

1. Executive Summary

This investigation addressed 17 questions from the Deputy Administrator regarding allegations of misconduct and mismanagement by the subject, former Chief Component Human Capital Officer (CCHCO) [REDACTED] (Appendix A). The Investigating Official (IO), [REDACTED], contacted 73 witnesses, took 98 statements, and collected documentary evidence from OCCHCO, the Office of the Chief Financial Officer (OCFO), the Office of the Chief Information Officer (OCIO), and FEMA Mission Support. When contacted to provide a statement for this investigation, [REDACTED] resigned.¹ The evidence substantiated, by a preponderance of the evidence, that [REDACTED] engaged in serious misconduct and mismanagement.

- The investigation found that [REDACTED] circumvented OCCHCO's management structure to concentrate unquestioned authority in himself over nearly all personnel actions in OCCHCO, and to intimidate or circumvent any subordinates who might question his decisions. Although [REDACTED] was highly knowledgeable about federal personnel regulations, witnesses stated that he intimidated staff and created a "toxic" workplace culture in which those who questioned his decisions feared being undermined, denied promotion, or terminated. These practices were unsound and ineffective, in that they harmed morale, and contributed to high turnover and inefficiency. They also facilitated [REDACTED] misconduct by deterring or preventing staff from questioning his decisions.
- The investigation substantiated that [REDACTED] had sexual intercourse with [REDACTED] on a single occasion in 2015, while she was his subordinate. [REDACTED] directed the reassignment of [REDACTED] from [REDACTED] to Washington, D.C., assigned her to a desirable work project where she worked directly with him, brought her with him on official travel, and initiated a sexual relationship with her. [REDACTED] confirmed the existence of the relationship. She states that after she refused further sexual advances by [REDACTED] he pressured her for dates. She was subsequently denied promotion and notified that her Cadre of On-Call Response Employee (CORE) position would be terminated. She stated that she kept her job by appealing directly to [REDACTED] and suggesting that she might be willing to go on dates with him again.
- The investigation substantiated that [REDACTED] had an inappropriate sexual relationship with [REDACTED] in 2017 and 2018, while she was his subordinate. OCCHCO hired [REDACTED] as an IC-9 in 2016. [REDACTED] did not participate in [REDACTED] interview, but in February 2017, he approached her and asked her to become his [REDACTED]. [REDACTED] soon began taking [REDACTED] to lunch and allowing her to telework from his residence. He directed her to accompany him on official travel, where she had few actual official duties. He initiated a sexual relationship with her starting on June 25, 2017, while on official travel. Later, when [REDACTED] told [REDACTED] that she wanted to leave FEMA, [REDACTED] created a disaster-funded position for her for which she was (by her own admission) poorly qualified, and that was not appropriately disaster-funded. [REDACTED] confirmed the relationship in six sworn

¹ Also on June 15, 2018, [REDACTED] was notified of his indefinite suspension without pay.

statements that were corroborated by records obtained from OCCHCO and OCFO. The relationship continued through (b) (6), (b) (7)(C) terminal absence from his position in April 2018.

- The investigation substantiated that (b) (6), (b) (7)(C) submitted a false time and attendance validation that claimed hours worked for time spent resting on (b) (6), (b) (7)(C) couch.
- The investigation substantiated that (b) (6), (b) (7)(C) contacted at least three FEMA employees, and attempted to contact (b) (6), (b) (7)(C) in violation of a no-contact directive from his supervisor.
- The investigation substantiated that (b) (6), (b) (7)(C) granted an "advantage not authorized by law, rule, or regulation" to his friend, (b) (6), (b) (7)(C) when he directed the posting of a competitive, permanent full-time vacancy for three business days rather than the five business days recommended by the Office of Personnel Management, "for the purpose of improving . . . the prospects of any particular person for employment," in violation of 5 U.S.C. § 2302(b)(6), and thus constituting a prohibited personnel practice. It did not find evidence that (b) (6), (b) (7)(C) provided (b) (6), (b) (7)(C) an advantage not authorized by law with regard to his hiring as a CORE or merit promotion to GS-14.
- The investigation substantiated that (b) (6), (b) (7)(C) granted an "advantage not authorized by law, rule, or regulation" when he hired his friend and fraternity brother, (b) (6), (b) (7)(C). Despite (b) (6), (b) (7)(C) lack of any significant human capital experience, (b) (6), (b) (7)(C) hired him as an IC-9 (b) (6), (b) (7)(C) in March 2014. (b) (6), (b) (7)(C) "acknowledged that knowing (b) (6), (b) (7)(C) as a fraternity brother helped in his consideration for being hired at FEMA." (b) (6), (b) (7)(C) was then selected for an IC-11 position in 2015, an IC-12 (b) (6), (b) (7)(C) position in 2016, an IC-13² supervisory position in 2017, and a GS-12 supervisory position in 2018. An OCCHCO supervisor also told the IO of actions by (b) (6), (b) (7)(C) that gave (b) (6), (b) (7)(C) an advantage when he was selected for the GS-12 competitive service position. The supervisor had announced the position, made four selections from the list of eligible candidates, and submitted the selections to (b) (6), (b) (7)(C) for approval. Instead of acting on the selections, the supervisor told the IO that (b) (6), (b) (7)(C) "tweaked" the experience criteria in the announcement, such that incumbent CORE employees were more likely to be eligible and non-OCCHCO veterans were less likely to be eligible, and posted the new announcement for the same position. In addition, an OCCHCO manager told the IO that she perceived that (b) (6), (b) (7)(C) showed favoritism to his fraternity brothers. A second former OCCHCO supervisor told the IO that (b) (6), (b) (7)(C) "stated on a number of occasions that he liked to hire his fraternity brothers and friends because he could trust them."
- The investigation did not substantiate that (b) (6), (b) (7)(C) had inappropriate relationships with, gave unlawful advantages to, or directed others to give unlawful advantages to, (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C). Both employees were qualified for the positions into which they were hired or promoted. The investigation identified no improper uses of the competitive hiring, merit promotion, or Schedule A rules regarding their selections, promotions, or assignments.

² In 2015, FEMA administratively created "IC" grades for CORE employees. These grades correspond to the GS scale for Title 5 employees. This report applies the term "IC" to denote CORE pay grades, whether before or after 2015.

- The investigation substantiated that [REDACTED] falsified the educational credentials on the resume she used to apply for multiple positions. When confronted with discrepancies between her resume and her academic records, she admitted to lying and later resigned. [REDACTED] was initially untruthful with the IO when asked if she was in a sexual relationship with [REDACTED]. She subsequently admitted to having a relationship with [REDACTED] that began after she transferred out of OCCHCO.