly and blatantly refused to apprise management of your location. Again, you failed to follow simple, mandated instructions. Disregarding an authoritative instruction from a supervisor is in direct violation of NSA policies, as well as your most recent LOC.

Your actions cannot be tolerated and are in direct violation of the following Personnel Management regulations:

> NSA/CSS PMM Chapter 366, Personal Conduct , Section 2-t. WORK ENVIRONMENT states, "Employees will not engage in any conduct that creates a hostile work environment and/or interferes with an individual's work performance.
>
> Insubordination - Employees will respect Agency rules, regulations, and supervisory authority and comply with authoritative instructions from supervisors and/or individuals in leadership positions (to include carrying out work assignments in a timely manner)."
>
> NSA/CSS PMM Chapter 366, Personal Conduct, Section 1-3.E. General Principles for On-The-Job Conduct states, "Generally, every employee is expected to ...Exercising courtesy and respect in dealings with fellow workers and the public..."

After reviewing the facts of this matter, I have determined that a Letter of Reprimand is warranted to promote the efficiency of the service. You are hereby reminded of your responsibility to comply with Agency rules, regulations, policies and procedures and to refrain from any future misconduct.

This reprimand represents the Agency's lowest level of disciplinary action. A copy of this reprimand will be retained in your Employee Relations suitability file for seven (7) years. Should you engage in any misconduct in the future, this reprimand will be used to support a more severe penalty, to include removal from Agency employment.

This disciplinary action may be grieved. To file a grievance, you must contact the Office of Administrative Grievances (OAG) within 15 calendar days of receiving this LOR. OAG can be contacted via phone at 963-6690 or [redacted] or via the Office of Administrative Grievances internal website.

[redacted]

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

Chief
Employee Relations

I ACKNOWLEDGE RECEIPT OF THIS REPRIMAND:

Employee Refused to sign
Employee signature/ date

[redacted]

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

10/2/14
Witness signature/ date

ENCLOSURE # 4

Memorandu m for the Record dated 7 October 20 l4

Release 2022-9
NSA 21815

Doc ID: 6783398

MEMORANDUM FOR THE RECORD **07 October 2014**

EMPLOYEE: [redacted] **EMPLID:** [redacted]

(U//~~FOUO~~) Based on recent events which have resulted in the inability to locate you and your failure to respond to attempts made by management to locate you, this Memorandum for the Record (MFR) is being provided in order to communicate expectations regarding your attendance. For obvious security and safety reasons, supervisors must know where employees are at all times. [redacted] MR Counselor, is also in attendance at this session.

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

(U//~~FOUO~~) Despite the flexibility built into the AWS5 schedule followed by most of the Agency, effective immediately, you must adhere to the following terms:

7

- Your current duty hours are 0900-1730 (or 1 00 if you opt out of the 30-minute meal period), Monday through Friday; everyone has a recorded start time to ensure accountability;
- You must complete Form P6952 (Work Schedule Notification Form) and submit it to your supervisor;
- You are required to be present during office core hours (0900-1300);
- All requests to flex your schedule must have **prior** management approval;
- You must update J-Signout daily upon arrival, departure, and throughout the business day to reflect your location. J-Signout should also reflect approved leave.
- Until further notice, you are to also to send an email to your supervisors (to include [redacted]) when you arrive each day and when you depart. Your arrival email must indicate your physical whereabouts covering your work day.
- All absences from duty must be covered by approved leave;
- When requesting unscheduled late arrival, you must contact your supervisor before or by your official start time of 0900. You must specify your expected time of your arrival during this call. Ifyou are unable to contact your supervisor, use the guidance provided in the next bullet. You must speak to a person. Leaving a voicemail is not acceptable;
- When requesting unscheduled leave (sick leave or late arrival), please use the following guidance:

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

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NSA 21816

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- Call your supervisor, [redacted] by your official start time or within the first hour of your workday. If you are unable to contact [redacted], leave a voicemail; and then
- Call your Division Chief, [redacted] if he is not available, leave a voicemail; and then call
- Call the main office number at: [redacted] Leave a message for [redacted] that you are requesting late arrival/sick leave;
- You will be carried in an AWOL status until you receive supervisory approval for leave;
- Failure to notify your supervisor of your inability to report to duty within the first hour of your workday will result in AWOL procedures being initiated.

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

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

(U//~~FOUO~~) Please be aware that AWOL charges may lead to administrative and/or disciplinary action.

(U//~~FOUO~~) You are encouraged to use the available Agency resources (including but not limited to ODA, MD1 and EAS) to address any issues that may be affecting your ability to adhere to these expectations. If there is anything preventing you from being able to successfully meet these expectations, please let your management know immediately.

(U//~~FOUO~~) A copy of this memorandum will be retained in your management's records. If further administrative action is needed, this documentation can be used as supporting documentation in the subsequent action.

(U) This Memorandum for the Record may be grieved. For information about the grieving process you may contact the NSA Office of Administrative Grievances on 963-6690 secure or [redacted] non-secure, or see information on the Office of Administrative Grievances internal website.

[redacted]

MR [redacted]

I HEREBY ACKNOWLEDGE RECEIPT OF THIS MEMORANDUM:

Employee refused to sign
Employee Signature/ DATE

[redacted]
Witness Signature/ DATE

7 Oct 2014

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NSA 21817

Doc ID: 6783398

ENCLOSURE # 5

PMM CHAPTER 366

APPENDIX

"Recommended Range of Penalties for Stated Offenses"
(Reprimands-Suspensions-Removals)

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NSA 21818

Doc ID: 6783398

APPENDIX
RECOMMENDED RANGE OF PENALTIES FOR STATED OFFENSES
(Reprimands-Suspensions-Removals)

The range of penalties listed in this table is provided as a guide. Greater or lesser penalties than those listed in the table are possible, except where minimum penalties are established by law. The table is not meant to be an exhaustive listing of all offenses for which action may be taken. The following are suggested penalties and should be applied after consulting Section 4 of this Chapter for further information. Determination of the administrative action to be taken or recommended in each case must include consideration for mitigating or aggravating circumstances. Further, these are administrative penalties which may be taken in addition to any penalty of law governing the same or like offense.

PERSONNEL AND SECURITY STANDARDS

2-1 WORK ENVIRONMENT

I. Hostile/Unsafe Environment

Engaging in or allowing conduct that interferes with work or creates an intimidating, unsafe, hostile or offensive work environment or interferes with work performance.

- 1ST OFFENSE--5-30 day suspension
- 2ND OFFENSE - - 30 day suspension to removal
- 3RD OFFENSE - - Removal

2. HarassmenVIntimidation

a. Use of actions or words that denigrate or show hostility toward an individual for any reason, but especially because of race.color, religion,gender, nationalorigin, age,or disability.

- 1ST OFFENSE - - etter of Reprimand to removal
- 2ND OFFENSE - - 30 day suspension to removal
- 3RD OFFENSE--Removal

b. Use of abusive, offensive, unprofessional language, gestures, or conduct

- 1ST OFFENSE - - etter of Reprimand to 30 day suspension
- 2ND OFFENSE - - 5 day suspension to removal
- 3RD OFFENSE - - Removal

J. Sexual Harassment

a. Unwelcome sexualadvances, requests for sexualfavors, or other verbalor physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of employment or the basis of an employment decision

- 1ST OFFENSE - - Letter of Reprimand to removal
- 2ND OFFENSE - - 30 day suspension to removal
- 3RD OFFENSE - - Removal

b. Actualor attempted sexual assault

- 1ST OFFENSE - - Removal

c. Inappropriate or unwelcome touching or other physicalcontact.

- 1ST OFFENSE - - 10 day suspension to removal

Doc ID: 6783398

- 1ST OFFENSE - - 1 day suspension to removal
- 2ND OFFENSE - - Removal

10. Unauthorized Absence (AWOL)

Note: An aggravating factor would be the number of incidents and number of hours of AWOL

- 1ST OFFENSE - - Letter of Reprimand to removal
- 2ND OFFENSE - - 5 day suspension to removal
- 3RD OFFENSE - - 30 day suspension to removal

11. Responding to Official Inquiries

a. Misrepresentation, falsification, concealment, exaggeration or withholding of material facts or documents in connection with an official administrative proceeding (including investigations).

- 1ST OFFENSE - - etter of Reprimand to removal
- 2ND OFFENSE - - 5 day suspension to removal
- 3RD OFFENSE - - Removal

h. Refusal to testify or cooperate with Agency officials or representatives of other Government Agencies in official administrative proceedings or inquiries.

- 1ST OFFENSE - - 1day suspension to removal
- 2ND OFFENSE - - 10 day suspension to removal
- 3RD OFFENSE - - Removal

12. False Statements

n. Falsifying attendance record. (Making a false entry for oneself or another employee.)

- 1ST OFFENSE - - etter of Reprimand to 14 day suspension
- 2ND OFFENSE - - 10 day suspension to removal
- 3RD OFFENSE - - Removal

b. False statements (verbal or written), misrepresentations, or fraud on official records submitted to the Agency.

- 1ST OFFENSE - - Letter of Reprimand to removal
- 2ND OFFENSE - - 5 day suspension to removal
- 3RD OFFENSE - - Removal

c. Travel voucher fraud. (Willfully making false entries and/or willfully submitting incorrect information.

- 1ST OFFENSE - - 7 day suspension to removal
- 2ND OFFENSE - - 15 day suspension to removal
- 3RD OFFENSE - - Removal

13. Insubordination

a. Failure to comply with rules, regulations, written procedures, or proper supervisory instructions.

- 1ST OFFENSE - - etter of Reprimand to 5 day suspension
- 2ND OFFENSE - - 1-20 day suspension
- 3RD OFFENSE - - 14 day suspension to removal

b. Delay in carrying out or failure to carry out instructions in a reasonable time.

- 1ST OFFENSE - - Letter of Reprimand
- 2ND OFFENSE - - 1 - 7 day suspension
- 3RD OFFENSE - - 8 day suspension to removal

1-t. Concealing, removing, altering, or destroying Government records.

- 1ST OFFENSE - - 1 day suspension to removal
- 2ND OFFENSE - - 5 day suspension to removal
- 3RD OFFENSE - - Removal

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

15. Observing Regulations

[redacted]

5/2/2014
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ENCLOSURE # 6

Employee Profile

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

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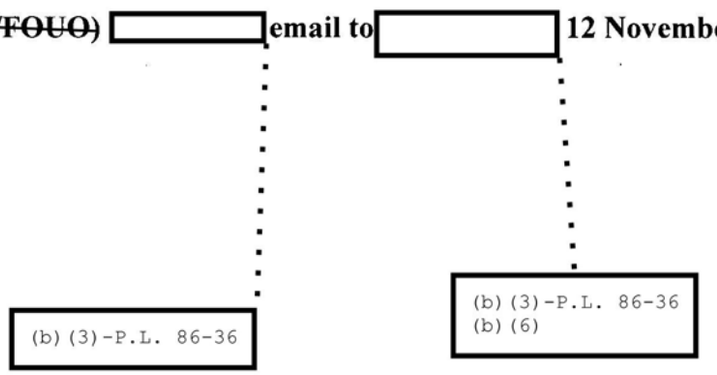
*** The classification of this document could range from FOUO to TS/SI; therefore this document may not be ***
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NSA 21832

APPENDIX 28

(U//~~FOUO~~) [redacted] email to [redacted] 12 November 2014



From: [redacted]
To: [redacted]
Cc: [redacted]
Subject: RE: (U) questions about LOC/LOR/etc.
Date: Wednesday, November 12, 2014 2:16:14 PM
Importance: High

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

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

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

Managers,

[redacted] was provided with a copy of the SPF that came here asking us to take disciplinary action. Based on what you gave us, we prepared the proposal listing specific instances/examples of the displayed misconduct. [redacted] is now been afforded the opportunity to prepare an appeal (either written, oral or both) and she has chosen both.

She will try to elicit long, drawn-out explanations intended to trip up some fact or description of an incident that may not 100% match. Don't get caught up into answering her with anything but this (or something like this):

[redacted]

"All of the specifics you are inquiring about were provided to you either verbally, via emails, and in the letters and suspension proposal you were presented by MR.
Please use the appeal process to present your side of the facts."

[redacted]

From: [redacted]
Sent: Wednesday, November 12, 2014 2:04 PM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) questions about LOC/LOR/etc.

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

[redacted]

The problem is that there aren't specifics in any of those letters or the notice, and no one from my management chain was present when these were delivered, so my questions could not be answered

at those meetings. Also, no one from my management chain has discussed any of these issues with me prior to initiating ER actions.

Please answer my questions below, and provide more specifics to help me understand what it is I'm being accused of.

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

From: [redacted]
Sent: Wednesday, November 12, 2014 1:32 PM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) questions about LOC/LOR/etc.

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

(U[redacted]

(U//~~FOUO~~) In response to the below email:

1. Meeting attendees witnessed and reported your behavior as documented at the 23 October [redacted] Working Group.

[redacted] ***Which contractor are you claiming I "berated"?***

2-6. Your repetitive observed and documented failure to follow supervisory instructions and unprofessional/improper behavior are the grounds for items 1-6. For specifics, please review the Letter of Counseling, Letter of Reprimand, and proposal for suspension.

[redacted] ***What unprofessional/improper behavior are you accusing me of, specifically?***

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

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

(U//~~FOUO~~)

[redacted]

(U//~~FOUO~~)

From: [redacted]
Sent: Wednesday, November 12, 2014 11:15 AM
To: [redacted]
Cc: [redacted]
Subject: (U) questions about LOC/LOR/etc.

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

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Good morning,

I request that you provide the following information so that I can properly prepare my response to the latest ER action.

1. For the claim: "On 23 October, you berated a contractor from another branch during a meeting, in violation of instructions you received from management after a prior similar incident." Which contractor and meeting are you referring to, and how did I supposedly "berate" them? Please also provide the details for the referenced "prior similar incident."
2. How has my behavior affected the efficiency of the organization?
3. On what grounds do you say that I "continue to maintain my stance in refusing to inform management not only of my location, but ongoing work efforts"?
4. On what grounds do you claim that I "accept no responsibility for my actions and continue to engage in improper behavior"?
5. On what grounds do you claim that there is "negative impact and disruption caused by my continued misconduct"?
6. On what grounds do you claim that I "refuse to engage managers and make every attempt to sidestep or circumvent the chain of command, making her accountability and work productivity minimally successful"?

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

[redacted]

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APPENDIX 29

(U//~~FOUO~~) [redacted] email to [redacted], 14 November 2014

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

From:
Sent: Tuesday, November 18, 2014 8:06 AM
To:
Cc:
Subject: FW: (U) unprofessional conduct incidents

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

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

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

Per our discussion, below is another example of how behavior is affecting our contractors.

v/r

From:
Sent: Friday, November 14, 2014 1:19 PM
To:
Cc:
Subject: (U) unprofessional conduct incidents

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

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

(U~~//FOUO~~) Per your request, I am providing a summary of times where unprofessional conduct from impacted the work environment and/or getting the activity done. I didn't start keeping track until July when I realized my ability (and others) to work cordially with her was practically non-existent.

July: During a meeting with leadership, made several unsubstantiated remarks about a related system, and drew me into the remarks. I have a long history of a good relationship with so after the meeting I had to let know that I did not share all her views. Because of her previous work in they told me that they were aware of her unprofessional tactics and that she had had conflicting views on that system for YEARS and her stance was it had to be her way or she would disparage the system.

July, multiple (5-8) conversations: While discussing status and previous activities related to the current work, would make disparaging remarks about other Agency workers (government and contractors) regarding their intellect, decisions, and performance. It was during this period that I began asking her to not disparage other people in my presence.

July 24, during a going away happy hour: After our supervisor left and were in a one-on-one conversation, she made multiple, mean-spirited, derogatory, personal, one-sided remarks about the supervisor. Here I *very vocally* told her that I would not be a spectator (and definitely a participant) in bashing people and asked that she not do that in the office either.

