



**OFFICE OF
INSPECTOR GENERAL
U.S. DEPARTMENT OF THE INTERIOR**

REPORT OF INVESTIGATION

Case Title Reprisal Allegations at FWS Region 5 Fisheries Program	Case Number OI-PI-16-0175-I
Reporting Office Program Integrity Division	Report Date July 28, 2016
Report Subject Report of Investigation	

SYNOPSIS

We investigated allegations that ██████████ U.S. Fish and Wildlife Service (FWS), Region 5, was reprised against by his supervisor at the time, ██████████ ██████████ for Fisheries ██████████. ██████████ allegedly reprised against ██████████ after ██████████ tried to stop ██████████ for Fisheries, from inflating a storm damage estimate for a fish hatchery that had been affected by Hurricane Irene in 2011. Between 2012 and 2016, ██████████ allegedly had a role in preventing ██████████ from being assigned to work details he wanted, kept him from being selected for positions he applied for, and attempted to thwart him from receiving a detail (which ██████████ ultimately received). He also allegedly had ██████████ work outside his position description.

We found evidence that ██████████ attempted to increase the hatchery's storm damage estimate by adding approximately \$6 million in capital improvements to it and that ██████████ tried to stop him. ██████████ expressed his concerns about the capital improvements to numerous people, including ██████████ and ██████████, and ██████████ later separated and clearly labeled the capital improvements from the infrastructure damage in the estimate. Four Region 5 budget and engineering employees agreed that including the improvements in the estimate was improper.

We also found evidence that ██████████ experienced negative job-related actions after his involvement in the estimate and that ██████████ had influence over some of these actions. Before ██████████ became involved in the storm damage issues, he received detail and leadership opportunities, and ██████████ even offered him a supervisory position. Afterward, however, FWS managers denied ██████████ four requests for details and rejected him for four positions that he applied for. This sequence of events creates a strong appearance of reprisal. ██████████ acknowledged that he had shared concerns about

Reporting Official/Title ██████████/Special Agent	Signature Digitally signed.
Approving Official/Title ██████████/ RAC	Signature Digitally signed.

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█████ communication style with some of the managers who were in charge of hiring for these details and positions. While witnesses corroborated ██████ claims that ██████ could have trouble with interpersonal communications, we did not find documentation of these concerns before ██████ became involved in the storm damage estimate. In addition, ██████ did appear to have been working outside his position description even though he had expressed concerns to ██████ about his workload and assigned tasks. We did not find sufficient evidence that ██████ tried to stop ██████ from receiving the recent detail.

DETAILS OF INVESTIGATION

We initiated an investigation on December 14, 2015, into allegations that ██████ ██████ U.S. Fish and Wildlife Service (FWS), Region 5, experienced reprisal for trying to prevent ██████ for Fisheries at the time, from inflating a storm damage estimate for the White River National Fish Hatchery in Bethel, VT, which was affected by Hurricane Irene in 2011. Specifically, ██████ deputy and ██████ supervisor at the time, allegedly prevented ██████ from receiving four details, kept him from being selected for four positions, and attempted to stop him from receiving a recent detail. ██████ also allegedly made him do work that was outside his position description.

Alleged Inflation of Storm Damage Estimate

We found that ██████ attempted to increase the White River National Fish Hatchery storm damage estimate by including \$6 million in capital improvements and that ██████ tried to stop him, at one point emailing him directly that he was committing fraud. ██████ also expressed concerns to numerous people, including ██████ about including the capital improvements, and ██████ ultimately separated the improvements from the infrastructure damage in the estimate and clearly labeled them. Four of the Region 5 budget and engineering staff members we spoke to agreed that including capital improvements in the estimate was improper.

█████ stated during his interview that in September 2011, he led a team, which included Region 5 engineers, to assess Hurricane Irene damage at FWS' White River facility, and they produced a damage estimate of \$4.7 million (**Attachments 1 and 2**). ██████ said that team members later informed him that ██████ had toured the damage area and ordered that \$10 million be added to their estimate. ██████ said that he immediately informed ██████ that he could not add \$10 million to the estimate, and ██████ ordered him to leave his office. ██████ said that ██████ later told him of his involvement in the estimate: "This could be a career-limiting move," and that employees only received one chance and ██████ "blew it."

█████ said he also informed ██████ that he would not present false damages during briefings that he had been scheduled to participate in for Region 5 ██████ and the Connecticut River Atlantic Salmon Commission. ██████ said that ██████ insisted he "get in line" and "learn to do what [he was] told."

We reviewed relevant FWS employee emails and found the following:

- On September 8, 2011, ██████ emailed ██████, and others that the damage for White River totaled \$3.9 million (**Attachment 3**). He stated that an additional 30 percent could

be added given the urgency of the procurement and for inspections and oversight, which would bring the total to approximately \$5 million.

