



Transportation
Security
Administration

Date: August 27, 2012

To: Transportation Security Inspector

From: -----
Unit Chief
Office of Professional Responsibility

Subject: Notice of Decision

Ref:

You received a Notice of Proposed Removal dated June 28, 2012, proposing to remove you from the Federal service based on one charge: Misuse of a Government Owned Vehicle (GOV). On July 27, 2012, you submitted a written reply to the proposal, and on August 15, 2012, you provided an oral reply. After considering the proposal, the materials on which the proposing official relied, and your written and oral replies, I have determined that a preponderance of evidence does not support the charge. This letter therefore serves to notify you that OPR is closing this matter with respect to you without taking any action.

cc:

Pari Chang, Esquire



**DEPARTMENT OF VETERANS AFFAIRS
NEW YORK HARBOR HEALTHCARE SYSTEM**

November 16, 2011

In Reply Refer To: 630/05

Medical Centers

Brooklyn Campus
800 Poly Place
Brooklyn, NY 11209
(718) 636-6600

New York Campus
423 E. 23rd Street
New York, NY 10010
(212) 686-7600

Community Living Center

St. Albans Campus
179-00 Linden Blvd.
Jamaica, NY 11425
(718) 526-1000

Healthcare Centers

Chapel Street Center
40 Flatbush Avenue Ext.
8th Floor
Brooklyn, NY 11201
(718) 439-4300

Harlem Center
55 W. 125th Street
11th Floor
New York, NY 10027
(212) 828-5265

Staten Island Center
Southport Plaza
1150 South Avenue
3rd Floor - Suite 301
Staten Island, NY 10304
(718) 761-2973

SUBJ: SUSPENSION

1. In connection with the letter dated September 29, 2011 in which you were given advance notice of your proposed removal, a decision has been made to suspend you for thirty (30) calendar days from December 4, 2011 through January 2, 2011 based on the following reasons:

Reasons 1C, D, E, F, and G as stated in the Notice of Proposed Removal are sustained.

2. In reaching this decision, your oral reply of October 27, 2011 has been carefully considered along with all the evidence developed.

3. You are entitled to appeal this action by choosing one of the following procedures:

A. If you elect the Statutory Appeal Procedure, your appeal may be submitted by mail, facsimile, by commercial overnight delivery, by electronic filing at <https://e-appeal.mspb.gov/>, or in person at any time after you receive this letter, but not later than thirty (30) calendar days after the separation has been effected. The address to mail your appeal is Merit Systems Protection Board, 26 Federal Plaza, New York, New York 10278. Your appeal must be in writing and must set forth the reasons for contesting the decision to take adverse action. The Copies of the Instructions for the Merit Systems Protection Board Appeal Form (Form 185) are attached. A further explanation of this appeal procedure and your appeal rights may be obtained by consulting Human Resources Management Service. If you do not submit your appeal within the deadline, it will be dismissed as untimely filed unless a good reason for the delay is shown. The MSPB Judge will provide you an opportunity to show why the appeal should not be dismissed as untimely.

OR

B. If you believe that this action was taken based on discrimination because of race, color, sex, religion, national origin, or physical or mental handicap or age, provided that at the time of the alleged discrimination, you were at least 40 years of age, you may select the agency discrimination complaint procedure, and your complaint may be filed anytime after the effective date of this action, but not later than 45 calendar days after the effective date of this action. A further explanation of the discrimination complaint procedure may be obtained by consulting the Equal Employment Opportunity Specialist, Department of Veterans Affairs, NY Harbor Healthcare System or by contacting the Office of Resolution Management, 151 Knollcroft Road, Building 16, Lyons, New Jersey 07939, 1-888-737-3361.

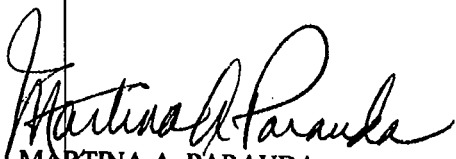
OR

C. If you elect to appeal this action under the Negotiated Grievance Procedure, you must present your grievance in writing within 30 calendar days as outlined in the Master Agreement between the American Federation of Government Employees and the Department of Veterans Affairs, OR, if you believe that the basis for this action was discrimination, you may file a discrimination complaint. For further information on the negotiated grievance procedure, you may consult the Personnel Officer or a Union Representative.