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August: during multiple phone calls and conversations, particularly when [redacted] and I were the only ones in the office, she would talk in above conversational volumes and make derogatory remarks about co-workers, previous co-workers, and leadership. Many of the comments included her stating the person acted for personal gain or to be vindictive to her or her opinions. One instance was when [redacted] (contractor) asked her a technical question when it was just [redacted] and me in the room. In her response to [redacted] question, she made disparaging comments about 6 people (yes, I counted).

August 28: During a mission meeting to review previously submitted requirements, [redacted] made multiple derogatory statements about the requirements, the process to develop them, and the people involved. As I and other participants attempted to minimize the differences in views and continue with discussion, [redacted] continually returned to her derogatory opinions which disrupted the entire conversation. The meeting was adjourned without any discussion or resolve on the agenda items. Back in the office, I attempted to make peace by conveying willingness to discuss our differing views. Her response was to belittle my background and previous work and give herself accolades for her background. After 5 minutes of semi-heated back and forth, I returned to work. She went to her desk and loudly mumbled additional derogatory statements.

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

September: During the beginning of the month, I made near daily friendly greetings and professional courtesies to [redacted] as our desks are next to each other and we are in a small office. She never returned greetings or responded. This alone is not troubling, but I mention it as an indicator on her willingness to build a cordial, working relationship from which challenging mission discussions could take place. BTW, challenging mission discussions with her continue to bear little fruit, that is competing views have not found compromises, and usually a management decision has to be made on which approach to take.

October 1: During a meeting [redacted] began asking multiple questions to a contractor who would not be responsible to know the technical details of those questions. Based on the persons responses, she made several demeaning comments about their background and experience, and then went on to "glamorize" her experience and say that is why her perspective is the only one that matters. I said during the meeting that the person is not responsible for that information and hounding them is not going to change anything. She did back off, but by then the mood of the meeting was squashed, we adjourned shortly thereafter. To gather the remaining information from [redacted] we got her inputs separately, then reconvened to finish the task with her in the room (but using her inputs).

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

October 27: During a meeting in [redacted] area, but she was not a participant, she interjected herself and made claim that she had spoke to NSA Seniors on an issue, and she was representing their requirements, but she didn't have it in writing. She went on to say that it wouldn't matter if it was in writing since nobody in the meeting was technical (aka smart) enough to understand them, and she was the only one in [redacted] who had the necessary background to interpret the requirements the NSA Senior made. Once again, the meeting was thrown off track and she refused to get or put her remarks in writing but she would continue to disapprove the request that was being discussed.

October 30: It was brought to my attention that [redacted] lodged a formal complaint against me stating my behavior was unprofessional during a meeting. During the meeting several participants were making statements of policy and security, however they were not from those organizations. I said that people were "making stuff up" because they were not from that organization. From across the room, [redacted] said "that's offensive" and "you are being unprofessional". Her response created an awkward silence in the room, and people told me after the meeting that I was not offensive or unprofessional. With [redacted] reputation, her calling me out for unprofessional behavior is a bullying and belittling tactic.

These are the major incidents. Her behavior is consistently the same, even in small ways. She dominates conversations, introduces derailing, out of scope points, frequently comments on what knowledge people don't have (with the implication that they don't add value to the project), recites her resume and out of the building experience (aka, nobody can confirm or deny such experience) as the reason she has the only correct view, asks leading questions, bullies people publicly and during meetings, makes disparaging remarks about peoples work and knowledge, refuses to see other

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peoples views. She frequently says she talked to someone about an issues and they agreed with her. When I follow-up with the person, I find that [redacted] has either distorted the persons response, or [redacted] held a leading discussion and didn't provide full context for her discussion. Her reputation is so poor across NTOC, and I can't think of anyone who trusts what she says because of her extremely limited and unaccountable positions. Not that I care about that, but what happens is everyone has to work behind the scenes to get a clear, synchronized story and then figure out how to keep [redacted] from derailing it again (and still refuse to see other viewpoints). Bottom line, her behavior creates extra work and often disrupts completion of work, and she has been the linchpin in multiple hostile work situations that make people quite uncomfortable.

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

This is much longer than I thought it was going to be, but once I started pulling up notes, it just is this much.

Thank you for hearing out my view of working with [redacted].

[redacted]

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APPENDIX 30

(U//~~FOUO~~) [redacted] **email to** [redacted] **6 November 2014**

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

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

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

From:
Sent: Friday, November 14, 2014 2:48 PM
To:
Cc:
Subject: FW: (U) Question and Issue

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

(U)

(U//~~FOUO~~) We talked to the COR yesterday. In summary, she informed us that she is having problems filling vacant positions on the contract due to the contractor's hesitancy to place applicants in positions which require interaction with . At the meeting I asked the COR if she had written correspondence on her conversations with the contractor PM. She said, no that the discussions had all been verbal. I requested that she write up an account and record of what the contractor told her along with her concerns. Please find that email below. We are doing everything we can to provide a non-hostile work environment for our contractor teammates; however, as you can see from the COR's comments below, her impression is that behavior is now impeding the contractor's ability to meet contractual requirements. I would like to take note, that even though I requested the COR provide a written record of her account, I did not provide any input into the words she used below in the email. I say this because her comments that I have highlighted below are particularly troubling not only from the contractor's ability to meet their requirements but also our ability to meet the mission. I am submitting this for the record.

(U//~~FOUO~~)

(U//~~FOUO~~)

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

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

From:
Sent: Friday, November 14, 2014 2:16 PM
To:
Cc:
Subject: RE: (U) Question and Issue

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Per your request, here is more detail about my concern on staffing backfills and vacancies on . When I had my bi-weekly sync with last week, we discussed the environment issues on these stated that they had a good candidate for the backfill on however, they were hesitant to staff her, knowing what kind of situation she would be entering. While has a contractual responsibility to staff the positions quickly, with qualified candidates, the Gov't also has a responsibility to foster an environment where people are not verbally abused or bullied. behavior is now impeding the contractor's ability to meet contractual requirements. Anything that management can do to mitigate this issue is greatly appreciated.

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Thanks,

[redacted]

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

From: [redacted]
Sent: Thursday, November 06, 2014 1:14 PM
To: [redacted]
Subject: RE: (U) [redacted] Question and Issue

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[redacted]

Although I'm out tomorrow and Monday, I would like to meet next week to discuss a way to mitigate this problem in the future. How much does [redacted] *have* to interact with [redacted] contractors? How often are they in meetings together? How can we contain/control [redacted] behavior towards contractors? I am concerned that [redacted] will be hesitant to fill vacancies, knowing that it's becoming a toxic environment. Plus, I want to make sure we don't lose any of your current personnel. Can/should we prevent her from interacting with them altogether? Has the issue been addressed with her? I'm open to your suggestions and ideas.

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

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

Thanks,

[redacted]

[redacted]

From: [redacted]
Sent: Thursday, November 06, 2014 10:03 AM
To: [redacted]
Subject: FW: (U) [redacted] Question and Issue

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FYI -

V/r,

[redacted]

(U//~~FOUO~~)

[redacted]

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[redacted]

From: [redacted]
Sent: Monday, November 03, 2014 1:45 PM
To: [redacted]
Cc: [redacted]
Subject: (U) [redacted] Question and Issue

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

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[redacted]

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

[redacted] sent a note directly to the [redacted] COR asking her what the status is of my replacing [redacted]. I don't typically report to [redacted] for contractual matters, but as you know, I am working diligently to backfill that slot and am pursuing candidates daily.

Also, in the email to the COR, [redacted] noted that [redacted] behavior is rude, argumentative, etc. And, at a meeting last week [redacted] made false and outrageous statements. Can you tell me who may have been in that meeting at the time of those statements? I will speak to [redacted] but I'd like to gather some more facts.

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

I am concerned about [redacted] questions and observations about [redacted] folks. I do take them serious and want to make sure our team is providing the best support to you.

[redacted]

(U//~~FOUO~~)

[redacted]

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APPENDIX 31

(U//~~FOUO~~) [redacted] email to [redacted] 17 November 2014

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

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NSA 21846

[redacted]

From: [redacted]

Sent: Tuesday, November 18, 2014 1:22 PM

To: [redacted]

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

Cc: [redacted]

Subject: RE: (U) OGC: Please read RE: (U) [redacted]

Signed By: [redacted]

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

[redacted]

This is not the first time NTOC has done this; I have reported similar incidents in the past in which NTOC has [redacted]

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

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

[redacted]

From: [redacted]

Sent: Tuesday, November 18, 2014 12:54 PM

To: [redacted]

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

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

Cc:
Subject: FW: (U) OGC: Please read RE: (U)
Importance: High

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

(U) All,

(U//~~FOUO~~) Please see below. In summary, I need

I have forwarded the entire thread for everyone's FYSA on this. Thanks.

(U//~~FOUO~~)

(U//~~FOUO~~)

From:
Sent: Tuesday, November 18, 2014 12:35 PM
To:
Cc:
Subject: RE: (U) OGC: Please read RE: (U)

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

(b) (3)-50 USC 3024(i)
(b) (3)-P.L. 86-36
(b) (5)

Let me know if any of my conclusions about the above is inaccurate or if there are additional facts that have not been divulged. Without ALL of the facts OGC cannot provide reasonable solid legal advice to NTOC.

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NSA 21848

Please let me know if there is anything else that has been left out or if there are questions.

R/

[redacted]
Office of General Counsel
[redacted]

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Communication - Do Not Release
Without the Approval of the General Counsel
****

From: [redacted]
Sent: Tuesday, November 18, 2014 11:32 AM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) OGC: Please read RE: (U) [redacted]

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

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

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All,

[redacted]

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

V/r

[redacted]

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NSA 21849

[redacted]

From: [redacted]
Sent: Tuesday, November 18, 2014 10:23 AM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) OGC: Please read RE: (U) [redacted]

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

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(b)(3)-50 USC 3024(i)
(b)(3)-P.L. 86-36
(b)(5)

[redacted]

R/

[redacted]
Office of General Counsel
[redacted]

********** Privileged Communication - Do Not Release Without the Approval of the General Counsel **********

[redacted]

From: [redacted]
Sent: Tuesday, November 18, 2014 6:54 AM
To: [redacted]
Cc: [redacted]
Subject: (U) OGC: Please read RE: (U) [redacted]

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

Release 2022-9
NSA 21850

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

(b)(3)-50 USC 3024(i)
(b)(3)-P.L. 86-36
(b)(5)

OGC: if I've advised improperly, please weigh in!

Thanks

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

From:
Sent: Monday, November 17, 2014 3:13 PM
To:
Cc:
Subject: FW: (U)

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

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

– does this match with what you're tracking? The statement here seems to be:

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

If this is the case, we'll have to

Thanks

(U//~~FOUO~~)

From:
Sent: Monday, November 17, 2014 3:01 PM
To:

Release 2022-9
NSA 21851

Cc:
Subject: FW: (U)

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

To wrap up what we talked about:

V/r

(U//~~FOUO~~)

From:
Sent: Monday, November 17, 2014 1:37 PM
To:
Cc:
Subject: RE: (U)

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

Hi,

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

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

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

Release 2022-9
NSA 21852

Hope this information is useful.

[redacted]

From: [redacted]
Sent: Monday, November 17, 2014 10:08 AM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) [redacted]
Importance: High

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

Hi,

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

[redacted]

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

Please advise soonest.

[redacted]

From: [redacted]
Sent: Thursday, November 13, 2014 9:43 PM
To: [redacted]
Cc: [redacted]
Subject: FW: (U) [redacted]

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

[redacted]

[redacted]

Release 2022-9
NSA 21853

[redacted]

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

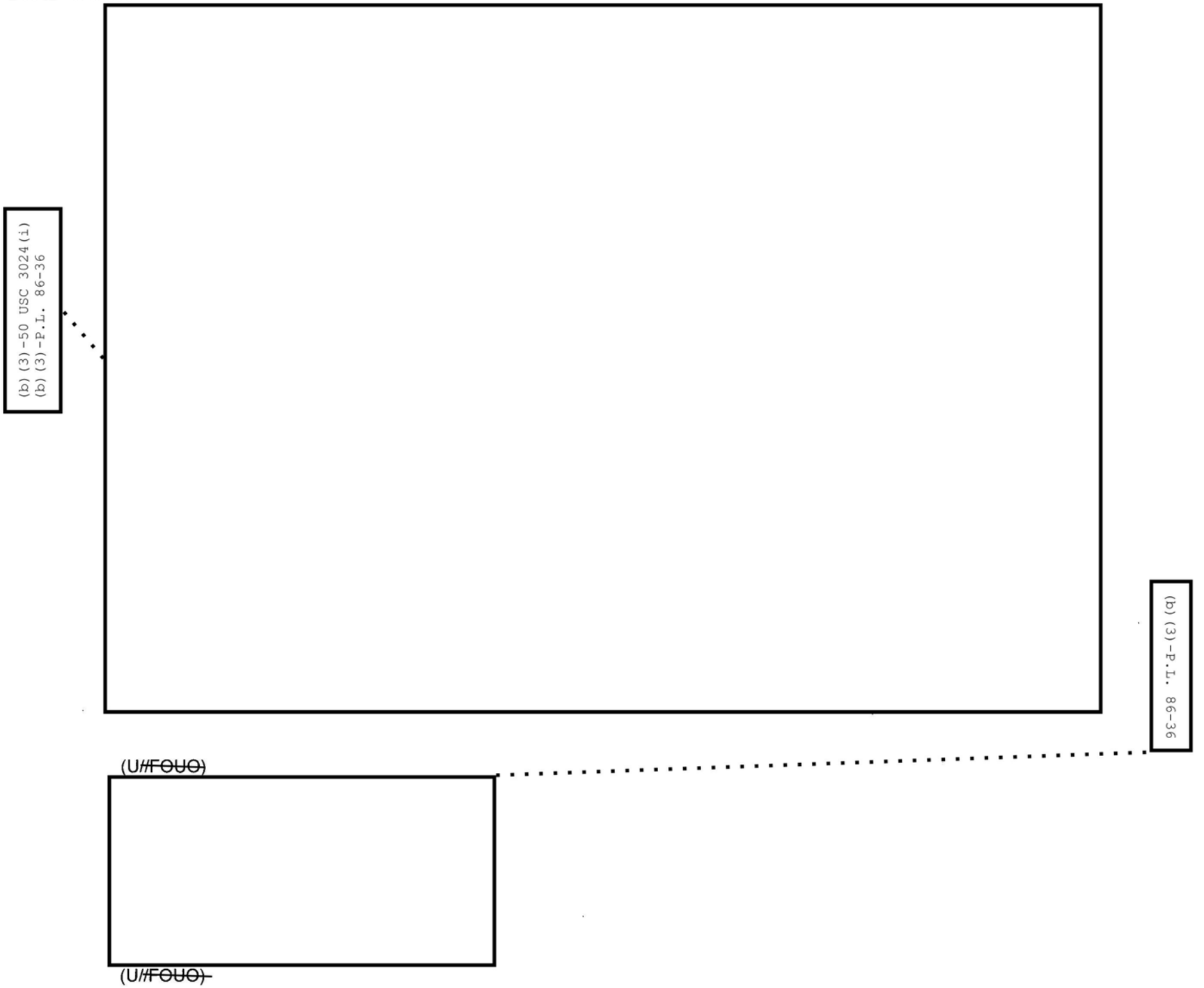
From: [redacted]
Sent: Thursday, November 13, 2014 9:13 PM
To: [redacted]
Cc [redacted]
Subject: (U) [redacted]

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

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

[redacted]

Release 2022-9
NSA 21854



(U//~~FOUO~~)

(U//~~FOUO~~)

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

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

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

Release 2022-9
NSA 21855

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

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

Release 2022-9
NSA 21856

APPENDIX 32

(U//~~FOUO~~) [redacted] Email to [redacted] 5 December 2014

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

From: [redacted]
To:
Subject: RE: (U) Medical Documentation Sufficient to Support Sick Leave
Date: Friday, December 05, 2014 7:39:34 AM

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

Great! Thanks for running this to ground. I know it is exhausting. You got this.