- FWS [REDACTED] emailed [REDACTED] and Region 5 [REDACTED] [REDACTED] on September 12, 2011, that the region's Hurricane Irene damage estimate seemed low compared to those of other regions (**Attachment 4**). She wrote that because the potential existed for "supplemental" funding, the region needed to take a "serious look" to make sure it was not "losing out." [REDACTED] responded that [REDACTED] would tour the facility to obtain a "more accurate" assessment.
- On September 13, 2011, Region 5 [REDACTED] emailed [REDACTED] an updated storm damage report, stating that the estimate had increased to \$14 million (**Attachment 5**). [REDACTED] Region 5 [REDACTED] for the Fisheries Program, submitted a spreadsheet to [REDACTED] earlier that day breaking down the \$14 million figure, which included \$5 million to replace the river "infiltration gallery" (a leaching field underneath a riverbed), and \$1.2 million to repair the "effluent settling basin" used to remove turbidity from wastewater (**Attachment 6**). He wrote to [REDACTED] that the estimate's increase was based on [REDACTED] recent tour of the facility.
- [REDACTED] emailed [REDACTED] on September 14, 2011, that [REDACTED] and another engineer informed him that the fisheries program was increasing the White River damage estimate to include items, such as the river infiltration gallery, that were not operational before the storm (**Attachment 7**). He said he wanted to inform [REDACTED] that an electronic record existed showing that Region 5 had officially reported these things to FWS and the Department of the Interior as being inoperable for the past 6 years. [REDACTED] responded to [REDACTED] that he was aware of the situation and that the flood had made the items unrepairable. [REDACTED] responded that [REDACTED] could not comingle capital improvements with storm damage estimates and that doing so would "represent a fraudulent action."
- On September 19, 2011, Region 5 [REDACTED] asked [REDACTED] to prepare a one-page "overview of the damages" to brief the Connecticut River Atlantic Salmon Commission, and on September 22, 2011, he informed [REDACTED] that he ([REDACTED]) would be participating in a briefing for [REDACTED] on September 28, 2011 (**Attachment 8**).
- [REDACTED] emailed [REDACTED] on September 28, 2011, that a recent press release and presentation on the storm damage noted that White River suffered \$14 million in damages (**Attachment 9**). He said that he and his team agreed that the damage was \$5 million. He noted that \$6 million in improvements and \$3 million in fish losses were included in the \$14 million estimate.
- On October 4, 2011, [REDACTED] gave [REDACTED] a new storm-damage estimate spreadsheet, stating that he added the non-storm-damage-related capital improvements "as directed." The spreadsheet listed the infrastructure damage (which totaled \$5 million) separately from the capital improvements (\$6 million). [REDACTED] then emailed the spreadsheet to [REDACTED], [REDACTED] and others (**Attachment 10**).
- On December 5, 2011, the engineering firm HDR provided Region 5 a draft storm damage estimate for White River (**Attachments 11 and 12**). HDR's estimate outlined \$5.5 million in damages, including \$1.9 million for the river infiltration gallery and \$163,184 for the settling basin, as opposed to Region 5's earlier estimates of \$5 million and \$1.2 million for these items, respectively.
- [REDACTED] emailed [REDACTED] and [REDACTED] on February 28, 2012, that while the initial damages for White River had ranged from \$7 million to \$14 million, including the loss of fish, staff had reevaluated the infrastructure damage and found \$5 million to \$6 million in damages (**Attachment 13**).

Region 5 staff informed us that White River ultimately received \$1.9 million in Federal funding to rebuild the facility (**Attachment 14**).

We interviewed [REDACTED] Region 5 [REDACTED], and [REDACTED], who also worked on the White River estimate (**Attachments 15, 16, 17, 18, 19, and 20**). [REDACTED] and [REDACTED] stated that [REDACTED] was attempting to inflate the estimate and described meetings where he talked about increasing it. [REDACTED] specifically recalled a meeting where one of the [REDACTED] told [REDACTED] that the infiltration gallery at White River had not worked for a long time and the damage estimate should not include it, and [REDACTED] responded that he was still going to have it replaced.

[REDACTED], and former Region 5 [REDACTED] [REDACTED] all said they remembered [REDACTED] expressing concerns about [REDACTED] trying to inflate the estimate (**Attachments 21 and 22**). [REDACTED] said he recalled [REDACTED] telling him that [REDACTED] and [REDACTED] were frustrated that “they weren’t getting the numbers that they wanted” from [REDACTED]. From overhearing conversations and attending staff meetings, [REDACTED] said, he observed [REDACTED] statements to be true. He said that [REDACTED] and [REDACTED] viewed [REDACTED] as an “obstructionist.”

