



National Credit Union Administration

Office of Inspector General

TO: Executive Director Mark A. Treichel
Regional Director L. J. Blankenberger, Region I

FROM: Inspector General James W. Hagen

A handwritten signature in black ink, appearing to read "Jim W. Hagen".

SUBJ: Report of Investigation (Case #17-CI-R1-03)

DATE: May 17, 2017

Attached for your review and appropriate action is the Office of Inspector General (OIG) Report of Investigation concerning (b)(6);(b)(7)(C), Examiner (Region I), National Credit Union Administration, (b)(6);(b)(7)(C). No portion of this report may be photocopied, duplicated, or disseminated without the express permission of the Inspector General or Director of Investigations.

Please return this report and notify (b)(6);(b)(7)(C), Director of Investigations, within 60 days, of any action you intend to take against (b)(6);(b)(7). If you have any questions or we may be of assistance, please contact me or (b)(6);(b)(7)(C). (b)(6);(b)(7)(C) can be reached directly at 703-518-(b)(6).



NATIONAL CREDIT UNION ADMINISTRATION
Office of Inspector General
Office of Investigations

REPORT OF INVESTIGATION

CASE NUMBER: 17-CI-R1-03
DATE: May 17, 2017
CASE TITLE: (b)(6);(b)(7)(C)
CASE STATUS: Closed - pending
VIOLATIONS: Unprofessional Conduct

PREDICATION

On February 23, 2017, (b)(6);(b)(7)(C), National Credit Union Administration (NCUA) Employee Development Specialist, contacted the Office of Inspector General (OIG) concerning allegations against NCUA Examiner (b)(6);(b)(7)(C), Region I. According to (b)(6);(b)(7)(C), NCUA Examiner (b)(6);(b)(7)(C) notified (b)(6);(b)(7)(C) that (b)(6);(b)(7)(C) made inappropriate comments to (b)(6);(b)(7)(C) during (b)(6);(b)(7)(C) training in late November 2016 and then again in February 2017.

SUBJECT INFORMATION

(b)(6);(b)(7)(C), Examiner (Region I), (b)(6);(b)(7)(C), (b)(6);(b)(7)(C) is a current NCUA employee.

DISTRIBUTION:

Mark A. Treichel
Executive Director

CASE AGENT:

(b)(6);(b)(7)(C)
Director of Investigations

APPROVED:

Sharon Separ
Asst. Inspector General for
Investigations

(b)(6);(b)(7)(C)

(Signature)

(Signature)

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DETAILS

A. (b)(6); (b)(7)(C)

On March 22, 2017, the Reporting Agent (RA) interviewed (b)(6);(b) (b)(6);(b) NCUA Examiner, in connection with this investigation. (**Exhibit 1**)

According to (b)(6);(b) (b)(6);(b) first met (b)(6);(b) at (b)(6);(b) Training at NCUA's Central Office in Alexandria, VA, held from (b)(6);(b)(7)(C) 2016. (b)(6);(b) added that (b)(6);(b) joined (b)(6);(b) class from another class for reasons unknown to (b)(6);(b). (b)(6);(b) said that (b)(6);(b) first incident with (b)(6);(b) occurred during training held during the week of (b)(6);(b)(7)(C) 2016, again in Alexandria, VA. (b)(6);(b) said that (b)(6);(b) was at dinner with another co-worker, (b)(6);(b)(7)(C) at a restaurant in Alexandria when (b)(6);(b) received a text message from (b)(6);(b)(7)(C) one of (b)(6);(b) classmates. (b)(6);(b) texted (b)(6);(b) asking (b)(6);(b) to join (b)(6);(b) and (b)(6);(b) at another, nearby restaurant, (b)(6);(b)(7)(C) (b)(6);(b)(7)(C) in Alexandria.

