U.S. OFFICE OF SPECIAL COUNSEL
1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505
202-254-3600

Analysis of Disclosures, Agency Investigation and Reports, Whistleblower Comments, and Comments of the Special Counsel

OSC File No. DI-03-0714

Background

The whistleblower, Kristin Shott, is a welder with over 14 years of experience. She began working at the Naval Air Depot (NADEP), North Island (NI), in October 1995. She worked for the Voyage Repair Team (VRT), [1] from September 1996 until February 1999. Ms. Shott is currently assigned to the Mobile Facilities Compound.

In a previous disclosure to the Office of Special Counsel (OSC), Ms. Shott alleged that unqualified welders and nondestructive testing (NDT) inspectors had performed noncompliant welding and inadequate NDT inspections at the NADEP NI VRT. Ms. Shott's allegations were referred to the Secretary of the Navy for investigation on November 7, 2001.[2] The Office of the Naval Inspector General (OIG) conducted an investigation in February 2002, and the Secretary sent an agency report to this office on October 22, 2002. The agency report stated that Ms. Shott's allegations were substantiated. Among other findings, the report stated that inspectors discovered critical welding deficiencies on five aircraft carriers that had been serviced by NADEP NI VRT employees. The report further advised that the agency was taking the necessary measures to correct the problems uncovered during the investigation. On March 13, 2003, OSC closed the case and transmitted the agency report to the President and Congress.

In her present disclosure, Ms. Shott alleged to OSC that the problem of untrained employees and noncompliant work extends beyond the scope of what was investigated in the prior matter. She alleged that noncompliant work is being performed at other Naval stations in the San Diego area, in addition to the NADEP NI VRT, and by artisans other than welders and NDT inspectors. Ms. Shott also alleged that welding deficiencies similar to those discovered on five aircraft carriers during the prior investigation are also present on a sixth carrier, the USS Kitty Hawk.

According to the agency report, the Naval Air Systems Command (NAVAIR) and the Naval Sea System Command (NAVSEA) investigated Ms. Shott's allegations and substantiated

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[1] Naval Air Systems Command Instruction No. 13800.14A, "Procedures for Naval Aviation Depot Voyage Repair Teams" (Nov. 1994) defines a Voyage Repair Team as a "small group of highly trained NAVANDEPOT shipyard marine trade journeymen, planners, and engineers experienced in depot level maintenance and repair of Aircraft Launch and Recovery Equipment, Visual Landing Aids equipment, and air capable ship aeronautical equipment."

[2] OSC File No. DI-00-0139.

them in part. The investigators did find nonconforming welds on the USS Kitty Hawk's launch and recovery equipment. In addition, the investigators identified a mechanic in the Production Department who continued to solder after his soldering certification had expired. However, the investigators did not find evidence that any other artisan was performing work without the proper qualifications. The report also notes that investigators found significant deficiencies in the electronic system that NADEP NI uses for tracking employees' certification status.

The Whistleblower's Disclosures

Ms. Shott alleged that NADEP NI artisans from a variety of trades perform work in an unqualified capacity, including ship-fitters, pipe-fitters, plumbers, aircraft launch and device mechanics, tool makers, machinists, electricians, jig-and-fixture builders, solders, braziers, avionics electronics mechanics, riggers, and air conditioning mechanics.

Ms. Shott stated that she became familiar with the requirements of these other trades by working alongside members of each trade on Navy ships and aircraft. Ms. Shott has worked with tradesmen at five different NADEP NI locations: the Manufacturing Production Department in Building 472, the VRT, the Paint Complex, the Jig and Fixture Building Shop, and Mobile Facilities. Ms. Shott related that she learned that these artisans are not properly certified when individuals from each of these trades, who were familiar with her prior disclosures about uncertified welders and inspectors, approached her with concerns about their own uncertified status.