[redacted]

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

From: [redacted]
Sent: Friday, December 05, 2014 7:39 AM
To: [redacted]
Subject: RE: (U) Medical Documentation Sufficient to Support Sick Leave

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

The 18th was for a late arrival due to a medical apt. The original timesheet she submitted only had 3.5 hrs sick leave.

v/r

[redacted]

From: [redacted]
Sent: Friday, December 05, 2014 7:37 AM
To: [redacted]
Subject: RE: (U) Medical Documentation Sufficient to Support Sick Leave

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

No, I believe you have it [redacted] But why 3.5 hours and not 4? Did she come in on the 18th?

[redacted]

From: [redacted]
Sent: Friday, December 05, 2014 7:36 AM
To: [redacted]
Subject: RE: (U) Medical Documentation Sufficient to Support Sick Leave

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

[redacted]

I got your response to my email. I'll go ahead and delete it.

So based on your guidance and OHESS's approval, I will go ahead and submit a revised timesheet for her reflecting the 3.5 hrs of (approved) sick leave for Nov 18th. I will be leaving the AWOL reported for 19 Nov as the doctor stated that sick leave was requested but no documentation was provided (see attachment). Are we on the same page? Did you want to check with [redacted] or OHESS for 19 Nov?

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

v/r

[redacted]

From: [redacted]
Sent: Friday, December 05, 2014 6:07 AM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) Medical Documentation Sufficient to Support Sick Leave

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

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

Morning [redacted]

Okay, I'll take the blame for this one. Looks like I missed your email about the approved sick leave for the 18th. That said, per [redacted] direction, I asked her for the approval email which she refused to provide resulting in me calling [redacted] in OHESS. Please see the attached email. Her AWOL for the 18th was based off of what he stated.

Looks like we have conflicting information. If it's been approved, shouldn't this doctor have it reflected in her records?

What do we do next? Have her submit a revised timesheet? Wait for the grievance process?

v/r

[redacted]

From: [redacted]
Sent: Thursday, December 04, 2014 12:21 PM
To: [redacted]
Subject: RE: (U) Medical Documentation Sufficient to Support Sick Leave

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

Im not sure either – [redacted] has the details… it appears she is not arguing the 19th. It's the 18th, but something happened – [redacted] knows….

Unfortunately, she is out today.

V/r,

[redacted]

(U//~~FOUO~~)

[redacted]

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

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

From: [redacted]
Sent: Thursday, December 04, 2014 12:19 PM
To: [redacted]
Subject: FW: (U) Medical Documentation Sufficient to Support Sick Leave

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

I don't know where the confusion is, but remember the email I sent below? Employee nor OHESS should forward any doctor's certification with diagnosis, etc. to supervisors.

The note I sent below should be interpreted as 4 hours of approved sick leave on 18 November.

[redacted]

From: [redacted]
Sent: Monday, November 24, 2014 6:36 AM
To: [redacted]
Cc: [redacted]
Subject: (U) Medical Documentation Sufficient to Support Sick Leave

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

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

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

Hello,

Not sure if [redacted] forwarded her approval from OHESS based on revised documentation she submitted.
She is approved for sick leave for 1.25 hours (ONLY) on 11 November and 4 hours (ONLY) on 18 November.
She is NOT approved for a flexible schedule which allows arriving late on various unscheduled dates.

Please make necessary adjustments to her timesheet.

Let me know if you have any questions.

[redacted]

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

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

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

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

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

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

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

APPENDIX 33

(U//~~FOUO~~) [redacted] Email to [redacted], 3 December 2014

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

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

From: [redacted]
To: [redacted]
Cc: [redacted]
Subject: RE: (U) Meeting Notes
Date: Wednesday, December 03, 2014 10:25:00 AM

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

[redacted],

I have a full plate of challenges, expectations and mission objectives to meet on a daily basis. Capitulating, or aligning my schedule to meet your demands or replying to your hourly, and in many cases, by the minute requests does not fall within my scope. I will update the notes as I, and others deem right, when I have the opportunity. Until then, no further discussion about this is necessary – any further discussion is simply nonsense.

Please return to your task at hand.

V/r,

[redacted]

(U//~~FOUO~~)

[redacted]

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

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

From: [redacted]
Sent: Wednesday, December 03, 2014 10:22 AM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) Meeting Notes

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

[redacted]

Please explain how requesting that you make corrections to your highly inaccurate meeting notes constitutes "an attempt to strong-arm an entire organization."

[redacted]

[redacted]

From: [redacted]
Sent: Wednesday, December 03, 2014 10:14 AM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) Meeting Notes

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

[redacted]

You desire and attempts to strong-arm an entire organization are duly noted.

V/r,

[redacted]

(U//~~FOUO~~)

[redacted]

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

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

From: [redacted]
Sent: Wednesday, December 03, 2014 9:29 AM
To: [redacted]
Cc [redacted]
Subject: RE: (U) Meeting Notes

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

Failure to correct the meeting notes, which make no mention of [redacted] that was the subject of the discussion, would indeed be indicative of a cover-up.

[redacted]

From: [redacted]
Sent: Wednesday, December 03, 2014 7:44 AM

To: [redacted]
Cc: [redacted]
Subject: RE: (U) Meeting Notes

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

[redacted]

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

Allow me to draw upon a direct quote from the originator of this communiqué: *"Beyond the outlined action items, I believe we can close this discussion out. As this is a full forum, feel free to address myself or individuals directly related to a specific question from this point forward – again, thanks for your input."* I have taken a moment to read this, and upon completion, I arrive upon the same conclusion; the author did not want a mass reply. It is no surprise that you would chose to go against this request, as you simply must push the limits whenever you believe the opportunity is present.

[redacted], while you have no apparent care or concern for the humanity that becomes our work environment, others do. We have just returned from watching a dear friend and co-worker lay his wife to rest. It is no surprise that while others grieve a loss and feel a moment compassion and reflection, you remain behind to continue forth with your contentious ways. For me, our loss puts this into perspective, and only serves to reflect poorly upon anyone who does not wish to follow simple requests or create harmony; individuals of this ilk rarely see the bigger picture and typically work in a myopic state. [redacted], your actions continue to further isolate you from those you are surrounded by, at this point I truly feel sorry for you. If you ever wish to talk about how your actions are creating repercussions in your personal life, I am here and willing to share an outsiders perspective. Your actions are undoubtedly and outward indication of an inner problem, and I would welcome the opportunity to address them with you. Again, the loss that the NTOC family is feeling today captures the essence of what we are here for – we are here to serve our country and families, to provide security and protection for those we love, and those who will follow after us; I find it hard to accept, that deep down you believe your actions support this cause. Please take a moment and reconsider your stance, how you portray yourself, and the feelings and emotions of those you work with – this is a time of grieving for many, and ultimately, your acting out is simply unbecoming [redacted]. The holiday season is upon us, and my greatest holiday wish is that you will somehow find peace and the ability to make peace with those you work with; if you continue down this path, you will soon find yourself with no individual or organization willing to work with you, as you are quickly exhausting your limited and remaining opportunities – [redacted], though it appears inevitable, I do not wish to see this befall you.

I will now return your attention to the last line of the aforementioned email; I will not ask you what part of was so ambiguous that you felt obliged to override it, as you will undoubtedly have some unexplained rationale that is only known to you. All that said, you, and you solely were unprofessional as you went against a specific request.

In closing, for the sake of the holidays and humanity, please attempt to simply comply and allow others to work – 'tis the season! ;)

V/r,

[redacted]

(U~~//FOUO)~~

[redacted]

From: [redacted]
Sent: Tuesday, December 02, 2014 2:36 PM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) Meeting Notes

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

[redacted]

It is professional common courtesy to reply to all who were on the email I was responding to, so they can see and participate in the discussion.

Please provide the corrected meeting notes.

Thanks,

[redacted]

[redacted]

From: [redacted]
Sent: Monday, December 01, 2014 1:15 PM
To: [redacted]

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

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

Cc:
Subject: RE: (U) Meeting Notes

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

You have now had your opportunity to yet again cc an entire group, for a matter that is not at the group level – Please return to the task at hand, which is the as directed by and

Thanks!

V/r,

(U//~~FOUO~~)

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

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

From:
Sent: Monday, December 01, 2014 1:12 PM
To:
Cc:
Subject: RE: (U) Meeting Notes

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

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

[redacted]

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

But I am not a lawyer, so OGC should clarify the situation, please.

The notes should be updated to reflect the corrections and additions.

Also, nothing in your email is TOP SECRET//NOFORN. It should be classified as U//FOUO.

Thanks,

[redacted]

[redacted]

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

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

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

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

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

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

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

APPENDIX 34

(U//~~FOUO~~) OGC Opinion, Re: [redacted] 4 December 2014

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

Doc ID: 6783398

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

From: [redacted]
To: [redacted]
Cc: [redacted]
Subject: RE: (U) Meeting Notes
Date: Thursday, December 04, 2014 9:40:01 AM

Classification: ~~TOP SECRET//NOFORN~~

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

[redacted]

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

I understand that you are upset with the current situation because you would have handled it differently. If you believe the decisions made by NTOC leadership fit within some nefarious purpose you are free to contact the IG, but after a review of the facts presented to OGC [redacted]

R/

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

[redacted]
Office of General Counsel
[redacted]

****
Privileged Communication - Do Not Release
Without the Approval of the General Counsel
****

Release 2022-9
NSA 21871

From: [redacted]
Sent: Wednesday, December 03, 2014 9:42 AM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) Meeting Notes

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

Hi,

It's now been over two weeks since this incident, and yet no guidance has been issued to the NTOC workforce regarding [redacted] When will this be addressed?

[redacted]

Thanks,

[redacted]

[redacted]

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

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

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

From: [redacted]
Sent: Monday, December 01, 2014 1:10 PM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) Meeting Notes

Classification: ~~TOP SECRET//NOFORN~~

[redacted]

(b) (3) -50 USC 3024(i)
(b) (3)-P.L. 86-36
(b) (5)

[redacted]

(b) (3)-50 USC 3024(i)
(b) (3)-P.L. 86-36
(b) (5)

Thanks,

[redacted]

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

[redacted]

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

From: [redacted]
Sent: Monday, December 01, 2014 12:53 PM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) Meeting Notes

Classification: ~~TOP SECRET//NOFORN~~

[redacted],

Thank you for your diligent and insightful feedback, as always it is most appreciated. I do not recall [redacted] when did that take

place? I am not a lawyer, though I did stay at a Holiday Inn Express last night, (from a TV commercial- hahaha), [redacted] If I am wrong, anyone in this forum, please feel free to jump in and correct me; I want to ensure we have fully captured this.

[redacted]

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

Ultimately, I believe that we have addressed the issue at hand, and more importantly, we have begun to instill measures by which to ensure this does not occur again. From my experience, these are growing pains, and while slight set-backs, they are an integral part of the learning process and really a testament to the fact we are forward leaning and committed to providing the latest and best, when it comes to defense of our Agency and Nation; I would ask that we view this as a learning experience and opportunity to mitigate future mistakes.

Beyond the outlined action items, I believe we can close this discussion out. As this is a full forum, feel free to address myself or individuals directly related to a specific question from this point forward – again, thanks for your input.

V/r,

[redacted]

(U//~~FOUO~~)

[redacted]

(b) (3)-P.L. 86-36
(b) (3)-18 USC 798
(b) (3)-50 USC 3024(i)

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

From: [redacted]
Sent: Monday, December 01, 2014 11:57 AM
To: [redacted]
Cc: [redacted]

Subject: RE: (U) Meeting Notes

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

Thanks for the notes. There are some errors and significant omissions, as follows:

Regards,

From:
Sent: Monday, December 01, 2014 11:14 AM
To:
Cc:
Subject: (U) Meeting Notes

(b) (3)-P.L. 86-36
(b) (3)-50 USC 3024(i)
(b) (3)-P.L. 86-36
(b) (5)
(b) (3)-P.L. 86-36
(b) (3)-P.L. 86-36
(b) (6)
(b) (3)-P.L. 86-36

Classification: ~~TOP SECRET//NOFORN~~

V/r,

[redacted]

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

(U//~~FOUO~~)

[redacted]

Classified By: [redacted]
Derived From: NSA/CSSM 1-52
Dated: 20070108
Declassify On: 20391201

Classification: ~~TOP SECRET//NOFORN~~

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

Classified By: [redacted]
Derived From: NSA/CSSM 1-52
Dated: 20070108
Declassify On: 20391201

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

Classification: ~~TOP SECRET//NOFORN~~

Classified By: [redacted]
Derived From: NSA/CSSM 1-52
Dated: 20070108
Declassify On: 20391201

Classification: ~~TOP SECRET//NOFORN~~

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

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

Classified By: [redacted]
Derived From: NSA/CSSM 1-52
Dated: 20070108
Declassify On: 20391201

Classification: ~~TOP SECRET//NOFORN~~

APPENDIX 35

(U//~~FOUO~~) [redacted] email to [redacted] 16 December 2014

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

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

Release 2022-9
NSA 21878

From: [redacted]
To: [redacted]
Cc:
Subject: RE: (U) thoughts? missing anything major? still rough and short, but getting there.
Date: Tuesday, December 16, 2014 7:35:44 AM

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

It does – I have a few rough epas that peeps asked me to provide input on – im going to knock those out this AM, and them move to the spf....

Man – why is it taking so long????

And why do they not CALL ME and ask ME!

V/r,

[redacted]

(U//~~FOUO~~)

[redacted]

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

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

From: [redacted]
Sent: Tuesday, December 16, 2014 7:16 AM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) thoughts? missing anything major? still rough and short, but getting there.

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

[redacted]

I'm so sorry to have taken so long, but I'm just giving this a thorough read and it sounds like you have captured the activity in a good chronology. Looks good. One correction.
The very first paragraph (intro) is a bit inaccurate in that she did not receive her proposal for suspension until 11 November. It would be factual to say:

(b) (6)

"On [redacted] management forwarded a request for action to Employee Relations (MR). This request was submitted only after . . . ." etc....

Add a sentence at the end of the para which says: This request resulted in a proposal for suspension.

I recommend you finalize this SPF and get it ready for coordination; but we must wait to see what for the outcome of the proposed suspension. The minute we know the decision, we will move forward with the SPF.

Make sense? Call me if you have any questions.

(b) (6)

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

From:
Sent: Wednesday, 10:59 AM
To:
Subject: (U) thoughts? missing anything major? still rough and short, but getting there.

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

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

(U//~~FOUO~~) RECOMMENDATION

(U//~~FOUO~~) Employee Relations (MR) becoming involved in taking appropriate necessary disciplinary action for a employee.

(U//~~FOUO~~) PURPOSE

(U//~~FOUO~~) Document the request for Employee Relations to take appropriate disciplinary action for an employee consistently not following supervisory instructions.

(U//~~FOUO~~) BACKGROUND

(U//~~FOUO~~) On 10 October 2014, of was presented with a Proposal for Suspension by Employee Relations (ER), following the submission of a Staff Processing Form (SPF) by as approved by this Proposal for Suspension was only submitted as all attempts to resolve the employees conduct had had failed, and reform from within the organization was unlikely. Without intervention from and action from MR, her management had no reason or indication to believe that she would deter from her current course.