(b)(6);(b) stated that (b)(6);(b) and (b)(6);(b)(7)(C) later joined (b)(6);(b)(7)(C) and (b)(6);(b) at (b)(6);(b)(7)(C) and sat at the bar. According to (b)(6);(b) (b)(6);(b) made a comment about the bartender (b)(6);(b)(7)(C) to which (b)(6);(b) replied (b)(6);(b)(7)(C)

(b)(6);(b) said the next day (b)(6);(b) pulled (b)(6);(b) aside in the hallway outside class and told (b)(6);(b) that (b)(6);(b) was uncomfortable with (b)(6);(b) which was why (b)(6);(b) texted (b)(6);(b) and asked (b)(6);(b) to join them at the restaurant. (b)(6);(b) stated that (b)(6);(b) told (b)(6);(b) that (b)(6);(b) made a comment about (b)(6);(b) (b)(6);(b)(7)(C)

(b)(6);(b) said that one afternoon after class, (b)(6);(b)(7)(C) were doing puzzles in the lunchroom when (b)(6);(b) told (b)(6);(b)(7)(C) about (b)(6);(b) comment at the bar about the bartender (b)(6);(b). At that point, (b)(6);(b) replied that (b)(6);(b) would speak to (b)(6);(b) supervisor about it. (b)(6);(b) added that the following day (b)(6);(b)(7)(C) told them they could escalate the problem or switch classes. (b)(6);(b) said that both (b)(6);(b) and (b)(6);(b)(7)(C) decided to stay in the class because (b)(6);(b)(7)(C) told them that (b)(6);(b) was returning to (b)(6);(b) previous class assignment.

(b)(6);(b) said that on (b)(6);(b)(7)(C) 2017, (b)(6);(b) emailed (b)(6);(b) to make sure that (b)(6);(b) would not be in their next training class. (b)(6);(b) stated that (b)(6);(b) replied on January 19, stating that (b)(6);(b) would be in the class after all, but that they could either escalate their complaint or switch classes. (b)(6);(b) also told (b)(6);(b) in the email that (b)(6);(b) would discuss this with (b)(6);(b) supervisor and they would talk to (b)(6);(b) about appropriate behavior. (b)(6);(b) said that (b)(6);(b) and (b)(6);(b)(7)(C) decided to stay in the class because they liked their other classmates and did not want to switch at this late date.

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(b)(6); stated that the next (b)(6); class at the NCUA central office in Alexandria was from February (b)(6);, 2017. (b)(6); said everything was fine between (b) and (b)(6); until the last night, on February (b) (b)(6); related that the entire class was staying at the Marriott Residence Inn, Alexandria, and met that evening in the hotel lobby for a pizza party and drinks. (b)(6); said that some of (b)(6); classmates were discussing what types of movies they enjoy watching. (b)(6); said that (b)(6); asked (b) if (b) liked Hentai, which is animated pornography. (b)(6); told (b)(6); (b) did not. (b)(6); then asked (b) what (b)(6); watched. (b)(6); stated that (b)(6); told (b)(6); it was none of (b) business. (b) then left the party and went back to (b)(6); room.

(b)(6); related that the next day in class (b)(6); asked (b)(6);(b) if (b) overheard (b)(6); conversation with (b)(6); (b) said (b) had not. In the lunchroom that same day, (b)(6); related that (b)(6); was talking to (b)(6);(b) when (b)(6); walked in. (b)(6); said (b)(6); told (b)(6); that (b)(6); comments about the pornography were disrespectful and (b) feels uncomfortable around (b)(6);. (b)(6); added that (b)(6); said, "Are you sure it wasn't someone else?" They went back to class and (b)(6); said that (b)(6); asked two people if they had overheard (b)(6); conversation with (b)(6);(b). One of the two individuals, (b)(6);(b)(7)(C), said that (b) did not hear anything, according to (b)(6);(b). (b)(6); said the second individual, (b)(6);(b)(7)(C), said that (b)(6); did not hear the whole conversation, but did hear (b)(6); tell (b)(6); that something was none of (b) business. The class ended and (b)(6); said that (b) left.

(b)(6); said that (b) texted (b)(6); later that day and asked (b)(6);(b)(7) if (b) wanted to discuss the incident. (b)(6); said (b)(6); texted (b) back stating (b) was at the airport and asked who this was. (b)(6); identified (b)(6);(b) to which (b)(6); texted back that if (b)(6); wanted to speak to (b)(6); (b) had to call (b)(6);. (b)(6); said that (b)(6); added that (b) would like to apologize but (b)(6); would have to call (b)(6);. (b)(6); said that (b) has since deleted those text messages.

