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**REPORT OF INVESTIGATION**

**Case Title:** [REDACTED] Whistleblower Retaliation (First Responders Network Authority)

**Case Number:** 24-0470

**Subject:** [REDACTED] FirstNet Authority

**Applicable Statutes or Policies:**

Whistleblower Protection Act—5 U.S.C. § 2302(b)(9)

Inspector General Investigations and Related Activities—Department Administrative Order (DAO) 207-10

Distribution:	Office of Secretary		
Investigator	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]
	Investigative Attorney		Supervisory Investigator

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**Controlled by: U.S. Department of Commerce, Office of Inspector General  
1401 Constitution Avenue NW, Washington, DC 20230**



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delegated [REDACTED] [REDACTED] to NTIA [REDACTED]  
[REDACTED].

[REDACTED] has worked at FirstNet Authority for approximately [REDACTED], currently as the [REDACTED]  
[REDACTED] reported directly to [REDACTED], and [REDACTED]  
was [REDACTED] FirstNet Authority [REDACTED]  
[REDACTED] across the United States.

One of [REDACTED] significant responsibilities was preparing the *PSA Report*. This is an annual internal report intended to document field experiences as well as weaknesses [REDACTED] identified throughout the year, with the goal of providing recommendations to FirstNet Authority on how to improve the FirstNet Authority experience for public safety users. Some of the *PSA Report's* contents were compiled quarterly before being distributed annually.

[REDACTED] placed [REDACTED] on a temporary work directive on [REDACTED] reporting to [REDACTED]  
[REDACTED]

[REDACTED] began [REDACTED] career with FirstNet Authority approximately [REDACTED] ago. [REDACTED]  
[REDACTED] reported to [REDACTED] until [REDACTED]. As of [REDACTED] [REDACTED] reporting to [REDACTED]  
[REDACTED] while [REDACTED] was placed on a temporary work directive.

**Key Personnel**

The following is a list of personnel who provided relevant information to OIG during this investigation.

**FirstNet Authority Board**

1. [REDACTED] [REDACTED]
2. [REDACTED] [REDACTED]
3. [REDACTED] [REDACTED]

**FirstNet Authority Executives**

1. [REDACTED] [REDACTED]
2. [REDACTED] [REDACTED]

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3. [REDACTED]
4. [REDACTED]
5. [REDACTED]

FirstNet Authority Employees

1. [REDACTED]
2. [REDACTED]
3. [REDACTED] FirstNet Authority
4. [REDACTED]
5. [REDACTED]
6. [REDACTED]
7. [REDACTED]
8. [REDACTED]
9. [REDACTED]
10. [REDACTED]
11. [REDACTED]
12. [REDACTED]

Other Department of Commerce Personnel

1. [REDACTED] NTIA
2. [REDACTED] Employment Law, Office of General Counsel, Department
3. [REDACTED] NTIA
4. [REDACTED] Auditor, Office of Audit and Evaluation, OIG

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**CUI**OFFICE OF INSPECTOR GENERAL  
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Table I provides an overview of key events related to the allegations investigated, based on statements made to OIG and documentary evidence obtained during the investigation.

**Table I. Timeline of Events**

<b>Aug. 22, 2023</b>	Reference to the <i>PSA Report</i> appears in FirstNet Authority Board briefing notes. [REDACTED] receives a copy of the notes in [REDACTED] FirstNet Authority email account. <b>(Exhibit 2)</b>
<b>Sept. 26, 2023</b>	Reference to the <i>PSA Report</i> appears in a September 22, 2023, weekly senior staff update. [REDACTED] receives a copy in [REDACTED] FirstNet Authority email account. <b>(Exhibit 3)</b>
<b>Oct. 2, 2023</b>	[REDACTED] issues [REDACTED] an overall performance rating of 5 (Outstanding). <b>(Exhibit 4)</b>
<b>Oct. 11, 2023</b>	[REDACTED] hosts an [REDACTED] induction ceremony for [REDACTED] and writes [REDACTED] a letter to welcome to the [REDACTED] <b>(Exhibit 5)</b>
<b>Oct. 27, 2023</b>	[REDACTED] official Microsoft Outlook calendar indicates a meeting to preview the <i>PSA Report</i> with [REDACTED] <b>(Exhibit 6)</b>
<b>Nov. 3, 2023</b>	[REDACTED] receives a weekly report stating that the FY23 <i>PSA Market Review</i> will be disseminated to certain FirstNet Authority leaders. <b>(Exhibit 7)</b>
<b>Nov. 9, 2023</b>	[REDACTED] receives a weekly report stating that the FY23 <i>PSA Market Review</i> will be disseminated to certain FirstNet Authority leaders. <b>(Exhibit 8)</b>
<b>Nov. 16, 2023</b>	Following a meeting between OIG auditors and [REDACTED] which also included [REDACTED] and other FirstNet Authority employees, OIG Auditor [REDACTED] requests a copy of the <i>PSA Report</i> from [REDACTED] to be provided by Nov. 27, 2023, cc'ing [REDACTED] on the request. <b>(Exhibit 9)</b>
<b>Nov. 17, 2023</b>	[REDACTED] receives a weekly report stating that the FY23 <i>PSA Market Review</i> will be disseminated to certain FirstNet Authority leaders. <b>(Exhibit 10)</b>
<b>Nov. 21, 2023</b>	[REDACTED] receives a list of attendees, [REDACTED] for the December 2023 meeting of the FirstNet Authority Board in [REDACTED] <b>(Exhibit 11)</b>
<b>Nov. 28, 2023</b>	[REDACTED] transmits the <i>PSA Report</i> to OIG auditors by uploading the report to an OIG SharePoint folder. <b>(Exhibit 12)</b>
<b>Nov. 29, 2023</b>	[REDACTED] receives a copy of the final <i>PSA Report</i> and states to [REDACTED] and [REDACTED] "Let's review for sharing with the board—all early indications are that this is excellent work!!" <b>(Exhibit 13)</b>
<b>Dec. 6, 2023</b>	[REDACTED] and [REDACTED] attend the Fire Chiefs Technology Summit, at which [REDACTED] mentions a specific finding from the report to [REDACTED] and [REDACTED] allegedly tells [REDACTED] [REDACTED] did not know about the report. [REDACTED] advises [REDACTED] [REDACTED] sent [REDACTED] the report, but [REDACTED] replies [REDACTED] does not "read those things at all." <b>(Exhibit 14)</b>

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<b>Dec. 7, 2023</b>	<p>█ questions █ about the <i>PSA Report's</i> lack of pre-decisional draft markings. █ responds that OIG has the report and it is properly marked. █ later instructs █ to remove the report from the OIG SharePoint folder. <b>(Exhibit 15)</b></p> <p>█ advises █ that OAE has likely already downloaded any document, and the removal would appear as if FirstNet Authority was hiding information. █ asks █ how to reverse the removal and make the document appear with the original timestamp. <b>(Exhibit 16)</b></p>
<b>Dec. 8, 2023</b>	<p>After receiving instruction from █ █ █ uploads an updated version of the <i>PSA Report</i> with new pre-decisional draft markings to the internal SharePoint page intended for upload to the SharePoint page with OIG. <b>(Exhibit 17)</b></p> <p>█ contacts █ and expresses disappointment that Assistant Inspector General (AIG) Arthur Scott received a copy of the <i>PSA Report</i> before █</p>
<b>Dec. 11, 2023</b>	<p>█ contacts █ on behalf of █ and instructs █ not to attend the board meeting in █ █ also advises █ █ is being placed on administrative leave. <b>(Exhibit 14)</b></p> <p>█ briefs the board's Executive Committee on the <i>PSA Report</i> at the meeting and tells the board OIG also has the report. <b>(Exhibit 18)</b></p>
<b>Dec. 13, 2023</b>	<p>█ informs █ that █ could not place █ on administrative leave without an investigation into █ conduct. █ advises █ that an investigation would open the following week.</p> <p>█ emails █ that █ wants to place █ on a temporary work directive for 120 days. <b>(Exhibit 19)</b></p>
<b>Dec. 15, 2023</b>	<p>█ orally directs an inquiry into the <i>PSA Report's</i> development and distribution. <b>(Exhibit 20)</b></p>
<b>Jan. 4, 2024</b>	<p>█ sends an email placing █ on a temporary work directive for █ alleged mistreatment of colleagues and █ decision to prepare and circulate an extensive report concerning network operations without receiving proper clearances and internal review. <b>(Exhibit 21)</b></p>
<b>Jan. 10, 2024</b>	<p>█ submits the findings of the December 15, 2023, inquiry to █ <b>(Exhibit 22)</b></p>
<b>Feb. 13, 2024</b>	<p>█ emails █ a document titled <i>Resolution Agreement</i>, offering █ \$36,000 to resign voluntarily from FirstNet Authority by March 15, 2024. In exchange, FirstNet Authority would refrain from "taking any steps to remove Employee from the █ <b>(Exhibit 23)</b></p>

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On December 13, 2023, [REDACTED] told [REDACTED] [REDACTED] could not place [REDACTED] on administrative leave unless a formal investigation was open, but [REDACTED] intended to initiate an investigation by the following Monday. [REDACTED] also instructed [REDACTED] to “never speak of [the PSA Report] again . . . it is a colossal failure,” and then cancelled [REDACTED] all-hands meeting, scheduled for January 2024. According to [REDACTED] [REDACTED] also said, “Now that you’ve given [the PSA Report] to the IG, it’s most likely with [Congress], AT&T, and Verizon. [OIG] has a blueprint to attack us for the next 10 years.”

On January 4, 2024, [REDACTED] removed [REDACTED] job duties and placed [REDACTED] on a “Temporary Work Directive” for 120 days for the “release of an unvetted document.” [REDACTED] stated that [REDACTED] characterized the 120-day assignment as a “cooling-off period” that could be renewed for another 240 days and that [REDACTED] claimed [REDACTED] had made the decision with the FirstNet Authority Board and NTIA officials. When [REDACTED] confronted [REDACTED] about the reassignment, [REDACTED] said that “some other issues arose that caused [REDACTED] great concern,” in reference to [REDACTED] alleged abuse of [REDACTED] colleagues.

On February 13, 2024, [REDACTED] said to [REDACTED] that [REDACTED] had been speaking with FirstNet Authority leadership about how they wanted to address the concerns about [REDACTED] performance. [REDACTED] stated FirstNet Authority leadership was considering issuing [REDACTED] a level I (Unacceptable) performance rating and removing [REDACTED] from the [REDACTED] which would result in [REDACTED] being placed in a [REDACTED] position. According to [REDACTED] [REDACTED] said during their conversation, “So that’s where this is headed, you know, to be brutally honest with you.” [REDACTED] also told [REDACTED] “I’m authorized to make you a resolution offer, which [REDACTED] [REDACTED] will put in writing after our conversation,” but added that [REDACTED] had wanted to tell [REDACTED] about the offer before putting it in writing.

That same day, [REDACTED] sent [REDACTED] a document, titled *Resolution Agreement* and saved with the file name “Agency Offer,” which offered [REDACTED] a lump sum of \$[REDACTED] if [REDACTED] agreed to resign by [REDACTED]. If [REDACTED] accepted this offer, FirstNet Authority would refrain from “issuing a performance appraisal to Employee based on [REDACTED] performance in [FY] 2024” and from “taking any steps to remove Employee from the [REDACTED]”

[REDACTED] FirstNet Authority (**Exhibit 26**)

OIG interviewed [REDACTED] on March 14, 2024. [REDACTED] said [REDACTED] knew from regular meetings and progress reports that [REDACTED] [REDACTED] had been working on the PSA Report. [REDACTED] said [REDACTED] also saw mentions of drafts of the report on “quads” and other progress reports from [REDACTED]. In addition, [REDACTED] hosts regular meetings with the [REDACTED] [REDACTED]; [REDACTED] acknowledged learning about the PSA Report during those meetings but stated [REDACTED] did not have all the details of its content.

Before the December 11–13, 2023, board meeting in [REDACTED] [REDACTED] learned that FirstNet Authority had provided the PSA Report to OAE. [REDACTED] said, however, that [REDACTED] did not have all the details of the report at that time and had thought FirstNet Authority leadership would have had

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an opportunity to contribute to it before [REDACTED] signed it and it was distributed externally. When asked during the interview whether [REDACTED] believed OIG had a right to request and receive a copy of the report, [REDACTED] said that it did.