[REDACTED] and [REDACTED] also agreed that the purpose of the estimate was to restore the facility to its pre-storm condition, and including capital improvements in it was improper. [REDACTED] stated that he did not believe the infiltration gallery sustained any storm-related damage, and the \$5 million to repair it was added to the estimate as “fluff.” He also said that the cost to repair the settling basin should have only been \$150,000, not \$1.2 million. [REDACTED], the region’s [REDACTED], also stated that capital improvements and items not damaged by the storm should not have been added to the estimate (**Attachments 23 and 24**).

[REDACTED] and [REDACTED] stated, however, that an argument could be made for including facility improvements and even undamaged items in a damage estimate, especially when the items were outdated (**Attachments 25, 26, 27, and 28**). [REDACTED] stated that as long as the requesting entity was “clear” about what it was asking for, this practice was “fine.” [REDACTED] said that when she emailed [REDACTED] that Region 5’s estimate appeared low, she did not know what the numbers were based on and her intent was not for the region to add items that had not been damaged by the storm.

[REDACTED] and [REDACTED] both said in their interviews that they were unclear about what FWS wanted to be included in the storm damage estimate for White River, and they denied trying to mislead anyone by including the capital improvements (**Attachments 29, 30, 31, and 32**). They said that before Hurricane Irene, which devastated White River, they had never dealt with storm damage of this magnitude. Both acknowledged that they had intended to try to get as much money as possible for the facility and they had hoped to completely rebuild it with a new mission in mind. [REDACTED] specifically acknowledged that he included the improvements to the facility in the storm damage estimate, although he said he could not recall details. He said, however, that he had no problem with those items later being clearly labeled as capital improvements.

We obtained an email, dated October 4, 2011, sent from [REDACTED] to [REDACTED] which appears to support [REDACTED] statement that he was fine with the capital improvements being separated from the infrastructure damage (see Attachment 10). After [REDACTED] forwarded the new spreadsheet on October 4, 2011, [REDACTED] emailed [REDACTED] that [REDACTED] was “happy with the way the estimate was partitioned.”

[REDACTED] and [REDACTED] both said they could not recall having any disagreements or disputes with

█████ about the storm damage estimate, even after we showed them his emails to each of them opposing what was being included (see Attachments 29, 30, 31, and 32). █████ denied telling █████ that his disagreement “could be a career-limiting move,” and █████ denied telling him to “get in line” with what they wanted.

We found that in █████ 2012 performance appraisal, █████ praised him for his involvement in the estimate and the accuracy of his team’s work (**Attachment 33**).

Region 5 █████ denied knowing anything about the White River storm damage estimate being inflated (**Attachments 34 and 35**). She recalled █████ and █████ telling her that the storm damage estimate was \$14 million to get the facility “up and running.” She said she had no opinion on the dollar amount but told them to make sure the estimate was a fair and equitable assessment. █████ stated that the region needed to be “clear” about what was storm damage and what were capital improvements, and she appreciated that the storm damage estimate was later split this way.

Alleged Reprisal Against █████

According to 5 U.S.C. § 2302, “Prohibited Personnel Practices,” a supervisor may not take, fail to take, or threaten to take any personnel action against an employee because the employee disclosed information regarding a violation of law, rule, or regulation, or gross mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to public health or safety (**Attachment 36**).

We found evidence supporting that █████ experienced negative job-related actions after he became involved in the White River storm damage estimate, and █████ had influence over some of these actions. Before █████ involvement in the estimate, he received detail and leadership opportunities, and █████ even offered him a supervisory position, which he declined. Afterward, he was denied four requests for details and did not receive four positions that he applied for; he also appeared to have been working outside his position description under █████ even though he expressed concerns about this to █████ We found insufficient evidence that █████ attempted to stop █████ from receiving a recent detail.

█████ Treatment Prior to His September 2011 Disclosure

We found that in October 2007, █████ was selected as the acting project leader at the White Sulphur Springs National Fish Hatchery in West Virginia, and in July 2008, he was selected for FWS’ Stepping Up to Leadership Program, a 3-week course geared toward aspiring midlevel managers (**Attachments 37, 38, 39, 40, and 41**). In September 2009, he received a 2-year temporary promotion to GS-13 to oversee American Recovery and Reinvestment Act (ARRA) projects (**Attachments 42, 43, and 44**).

Finally, in March 2010, FWS announced a supervisory fish biologist position at Allegheny National Fish Hatchery in Warren, PA (**Attachment 45**). █████ selected █████, but he ultimately declined the offer (**Attachments 46 and 47**, and see Attachments 29 and 30). █████ stated to us that at that point in his career, he was not interested in working at a fish hatchery due to the monotonous nature of the work.

2011 Deputy Chief of Field Support Detail

█████ said that just before Hurricane Irene, he asked ██████ if he could act as deputy chief of field support because his supervisor, ██████, who held that position, was retiring (see Attachments 1 and 2). He said that ██████ initially supported this request, but after his involvement in the White River estimate, ██████ denied him the opportunity.

