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Counsel's Office, White House

Fielding, Fred - General Files

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W	19	23	3	2	11294	24157	10383	10821

Folder Title:

Office of Special Counsel Reports & Scott Bloch Issues [22]

Withdrawn/Redacted Material

The George W. Bush Library

DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Report	Analysis of Disclosures, Agency Investigation and Report...	5	N.D.	P6/b6; b7c;
002	Letter	OSC File No. DI-06-0354 - To: Scott Bloch - From: Michael Jackson	6	01/17/2007	P6/b6; b7c;
003	Letter	OSC File N. DI-06-0354 - To: Jacob Briem - From: Norman Prevatte	4	01/27/2007	P6/b6; b7c;
004	Letter	Request for Preservation of Documents and Electronics Records and Data - To: Fred Fielding - From: James Byrne	3	05/22/2007	P6/b6; b7c;
005	Presentation	The White House Office of Political Affairs	28	N.D.	P5;

COLLECTION TITLE:

Counsel's Office, White House

SERIES:

Fielding, Fred - General Files

FOLDER TITLE:

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FRC ID:

11294

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

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- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
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Freedom of Information Act - [5 U.S.C. 552(b)]

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Records Not Subject to FOIA

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006	Letter	OSC Files Nos. DI-05-1907; DI-05-02163 and DI-05-2164 - To: POTUS - From: Scott Bloch	2	06/12/2007	P6/b6; b7c;
007	Report	Analysis of Disclosures, Agency Investigation and Report...	12	N.D.	P6/b6; b7c;
008	Report	OSC Files Nos. DI-05-1907, DI-05-02163 and DI-05-2164	10	N.D.	P6/b6; b7c;
009	Report	OSC Files Nos. DI-05-1907, DI-05-02163, DI-05-2164	8	N.D.	P6/b6; b7c;
010	Letter	[Letter] - To: Karen Gorman	13	12/23/2006	P6/b6; b7c;
011	Letter	OSC File No. DI-05-1963 - To: POTUS - From: Scott Bloch	2	06/13/2007	P6/b6; b7c;

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U.S. OFFICE OF SPECIAL COUNSEL

1730 M Street, N.W., Suite 300
Washington, D.C. 20036-4505

www.osc.gov

The Special Counsel

May 24, 2007

The Honorable Frederick Fielding
Counsel to the President
The White House
Washington, D.C. 20500

Re: OSC File No. DI-06-0354

Dear Mr. Fielding:

Pursuant to 5 U.S.C. § 1213(e)(3), I am transmitting the enclosed letter, report and comments to the President. If I may provide more information concerning this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott J. Bloch".

Scott J. Bloch

Enclosure



U.S. OFFICE OF SPECIAL COUNSEL

1730 M Street, N.W., Suite 300
Washington, D.C. 20036-4505

www.osc.gov

The Special Counsel

May 24, 2007

The President
The White House
Washington, D.C. 20500

Re: OSC File No. DI-06-0354

Dear Mr. President:

I received a disclosure from Mr. Norman Prevatte, a former Facilities Management Officer, Department of Homeland Security (DHS), Customs and Border Protection (CBP), U.S. Border Patrol, Marfa Sector, Marfa, Texas. Mr. Prevatte, who consented to the release of his name, alleged that DHS did not exercise proper contract oversight for the U.S. Army Corps of Engineers' (USACE) Marfa Sector refurbishment project. As a result, Mr. Prevatte contended that the U.S. Border Patrol needlessly spent thousands of dollars and man-hours diagnosing and repairing defective construction deliverables. This conduct, he maintained, constituted gross mismanagement and a gross waste of funds by DHS and USACE officials.

I required the Secretary of Homeland Security to conduct an investigation into these disclosures pursuant to 5 U.S.C. § 1213(c) and (d). The Secretary tasked the Office of the Inspector General with conducting the investigation and writing the report. The report's findings are discussed further in the attached Analysis.

While the report did not substantiate Mr. Prevatte's allegations, it acknowledges that an overall lack of project oversight led to problems with the construction and the quality of deliverables which gave rise to his allegations. Ultimately, the allegations were not substantiated because the OIG determined that the problems identified were not severe enough to warrant findings of gross mismanagement or a gross waste of funds. Nevertheless, the report credits Mr. Prevatte with "bringing to light the necessity for diligent management of construction projects." In addition, DHS Deputy Secretary Michael P. Jackson requested that CBP Commissioner Basham undertake a systemic assessment of how this case can suggest mechanisms for strengthening contract oversight for field construction projects in the future to prevent similar problems from recurring.

