

NATIONAL RECONNAISSANCE OFFICE

*Office of Inspector General
14675 Lee Road
Chantilly, VA 20151-1715*



29 June 2011

MEMORANDUM FOR CHIEF MANAGEMENT OFFICER, OFFICE OF THE DIRECTOR
OF NATIONAL INTELLIGENCE
PRINCIPAL DEPUTY GENERAL COUNSEL, OFFICE OF THE
DIRECTOR OF NATIONAL INTELLIGENCE
INSPECTOR GENERAL, OFFICE OF THE DIRECTOR OF
NATIONAL INTELLIGENCE
DEPUTY INSPECTOR GENERAL, OFFICE OF THE DIRECTOR
OF NATIONAL INTELLIGENCE
ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS,
OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

All redactions per
(b) (3) 50 U.S.C 3024
(m) (1), (b) (6), &
(b) (7) (c) unless
otherwise indicated.

SUBJECT: (U) Report of Investigation: False Claims - Time and
Attendance (Case Number 2011-056 I)

(b)(3) 50 USC §3024(m)
(b)(6)
(b)(7)(c)

(U//~~FOUO~~) The National Reconnaissance Office (NRO) Office of Inspector General (OIG) initiated an investigation based on allegations of false claims by [redacted], a GS-15 Office of the Director of National Intelligence (ODNI) OIG employee. Because [redacted] was a member of that office, to avoid any question of partiality, consistent with that office's standard policy in such circumstances, the ODNI OIG Assistant Inspector General for Investigations referred this allegation to the NRO OIG in a memorandum dated 18 February 2011. Please see the attached NRO OIG Report of Investigation, which details the investigation results.

(b)(3) 50 USC §3024(m)
(b)(6)
(b)(7)(c)

(U//~~FOUO~~) The Department of Justice declined prosecution of [redacted] in favor of administrative action by the ODNI. We are providing this final report for your information and for consideration of the recommendations included. The recommendations are considered advisory. As such, the recommendations do not require a response back to the NRO OIG.

(U//~~FOUO~~) OIG investigation reports are to be read only by the individuals to whom the OIG provides them, or to whom the OIG specifically authorizes their release. If there are other persons who you believe require access as part of their official duties, please let us know, and we will promptly review your request.

SUBJECT: (U) Report of Investigation: False Claims - Time and Attendance (Case Number 2011-056 I)

(U//~~FOUO~~) If you have any questions concerning this report, please contact [redacted], Lead Investigator, at [redacted] (secure) or [redacted], Assistant Inspector General for Investigations, at [redacted] (secure).

(b)(3)



Lanie D'Alessandro
Inspector General

Attachment:
Report of Investigation:
(Case Number 2011-056 I)

SUBJECT: (U) Report of Investigation: False Claims - Time and Attendance (Case Number 2011-056 I)

OIG/[] 29 June 2011

(b)(3)

DISTRIBUTION:

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OIG Official Record []

(b)(3)

**(U) REPORT OF INVESTIGATION
FALSE CLAIMS - TIME AND ATTENDANCE
(CASE NUMBER 2011-056 I)**

(b)(3) 50 USC §3024(m)
(b)(6)
(b)(7)(c)

(U) EXECUTIVE SUMMARY

(U//~~FOUO~~) On 18 February 2011, the National Reconnaissance Office (NRO) Office of Inspector General (OIG) received a referral from the Office of the Director National Intelligence (ODNI) OIG requesting NRO OIG investigate allegations that [redacted] GS-15, Advisor to the Inspector General (IG), ODNI, may have claimed more hours of compensatory time than reasonably earned.

(b)(3) 50 USC §3024(m)
(b)(6)
(b)(7)(c) (U//~~FOUO~~) NRO OIG analysis of [redacted] time and attendance records compared to Central Intelligence Agency (CIA), ODNI, and NRO facility ingress and egress records indicated that she recorded 596 questionable hours on her time and attendance records from 3 March 2008 to 25 February 2011. The questionable hours included shortages on days she claimed to have worked compensatory time, unexplained absences during the day, and inappropriate charging of hours to excused absences when she was previously on approved leave for the entire workday when there was an early dismissal for federal holidays. [redacted] is currently a GS-15, step 4 and, at the average 2008 through 2011 pay rates, the 596 questionable hours equate to approximately \$36,000.