We obtained an email, dated August 12, 2011 (prior to the storm damage estimate), from ██████ to ██████ and ██████ where he stated that he wanted to discuss his future with the program and to have an opportunity to prove himself as a supervisor (**Attachment 48**). ██████ responded that his plan was to detail “actings” into the deputy chief of field support position and stated: “Let’s talk when you get a chance.”

We confirmed that after the storm damage estimate, other employees were detailed as deputy chief of field support and ██████ never received the opportunity (see Attachments 15, 16, 29, and 30). ██████ and ██████ both said that ██████ was already performing many duties related to the position. ██████ said that ██████ was a “shoo-in” for the detail and his not receiving it was a “total screw job” (see Attachments 17 and 18). According to ██████ after ██████ spoke up about the storm damage estimate, “definitely things changed” for him, and he believed that ██████ did not receive this detail as a result (see Attachments 15 and 16). He said that ██████ also became “less friendly” to ██████

█████ said he believed that he had not supported ██████ for the detail because he had received frequent complaints about him (see Attachments 29 and 30). He said that many employees in the Region 5 contracting office had problems working with ██████ and explained that if something was not done “his way,” ██████ would “push and push and push.” ██████ said that he had orally counseled ██████ numerous times about his interactions with people, but he did not document this or issue ██████ any letters of counseling or reprimand.

We reviewed ██████ performance appraisals from 2009 through 2015 and did not find any documentation of his alleged negative behaviors (**Attachments 49, 50, 51, 52, 53, 54**, and see Attachment 33). In fact, ██████ received four “exceptional” ratings and three “superior” ratings.

We asked ██████ why he offered ██████ the supervisory position at the Allegheny National Fish Hatchery (in the spring of 2010) but did not support him in the deputy chief of field support detail (in 2011), and he said that his concerns about ██████ developed after the Allegheny position was offered (see Attachments 29 and 30). He said that over time he had seen a “pattern” that many people had trouble working with ██████ and he had become more aware of ██████ behavior. He said that he would not offer ██████ the Allegheny position if it were available today.

█████ said he did not recall ██████ being denied the opportunity to serve in the detail, but he might have been the “last one in the queue” before they decided to discontinue the detail (see Attachments 31 and 32). He said that ██████ not getting the opportunity to serve in the detail had nothing to do with his involvement in the storm damage estimate.

2012 Mid-Atlantic Susquehanna River Coordinator Detail

█████ said that just prior to his involvement in the storm damage estimate, he expressed an interest to ██████ in detailing to a Mid-Atlantic Susquehanna River coordinator position in Lamar, PA (see

Attachments 1 and 2). Afterward, he said, he made repeated requests for the detail to [REDACTED] and to [REDACTED], the Lamar Fish Technology Center [REDACTED] who reported to [REDACTED], but he was not afforded the opportunity.

[REDACTED] initially said that he did not recall [REDACTED] strongly petitioning for the detail, and he did not believe that he “had any issues against him doing it” (**Attachments 55 and 56**). We then showed [REDACTED] four emails to him from [REDACTED] all dated between February 2012 and September 2013, where [REDACTED] expressed an interest in the detail (**Attachments 57, 58, 59, and 60**). [REDACTED] said that he could not explain why [REDACTED] did not receive the detail. He later acknowledged that around this time, [REDACTED] was “clearly a malcontent in his job” and he “wouldn’t have been a presence” that [REDACTED] wanted at the center. He said that [REDACTED] never said to him that he did not want [REDACTED] to receive the detail, but he later acknowledged that [REDACTED] had told him about conflicts he was having with [REDACTED].

[REDACTED] acknowledged that he probably told [REDACTED] that [REDACTED] was “not a good fit” for the detail because being “flexible” and able to communicate well were necessary and [REDACTED] had problems in those areas (see Attachments 29 and 30).

2012 Request to Work in Lamar, PA

[REDACTED] said that in May 2012, he asked [REDACTED] if he could transfer to Lamar, PA (where he had a home), and [REDACTED] said that he could not (see Attachments 1, 2, 46, and 47). [REDACTED] said that around this time, he found out from [REDACTED] and [REDACTED] that Region 5 fisheries program managers had talked at a budget meeting about detailing him to Lamar, and [REDACTED] said during that meeting that he would make sure that [REDACTED] failed at the detail. [REDACTED] said that after this, he did not pursue the detail further.