I have reviewed the original disclosures and the DHS report. Based on that review, I have determined that the agency's report contains all of the information required by statute and that the findings appear to be reasonable.

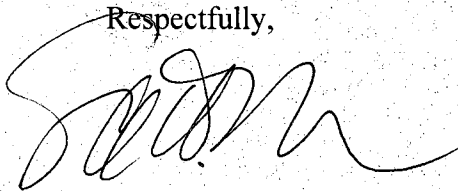
The Special Counsel

The President

Page 2

As required by law, 5 U.S.C. § 1213(e)(3), I have sent a copy of the report to the Chairmen of the Senate Committee on Homeland Security and Government Affairs and the House Committee on Homeland Security. I have also filed a copy of the agency report in our public file and closed the matter.

Respectfully,

A handwritten signature in black ink, appearing to read 'S. Bloch', with a stylized flourish extending to the right.

Scott J. Bloch

Enclosures

Withdrawal Marker

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Report	Analysis of Disclosures, Agency Investigation and Report...	5	N.D.	P6/b6; b7c;

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COLLECTION:

Counsel's Office, White House

SERIES:

Fielding, Fred - General Files

FOLDER TITLE:

Office of Special Counsel Reports & Scott Bloch Issues [22]

FRC ID:

11294

OA Num.:

10821

NARA Num.:

10383

FOIA IDs and Segments:

2014-0210-F

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U.S. OFFICE OF SPECIAL COUNSEL
1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505

B Kelley
Emmet
Scudder
Buck

FACSIMILE COVER SHEET**TO:**

Name: Mr. Fred Fielding	
Title: Counsel to the President	
Organization: Executive Office of the President	
Telephone: (202) 456-2632	Fax: (202) 456-6279

FROM:

Name: Mary Robinson	
Organization: U.S. Office of Special Counsel	
Office / Location: Washington	
Telephone: (202) 254-3611	Fax: (202) 653-5161

Date: May 23, 2007	Number of pages, including this cover sheet: 32
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Message:

Letter dated May 22nd, 2007 regarding Request for Preservation of Documents and Electronic Records and Data.

If you did not receive the total number of pages shown, please call (202) 254-3600.

THIS DOCUMENT IS INTENDED FOR THE USE OF THE PARTY TO WHOM IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL OR PROTECTED FROM DISCLOSURE UNDER APPLICABLE LAW. If you are not the addressee, or a person authorized to deliver the document to the addressee, you are hereby notified that any review, disclosure, dissemination, copying or other action based on the content of this communication is not authorized. If you have received this document in error, please immediately notify us by telephone and return to us at the above address by mail.

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TO:

Name: Mr. Fred Fielding	
Title: Counsel to the President	
Organization: Executive Office of the President	
Telephone: (202) 456-2632	Fax: (202) 456-6279

FROM:

Name: Mary Kathleen Robinson	
Organization: U.S. Office of Special Counsel	
Office / Location: Washington	
Telephone: (202) 254-3611	Fax: (202) 653-5161

Date: May 29, 2007	Number of pages, including this cover sheet: 5
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Message:

Enclosed is correspondence between to Michael J. Nardotti the attorney for GSA Administrator Lurita A. Doan and Mr. Bloch.

If you did not receive the total number of pages shown, please call (202) 254-3600.

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**U.S. OFFICE OF SPECIAL COUNSEL**1730 M Street, N.W., Suite 300
Washington, D.C. 20036-4505www.osc.gov

The Special Counsel

May 29, 2007

Mr. Fred Fielding
Assistant to the President
White House Counsel
1600 Pennsylvania Avenue
Washington, DC 20500-0005

Dear Mr. Fielding,

Enclosed is the letter dated May 25th, 2007 to Michael J. Nardotti the attorney for GSA Administrator Lurita A. Doan in response to his letter dated May 24th, 2007 regarding confidentiality of the report. In case you have not previously received Michael J. Nardotti's letter dated May 24th, it is also enclosed.

I would like you to have this correspondence so that you are aware of the facts. I have not released this letter publicly.

Respectfully,

A handwritten signature in black ink, appearing to read "Scott J. Bloch".

