



UNITED STATES DEPARTMENT OF AGRICULTURE

OFFICE OF INSPECTOR GENERAL
1999 AUG 13 11 3 15
Washington D.C. 20250



August 9, 1999

Honorable Elaine Kaplan
Special Counsel
Office of Special Counsel
1730 M Street NW., Suite 300
Washington, D.C. 20036-4505

Re: OSC File No. DI-99-0923

Dear Ms. Kaplan:

This is in response to your letter of June 22, 1999, to Secretary Daniel R. Glickman, regarding a complaint made by Millard Graham, a retired Lab Technician who was employed by the Animal and Plant Health Inspection Service (APHIS), U.S. Department of Agriculture (USDA), Denver, Colorado. I have been designated to respond on behalf of Secretary Glickman because this matter concerns a complaint received by the USDA Whistleblower Hotline which is managed by the Office of Inspector General (OIG).

On June 18, 1997, the allegations contained in Mr. Graham's Hotline complaint were forwarded to APHIS for appropriate inquiry. Mr. Graham alleged that employment discrimination complaint case number 940317 contained a copy of his 1992 performance appraisal on which his signature was forged. APHIS officials obtained a copy of case number 940317 and took statements from Mr. Graham and the reviewing official who signed the performance appraisal in question. During their inquiry, APHIS determined that case number 940317 did not include the alleged forged appraisal. Mr. Graham then changed his allegation by stating that it was the Fiscal Year 1994 appraisal form that was in question. Review of the 1994 performance appraisal form disclosed that block 18 contained the notation "Refused 11/2/94." There was no employee signature on the form.

After reviewing the results of the inquiry conducted by APHIS, we determined that APHIS officials had appropriately addressed the allegation and no further involvement by OIG was warranted. In a letter dated October 23, 1998, Mr. Graham was provided this information and the APHIS address if he wishes to request their report.

Ms. Elaine Kaplan

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If you have further questions about this matter, please contact me on (202) 720-8001 or Gregory S. Seybold, Assistant Inspector General for Investigations, on (202) 720-3306. Requests or questions regarding OIG records may be directed to Nancy Bartel, Chief, Policy Development and Information Branch, at (202) 720-5677.

Sincerely,



ROGER C. VIADERO
Inspector General



U. States
Department of
Agriculture

OCT 16 1998

Marketing and
Regulatory
Programs

SUBJECT: OIG Hotline Complaint **PS-3301-0260**
Unidentified Employee, APHIS, Colorado

Animal and
Plant Health
Inspection
Service

TO: Dallas L. Hayden, Director
Program Investigations Division, OIG

Washington, DC
20250

This is in response to the subject complaint alleging that through Mr. Millard Graham's, employment discrimination case 940317, it appeared that a performance appraisal had been forged (Exhibit 1).

The Resource Management Systems and Evaluation Staff obtained a copy of case 940317 and statements from Mr. Graham (Exhibit 2), who is retired from government service, and the previous approving official, Ms. Kathleen Fagerstone (Exhibit 3). Mr. Graham's previous supervisor, Mr. Craig Ramey, is recovering from a serious illness, therefore, a statement was not obtained from him.

During the factfinding, it was determined that the EEO case number cited in the Hotline Complaint did not include the alleged forged appraisal. Once Mr. Graham specifically identified that it was the Fiscal Year 1994 appraisal in question, the investigator obtained a copy of the appraisal. Review of the document disclosed that block 18 of the appraisal form did not include the employee's signature (Exhibit 4). In fact, the employee refused to sign the appraisal, therefore, the previous supervisor had written in "Refused - 11/24/94."

A copy of the appraisal in question was forwarded to the complainant per his request. Based on this information, we are closing our case file with no further action. If you have any questions, please contact Frank Vollmerhausen, Director, Resource Management Systems and Evaluation Staff, on (301) 734-8864.

Phyllis B. York
Deputy Administrator
for APHIS Business Services

Enclosures



Location: Dinosaur, CO

Name: Millard E. Graham
Address: U.S. Dept. of Agriculture, Animal
and Plant Health Inspection Service

Phone: (970) 374-2510.