On December 11, 2023, [REDACTED] briefed the FirstNet Authority Board's Executive Committee about the *PSA Report*. [REDACTED] recalled that the board had "many issues" with the report. Based on these "issues," [REDACTED] said [REDACTED] told [REDACTED] not to attend the rest of the board meeting and directed [REDACTED] to mark the *PSA Report* as a pre-decisional draft. According to [REDACTED] told [REDACTED] that [REDACTED] "absolutely lost it" and used "bad language" when [REDACTED] asked [REDACTED] to add the pre-decisional draft markings to the report. [REDACTED] said [REDACTED] "was trembling and was finding it hard to talk" when [REDACTED] informed [REDACTED] about [REDACTED] conversation with [REDACTED]

[REDACTED] said that after [REDACTED] briefed the board about the report, [REDACTED] learned about unprofessional personal interactions between [REDACTED] and [REDACTED] colleagues and between [REDACTED] and board members, including numerous instances in which [REDACTED] was verbally abusive and disrespectful. [REDACTED] said, for example, that [REDACTED] learned that [REDACTED] had "essentially berated [REDACTED] [REDACTED] in this public meeting," which led to [REDACTED], [REDACTED] "jump[ing] in and . . . correct[ing] the situation." According to [REDACTED] [REDACTED] called it "awful." [REDACTED] stated that the primary reasons for placing [REDACTED] on a temporary work directive were [REDACTED] creation of the *PSA Report* and [REDACTED] behavioral issues.

When asked, [REDACTED] did not provide any other comparable examples of FirstNet Authority employees mistreating colleagues.

[REDACTED] stated that when [REDACTED] returned from the [REDACTED] meeting, [REDACTED] and [REDACTED] to investigate the creation of the *PSA Report*. [REDACTED] said [REDACTED] did not direct anyone to investigate [REDACTED] mistreatment of colleagues. [REDACTED] said [REDACTED] was focused on the basis for the *PSA Report* but acknowledged that it was "very damaging" to FirstNet Authority for OIG to have it.

In consultation with [REDACTED] and the board, [REDACTED] (through [REDACTED] offered [REDACTED] a separation agreement. The agreement included 3 months of pay and stated that FirstNet Authority would not seek to remove [REDACTED] from the [REDACTED] if [REDACTED] voluntarily resigned. [REDACTED] said they had also discussed including health insurance in the separation agreement, at the board's urging, because of concerns regarding [REDACTED] family. [REDACTED] ultimately rejected the agreement.

[REDACTED] said [REDACTED] had also placed [REDACTED] on a 120-day temporary work directive because [REDACTED] had undermined [REDACTED] [REDACTED] explained that on one occasion, [REDACTED] asked [REDACTED] if [REDACTED] had spoken to [REDACTED] and [REDACTED] told [REDACTED] no, even though [REDACTED] had. [REDACTED] told [REDACTED] later the same day that [REDACTED] had spoken with [REDACTED] but that [REDACTED] had not been comfortable saying so when [REDACTED] asked earlier because it was in the presence of other FirstNet Authority employees.

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OIG asked [REDACTED] to identify individuals who had expressed concerns to [REDACTED] about unprofessional or abusive behavior that warranted placing [REDACTED] on the temporary work directive and offering [REDACTED] the separation agreement. Shortly after the interview ended, [REDACTED] emailed OIG the names of six FirstNet Authority employees and two board members who had, [REDACTED] said, expressed concern about mistreatment by [REDACTED]. [REDACTED] stated [REDACTED] learned of these concerns both after being approached by staff and after [REDACTED] began inquiring through colleagues.

OIG conducted a follow-up interview of [REDACTED] on December 5, 2024. [REDACTED] [REDACTED] between [REDACTED] initial interview in [REDACTED] and the [REDACTED] interview. When OIG noted that [REDACTED] had left FirstNet Authority, [REDACTED] stated, "I did ask [REDACTED] on [REDACTED] way out . . . what's really up? What was the deciding factor? It was actually the detail of [REDACTED]. That was [REDACTED] last [word] to me. [REDACTED] said, 'I really just can't get past the detailing of [REDACTED] . . . [They were] very, very close friends. And [REDACTED] begged me not to put [REDACTED] into the detail when the [PSA] report came out and then the reporting from the individuals came out."

[REDACTED] [REDACTED] FirstNet Authority (**Exhibit 27**)

OIG interviewed [REDACTED] on September 17, 2024. [REDACTED] said OAE requested the *PSA Report* and other documents in November 2023, during an audit of the response to the August 2023 wildfires on Maui. [REDACTED] received OAE's request via email and shared the email with [REDACTED] within 1 day.

[REDACTED] colleague, [REDACTED] (who, like [REDACTED] reported to [REDACTED] collected and uploaded the documents to FirstNet Authority's internal SharePoint. Sometime in late November 2023, [REDACTED] uploaded the documents, including the *PSA Report*, from the internal SharePoint to the shared OAE and FirstNet Authority SharePoint.

During the first week of [REDACTED], [REDACTED] and [REDACTED] attended a weeklong conference in [REDACTED]. During the conference, [REDACTED] instructed [REDACTED] to remove the *PSA Report* from the OAE SharePoint page, citing the lack of pre-decisional draft markings on the uploaded report. [REDACTED] said [REDACTED] disagreed with [REDACTED] assertion that the *PSA Report* was marked incorrectly and did not feel comfortable removing the document, but [REDACTED] followed [REDACTED] instruction. At the same conference, [REDACTED] also told [REDACTED] [REDACTED] was unhappy with [REDACTED] instruction and disagreed with the removal of the *PSA Report* from the SharePoint page. [REDACTED] stated that [REDACTED] told [REDACTED] [REDACTED] should not have removed the report because it was prohibited to withhold or change information intended for OIG. [REDACTED] said [REDACTED] typically encouraged cooperation with all OIG requests.

At that time, [REDACTED] relayed to [REDACTED] that [REDACTED] then told [REDACTED] [REDACTED] was frustrated about the *PSA Report's* removal from the OIG SharePoint page. [REDACTED] stated that it would be uncharacteristic of [REDACTED] to speak to [REDACTED] or anyone in FirstNet Authority, in an unprofessional manner, and [REDACTED] understood that [REDACTED] had relayed [REDACTED] concerns "in a stern but respectful way." [REDACTED] stated that [REDACTED] believed this based on [REDACTED] general character and past interactions with colleagues.

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█████ stated that █████ then contacted █████ expressing frustration with the *PSA Report*'s creation in general. █████ said █████ was unsure how █████ could claim █████ was unaware of the report because █████ had worked on it for a year and had held several briefings about it with FirstNet Authority leadership.

█████ stated that providing the *PSA Report* to OIG negatively affected the relationship between █████ and █████ who had until then had a close, positive working relationship. The week following the █████ conference, █████ instructed █████ not to attend the board meeting in █████ and █████ understood this to be in reaction to █████ providing the *PSA Report* to OIG. █████ also said █████ believed the temporary work directive █████ placed █████ on was in response to OIG obtaining a copy of the report. █████ noted that FirstNet Authority leadership believed the *PSA Report* was damaging to FirstNet Authority.

█████ stated that within a week of █████ removing the *PSA Report*, someone else reuploaded it to the OIG SharePoint page with pre-decisional draft markings. █████ said █████ could not recall who had done so.

Throughout the interview, █████ made statements to the effect that █████ was uncomfortable and nervous about speaking with OIG investigators. █████ said the actions taken against █████ sent a "chilling effect" throughout FirstNet Authority, causing employees to fear that similar actions would be taken against them if they cooperated with OIG.

█████ █████ FirstNet Authority  
(Exhibit 28)

OIG interviewed █████ on April 8, 2024. █████ stated that █████ reported to █████ from █████ through █████, when █████ was placed on the temporary work directive.

█████ was responsible for drafting the *PSA Report* and began doing so in █████. The *PSA Report* was intended for internal use and to be distributed only to senior staff, but not the FirstNet Authority Board. █████ stated that █████ received a "quad" report every week.

█████ said █████ learned of OAE's request for the *PSA Report* on November 16, 2023. Four days later, █████ uploaded the unfinalized version of the report from the internal SharePoint page to the page shared with OAE.

On December 5, 2023, █████ contacted █████ and inquired about the lack of markings on the *PSA Report*. Then, on December 7, 2023, █████ asked █████ why the report had been provided to OIG, and █████ told █████ OIG is entitled to any documents they request, as reinforced by █████ On December 8, 2023, █████ instructed █████ to include "pre-decisional draft" markings on the *PSA Report*. On December 11, 2023, █████ learned that █████ "had issues" with the *PSA Report*, though █████ gave OIG the caveat that █████ had learned this through █████ █████ said █████ did not know who had access to the SharePoint page shared with OIG to upload the changed report.

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OIG interviewed ██████████ on January 5, 2024. ██████████ explained that OAE was auditing FirstNet Authority's response to the Maui wildfires, and someone mentioned a public safety report during a meeting with FirstNet Authority personnel. On November 16, 2023, OAE formally requested copies of the *PSA Reports* from FYs 2022 and 2023.

On November 28, 2023, ██████████ responded to ██████████ November 16 email and acknowledged receiving the request. ██████████ advised ██████████ that ██████████ provided the *PSA Report* to ██████████ via the FirstNet Authority/OAE SharePoint site. On December 12, ██████████ told ██████████ ██████████ had reuploaded an updated draft with "appropriate markings."

**██████████-██████████-██████████ NTIA (Exhibit 30)**

OIG interviewed ██████████ on March 7, 2024. ██████████ said NTIA is not involved in the disciplinary actions of FirstNet Authority employees. When asked specifically whether NTIA provided input into the personnel actions taken against ██████████ as ██████████ alleged that ██████████ told ██████████ ██████████ asserted that NTIA did not direct any action to be taken against ██████████ ██████████ said that although the FirstNet Authority Board may have input into disciplinary actions, ██████████ did not believe it was involved in directing such actions.

**██████████-██████████ FirstNet Authority (Exhibit 31)**

OIG interviewed ██████████ on March 12, 2024. ██████████ said ██████████ ██████████ worked on the FY 2023 *PSA Report*, which ██████████ described as the culmination of quarterly internal FirstNet Authority reports. According to ██████████ the *PSA Report* in question went "above and beyond" the quarterly reports, and ██████████ distributed it outside FirstNet Authority without the approval, or even knowledge, of FirstNet Authority's leadership and board.

According to ██████████ ██████████ could have been aware that ██████████ ██████████ was drafting the *PSA Report* through their regular meetings and briefings in the months before it was issued. However, ██████████ stated that ██████████ objected to the report making recommendations to other FirstNet Authority mission units and that the board had not had an opportunity to review and comment on the report before it was issued.

██████████ directed ██████████ and ██████████ to conduct a management-directed inquiry into the *PSA Report's* creation and distribution process. ██████████ characterized their inquiry findings as "not negative." Before they issued their inquiry report to ██████████ however, ██████████ placed ██████████ on a temporary work directive assignment.

When asked about how ██████████ would characterize the decision to place ██████████ on the work directive and later present ██████████ with an offer to resign from FirstNet Authority, ██████████ explained that ██████████ believed ██████████ held ██████████ in high regard up to that point and agreed that the decision seemed

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“reactionary.” [REDACTED] went on to explain that [REDACTED] understood that [REDACTED] had communicated with the FirstNet Authority Board about actions to take against [REDACTED]. [REDACTED] stated that [REDACTED] also knew [REDACTED] [REDACTED] had given the *PSA Report* to OAE and that [REDACTED] believed this gave OAE more material to drive the audits of FirstNet Authority. According to [REDACTED] [REDACTED] was “not happy” that OAE had the report, but [REDACTED] was more displeased with the report’s creation.

[REDACTED] said [REDACTED] had never observed [REDACTED] exhibiting any unprofessional behavior.