Scott J. Bloch
Special Counsel

**U.S. OFFICE OF SPECIAL COUNSEL**1730 M Street, N.W., Suite 300
Washington, D.C. 20036-4505www.osc.gov

May 25, 2007

The Special CounselMichael J. Nardotti, Jr.
Patton Boggs LLP
2550 M Street, NW
Washington, DC 20037-1350

Dear Mr. Nardotti:

Your letter of May 24, 2007, accusing our office of giving the report sent to you about Ms. Doan to the public, is false. Our information is that someone from GSA obtained a copy of OSC's report to your client from your client, and then faxed it to the press.

It appears to us that your client is attempting to throw up roadblocks to the official investigation of the U.S. Office of Special Counsel. Indeed, one could construe this ruse as further obstruction, attempting to prevent completion of our investigation and report to the President. This office has exclusive jurisdiction over the Hatch Act, and we will complete this matter and report to the President.

It is not a preliminary report as your client implied in the press. It is the report of this office. We will receive your client's response pursuant to our statute and place that along with our report in a letter to the President as required, also as required by our statute. All of our investigation was done by our experienced career staff in accordance with our laws.

Our published privacy act regulations state that I may release any information I deem appropriate or in the public interest, or to enhance the public's perception of the administration of justice, or for any other reason I deem appropriate in the public interest. There is no potential contamination of a jury pool here. The decision maker is the President of the United States who, I expect, will not likely be swayed by varying press reports, but will take into account all of the evidence, presented by the official report and responses, together with my letter to the President. Then when I deem it appropriate, I may release all of that publicly.

If you disagree with the report, you will have the opportunity to state that and to present any additional evidence or make any arguments. We will include all of that with our report to the President.

I appreciate the opportunity to talk to you last night and look forward to working with you in the future.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott J. Bloch".

Scott J. Bloch
Special Counsel

PATTON BOGGS
ATTORNEYS AT LAW

2550 M Street, NW
Washington, DC 20037-1350
202-457-6000

Facsimile 202-457-6315
www.pattonboggs.com

May 24, 2007

Michael J. Nardotti, Jr.
Major General, U.S. Army, Retired
202-457-6125
mnardotti@pattonboggs.com

The Honorable Scott J. Bloch
The Special Counsel
U.S. Office of Special Counsel
1730 M Street, N.W., Suite 300
Washington, D.C. 20036-4505

Re: OSC File No. HA-07-1160

Dear Special Counsel Bloch:

I am writing on behalf of GSA Administrator Lurita A. Doan, whom we represent, to express utter outrage that the confidentiality of the report concerning allegations against her has not been maintained.

The report which included a cover letter signed by you was delivered on Friday, May 18th. By Monday, May 21st, members of the media had sensitive information about the report. By Wednesday, May 23rd, they had copies of what we believed was the same report. As deplorable as that circumstance is, we learned today that the breaches of confidentiality were even worse than we knew. There are now two reports in the hands of the media – the version you sent dated May 18th and an earlier version dated May 17th which is even more disparaging in its terms than the report sent by you.

It would be beyond reason to conclude that the leak of these reports is from any source other than your office. The leak of the May 17th version – clearly a draft – is particularly egregious. It evidences a malicious effort by someone on your staff to seriously disparage Administrator Doan publicly – perhaps before she even received the report – but certainly before she had any meaningful opportunity to respond. Furthermore, the fact that some version of the report is now in the hands of at least three major media outlets leads to the very reasonable conclusion that this is not simply a case of one person providing a copy of the report to a favored journalist. Instead, it appears to be carefully planned campaign to cause maximum damage to Ms. Doan.

The obligation to maintain the confidentiality of the report lies with your office and ultimately with you as The Special Counsel. The gross and inexcusable failure to prevent the release of the report is extraordinarily unfair to Administrator Doan and has compromised the integrity of the

PATTON BOGGS LLP
ATTORNEYS AT LAW

The Honorable Scott J. Bloch

May 24, 2007

Page 2

process. To the extent that the report lacks objectivity and impartiality as written, those serious deficiencies are only aggravated by the premature release of the damaging information.

For these reasons we demand that you take immediate action to investigate and hold accountable those responsible for the leak of this sensitive information and that you take whatever action is necessary to prevent any further leaks.