OR

D. You may also file a mixed case complaint if you believe that the action is based, in whole or in part, on discrimination with the Agency under the discrimination complaint procedure as outlined in paragraph B above, or you may file a mixed case appeal directly with the Merit Systems Protection Board as outlined in paragraph A above, but not both. The procedure you file first will be the appeal procedure you have selected and the other will be canceled.

4. You will retain the right to withdraw your election any time prior to the expiration of the time period applying to the original election and to elect an alternative route, provided the time provisions of the alternative route have not expired, with the exception of paragraph D.
5. A further explanation of these procedures may be obtained by contacting Human Resources Management Service, Department of Veterans Affairs, New York Harbor Healthcare System.


MARTINA A. PARAUDA
Director



United States Department of State

Bureau of Human Resources

Washington, D.C. 20520

March 9, 2012

Mr. [REDACTED]

Dear Mr.

By letter dated October 24, 2011, you were informed of the proposal to suspend you for seven (7) calendar days without pay from your position as a GS-14 [REDACTED], Bureau of Consular Affairs [REDACTED]. The October 24, 2011, notice further informed you of the proposal to demote you from your position as [REDACTED], GS-14, to a non-supervisory position at the next lower grade.

The proposal notice provided you with ten (10) calendar days from the date of receipt to respond to the proposal for discipline. You were granted two separate extensions to submit your written response until November 21, 2011, the date I received your written response. You, along with your attorney, Mr. Jonathan Bell, presented your oral response on February 15, 2012.

I have reviewed the case file, the proposal notice, and taken into consideration your written and oral replies. I have decided to mitigate the proposed demotion and suspension to this Letter of Admonishment.

In both your written and oral responses you admit to using the term "spic" in a conversation with one of your Hispanic employees. You stated that it was "a slip of the tongue, improper and in hindsight I should have known better."

You further acknowledged bringing bottles of wine, cupcakes and brownies to one employee on various occasions. You also acknowledged that you considered another employee to be like a daughter to you.

As the _____ you are the _____ in command of the entire _____. You have stated that in this capacity you supervise approximately seventy-five employees. As second in command of the Passport Agency, you are supposed be a model in your words and actions for others in the agency. This one incident of using a derogatory term called into question whether you are capable of effectively performing that responsibility. You are vested with the responsibility of setting the tone and creating a welcoming work environment for employees of all persuasions. Although this one incident, in my opinion, did not create a hostile work environment, the use of this term cannot be justified in any context. I must also caution you that you need to be aware and cautious of how your actions, no matter how well intentioned, are perceived by others.

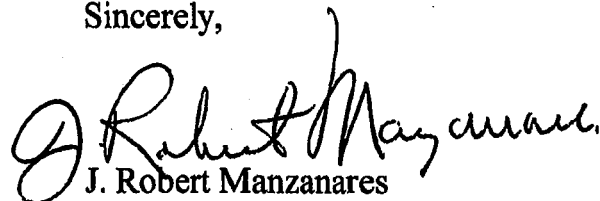
After a careful review of your case, and in full consideration of your written and oral replies, and in consideration that you have no prior record of misconduct in your over 30 years of Federal Service, I have decided to mitigate the proposed demotion and suspension to a Letter of Admonishment. I believe this action is necessary to promote the efficiency of the service.

Please be aware that should you engage in any misconduct in the future, this Letter of Admonishment may be used as a basis for formal disciplinary action, up to and including removal from employment. I hope that such action will not be necessary and that this Letter of Admonishment will impress upon you the seriousness with which the Department views your behavior.

Procedure

This Letter of Admonishment will not be placed in your Official Personnel File (OPF), but will be maintained by the Office of Employee Relations for one year. You may submit comments to this office in writing, if you wish.