I, Millard E. Graham, being first duly sworn on oath, make the following statement freely and voluntarily to Brenda L. Kindrat who has identified herself to me as a Personnel Misconduct Investigator, U.S. Department of Agriculture, knowing that this statement may be used as evidence.

KINDRAT: What was your title, grade, and duty station?

GRAHAM: Biological Laboratory Technician, GS-7/7, Denver Wildlife Research Center, Denver, Colorado.

KINDRAT: When did you retire from Federal government?

GRAHAM: In the Fall of 1995.

KINDRAT: Who was your immediate supervisor?

GRAHAM: Craig Ramey.

KINDRAT: Did you supervise any other employees? If so, how many?

GRAHAM: No.

KINDRAT: How long were you with the Federal Government?

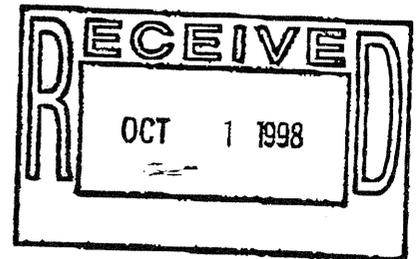
GRAHAM: 16½ years total, and 7 years with APHIS.

KINDRAT: Do you recognize this performance appraisals for the period covering 10/01/90 to 09/30/91 (Exhibit 5) ?

GRAHAM: Yes.

KINDRAT: Did you sign this appraisal?

GRAHAM: Yes.



KINDRAT: Were you given a copy of this appraisal? If so, by whom?

GRAHAM: Yes. Craig Ramey.

KINDRAT: Do you recognize this performance appraisals for the period covering 10/01/91 to 09/30/92 (Exhibit 6)?

GRAHAM: Yes.

KINDRAT: Did you sign this appraisal?

GRAHAM: Yes.

KINDRAT: Were you given a copy of this appraisal? If so, by whom?

GRAHAM: Yes. Craig Ramey.

KINDRAT: Do you recognize this performance appraisals for the period covering 10/01/92 to 09/30/93 (Exhibit 7)?

GRAHAM: Yes.

KINDRAT: Did you sign this appraisal? If no, why not?

GRAHAM: No. I did not sign this because the summary rating was reduced by Kathleen Fagerstone, which was not what Craig Ramey and I had discussed at the time of my rating, so I would not sign it.

KINDRAT: Were you given a copy of this appraisal? If so, by whom?

GRAHAM: Yes, but I do not remember who gave me a copy of this one.

KINDRAT: Specifically, which one of these appraisals do you feel someone forged your signature on?

GRAHAM: None of the ones you have here. I never received a copy of the 1994 appraisal. I shown a copy of it by an EEO investigator who was looking into one of my cases. The appraisal had a signature on it and I knew I had never signed one for that FY. I have tried to get a copy from HRO in Minneapolis, Minnesota, but they sent me to OPM in Washington, DC. Needless to say I never was able to obtain a copy.

KINDRAT: Do you realize that the EEO case number cited in the OIG Hotline complaint has nothing to do with the FY 1994 appraisal?

GRAHAM: I am not sure what case it belongs to but I know that an EEO investigator showed a copy of a signed appraisal to me that I did not sign.

KINDRAT: Why do you think someone would sign your name to an appraisal?

GRAHAM: I have no idea.

KINDRAT: Is there anything you would like to add that you feel would be pertinent to this investigation?

GRAHAM: Just that I would like to get a copy of the FY 1994 appraisal because I know I never signed it.

I have read this statement consisting of 3 pages, and 0 enclosures and that it is true and complete. I have also made all necessary additions/corrections and I have signed or initialed every page.

Millard E. Graham - 9/28/98
Signature - Millard E. Graham Date

Subscribed and sworn to before me this
5th day of ~~September~~ October 1998.

Brenda L. Kindrat
Brenda L. Kindrat
Personnel Misconduct Investigator
U.S. Department of Agriculture