In addition to the extraordinary unfairness to Administrator Doan caused by this misconduct, the objectivity and impartiality of the Office of the Special Counsel in this matter has been irreparably damaged. The Office of Special Counsel has an obligation to avoid even the appearance of impropriety. No action by your office now could erase the stigma of impropriety that now overshadows this case.

We intend to pursue alternative disposition of this matter with the Office of the President, and we believe it would be appropriate, under these very exceptional circumstances, for you to disapprove the current report and support any further consideration of this matter by an investigative body outside the Office of Special Counsel.

Sincerely,

Michael J. Nardotti, Jr.

Michael J. Nardotti, Jr.
Major General, U.S. Army, Retired

Counsel to GSA Administrator Lurita A. Doan



U.S. OFFICE OF SPECIAL COUNSEL

1730 M Street, N.W., Suite 300
Washington, D.C. 20036-4505

www.osc.gov

The Special Counsel

June 12, 2007

The Honorable Fred F. Fielding
Counsel to the President
The White House
Washington, D.C. 20500

Re: OSC File Nos. DI-05-1907; DI 05-2163 and DI-05-2164

Dear Mr. Fielding:

Pursuant to 5 U.S.C. § 1213(e)(3), I am transmitting the enclosed letter, reports, and the whistleblowers' comments to the President. If I may provide more information concerning this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott J. Bloch".

Scott J. Bloch

Enclosures

Withdrawal Marker

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Letter	OSC Files Nos. DI-05-1907; DI-05-02163 and DI-05-2164 - To: POTUS - From: Scott Bloch	2	06/12/2007	P6/b6; b7c;

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COLLECTION:

Counsel's Office, White House

SERIES:

Fielding, Fred - General Files

FOLDER TITLE:

Office of Special Counsel Reports & Scott Bloch Issues [22]

FRC ID:

11294

OA Num.:

10821

NARA Num.:

10383

FOIA IDs and Segments:

2014-0210-F

RESTRICTION CODES**Presidential Records Act - [44 U.S.C. 2204(a)]**

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

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- B. Closed by statute or by the agency which originated the document.
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Freedom of Information Act - [5 U.S.C. 552(b)]

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- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Report	Analysis of Disclosures, Agency Investigation and Report...	12	N.D.	P6/b6; b7c;

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Homeland Security

May 29, 2006

The Honorable Scott J. Bloch
Special Counsel
Office of Special Counsel
1730 M Street, N.W., Suite 300
Washington, D.C. 20036-4505

Re: Special Counsel File Nos. DI-05-1907, DI-05-2163 and DI-05-2164

Dear Mr. Bloch:

In response to your November 16, 2005 letter, enclosed is a report completed by the U.S. Immigration and Customs Enforcement, Office of Professional Responsibility, in accordance with 5 U.S.C. § 1213(d). These cases alleged mismanagement by Border Patrol supervisors at the Port Angeles Border Patrol Station and the Blaine Border Patrol Sector Headquarters.

Should you have any further questions please do not hesitate to contact my office or Hugo Teufel in the DHS Office of the General Counsel at (202) 282-9673.

Sincerely,

A handwritten signature in black ink that reads "Michael Jackson".

Michael Jackson

Enclosure

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Report	OSC Files Nos. DI-05-1907, DI-05-02163 and DI-05-2164	10	N.D.	P6/b6; b7c;

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Counsel's Office, White House

SERIES:

Fielding, Fred - General Files

FOLDER TITLE:

Office of Special Counsel Reports & Scott Bloch Issues [22]

FRC ID:

11294

OA Num.:

10821

NARA Num.:

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FOIA IDs and Segments:

2014-0210-F

RESTRICTION CODES

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Records Not Subject to FOIA

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Homeland Security

November 6, 2006

The Honorable Scott J. Bloch
Special Counsel
Office of Special Counsel
1730 M Street, NW, Suite 300
Washington, D.C. 200036-4505

Re: Special Counsel File Nos. DI-05-1907; DI-05-2163 and DI-05-2164

Dear Mr. Bloch:

Thank you for your November 16, 2005 letter concerning allegations of mismanagement by Border Patrol supervisors at the Port Angeles Border Patrol Station and the Blaine Border Patrol Sector Headquarters on May 29, 2005. In June 2006 The Department of Homeland Security (DHS) submitted a report completed by the U.S. Immigration and Customs Enforcement, Office of Professional Responsibility, in accordance with 5 U.S.C. § 1213(d). After submitting the report, your staff requested additional information. Therefore, enclosed is a supplemental report completed by ICE/OPR addressing your staff's additional questions.