(b)(3) 50 USC §3024(m)
(b)(6)
(b)(7)(c) (U//~~FOUO~~) [redacted] provided an affidavit in which she explained that the questionable hours were attributable primarily to time she worked "remotely," that is, at home and elsewhere outside of badged facilities, and work-related phone calls and emails she received after leaving the office. [redacted] supervisors were unable to substantiate all of the compensatory hours for which she claimed to have received approval to work outside the office. [redacted] also attributed some of the questionable hours to engaging in fitness activities outdoors, the inaccuracy of badge records or unintentional recording errors by her or others. Further, she claimed she appropriately used excused absences.

(b)(3) 50 USC §3024(m)
(b)(6)
(b)(7)(c) (U//~~FOUO~~) The investigation found sufficient evidence to support a conclusion that [redacted] actions violated *Title 18 United States Code 287, False, Fictitious, and Fraudulent Claims*, as well as *CIA Agency Regulation* [redacted] (b)(3) 50 USC ± 3507 and ODNI policies.

(U//~~FOUO~~) On 17 May 2011, the OIG briefed the United States Attorney's Office (USAO) for the Eastern District of Virginia, Alexandria, Virginia, regarding the investigative findings. The USAO declined prosecution in favor of agency administrative action.

(U//~~FOUO~~) RECOMMENDATION

(U//~~FOUO~~) The OIG recommends the Chief Management Officer, ODNI, review the facts of this case and determine any appropriate disciplinary action.

**(U) REPORT OF INVESTIGATION
FALSE CLAIMS - TIME AND ATTENDANCE**

(b)(3) 50 USC §3024(m)
(b)(6)
(b)(7)(c)

(U) BACKGROUND

(U//~~FOUO~~) On 18 February 2011, the National Reconnaissance Office (NRO) Office of Inspector General (OIG) received a referral from the Office of the Director National Intelligence (ODNI) OIG regarding allegations concerning [redacted] GS-15, [redacted]. The ODNI OIG advised it had recently received an allegation from an OIG employee reporting that [redacted] may have claimed more hours of compensatory time than reasonably earned. During a routine review of compensatory time and overtime for the OIG, an employee noted that [redacted] appeared to have claimed an excessive amount of compensatory time. The employee based this conclusion on personal observations of the amount of time [redacted] had spent in the office, noting that she never opened the vault in the mornings or closed the vault at the end of the workday. A subsequent review of ingress/egress records for [redacted] for the period of 1 October 2009 to 19 October 2010, indicated that [redacted] was not in the office for approximately 215 hours that she had claimed to be there, with shortages occurring on a large majority of the days. The ODNI OIG referred this matter to NRO OIG for investigation pursuant to that office's policy to recuse itself in matters pertaining to the staff of the ODNI OIG. Based on the referral, the NRO OIG initiated an investigation as [redacted] alleged actions, if true, would constitute a potential violation of *Title 18 United States Code (USC) 287, False, Fictitious, and Fraudulent Claims*, which makes it unlawful for anyone to make a claim that is knowingly false to a federal agency.

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(b)(7)(c)

(b)(3) 50 USC §3024(m)
(b)(6)
(b)(7)(c)

(U//~~FOUO~~) [redacted] is currently a GS-15, Step 4 civilian working in the ODNI OIG since October 2005 as the [redacted] until joining the ODNI. [redacted] graduated from [redacted] (b)(6)

(b)(6)
(b)(7)(c)

(U) APPLICABLE STANDARDS

1. (U) *Title 18 USC 287, False, Fictitious, and Fraudulent Claims*, makes it unlawful for anyone to make a claim that is knowingly false to a federal agency.