[REDACTED] [REDACTED] Employment Law, Office of General Counsel, Department (Exhibit 32)

OIG interviewed [REDACTED] on March 13, 2024. [REDACTED] said [REDACTED] provided employment law advice to [REDACTED] about [REDACTED] and other FirstNet Authority executives in 2023 and 2024. According to [REDACTED] [REDACTED] told [REDACTED] in mid-December 2023 that [REDACTED] mistreated FirstNet Authority staff and struggled with leadership and building coalitions. [REDACTED] did not receive specific examples or documentation from [REDACTED] of [REDACTED] mistreating staff; rather, [REDACTED] characterized [REDACTED] description of [REDACTED] inappropriate behavior as “yelling at staff” and “abusing staff.”

[REDACTED] said [REDACTED] also told [REDACTED] in mid-December 2023 that [REDACTED] had disseminated the *PSA Report* outside FirstNet Authority without proper vetting. [REDACTED] understood from [REDACTED] that this contributed to [REDACTED] issue with [REDACTED] but that [REDACTED] mistreatment of FirstNet Authority staff was [REDACTED] primary concern.

[REDACTED] advised [REDACTED] about the option of placing [REDACTED] on “unclassified duties” and offering [REDACTED] a separation agreement. [REDACTED] said [REDACTED] believed the separation agreement would benefit all parties; [REDACTED] ultimately rejected it.

[REDACTED] said [REDACTED] did not recall [REDACTED] telling [REDACTED] that [REDACTED] had cooperated with OIG. [REDACTED] stated that “if there was an employee that I believed was a whistleblower, and management wanted to take action against that whistleblower,” [REDACTED] would have advised management that it needed clear and convincing evidence to support any personnel action taken against that employee in case the action was challenged. In this case, [REDACTED] said that if [REDACTED] had had known about OIG’s involvement, [REDACTED] would have advised [REDACTED] to ensure that the personnel actions [REDACTED] took were not retaliatory.

[REDACTED] [REDACTED] FirstNet Authority (Exhibit 33)

OIG interviewed [REDACTED] on March 21, 2024. [REDACTED] said [REDACTED] had heard rumors, which [REDACTED] did not attribute, that [REDACTED] placed [REDACTED] on telework because [REDACTED] [REDACTED] provided OIG a copy of the *PSA Report*. [REDACTED] had also heard from others that the report’s content surprised FirstNet Authority’s leadership. [REDACTED] characterized the report as “so poorly written, it was

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nonsensical,” and noted that the contractor who wrote it was known for poor writing. However, [REDACTED] did not cite issues with the report’s content, calling it “benign.”

[REDACTED] stated that [REDACTED] received a draft of the report before November 2023. On November 11, 2023, [REDACTED] circulated the report to most of FirstNet Authority’s senior leadership, including [REDACTED] [REDACTED] [REDACTED] and [REDACTED] [REDACTED] said [REDACTED] and other contributors to the report were “very clear” about their ongoing work on it. [REDACTED] said [REDACTED] provided a “standard deliverable” via the report, like other products [REDACTED] had produced for management. Further, [REDACTED] noted, FirstNet Authority creates many reports, so the creation of a public safety report should not have surprised anyone in the organization.

[REDACTED] stressed that [REDACTED] considers [REDACTED] a “good friend” but said it “hurts [REDACTED] to say” that [REDACTED] is “pointed” with others and can be dismissive. [REDACTED] quoted another employee as saying, “We don’t know what’s going on but let’s be honest, [REDACTED] can be an asshole.” [REDACTED] said [REDACTED] has tried to help [REDACTED] improve [REDACTED] interactions with colleagues. [REDACTED] did not cite any instance where [REDACTED] was unprofessional or rude to [REDACTED] and [REDACTED] said [REDACTED] did not believe [REDACTED] intended to be rude or disrespectful to others.

[REDACTED] [REDACTED] FirstNet Authority (Exhibit 34)

OIG interviewed [REDACTED] on March 21, 2024. [REDACTED] stated that on January 4, 2024, [REDACTED] met with FirstNet Authority’s [REDACTED] to advise them that [REDACTED] and [REDACTED] who was the [REDACTED] [REDACTED] at the time, were being reassigned to administrative duties. [REDACTED] specifically noted that people could continue to contact them both and that this “was not an adverse action.” [REDACTED] advised the [REDACTED] that the reassignment was for a “special project.” [REDACTED] said, however, that “everyone knows what that means. You’ve upset [REDACTED] and you see a progression that seems like an adverse action.”

[REDACTED] stated that [REDACTED] actions concerned those in leadership for several reasons, including the fact that no one really understood what was happening to [REDACTED] and [REDACTED]. According to the “rumor mill,” [REDACTED] added, [REDACTED] sanctioned [REDACTED] because [REDACTED] produced a document criticizing AT&T and [REDACTED] released it to OIG without proper vetting.

[REDACTED] said that [REDACTED] disagreed with the *PSA Report* because in [REDACTED] view it was inappropriate and misguided, and it contained individualized experiences to which FirstNet Authority could not respond. Despite this, [REDACTED] said [REDACTED] believed [REDACTED] reassignment was an overreaction by [REDACTED]. [REDACTED] said [REDACTED] was not prohibited from creating the report. [REDACTED] noted that in the act creating FirstNet Authority, Congress had mandated consulting with the network’s users. Further, [REDACTED] said, it was well understood among FirstNet Authority leadership that [REDACTED] was working on the *PSA Report*.

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## FirstNet Authority (Exhibit 35)

OIG interviewed [REDACTED] on March 22, 2024. [REDACTED] was [REDACTED]. [REDACTED] confirmed that [REDACTED] and [REDACTED] contributed to and worked on the *PSA Report*. [REDACTED] was responsible for collecting, documenting, and reporting content captured in the report and did so “every day of the fiscal year.” [REDACTED] stated that [REDACTED] worked with vendors, contract [REDACTED] and the investment team to collect the information, and that [REDACTED] believed it was “near impossible for anyone to not know about the *PSA Report*.” The status of the report was briefed to management weekly and had a budget allocated specifically for its creation. [REDACTED] said that while [REDACTED] was unsure how often [REDACTED] was updated directly about the *PSA Report*, [REDACTED] received weekly written reports that included information about its existence and status.

[REDACTED] had heard unattributed rumors that [REDACTED] was upset about the *PSA Report* and for that reason had removed [REDACTED] from the December 2023 board meeting trip in [REDACTED]. [REDACTED] was also aware that [REDACTED] instructed [REDACTED] to investigate the creation and distribution of the report. On January 4, 2024, [REDACTED] announced to staff that [REDACTED] was placed on a telework-only assignment. During the announcement, [REDACTED] acknowledged [REDACTED] had not read the findings of [REDACTED] investigation.

According to [REDACTED], [REDACTED] told [REDACTED] [REDACTED] had learned that [REDACTED] provided the report to OAE, which “set [REDACTED] off” because [REDACTED] believed it was “a roadmap for a FirstNet Authority investigation.” [REDACTED] said [REDACTED] did not seem interested in or concerned about the report until [REDACTED] learned it had been shared with OIG. [REDACTED] added, “We briefed [REDACTED] about the *PSA Report*. We briefed the board. It was in a weekly status report, and none of it changed [REDACTED] opinion] until [REDACTED] found out it was provided to the OIG. That was the moment everything changed.”

[REDACTED] stated that [REDACTED] worked with [REDACTED] for 10 years, and [REDACTED] characterized [REDACTED] as helpful and friendly. [REDACTED] said [REDACTED] thinks very highly of [REDACTED] and has never heard any reports of [REDACTED] being abusive or unprofessional toward people.

## FirstNet Authority (Exhibit 36)

OIG interviewed [REDACTED] on March 28, 2024. [REDACTED] was [REDACTED]. [REDACTED] said [REDACTED] had oversight of the *PSA Report*’s creation, and [REDACTED] learned of the report during a bimonthly all-hands meeting in June 2023. [REDACTED] stated that all federal, state, local, and tribal group information went into the report. This was the first year [REDACTED] contributed to the report, so [REDACTED] was unaware of past reporting practices.

[REDACTED] emphasized that [REDACTED] was excluded from the “[REDACTED] meetings” [REDACTED] hosted with directors on [REDACTED] and had limited exposure to the report’s purpose and development. [REDACTED]

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categorized the report's intention as promoting transparency, and [REDACTED] never heard feedback deeming the report "harmful" or "overly broad."

[REDACTED] stated that [REDACTED] was difficult to work with, and [REDACTED] said [REDACTED] did not treat [REDACTED] well. [REDACTED] said [REDACTED] felt [REDACTED] did not collaborate with [REDACTED] on work assignments as much as [REDACTED] did other teams and intentionally buried [REDACTED] work. [REDACTED] added that [REDACTED] had a "sharp tongue" and "could be offensive," citing one instance where [REDACTED] accused [REDACTED] of lying to [REDACTED]. However, [REDACTED] stated [REDACTED] did not report concerns regarding any interactions with [REDACTED] to anyone within FirstNet Authority or the Department, nor did anyone ever ask [REDACTED] about concerns [REDACTED] may have had with [REDACTED].

[REDACTED] [REDACTED] FirstNet Authority  
(Exhibit 37)

OIG interviewed [REDACTED] on April 11, 2024. [REDACTED] stated that [REDACTED] had worked indirectly with [REDACTED] since 2017 and primarily interacted with [REDACTED] during staff meetings. When [REDACTED] became an [REDACTED] employee, [REDACTED] worked with [REDACTED] on the *PSA Report* and helped develop training for contract regulations. The report was requested by OIG auditors during the October 24, 2023, kickoff meeting for the Maui wildfire response audit.

[REDACTED] first learned through "office talk," then through [REDACTED] that [REDACTED] had been placed on a temporary work directive. [REDACTED] said [REDACTED] assignment had "a lot of people scared to operate or do anything that might upset the [front] office." [REDACTED] added that the actions taken against [REDACTED] made [REDACTED] apprehensive about providing documents to OIG for fear that doing so would be taken out of context.

[REDACTED] said [REDACTED] never witnessed or heard about [REDACTED] exhibiting unprofessional behavior or shouting at colleagues.

[REDACTED] [REDACTED] FirstNet Authority (Exhibit 38)

OIG interviewed [REDACTED] on April 12, 2024. [REDACTED] stated that while attending the December 2023 FirstNet Authority board meeting, [REDACTED] learned that the *PSA Report* had been distributed to the board and that they were concerned about its contents. [REDACTED] specifically noted that the report was marked as "final" but should not have been.

[REDACTED] said [REDACTED] believed [REDACTED] was angry about the lack of particular markings on the report and because [REDACTED] had not received a copy of the report before it was distributed within FirstNet Authority. However, [REDACTED] said it was [REDACTED] understanding that [REDACTED] had known that [REDACTED] [REDACTED] was preparing the report and had received a copy before the board meeting.

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█████ stated that █████ never explicitly told █████ █████ was upset about OIG receiving the report. However, █████ noted that █████ appeared to become upset about the report only after it was circulated outside FirstNet Authority, including to OIG, without leadership's feedback.

█████ said █████ had never witnessed █████ act unprofessionally or abusively toward anyone in FirstNet Authority. In fact, █████ characterized █████ as █████ "golden boy." █████ recalled that █████ held a ceremony in █████ to celebrate █████ promotion to █████ during which █████ gave █████ a letter praising █████

█████ █████ FirstNet Authority Board (Exhibit 39)

OIG interviewed █████ on April 19, 2024. █████ said █████ initially advised the board about the PSA Report during the December 2023 board meeting in █████ and █████ received a copy of it sometime after that meeting. █████ recalled the report containing "a lot of opinion," but █████ said █████ could not remember finer details. █████ also said █████ could not recall whether █████ mentioned that the report went to OIG specifically, but █████ did remember █████ being upset about the report's distribution. According to FirstNet Authority staff, █████ said, there was a policy relating to the approval of FirstNet Authority reports before distribution, and █████ potentially violated that policy.

When asked if █████ had ever witnessed █████ acting unprofessionally, █████ said █████ told █████ that █████ had complained that █████ exhibited intimidating behavior. █████ recalled only one instance that suggested such behavior; during a virtual meeting in early 2023, █████ asked a question about OIG reports, and █████ commented in the meeting chat, "Why would █████ ask that?" █████ responded to █████ in the chat that █████ comment was inappropriate, and █████ later called █████ to apologize. █████ stated that █████ did not see █████ comment and accepted █████ apology.

█████ stated that the board did not, at any point, direct █████ to take action against █████ █████ was aware of the "resolution agreement" offered to █████ and stated that █████ focused primarily on █████ conduct issues as the reasoning behind it.