I have been designated by Secretary Chertoff to respond to your additional questions in accordance with 5 U.S.C. § 1213(d).

Should you have any further questions, please do not hesitate to contact my office or Julie A. Dunne in the DHS Office of the General Counsel at (202) 282-9180.

Sincerely,

A handwritten signature in black ink that reads "Michael Jackson".

Michael Jackson

Enclosure

2006 NOV - 6 PM 3:05
WASH DC
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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Report	OSC Files Nos. DI-05-1907, DI-05-02163, DI-05-2164	8	N.D.	P6/b6; b7c;

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Counsel's Office, White House

SERIES:

Fielding, Fred - General Files

FOLDER TITLE:

Office of Special Counsel Reports & Scott Bloch Issues [22]

FRC ID:

11294

OA Num.:

10821

NARA Num.:

10383

FOIA IDs and Segments:

2014-0210-F

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Letter	[Letter] - To: Karen Gorman	13	12/23/2006	P6/b6; b7c;

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**U.S. OFFICE OF SPECIAL COUNSEL**1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505*Ed from -
see me
smg!
6-15-07***FACSIMILE COVER SHEET****TO:**

Name: The Honorable Fred Fielding	
Title: Counsel to the President	
Organization: The White House	
Office / Location: Washington, D.C.	
Telephone: (202) 456-2632	Fax: (202) 456-6279

FROM:

Name: Scott J. Bloch	
Organization: Office of Special Counsel	
Office / Location: Washington, D.C.	
Telephone: (202) 254-3601	Fax: (202) 653-5151

Date: June 13, 2007	Number of pages, including this cover sheet: 6
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Message: Original and enclosures to follow by Federal Express delivery

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U.S. OFFICE OF SPECIAL COUNSEL

1730 M Street, N.W., Suite 300
Washington, D.C. 20036-4505

The Special Counsel

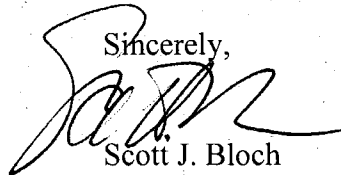
June 13, 2007

The Honorable Fred F. Fielding
Counsel to the President
The White House
Washington, D.C. 20500

Re: OSC File No. DI-05-1963

Dear Mr. Fielding:

Pursuant to 5 U.S.C. § 1213(e)(3), I am transmitting the enclosed letter and report to the President. If I may provide more information concerning this matter, please do not hesitate to contact me.

Sincerely,

Scott J. Bloch

Enclosure

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Letter	OSC File No. DI-05-1963 - To: POTUS - From: Scott Bloch	2	06/13/2007	P6/b6; b7c;

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COLLECTION:

Counsel's Office, White House

SERIES:

Fielding, Fred - General Files

FOLDER TITLE:

Office of Special Counsel Reports & Scott Bloch Issues [22]

FRC ID:

11294

OA Num.:

10821

NARA Num.:

10383

FOIA IDs and Segments:

2014-0210-F

RESTRICTION CODES

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THE SECRETARY OF VETERANS AFFAIRS
WASHINGTON

April 11, 2007

SP1
WASH
2007 APR 13 PM 2:01

Ms. Catherine A. McMullen
Chief, Disclosure Unit
U.S. Office of Special Counsel
1730 M Street, NW, Suite 218
Washington, DC 20036-4505

Dear Ms. McMullen:

This is to advise you that the Office of Inspector General has concluded its review of your file, Office of Special Counsel DI-05-1963. A summary of the findings concerning the Prosthetics and Sensory Aids Service at the Alexandria, Louisiana, Department of Veterans Affairs Medical Center is enclosed for your convenience.

If you have any questions about this information, please contact Ken Greenberg, Executive Secretary, at 202-273-4869.

Sincerely yours,

A handwritten signature in black ink, appearing to read "R. James Nicholson", is written over the typed name.

R. James Nicholson

Enclosure

**Summary of findings to close
Office of Special Counsel (OSC) DI-05-1963**

The Department of Veterans Affairs (VA) Office of Inspector General (OIG) initiated the investigation based on information reported by OSC, alleging a prosthetics clerk at the VA Medial Center Alexandria, Louisiana, and other employees misappropriated government property.