(b)(3) 50 USC ± 3507



(b)(3) 50 USC + 3507

3. (U) *ODNI Instruction No. 2008-03, Excused Absence for ODNI Civilian Fitness Program*, allows supervisors to authorize employees an excused absence of up to three hours a week for employees to participate in physical fitness activities. It does not allow additional time for travel to or from exercise facilities, showering, dressing or related activities. The physical fitness activity must begin and end at the place of work. Absences for physical fitness should be recorded as an excused absence in ELECTRON² with comments indicating the absence was for physical fitness.

4. (U) *ODNI OIG Policy, Authorization for OIG GS Employees to Accrue Compensatory Time*, requires employees to obtain their supervisor's approval for compensatory time "prior to the end of the pay period in which they perform the work."

5. (U) *ODNI OIG Policy for Temporary and Infrequent Work Out of an Employee's Home or at a Duty Station Closer to Home*, allows OIG management, at its discretion, to authorize an employee to work from home on a temporary and infrequent basis, for medical or other appropriate reasons, for short durations, generally not exceeding one or two days.

6. (U) ODNI early dismissal notices provide that early dismissals in recognition of federal holidays do not apply to employees who are absent on previously approved annual leave, sick leave, or compensatory time off for the entire workday. Employees will be charged leave or compensatory time for the entire workday. Also, employees who leave before their authorized early dismissal time will be charged leave for the period remaining before the early dismissal.

(b)(3) 50 USC §3024(m) INFORMATION PRESENTED

(b)(6) (U//~~FOUO~~) Did [redacted] submit time and attendance claims for hours she was not
(b)(7)(c) entitled to claim?

(b)(3) 50 USC §3024(m) (U//~~FOUO~~) Answer: Yes. While the initial review covered the period from October
(b)(6) 2009 to October 2010, the final evidence recovered by the OIG investigation identified
(b)(7)(c) that between March 2008 and February 2011, [redacted] inappropriately recorded or
submitted to time and attendance administrators 596 hours into ELECTRON. These
hours included claimed compensatory time worked outside the office, which was not
approved in advance by her supervisors as required by ODNI policies. She also
inappropriately charged hours as excused absence for early dismissals in violation of
ODNI policies. [redacted] admitted she did not review her time and attendance
records when others entered her hours. [redacted] stated she used a "good faith

(b)(3) 50 USC §3024(m)

(b)(6) _____
(b)(7)(c) ¹ (U//~~FOUO~~) [redacted] an Attorney in the ODNI Office of General Counsel, advised that the ODNI follows CIA regulations concerning work hours and compensatory time.
² (U//~~FOUO~~) Electronic Time Reporting On Notes (ELECTRON) is a Lotus Notes-based time reporting system that allows the input of time and attendance data, performs validation of the time input, allows for online certification and authorization, and forwards time and attendance document data to the CIA's primary Payroll system also used by ODNI.

All redactions per (b) (3) 50 U.S.C 3024 (m) (1), (b) (6), (b) (7) (c) & "IG Act" unless otherwise indicated.

estimate" when recording her hours, claiming that it was accurate. [redacted] requires that time and attendance records must record time actually worked. (b)(3) 50 USC + 3507

(U) INVESTIGATIVE FINDINGS

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

(U//~~FOUO~~) On several occasions between 23 February and 26 April 2011, the NRO OIG interviewed [redacted] regarding [redacted] time and attendance. [redacted] is [redacted] 23 November 2010. [redacted] said that [redacted] is a [redacted]. He told the OIG that he did not have any cause for concern with her performance. [redacted] a very dedicated and committed employee, who is extremely efficient.

(b)(6)

(U//~~FOUO~~) ODNI OIG initiated a management inquiry into [redacted] time and attendance after three ODNI OIG employees met with [redacted] regarding their concerns about [redacted] compensatory time. During a review of compensatory time worked by OIG staff, one employee noticed [redacted] had claimed many hours of compensatory time in 2010. The employee commented that [redacted] was never in the office early to open the suite, nor did she stay to close it.

