

Summary of Closed Employee Integrity Cases October 1, 2013 to March 31, 2014

Statistics on employee integrity investigation cases closed during the semiannual reporting period October 1, 2013, through March 31, 2014, as well as summaries of the cases, follow.

	Political appointees	SES	GS-14/15	GS-13 and below	Misc	Total
Pending 10/1/13	6	6	18	36	5	71
Open	1	3	7	12	0	23
Closed	2	0	1	9	4	16
Pending 3/31/14	5	9	24	39	1	78

Political Appointees

Presidential Appointee Counseled for Violations of Ethics Pledge: The OIG received an allegation that a presidential appointee violated the ethics pledge, signed pursuant to Executive Order 13490, which restricts presidential appointees from participating in any matters, substantially or directly, related to a former employer. Our investigation disclosed 13 incidences in which the appointee violated the ethics pledge by having communications and/or meetings relating to the performance of his official duties with the two organizations prior to the expiration of the 2-year ban on such activity. The employee was counseled regarding this matter.

Political Appointee Investigated for Misconduct: The OIG hotline received a complaint regarding allegations of employee misconduct by a political appointee. The OIG investigated a total of eight allegations, six of which were found to be unsubstantiated. Regarding the two substantiated allegations, the employee accepted a gift of travel and a flight in a private jet from a registered lobbyist. Prior to the OIG receiving the aforementioned allegations and conducting an investigation, an Office of General Counsel career employee counseled the appointee regarding these matters. As a result of this investigation, the appointee was requested to review the counseling advice that the appointee had previously received, and no additional actions were taken.

SES

None

GS-14/15

Unauthorized Release of Information Unsubstantiated: A GS-14 EPA employee allegedly released inappropriate information to a journalist, who used the information in a published article. The investigation determined that the employee did not violate any regulation and that, at the time, the EPA's policy for Freedom of Information Act responses was ambiguous. Since the investigation did not reveal any regulation the employee would have violated by releasing the information, the investigation was closed without further action.

GS-13 and below

Employee Receives Letter of Counseling for Failing to Appropriately Work with the OIG: A GS-13 EPA employee violated a policy governing the disposition of EPA records by sending the records to be shredded instead of returning them to the appropriate government agency. During the course of the investigation, the employee made a false statement to OIG Special Agents. The employee told the Special Agents that all of the expired records were located inside a safe in her office when, in fact, some of the records were in a cardboard box outside the safe.

Employee Pleads Guilty for Child Pornography: The OIG hotline received a complaint that a GS-13 EPA employee may have utilized his EPA email to access an Internet site that contained child pornography. On July 18, 2012, the employee pleaded guilty in state court to possession of child sexually abusive material and was sentenced to 5 years probation. During the investigation, the employee retired from the EPA.

Misuse of Government Equipment and Making Threats Unsubstantiated: A GS-13 employee was allegedly running a personal business during work hours using EPA-issued equipment and making threatening comments to co-workers. During the investigation, the supervisor terminated the employee due to unsatisfactory work performance and conduct during the employee's probationary period. However, the allegation involving threatening comments was unsubstantiated. No further investigative effort was expended after the employee's termination.

Purchase Card Misuse Investigated: During an OIG audit, it was discovered that a GS-13 EPA employee allegedly used another GS-13 employee's government purchase card to buy an Apple iPad for personal use. Subsequent to the audit disclosure and prior to the initiation of this investigation, the employee who misused the purchase card told EPA officials she ordered the iPad in March 2012 at a cost of \$805. Actions are pending in this matter. However, the investigation revealed no evidence of malfeasance involving the cardholder and the case regarding the cardholder was closed.

Intimidation Allegation Unsubstantiated: A GS-13 EPA employee allegedly used "intimidation tactics" to get a private citizen to sign off on paperwork acknowledging her property had been properly cleaned up. During the investigation, the citizen recanted her allegation but indicated she felt she was being treated unfairly and rudely. The investigation was closed.