In her disclosure to OSC, Ms. Shott identified fourteen different trades at NADEP NI that she believes are staffed by employees who are not properly qualified to perform their job duties. She also provided OSC with specific information about the critical training or credentials that she believes the employees in these positions lack. Whenever possible, she provided OSC with the names of specific individuals whom she believes lack credentials necessary to perform their jobs.

Ms. Shott also alleged that unqualified tradesmen not only work at NADEP NI, but also at the other Naval bases in the San Diego area. In particular, she stated that she is aware that this situation exists at the Naval Station, 32nd Street and the Naval Ocean Systems Center, Point Loma.

The February 2002 investigation, conducted as a result of Ms. Shott's previous disclosure, uncovered critical welding deficiencies on several aircraft carriers that had been serviced by NADEP VRT employees. Specifically, the investigators discovered faulty welds on the catapult hydraulic piping systems onboard the USS Abraham Lincoln, USS Constellation, USS Nimitz, and the USS John C. Stennis, and on the jet blast deflector cylinder vent piping onboard the USS Carl Vinson. As part of her current disclosure, Ms. Shott alleged that similar welding deficiencies also exist onboard the USS Kitty Hawk since NADEP NI welders and inspectors worked on the catapult hydraulic piping systems onboard the USS Kitty Hawk in an unqualified capacity.

Department of the Navy Investigation and Reports

According to the agency report, NAVAIR and NAVSEA investigators conducted an on-site investigation in January 2004, during which they interviewed Ms. Shott and 24 other NADEP NI employees. The investigators also consulted technical experts at headquarters organizations and reviewed pertinent documents.

The investigation did not substantiate most of Ms. Shott's allegations regarding unqualified artisans. According to the report, the investigators reviewed Position Descriptions, work and quality assurance records, and information pertaining to actual work performed for each of the trades Ms. Shott identified in her disclosure. For most of these trades, they found that all employees possessed the necessary training and certifications to perform their jobs, including those employees Ms. Shott specifically identified by name. The report provides a detailed description of the investigative process used to arrive at this conclusion for each trade.

The investigators did, however, identify one NADEP NI artisan who was performing special process work in spite of a lapsed certification. According to the report, investigators found that an Integrated Electronics Systems Mechanic in the E-2/C-2 Shop, which is part of the Avionics Branch of the Production Department, failed to renew his soldering special process certification when it expired in August 2003. The mechanic's supervisor assured investigators that he had not assigned the mechanic any tasks involving soldering; however, the investigators found that this was not actually the case. In fact, the mechanic admitted to investigators that he performed repair work involving soldering virtually every day. The report also states that the mechanic violated the Certifier Program requirements by using his expired certification stamp to certify this work.

The investigators inquired into the soldering work the mechanic had performed after his certification expired. The report states that he had performed repair work on computer components, which involved soldering individual circuit boards. Even though the mechanic performed this work with an expired soldering certification, the report states that the investigators believe his work met applicable standards. The report explains that, during the repair process, all of the computers and their sub-systems were functionally tested by certified employees. The investigators did not find any evidence that any of the work performed by the mechanic had failed any of these tests.

According to the report, the investigators found that the shop's Quality Assurance Specialist completed an audit checklist on December 18, 2003, which noted that the mechanic's certification had expired. The Quality Assurance Specialist issued a Quality Correction Notice on December 23, 2003, and discussed the deficiency with the mechanic's supervisor at that time. The report concludes that the mechanic's decision to perform work that he knew he was no longer certified to perform and his supervisor's decision to continue assigning him this work were "serious matters" that expose a "breakdown in the Quality Assurance process and the attitude of NADEP NI personnel who work with it." Upon learning of the investigator's findings, management immediately halted the mechanic's soldering duties pending his recertification. He has since been recertified.