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

[redacted] NRO OIG, [redacted] noted that this investigation has caused him to inspect the time and attendance record of each employee with greater scrutiny before certifying them.

(U//~~FOUO~~) [redacted] said he rarely called [redacted] at home and never had any lengthy telephone discussions with her. He told the OIG that he did not know she claimed compensatory time for calls she received at home. He did, however, approve for [redacted] to work from home on unclassified matters on four days during the period reviewed by OIG. Also, [redacted] said that at one time, he told [redacted], for liability reasons, employees must account for all their time worked.

(U//~~FOUO~~) The OIG advised [redacted] that [redacted] deducted hours given to employees for early release prior to holidays from her previously scheduled leave for that day and that she charged for compensatory time worked when she did not take advantage of the early dismissal. [redacted] told the OIG this is not allowable.

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

(U//~~FOUO~~) On several occasions between 23 February and 19 April 2011, the NRO OIG interviewed [redacted] ODNI, who certified [redacted] [redacted] said the [redacted] required employees to keep track of their hours on their calendars. He further explained that employees are required to contact their supervisor or anyone else in the office if they took unscheduled leave. That person would then send out an email advising the

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staff of that person's absence. If [redacted] was unable to record her hours herself, she could send an email with her hours to one of the time and attendance recorders on the staff or to [redacted].

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

(U//~~FOUO~~) On 9 March 2011, the OIG interviewed [redacted], an executive assistant for the ODNI OIG [redacted]. One of [redacted] duties was time and attendance administration. [redacted] had access to ELECTRON to input employees' hours when necessary, but did not have approval authority. [redacted] explained that employees would send her an email or call her with their hours if they were unavailable to enter them at the end of the pay period. [redacted] entered the hours and then [redacted] or [redacted] would approve them. [redacted] said that [redacted] was "pretty good" about entering her hours in ELECTRON. [redacted] did not have to put her hours in that often. However, [redacted] was gone for an extended period last summer when [redacted] [redacted] never had any concerns about [redacted] time and attendance, nor did she ever notice anything out of the ordinary.

(b)(6)

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

(U//~~FOUO~~) On 14 March and 25 April 2011, the OIG interviewed [redacted] who was the [redacted] ODNI, and [redacted]. [redacted] said that [redacted] was a very hard worker and quite efficient. He believed her work hours were from 6:30 AM to 3:30 PM. He recalled that she went out to lunch at times, but also ate lunch at her desk occasionally. He never had any discussions with her about the 30-minute meal break. [redacted] office was at the other end of the hall from his. She always turned off her lights and closed her door when she left for the day. [redacted] arrived to work between 6:15 and 8:00 AM and was usually the last one to leave every day. [redacted] did not stay late very often.

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

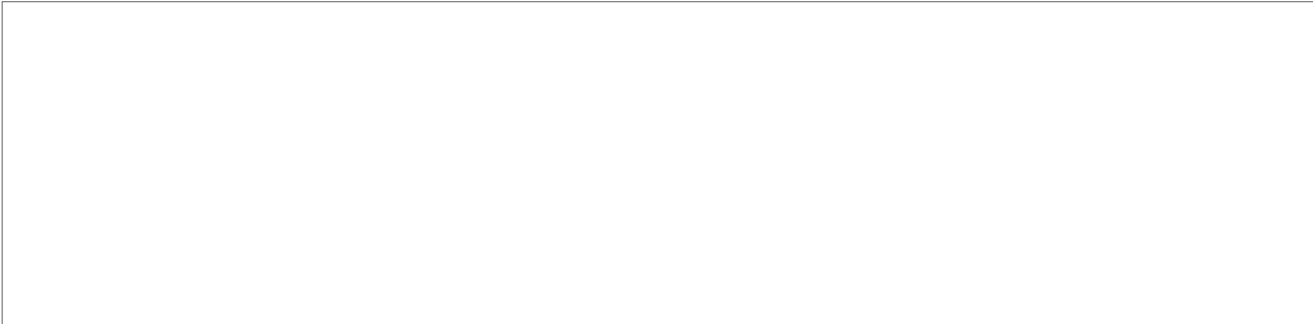
recording the hours. When asked about calling [redacted] at home, [redacted] said he periodically called her after she had left the office. [redacted] had to pick up her children around 4:00 PM and sometimes they had not finished a discussion they were having at the office. [redacted] called her on her way home, sometimes talking with her from 30 to 45 minutes. [redacted] was not aware that [redacted] was tracking time she spent with him on phone calls after work to log as compensatory time. She never brought this to his attention.