[REDACTED] and [REDACTED] both recalled attending this meeting and said that [REDACTED] and [REDACTED] did not support the idea of a detail for [REDACTED] (see Attachments 15, 16, 21, and 22). [REDACTED] said that [REDACTED] told the group that he would overload [REDACTED] with work so that he would fail at the detail, and the “unfairness level” of the comments bothered him. [REDACTED] recalled [REDACTED] and [REDACTED] talking about putting “overly burdensome” stipulations and “constraints” on [REDACTED] while he was on the detail, which [REDACTED] said was “unfair and unprecedented.” He said that he also recalled [REDACTED] or [REDACTED] (or both) making disparaging comments about [REDACTED] at the meeting, including stating that he was “volatile.” [REDACTED] said that overall he had observed [REDACTED] going from being a “superstar” in the office to having “fewer opportunities.” He said that “clearly there was a turning point” in [REDACTED] relationship with [REDACTED] and [REDACTED], but he did not know if that point was [REDACTED] involvement in the storm damage estimate.

[REDACTED] denied ever saying that he would ensure that [REDACTED] failed at this detail, but he acknowledged that he might have expressed concerns about [REDACTED] being able to do both jobs, and he wanted his region’s projects to continue to be [REDACTED] priority (see Attachments 29 and 30). He said that at the meeting he might have commented: “If I let this happen, and I call up for my stuff, my stuff comes first. I need to get my work done.”

[REDACTED] said that he did not recall [REDACTED] ever saying that he would ensure [REDACTED] failed at the detail or that he would inundate him with work (see Attachments 31 and 32). He also said he did not recall the meeting where the alleged discussion about the detail took place.

We also interviewed [REDACTED], the [REDACTED] at the North Attleboro Fish Hatchery in Massachusetts, whom we were told also [REDACTED], and he said he did not recall [REDACTED] making any of these statements (**Attachments 61 and 62**).

2014 North Attleboro, MA, Project Leader Detail

[REDACTED] stated that in March 2014, the project leader at the North Attleboro Fish Hatchery retired, and he asked [REDACTED] about doing a detail there (see Attachments 1 and 2). He said that [REDACTED] was initially very supportive of the idea but later told him that he was going to “go in a different direction.”

[REDACTED] said that [REDACTED] might have requested a detail to North Attleboro, but he did not recall denying him the detail (see Attachments 61 and 62). He said that it was never his intention to preclude [REDACTED] from being detailed, and no one, including [REDACTED], had any influence on his decision not to detail [REDACTED].

[REDACTED] said that he did not recall having any specific conversations with [REDACTED] about this detail, but he said that, as with the Mid-Atlantic Susquehanna River detail, he might have given [REDACTED] his professional opinion about [REDACTED]: that [REDACTED] was an extremely hard worker but was hard to get along with and not a good communicator (see Attachments 29 and 30).

2014 Permanent Mid-Atlantic Susquehanna River Coordinator Position

In March 2014, FWS advertised a permanent GS-12/13 Mid-Atlantic Susquehanna River coordinator position (**Attachment 63**). [REDACTED] applied for it but was not selected.

[REDACTED], who was the selecting official for the position, said that he ultimately chose [REDACTED] because she was “head and shoulders above all of the other applicants” (see Attachments 55 and 56). He acknowledged that [REDACTED] had served in this role on a detail and [REDACTED] had not received the same opportunity. When asked if [REDACTED] would have had a better chance at the permanent position if he had also served a detail, [REDACTED] responded that he did not believe so. [REDACTED] said he did not believe that [REDACTED] had the skills for “running meetings and working with people and building collaborations” or the technical skills necessary for the position.

We asked [REDACTED] if [REDACTED] opinion of [REDACTED] had ever influenced whether he selected [REDACTED] for any positions, and he acknowledged that it did. “I mean, we talked about [REDACTED]—and in a concerning way most of the time,” he said. “So it is a dialogue, and do opinions get formed during dialogue? . . . In that sense, it is an indirect influence. . . . That’s how you decide whether you are going to hire somebody in a high-profile position or not.”

[REDACTED], Ecological Services Field Office, who was also on the hiring panel for the position, said that [REDACTED] did not possess the personality to attend confrontational meetings, which were typical of the position, and that she had seen him “lose his cool” when pushed beyond his “limits” (**Attachments 64 and 65**). She said that [REDACTED] did interview “very well” for the position, but he was not as qualified as [REDACTED], who had the technical background for the position as well as the necessary written and oral communication skills.

[REDACTED] recalled [REDACTED] being selected and said it was a “great selection” (see Attachments 29 and 30). He said he did not think that [REDACTED] asked for his opinion on [REDACTED] during this time because

█████ already had an opinion of █████ at this point, and █████ had expressed having problems working with █████ in the past.

2014 Fish Biologist Position in Lamar, PA

In January 2014, FWS advertised a term GS-9/11 fish biologist position in Lamar, PA (**Attachment 66**). █████ applied for it but was not selected.

According to █████, FWS Region 5 █████ was the selecting official for the position, and he did not influence the selection (see Attachments 55 and 56). He said that █████ was not “even close” to having the necessary technical skills for the position, stating that █████ was a “hatchery guy” and not a “number cruncher.”