█████ █████ FirstNet Authority (Exhibit 40)

OIG interviewed █████ on April 29, 2024. █████ said █████ was part of █████ and provided reports to the board's Programs and Future Planning Committee.

As █████ described above, █████ recalled a March 2023 meeting in which █████ exhibited unprofessional behavior. When █████ asked a question, █████ commented in the meeting chat, "Why would █████ even ask that?" █████ stated the comment was inappropriate and brought it to █████ attention.

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█████ said █████ understood that a report had been issued around the end of 2023 without █████ having seen it. █████ explained that █████ reviewed all communications issued across FirstNet Authority, such as Heritage Month emails, as well as those distributed outside FirstNet Authority. █████ said █████ commonly did a quality check of reports as part of █████ duties assisting █████. When █████ asked █████ to check █████ records of reports █████ reviewed, █████ did not find any records that █████ or █████ had received the *PSA Report*. █████ expressed the belief that the report could be damaging to FirstNet Authority.

█████ also said █████ believed █████ had held meetings to discuss the *PSA Report* as early as mid-November. █████ said FirstNet Authority investigated █████ but █████ was not part of the investigation and had not seen an investigative report.

On January 3, 2024, █████ understood that █████ met with NTIA officials █████ to discuss █████. The following day, █████ held a one-on-one meeting with █████. █████ said █████ had been upset after the meeting, and “doors were slammed, things were thrown” in response to the meeting. █████ had not seen █████ act this way before.

█████ said that █████ had been looking for an “elegant solution” to address █████ conduct, but that █████ believed it was a joint FirstNet Authority and NTIA decision to place █████ on a 120-day detail to work on special projects. █████ opined that the primary reason for the detail was because the *PSA Report* was released outside FirstNet Authority. █████ did not identify the basis for this belief.

█████ █████ FirstNet Authority (Exhibit 43)

OIG interviewed █████ on May 28, 2024. █████ was critical of █████ leadership, saying █████ sabotaged certain team efforts and withheld information from █████. █████ shared █████ concerns solely with █████. █████ said █████ was surprised when █████ reassigned █████ because, in █████ view, █████ had held █████ up as an example of a good executive.

█████ █████ FirstNet Authority (Exhibit 44)

OIG interviewed █████ on June 6, 2024. █████ said █████ had instructed █████ to contact █████ on December 11, 2023, and advise █████. █████ could not attend the █████ board meeting. █████ understood that █████ made this decision because the board was concerned about personnel actions pertaining to █████ specifically a comment █████ had made to █████ in March 2023.

█████ described the conversations █████ had with █████ in November and December 2023 regarding the *PSA Report* and █████ withdrawn invitation to attend the █████ meeting. █████ stated that █████ would not characterize █████ as verbally abusive during either conversation; rather, █████ seemed upset, frustrated, and angry, raising █████ voice at times. When asked if █████ used profanity or threatened █████, █████ said no. During both conversations, █████ said, █████ referred

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█████ to █████ and ended the phone calls quickly, and █████ later told █████ that █████ was angry during their conversations. █████ did not contact human resources or file a formal complaint. █████ said █████ was not aware of any inquiry, past or present, into █████ behavior, and █████ did not recall any other personnel issues involving █████.

█████ stated that █████ learned of the *PSA Report* during the first week of November 2023. █████ said █████ provided a hard copy of the report to █████ in mid-November or during the last week of November. According to █████ on December 7, 2023, █████ learned the report had been provided to OIG and instructed █████ to remove the report from SharePoint. █████ then contacted █████ asking why it had not been marked a pre-decisional draft before it went to OIG. █████ said that when █████ learned the *PSA Report* had been removed from the portal used to share documents with OIG, █████ directed that it be reposted. █████ contacted █████ and instructed █████ to discuss the issue of the *PSA Report's* markings with █████. █████ understood that █████ and █████ discussed the report having gone to OIG without proper markings.

During the interview, OIG reviewed FirstNet Authority's decision-making and document routing policy with █████. █████ understood that any report going to the board or outside FirstNet Authority required █████ review as the █████ but, historically, FirstNet Authority had not adhered to the policy. █████ also acknowledged that the *PSA Report* was an internal product that did not need executive-level review per this policy. █████ could not cite any other internal reports that needed a pre-decisional draft marking before going to OIG or anywhere else, but █████ knew documents had been marked this way in the past.

█████ █████ FirstNet Authority (Exhibit 16)

OIG interviewed █████ on December 14, 2023. █████ reported to █████ beginning on November 6, 2023. █████ stated that █████ interactions with FirstNet Authority leadership and what characterized as their attempts to interfere with the flow of information to OIG made █████ uncomfortable, and █████ had begun searching for job opportunities outside FirstNet Authority. (█████ FirstNet Authority soon after.)

█████ said that on December 7, 2023, █████ asked █████ about the SharePoint page FirstNet Authority had established with OAE, and █████ explained to █████ how the page worked. █████ then noted to █████ that a report had been uploaded without "proper markings" and that █████ had already instructed █████ to remove the document. █████ said █████ was surprised by █████ comments because █████ had initially acted as if █████ was unaware of the SharePoint page's functionalities, even though █████ believed █████ knew or should have known about the site. █████ advised █████ that OAE had likely already downloaded any documents from the page, and if they were removed it would appear that FirstNet Authority was hiding information. █████ asked █████ how to reverse the removal and make the document appear with the original timestamp. █████ told █████ █████ could restore the document from SharePoint's "recycle folder," and did so.

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██████████, FirstNet Authority (**Exhibit 45**)

OIG interviewed ██████████ on December 8, 2023, on January 4, 5, and 22, 2024, on February 14, 2024, and on June 7, 2024. ██████████ statements from these interviews are summarized below.

██████████ from FirstNet Authority in ██████████. Until ██████████, ██████████ was ██████████.

██████████ could not cite an instance in which ██████████ exhibited unprofessional or disrespectful behavior toward ██████████. ██████████ also stated that ██████████ had never received any complaints from other employees about ██████████ behavior while ██████████ was ██████████.

██████████ said ██████████ learned on December 12, 2023, that ██████████ ██████████ had provided the *PSA Report* to OIG. ██████████ explained that ██████████ met with ██████████ at the ██████████ board meeting and told ██████████ ██████████ was upset that OIG had the report. ██████████ said ██████████ then added that ██████████ knew that OIG was entitled to the report; ██████████ said ██████████ made this comment in a way that suggested ██████████ was “correcting ██████████ in that ██████████ knew ██████████ comment could be perceived as intending to withhold information from OIG. ██████████ said ██████████ had not known of the report’s existence; ██████████ told ██████████ the board had cited personnel issues. ██████████ said this was surprising because the board would typically raise issues directly with ██████████ and because ██████████ was considered ██████████ and the board’s “golden boy.”

██████████ said that while at the meeting in ██████████ ██████████ asked ██████████ in front of ██████████ and ██████████ whether ██████████ had spoken with ██████████ about the *PSA Report*. Although ██████████ had spoken to ██████████ ██████████ responded to ██████████ in that moment that ██████████ had not; ██████████ explained to OIG that this was because ██████████ asked ██████████ in front of ██████████ colleagues and ██████████ felt it was inappropriate to discuss the matter in front of them. When ██████████ had an opportunity to speak with ██████████ privately, ██████████ advised ██████████ that ██████████ had spoken with and provided resources to ██████████ including OIG’s information. ██████████ stated it was ██████████ to advise ██████████ of all resources available to ██████████.

On January 4, 2024, ██████████ advised ██████████ that ██████████ was placing ██████████ on a 120-day “temporary work directive,” which included a permanent telework agreement. ██████████ was also barred from attending any future staff meetings and required to check in with ██████████ every 2 weeks. During this time, ██████████ would conduct “independent research,” or ██████████ could receive a “retirement buy-out option.” When ██████████ inquired about the reasoning behind ██████████ decision, ██████████ told ██████████ it was because ██████████ had not been truthful when ██████████ confronted ██████████ about ██████████ in front of ██████████ and ██████████.

██████████, ██████████ FirstNet Authority Board (**Exhibit 18**)

OIG interviewed ██████████ on June 11, 2024. ██████████ joined the FirstNet Authority ██████████ ██████████ stated that ██████████ met ██████████ when ██████████

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first joined the board and interacted with [REDACTED] weekly during the latter part of 2020, though the interactions later became less frequent.

[REDACTED] did not recall any instances of [REDACTED] exhibiting unprofessional behavior toward [REDACTED]. [REDACTED] recalled observing an instance in the first week of [REDACTED] at a conference in [REDACTED]. [REDACTED] said [REDACTED] saw multiple FirstNet Authority employees, including [REDACTED] who appeared upset and were on their phones in the lobby of the conference center. [REDACTED] witnessed [REDACTED] yelling on the phone at an unknown individual, stating that [REDACTED] “would not change the report.” [REDACTED] categorized the behavior as unprofessional, given it was in public. [REDACTED] vented to [REDACTED] after ending the phone call, explaining that [REDACTED] had submitted the *PSA Report* to FirstNet Authority leadership, who then requested [REDACTED] make changes to the report. [REDACTED] was not unprofessional to [REDACTED] while venting to [REDACTED].

[REDACTED] understood that [REDACTED] had informed [REDACTED] of the *PSA Report*. [REDACTED] was unaware of the *PSA Report*’s existence during its drafting and review phase; however, [REDACTED] said this was normal practice.

During the weekend following the conference in Irving, [REDACTED] and [REDACTED] spoke via phone. [REDACTED] informed [REDACTED] of the *PSA Report* and said that [REDACTED] provided the report to OIG without leadership’s approval or knowledge. [REDACTED] advised [REDACTED] to inform the board of this during the board meeting in [REDACTED] which was scheduled for the following week.

The following week, [REDACTED] attended the [REDACTED] board meeting. The Executive Committee met during the first day, and [REDACTED] attended the meeting to provide internal updates to the board. [REDACTED] advised the committee of the *PSA Report*, including the report’s conclusions, and told them the report had been shared with OIG.

[REDACTED] specifically recalled [REDACTED] informing the Executive Committee of multiple events surrounding the *PSA Report* and [REDACTED]

1. [REDACTED] phone conversation that [REDACTED] witnessed during the Irving conference;
2. The generation of the *PSA Report*;
3. The lack of markings noting the report was a draft; and
4. [REDACTED] employee sharing the *PSA Report* with OIG.

[REDACTED] stated that once briefed by [REDACTED] some of the Executive Committee members became upset about these events. [REDACTED] said that [REDACTED] in particular got “very vocal” and began recalling past interactions involving [REDACTED] specifically about a comment [REDACTED] made about [REDACTED] in an officewide chat in March 2023. The matter was addressed at that time.

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█████ said the Executive Committee asked █████ why █████ was not investigating █████ treatment of employees. The committee was also concerned that one of █████ staff members had shared the *PSA Report* with OIG without leadership's approval. The committee advised, but did not directly mandate, █████ to investigate █████ behavior as well as the generation and dissemination of the *PSA Report* and said that █████ should consider placing █████ on administrative leave until the investigation was complete.

█████ stated that █████ had "never seen █████ that stressed" and that "things were snowballing." The Executive Committee agreed that █████ should not attend the board meeting and that █████ should brief the entire board about the *PSA Report* that afternoon. The board was concerned about a staff member communicating with OIG without leadership's awareness and did not understand how OIG could receive a report the front office believed was incorrect.

█████ stated that "the staffer had, sounds like, talked to the IG prior, [and the] report got submitted." █████ asked, "How is a staffer going to the IG, and leadership doesn't even know about this?" █████ said that the concern that OIG had an incorrect report that could result in an audit "got everyone's blood boiling."

█████ recalled █████ providing a copy of the *PSA Report* to the board, per the board's request, toward the end of the █████ meeting. The copy contained handwritten notes. █████ stated █████ "threw it away" because it was not relevant to █████ role, given it was intended to remain internal to FirstNet Authority.

█████ █████ NTIA (Exhibit 46)

█████ responded to an OIG interrogatory on June 9, 2024. █████ stated that █████ initiated discussions with █████ and █████ in December 2023 regarding █████ temporary work directive, but █████ did not provide an exact date. █████ stated that it was █████ decision to place █████ on the temporary directive, and █████ provided legal advice.