The investigation disclosed the subject did use her government purchase card to order a total of 11 pairs of prosthetic shoes. The subject kept one pair of shoes for herself, with the remaining 10 pairs of shoes given to other employees. Interviews with the subject and nine of the employees revealed each individual mistakenly believed they were authorized to receive the prosthetic shoes. One individual could not be identified, and therefore could not be interviewed.

These employees informed the OIG Special Agent (SA) they understood the use of these shoes by staff constituted a test or trial as to the quality of the product. Many considered the shoes a part of their VA-provided work uniforms. All employees interviewed, including the main subject of the case, understood the prosthetics supervisor authorized the purchase and encouraged the quality assurance testing of the product. This supervisor is the same individual identified as the source of the allegation in OSC's letter dated January 3, 2006.

The OIG SA contacted the supervisor's attorney to request an interview. The attorney advised the agent he would contact OIG if his client was interested. Neither the attorney nor his client contacted OIG further.

The total loss to the government is \$579.00. The Assistant U.S. Attorney declined prosecution based on lack of criminal intent. Medical Center management elected not to take administrative action against the individuals involved based on lack of intent to misappropriate government property.

**U.S. OFFICE OF SPECIAL COUNSEL**1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505**FACSIMILE COVER SHEET****TO:**

Name: Mr. Fred Fielding	
Title: Counsel to the President	
Organization: Executive Office of the President	
Telephone: (202) 456-2632	Fax: (202) 456-6279

FROM:

Name: Mary Robinson	
Organization: U.S. Office of Special Counsel	
Office / Location: Washington	
Telephone: (202) 254-3611	Fax: 202-653-5161

Date: July 17, 2007	Number of pages, including this cover sheet: 4
----------------------------	---

Message:

Letter regarding HA-07-1741 dated July 17, 2007.

Have a fabulous evening.

If you did not receive the total number of pages shown, please call (202) 254-3600.

THIS DOCUMENT IS INTENDED FOR THE USE OF THE PARTY TO WHOM IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL OR PROTECTED FROM DISCLOSURE UNDER APPLICABLE LAW. If you are not the addressee, or a person authorized to deliver the document to the addressee, you are hereby notified that any review, disclosure, dissemination, copying or other action based on the content of this communication is not authorized. If you have received this document in error, please immediately notify us by telephone and return to us at the above address by mail.



U.S. OFFICE OF SPECIAL COUNSEL

1730 M Street, N.W., Suite 300
Washington, D.C. 20036-4505

✓

The Deputy Special Counsel

July 17, 2007

Mr. Fred F. Fielding
Counsel to the President
Executive Office of the President
1600 Pennsylvania Ave NW
Washington, DC 20500-0005

Re: OSC File No. HA-07-1741

Dear Mr. Fielding:

As explained in our May 16, 2007, letter, the United States Office of Special Counsel (OSC) currently is investigating allegations that several individuals currently and formerly employed by the White House Office of Political Affairs (OPA) violated the Hatch Act, 5 U.S.C. §§ 7321-7326, by engaging in activity related to certain presentations given to political appointees throughout the federal government. In our previous communication, OSC requested that the White House preserve certain documents, information and records that could be relevant to our investigation into these allegations. At this time, we are requesting your further assistance and cooperation.

Specifically, the Special Counsel, pursuant to the authority contained in 5 U.S.C. Secs. 1212, 1216 and 1303 and in Civil Service Rule 5.4 (5 C.F.R. § 5.4), requests that you furnish the following information on or before July 27, 2007:

1. Please provide copies of any and all electronic mail (e-mail) messages sent by Mr. J. Scott Jennings to any individual employed or holding office in the General Services Administration (GSA), including all e-mail messages sent from Mr. Jennings' government e-mail account, RNC e-mail account, and/or his "GWB43" e-mail account.
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If any document is withheld for any reason, please: a) identify each document withheld; b) state the exemption or privilege claimed and any applicable statutory or regulatory citations; and c) explain how disclosure would damage the interests protected by the claimed exemption or privilege.

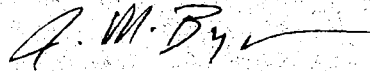
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The Deputy Special Counsel

Page 2

Thank you for your assistance and cooperation with this matter. Please do not hesitate to contact me at (202) 254-3603 if you have any questions or concerns about this request.