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

(U//~~FOUO~~) Since the aforementioned date, has made no progress. Not only has failed to progress, sadly she had regressed; deteriorating and eroding to the point where communication and work production are non-existent. As stated in her prior SPF, refuses to engage managers or respect leadership; always attempting to sidestep or

circumvent the chain of command, making her accountability and work productivity unsuccessful. Her unwillingness to comply with the most basic and legal of requests proves not only her desire to test management at every move, but further exposes her undermining desires. As before, all attempts to resolve this employee's conduct issues have failed thus far indicating that reform is unlikely. Without intervention and action from MR, her management has no reason or indication to believe that she will alter her current course.

(U//FOUO) Following the issuance of her Proposal for Suspension, [redacted] continued to arrive and depart work at arbitrary hours that did not fall within the parameters of her MFR. In doing so, [redacted] did breach her MFR on the following dates:

- 21 October 2014: Reported to work late and worked past designated hours;
- 22 October 2014: Reported to work late; [redacted] waited 30 minutes past prescribed work hours to meet with her, but [redacted] failed to report on time;
- 23 October 2014: Reported to work over one hour late;
- 24 October 2014: Reported to work late;

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

(U//~~FOUO~~) On 23 October 2014, her immediate supervisor, [redacted] attempted to track down [redacted] physical location, as well as ensure that she updated her J-Signout as outlined in her MFR. Responding via email to this request, [redacted] stated; " My physical whereabouts are at my workplace, which includes my desk, the hallways, the ladies rooms, the cafeterias, my colleagues' workspaces, and the meeting rooms for meetings in my calendar. Does that answer your question?" This response neither accounted for her presence, nor ensured the ability to do so in the future. [redacted] continued and blatant attempts to impede management's ability to properly account for her, makes it impossible to not only follow MFR procedures but account for her physical security and work functions.

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

(U//~~FOUO~~) By refusing to comply with her MFR, it is believed and therefore averred that [redacted] breached her **MFR 7OCT14, Paragraph 3.1**, which states "Your current duty hours are 0900-1730 (or 1600 if you opt out of the 30-minute meal period), Monday through Friday; everyone has a recorded start time to ensure accountability; the fact that you have refused to sign your P6952 does not exempt you from accountability; you are required to be present during office core hours (0900-1300); all requests to flex your schedule must have **prior** management approval."

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(U//~~FOUO~~) Immediately upon issuance of her SPF dated [redacted], [redacted] began a campaign of attacking contractors within her organization. Despite management asking her to curb her attacks, and the lack of any authority thereto, [redacted] began to berate, demean, and single-handedly "push" contractors out of the organization. [redacted] habitually seeks out isolated contractors and embarks on a pattern of verbal aggression, questioning their abilities, their work roles and demanding to speak to their contracting officer representatives (CORs) to opine on their inability to perform; this is often conducted within the office, exuding menacing conduct and unusual behavior that disrupts the workplace. In many cases the individuals have attempted to extract themselves from the situation and mental/verbal abuse, but she physically locates herself in a position to make such evasion and egress impossible.

(U//~~FOUO~~) On 23 October 2014, against previous counseling and documented requests, [redacted] began to berate a contractor from another branch during a meeting. [redacted] demanded that he account for his presence, work role, and justification for his time. This is the second time [redacted] has harassed this employee for the same cause; she was previously informed of his name, his role, and respectfully asked to allow management to dictate roles within the organization – [redacted] response was that it "was her responsibility" and that she would continue to investigate others' roles as she deemed right.

(U//~~FOUO~~) To-date, management has been unable to bridle these outbursts and attacks; below are the extracts and witness of one such case:

(U//~~FOUO~~) October 27: "*During a meeting in [redacted] area, but she was not a participant, she interjected herself and made claim that she had spoke to NSA Seniors on an issue, and she was representing their requirements, but she didn't have it in writing. She went on to say that it wouldn't matter if it was in writing since nobody in the meeting was technical (aka smart) enough to understand them, and she was the only one in [redacted] who had the necessary background to interpret the requirements the NSA Senior made. Once again, the meeting was thrown off track and she refused to get or put her remarks in writing but she would continue to disapprove the request that was being discussed..... With [redacted] reputation, her calling me out for unprofessional behavior is a bullying and belittling tactic.*"

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(U//~~FOUO~~) The loss of these precious commodities (contractor support) puts an undue toll upon the organization, and greatly hinders mission. In allegations forthcoming, there is a clear tie to a lack of human capitol, and the subsequent ability to [redacted] at a critical mission time, due to the loss of an individual that could no longer work in the abusive environment created by [redacted].

(U//~~FOUO~~) Through her acts of aggression, it is believed, and therefore averred that [redacted] violated **NSA/CSS Personnel Management Manual (PMM) 30-2, Chapter 366, Section 2-1(E),** which states, "Employees will not make threats, create a disturbance or engage in threatening behavior or perform acts of violence against Agency persons, activities or property. This behavior includes physical or verbal aggression, other threatening communications (e.g. writing or gestures), menacing conduct and disorderly or unusual behavior that disrupts the workplace.

(U//~~FOUO~~) By reaching beyond her position to conduct ad hoc inquiries and investigations on government time, [redacted] wasted government time and money; it is believed, and therefore averred that [redacted] violated **NSA/CSS Personnel Management Manual (PMM) 30-2, Chapter 366, Section 2-1(H),** which states, "Employees have the responsibility to present information to Agency authorities regarding evidence of violation of law, rule or regulation; gross mismanagement; an abuse of authority; a substantial and specific danger to public health or safety; or any deficiencies, irregularities, waste, fraud, or other similar conditions which come to their attention.

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(U//~~FOUO~~) By continually overstepping her boundaries, claiming to posses power and making decisions on behalf of leadership without vested authority; it is believed, and therefore averred that [redacted] violated **NSA/CSS Personnel Management Manual**

(PMM) 30-2, Chapter 366, Section 2-1(K), which states, "Employees will not knowingly make or present false or fraudulent statement or claim…"

(U//~~FOUO~~) By refusing to heed the demands of her management to cease and desist from any further attacks and harassment of [redacted] personnel, it is believed, and therefore averred that [redacted], was wantonly in direct contempt of employee guidance of her MFR dated 6 November 2014, which cites the **NSA/CSS Personnel Management Manual (PMM) 30-2, Chapter 366, Section 2-1(L). Insubordination**, which goes on to state, "Employees will respect Agency rules, regulations and supervisory authority and comply with authoritative instructions from supervisors and/or individuals in leadership positions…"

(U//~~FOUO~~) On 23 October 2014, [redacted] stopped a meeting in order to verbally attack [redacted] personnel. [redacted] specifically targeted a contractor within [redacted] who had recently started with the organization. Following the guidance of management, and in attempt to perform his job, this individual was an attendee. Unfortunately for this individual, [redacted] did not feel as though his presence was warranted, to which she began to not only berate his abilities, but question his use of government time and money on said project.

(U//~~FOUO~~) Continuing an unsolicited onslaught of verbal abuse, [redacted] then augmented her tactics with written challenges; on 30 October 2014, without informing management, [redacted] drafted a letter to the individual requesting that he account to her for his actions and tasking. [redacted] holds no authority by which to make such a request, yet she further outlined her issues with his involvement, and informed him that he was "out of your lane" working on said project.

(U//~~FOUO~~) After numerous verbal and written attacks conducted by [redacted], the individual wrote management the following:

(U//~~FOUO~~) "*Unfortunately, the email below from [redacted] was on my mind quite a bit last night. Having been in the "working world" for quite a while, I hesitated to even say anything about it (but really needed to vent). Anyway, I have never in my career been treated in such a rude and unprofessional manner as I have with my three encounters with [redacted]. On no occasion have I been questioned so much about my role/responsibilities as I have by her, especially for a position that is deemed important to the government. If my actual job performance were in question, that would be one thing … but "what am I doing"?? I do realize that these are not aimed at me as a person, however it still does have an impact. Bottom line, it is not fun (or even pleasant) working on the same capability.*"

(U//~~FOUO~~) [redacted] has a long and ongoing documented history of "hijacking" meetings, making it impossible for the meeting holder or attendees to actually conduct business. In several cases, meetings have had to be adjourned, prior to accomplished tasks, in order to stave off her attacks; this results in the need to reschedule, ultimately costing the government thousands of dollars through the loss of countless lost man hours.

(U//~~FOUO~~) To-date, [redacted], in a direct act of insubordination, refuses heed any of her managers requests to cease and desist her attacks on this individual. While it is unknown what her vendetta is, it is known that it was not provoked by the besieged employee.

(U//~~FOUO~~) By harassing and attempting to intimidate [redacted] personnel, it is believed, and therefore averred that [redacted] violated **NSA/CSS Personnel Management Manual**

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(PMM) 30-2, Chapter 366, Section 2-1(A). Harassment and Intimidation, which states, "Employees will not use actions or words that denigrate or show hostility toward an individual for any reason… Likewise, employees will not use abusive or offensive language, gestures or other conduct (….) directed against other employees that could affect the individual's work performance or impact the work environment."

(U//~~FOUO~~) By creating a disturbance and environment prejudicial to good order and discipline, it is believed, and therefore averred that [redacted] was in contempt of the **NSA/CSS PMM Chapter 366, Personal Conduct Section 2-1. (*)E. Violence, Threatening Behavior, or Creating a Disturbance**, which states, "Employees will not threats, create a disturbance, engage in threatening behavior or perform acts of violence against Agency persons, activities, or properly. This behavior includes physical or verbal aggression or other threatening communication…"

(U//~~FOUO~~) In attempting to publicly humiliate and question [redacted] personnel, it is believed, and therefore averred that [redacted] was in contempt of the **NSA/CSS PMM Chapter 366, Personal Conduct, Section 1-3. (E). General Principles for On-The-Job Conduct**, which states, "Generally, every employee is expected to …Exercising courtesy and respect in dealings with fellow workers and the public..."

(U//~~FOUO~~) By creating a disturbance, and wasting time and man hours to accommodate her tantrums, it is believed, and therefore averred that [redacted] was in contempt of the **NSA/CSS PMM Chapter 366, Personal Conduct, Section 1-3. (H). Waste, Fraud and Abuse**, which states, "Employees have the responsibility to present information to Agency authorities regarding evidence of violation of law, rule or regulation; gross mismanagement; an abuse of authority; a substantial and specific danger to public health or safety; or any deficiencies, irregularities, waste, fraud, or other similar conditions which come to their attention."

(U//~~FOUO~~) By refusing to cease her harassment, it is believed, and therefore averred that [redacted] was wantonly in direct contempt of employee guidance of her MFR dated 6 November 2014, which states: **NSA/CSS Personnel Management Manual (PMM) 30-2, Chapter 366, Section 2-1(L). Insubordination,** which states, "Employees will respect Agency rules, regulations and supervisory authority and comply with authoritative instructions from supervisors and/or individuals in leadership positions…

(U//~~FOUO~~) on 19 November 214, [redacted] failed to report to work, and was subsequently placed in an AWOL status. [redacted] had received her most recent MFR on 6 November 2014. In that MFR, as well as during the execution of the MFR, [redacted] was informed that as a result of her abuse of process, she was to provide a doctor's note for any future sick leave. [redacted] contested that since she had received prior approval from her previous manager months prior, she would not need to comply for the forthcoming scheduled sick leave of 19 November 2014. Her Branch Chief, [redacted] as well as Division Chief, [redacted] informed her was not that case, and while she would be granted permission to take leave, she must provide the appropriate documentation upon her return. [redacted] declared that despite the MFR, she was not required, and essentially followed through with her declaration.

(U//~~FOUO~~) Upon her return, management besought [redacted] to provide documentation for sick leave taken on 19 November 2014. Again, [redacted] refused to provide documentation, diminishing the role of her MFR, and insisting that she was exempt from

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(b) (6)

such expectations.

(U//~~FOUO~~) Under constraints of the payroll system and processing, [redacted] Branch Chief, entered [redacted] as AWOL for 19 November 2014. Upon receiving her Leave and Earning Statement (LES), [redacted] contacted [redacted], informing him that he was in "violation of the MFR." While it remains unclear how [redacted] could be held liable for violating the MFR of [redacted], after working with OHESS and other resources, it was established that [redacted] had indeed violated her MFR, and subsequently the AWOL status was maintained.

(U//~~FOUO~~) It is documented, and therefore averred that [redacted] did, in a calculated manner decide to blatantly disobey the direct order of her superiors and her previously established **MFR dated 6 November 2014, Paragraph 3.7**, which clearly stated: If your leave request is not approved, you will be expected to report to work. If you are not able to report to work due to illness or to care for an ill family member, a doctor's note (medical certification) is required to support your absence; even absences less than 3 days. The medical documentation must include the reason(s) you (or a family member) were incapacitated for duty. You will be carried in an AWOL status until you have provided sufficient medical documentation. The note will be reviewed by OHESS to determine adequacy for approval of leave.

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(U//~~FOUO~~) It is documented, and therefore averred that [redacted] missed critical mission meetings and discussions, violating her **MFR dated 6 November 2014, Paragraph 5,** which states, "(U//FOUO) You are required to attend meetings requested by management at the prescribed location and time."

(U//~~FOUO~~) It is believed, and therefore averred that [redacted] violated **NSA/CSS Personnel Management Manual (PMM) 30-2, Chapter 366, Section 2-1(I). Unauthorized Absence,** which states, "Employees are required to obtain approval for absence from duty in accordance with the Agency regulations. Absences which are not approved in accordance with these requirements will be charges ad absence without leave (AWOL). An unauthorized absence includes failure to report to work; leaving the work station without permission; leaving before the end of the work day; and unexcused tardiness.

(U//~~FOUO~~) By refusing to proffer the required documentation, it is believed and therefore averred that [redacted] violated **NSA/CSS Personnel Management Manual (PMM) 30-2, Chapter 366, Section 2-1(J). Responding to Official Inquiries**, which states, "Employees are required to provide oral/written statements….. Likewise, employees must furnish information (including documents) freely and honestly, whether it is favorable or unfavorable."

(U//~~FOUO~~) On 21 November 2014, a meeting was held by [redacted] which to address the [redacted] In attendance at this meeting were: [redacted] The intent of the meeting was to [redacted]

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(U//~~FOUO~~) During this meeting you decried and accused senior management of attempting to cover up and conceal wrongful actions of both government and contractor personnel, going

so far as to accuse [redacted] of "lying," and other personnel of participating in a "cover up." Despite the presence and opining of Office of General Council personnel, you continued to berate those around you. Your conduct during this meeting was unbecoming and not conducive to a professional work environment.

(U//~~FOUO~~) Not satisfied with the finding of the OGC and senior personnel, you continued to proclaim your distain and disapproval for the outcome of the meeting. OGC stated that you were welcome to follow through with your allegation of filing and IG, and to this, senior management showed their full support. Upon returning to your desk, you continued to accuse individuals of being part of a cover up. You were asked to cease the accusations and perform your work role; all the while, being afforded the option of filing an IG.

(U//~~FOUO~~) It is well documented, and therefore averred that [redacted] was wantonly in direct contempt of employee guidance of her MFR dated 6 November 2014, which states: **NSA/CSS Personnel Management Manual (PMM) 30-2, Chapter 366, Section 2-1(L). Insubordination,** which states, "Employees will respect Agency rules, regulations and supervisory authority and comply with authoritative instructions from supervisors and/or individuals in leadership positions…"

(U//~~FOUO~~) As a result of her outbursts and accusations during a meeting, it is a believed and therefore averred that [redacted] was in direct contempt of **NSA/CSS PMM Chapter 366, Personal Conduct, Section 2-1. WORK ENVIRONMENT**, which states, "Employees will not engage in any conduct that creates a hostile work environment and/or interferes with an individual's work performance. Insubordination - Employees will respect Agency rules, regulations, and supervisory authority and comply with authoritative instructions from supervisors and/or individuals in leadership positions (to include carrying out work assignments in a timely manner)."