(U//~~FOUO~~) [redacted] to work from home on an "episodic basis" maybe 12, but no more than 20 to 25 days over the entire period she worked [redacted] received approval for this from Ms. Roslyn Mazer, IG, ODNI. [redacted] required [redacted] [redacted] was conducting unclassified

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research and writing proposed legislation for the Intelligence Community IG for submission to Congress.

(U//~~FOUO~~) [redacted] noted that he worked on the compensatory time policy with [redacted] to establish parameters for employees to claim it. [redacted] did the legal research for that policy, as well as the teleworking policy.



(U//~~FOUO~~) When asked whether he was aware that [redacted] participated in excused absence for physical fitness, he said he was not. When asked whether he knew she was claiming compensatory time for physical fitness, [redacted]

(U//~~FOUO~~) The OIG also asked [redacted] if [redacted] ever made him aware that she was claiming excused absence for holidays when she had already scheduled leave. He told the OIG he believed there was one occasion when he had a conversation with [redacted] about this and [redacted] explained that it was not permitted. He thinks [redacted] contacted [redacted] about this issue.

~~U//FOUO~~ Interview of [redacted]

(U//~~FOUO~~) On 26 April 2011, the OIG interviewed [redacted] ODNI who has been at ODNI since April 2009. [redacted] knew [redacted] was the [redacted] at that time. Mr. Ned McGuire, the previous ODNI IG, brought [redacted] on board as one of his first employees. [redacted] interacts regularly, but not necessarily every day with [redacted]. Her contacts were sporadic. [redacted] had more regular contact with [redacted] than [redacted]

(U//~~FOUO~~) [redacted] told the OIG that [redacted] duties changed over time. When [redacted] first came on-board, [redacted] had three areas of responsibility: front



Over time, [redacted] moved on from administrative issues. In the past year, she has been working on legislative liaison and legal matters. She is currently working on a new project.

(U//~~FOUO~~) [redacted] rarely called [redacted] at home in the evenings or weekends. It is hard for [redacted] to estimate how many times she had to contact [redacted] outside of

³ (U//~~FOUO~~) OIG reviewed ELECTRON statements from March 2008 – February 2011 which disclosed no fixes relating to compensatory time worked.

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work hours since it occurred in cycles with Congress--preparing briefings, reports, or opining on legislation—it takes years to get a bill passed. [redacted] sometimes sent [redacted] a courtesy copy of emails to her unclassified Government Enterprise E-Mail (uGov) account when she was corresponding with [redacted], [redacted] or [redacted]. [redacted] did not recall talking to [redacted] about compensatory time for phone calls or emails outside the office. [redacted] stated that there may have been times when [redacted] approved compensatory time for [redacted]. Further, [redacted] never had any discussions with [redacted] about excused absences. [redacted] stated that [redacted] was knowledgeable concerning excused absences and provided ODNI guidance for the office.

(U//~~FOUO~~) [redacted] recalled at least one occasion where she approved for [redacted] to bring her [redacted] to work. [redacted] had seen [redacted] [redacted] one other time at the office. In addition, [redacted] brought in [redacted] [redacted] When asked whether she was aware [redacted] charged for working two hours that day, [redacted] opined that it was possible [redacted] may have done some work like checking her email with her [redacted]

(b)(6)

(b)(6)

(U//~~FOUO~~) [redacted] described [redacted] as honorable, exceptionally diligent and efficient. She added that [redacted] had high standards and is dedicated to the mission. [redacted] had no reason to question her integrity.