On March 29, 2017, the RA interviewed (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C), in connection with this investigation. **(Exhibit 2)**

During (b)(6); training in November 2016, according to (b)(6);(b) the entire class met for snacks in the lobby of the Marriott Residence Inn in Alexandria after hours. (b) related that at that gathering, (b)(6); asked (b)(6); if (b)(6); was interested in (b)(6);(b)(7)(C) friend who was also in the class. (b) also asked (b) if (b) wanted to (b)(6);(b)(7)(C). (b)(6);(b) said (b)(6); replied no. According to (b)(6);(b) (b)(6); then asked (b)(6);(b) if (b) wanted to (b)(6);(b)(7)(C), to which (b)(6);(b) replied no. (b)(6);(b) related that (b) emphatically told (b)(6); that (b) keeps (b) work and personal life separate.

(b)(6);(b) said (b)(6); wanted something else to eat so (b) and (b)(6); walked to (b)(6);(b)(7)(C). (b)(6);(b) said (b)(6); and (b)(6); were sitting at the bar at (b)(6);(b)(7) when (b)(6); commented about the (b)(6);(b)(7)(C) physical appearance of the bartender. After sitting there for 20 minutes, (b)(6);(b) said (b)(6); felt uncomfortable with (b)(6); so (b) texted (b)(6); and asked (b) to join them. (b)(6);(b)

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said that (b)(1) has since deleted the text message to (b)(6),(b) . Before (b)(6); arrived, (b)(6),(b) stated that (b) felt (b)(6); was getting the wrong idea about their relationship, which (b)(6),(b) viewed as strictly professional. (b)(6),(b) said (b)(6); was (b)(6),(b)(7)(C) (b) . In addition, (b)(6),(b) said (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) . (b)(6),(b) said that (b)(1) turned away from (b)(6); and (b)(6),(b)(7)(C) . (b)(6),(b) stated that (b)(6); continued to make disparaging remarks in a loud tone about (b)(6),(b)(7)(C) .

(b)(6),(b) related that when (b)(6); and (b)(6),(b)(1) arrived at (b)(6),(b)(7) (b)(6); repeated to (b)(6),(b)(7) (b)(1) previous comments about (b)(6),(b)(7)(C) . Shortly thereafter, (b)(6),(b) said they all left (b)(6),(b)(7) and returned to the hotel. (b)(6),(b) said (b) and (b)(6); subsequently spoke to (b)(6),(b) about (b)(6); (b)(6),(b) stated that although (b) asked (b)(6),(b) to please not place (b)(6); in their breakout group, (b)(1) did not want to escalate the issue. (b)(6),(b) said (b)(1) thought (b)(6),(b) responded that (b)(1) had to elevate this issue and that (b)(6); would be rejoining (b) previous group for the next (b)(6); training class.

The next (b)(6),(b)(7)(C) class was in February 2017 and (b)(6),(b) said (b)(1) found out at the last minute that (b)(6); would be attending (b)(1) class. (b)(6),(b) said it was too late to switch sessions so (b)(1) attended the session.

(b)(6),(b) stated that during a pizza party on the last night of the February (b)(6); training, everyone gathered at the hotel. (b)(1) related that (b)(6); was making fun of (b) , another student, who was not there. (b)(6),(b) stated this bothered (b) so much that (b)(1) left and went back to (b) room. (b)(6),(b) added that (b)(6); subsequently told (b)(1) that (b)(6); had asked (b)(6),(b)(7)(C) if (b)(6); likes animated pornography. (b)(6),(b) added, however, that this occurred after (b)(6),(b)(7)(C) had already left the lobby so (b)(1) could not provide any further information.

B. (b)(6);(1)

On May 2, 2017, the RA interviewed (b)(6); . Prior to the interview, the RA gave (b)(6); a Garrity Advisement. **(Exhibit 3)**

(b)(6); related that (b) first met (b)(6); and (b)(6),(b) at the (b)(6); training in Alexandria, VA in October 2016. (b)(6); added that (b) was not originally in (b)(6); and (b)(6),(b)(1) class but had to switch classes because (b) tore (b) Achilles tendon and missed time.