(U//~~FOUO~~) In verbally accusing others, and creating an environment prejudicial to good order and discipline, it is believed, and therefore averred that [redacted] was in contempt of the **NSA/CSS PMM Chapter 366, Personal Conduct, Section 1-3. E. General Principles for On-The-Job Conduct**, which states, "Generally, every employee is expected to … Exercising courtesy and respect in dealings with fellow workers and the public..."

(U//~~FOUO~~) On 1 December 2014, at 1037 [redacted] was asked to perform a critical mission task. [redacted] refused said task, demanding evidence that management had the authority to request her take this action. Within hours, managers, as well as legal officers outlined not only their authority, but further, the legal parameters of this mission critical request. Recognizing the importance of this mission request, her Branch Manager, [redacted] her Division Chief, [redacted] and her Office Chief, [redacted] respectfully asked her to follow her LOC, LOR, MFR and ACE objectives, and execute her assigned task.

(U//~~FOUO~~) Unwilling to comply or work with managers to execute the mission, [redacted] began a week-long campaign of refusing to perform her job, all the while, inhibiting managers from executing the needed tasking. [redacted] successfully belabored the process by demanding more, and yet more documentation, validations and "proof" that management could indeed request this action. [redacted] often refused on the grounds of "illegal" actions, and her obligation to neither condone nor participate in illicit actions. When managers would proffer evidence to the contrary, [redacted] would accuse them of lacking the intellectual ability to comprehend oversights directives. When Policy Oversight and

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Compliance and [redacted] weighed in on the matter, [redacted] would stymie the process by declaring them "incompetent" and unknowing of related policies or "new procedures."

(U//~~FOUO~~) On 2 December 2014, [redacted] began a full onslaught of employing techniques by which to stall, hinder and preclude managers and mission analysts to work. Throughout the week, over numerous emails and verbal conversations, she continued to berate leadership, the Policy Oversight and Compliance, [redacted] or any other character that unknowingly fell within the scope of her barrage. Her affinity for diminishing the capacity of leadership reached to the Office Chief, whom she accused of not holding the cognitive ability to perform his job, and therefore she was not obliged to follow his direction.

(U//~~FOUO~~) This true standoff culminated on Friday, 5 December 2014; despite facing a prodigious and overwhelming amount of compelling evidence, she declared that she would not execute the mission, but rather she would be leaving early for scheduled leave. Unwilling to perform her mission throughout the week, she held up critical mission objectives and placed NTOC, and subsequently the Agency and IC at risk.

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(U//~~FOUO~~) In the waning moments of 5 December 2014, in a final moment of desperation, [redacted] confronted [redacted] on her unwilling stance to support a very critical mission in a time of need; [redacted] covered her ears and began to chant unknown words, while clearly stating, "Don't yell at me." With no less than three witnesses, at no point did [redacted] yell at the subject; yet rather in a stern voice, he did lay out not only his, but his seniors expectations. [redacted] reiterated that she would not perform her functions, rather informing [redacted] that she would be leaving within moments for her weekend holiday. [redacted] then embarked upon a diatribe regarding [redacted] proclivity for the use or implementation of AWOL, which must have been spawned by her most recent and documented AWOL occurrence on 19 November 2014. Continuing to cover her ears, she stated she would be leaving, and would not be deterred, despite mission needs.

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(U//~~FOUO~~) Perhaps the most alarming aspect of [redacted] behavior was found in her announcement, that after five days of asking her to perform her job, and her ongoing and documented refusal, that she did not know how regardless, and it would take "some time" to learn how to perform the mission.

(U//~~FOUO~~) Within moments of [redacted] self proclaimed right to depart, oversight sent yet another emailing clarifying the legitimacy of her Chain of Commands (CoCs) request; unfortunately, [redacted] had already vacated the premises. As a result of her week-long actions, and subsequent departure the mission was not able to be completed.

(U//~~FOUO~~) On Monday, 8 Monday 204, [redacted] finally capitulated that management was correct in their initial [redacted] on the 1 December 2014. After conceding to this, [redacted] stated she would now attempt to [redacted] waited only moments before informing her managers that due to established policies, she would not be [redacted]

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(U//~~FOUO~~) As the senior [redacted] fully aware for over a week of this critical mission need, her lack of foresight again impeded the mission. With ACE objectives clearly establishing roles and expectations of a GG-15, it is well within her grade expectations and scope of work to ensure that management is aware of any over-the-horizon challenges.

Again, [redacted] showed her complete lack of professionalism and complete disregard for mission, making no effort to assist senior managers as they sought to support the mission. Again, through display of her actions, or rather inactions, it is readily evident that [redacted] holds her own, self-serving agenda, which does not include the success of her organization, NTOC or the Agency as a whole.

(U//~~FOUO~~) While her rationale for stalling the process can be argued, what cannot be argues is the success of it. [redacted] successfully held up a critical mission for over a week, violating the PMM, which states,

(U//~~FOUO~~) (SPEAK FROM ACE IN REGARDS TO FORECASTING CHALLENGES)

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(U//~~FOUO~~) It is believed, and therefore averred that by her actions and disobedience to execute mission critical elements of her job, [redacted] violated **NSA/CSS Personnel Management Manual (PMM) 30-2, Chapter 366, Section 2-2(A) Personnel Security Requirements,** which states, "Behavior, activities or associations that raise doubts about an individual's reliability, trustworthiness, or loyalty to the U.S. Government…"

(U//~~FOUO~~) It is believed, and therefore averred that by her actions and disobedience to execute mission critical elements of her job, [redacted] violated **NSA/CSS Personnel Management Manual (PMM) 30-2, Chapter 366, Section 2-2(E) Personnel Security Requirements,** which states, "Criminal, dishonest, or other conduct that would reflect adversely on the individual's reliability or trustworthiness."

(U//~~FOUO~~) It is believed, and therefore averred that by her actions and disobedience to execute mission critical elements of her job, [redacted] violated **NSA/CSS Personnel Management Manual (PMM) 30-2, Chapter 366, Section 2-2(G) Personnel Security Requirements,** which states, "Behavior which reflects a lack of judgment and discretion or which offers the potential for undue influence, duress or exploitation."

(U//~~FOUO~~) It is well documented, and therefore averred that [redacted] was wantonly in direct contempt of employee guidance of her MFR dated 6 November 2014; which states: **NSA/CSS Personnel Management Manual (PMM) 30-2, Chapter 366, Section 2-1(L). Insubordination**, which states, "Employees will respect Agency rules, regulations and supervisory authority and comply with authoritative instructions from supervisors and/or individuals in leadership positions (to include carrying out work assignments in a timely manner."

(U//~~FOUO~~) It is believed, and therefore averred that [redacted] violated **NSA/CSS Personnel Management Manual (PMM) 30-2, Chapter 366, Section 2-1(I) Unauthorized Absence,** which states, "Employees are required to obtain approval for absence from duty in accordance with the Agency regulations. Absences which are not approved in accordance with these requirements will be charges ad absence without leave (AWOL). An authorized absence includes failure to report to work; leaving the work station without permission; leaving before the end of the work day; and unexcused tardiness.

(U//~~FOUO~~) DISCUSSION

(U//~~FOUO~~) Based on [redacted] continuous misconduct resulting in counterproductive workplace behavior and negative mission impact, [redacted] requests Employee Relations' involvement for appropriate disciplinary action against [redacted]. From multiple days of AWOL to harassing co-workers, [redacted] actions are neither controllable nor predictable. As presented , and documented in multiple email threads sent to MR, [redacted] has a documented history of not following supervisory direction to report her whereabouts as required by Agency policy, resulting in several incidents of AWOL, as reflected by LES. By also employing the tactic of "not seeing" emails, [redacted] refuses to respond to any email that requests she declare her current location. [redacted] refuses to engage managers and makes every attempt to sidestep or circumvent the chain of command, making her accountability and work productivity unsuccessful. [redacted] actions directly impacted mission, holding up a request for [redacted] by over a week; this egregious action placed NTOC in a precarious and vulnerable position. All attempts to resolve this employee's conduct issues have failed thus far indicating that reform is unlikely.

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(U//~~FOUO~~). While [redacted] is very grateful for the support and actions taken on their part by MR, [redacted] must ask yet again that actions be taken. All aforementioned transgressions have transpired since the date of her proposal for suspension, indicating that again, without intervention and action from MR, her management has no reason or indication that she will alter her current course.

V/r,

[redacted]

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(b) (6)

(U//~~FOUO~~)

[redacted]

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

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

APPENDIX 36

~~(S//REL~~) ACE Evaluation, [redacted] . . . . . (b) (6)

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NSA 21890

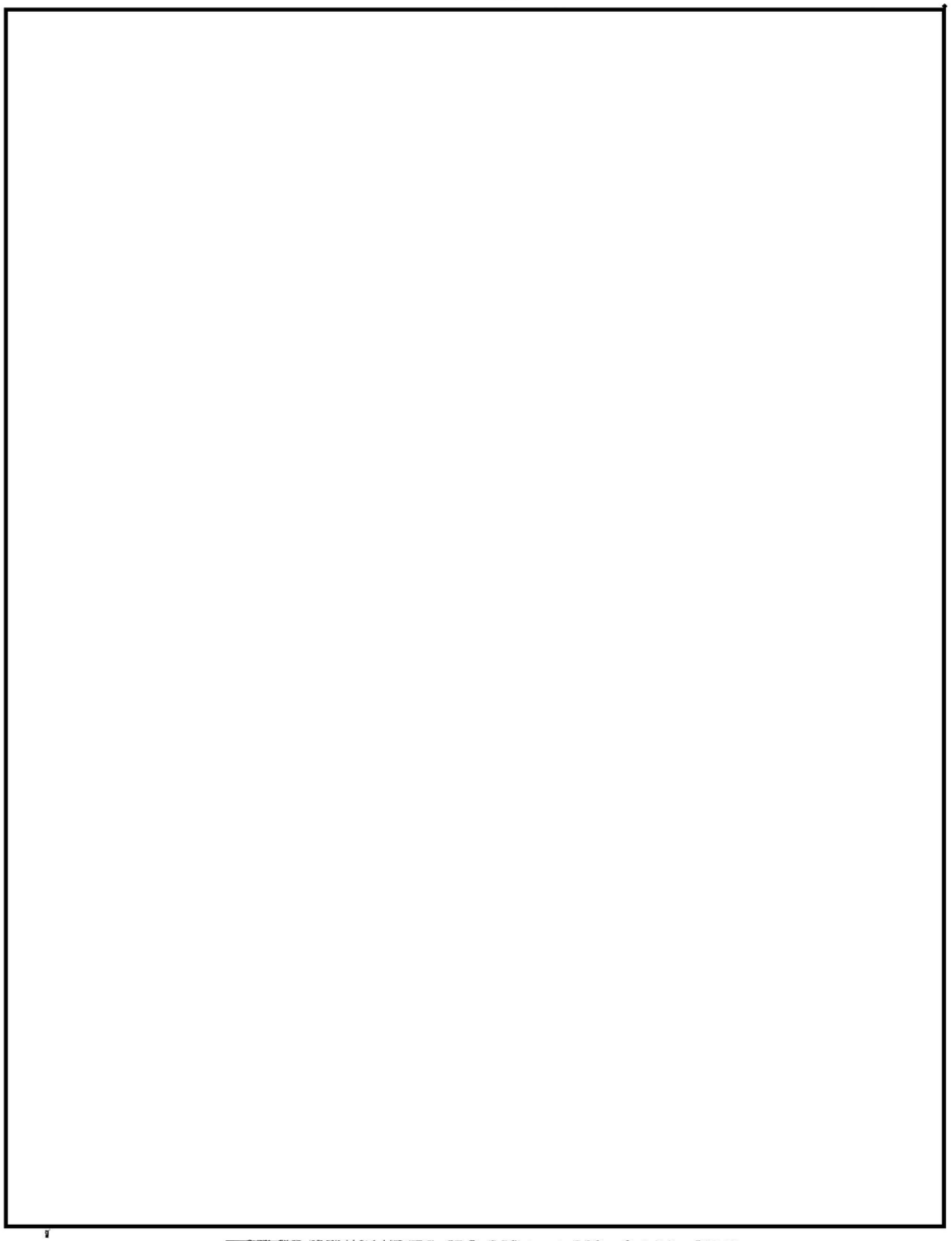
PRIVACY ACT STATE:ME'\IT :
Authority for collecting information requested on this form is contained I0 U.S.C. Sections 1601-1614, 50 U.S.C. Sectbn 402 note,and Executive Orders 12333 and 12968. NSA's Blanket Routine Uses found at 58 Fed.Reg. 10,531 (1993) as well as the specific uses found in GNSA09 apply to this infonnation. The requested information will be used for promotion, training, assignment and other human resource purposes. Your disclosure of requested information is voluntary. However, failure to furnish the requested infonnation, other than the Employee D number, may delay inclusion of the information into your personnel files for consideration in human resource actions.

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(b) (6)