█████ stated that she selected █████ over █████ because █████ was the best-qualified candidate based on the skills she was looking for (**Attachments 67 and 68**). She said that she did not conduct interviews because █████ was the only applicant who clearly met the position requirements. She said that no one told her not to select █████.

█████ said he did not recall influencing the selection of this position (see Attachments 29 and 30). He said that █████ made the selection and he approved it.

2015 North Attleboro, MA, Project Leader Position

In February 2015, FWS advertised a GS-12/13 project leader position at the North Attleboro Fish Hatchery in Massachusetts (**Attachment 69**). █████ applied for it but was not selected.

█████ said that he was the selecting official for the position, and he ultimately selected █████, whom he believed was the best candidate to help develop new initiatives and ideas at the hatchery (see Attachments 61 and 62). █████ said that █████ sometimes displayed poor interpersonal skills, and this influenced his decision not to select him. He said that no one, including █████ attempted to influence him regarding the selection.

Region 5 █████, who was also on the position’s hiring panel, stated that █████ had a reputation for “being difficult” and “reactionary,” which influenced the decision not to hire him (**Attachments 70 and 71**). She said that █████ was her first choice for the position, and she believed that the hiring process was fair.

█████, a █████ at Allegheny National Fish Hatchery, who was also on the hiring panel, said that █████ “people skills” influenced his not being selected for the position (**Attachments 72 and 73**). He described █████ as condescending, “aloof,” and unwilling to listen.

█████ said that he did not know why █████ was not selected for the position, but he recalled █████ telling him that he wanted to select █████ (see Attachments 29 and 30).

2015 Facilities Chief Position

In July 2015, FWS advertised a GS-13 facilities chief position in Region 5 for “status candidates” (**Attachment 74**). █████ applied for it but was not selected. After he interviewed for the position, FWS

readvertised it to all U.S. citizens and later reannounced it as an engineering position (**Attachments 75 and 76**).

Those on the hiring panel, including Region 5 [REDACTED], [REDACTED] and [REDACTED] for Fisheries [REDACTED], who served as the selecting official, all acknowledged having concerns about selecting [REDACTED] based on his personal interactions (**Attachments 77, 78, 79, and 80**, and see Attachments 29, 30, 72, and 73).

[REDACTED] who became [REDACTED] [REDACTED] in June 2015, said that she thought that [REDACTED] would compete strongly for the facilities chief position because of his technical skills, and she was open to considering him (see Attachments 79 and 80). She said that after [REDACTED] interview, [REDACTED], and [REDACTED] all expressed concerns. She explained that [REDACTED] said that while [REDACTED] work was “impeccable,” he was not a “team player” and did not “work well with others.” We asked [REDACTED] if [REDACTED] feedback affected her decision not to select him for the position, and she acknowledged that it did influence her somewhat, stating: “I would say it did in the sense that where interpersonal conflict is fairly pervasive . . . that’s a person that I would have concerns about in a senior manager position like that.”

[REDACTED] stated that she herself had also seen issues with [REDACTED] and described a situation where he undermined a national-level decision. She informed us, however, that she had never issued any letters of counseling to [REDACTED] or taken any disciplinary action against him after he began reporting to her (**Attachment 81**).

[REDACTED] said that after conducting interviews, she decided that she wanted to “look more broadly” for a candidate. She said that before the certification list expired, she extended the announcement and broadened the advertisement to include all U.S. citizens, but ultimately she did not interview any candidates. She said that [REDACTED] became upset after she did this and told her he was quitting his job, and she decided to readvertise the position as an engineer because much of the work [REDACTED] had been doing, such as writing technical specifications for projects, should have been done by an engineer. We later asked [REDACTED] if she purposely had the position readvertised as an engineer so that [REDACTED] would be excluded from applying, and she denied it.

[REDACTED] said that [REDACTED] was aware of his opinion of [REDACTED], and he had told her that [REDACTED] was a hard worker but not a leader (see Attachments 29 and 30).

We reviewed 10 letters of recommendation that [REDACTED] provided as part of his application for the position (**Attachment 82**). Some described him as motivated, knowledgeable, and having high integrity. Others described him as a “tremendous asset,” an “innovator,” and “unflinching in his resolve to do the right thing.”

2016 White River National Fish Hatchery Detail

[REDACTED] stated that in February 2016, he asked [REDACTED] at White River National Fish Hatchery, about doing a detail to White River, and [REDACTED] later informed him that [REDACTED] (who was [REDACTED] supervisor) said he supported it but [REDACTED] did not (see Attachments 46 and 47). [REDACTED] said he later spoke with [REDACTED] and she denied even knowing about the request.

[REDACTED] said that [REDACTED] had the original idea of [REDACTED] doing the detail but later told him the

detail was not going to occur (**Attachments 83 and 84**). He acknowledged that he told ██████ that ██████ did not support the detail, but he said that no one ever told him this; he said he made an assumption because ██████ had changed his mind. Ultimately, he said, ██████ supported the detail, and ██████ received the opportunity.