The RA asked (b)(6); if (b) remembers going to (b)(6),(b)(7)(C) in Alexandria with (b)(6),(b) when (b) was in Alexandria for (b)(6);(1) training from (b)(6),(b)(7)(C) , 2016. (b)(6); stated that (b) did not remember going to (b)(6),(b)(7) with (b)(6),(b) and said that it never happened. The RA asked (b)(6); if (b) made comments about a (b)(6),(b)(7) bartender and/or waitress'

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(b)(6);(b)(7)(C) (b)(6); denied making any comments about a bartender or waitress at (b)(6);(b)(7)

The RA asked (b)(6); if (b) ever asked (b)(6);(b) whether (b)(6);(b)(7)(C) of (b)(6);(b) friends or if (b) wanted to (b)(6);(b)(7)(C). (b)(6); denied making such comments. The RA asked (b)(6); if (b)(6);(b)(7)(C) while at (b)(6);(b)(7) and (b)(6);(b)(7)(C). (b)(6); said (b)(6);(b)(7)(C) and denied (b)(6);(b)(7)(C).

The RA asked (b)(6); if (b) recalled discussing animated pornography or animated videos with (b)(6); at the Residence Inn on Duke Street the night before the last day of (b)(6);(b)(7)(C). (b)(6); related that (b) was sitting at a table that seated 8-10 people in the lobby of the Residence Inn the night before the last day of class. (b)(6); said (b) was at one end of the table talking to NCUA Examiner (b)(6);(b)(7)(C), who was to (b)(6);(b) right, and (b)(6); was at the opposite end of the table. (b)(6); stated that (b)(6);(b)(7)(C) were talking about anime when (b)(6); stated that (b) likes anime as well. (b)(6); stated that (b) asked (b)(6);(b) "You don't like Hentai¹, do you?" (b)(6); stated that (b)(6); responded that (b) likes One Piece anime². (b)(6); stated that was the extent of their conversation on anime. (b)(6); added that in this same time frame (b) could hear (b)(6); and (b)(6);(b)(7)(C), another NCUA Examiner, discussing (b)(6);(b)(7)(C).

(b)(6); related that the next day at (b)(6);(b)(7)(C) (b) was in the breakroom alone getting coffee when both (b)(6); and (b)(6);(b) entered. (b)(6); stated that (b)(6); began yelling at (b), telling (b)(6) that (b) needed to apologize to (b)(6); for talking about (b)(6);(b)(7)(C). (b)(6); stated (b) responded to (b)(6); that (b) did not have such a conversation with (b)(6); and that maybe (b)(6);(b)(7)(C) were the ones talking about (b)(6);(b)(7)(C). (b)(6); said that (b)(6); stated this is a hostile work environment; that (b)(6);(b)(7)(C); and that (b)(6);(b)(7)(C) and (b)(6);(b)(7)(C) (b)(6); stated that (b) told (b)(6); we need to figure this out because (b) remembered their conversation as totally different. (b)(6); said that (b)(6); told (b) to not speak to (b)(6); so (b)(6); went back to class.

(b)(6); stated that after (b) went back to class (b) saw NCUA Examiner (b)(6);(b)(7) and asked to speak to (b)(6) in the hallway. (b)(6); said (b) asked (b)(6);(b)(7) if (b) knew what was going on. According to (b)(6); (b)(6);(b) replied that (b) had not overheard any conversations between (b)(6); and (b)(6);(b). (b)(6); said (b) asked (b)(6);(b)(7), and two other NCUA Examiners, (b)(6);(b)(7)(C) and (b)(6);(b)(7)(C), if they had overheard any discussions between (b)(6) and (b)(6);(b). According to

¹ Hentai is animated pornography.

² One Piece is an animated pirate adventure.

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(b)(6); they too responded that they had not. (b)(6); related that (b)(6); came into the hallway at this time and said that “we are not going to talk about this.”

(b)(6); stated that (b)(6); told (b)(6); (b)(6); was not (b)(6); type and not to speak to (b)(6);. However, (b)(6); related that (b)(6); told (b)(6); (b)(6); wanted an apology and was not going to take this any further. At that point, (b)(6); said, (b)(6); went back into the classroom.