(U) Review of Available Records

(U//~~FOUO~~) The OIG obtained ingress and egress records from the CIA, ODNI facility at Liberty Crossing, and the NRO for 2 March 2008 through 25 February 2011. These records reflect the times when [redacted] entered or exited these facilities. The OIG compared the ingress and egress, ODNI OIG office calendar, [redacted] Lotus Notes emails, calendar entries, SameTime chat correspondence, and time and attendance records and identified 596 questionable hours. The 596 hours equates to 10 percent of her time, which includes a credit for 25 nine hour days (225 hours) based on [redacted] statement to OIG that he approved for [redacted] to work from home for up to 25 days during his tenure. [redacted] is a GS-15 step 4 and at the average pay rates in effect during the periods in question the 596 questionable hours equates to approximately \$36,000.

(U//~~FOUO~~) Investigator's Note: The 596 questionable hours do not take into account the time OIG was able to identify from [redacted] Lotus Notes, calendar and SameTime chats that she spent participating in the Agency Christian Fellowship (ACF) or other Bible studies with friends, having lunch in the cafeteria, and interviewing employees for a book she had intended on writing. This time would be additional time during which [redacted] was present in the workplace and not conducting official work. In addition, the OIG reviewed [redacted] Agency Internet Network (AIN) account which consisted of 5.15 gigabytes of material. There were dozens of personal folders and documents related to her church activities saved on her AIN.

(U//~~FOUO~~) OIG located several emails in [redacted] Lotus Notes from 4 May 2007 to 2 April 2008 regarding her work on the ODNI OIG compensatory time policy (Appendix 1).

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(U//~~FOUO~~) OIG reviewed [redacted] security file, which disclosed she filed numerous Forms 879 for Outside Activities. The dates filed and summary of some of the activities are as follows:

- [redacted]
- [redacted]
- [redacted]
- [redacted]
- [redacted]
- [redacted]
- [redacted]
- [redacted]
- [redacted]

(b)(6)

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

(U//~~FOUO~~) On 11 April 2011, the OIG interviewed [redacted]. The OIG provided [redacted] a Garrity warning, which she acknowledged in writing. [redacted] told the OIG that she never intended not to work her hours. She explained that she worked a lot from home in February 2011. [redacted] also said that she often works from home at the end of the day and receives phone calls when she is at home. In 2007, she was counseled by [redacted] about attending to work issues after hours, and her 2008-2009 Performance Appraisal reflected that issue. She advised that in February 2011, working from home was no longer allowed. Prior to then, her full days of compensatory time worked were approved individually. Partial days occurred two to three times a week, and she tracked this time by placing sticky notes in her calendar, which she threw away after the pay period. [redacted] said that [redacted] allowed her to work from home. She further explained that she ran outside at the end of the day, which she charged as compensatory time worked. When the OIG advised her that practice was not allowable, [redacted] said she was not aware of this. In addition, [redacted] told the OIG that she had no way of knowing how much time she worked from home, but guessed that about 85 percent of the questionable time was worked from home, and the other 15 percent was for her workouts.

(U//~~FOUO~~) The OIG asked [redacted] why there were entries on office calendars where she had leave scheduled (which coincided with shortages for those days), but did not record it on her time and attendance. [redacted] said she would have to see the dates to know what happened.

(U//~~FOUO~~) The OIG questioned [redacted] about not adding a half hour lunch break into her schedule. She said that at some point she knew she was supposed to do that, but she does not know when. [redacted] said when she worked for DOJ, adding in 30 minutes for lunch was not required. She said it was fairly common for DOJ employees to eat lunch at their

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desk. [] said she did not realize she was required to include a half hour for lunch in her scheduled hours, even if she ate at her desk.