Performance Document - Pert. Plan and Evaluation

Manager Evaluation

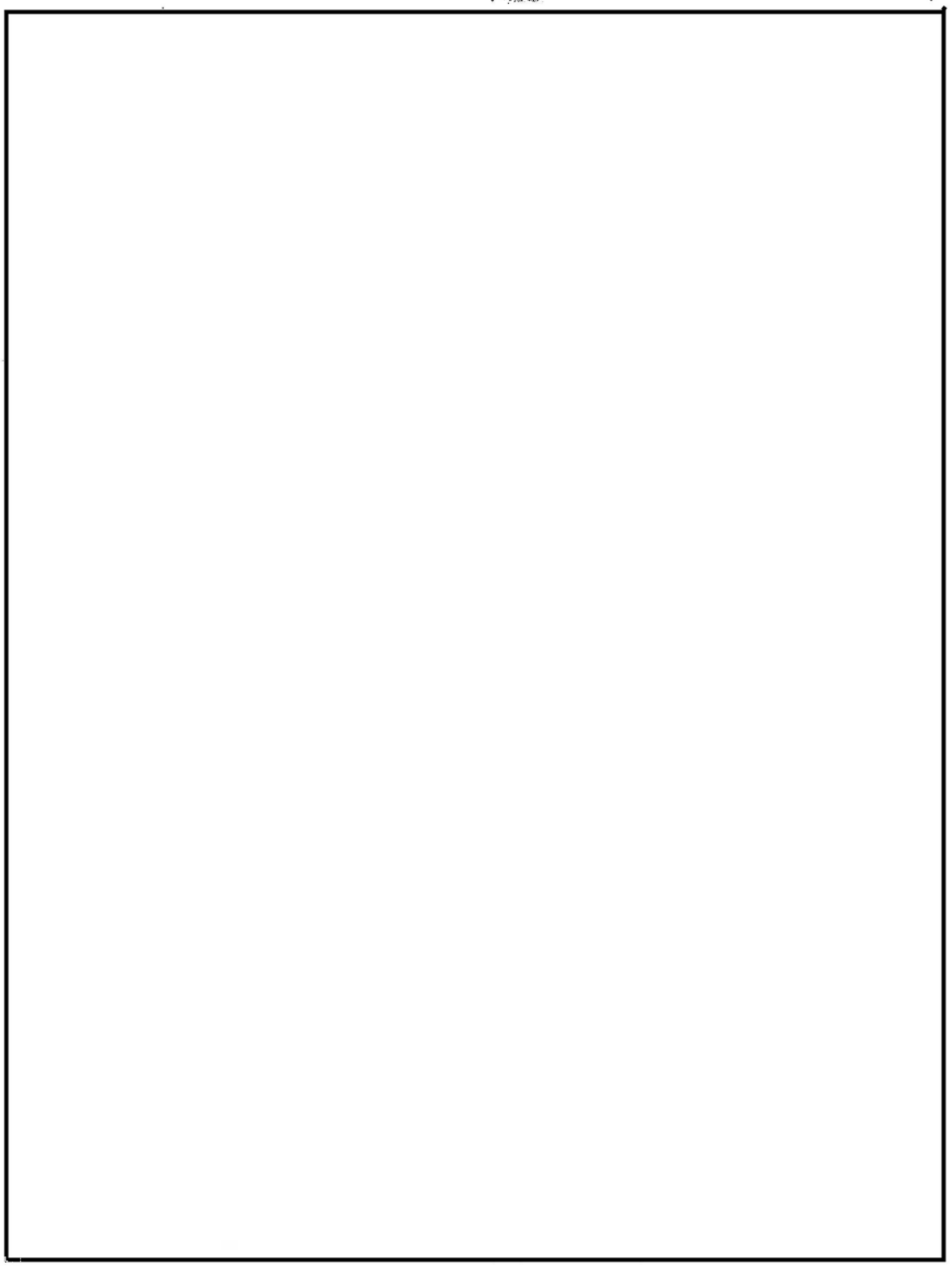
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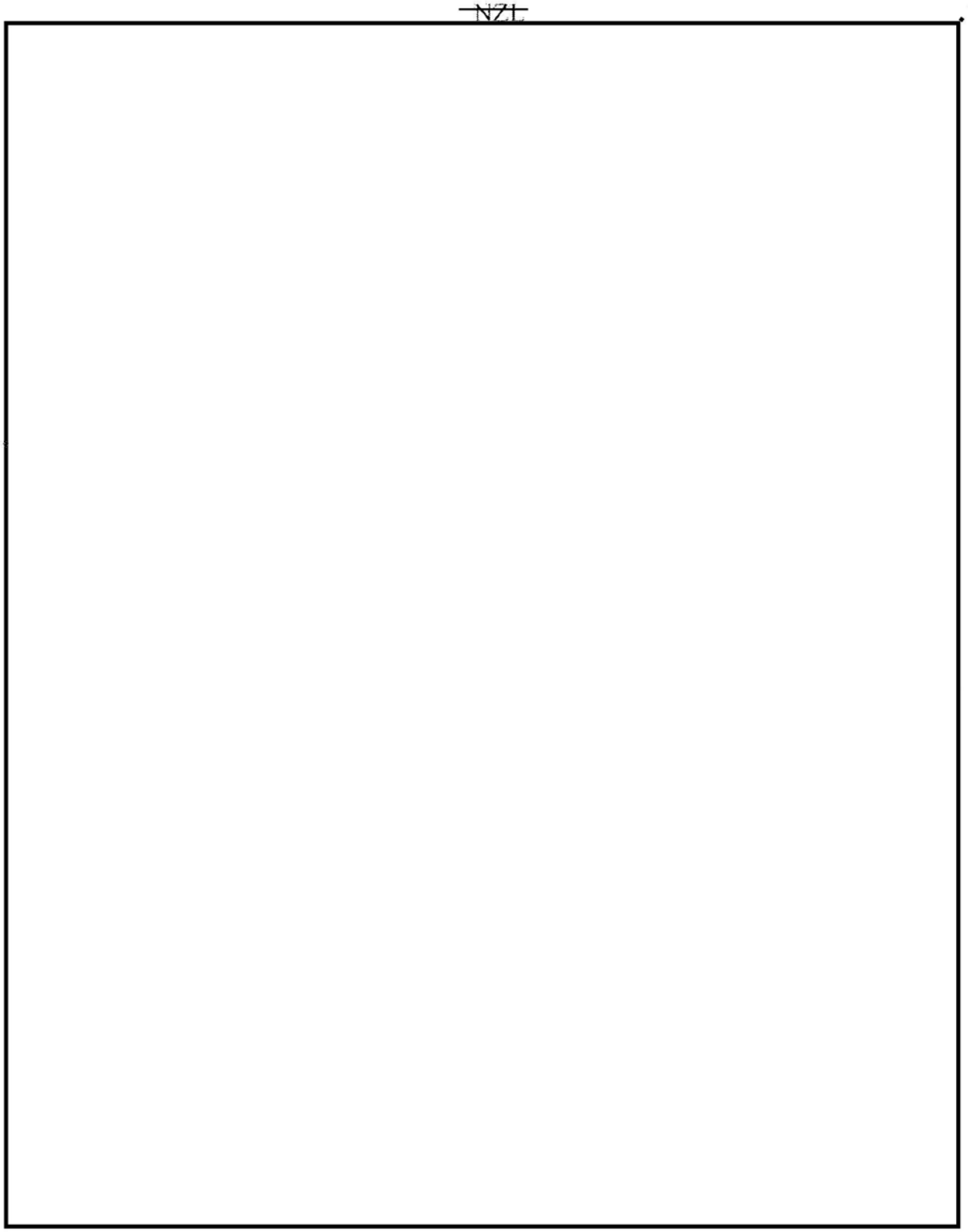
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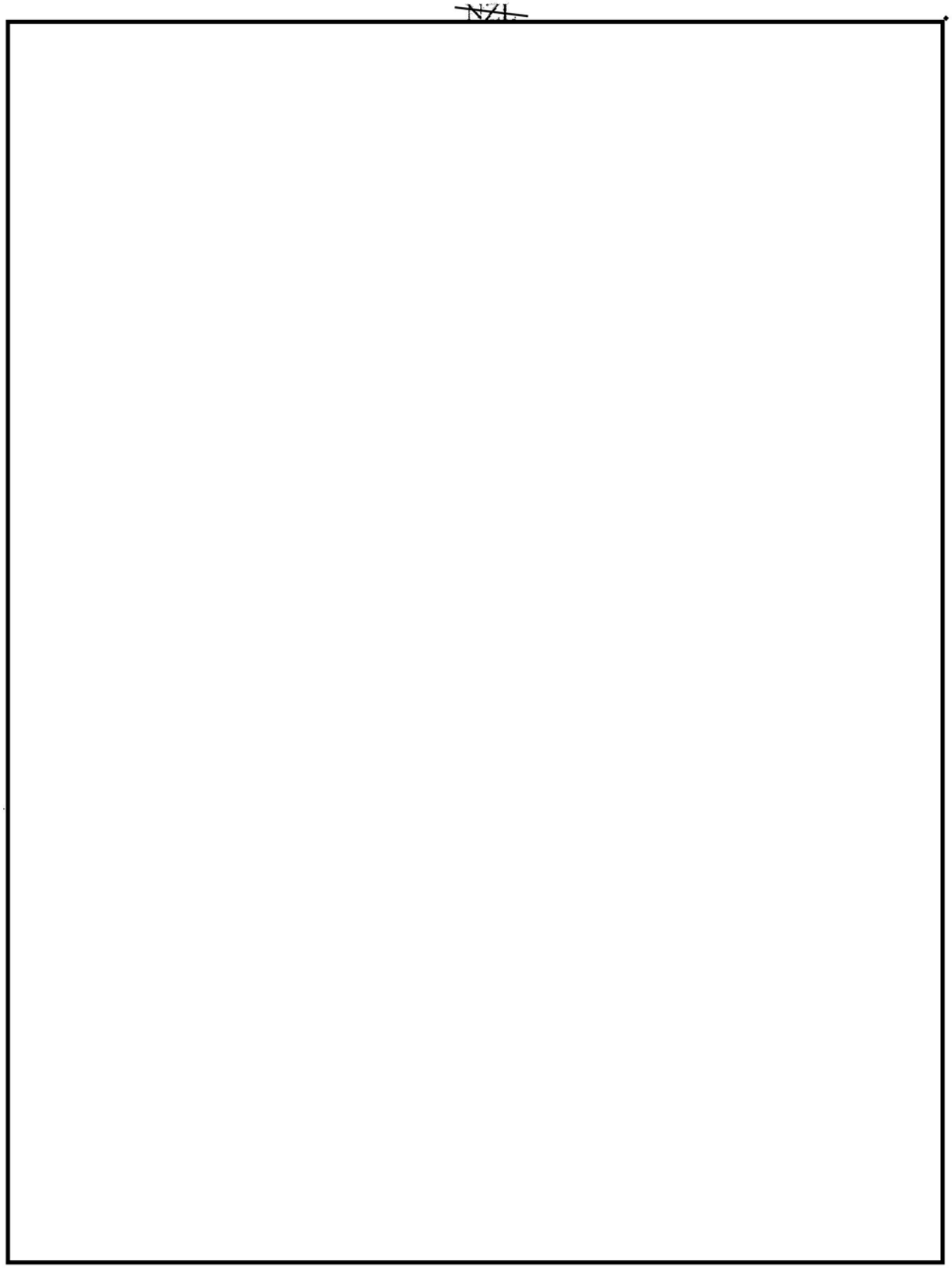
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~~SECRET//SI//REL TO USA, AUS, CAN, GBR, NZL~~

Section 3 - Employee Comments

Comments:

Section 4 - Overall Summary

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(b)(6)

Rating: Not Rated 0.00

Section 5 - Signatures

Employee Name: Date Acknowledged

Rater Name: Date Completed

Reviewer Name: Date Approved

APPENDIX 37

(U//~~FOUO~~) [redacted] email to [redacted] 10 February 2015

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(b)(6)

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(b) (6)

From: [redacted]
To:
Cc: [redacted]
Subject: (U) Submit the paperwork . . . . .
Date: Tuesday, February 10, 2015 8:16:42 AM

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

[redacted]

See email below I drafted. If sent directly to him, (don't mention me [redacted] he will address with me and he will definitely send you a response.
I would highly recommend, you send it. This way, it isn't just a conversation between him & I. If he sees it in writing, he will come to me and advise. Feel free to edit/change/add/delete at will, but something like that.

Thanks guys!

[redacted]

[redacted]

I understand that you have been kept apprised of the disciplinary actions and case involving [redacted]. As a management team, who has been advised from the beginning, to document everything ***thoroughly***, we have gone to great lengths to do just that. Since our last submission of an SPF asking for MR to take action (dated_____), the offenses continued and we continued to document them.

[redacted] has moved on to another organization, effective [redacted]. We are not submitting this documentation out of malice or for retaliation; rather, for the purpose of providing documentation of continued misconduct for a period of time that would otherwise be "missing" from the record. These offenses, in many ways, represent the more egregious to date.

We will leave any decisions for action, if any, up to your office, but respectfully request that the information is at least included as a matter of record as captured in the enclosed SPF.

Thank you in advance,

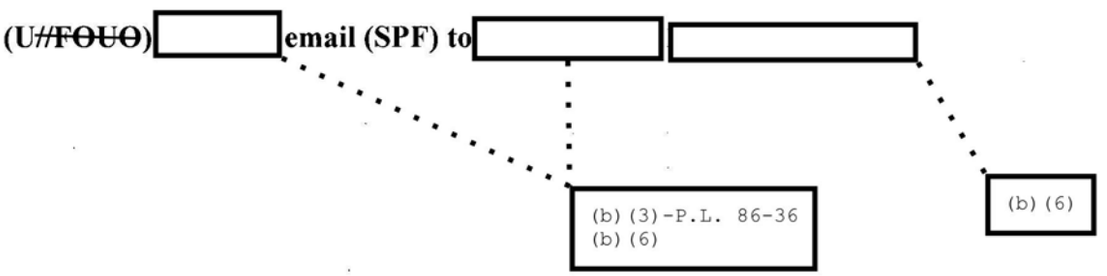
[redacted]

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

(b) (6)

Release 2022-9
NSA 21899

APPENDIX 38



From: [redacted]
To:
Cc: [redacted]

Subject: (U) Final SPF ICO [redacted]
Date: Wednesday, February 11, 2015 6:56:08 AM
Attachments: SPF [redacted] 10FEB15.pdf

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

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

[redacted]

Attached you will find the final proposed Staff Processing Form (SPF) for [redacted] should already be aware of the fact that MR has requested the submission of this. As an organization, we had paused to consider if this is the most prudent move; as MR deems it so, I have completed the appropriate documentation and do respectfully present the attached.

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

V/r,

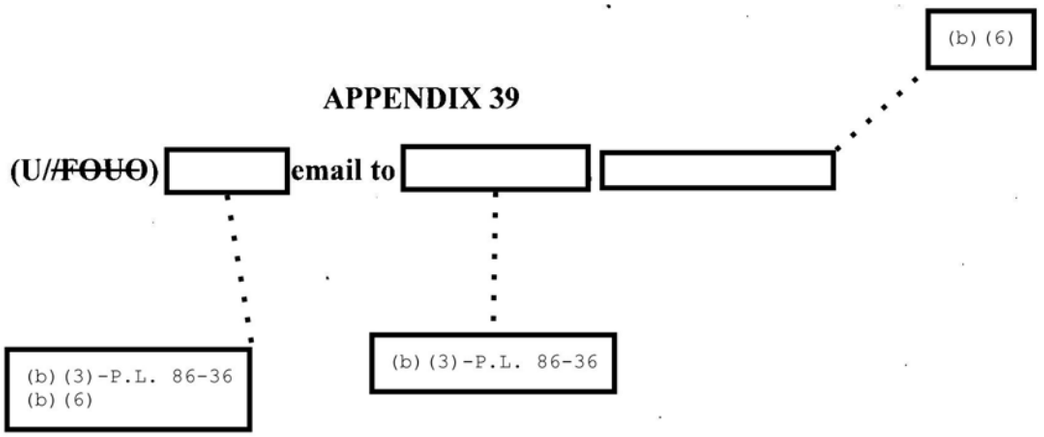
[redacted]

(U//~~FOUO~~)

[redacted]

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

APPENDIX 39



From:
To:
Cc:

Subject: RE: (U) SPF ICO
Date: Monday, 12:32:35 PM

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

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

we will retain a copy of your submission in the employee's file. Thanks.

Chief, Employee Relations

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

~~**PERSONNEL PRIVILEGED INFORMATION**~~
~~**Do not release without approval of Employee Relations**~~

From:
Sent: Monday, 7:55 AM
To:
Cc:

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

Subject: (U) SPF ICO

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

(U//~~FOUO~~) I understand that you have been kept apprised of the disciplinary actions and case involving one As a collective management team, we have been advised from the beginning, to document everything in an unbiased and meticulous manner; we have gone to great lengths to do just that. Since our last submission of an SPF asking for MR to take action 6 November 2014, the offenses continued, and were subsequently documented in a tedious fashion.

(U//~~FOUO~~) Since the last SPF, has since moved on to another organization, effective . is not submitting this documentation out of malice or for retaliation; rather, for the purpose of providing documentation of continued misconduct for a period of time that would otherwise be "missing" from the record. These offenses, in many ways, represent the most egregious to date, and as such, we are compelled to ensure some level accountability is maintained.

(b) (6)

(U//~~FOUO~~) We will leave any decisions for action, if any, up to your office, but respectfully request that the information is at least included as a matter of record as captured in the enclosed SPF.

(U//~~FOUO~~) If there is anything we can do to better support you or your office, please let me know.

V/r,

[redacted]

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

(U//~~FOUO~~)

[redacted]

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

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

Doc ID: 6783398

UNCLASSIFIED/~~FOR OFFICIAL USE ONLY~~

SECURITY CLASSIFICATION

NSA STAFF PROCESSING FORM

TO	EXREG CONTROL NUMBER	KCC CONTROL NUMBER
MR		

THRU	ACTION	EXREG SUSPENSE
	☒ APPROVAL	
SUBJECT	☐ SIGNATURE	KCC SUSPENSE
Request for Employee Relations Disciplinary Action	☐ INFORMATION	ELEMENT SUSPENSE

DISTRIBUTION

NTOC Chief of Staff

SUMMARY

(U//~~FOUO~~) RECOMMENDATION

(U//~~FOUO~~) Employee Relations (MR) take appropriate disciplinary action for a [redacted] employee.

(U//~~FOUO~~) PURPOSE

(U//~~FOUO~~) Document the request for Employee Relations to take appropriate disciplinary action for an employee consistently not following supervisory instructions.