█████ recalled that █████ had concerns about █████ behavior toward other FirstNet Authority employees, specifically that █████ had, according to █████ been disrespectful and verbally abusive to other employees. █████ did not recall receiving any documentation to justify the temporary work directive but did receive a document outlining █████ duties while on the directive.

█████ █████ FirstNet Authority  
(Exhibit 47)

OIG interviewed █████ on July 11, 2024. █████ recalled FirstNet Authority leadership, including █████ praising the *PSA Report* until █████ provided it to OIG.

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█████ said that in December 2023, █████ told █████ █████ wanted the *PSA Report* removed from the SharePoint page used to share documents with OAE. █████ was not authorized to access that page, so █████ contacted █████ and relayed █████ instruction. After █████ instructed █████ to remove the *PSA Report* from SharePoint, █████ witnessed █████ saying █████ wanted █████ to be fired for █████ providing the report to OIG. █████ immediately walked to █████ office, and █████ understood that they discussed █████ providing the *PSA Report* to OIG. █████ said █████ categorized the report as the “roadmap to audit FirstNet [Authority].”

**Document Reviews****Electronic Communications and Files**

The following is an overview of relevant electronic communications and files obtained and reviewed by OIG during this investigation, establishing a chronology of events surrounding the release of the *PSA Report* to OAE and the personnel actions regarding █████

1. On August 22, 2023, █████ received an email with a document titled “PSA Mission Unit (MU) Weekly Report – August 4, 2023,” which included an agenda item to “Finalize Market Review Report and disseminate across PSA (9/30).” **(Exhibit 2)**
2. On September 26, 2023, █████ received an email with a weekly senior staff update titled “10/31: Disseminate FY23 PSA Market Review Report across [FirstNet Authority].” **(Exhibit 3)**
3. On October 2, 2023, █████ signed █████ █████ █████ Performance Agreement for FY 2023, rating █████ a 5 (Outstanding) overall. █████ emailed the signed copy to █████ **(Exhibit 4)**
4. On October 11, 2023, █████ hosted an █████ █████ for █████ and wrote to █████ to “welcome [█████ █████ █████] █████ letter lists █████ accomplishments and compliments █████ work on FirstNet Authority's public safety advocacy. █████ provided a copy of the letter to OIG investigators. **(Exhibit 5)**
5. On October 27, 2023, █████ Outlook calendar listed a meeting with █████ titled “preview/walk-through of the PSA Market Review Report across [FirstNet Authority].” **(Exhibit 6)**
6. On November 3, █████ received an email with a document titled “PSA MU Weekly Report – Nov. 3, 2023,” which included this agenda item: “Week of 11/6: Disseminate FY23 PSA Market Review across [FirstNet Authority].” **(Exhibit 7)**
7. On November 9, 2023, █████ received an email with a document titled “PSA MU Weekly Report – Nov. 3, 2023,” which included this agenda item: “Week of 11/13: Disseminate FY23 PSA Market Review across [FirstNet Authority].” **(Exhibit 8)**

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8. On November 16, 2023, Auditor [REDACTED] OAE, emailed [REDACTED] requesting a copy of the *PSA Report* by Nov. 27, 2023. [REDACTED] carbon copied [REDACTED] on the request. **(Exhibit 9)**
9. On November 17, 2023, [REDACTED] received an email with a document titled “PSA MU Weekly Report – Nov. 3, 2023,” which included this agenda item: “11/20: Release Market Review Report within [FirstNet Authority].” **(Exhibit 10)**
10. On November 21, [REDACTED] received an email with a list of attendees, including [REDACTED] for the [REDACTED] board meeting in [REDACTED] **(Exhibit 11)**
11. On November 28, 2023, [REDACTED] received an email from [REDACTED] employee, [REDACTED] confirming [REDACTED] uploaded the *PSA Report* to the OIG SharePoint folder. **(Exhibit 12)**
12. On November 29, 2023, [REDACTED] received an email with a copy of the final *PSA Report* from [REDACTED] who carbon copied [REDACTED] [REDACTED] responded, “Let’s review for sharing with the board—all early indications are that this is excellent work!!” **(Exhibit 13)**
13. On December 7, 2023, [REDACTED] contacted [REDACTED] via Teams about the *PSA Report*’s lack of pre-decisional draft markings. [REDACTED] replied that the report was for internal use and marked appropriately. [REDACTED] then asked whether OIG had the report with the pre-decisional draft markings, and [REDACTED] responded that OIG had the report with the proper markings. **(Exhibit 15)**
14. On December 8, 2023, [REDACTED] uploaded an updated version of the *PSA Report* to the folder shared with OIG; this version had markings indicating the report was a pre-decisional draft. [REDACTED] emailed the upload confirmation to leadership, including [REDACTED] [REDACTED] [REDACTED] and [REDACTED] and also provided the confirmation to OAE. **(Exhibit 17)**
15. On December 13, 2023, [REDACTED] emailed [REDACTED] that [REDACTED] wanted to place [REDACTED] on a temporary work directive for 120 days because [REDACTED] had lost trust in [REDACTED] and because of [REDACTED] conduct toward FirstNet Authority employees and a FirstNet Authority [REDACTED]. **(Exhibit 19)**
16. On January 4, 2024, [REDACTED] emailed [REDACTED] a memorandum placing [REDACTED] on a temporary work directive for [REDACTED] alleged “mistreatment of colleagues and [REDACTED] decision to prepare and circulate an extensive report concerning network operations without receiving proper clearances and internal review.” While [REDACTED] remained in a supervisory role, [REDACTED] restricted [REDACTED] access to personnel, including [REDACTED] employees, and provided a list of items [REDACTED] would research during [REDACTED] directive. **(Exhibit 21)**

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17. On January 10, 2024, [REDACTED] emailed [REDACTED] the findings of the December 15, 2023, management-directed inquiry. The findings discussed and analyzed the origin, development, and conclusions of the *PSA Report*, but did not cite or address any policy violations or misconduct by [REDACTED] (**Exhibit 22**)
18. On February 13, 2024, [REDACTED] emailed [REDACTED] a document titled "Resolution Agreement." The agreement offered [REDACTED] a lump sum of \$36,000 to resign voluntarily from FirstNet Authority by March 15, 2024. In exchange, according to the agreement, FirstNet Authority would refrain from "issuing a performance appraisal to Employee based on [REDACTED] performance in [FY] 2024" and from "taking any steps to remove Employee from [REDACTED]" (**Exhibit 23**)

**[REDACTED] Personnel Records***October 2023 [REDACTED] Performance Management System Performance Agreement (**Exhibit 4**)*

On October 2, 2023, [REDACTED] signed [REDACTED] performance agreement for the appraisal period of October 1, 2022, through September 30, 2023. [REDACTED] rated [REDACTED] level 5 (Outstanding) overall.

*October 2023 [REDACTED] Letter (**Exhibit 5**)*

On October 11, 2023, [REDACTED] issued a letter to [REDACTED] to "welcome [REDACTED] [REDACTED] [REDACTED] [REDACTED] In the letter, [REDACTED] praise of [REDACTED] included the following:

- "The work that you have done, and continue to do, [REDACTED] [REDACTED], is beyond impressive. I have watched, firsthand, as you have tirelessly committed yourself to advocating and championing in interoperable network devoted to the communication needs of our nation's first responders."
- "I wanted to take a moment to personally thank you for your leadership, partnership, and friendship during my tenure with the Authority. One word best describes you, and that word is 'passion.' Your passion inspires your team, your peers, our first responders, and me each and every day."

*January 2024 Temporary Work Directive (1) (**Exhibit 48**)*

On January 4, 2024, [REDACTED] provided two different memorandums to [REDACTED] both titled "Temporary Work Directive." In the first memorandum, [REDACTED] stated:

I've become concerned about your executive leadership. For instance, your office recently distributed a report on network operations without the report being properly vetted. As a result, I have decided to detail you to unclassified duties for

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a period of 120 days while I figure out what is best for the organization and how I want to handle the situation.

This detail may be extended by another 120 days. Your pay will remain the same during this detail. You will be teleworking on a full-time basis during this detail.

█████ advised █████ that █████ would provide a separate memorandum identifying █████ job duties while on the temporary work directive.

*January 2024 Temporary Work Directive (2) (Exhibit 49)*

On January 4, 2024, █████ provided a second memorandum placing █████ on a temporary work directive for █████ alleged "mistreatment of colleagues and decision to prepare and circulate an extensive report concerning network operations without receiving proper clearances and internal review."

█████ instructed █████ to cease all work associated with █████ position as █████. █████ also advised █████ that █████ was placed in a fulltime telework status, requiring written approval to enter Department facilities. █████ listed topics █████ was to research and provide "expert written advice on the best path forward" while on █████ detail.

█████ also stated that █████ would perform █████ duties during this time. █████ instructed █████ to give █████ a list of action items █████ was typically responsible for.

*February 2024 Resolution Agreement (Exhibit 23)*

On February 13, 2024, █████ with █████ help, emailed █████ a document saved with the file name "Agency Offer" and titled *Resolution Agreement*. The proposed agreement offered █████ \$36,000 as "full and appropriate relief for attorney's fees, damages, and costs associated with any claims, demands, or causes of action which Employee has or may have against the Agency, its officers, agents, employees, and representatives." In exchange, █████ would agree to resign from the Department voluntarily by March 15, 2024 (per section 2.b, "Resignation/Retirement").

If █████ accepted the agreement, FirstNet Authority would refrain from "issuing a performance appraisal to Employee based on █████ performance in [FY] 2024" and from "taking any steps to remove Employee from █████ (section 3.b-d). Per section 4, the agreement would also not constitute an admission of wrongdoing by either party:

The Agency expressly denies that it or any of its officers, agents, employees, or representatives violated any law, regulation, agreement, contract, or employment and labor practice in regard to its treatment of Employee. The Agency also

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expressly denies that it or any of its officers, agents, employees, or representatives discriminated or retaliated against Employee in any way. Rather, this Agreement reflects each party's interest in reaching an agreement to their satisfaction.

Signature lines for [REDACTED] ("Management Official"), [REDACTED] ("Agency's Representative"), [REDACTED] ("[REDACTED] Office of Human Resources Management"), and [REDACTED] ("Employee") were included in the document provided to [REDACTED] but the document was not signed. [REDACTED] ultimately did not accept the proposed agreement.

*FirstNet Authority's Decision-Making and Document Routing Policy (Exhibit 50)*

On April 19, 2024, FirstNet Authority [REDACTED] [REDACTED] provided OIG a copy of FirstNet Authority's policy, "Decision-Making and Document Routing." The policy, effective March 1, 2023 (revised from the original policy of June 9, 2014), "outlines what offices must review certain matters prior to action and the approval routing process" and specifies the types of documents that must be reviewed and approved at the levels of the board, the [REDACTED] and the [REDACTED] [REDACTED] as well as the types of documents requiring review by legal or financial personnel.

OIG reviewed the policy but did not find that the *PSA Report* fell into any of the categories that would require the CEO's approval.