Sincerely,



J. Robert Manzanares
Deputy Assistant Secretary
for Human Resources



DEPARTMENT OF THE ARMY
JOINT BASE MYER - HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

REPLY TO
ATTENTION OF

IMNE-MHH-MWR-C

13 March 2012

MEMORANDUM FOR A _____, GS-1702-05, Cody Child Development Center, Directorate of Family and Morale, Welfare and Recreation, Joint Base Myer-Henderson Hall, Virginia

SUBJECT: Notice of Decision - Removal -

1. Reference memorandum IMNE-MHH-MWR-C, 16 Dec 2011, Subject: Notice of Proposed Removal -
2. The referenced memorandum notified you of the proposal to remove you from the Federal Service for the charge of Violation of the Joint Base Myer - Henderson Hall Child, Youth & School Services Health Program Protocol.
3. You received the Notice of Proposed Removal, dated 16 December 2011, on 19 December, 2011 and were placed on administrative leave that same day. You were given 10 days to reply. I received a request from the law office of Jonathan Bell requesting an extension. I approved an extension until 1 March 2012. You replied in writing on 1 March 2012, through your representative. Your 5-page reply was e-mailed to me. In your reply you addressed the specific charge, which I will discuss below among other things.
4. Your reply states that you did not bring medication bottles nor did you bring out medication and show or discuss any medication with the children, and that the medication you had in your possession was secure and out of the reach of children. However, the video surveillance system clearly shows that the medication was wrapped in a tissue and fell from your pocket. It is evident that the medication was not secure. You are well aware of the regulations, and the training you received of the proper procedures for securing and handling medication within the Child Development Center (CDC).
5. **Decision.** After considering The Table of Penalties, the information in your reply, the applicable Douglas Factors including your work history, the nature and seriousness of the misconduct, the impact this has on the organization, and my confidence in you as an employee. I have decided to mitigate the proposed penalty of removal to a **fourteen-day (14) suspension without pay**; this will serve the best interest of the Department of the Army (DA) in impressing upon you the importance of more responsible actions on your part. You will be suspended from **19 March 2012**, to **1 April 2012**, and will return to duty on **2 April 2012**. The personnel action document (Notification of Personnel Action) effecting the suspension will be provided to you separately. You will remain in a duty status up to the date of your suspension, unless approved leave is granted at your

IMNE-MHH-MWR-C

SUBJECT: Notice of Decision – Removal –

request. You are cautioned that any future misconduct may result in more severe disciplinary action such as your removal you from the Federal Service.


6. If you consider this suspension improper, you may request a review of the merits of the suspension in accordance with the grievance procedure as described by the current Collective Bargaining Agreement. You have the right to select a representative of your choosing to assist you in your grievance. You and your representative, if he/she is an Army employee, are entitled to reasonable amounts of official duty time in preparing and presenting your grievance. Requests for this time will be made in advance to your respective supervisor(s). Please notify me in writing with the name of your representative, if any.

7. You have the right to review the material used as the basis for this suspension. This material is available for your review at the Civilian Personnel Advisory Center, Building 205, Fort Myer. You may call Mr. Garnet Locke, at 703-696-1265 for an appointment. Mr. Locke will also be able to provide assistance by making available the regulations or records which you may need for the preparation of your reply.

8. Counseling services are available through the Employee Assistance Program (EAP). If you wish to discuss with a trained counselor any personal problems that may be related to your actions, your supervisor can provide you an opportunity to visit the EAP Counselor on duty time or you may call Ms. Carol Frazelle at (703) 696-3787 to arrange an appointment for yourself.

9. Counseling services are available through the Employee Assistance Program (EAP). If you wish to discuss with a trained counselor any personal problems that may be related to your actions, your supervisor can provide you an opportunity to visit the EAP Counselor on duty time or you may call Ms. Carol Frazelle, at (703) 696-3787 to arrange an appointment for yourself.

10. Please acknowledge receipt of this memorandum by signing and dating the record copy provided.


Monique Murdock PhD
CYS Facility Director,

RECEIPT ACKNOWLEDGED: _____

14 March 2012
Date