(b)(6); said that when class was over (b)(6); spoke to the course instructors, (b)(6);(b)(7) and (b)(6);(b)(7) who told (b)(6); to not worry about it because (b)(6); will be (b)(6);(b)(7)(C) and (b)(6); works (b)(6);(b)(7)(C). (b)(6); stated that (b)(6); headed to the airport to go home when (b)(6); received a text message from someone, who (b)(6); believed was (b)(6);(b)(7) because the message stated something to the effect that (b)(6); wanted to meet (b)(6); at the hotel lobby. (b)(6); said that (b)(6); texted back that (b)(6); was at the airport and asked (b)(6); to tell (b)(6); that (b)(6); was sorry “for whatever.” (b)(6); stated that (b)(6); was not sure what (b)(6); was apologizing for. (b)(6); stated that (b)(6); no longer has the text messages on (b)(6); phone.

(b)(6); stated that (b)(6); has no idea why (b)(6); or (b)(6);(b)(7) would make these accusations. (b)(6); said that maybe (b)(6); misunderstood (b)(6); comments about Hentai even though (b)(6); said it in a jovial way. (b)(6); added that (b)(6); bought pizza for the group the previous night at the Residence Inn and that (b)(6); and (b)(6); went to Whole Foods to get the beer and wine. (b)(6); also said that after finishing the pizza, (b)(6); went to the elevator with (b)(6); and they got on together. (b)(6); said they both were on the same floor, which (b)(6); previously did not realize. (b)(6); said that (b)(6); jokingly asked (b)(6); “Why are you on my floor?” to which (b)(6); replied because the number four is my favorite number, referring to (b)(6); too being on the fourth floor of the hotel. (b)(6); said they each went to their rooms after getting off the elevator.

(b)(6); provided a sworn statement at the conclusion of the interview. **(Exhibit 4)**

C. NCUA Training Specialists

On April 7, 2017, the RA interviewed (b)(6);(b)(7)(C), in connection with this investigation. **(Exhibit 5)**

(b)(6);(b)(7) related that (b)(6);(b)(7)(C) told (b)(6); that (b)(6); made comments to them that were inappropriate and sexual in nature but did not elaborate further. (b)(6);(b)(7) said that (b)(6); would talk to (b)(6); supervisor, (b)(6);(b)(7)(C), about it. After speaking to (b)(6);(b)(7), (b)(6);(b)(7) told (b)(6); and (b)(6);(b)(7) that they could either escalate the complaint or switch classes. According to (b)(6);(b)(7)(C) said they did not want to escalate it or switch classes.

(b)(6);(b)(7) said that in mid-January 2017 (b)(6);(b)(7)(C) emailed (b)(6); asking if (b)(6); would be in

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their next (b)(6); training course, scheduled for early February. (b)(6);(b) told them that (b)(6); would be in the course and they could escalate the issues if they wished. According to (b)(6);(b) they maintained that they did not want to elevate the situation.

(b)(6);(b) stated that (b)(6); emailed (b)(6); indicating that another incident had occurred in the February 2017 (b)(6);(b)(7)(C) course involving (b)(6);(b)(7)(C), and that they (b)(6);(b)(7)(C) felt very uncomfortable around (b)(6); (b)(6);(b) said that (b)(6); asked if they could get into another class without (b)(6);

The RA asked (b)(6);(b) if (b)(6);(b)(7)(C) ever spoke to (b)(6); regarding these alleged incidents. (b)(6);(b) stated that (b)(6); did not because (b)(6); has not seen (b)(6); since January 2017.

On April 7, 2017, the RA interviewed (b)(6);(b)(7)(C), in connection with this investigation. **(Exhibit 6)**

(b)(6);(b)(7) stated that (b)(6); was the perfect student as (b)(6); was always in the classroom early and was well mannered. (b)(6);(b)(7) said that (b)(6); and (b)(6);(b) were not exemplary students—they arrived late for class and sometimes got up and left in the middle of class.

(b)(6);(b)(7) said that on the second or third day of class, (b)(6);(b) went to the co-teacher, (b)(6);(b)(7), and requested that (b)(6); not share the same breakout group as (b)(6);(b)(7)(C). (b)(6);(b)(7) stated that (b)(6); was aware that (b)(6);(b) had told (b)(6);(b)(7) that (b)(6); had made inappropriate comments to (b)(6);(b)(7)(C).