Documents Provided by [REDACTED]

On March 21, 2024, [REDACTED] provided several documents in response to an OIG request. [REDACTED] listed the following employees and board members who expressed concerns about inappropriate treatment by [REDACTED] (**Exhibit 5 I**):

- [REDACTED] [REDACTED] FirstNet Authority [REDACTED]
- [REDACTED] FirstNet Authority [REDACTED], [REDACTED]
- [REDACTED] FirstNet Authority [REDACTED]
- [REDACTED] FirstNet Authority [REDACTED]
- [REDACTED] FirstNet Authority [REDACTED]
- [REDACTED] [REDACTED] to FirstNet Authority [REDACTED] and [REDACTED]
- [REDACTED] [REDACTED] FirstNet Authority [REDACTED]
- [REDACTED] FirstNet Authority [REDACTED]

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In response to a request for any records relating to [REDACTED] conduct issues, [REDACTED] provided the following information:

- On December 13, 2023, [REDACTED] emailed [REDACTED] a list of issues [REDACTED] had with [REDACTED] for [REDACTED] review before sending it to [REDACTED]. [REDACTED] wrote that the *PSA Report* was created in a “complete vacuum” and that [REDACTED] “refused to consider making edits and adding pre-decisions draft markings.” [REDACTED] wrote that [REDACTED] had had a “complete loss of trust and confidence” in [REDACTED] leadership ability. [REDACTED] then wrote:
  1. You committed significant human and financial resources to an ill-fated endeavor bringing discredit to yourself, the organization, and [REDACTED]. To be clear—the creation of the document itself is the issue at hand and not the required sharing of any document with authorized recipients after the fact.
  2. You failed to properly vet (collaborate, coordinate, and validate) counter to all generally agreed upon tenets of Team and Organizational good practices. Keeping your activities hidden from [FirstNet Authority] leadership and the Board Advocacy leadership member was either an active deception or gross negligence. Even after this leadership shortfall was brought to your attention, you resisted the remarking and the editing of the document[,] further demonstrating your failed judgement and failed leadership.
  3. By statute, [FirstNet Authority] has the responsibility to build the [Nationwide Public Safety Broadband Network] and your extreme miscalculation has undermined my ability to continue to trust your judgement and leadership abilities in such a complex and nationally important program. You completely failed to appreciate the strategic implications in creating such a myopic and misguided document. As a result of your actions and subsequent defense of your actions you have undermined your ability to lead and leave me no option but to remove you from your position, [REDACTED] and the federal workforce.
  4. Also, further review of your personnel interactions has revealed a pattern of inappropriate and unprofessional verbal interactions with [REDACTED] staff[,] resulting in great damage to their character and position as respected leaders in the [government] and in this organization. On its own, this unacceptable behavior is a zero-tolerance issue and stands alone as the final and compelling reason for your removal. **(Exhibit 52)**

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- In another email sent to [REDACTED] later that same day, [REDACTED] wrote that [REDACTED] wanted to place [REDACTED] and [REDACTED] on “120 days of unspecified duties” beginning on January 3 or 4, 2024, in order to “start the year with a streamlined [REDACTED].” [REDACTED] also wrote that [REDACTED] had learned of [REDACTED] “verbal abuse,” and [REDACTED] gave the following description of three alleged instances of this abuse:
  1. During a call with [REDACTED] about the *PSA Report*, [REDACTED] “yelled at [REDACTED] [and] was very disrespectful.” [REDACTED] described [REDACTED] as “shaken and very unsettled by the experience.”
  2. [REDACTED] “disrespected” [REDACTED] during a “highly attended Teams meeting,” and [REDACTED] “came to [REDACTED] defense.” [REDACTED] said [REDACTED] “was embarrassed and upset by the situation.”
  3. During another Teams meeting, [REDACTED] “disrespected” [REDACTED] by putting a “disrespectful note” in the Teams chat “that all on the call saw.” (**Exhibit 52**)
- [REDACTED] also provided a report, dated January 10, 2024, from the management-directed inquiry into the creation of the *PSA Report*. The inquiry concluded that the foundation for the 2023 *PSA Report* was “sound” but that stakeholders, including at least the [REDACTED] [REDACTED] and the affected FirstNet Authority’s mission units, should have collaborated more. The inquiry report did not address any of [REDACTED] alleged conduct issues. (**Exhibit 22**)

Documents Provided by [REDACTED]

On March 22, 2024, [REDACTED] provided several documents in response to an OIG request for information related to [REDACTED] temporary work directive. The documents showed that [REDACTED] had been in discussions about [REDACTED] with [REDACTED] and NTIA [REDACTED] [REDACTED] as early as December 12, 2023. (**Exhibit 53**)

Additionally, [REDACTED] provided the same two emails from [REDACTED] to [REDACTED] on December 13, 2023, that [REDACTED] had provided to OIG. (**Exhibit 52**) On December 13, [REDACTED] emailed [REDACTED] outlining [REDACTED] concerns about the development of the *PSA Report* and expressing why [REDACTED] had a “complete loss of trust and confidence in [REDACTED] ability to Lead.” Later that day, [REDACTED] wrote that [REDACTED] wanted to place [REDACTED] on a temporary work directive for 120 days and that [REDACTED] had become aware during the December board meeting and subsequent days of [REDACTED] “verbal abuse.” In the email, [REDACTED] listed three occasions when [REDACTED] had been disrespectful toward [REDACTED] [REDACTED] and [REDACTED] [REDACTED] stated in the email that when [REDACTED] asked about [REDACTED] behavior toward the [REDACTED], “I was told it’s not just [REDACTED]—it’s everyone.” [REDACTED] also recalled [REDACTED] losing [REDACTED] composure with [REDACTED] on at least two occasions.

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On December 26, 2023, [REDACTED] emailed [REDACTED] (copying [REDACTED] to discuss the proposed temporary work directive for [REDACTED] and other questions. [REDACTED] wrote that [REDACTED] would pursue a long-term plan if [REDACTED] did not leave FirstNet Authority after 240 days. [REDACTED] also asked if [REDACTED] could “still pursue ‘bad behavior’ in addition to bad performance as a means of removal from [REDACTED] while [REDACTED] is] in unclassified duties,” specifically citing [REDACTED] being “[d]isrespectful to colleagues” and using “harsh angry words” as examples of bad behavior. **(Exhibit 54)**

A January 2, 2024, email provided by [REDACTED] included a draft document in which [REDACTED] addressing [REDACTED] provided the following rationale for [REDACTED] temporary work directive:

1. In light of recent events, it has become clear that you lack the ability to adequately understand the dynamic nature of our mission and full range of considerations. A review of the actions that led to the authoring of your annual report was a significant miscalculation and a failure of partnership and leadership on your part. Also, I believe you have a fundamental lack of respect for my position as [REDACTED] and I [have determined] that you lack the ability to align to my vision for the organization.
2. Also, reports of unacceptable behavior have emerged and requires further investigation. It appears that a pattern of angry, dismissive, and disrespectful behavior on your part has negatively impacted staff, peers, and even [b]oard members. I can think of no more important aspect in a relationship than trust. You have broken the trust and I have no confidence you will regain it.

[REDACTED] also provided the memorandum, dated January 4, 2024, and signed by [REDACTED] placing [REDACTED] on a temporary work directive for 120 to 240 days. **(Exhibit 48)**<sup>3</sup> The memorandum stated:

I've become concerned about your executive leadership. For instance, your office recently distributed a report on network operations without the report being properly vetted. As a result, I have decided to detail you to unclassified duties for a period of 120 days while I figure out what is best for the organization and how I want to handle the situation.

<sup>3</sup> The text of the final memorandum provided to [REDACTED] can be found on page 30.

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OIG's findings regarding the allegations raised in this case are set forth below, along with supporting evidence.

**Allegation: [REDACTED] Significantly Changed [REDACTED] Duties and Responsibilities in Retaliation for [REDACTED] Protected Activity**

[REDACTED] alleged that after one of [REDACTED] provided a report to OIG in response to OIG's request, [REDACTED] removed [REDACTED] supervisory duties and assigned [REDACTED] to a 120-day temporary work directive working on unclassified duties.

**Legal Standard**

The Whistleblower Protection Act (WPA) makes it a prohibited personnel practice to take, threaten, or fail to take a personnel action with respect to a federal employee or applicant for employment because of any protected disclosure or protected activity.<sup>4</sup> One protected activity is "cooperating with or disclosing information to the Inspector General . . . of an agency."<sup>5</sup>

To establish a prima facie case of retaliation, an employee must show by a preponderance of the evidence that they made a protected disclosure or engaged in protected activity, that they were subsequently subjected to a personnel action, and that the disclosure was a contributing factor in the personnel action. The employee generally may demonstrate that the protected disclosure or activity was a contributing factor in the personnel action through circumstantial evidence, such as evidence that the official taking the action knew of the disclosure or activity and the personnel action occurred within a period of time such that a reasonable person could conclude that the disclosure or activity was a contributing factor in the personnel action.<sup>6</sup>

The agency can rebut this prima facie case if it demonstrates by clear and convincing evidence that it "would have taken the same personnel action in the absence of such disclosure [or activity]."<sup>7</sup> The key factors in determining whether the agency has met this burden are (1) the strength of the agency's evidence in support of the personnel action, (2) the existence and strength of a retaliatory motive, and (3) the evidence that the agency takes similar actions against employees to who have not engaged in protected activity.<sup>8</sup>

<sup>4</sup> 5 U.S.C. § 2302(b)(8),(9).

<sup>5</sup> 5 U.S.C. § 2302(b)(9)(C).

<sup>6</sup> See 5 U.S.C. § 1221(e)(1); see also *Garvin v. Merit Sys. Prot. Bd.*, 737 F. App'x 999, 1004 (Fed. Cir. 2018).

<sup>7</sup> See 5 U.S.C. § 1221(e)(2).

<sup>8</sup> *Carr v. Social Sec. Admin.*, 185 F.3d 1318, 1323 (Fed. Cir. 1999); see also *Soto v. Dep't of Veterans Affs.*, No. AT-1221-15-0157-W-I, 2022 WL 1164547, at \*2 (M.S.P.B. Apr. 20, 2022).

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A disclosure of information to, or cooperation with, OIG is a protected activity. Based on the evidence, we concluded that [REDACTED] both engaged in a protected activity and was perceived as having done so.<sup>9</sup>

According to OAE staff, [REDACTED] met with OAE about audits on numerous occasions between 2021 and late 2023. According to [REDACTED] and [REDACTED] both [REDACTED] [REDACTED] [REDACTED] had encouraged [REDACTED] to cooperate fully with OAE. In November 2023, [REDACTED] in response to an OAE request pursuant to an ongoing audit and with [REDACTED] knowledge, transmitted the FY 2023 PSA Report to OAE by uploading the report to a SharePoint portal used to exchange documents with OAE.

Despite concerns expressed by [REDACTED] and [REDACTED] that the PSA Report did not go through a review and approval process before being distributed outside FirstNet Authority, OIG's authority "to have timely access to all records, reports, audits, reviews, documents, papers, recommendations, or other materials" <sup>10</sup> does not limit the OIG's access to only "final" or "approved" documents. In other words, while the state of the PSA Report (i.e., draft vs. final) may have been in question by some FirstNet Authority leadership and board members, it is irrelevant to whether OIG was entitled to the report.

Because cooperating with and providing information to an OIG is a protected activity, [REDACTED] direction to cooperate with OIG and [REDACTED] provision of the PSA Report to OIG is protected.

In addition, [REDACTED] was perceived to have cooperated with and to have provided information to OIG. The U.S. Merit Systems Protection Board has found that a perception that an employee engaged in whistleblowing activity is sufficient to meet the first element of a retaliation case.<sup>11</sup> Here, [REDACTED] alleged that [REDACTED] held [REDACTED] responsible for OIG's receipt of the report when [REDACTED] told [REDACTED] "Now that you've given [the PSA Report] to the IG, it's most likely with [Congress], AT&T, and Verizon. [OIG] has a blueprint to attack us for the next 10 years."

Additionally, according to [REDACTED] when [REDACTED] contacted [REDACTED] on December 11, 2023, to inform [REDACTED] of [REDACTED] direction not to attend the board meeting in [REDACTED] [REDACTED] told [REDACTED] that [REDACTED] had characterized [REDACTED] release of the report as "the single worst thing to happen [to

<sup>9</sup> 5 U.S.C. § 2302(b)(9)(C).

<sup>10</sup> 5 U.S.C. § 406(a)(1)(A).

<sup>11</sup> *King v. Dep't of Army*, 116 M.S.P.R. 689, ¶ 8 (2011).

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FirstNet Authority] since the Nashville bomber.” During [REDACTED] interview, when OIG asked [REDACTED] about this comment, [REDACTED] neither confirmed nor denied making it. [REDACTED] confirmed [REDACTED] knew OIG received the *PSA Report*, though [REDACTED] did not state to OIG that [REDACTED] specifically had provided it to OIG. However, [REDACTED] ( [REDACTED] ) corroborated [REDACTED] assertion, telling OIG that [REDACTED] knew [REDACTED] [REDACTED] had provided the *PSA Report* to OIG and that [REDACTED] had told [REDACTED] that [REDACTED] believed this gave OAE more material to drive the audits of FirstNet Authority. [REDACTED] opined [REDACTED] was “not happy” that OAE had the report but that [REDACTED] seemed more displeased with the report’s creation.