(U//~~FOUO~~) OIG then asked [] about her practice of charging excused absence relating to early dismissals prior to holidays. [] said that she did not know she could not charge time for excused absence when she did not work the days the early dismissals were authorized. In addition, [] told OIG she did not know that she could not claim compensatory time worked when she did not take advantage of the early dismissal. [] said their office was told that they could not work without compensation, and that would be working without compensation.

(U//~~FOUO~~) The OIG asked [] how many times she interviewed people during work hours for the book she intended on writing. She said it was about twenty times and she did this during her lunch. The OIG pointed out that sometimes [] interviewed people in the morning. She opined that the time was "de minimis." She also said that this time was not for profit, and she never wrote the book.

(U//~~FOUO~~) When the OIG asked [] about bringing her children to work, she said [] told her to bring her children so that she could get her work done. She explained that the time she brought her new baby, she actually came in to do work. At the end of the interview [] was given a copy of the spreadsheet with the questionable hours⁴

(U//~~FOUO~~) On 29 April 2011, OIG interviewed [] in the presence of [], her attorney. The OIG provided [] a Garrity warning, which she acknowledged in writing. [] provided an affidavit (Appendix 2) regarding the allegations against her.

(U//~~FOUO~~) [] provided Exhibits 1-3 and 5-7 as referenced in her affidavit. [] told OIG she had not put together all the phone records (Reference Exhibit 4 of her affidavit) and intended on providing them after she and [] had time to analyze them. She also intended on providing work-related emails from her uGov account. [] also provided her performance reviews and awards which showed that she was doing the work of more than one person.

(U//~~FOUO~~) Investigator's Note: In her affidavit, [] claimed she had obtained approval for working "remotely" 20 hours per month. OIG advised [] that this was not substantiated by her supervisors.

(U//~~FOUO~~) [] said that [] was aware of her compensatory time worked based on Exhibit 3 of her affidavit. [] explained that she had drafted a staffing proposal to hire an associate based on her current duties and had sent this email to []. [] believed this proved [] was aware of her compensatory time worked based on her workload. [] said there was a hiring freeze and the position was never approved. [] also pointed to Exhibit 2 of her affidavit which contained her

⁴ (U//~~FOUO~~) On 20 April 2011, OIG provided [] with a copy of the revised analysis which included OIG's comments and notes based on information obtained from review of records and interviews.

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performance reports and awards, all indicating that her supervisors were aware of her working compensatory time.

(U//~~FOUO~~) [redacted] acknowledged to OIG that she understands employees must include a 30 minute meal break in their standard work hours. [redacted] said she routinely worked before and after her work hours in the building "remotely." This was "our practice...what our office does." [redacted] thought it was permissible to charge for hours worked outside the office but could not explain why she thought that.

(U//~~FOUO~~) In her affidavit, [redacted] noted 37 days of badge machine errors. OIG pointed out that she was given credit for all but two days when these errors occurred based on computer log on records. OIG told her she would be given credit for the remaining two days (18 hours). Further, [redacted] said that on 16 December 2010, badge records showed her as leaving the building at 4:04 PM, yet she had records from her uGov account showing she logged in at home shortly thereafter. [redacted] claimed that there is no way she could make it home that quickly which meant that the badge records must be inaccurate.

(U//~~FOUO~~) [redacted] also claimed that for 21 January 2011, she had her husband call [redacted] to tell him that she would be unable to work from home that day due to her illness. [redacted] was supposed to ensure her hours were changed to sick leave for that day. OIG advised [redacted] that we would give her credit for those hours.

(U//~~FOUO~~) [redacted] stated that she was in error during her first interview with OIG when she said that that 15 percent of the compensatory time worked she claimed was for physical fitness. [redacted] checked her calendar and said she charged compensatory time worked no more than seven times for this.

(U//~~FOUO~~) Also, [redacted] said that not everything was on the calendars. She could not say what she was doing for some of the questionable hours and would not address individual days any further.

(U//~~FOUO~~) When asked about the number of hours she spent interviewing employees for her book, [redacted] said she had previously discussed the interviews for her book with OIG. [redacted] said she went through her records and determined that she spoke to 11 individuals over five months.