██████ said that he asked ██████ what he thought about ██████ doing a detail at White River (see Attachments 29 and 30). He said he later spoke with ██████ about the detail, and she appeared reluctant about it even though she did not specifically say she was. He said that he went back to ██████ and told him that he needed to “work it through ██████”

██████ said there was “no truth” to her not supporting the detail (see Attachments 79 and 80). She said that after ██████ informed her about it, she told him that she would support whatever ██████ needed.

Position Description and Workload Issues

██████ said that he was detailed to a GS-13 construction-project-management position related to ARRA projects for approximately 2 years (from September 2009 to October 2011) (see Attachments 42, 43, 44, 46, and 47). When that detail ended in October 2011, he kept the increased workload. ██████ said that beginning in 2012, he expressed concerns to ██████ about the issue, and ██████ vowed to rectify the problem through a desk audit but never did. ██████ felt that ██████ was retaliating against him through his inaction.

We obtained the following FWS employee emails related to ██████ request for a desk audit:

- ██████ informed ██████ on May 31, 2013, that he had drafted a memo asking for a desk audit (**Attachment 85**).
- On September 11, 2013, ██████ emailed ██████ that ██████ had sent her ██████ desk audit request (**Attachment 86**). She asked him to fill out a position description questionnaire.
- On September 13, 2013, ██████ emailed ██████ stating that he was confused about some of the items requested in the questionnaire (**Attachment 87**). He sent her another email that day, stating that he was providing everything that he had “assembled to date” for the desk audit request (**Attachment 88**).
- On May 20, 2014, ██████ forwarded ██████ his second September 13, 2013 email to ██████ and said that he was confused about some of the follow-up items that HR had asked for.
- ██████ emailed ██████ on June 9, 2014, with the completed desk audit questionnaire attached (see Attachment 87). He said that ██████ had instructed him to send the questionnaire to ██████ so that ██████ could complete his portion and then return the questionnaire to ██████. ██████ replied that he would ask ██████ to make the issue a priority again.
- On October 15, 2014, ██████ emailed ██████ that as of 2 weeks before, ██████ still had not forwarded the questionnaire even though ██████ had again expressed to him his desire for the desk audit (**Attachment 89**).

██████ acknowledged that ██████ did appear to be doing work that was outside his position description, and after she became his supervisor in June 2015, she began “narrowing down” his workload and reassigning tasks (see Attachments 79 and 80). ██████ said that she knew ██████ had informed

██████████ that he had concerns about working outside his position description, and ██████████ ideally should have “sat down” with ██████████ and cross-referenced his performance plan with his position description. ██████████ said that at one point, discussions occurred about ██████████ having a desk audit, and ██████████ wanted to promote ██████████ to a GS-13, but the discussions stopped after ██████████ told her that ██████████ was quitting his job.

██████████ stated that ██████████ seemed to be in favor of the desk audit, but it never occurred because neither ██████████ nor ██████████ pursued it (**Attachments 90 and 91**).

██████████ said that he advocated for ██████████ to receive the desk audit and wanted to see him promoted to a GS-13 (see Attachments 29 and 30). He recalled meeting with ██████████ twice about the issue. At some point, he said, ██████████ informed him that he was quitting his job, and so he informed ██████████ that the desk audit was no longer a priority. ██████████ said that he, ██████████, and HR all shared some responsibility for the desk audit not occurring.

SUBJECT(S)

1. ██████████ for Fisheries, FWS Region 5.
2. ██████████ for Fisheries, FWS Region 5.

DISPOSITION

We are providing this report to FWS ██████████ for action.

ATTACHMENTS

1. Investigative Activity Report (IAR) – Interview of ██████████ on December 11, 2015.
2. Transcript of interview of ██████████ on December 11, 2015.
3. September 8, 2011 email from ██████████ to ██████████, and ██████████
4. September 12, 2011 emails between ██████████ and ██████████
5. September 13, 2011 email from ██████████ to ██████████ and ██████████.
6. September 13, 2011 emails between ██████████, and ██████████
7. September 14 and 19, 2011 emails between ██████████ and ██████████
8. September 19 and 22, 2011 emails from ██████████ to ██████████
9. September 28, 2011 email from ██████████ to ██████████
10. October 4, 2011 emails between ██████████ and ██████████
11. December 5, 2011 letter from HDR.
12. HDR damage estimate.
13. February 28, 2012 email from ██████████ to ██████████ and ██████████
14. IAR – Email from ██████████.
15. IAR – Interview of ██████████ on March 28, 2016.
16. Transcript of interview of ██████████ on March 28, 2016.
17. IAR – Interview of ██████████ on April 13, 2016.
18. Transcript of interview of ██████████ on April 13, 2016.
19. IAR – Interview of ██████████ on April 14, 2016.
20. Transcript of interview of ██████████ on April 14, 2016.
21. IAR – Interview of ██████████ on May 3, 2016.
22. Transcript of interview of ██████████ on May 3, 2016.