Time and Attendance Fraud Found: A GS-13 OIG employee was found to be committing timecard fraud by claiming to be physically present in the office when he actually was not. An analysis of time and attendance records and building badge swipe records indicated that from September 10 to November 30, 2012, the employee was not physically present in the office 59 percent of the required and reported time. The employee was suspended without pay for 12 days, placed in an absent without leave status for 27.25 hours, and was required to repay \$1,149.

Prosecutorial Misconduct: As part of a U.S. Department of Justice, Office of Professional Responsibility, investigation of alleged prosecutorial misconduct, a GS-13 EPA employee may have withheld evidence in a criminal case. During a trial, the EPA employee brought to the attention of the prosecutors a series of emails between himself and another government witness, some of which evidenced bias against the defendants. The aforementioned emails were not provided to the defendants during the discovery process. The prosecutors acknowledged their error to the court and produced the emails to the defendants. The judge held a misconduct hearing and found that the government's late disclosure of the emails violated the Jencks Act, Brady v. Maryland, and Giglio v. United States. The judge also found that the EPA employee's flawed understanding of the government's disclosure obligations under Brady and Giglio led him to ignore the importance of the government witness's emails, which in turn led to prosecutors' failure to review and/or produce them during discovery. The judge linked the government's failure to disclose the emails to the government's prior discovery errors and blamed, in part, those errors on the size of the case. The judge found the government did not commit prosecutorial misconduct.

False Claim and Time and Attendance Fraud Noted: A GS-12 EPA employee allegedly made fraudulent claims on a travel voucher and misused his government-issued computer during scheduled work hours. The investigation determined that the employee deliberately filed a false travel claim which resulted in a loss to the government of less than \$100. In addition, the employee admitted that he used his government computer to access Internet dating sites and did not properly use his official work hours. The employee was suspended for 14 days.

Misuse of Government Funds Noted: A GS-12 EPA employee allegedly abused his authority and position at the EPA by testing air samples obtained from a private residence he was renting without the owner's permission. The employee allegedly collected the samples pursuant to a legal dispute between himself and the property owner related to the presence of mold contamination. The investigation determined that the employee used \$1,500 of EPA funds to complete the tests in furtherance of a personal matter. The employee was terminated as a result of the investigation.

Miscellaneous (unknown subjects and contractor employee)

Alleged Eavesdropping Matter Dropped: The OIG received information from an agency manager indicating he believed his office may be "bugged" either by a listening device in his office or by having his telephone being tapped. He indicated that, on at least four recent occasions, information discussed in his office or over the telephone was sent to him via email from another EPA employee. The manager was asked to provide specific information that could be used as bait to try and determine if the office was "bugged." The manager failed to provide the requested information and later indicated he did not believe the office was "bugged" and attributed what happened to coincidence. The manager requested that the investigation be closed.

Unauthorized Access Unsubstantiated: A former employee allegedly had access to law enforcement-sensitive information after leaving EPA employment. The investigation determined that the former employee did not have access to any law enforcement systems or databases and had not interfered with any investigative activity.

Post-Employment Conflict of Interest Not Found: A former Senior Executive Service non-career employee allegedly sought post-EPA employment while participating personally and substantially in an EPA matter that would have a direct and predictable financial effect upon the employee's future employer. The investigation found no direct evidence that showed the employee applied for a position during the time he was working on the matter. In addition, the employee resigned the day before the matter was signed by the EPA Administrator. The employee's work and actions on the matter affected requirements for his future employer as well as other similar companies. The investigation did not find the employee's work being unique to his future employer. The employee was proposed for a 3-year debarment, which was terminated based on evidence that there was no violation of conflict-of-interest rules.

Misuse of Government Vehicles Unsubstantiated: An anonymous letter alleged unethical and unscrupulous activities were occurring with regional government vehicles. Allegations included errands and personal trips for lunch, fictitious maintenance, and transportation to and from the vehicle manager's residence. Allegations further indicated acting supervisors and managers were encouraged to participate in the aforementioned activities. The investigation found no support for these allegations and the case was closed.