(b)(6);(b)(7) related that on the last day of class, (b)(6); was talking to a (b)(6);(b)(7)(C) (b)(6);(b)(7) in the hallway area, when (b)(6); got up to speak to (b)(6); (b)(6);(b)(7) stated that (b)(6); raised (b)(6); voice saying that (b)(6); did not appreciate (b)(6); broadcasting to everyone their private conversations. (b)(6);(b)(7) stated that a few days later, when class was over, (b)(6); emailed (b)(6); and apologized for interrupting the class. (b)(6);(b) email indicated further that (b)(6); had a private conversation with a co-worker (b)(6); about a situation that made (b)(6); uncomfortable and (b)(6); subsequently told the entire class what (b)(6); told (b)(6);. (b)(6);(b) email also noted that this was not the first time “this co-worker” made (b)(6); and others feel uncomfortable. (b)(6);(b)(7) stated that (b)(6); believes the situation among (b)(6);(b)(7)(C) was blown way out of proportion.

D. NCUA (b)(6);(b)(7)(C)

On April 12, 2017, the RA interviewed (b)(6);(b)(7)(C), Region (b)(6);, in connection with this investigation. **(Exhibit 7)**

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(b)(6);(b)(7) said that in November 2017, (b) was at a restaurant with (b)(6); when (b)(6); received a text message from (b)(6);(b) asking (b)(6); to come to (b)(6);(b)(7) restaurant because (b)(6);(b)(7)(C) (b)(6);(b)(7)(C). (b)(6);(b)(7) related that (b)(6);(b)(7)(C) met (b)(6);(b)(7)(C) at (b)(6);(b)(7) had a drink, and then (b)(6);(b)(7)(C) left. (b)(6);(b)(7) said that (b) believed (b)(6); stayed at (b)(6);(b)(7). While at (b)(6);(b)(7), (b)(6);(b)(7) said that (b) remembered (b)(6); flirting with the bartender but did not recall what (b)(6);(b)(7) said to (b).

According to (b)(6);(b) at (b)(6);(b)(7)(C) training in February 2017, (b)(6);(b)(7)(C) were having a conversation in the Residence Inn lobby. (b)(6);(b)(7) said that (b)(6); told (b)(6); that (b)(6); asked (b)(6); if (b) watched animated adult movies. (b)(6);(b)(7) said that (b) did not hear (b)(6); ask (b)(6); this question. (b)(6);(b)(7) stated that the next day (b) was getting coffee in the breakroom with (b)(6); when (b)(6); brought up the incident the night before with (b)(6);(b)(7). According to (b)(6);(b)(7) (b)(6); stated that (b) never said anything to (b)(6); about animated adult movies. (b)(6);(b)(7) said (b)(6); told (b)(6); that maybe it was (b)(6);(b)(7) who said something to (b)(6); about watching animated adult movies. (b)(6);(b)(7) related that (b) never heard (b)(6); make any inappropriate comments to (b)(6);(b)(7)(C).

On April 13, 2017, the RA interviewed (b)(6);(b)(7)(b)(6); NCUA Examiner, Region (b), in connection with this investigation. **(Exhibit 8)**

(b)(6);(b)(7) said that the night before the last day of class (b)(6);(b)(7) was in the hotel lobby with other classmates eating pizza when something apparently happened between (b)(6); and (b)(6); because the next day in class (b)(6); asked to speak to (b)(6);(b)(7) in the hallway. (b)(6);(b)(7) related (b)(6);(b)(7) went into the hallway with (b)(6); and (b) told (b) that the previous night in the hotel lobby (b)(6);(b)(7) accused (b)(6);(b)(7) of asking (b)(6);(b)(7) if (b)(6);(b)(7) watched pornography. (b)(6);(b)(7) said that (b)(6);(b)(7) asked (b)(6);(b)(7) if (b)(6);(b)(7) overheard this exchange. (b)(6);(b)(7) stated (b)(6);(b)(7) had not.

(b)(6);(b)(7) stated that (b)(6);(b)(7) saw (b)(6);(b)(7) and (b)(6);(b)(7) in the hallway and came out into the hallway acting hysterically. (b)(6);(b)(7) said that (b)(6);(b)(7) told (b)(6);(b)(7) that it was wrong to involve another classmate in their issues. (b)(6);(b)(7) added that (b)(6);(b)(7) commented to (b)(6);(b)(7) that (b)(6);(b)(7) made comments the previous night about watching animated cartoon pornography. (b)(6);(b)(7) said that (b)(6);(b)(7) tried to speak to (b)(6);(b)(7) but (b)(6);(b)(7) said that (b)(6);(b)(7)(C) (b)(6);(b)(7) related that (b)(6);(b)(7) then said that (b) never said anything about pornography but if (b) did, (b) was sorry.