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

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

(U//~~FOUO~~) BACKGROUND

(U//~~FOUO~~) On 10 October 2014, [redacted] of [redacted] was presented with a Proposal for Suspension by Employee Relations (ER), following the submission of a Staff Processing Form (SPF) by [redacted] as approved by [redacted] this was only submitted as all attempts to resolve the employees conduct had failed, and reform from within the organization was unlikely. Without intervention and subsequent action from MR, [redacted] management had no reason or indication to believe that she would deter from her current course. As a result of this SPF, MR submitted a Proposal for Suspension (PS).

Change Name and Date column(s) type

COORDINATION/APPROVAL

Additional Comments

OFFICE	NAME AND DATE	SECURE PHONE	OFFICE	NAME AND DATE	SECURE PHONE
[redacted]					
		969-2995			

ORIGINATOR	ORG.	PHONE (Secure)	DATE PREPARED
	[redacted]	969-3221	[redacted]

FORM A6796D REV APR 2014 (Supersedes A6796D JUN 2012)
NSN: 7540-FM-001-5465

SECURITY CLASSIFICATION

Derived From: _____

Dated: _____

(b)(6)

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NSA 21905

(U//~~FOUO~~) Since the aforementioned date, [redacted] has made no progress. Not only has [redacted] failed to progress, sadly her professional behavior has regressed; deteriorating and eroding to the point where communication and work production are non-existent. As stated in her prior SPF, [redacted] refused to engage managers or respect leadership; always attempting to sidestep or circumvent the chain of command, making her accountability and work productivity unsuccessful. Her unwillingness to comply with the most basic and legal of requests proved her desire to test her immediate management at every move, and exposed her undermining desires. As before, all attempts to resolve this employee's conduct issues have failed thus far indicating that reform is unlikely. Without intervention and action from MR, her management has no reason or indication to believe that she will alter her current course.

(U//~~FOUO~~) Following the issuance of her Proposal for Suspension, [redacted] continued to arrive and depart work at arbitrary hours that did not fall within the parameters of her MFR. In doing so; [redacted] did breach her MFR on the following dates:

- 21 October 2014: Reported to work late;
- 22 October 2014: Reported to work late;
- 23 October 2014: Reported to work over one hour late;
- 24 October 2014: Reported to work late;
- 3 November 2014: Reported to work late, failed to report departure;
- 4 November 2014: Reported to work late:
- 5 November 2014; Reported to work late, failed to report departure;
- 6 November 2014; Reported to work late, failed to depart on time;

(U//~~FOUO~~) On 23 October 2014, her supervisor attempted to track down [redacted] physical location, as well as ensure that she updated her J-Signout as outlined in her MFR. Responding via email to this request, [redacted] stated: "My physical whereabouts are at my workplace, which includes my desk, the hallways, the ladies rooms, the cafeterias, my colleagues' workspaces, and the meeting rooms for meetings in my calendar. Does that answer your question?" This response neither accounted for her presence, nor ensured the ability to do so in the future. [redacted] continued and blatant attempts to impede management's ability to properly account for her, made it impossible to not only follow MFR procedures but account for her physical security and work functions.

(U//~~FOUO~~) By refusing to comply with her MFR, it is believed and therefore averred that [redacted] breached her **MFR 7OCT14, Paragraph 3.1**, which states "Your current duty hours are 0900-1730 (or 1600 if you opt out of the 30-minute meal period), Monday through Friday; everyone has a recorded start time to ensure accountability; the fact that you have refused to sign your P6952 does not exempt you from accountability; you are required to be present during office core hours (0900-1300); all requests to flex your schedule must have **prior** management approval."

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

Additional Comments | Delete Comments

Release 2022-9
NSA 21906

(b) (6)

(U//~~FOUO~~) Immediately upon issuance of her SPF dated [redacted] began a campaign of attacking contractors within her organization. Despite management asking her to curb her attacks, and the lack of any authority thereto, [redacted] began to berate, demean, and single-handedly "push" contractors out of the organization. [redacted] habitually sought out isolated contractors and embarked on a pattern of verbal aggression, questioning their abilities, their work roles and demanding to speak to their contracting officer representatives (CORs) to opine on their inability to perform; this was often conducted within the office, exuding menacing conduct and unusual behavior that disrupted the workplace. In many cases the individuals attempted to extract themselves from the situation and mental/verbal abuse, but she physically located herself in a position to make such evasion and egress impossible.

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

(U//~~FOUO~~) On 23 October 2014, against previous counseling and documented requests, [redacted] began to berate a contractor from another branch during a meeting. [redacted] demanded that he account for his presence, work role, and justification for his time. This was the second time [redacted] harassed this employee for the same cause; she was previously informed of his name, his role, and was respectfully told to allow management to dictate roles within the organization - [redacted] response was that it "was her responsibility" and that she would continue to investigate others' roles as she deemed right.

(U//~~FOUO~~) To-date, management has been unable to bridle these outbursts and attacks; below are the extracts and witness of one such case:

(U//~~FOUO~~) October 27: "*During a meeting in [redacted] area, but she was not a participant; she interjected herself and made claim that she had spoke to NSA Seniors on an issue, and she was representing their requirements, but she didn't have it in writing. She went on to say that it wouldn't matter if it was in writing since nobody in the meeting was technical (aka smart) enough to understand them, and she was the only one in [redacted] who had the necessary background to interpret the requirements the NSA Senior made. Once again, the meeting was thrown off track and she refused to get or put her remarks in writing but she would continue to disapprove the request that was being discussed..... With [redacted] reputation, her calling me out for unprofessional behavior is a bullying and belittling tactic.*"

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

(U//~~FOUO~~) The loss of these precious commodities (contractor support) placed an undue toll upon the organization, and greatly hindered mission. In allegations forthcoming, there is a clear tie to a lack of human capitol, and the subsequent ability to [redacted] at a critical mission time, due to the loss of an individual that could no longer work in the abusive environment created by [redacted].

(U//~~FOUO~~) Through her acts of aggression, it is believed, and therefore averred that [redacted] violated **NSA/CSS Personnel Management Manual (PMM) 30-2, Chapter 366, Section 2-1(E),** which states, "Employees will not make threats, create a disturbance or engage in threatening behavior or perform acts of violence against Agency persons, activities or property. This behavior includes physical or verbal aggression, other threatening communications (e.g. writing or gestures), menacing conduct and disorderly or unusual behavior that disrupts the workplace.

Additional Comments **Delete Comments**

SECURITY CLASSIFICATION

(U//~~FOUO~~) By reaching beyond her position to conduct ad hoc inquiries and investigations on government time, [redacted] wasted government time and money; it is believed, and therefore averred that [redacted] violated **NSA/CSS Personnel Management Manual (PMM) 30-2, Chapter 366, Section 2-1(H),** which states, "Employees have the responsibility to present information to Agency authorities regarding evidence of violation of law, rule or regulation; gross mismanagement; an abuse of authority; a substantial and specific danger to public health or safety; or any deficiencies, irregularities, waste, fraud, or other similar conditions which come to their attention.

(U//~~FOUO~~) By continually overstepping her boundaries, claiming to posses power and making decisions on behalf of leadership without vested authority; it is believed, and therefore averred that [redacted] violated **NSA/CSS Personnel Management Manual (PMM) 30-2, Chapter 366, Section 2-1(K),** which states, "Employees will not knowingly make or present false or fraudulent statement or claim…"

(U//~~FOUO~~) By refusing to heed the demands of her management to cease and desist from any further attacks and harassment of [redacted] personnel, it is believed, and therefore averred that [redacted] was wantonly in direct contempt of employee guidance of her MFR dated 6 November 2014, which cites the **NSA/CSS Personnel Management Manual (PMM) 30-2, Chapter 366, Section 2-1(L). Insubordination**, and goes on to state, "Employees will respect Agency rules, regulations and supervisory authority and comply with authoritative instructions from supervisors and/or individuals in leadership positions…"

(U//~~FOUO~~) On 23 October 2014, [redacted] stopped a meeting in order to verbally attack [redacted] personnel. [redacted] specifically targeted a contractor within [redacted] who had recently started with the organization. Following the guidance of management, and in attempt to perform his job, this individual was an attendee. Unfortunately for this individual, [redacted] did not feel as though his presence was warranted, to which she began to not only berate his abilities, but question his use of government time and money on said project.

(U//~~FOUO~~) Continuing an unsolicited onslaught of verbal abuse, [redacted] then augmented her tactics with written challenges; on 30 October 2014, without informing management, [redacted] drafted a letter to the individual requesting that he account to her for his actions and tasking. [redacted] holds no authority by which to make such a request, yet she further outlined her issues with his involvement, and informed him that he was "out of your lane" working on said project.

(U//~~FOUO~~) After numerous verbal and written attacks conducted by [redacted], the individual wrote management the following:

(U//~~FOUO~~) "*Unfortunately, the email below from [redacted] was on my mind quite a bit last night. Having been in the "working world" for quite a while, I hesitated to even say anything about it (but really needed to vent). Anyway, I have never in my career been treated in such a rude and unprofessional manner as I have with my three encounters with [redacted] On no occasion have I been questioned so much about my role/responsibilities as I have by her, especially for a position that is deemed important to the government. If my actual job performance were in question, that would be one thing … but "what am I doing"?? I do realize that these are not aimed at me as a person; however it still does have an impact. Bottom line, it is not fun (or even pleasant) working on the same capability.*"

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

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

Additional Comments | Delete Comments

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NSA 21908

(U//~~FOUO~~) [redacted] has a long and ongoing documented history of "hijacking" meetings, making it impossible for the meeting holder or attendees to actually conduct business. In several cases, meetings had to be adjourned, prior to accomplished tasks, in order to stave off her attacks; this resulted in the need to reschedule, ultimately costing the government thousands of dollars through the loss of man hours.

(U//~~FOUO~~) To-date, [redacted], in a direct act of insubordination, refused to heed any of her managers requests to cease and desist these attacks upon this individual. While it is unknown what her personal objectives were, it is known that she was not provoked by the besieged employee.

(U//~~FOUO~~) On 14 November 2014, contract management [redacted] reached out to [redacted] management, to address concerns that they were having issues filling billets due to [redacted] actions towards her coworkers, stating: "While [redacted] has a contractual responsibility to staff the positions quickly, with qualified candidates, the Gov't also has a responsibility to foster an environment where people are not verbally abused or bullied. [redacted] behavior is now impeding the contractor's ability to meet contractual requirements. Anything that [redacted] management can do to mitigate this issue is greatly appreciated."

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

(U//~~FOUO~~) The fact that this was addressed is significant, in light of the fact that the manager requesting intervention was unaware, and therefore unbiased in their assessment of the situation, only seeking to foster a climate where individuals felt safe and comfortable.

(U//~~FOUO~~) By harassing and attempting to intimidate [redacted] personnel, it is believed, and therefore averred that [redacted] violated **NSA/CSS Personnel Management Manual (PMM) 30-2, Chapter 366, Section 2-1(A). Harassment and Intimidation,** which states, "Employees will not use actions or words that denigrate or show hostility toward an individual for any reason… Likewise, employees will not use abusive or offensive language, gestures or other conduct (….) directed against other employees that could affect the individual's work performance or impact the work environment."

(U//~~FOUO~~) By creating a disturbance and environment prejudicial to good order and discipline, it is believed, and therefore averred that [redacted] was in contempt of the **NSA/CSS PMM Chapter 366, Personal Conduct Section 2-1. (*)E. Violence, Threatening Behavior, or Creating a Disturbance**, which states, "Employees will not threats, create a disturbance, engage in threatening behavior or perform acts of violence against Agency persons, activities, or properly. This behavior includes physical or verbal aggression or other threatening communication…"

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

(U//~~FOUO~~) In attempting to publicly humiliate and question [redacted] personnel, it is believed, and therefore averred that [redacted] was in contempt of the **NSA/CSS PMM Chapter 366, Personal Conduct, Section 1-3. (E). General Principles for On-The-Job Conduct**, which states, "Generally, every employee is expected to … Exercising courtesy and respect in dealings with fellow workers and the public..."

(U//~~FOUO~~) By creating a disturbance, and wasting time and man hours, it is believed, and therefore averred that [redacted] was in contempt of the **NSA/CSS PMM Chapter 366, Personal Conduct, Section 1-3. (H). Waste, Fraud and Abuse**, which states, "Employees have the responsibility to present information to Agency authorities regarding evidence of violation of law, rule or regulation; gross mismanagement; an abuse of authority; a substantial and specific danger to public health or safety; or any deficiencies, irregularities, waste, fraud, or other similar conditions which come to their attention."

Additional Comments | Delete Comments

Release 2022-9
NSA 21909

SECURITY CLASSIFICATION

(U//~~FOUO~~) By refusing to cease her harassment, it is believed, and therefore averred that [redacted] was wantonly in direct contempt of employee guidance of her MFR dated 6 November 2014, which states: **NSA/CSS Personnel Management Manual (PMM) 30-2, Chapter 366, Section 2-1(L). Insubordination,** "Employees will respect Agency rules, regulations and supervisory authority and comply with authoritative instructions from supervisors and/or individuals in leadership positions…

(U//~~FOUO~~) On 19 November 214, [redacted] failed to report to work, and was subsequently placed in an AWOL status. [redacted] had received her most recent MFR on 6 November 2014. In that MFR, as well as during the execution of the MFR, [redacted] was informed that as a result of her abuse of process, she was to provide a doctor's note for any future sick leave. [redacted] contested that since she had received prior approval from her previous manager months prior, she would not need to comply for the forthcoming scheduled sick leave of 19 November 2014. Her acting management, as well as Division Chief, [redacted] informed her this was not that case, and while she would be granted permission to take leave, she must provide the appropriate documentation upon her return. [redacted] declared that despite the MFR, she was not required, and essentially followed through with her declaration.

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

(U//~~FOUO~~) Upon her return, management besought [redacted] to provide documentation for sick leave taken on 19 November 2014. Again, [redacted] refused to provide documentation, diminishing the role of her MFR, and insisting that she was exempt from such expectations.

(U//~~FOUO~~) [redacted] then engaged OHESS in attempt to procure approval for sick leave; OHESS was inclined to not acquiesce to this request, as no documentation was proffered for their review. [redacted] was contacted by [redacted] who stated that OHESS would not be supporting her request.

(U//~~FOUO~~) Under the processing constraints of the payroll system, [redacted] Branch Chief, entered [redacted] as AWOL for 19 November 2014. Upon receiving her Leave and Earning Statement (LES), [redacted] contacted [redacted] informing him that he was in "violation of the MFR." While it remains unclear how [redacted] could be held liable for violating the MFR of [redacted], after working with OHESS and other resources, it was established that [redacted] had indeed violated her MFR, and subsequently the AWOL status was maintained.

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

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

(U//~~FOUO~~) It is documented; and therefore averred that [redacted] did, in a calculated manner decide to blatantly disobey the direct order of her superiors and her previously established **MFR dated 6 November 2014, Paragraph 3.7**, which clearly stated: "If your leave request is not approved, you will be expected to report to work. If you are not able to report to work due to illness or to care for an ill family member, a doctor's note (medical certification) is required to support your absence; even absences less than 3 days. The medical documentation must include the reason(s) you (or a family member) were incapacitated for duty. You will be carried in an AWOL status until you have provided sufficient medical documentation. The note will be reviewed by OHESS to determine adequacy for approval of leave."

Additional Comments | Delete Comments

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NSA 21910

(U//~~FOUO~~) It is documented, and therefore averred that [redacted] missed critical mission meetings and discussions, violating her **MFR dated 6 November 2014, Paragraph 5,** which states, "(U//FOUO) You are required to attend meetings requested by management at the prescribed location and time."