(U//~~FOUO~~) When asked how much time she spent on activities related to the ACF on a weekly basis, [redacted] said that she does not participate much in ACF anymore. OIG then asked about how much time she spent for Bible studies, meeting and/or praying with friends in the cafeteria or elsewhere, [redacted] said, "We're allowed to talk to people." She had no idea how much time she spent a week in these activities.

(U//~~FOUO~~) The OIG showed [redacted] three entries obtained from her Lotus Notes calendar: 9 December 2009, "+.5 call with [redacted] on way home about contractors data call;" 20 September 2010, "+.5 wk out, +.5 getting [redacted] gifts;" 23 September 2010, "+.5 [redacted] Farewell at LX" and told she charged one hour compensatory time worked on each of these days (See

All redactions per (b) (3) 50 U.S.C 3024 (m) (1), (b) (6), & (b) (7) (c) unless otherwise indicated.

Appendix 3).⁵ [redacted] stated these entries were just reminders to her of the events. She was tasked to purchase a gift from the office for [redacted] official going away. None of these entries reflected time she actually charged.

(U//~~FOUO~~) Investigator's Note: [redacted] initials are [redacted].

(U//~~FOUO~~) When asked how she charged time for reading emails, [redacted] said that she used a "good faith estimate." The OIG then asked whether it was possible that she overestimated her time. [redacted] said, "No." When asked whether she accurately recorded her time and attendance, [redacted] said, "Yes."

(U//~~FOUO~~) [redacted] stated her work involved reading a lot of unclassified materials. She took these materials with her to personal appointments to make up time away from the office.

(U//~~FOUO~~) When asked whether [redacted] was aware she charged as work hours every time he called her, [redacted] said she did not charge for every call she received from him. [redacted] came down to talk to her regularly about time and attendance. [redacted] recorded her hours in the system. Her supervisors approved them. None of them ever spoke to her about concerns with her time and attendance. [redacted] acknowledged that she took approval of her time and attendance in ELECTRON as approval of how she was charging her hours. At the end of the interview, OIG agreed to consider any additional information [redacted] would like to provide.⁶

(U) Coordination

(U//~~FOUO~~) On 17 May 2011, the OIG briefed the final results of the investigation to Mr. Gene Rossi, Assistant United States Attorney (AUSA), DOJ, United States Attorney's Office for the Eastern District of Virginia, Alexandria, Virginia, in accordance with Executive Order 12333. Mr. Rossi was presented with facts in support of prosecution under *United States Code Title 18, section 287, False, Fictitious, and Fraudulent Claims*. He declined prosecution in favor of administrative action by ODNI.

(U) CONCLUSION

(U//~~FOUO~~) Given the AUSA's declination, documentary evidence and interviews support a conclusion that [redacted] false time and attendance submissions totaling 596 hours violated *AR 20-29, Hours of Work and Premium Pay*, and ODNI policies. The OIG recommends that the ODNI consider whether disciplinary action is appropriate.

⁵ (U//~~FOUO~~) These calendar entries are only a sample of numerous others of a similar vein wherein it appeared to OIG [redacted] was tracking her compensatory time worked.

⁶ (U//~~FOUO~~) The OIG later determined not to consider any phone call records or uGov emails since [redacted] had not obtained approval in advance from her supervisors or made them aware of her practice to charge hours for these.

~~(U//FOUO)~~ RECOMMENDATIONS

~~(U//FOUO)~~ The OIG recommends the Chief Management Officer, ODNI, review the facts of this case and determine any appropriate disciplinary action.

(U) APPENDIXES

1. ~~(U//FOUO)~~ Lotus Notes emails, 4 May 2007 – 2 April 2008
2. ~~(U//FOUO)~~ [redacted] Affidavit, 1 May 2011, with Exhibits 1-3 and 5-7
3. ~~(U//FOUO)~~ Calendar entries, 9 December 2009, 20 and 23 September 2010

(b)(3) 50 USC §3024(m)
(b)(6)
(b)(7)(c)