On April 13, the RA interviewed (b)(6);(b)(7)(C), in connection with this investigation. **(Exhibit 9)**

The RA asked (b)(6);(b)(7)(C) if (b) was aware of any derogatory comments (b)(6);(b)(7) made to (b)(6);(b)(7) and/or (b)(6);(b)(7)(C) (b)(6);(b)(7)(C) said that (b) never heard (b)(6);(b)(7) make any derogatory comments to either (b)(6);(b)(7)(C).

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(b)(6);(b)(7)(C) said that on the night before the last (b)(6);(b)(7)(C) class, the class gathered in the lobby of the Residence Inn for pizza and drinks. (b)(6);(b)(7)(C) said that the next day in class (b)(6);(b)(7)(C) called (b)(6);(b)(7)(C) into the hallway and asked (b)(6);(b)(7)(C) if (b)(6);(b)(7)(C) heard (b)(6);(b)(7)(C) say anything to (b)(6);(b)(7)(C) the previous night that was offensive. (b)(6);(b)(7)(C) said that (b)(6);(b)(7)(C) had not. At that time, (b)(6);(b)(7)(C) said that (b)(6);(b)(7)(C) came into the hallway and told (b)(6);(b)(7)(C) that (b)(6);(b)(7)(C) did not appreciate (b)(6);(b)(7)(C) comments. (b)(6);(b)(7)(C) said that (b)(6);(b)(7)(C) began asking others in the class if they heard (b)(6);(b)(7)(C) say anything offensive to (b)(6);(b)(7)(C).

CONCLUSION

This investigation developed evidence that (b)(6);(b)(7)(C) asked (b)(6);(b)(7)(C) at the Residence Inn lobby in Alexandria, VA if (b)(6);(b)(7)(C) watched animated pornography. (b)(6);(b)(7)(C) stated that (b)(6);(b)(7)(C) asked (b)(6);(b)(7)(C) if (b)(6);(b)(7)(C) watched it but (b)(6);(b)(7)(C) believes (b)(6);(b)(7)(C) may have misunderstood (b)(6);(b)(7)(C) because (b)(6);(b)(7)(C) was only asking this in a “jovial manner.” (b)(6);(b)(7)(C) said that (b)(6);(b)(7)(C) never went to (b)(6);(b)(7)(C) with (b)(6);(b)(7)(C); nor did (b)(6);(b)(7)(C) join them. (b)(6);(b)(7)(C) all stated, to the contrary, that (b)(6);(b)(7)(C) was at (b)(6);(b)(7)(C) with them. There is no verification of what (b)(6);(b)(7)(C) may have said to the bartender and/or waitress at (b)(6);(b)(7)(C).

Three witnesses testified that (b)(6);(b)(7)(C) was at (b)(6);(b)(7)(C), although (b)(6);(b)(7)(C) insisted (b)(6);(b)(7)(C) was not. This lack of candor calls into question (b)(6);(b)(7)(C) overall credibility and diminishes (b)(6);(b)(7)(C) assertions that (b)(6);(b)(7)(C) did not behave inappropriately and/or unprofessionally with (b)(6);(b)(7)(C) (b)(6);(b)(7)(C). Moreover, (b)(6);(b)(7)(C) admission that (b)(6);(b)(7)(C) asked (b)(6);(b)(7)(C) whether (b)(6);(b)(7)(C) liked animated pornography likewise diminishes (b)(6);(b)(7)(C) assertions that (b)(6);(b)(7)(C) did make other inappropriate comments to or in the presence of (b)(6);(b)(7)(C).

The OIG plans no further action in this matter at this time. In reviewing the circumstances surrounding (b)(6);(b)(7)(C) conduct and determining whether disciplinary action is warranted, due consideration should be given to the “Douglas” factors.³ The “Douglas” factors are the pertinent mitigating and aggravating factors that responsible agency official(s) must consider before proposing or deciding on a particular disciplinary measure or penalty.

³ See Douglas v. Veteran’s Administration, 5 MSPR 280, 5 MSPB 313 (1981).