[REDACTED] the board chair, also told OIG that [REDACTED] told [REDACTED] [REDACTED] provided the *PSA Report* to OIG. Further, [REDACTED] the Office of Counsel attorney who assisted [REDACTED] in drafting the memorandum assigning [REDACTED] to unclassified duties, told OIG that [REDACTED] told [REDACTED] ( [REDACTED] ) that [REDACTED] had issued the *PSA Report* without vetting it properly, though [REDACTED] said [REDACTED] did not discuss [REDACTED] cooperating with OIG specifically.

Further, in one of the memorandums provided to [REDACTED] on January 4, 2024, notifying [REDACTED] of [REDACTED] temporary work detail, [REDACTED] stated, “I’ve become concerned about your executive leadership. For instance, your office recently distributed a report on network operations without the report being properly vetted.”

Given [REDACTED] confirmation that [REDACTED] knew OIG had received the *PSA Report* from FirstNet Authority, the multiple witness statements, and documents demonstrating that [REDACTED] believed it was [REDACTED] who provided the report to OIG, OIG finds that [REDACTED] perceived that [REDACTED] provided the *PSA Report* to OIG and held [REDACTED] responsible for doing so.

### *[REDACTED] Took a Personnel Action Against [REDACTED]*

A personnel action under the WPA can include a detail, reassignment, or any other significant change in duties, responsibilities, or working conditions.<sup>12</sup> Here, [REDACTED] was placed on a 120-day detail (which was later extended) to perform unclassified duties in which [REDACTED] supervisory responsibilities were removed and [REDACTED] day-to-day duties were entirely changed. Further, [REDACTED] was required to work fulltime from a telework location and restricted from entering departmental and FirstNet Authority facilities without prior approval. These significant changes in duties, responsibilities, and working conditions constitute a covered personnel action.

### *[REDACTED] Provided Circumstantial Evidence That [REDACTED] Protected Activity, and [REDACTED] Perception of the Protected Activity, Was a Contributing Factor*

Either direct or circumstantial evidence can be used to establish that a protected activity was a contributing factor in the personnel action. Circumstantial evidence is sufficient when the

<sup>12</sup> 5 U.S.C. § 2302(a)(2)(A)(iv) and (xii); see 5 U.S.C. § 3592(a)(1); see also 5 C.F.R. §359.402.

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evidence satisfies what is commonly known as the knowledge-timing test. To satisfy this test, the evidence must demonstrate that the official taking the personnel action knew of the protected disclosure or activity and that the personnel action occurred within a period of time such that a reasonable person could conclude the protected disclosure or activity was a contributing factor in the personnel action.<sup>13</sup> For federal employees, a time period of 1 to 2 years can be sufficient.<sup>14</sup>

Statements by [REDACTED] and [REDACTED] establish that [REDACTED] learned on December 7, 2023, that the PSA Report was shared with OIG. [REDACTED] asserted that on December 8, 2023, [REDACTED] contacted [REDACTED] and expressed disappointment that AIG Scott had received a copy of the PSA Report before [REDACTED]. On December 11, 2023, [REDACTED] directed [REDACTED] to cancel [REDACTED] travel to the FirstNet Authority board meeting in [REDACTED] and to immediately place [REDACTED] on administrative leave. On December 13, 2023, [REDACTED] informed [REDACTED] that [REDACTED] was going to initiate a formal investigation of [REDACTED]. During that conversation, [REDACTED] also reiterated to [REDACTED] [REDACTED] was upset about OIG having the PSA Report, made accusations about the report's accuracy, and commented that the report was a "blueprint" for OIG to "attack" the FirstNet Authority. In addition, on December 13, 2023, [REDACTED] told [REDACTED] [REDACTED] wanted to place [REDACTED] on a temporary work directive for 120 days. On January 4, 2024, [REDACTED] notified [REDACTED] of the temporary directive and said it was effective immediately. Therefore, within a week of expressing dissatisfaction to [REDACTED] about OIG receiving the PSA Report, [REDACTED] expressed [REDACTED] intent to place [REDACTED] on a temporary work directive, and in less than a month, [REDACTED] was placed on the directive.

OIG determined that these events meet the requirements of the knowledge-timing test because [REDACTED] (1) knew about [REDACTED] [REDACTED] cooperating with OIG and held [REDACTED] responsible for it, and (2) placed [REDACTED] on a temporary work directive within 1 month of the date [REDACTED] learned of this cooperation.

Further supporting the claim that the perception of [REDACTED] protected activity was a contributing factor in the personnel action against [REDACTED] OIG found no evidence that [REDACTED] objected to the PSA Report until after [REDACTED] found out it was provided to OAE on December 7, 2023. This is notable given that evidence establishes that [REDACTED] was aware at least of the document's existence. In particular, [REDACTED] stated during [REDACTED] interview that [REDACTED] had seen the "quad" reports discussing the PSA Report, confirming that [REDACTED] was aware the PSA Report was being drafted. Additionally, on October 27, 2023, [REDACTED] Outlook calendar listed a meeting with [REDACTED] titled "preview/walk-through of the PSA Market Review Report across [FirstNet Authority]." In addition, [REDACTED] told OIG that [REDACTED] had provided a hard copy of the PSA Report to [REDACTED] in mid-November 2023, several weeks before [REDACTED] alerted [REDACTED] that OAE had received the report. Underscoring this, [REDACTED] commented in an email to [REDACTED] and [REDACTED] immediately after being provided a copy

<sup>13</sup> See Schnell v. Dep't of Army, 114 M.S.P.R. 83, ¶ 21 (2010).

<sup>14</sup> See Schnell, 114 M.S.P.R. ¶ 22.

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of the report on November 29, 2023, "Let's review for sharing with the board—all early indications are that this is excellent work!!"

Furthermore, other individuals said they believed that sharing the report with OIG contributed to the actions against [REDACTED]. In particular:

- [REDACTED] said [REDACTED] believed [REDACTED] actions distributing the report to the OIG contributed to [REDACTED] reassignment to the temporary work directive.
- [REDACTED] [REDACTED] [REDACTED], said [REDACTED] believed releasing the report outside FirstNet Authority was the primary reason for [REDACTED] reassignment, although [REDACTED] did not identify the basis for this belief.
- [REDACTED] noted that although [REDACTED] did not explicitly tell [REDACTED] [REDACTED] was upset about OIG receiving the report, [REDACTED] appeared to become upset about the report only after it was circulated outside FirstNet Authority, including to OIG, without leadership's feedback.
- [REDACTED] asserted [REDACTED] was briefed about the *PSA Report* on multiple occasions, but [REDACTED] did not seem interested in or concerned about the report until [REDACTED] learned it was shared with OIG.
- [REDACTED] and [REDACTED] expressed apprehension about cooperating with OIG, since each said [REDACTED] believed [REDACTED] reassignment was due to [REDACTED] cooperation with OIG. [REDACTED] in particular said the actions taken against [REDACTED] sent a "chilling effect" throughout FirstNet Authority, causing employees to fear that similar actions would be taken against them if they cooperated with OIG. [REDACTED] also stated that [REDACTED] and [REDACTED] had enjoyed a close, positive working relationship that deteriorated only after [REDACTED] learned the *PSA Report* was provided to OAE.

OIG concludes by a preponderance of the evidence that [REDACTED] cooperation, and the perception that [REDACTED] cooperated, with OIG contributed to [REDACTED] decision to place [REDACTED] on the temporary work directive.

[REDACTED] Did Not Demonstrate by Clear and Convincing Evidence That [REDACTED] Would Have Taken the Personnel Action Absent the Protected Activity or Perceived Protected Activity

When a subject demonstrates by clear and convincing evidence that they would have taken the same personnel action regardless of the protected disclosure or protected activity (or perceived activity), no claim of whistleblower retaliation has been established, and there can accordingly be no relief. Considerations in making this determination can include (1) the strength of evidence supporting the personnel action, (2) the existence and strength of any motive to retaliate by

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officials involved in the decision to take the personnel action, and (3) any evidence of similar actions taken against other similarly situated employees who are not whistleblowers.<sup>15</sup>

*1. Strength of Evidence Supporting the Personnel Action*

█████ asserted during █████ interview with OIG that the primary reasons for placing █████ on a temporary work directive were █████ creation of the *PSA Report* and █████ behavioral issues (i.e., unprofessional personal interactions between █████ and █████ colleagues and between █████ and board members). █████ stated █████ first learned of █████ behavioral issues after █████ briefed the FirstNet Authority Board's Executive Committee on December 11, 2023, about the creation of the *PSA Report* and its release to OIG.

The earliest evidence that █████ intended to place █████ on a temporary work directive was December 13, 2023. In an email to █████ that day, █████ wrote that █████ wanted to place █████ and █████ on the directive beginning on January 3 or 4, because this would allow █████ to "start the year with a streamlined █████." █████ also listed four people—█████ █████ and █████ who had received █████ "verbal abuse":

- █████ wrote that █████ had called █████ and yelled at █████ and was disrespectful to █████ causing █████ to be "shaken and very unsettled." According to █████ █████ had interacted with █████ twice when █████ was very upset: once involving the markings on the *PSA Report* and again when █████ told █████ █████ was not permitted to attend the December 2023 board meeting in █████ █████ told OIG, however, that █████ would not characterize █████ as verbally abusive; rather, █████ seemed upset, frustrated, and angry, raising █████ voice at times. █████ said █████ did not threaten █████ or use profanity. █████ said █████ told █████ that █████ was angry during the calls. █████ added that █████ ended those calls quickly and told █████ █████ should speak with █████
- According to █████ email to █████ █████ "disrespected" █████ in March 2023, leaving █████ "embarrassed and upset," and that █████ "came to [█████] defense as a result." When OIG interviewed █████ and █████ they similarly explained that when █████ asked about OIG reports during a virtual board meeting, █████ had written in the chat something to the effect of, "Why would █████ ask that?" █████ found the comment inappropriate and, according to █████ said so in the chat. █████ said █████ called █████ later to apologize. According to █████ █████ later discussed it with then-acting █████ █████
- █████ also wrote that █████ "disrespected" █████ in the chat function during a Teams meeting. █████ did not state when the incident happened or what █████ wrote. However, █████ said █████ never found █████ abusive or unprofessional. Further, █████ stated that

<sup>15</sup> See *Carr*, 185 F.3d at 1323.

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during [REDACTED] time as [REDACTED], [REDACTED] never received any complaints about [REDACTED] interactions with [REDACTED] colleagues or board members.

- [REDACTED] further wrote to [REDACTED] that [REDACTED] had lost [REDACTED] composure in at least two meetings with [REDACTED] but [REDACTED] did not provide any further details.

During [REDACTED] interview with OIG, [REDACTED] said [REDACTED] learned that [REDACTED] had been verbally abusive and disrespectful toward [REDACTED] colleagues on multiple occasions, citing this behavior as the primary reason for the personnel actions against [REDACTED]. [REDACTED] specified an instance in which [REDACTED] “absolutely lost it” and used “bad language” while speaking on the phone with [REDACTED] as well as an instance in which [REDACTED] “berated” [REDACTED] during a board meeting. [REDACTED] also said, however, none of these instances were documented in the form of notes, sworn statements, emails, or anything else. As noted above, [REDACTED] descriptions of [REDACTED] behavior toward [REDACTED] and [REDACTED] contrasted with those provided by [REDACTED] and [REDACTED].

In a follow-up email to OIG, [REDACTED] named nine individuals, including [REDACTED] who had expressed concerns about [REDACTED] conduct. This list provided to OIG added five additional names (and left out [REDACTED] to those initially provided to [REDACTED] to initiate the temporary work directive: [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED]. OIG found no evidence, however, that [REDACTED] augmented the original list to [REDACTED] to provide [REDACTED] additional justification for the temporary work directive or settlement agreement.

OIG interviewed all of the individuals whose names [REDACTED] provided to [REDACTED] and OIG as individuals who expressed concerns about [REDACTED] conduct, as well as additional individuals with potential knowledge of the alleged incidents. OIG found significant differences in how [REDACTED] portrayed [REDACTED] interactions with these witnesses, both to [REDACTED] and to OIG, versus how many of the witnesses described the events to OIG. Additionally, the investigation did not reveal any documentary evidence to corroborate [REDACTED] descriptions of the severity of [REDACTED] conduct.