In the January 18, 2005, supplemental report, the agency advised that NADEP NI disciplined the mechanic by giving him a three-day suspension. In regard to the supervisor, NAPEP NI initially proposed demoting him to a lower grade, but then decided to hold the demotion in abeyance because the supervisor acknowledged his error, accepted responsibility for his actions, and expressed remorse. The report states that the agency will revisit the matter in June 2005. At that time, if his conduct appears to warrant it, the proposed demotion may be mitigated to a suspension from 5 to 14 days in length.

The investigators also found that the NADEP NI electronic Individual Qualification Records (IQR) reporting system – which is used to track artisans' special process certifications and their expiration dates – was woefully out of date. In March 2004, the system indicated that the certifications for 194 artisans had expired. However, the investigators learned that many of these artisans had actually been recertified, but their records had not yet been updated in the system. The report states that this delay makes it difficult for an auditor, inspector, or investigator to readily determine which artisans are certified to perform specific tasks at any given time. In spite of this problem, the investigators did not find any evidence that any artisan was performing work that they were not certified to perform, with the exception of the mechanic mentioned above.

The report describes in detail the corrective actions planned or taken by the agency in response to the findings of the investigation. Among other actions, NADEP NI has hired five new training instructors to ensure that artisans are recertified on a timely basis and has assigned two additional people to help schedule training and enter certification data into the electronic IQR system. In addition, NADEP NI plans to develop a new electronic IQR system that will provide up-to-date information about employees' certification status and plans to implement various improvements to its training and certification programs.

The agency was unable to address Ms. Shott's allegations regarding welding deficiencies on the USS Kitty Hawk as part of its initial report because the aircraft carrier was deployed at the time of the investigation. Thus, the report indicated that the carrier's piping system would be inspected when it returned to port for its regular overhaul, scheduled for September 2004. According to the supplemental report, the inspectors identified welding deficiencies on the USS Kitty Hawk's catapult hydraulic piping systems on four of the carrier's catapults. These welding deficiencies were similar to those discovered on the aircraft carriers USS Abraham Lincoln, USS Constellation, USS John C. Stennis, and the USS Nimitz during the investigation of Ms. Shott's initial disclosure.

The aircraft carrier's catapults are used to launch aircraft from the deck of the ship. While the October 22, 2002, agency report found that it was unlikely that the defective welds in the catapults would suffer a catastrophic failure during operations, it did not rule out the possibility of such a failure. Catastrophic failure of the welds could result in loss of aircraft and possible injury or loss of life.

The report states that the Navy completed repairs to the carrier's catapults during the week of November 22, 2004. NADEP NI determined that the same individuals responsible for the defective welding on the other five carriers are also responsible for the deficiencies on the USS Kitty Hawk. Since these individuals have already been disciplined, the agency decided that it is unnecessary to pursue further disciplinary action against them in response to the new findings.

The investigators did not find any evidence that unqualified Navy personnel are working at other San Diego locations, outside of NADEP NI. The investigators reviewed quality assurance audits conducted at Ship Intermediate Maintenance Activity (SIMA) San Diego and 32nd Street. The audits did not identify any instances of unqualified welders or nondestructive inspection personnel working at these locations. The agency report also states that Space and Naval Warfare Systems San Diego does not employ any artisans who perform shipboard work, thus, there are no unqualified artisans working at this location either.

The Whistleblower's Comments

Ms. Shott submitted comments on both the initial report and the supplemental report. She objected to many of the agency's findings in the initial report. She repeated her assertion that many NADEP NI employees are performing work they are not qualified to perform. For example, she stated that pipe fitters need, but do not possess, silver brazing and visual inspection certifications. She also maintained that the investigators should not have relied upon position descriptions for insight into employees' job duties because these documents usually do not accurately reflect the type of work actually performed. In response to the supplemental report, Ms. Shott objected to the agency's decision not to take further disciplinary action against the employees responsible for the welding deficiencies on the USS Kitty Hawk.

Conclusion

Based on the representations made in the agency report and Ms. Shott's comments, I have determined that the agency reports contain all of the information required by statute and the findings appear to be reasonable.