23. IAR – Interview of [REDACTED] on April 13, 2016.
24. Transcript of interview of [REDACTED] on April 13, 2016.
25. IAR – Interview of [REDACTED] on April 12, 2016.
26. Transcript of interview of [REDACTED] on April 12, 2016.
27. IAR – Interview of [REDACTED] on May 5, 2016.
28. Transcript of interview of [REDACTED] on May 5, 2016.
29. IAR – Interview of [REDACTED] on April 14, 2016.
30. Transcript of interview of [REDACTED] on April 14, 2016.
31. IAR – Interview of [REDACTED] on May 2, 2016.
32. Transcript of interview of [REDACTED] on May 2, 2016.
33. [REDACTED] 2012 performance rating.
34. IAR – Interview of [REDACTED] on April 12, 2016.
35. Transcript of interview of [REDACTED] on April 12, 2016.
36. 5 U.S.C. § 2302, “Prohibited Personnel Practices.”
37. August 10, 2007 email from [REDACTED] on [REDACTED] Sulfur Springs detail.
38. SF-50 for beginning of [REDACTED] Sulphur Springs detail.
39. SF-50 for end of [REDACTED] Sulphur Springs detail.
40. July 11, 2008 email from [REDACTED] to [REDACTED] on Stepping Up to Leadership Program.
41. NCTC Stepping Up to Leadership course information.
42. SF-50 on ARRA promotion.
43. SF-50 on extension of ARRA promotion.
44. SF-50 on end of ARRA promotion.
45. March 26, 2010 email from [REDACTED] to [REDACTED]
46. IAR – Interview of [REDACTED] on April 11, 2016.
47. Transcript of interview of [REDACTED] on April 11, 2016.
48. August 12 and 15 emails between [REDACTED] and [REDACTED]
49. [REDACTED] 2009 performance rating.
50. [REDACTED] 2010 performance rating.
51. [REDACTED] 2011 performance rating.
52. [REDACTED] 2013 performance rating.
53. [REDACTED] 2014 performance rating.
54. [REDACTED] 2015 performance rating.
55. IAR – Interview of [REDACTED] on March 8, 2016.
56. Transcript of interview of [REDACTED] on March 8, 2016.
57. February 29, 2012 emails between [REDACTED] and [REDACTED].
58. May 14, 2012 email from [REDACTED] to [REDACTED].
59. August 30, 2013 email from [REDACTED] to [REDACTED].
60. September 4, 2013 emails between [REDACTED] and [REDACTED].
61. IAR – Interview of [REDACTED] on April 14, 2016.
62. Transcript of interview of [REDACTED] on April 14, 2016.
63. Mid-Atlantic Susquehanna River coordinator advertisement.
64. IAR – Interview of [REDACTED] on March 9, 2016.
65. Transcript of interview of [REDACTED] on March 9, 2016.
66. GS 9/11 fish biologist position advertisement.
67. IAR – Interview of [REDACTED] on March 8, 2016.
68. Transcript of interview of [REDACTED] on March 8, 2016.
69. North Attleboro project leader position advertisement.
70. IAR – Interview of [REDACTED] on May 5, 2016.

71. Transcript of interview of [REDACTED] on May 5, 2016.
72. IAR – Interview of [REDACTED] on March 7, 2016.
73. Transcript of interview of [REDACTED] on March 7, 2016.
74. Facilities chief position advertisement for status candidates.
75. Facilities chief position advertised to all U.S. citizens.
76. Facilities chief position advertised as an engineer.
77. IAR – Interview of [REDACTED] on April 13, 2016.
78. Transcript of interview of [REDACTED] on April 13, 2016.
79. IAR – Interview of [REDACTED] on April 4, 2016.
80. Transcript of interview of [REDACTED] on April 4, 2016.
81. IAR – Email from [REDACTED].
82. Letters of recommendation provided by [REDACTED].
83. IAR – Interview of [REDACTED] on May 6, 2016.
84. Transcript of interview of [REDACTED] on May 6, 2016.
85. May 31, 2013 email from [REDACTED] to [REDACTED].
86. September 11, 2013 email from [REDACTED] to [REDACTED].
87. September 13, 2013 email from [REDACTED] to [REDACTED] and June 9, 2014 email from [REDACTED] to [REDACTED].
88. September 13, 2013 email from [REDACTED] to [REDACTED] and May 20, 2014 email from [REDACTED] to [REDACTED].
89. October 15, 2014 email from [REDACTED] to [REDACTED] and June 9, 2014 email from [REDACTED] to [REDACTED].
90. IAR – Interview of [REDACTED] on April 13, 2016.
91. Transcript of interview of [REDACTED] on April 13, 2016.