(U//~~FOUO~~) It is believed, and therefore averred that [redacted] violated **NSA/CSS Personnel Management Manual (PMM) 30-2, Chapter 366, Section 2-1(I). Unauthorized Absence,** which states, "Employees are required to obtain approval for absence from duty in accordance with the Agency regulations. Absences which are not approved in accordance with these requirements will be charged an absence without leave (AWOL). An unauthorized absence includes failure to report to work; leaving the work station without permission; leaving before the end of the work day; and unexcused tardiness.

(U//~~FOUO~~) By refusing to proffer the required documentation, it is believed and therefore averred that [redacted] violated **NSA/CSS Personnel Management Manual (PMM) 30-2, Chapter 366, Section 2-1(J). Responding to Official Inquiries**, which states, "Employees are required to provide oral/written statements… Likewise, employees must furnish information (including documents) freely and honestly, whether it is favorable or unfavorable."

(U//~~FOUO~~) On 21 November 2014, a meeting was held by [redacted] to address [redacted] In attendance at this meeting were: [redacted] The intent of the meeting was to [redacted]

(U//~~FOUO~~) During this meeting [redacted] decried and accused senior management of attempting to cover up and conceal wrongful actions of both government and contractor personnel, going so far as to accuse [redacted] of "lying," and other personnel of participating in a "cover up." Despite the presence and opining of Office of General Council personnel, [redacted] continued to berate those around her; her conduct during this meeting was unbecoming and not conducive to a professional work environment.

(U//~~FOUO~~) Not satisfied with the finding(s) of the OGC and senior personnel, [redacted] continued to proclaim her disdain and disapproval for the outcome of the meeting. OGC stated that she was welcome to follow through with her allegation by filing to the IG, and to this, senior management showed their full support. Upon returning to her desk, she continued to accuse individuals of being part of a cover up. [redacted] was asked to cease the accusations and perform her work role; all the while, being afforded the option of filing an IG report.

(U//~~FOUO~~) It is well documented, and therefore averred that [redacted] was wantonly in direct contempt of employee guidance of her MFR dated 6 November 2014, which states: **NSA/CSS Personnel Management Manual (PMM) 30-2, Chapter 366, Section 2-1(L). Insubordination,** "Employees will respect Agency rules, regulations and supervisory authority and comply with authoritative instructions from supervisors and/or individuals in leadership positions…"

(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

Additional Comments | Delete Comments

Release 2022-9
NSA 21911

U//~~FOUO~~) As a result of her outbursts and accusations during this meeting, it is a believed and therefore averred that [redacted] was in direct contempt of **NSA/CSS PMM Chapter 366, Personal Conduct, Section 2-1. WORK ENVIRONMENT**, which states, "Employees will not engage in any conduct that creates a hostile work environment and/or interferes with an individual's work performance. Insubordination - Employees will respect Agency rules, regulations, and supervisory authority and comply with authoritative instructions from supervisors and/or individuals in leadership positions (to include carrying out work assignments in a timely manner)."

(U//~~FOUO~~) In verbally accusing others, and creating an environment prejudicial to good order and discipline, it is believed, and therefore averred that [redacted] was in contempt of the **NSA/CSS PMM Chapter 366, Personal Conduct, Section 1-3. E. General Principles for On-The-Job Conduct**, which states, "Generally, every employee is expected to …Exercising courtesy and respect in dealings with fellow workers and the public..."

(U//~~FOUO~~) On 1 December 2014, at 10:37am; [redacted] was asked to perform a critical mission task. [redacted] refused said task, demanding evidence that management had the authority to request her take this action. Within hours, managers, as well as legal officers outlined not only their authority, but further, the legal parameters of this mission critical request. Recognizing the importance of this mission request, her Division Chief, [redacted] and her Office Chief, [redacted] respectfully asked her to follow her Letter of Counsel (LoC), Letter of Reprimand (LoR), Memorandum For the Record (MFR), and Annual Contribution Evaluation (ACE) objectives, and execute her assigned task.

(U//~~FOUO~~) Unwilling to comply or work with managers to execute the mission, [redacted] began a week-long campaign of refusing to perform her job, all the while, inhibiting managers from executing the needed tasking. [redacted] successfully belabored the process by demanding more, and yet more documentation, validations, and "proof" that management could indeed request this action. [redacted] often refused on the grounds of "illegal" actions, and her obligation to neither condone nor participate in illicit actions. When managers would proffer evidence to the contrary, [redacted] would accuse them of lacking the intellectual ability to comprehend Policy Oversights directives. When Policy Oversight and Compliance and [redacted] weighed in on the matter, [redacted] would stymie the process by declaring them "incompetent" and unknowing of related policies or "new procedures."

(U//~~FOUO~~) On 2 December 2014, [redacted] began a full onslaught of employing techniques by which to stall, hinder and preclude managers and mission analysts to work. Throughout the week, over numerous emails and verbal conversations, she continued to berate leadership, the NSA Office of Policy Oversight and Compliance, [redacted] or any other character that unknowingly fell within the scope of her barrage. Her affinity for diminishing the capacity of leadership reached to the Office Chief, whom she accused of not holding the cognitive ability to perform his job, and therefore she was not obliged to follow his direction.

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

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

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

Additional Comments | Delete Comments

Release 2022-9
NSA 21912

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

(U//~~FOUO~~) This true standoff culminated on Friday, 5 December 2014; despite facing a prodigious and overwhelming amount of compelling evidence, she declared that she would not execute the mission, but rather she would be leaving early for scheduled leave. Unwilling to perform her mission throughout the week, she held up critical mission objectives and placed NTOC, and subsequently the Agency and IC at risk of executing their mission to defend the DoDIN.

(U//~~FOUO~~) In the waning moments of 5 December 2014, in a final moment of desperation, [redacted] confronted [redacted] on her unwilling stance to support a very critical mission in a time of need; [redacted] covered her ears and began to chant unknown words, while clearly stating, "Don't yell at me." With no less than three witnesses, at no point did [redacted] yell at the subject; yet rather in a stern voice, he did lay out not only his, but his seniors expectations. [redacted] reiterated that she would not perform her functions, rather informing [redacted] that she would be leaving within moments for her weekend holiday. [redacted] then embarked upon a diatribe regarding [redacted] proclivity for the use or implementation of AWOL, which must have been spawned by her most recent and documented AWOL occurrence on 19 November 2014. Continuing to cover her ears, she stated she would be leaving, and would not be deterred, despite mission needs.

(U//~~FOUO~~) Perhaps the most alarming aspect of [redacted] behavior was found in her announcement, that after five days of asking her to perform her job, and her ongoing and documented refusal, that she did not know how regardless, and it would take "some time" to learn how to perform the mission.

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(U//~~FOUO~~) Within moments of [redacted] self proclaimed right to depart, Policy Oversight & Compliance sent yet another emailing clarifying the legitimacy of her Chain of Commands (CoCs) request; unfortunately, [redacted] had already vacated the premises. As a result of her week-long actions, and subsequent departure the mission was not able to be completed.

(U//~~FOUO~~) On 8 December 2014, [redacted] finally capitulated that management was correct in their initial [redacted] on 1 December 2014, and it was indeed legal. After conceding to this, [redacted] stated she would now "attempt" to [redacted] in question. [redacted] waited only moments before informing her managers that due to established policies, she would not be [redacted]

(U//~~FOUO~~) As the senior NSA/NTOC [redacted] was fully aware for over a week of this critical mission need, and how her lack of foresight again impeded the mission. With ACE objectives clearly establishing roles and expectations of a GG-15, it is well within her grade expectations and scope of work to ensure that management is aware of any over-the-horizon challenges. Again, [redacted] showed her complete lack of professionalism and complete disregard for mission, making no effort to assist senior managers as they sought to support the mission. Again, through display of her actions, or rather inactions, it was readily evident that [redacted] held her own self-serving agenda, which did not include the success of her organization, NTOC, or the Agency as a whole. While her rationale for stalling the process can be argued, what cannot be argued is the success of it. [redacted] successfully held up a critical mission for over a week.

Additional Comments | Delete Comments

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(U//~~FOUO~~) It is believed, and therefore averred that by her actions and disobedience to execute mission critical elements of her job, [redacted] violated **NSA/CSS Personnel Management Manual (PMM) 30-2, Chapter 366, Section 2-2(A) Personnel Security Requirements,** which states, "Behavior, activities or associations that raise doubts about an individual's reliability, trustworthiness, or loyalty to the U.S. Government…"

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(U//~~FOUO~~) It is believed, and therefore averred that by her actions and disobedience to execute mission critical elements of her job, [redacted] violated **NSA/CSS Personnel Management Manual (PMM) 30-2, Chapter 366, Section 2-2(E) Personnel Security Requirements,** which states, "Criminal, dishonest, or other conduct that would reflect adversely on the individual's reliability or trustworthiness."

(U//~~FOUO~~) It is believed, and therefore averred that by her actions and disobedience to execute mission critical elements of her job, [redacted] violated **NSA/CSS Personnel Management Manual (PMM) 30-2, Chapter 366, Section 2-2(G) Personnel Security Requirements,** which states, "Behavior which reflects a lack of judgment and discretion or which offers the potential for undue influence, duress or exploitation."

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(U//~~FOUO~~) It is well documented, and therefore averred that [redacted] was wantonly in direct contempt of employee guidance of her MFR dated 6 November 2014, which states: **NSA/CSS Personnel Management Manual (PMM) 30-2, Chapter 366, Section 2-1(L). Insubordination**, "Employees will respect Agency rules, regulations and supervisory authority and comply with authoritative instructions from supervisors and/or individuals in leadership positions (to include carrying out work assignments in a timely manner."

(U//~~FOUO~~) It is believed, and therefore averred that [redacted] violated **NSA/CSS Personnel Management Manual (PMM) 30-2, Chapter 366, Section 2-1(I) Unauthorized Absence,** which states, "Employees are required to obtain approval for absence from duty in accordance with the Agency regulations. Absences which are not approved in accordance with these requirements will be charges ad absence without leave (AWOL). An authorized absence includes failure to report to work; leaving the work station without permission; leaving before the end of the work day; and unexcused tardiness.

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(b) (6)

(U//~~FOUO~~) It is important to note that throughout this process, [redacted] refused to meet with her management to discuss her ACE objectives, or engage in any conversations with management, whether mission or ACE related.

(U//~~FOUO~~) On 9 October 2014, [redacted] set up a meeting request to discuss a myriad of issues, to include her ACE Objectives, as well as outlined expectations of her MFR. [redacted] and [redacted] were on the invite; [redacted] declined this invitation stating: "I would like security or someone else present at a meeting with the people on this invite." In response to her stance, [redacted] responded the very same day, stating: "Thank you for clarifying your expectations for a meeting environment. While there are ample chairs and tables provided for such an occasion, I was unaware that you held such an adamant stance against using them; duly noted. [redacted] please set up a time with security that will work. Ultimately, in the interim, [redacted] will be hand delivering a hard-copy of an email that you received on the 21st of October that stated you are to provide a doctor's note for any sick leave. You continue to claim you are unaware of this, yet we have a time stamped copy that was delivered to you. [redacted] will give to you and confirm via email that you, yet again, received a copy of said notice. This will be the last documented attempt to have you comply with your updated/MFR expectations - if you continue to blatantly disregard this, I continue to document as necessary. For the last time, please reconsider your stance on this - if you have any concerns, you should contact MR to confirm the authenticity and validity of this request. Any further refusal to abide by your MFR could result in consequences that neither of us wishes to see realized [redacted]

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Additional Comments | Delete Comments

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(U//~~FOUO~~) Never altering course, [redacted] continued to refuse to speak to any management until her last day in NTOC, even then refusing to comply with the most basic check-out procedures. When occasionally engaged by management, or requested to meet for ACE objective reviews, etc., [redacted] would respond with many arbitrary, insubordinate excuses; in one such case, [redacted] stated: "…the problem is that the thought of you makes me sick. I certify that I was ill this morning because the thought of coming in here made me throw up." Leveraging this excuse as the ultimate "Trump card," [redacted] successfully evaded any conversations pertaining to her MFR and her ACE objectives. As a result of her actions, [redacted] was reported as AWOL.

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(U//~~FOUO~~) It is well documented, and therefore averred that [redacted] was wantonly in direct contempt of employee guidance of her MFR dated 6 November 2014, which states: **NSA/CSS Personnel Management Manual (PMM) 30-2, Chapter 366, Section 2-1(L). Insubordination,** "Employees will respect Agency rules, regulations and supervisory authority and comply with authoritative instructions from supervisors and/or individuals in leadership positions…"

(U//~~FOUO~~) It is believed, and therefore averred that [redacted] violated **NSA/CSS Personnel Management Manual (PMM) 30-2, Chapter 366, Section 2-1(I). Unauthorized Absence,** which states, "Employees are required to obtain approval for absence from duty in accordance with the Agency regulations. Absences which are not approved in accordance with these requirements will be charges ad absence without leave (AWOL). An unauthorized absence includes failure to report to work; leaving the work station without permission; leaving before the end of the work day; and unexcused tardiness.

(U//~~FOUO~~) By refusing to meet to discuss required documentation, it is believed and therefore averred that [redacted] violated **NSA/CSS Personnel Management Manual (PMM) 30-2, Chapter 366, Section 2-1(J). Responding to Official Inquiries**, which states, "Employees are required to provide oral/written statements….. Likewise, employees must furnish information (including documents) freely and honestly, whether it is favorable or unfavorable."

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(U//~~FOUO~~) DISCUSSION

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

(U//~~FOUO~~) Based on [redacted] continuous misconduct resulting in counterproductive workplace behavior and negative mission impact, [redacted] requests Employee Relations' involvement for appropriate disciplinary action against [redacted]. From multiple days of AWOL to harassing co-workers, [redacted] actions are neither controllable nor predictable. As presented, and documented in multiple email threads sent to MR, [redacted] has a documented history of not following supervisory direction to report her whereabouts as required by Agency policy, resulting in several incidents of AWOL, as reflected by LES. By also employing the tactic of "not seeing" emails, [redacted] refused to respond to any email that requested she declare her current location. [redacted] refused to engage managers and made every attempt to sidestep or circumvent the chain of command, making her accountability and work productivity unsuccessful. [redacted] actions directly impacted mission, holding up a request for [redacted] by over a week; this egregious action placed NTOC in a precarious and vulnerable position. All attempts to resolve this employee's conduct issues have failed thus far indicating that reform is unlikely.

(U//~~FOUO~~) While [redacted] is very grateful for the support and actions taken on their part by MR, [redacted] must ask, yet again, that action be taken. All aforementioned transgressions have transpired since the date of her proposal for suspension, indicating that again, without intervention and action from MR, her management has no reason or indication that she will alter her current course.

Additional Comments | Delete Comments

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APPENDIX 40

(U//~~FOUO~~) Ms. Delker's decision Re: Suspension, [redacted]

(b) (6)

NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 20755-6000

[redacted]

[redacted]
National Security Agency

Dear [redacted],

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

You were given a letter dated 3 November 2014, signed by [redacted] Chief, Employee Relations, proposing your suspension from pay and duty status for fourteen (14) calendar days for failure to comply with rules, regulations, written procedures, or proper supervisory instructions.

I have given full and careful consideration to the charge, the facts set forth in the supporting administrative record, and the information provided in your written and oral replies. Based on my assessment, I find the charge to be valid. My decision is to reduce the proposed penalty to a five (5) calendar day suspension without pay. The effective dates of your suspension will be coordinated with your supervisor and subsequently provided to you in writing.

This disciplinary action may be grieved. For information about the grievance process you may contact the NSA Office of Administrative Grievances on 963-6690 secure or [redacted] non-secure, or see information on the Office of Administrative Grievances internal website.

As a reminder, all employees are expected to adhere to the highest standards of conduct. You are advised that any future incidents of misconduct may be used to support additional corrective action, up to and including removal from NSA employment.

Sincerely,

(b) (6)

[redacted]

FRANCES BRACKEN DELKER
Deputy Associate Director
Human Resources

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