Sincerely,

A handwritten signature in black ink, appearing to read "J. M. Byrne", followed by a horizontal flourish line.

James M. Byrne
Deputy Special Counsel

**Pertinent Provisions of Sections 1212, 1214, 1216 and 1303 of Title 5,
United States Code**

Sec. 1212(b)(1): "The Special Counsel and any employee of the Office of Special Counsel designated by the Special Counsel may administer oaths, examine witnesses, take depositions, and receive evidence."

Sec. 1214(a)(1)(A): "The Special Counsel shall receive any allegation of a prohibited personnel practice and shall investigate the allegation to the extent necessary to determine whether there are reasonable grounds to believe that a prohibited personnel practice has occurred, exists, or is to be taken."

Sec. 1214(a)(5): "In addition to any authority granted under paragraph (1) of this subsection, the Special Counsel may, in the absence of an allegation, conduct an investigation for the purpose of determining whether there are reasonable grounds to believe that a prohibited personnel practice (or a pattern of prohibited personnel practices) has occurred, exists, or is to be taken."

Sec. 1216(a): "This subsection provides further that the Special Counsel shall investigate any allegation of certain prohibited political activities (Hatch Act), arbitrary or capricious withholding of information requested under the Freedom of Information Act (5 U.S. C. § 552), any activity prohibited by civil service law, rule or regulation, or involvement of any employee in discrimination found by any court or appropriate administrative authority."

Sec. 1303: "The Office of Personnel Management, Merit Systems Protection Board, and the Special Counsel may investigate and report on matters concerning—

(1) the enforcement and effect of the rules prescribed by the President under this title for the administration of the competitive service and the regulations prescribed by the Office of Personnel Management under section 1302(a) of this title; and

(2) the action of an examiner, a board of examiners, and other employees concerning the execution of the provisions of this title that relate to the administration of the competitive service.

Civil Service Rule 5.4 (5 C.F.R. § 5.4) provides as follows:

"When required by the Office [of Personnel Management], the Merit Systems Protection Board, or the Special Counsel . . . or by authorized representatives of these bodies, agencies shall make available to them, or their authorized representatives, employees to testify in regard to matters inquired of under the civil service laws, rules, and regulations, and records pertinent to these matters. All such employees, and all applicants and eligibles for positions covered by these rules, shall give to the Office, the Merit Systems Protection Board, the Special Counsel, or to their authorized representatives, all information, testimony, documents, and material in regard to the above matters, the disclosure of which is not otherwise prohibited by law or regulation. These employees, applicants, and eligibles shall sign testimony given under oath or affirmation before an officer authorized by law to administer oaths. Employees are performing official duty when testifying or providing evidence pursuant to this section."



U.S. OFFICE OF SPECIAL COUNSEL
1730 M Street, N.W., Suite 300
Washington, D.C. 20036-4505

TO Emmet

The Deputy Special Counsel

July 17, 2007

Mr. Fred F. Fielding
Counsel to the President
Executive Office of the President
1600 Pennsylvania Ave NW
Washington, DC 20500-0005

Re: OSC File No. HA-07-1741

Dear Mr. Fielding:

As explained in our May 16, 2007, letter, the United States Office of Special Counsel (OSC) currently is investigating allegations that several individuals currently and formerly employed by the White House Office of Political Affairs (OPA) violated the Hatch Act, 5 U.S.C. §§ 7321-7326, by engaging in activity related to certain presentations given to political appointees throughout the federal government. In our previous communication, OSC requested that the White House preserve certain documents, information and records that could be relevant to our investigation into these allegations. At this time, we are requesting your further assistance and cooperation.

Specifically, the Special Counsel, pursuant to the authority contained in 5 U.S.C. Secs. 1212, 1216 and 1303 and in Civil Service Rule 5.4 (5 C.F.R § 5.4), requests that you furnish the following information on or before July 27, 2007:

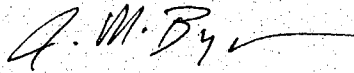
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James M. Byrne
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The Deputy Special Counsel

July 17, 2007

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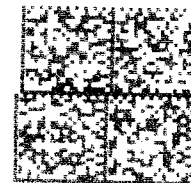
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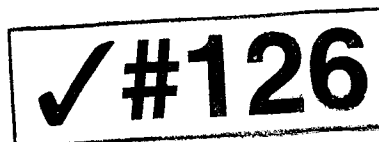
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mailroom