Discrepancies between [REDACTED] characterization of events and witness statements to OIG by [REDACTED], [REDACTED], and [REDACTED] are noted above. [REDACTED] stated [REDACTED] was difficult to work with, did not treat [REDACTED] well, had a “sharp tongue,” and “could be offensive”; however, [REDACTED] asserted [REDACTED] never reported these concerns to anyone in FirstNet Authority or the Department. When asked by OIG, [REDACTED] was critical of [REDACTED] leadership but said that [REDACTED] shared [REDACTED] concerns only with [REDACTED], [REDACTED], and was surprised when [REDACTED] reassigned [REDACTED] who [REDACTED], mentioned [REDACTED] had a reputation for being difficult to work with, being sarcastic, not accepting dissent, and exhibiting “aloofness and arrogance,” but stated [REDACTED] ( [REDACTED] ) has little to no recent contact with FirstNet Authority personnel.

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█████ said █████ never witnessed █████ acting unprofessionally or abusively toward anyone in FirstNet Authority. █████ said █████ had a “really good” working relationship with █████ and that █████ had not observed █████ interacting negatively with █████. When █████ had a one-on-one meeting with █████ on January 3, 2024, █████ noted that █████ was upset and “doors were slammed, things were thrown,” which was behavior █████ had never before witnessed from █████. Although not cited by █████, █████ stated that █████ can be “pointed” with and dismissive of others, and █████ noted that another employee had expressed to █████ that █████ “can be an asshole.” █████ said █████ could not provide any instances in which █████ was unprofessional or rude to █████ and █████ stated that █████ did not believe █████ intended to be rude or disrespectful to others. █████ said █████ never observed █████ exhibiting any unprofessional behavior. █████ stated that █████ had worked with █████ for 10 years, characterized █████ as helpful and friendly, and said █████ never heard any reports of █████ being abusive or unprofessional toward colleagues. █████ said █████ never witnessed █████ exhibiting unprofessional behavior.

█████ provided no evidence that █████ attempted to further investigate or corroborate █████ alleged unprofessional personal interactions with colleagues or board members; there was similarly no evidence that █████ provided █████ an opportunity to offer █████ perspective on any alleged claims against █████. Although █████ stated that the primary reasons for placing █████ on the temporary work directive were █████ creation of the *PSA Report* and █████ behavioral issues, █████ directed █████ and █████ to investigate only the creation of the report. Additionally, OIG found no evidence that █████ attempted to progressively address █████ alleged misconduct; rather, █████ only efforts to address the alleged misconduct were to deny █████ attendance at the █████ board meeting, place █████ on the temporary directive, and offer █████ a settlement agreement to resign from the agency. The temporary work directive also did not provide █████ any opportunity to rehabilitate, and it effectively isolated █████ from other FirstNet Authority employees, risking reputational damage.

Regarding █████ knowledge of the *PSA Report*, OIG identified multiple emails and meetings scheduled on █████ calendar, as well as witness statements, establishing that █████ was aware of the existence of the *PSA Report* and received a copy of the report on November 29, 2023, about which █████ wrote in an email that “all early indications are that this is excellent work!!” However, when interviewed by OIG, █████ minimized █████ knowledge of the report, stating that █████ only saw mentions of drafts of the *PSA Report* and was unaware of the report’s details until after █████ learned it was distributed outside FirstNet Authority. Although █████ stated the creation of the report was part of the primary reason for placing █████ on a temporary work directive, █████ took action against █████ before the management-directed inquiry into the creation of the report was even completed. In any event, the inquiry found no improprieties in the creation of the report.

While █████ may well have had a difficult relationship with some FirstNet employees and may have engaged in questionable conduct, OIG found no evidence to suggest the conduct rose to

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the level of the severity of the action taken against [REDACTED]. Furthermore, [REDACTED] did not provide evidence that [REDACTED] took any action to counsel [REDACTED] or even question [REDACTED] about [REDACTED] alleged behavior, which is notable, particularly given that [REDACTED] had no other disciplinary issues in the past. Overall, the evidence [REDACTED] provided in support of the rationale to place [REDACTED] on the work directive and offer [REDACTED] a settlement agreement to resign from the agency does not meet the required clear and convincing standard for this element.

2. *Existence and Strength of Any Motive to Retaliate by Officials Involved in the Decision to Take the Personnel Action*

During [REDACTED] interview, [REDACTED] expressed [REDACTED] opinion that it was “very damaging” to FirstNet Authority for OIG to have the 2023 PSA Report. According to [REDACTED], [REDACTED] expressed disappointment that OAE received a copy of the PSA Report and told [REDACTED] the report provided OIG a “blueprint” to “attack [FirstNet Authority] for the next 10 years.” Also, according to [REDACTED], [REDACTED] relayed to [REDACTED] that [REDACTED] characterized [REDACTED] release of the report as “the single worst thing to happen [to FirstNet Authority] since the Nashville bomber.” [REDACTED] stated during [REDACTED] interview that [REDACTED] was “not happy” that OAE had the report, but [REDACTED] was more displeased with the report’s creation. [REDACTED] told OIG that [REDACTED] characterized the PSA Report as the “roadmap to audit FirstNet [Authority].” [REDACTED] and [REDACTED] and [REDACTED] recalled [REDACTED] discussing the report during the December 2023 board meeting.<sup>16</sup> [REDACTED] described [REDACTED] as being upset about the distribution of the report, and [REDACTED] told OIG the report “was a contributing factor but not the main reason” behind [REDACTED] assigning [REDACTED] to a temporary work directive. [REDACTED] also confirmed that [REDACTED] was upset about OIG having the report.

Based on [REDACTED] statements about [REDACTED] displeasure with the release of the PSA Report to OIG and the damaging nature it would have, calling it a “blueprint” for OIG to continue prolonged audits and investigations of FirstNet Authority, OIG concludes that [REDACTED] had a motive to retaliate against [REDACTED]. Furthermore, FirstNet Authority employees interviewed during this investigation said that [REDACTED] removal of [REDACTED] from [REDACTED] position created a “chilling effect” and made other FirstNet Authority employees apprehensive about cooperating with OIG.

While some board members advised [REDACTED] to investigate [REDACTED] behavior, OIG did not identify evidence that any board member instructed [REDACTED] to take a particular action against [REDACTED]. As the [REDACTED], [REDACTED] had the ultimate authority and responsibility for the decision. Moreover, we note that [REDACTED] characterization of the release of the PSA Report was the source of the board’s concern in the first instance.

<sup>16</sup> FirstNet Authority Combined Board and Board Committees Meeting, December 2023, FirstNet Auth. <https://www.firstnet.gov/newsroom/events/firstnet-authority-combined-board-and-board-committees-meeting-december-2023> (last visited June 3, 2024).

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**CUI**OFFICE OF INSPECTOR GENERAL  
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█████ emailed █████ that █████ wanted to place both █████ and █████ on 120-day temporary work directives. █████ and █████ had clashed in █████ styles, and █████ had also cooperated with OIG in the past (most recently, less than a week before █████ emailed █████). OIG is not aware of █████ taking similar action against FirstNet Authority personnel besides █████ and █████ is a similarly situated employee insofar as █████ was also removed from █████ position. Although the rationale in █████ case was the fact that █████ lied in response to a direct question from █████ █████, █████ also cooperated with OIG on multiple occasions and thus engaged in protected activity. Accordingly, OIG does not have any evidence of similarly situated employees experiencing similar actions who did not engage in protected activity, and thus has no basis to compare the actions taken here.

Consequently, █████ did not demonstrate through clear and convincing evidence that █████ would have placed █████ on the directive regardless of █████ protected activity or perceived protected activity.

**Conclusion**

OIG concluded, based on a preponderance of the evidence, that █████ cooperated with OIG, a protected activity, and was perceived to have done so. OIG also concluded, based on a preponderance of the evidence, that such cooperation and the perception of it was a contributing factor to █████ placing █████ on temporary work directive, a personnel action.

Accordingly, █████ established a prima facie case, and the burden shifted to █████ to establish by clear and convincing evidence that the same action would have been taken in the absence of the protected activity. OIG determined that this burden was not met and that █████ did not demonstrate by clear and convincing evidence that █████ would have taken the personnel action against █████ absent the protected activity or perceived protected activity. Thus, OIG finds that █████ retaliated against █████ for █████ cooperation or perceived cooperation with OIG.

**Disposition**

OIG did not consult the U.S. Department of Justice, as this matter is administrative. We are referring our findings to the Office of the Secretary for review and consideration of any action deemed appropriate.

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<b>Exhibit No.</b>	<b>Description</b>
1	IRF – Basis of Investigation 24-0470
2	Email attachment – 08.22.2023 - FirstNet Authority Board Briefing
3	Email attachment – 09.26.2023 - Senior Staff Update
4	Document – [REDACTED] FY23 Performance Appraisal-Final
5	Document – 10.11.2023 [REDACTED] Letter
6	Calendar invite – 10.27.2023 - [REDACTED] - Walkthrough
7	Email attachment – 11.03.2023 - PSA Quad
8	Email attachment – 11.09.2023 - PSA Quad
9	Email – 11.16.2023 OAE request for PSA Report
10	Email attachment – 11.17.2023 - PSA Quad
11	Email – 11.21.2023 - List of [REDACTED] Attendees
12	Email – 11.28.2023 PSA Report to OAE Confirmation
13	Email – 11.29.2023 - PSA Report to [REDACTED]
14	IRF – Interview of [REDACTED] 12.13.2023
15	Image of Microsoft Teams – 12.07.23 [REDACTED] Teams Convo
16	IRF - Interview of [REDACTED] 12.14.2023
17	Email – 12.08.2023 - [REDACTED] Pre-Decisional Draft Marking
18	IRF – Interview of [REDACTED] 06.11.2024
19	Email – 12.13.2023 [REDACTED] to [REDACTED]
20	Email – 03.21.2024 [REDACTED] verbal instruction for [REDACTED]
21	Document – 01.04.2024 Memorandum to [REDACTED] Regarding Detail Duties
22	Document – 01.10.2024 PSA Annual Report Inquiry Final
23	Document – 02.13.2024 [REDACTED] Resolution Agreement AGENCY OFFER
24	IRF – Interview of [REDACTED] 12.15.2023 and 01.04.2024
25	IRF – Interview of [REDACTED] 02.14.2024
26	IRF – Interview of [REDACTED] 03.14.2024
27	IRF – Interview of [REDACTED] 09.17.2024

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<b>Exhibit No.</b>	<b>Description</b>
28	IRF – Interview of [REDACTED] 04.08.2024
29	IRF – Interview of [REDACTED] 01.05.2024
30	IRF – Interview of [REDACTED] 03.07.2024
31	IRF – Interview of [REDACTED] 03.12.2024
32	IRF – Interview of [REDACTED] 03.13.2024
33	IRF – Interview of [REDACTED] 03.21.2024
34	IRF – Interview of [REDACTED] 03.21.2024
35	IRF – Interview of [REDACTED] 03.22.2024
36	IRF – Interview of [REDACTED] 03.28.2024
37	IRF – Interview of [REDACTED] 04.11.2024
38	IRF – Interview of [REDACTED] 04.12.2024
39	IRF – Interview of [REDACTED] 04.19.2024
40	IRF – Interview of [REDACTED] 04.29.2024
41	IRF – Interview of [REDACTED] 05.21.2024
42	IRF – Interview of [REDACTED] 05.23.2024
43	IRF – Interview of [REDACTED] 05.28.2024
44	IRF – Interview of [REDACTED] 06.06.2024
45	IRF – Interview of [REDACTED] 06.07.2024
46	IRF – Interrogatory of [REDACTED] 06.09.2024
47	IRF – Interview of [REDACTED] 07.11.2024
48	Document – 01.04.2024 Memorandum to [REDACTED] for Temporary Work Directive
49	Document – 01.04.2024 [REDACTED] Rationale
50	Document – 03.01.2023 FNP 700 – Decision-Making and Document Routing Policy
51	Email – [REDACTED] List of Witnesses 03.21.2024
52	Emails – 12.13.2023 [REDACTED] to [REDACTED] re Detail
53	Email – 12.12.2023 [REDACTED] to [REDACTED] RE_ [REDACTED] HR Issue(s)
54	Email – 12.26.2023 [REDACTED] to [REDACTED] cc [REDACTED] re [REDACTED] directive

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