

Jeffery C. Lybbert
8520 W. Midland Dr.
Boise, ID 83704
January 6, 2008

Edward F. Flood, Attorney
Disclosure Unit
U.S. Office of Special Counsel
1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505

Re: OSC File No. DI-06-1954

Dear Mr. Flood,

Thank you for granting me the extension and opportunity to file my comments.

After reading the investigative report dated October 1, 2007 by Mr. Scott J. Bloch, I indeed wish to make some comments. The accusations investigated were not the same as the complaints we originally filed against SDDO Lewis.

The first accusation investigated was:

- **Required Detention and Deportation Officers (DDO) under his supervision to claim the maximum AUO permissible so that it would appear the office remained busy.**

This accusation is taking two statements out of context. First: When SDDO Lewis first became the ADR of Western Region and we had a full staff, he expected everyone to work 10 hours a day. **This changed when he came back from San Diego and we were under DHS.** When our office became the Case Management Unit for Fugitive Ops and all that remained in the office were what he considered the dregs of the office staff. He restricted the AUO we could claim and kept it at a minimum.

Second: As the supervisor of the Case Management Unit, SDDO Lewis limited our movements in and out of the office and restricted us to our desks so that it would appear the office remained busy even though we were not fully occupied with work needing to be completed. The manner in which he did this was thoroughly discussed in our submission.

My testimony concerning AUO was recorded inaccurately. The investigator inaccurately reported that I referred to the reason why SDDO Lewis was keeping our hours to a

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minimum was to not hurt the office financially. In actuality, I stated that it was to hurt us, his employees, financially and because he could. He would tell us that there was not enough work to do, yet he still fraudulently claims 25% AUO. He did manage to severely hurt me financially to the extent that I was unable to meet my financial obligation. I was required to send my boys away – and to live out of my car for a month.

The report questioned our AUO.

While under the Case Management Unit, I claimed AUO for duties assigned to me which required me to stay beyond the normal work day.

SDDO Lewis gave us a set number of files to be completed in a day when they arrived in the office. We stayed and completed them. If there was no work, we left. SDDO France and I were straight up with this. I now believe he created this "work" situation to allow us to claim some AUO because it would look strange where he is claiming 25% and we were not claiming any. We still performed duties as directed by a supervisor.

I am a Detention and Deportation Officer and I was given a tasking from Headquarters to develop a system to track fugitive aliens. Because of my Immigration Law enforcement background and my ability to program databases, I was in a unique position to assist the service. When requests for my assistance came, it also came with a deadline. Many of those reports I created ended up going to Congress or the Director of Detention and Removals. Other times, I generated leads on fugitive aliens for the Fugitive Operation Teams around the nation. The other task I described is development of the system. I had to develop the mechanisms to generate the requested information and the delivery system for the leads, which takes time and careful planning.

I wanted to do more work back then; however, after two years of my developing a database, my system (database) was taken away from me and given to contractors for completion. Because the contractor's did not have a law enforcement background, various job requests were referred to me for completion. This system is now known as the Fugitive Case Management System, a DHS/ICE approved system that is used nationally to track fugitive statistics for the Detention and Removal Operations Program.

Now you can understand why my AUO was sporadic and I honestly felt it met the definition of AUO and I still do. I also believe it is the source of SDDO Lewis' animosity towards me.

The second accusation investigated was:

- **SDDO Lewis instructed his employees on how to exhaust sick leave prior to retirement.**

This allegation was never meant to refer to the remaining staff. To SDDO Lewis, we were the dregs of the office; the ones he wanted most to remove from the service. He would never risk anything trying to help us. He had been trying to get me out of the

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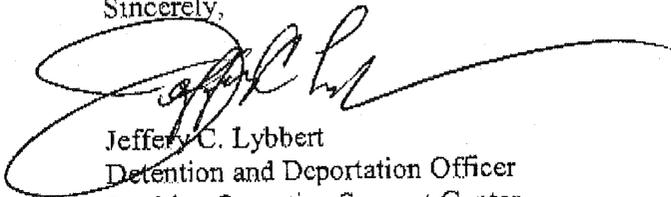
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service since he took the ADR position. In his expressed opinion, DDO Christina France was the "token black female" of the office and should never have been at Western Region. DRA Buening was mentally unfit in his eyes, and MPA Laura Quezada was in his way because she was no longer under his control as she now worked for Headquarter Financial Branch.

The investigation of this accusation was definitely not broad enough to cover those employees who did retire under SDDO Lewis' direct supervision.

I trust this clarifies any remaining issues you may have. If you have further questions, please contact me at (208) 685-6659 or (802) 316-1707.

Sincerely,



Jeffery C. Lybbert
Detention and Deportation Officer
Fugitive Operation Support Center

October 29, 2007

Re: OSC File No. DI-06-2759

Mr. Flood:

I am very sad that once again the Government is unable to step forward and make an employee responsible for cheating the Government. This man has lied and cheated everyone in the Service. I for one have lost all the pride I had for the Service, as it continues to allow people like this cheat and steal from all of us, knowing that nothing will happen to them. He even told me face to face that he was entitled to the AUO even if there was nothing going on that required his presence at work, that it was factored into his base pay. As I read the report I was amazed how certain Supervisors lost their memory when it came to AUO and time needed to complete the tasks assigned to Laguna DRO. I was there and witnessed the lack of work and the amount of time spent staring out of windows, reading books and time away from the office. Very disappointing for honest hard working employees to watch a Supervisor lie, cheat and steal from the Service and get away with it. Sad!

Thank you for keeping me informed as this process progressed. I had hoped for a very different outcome.

Sincerely,


Linda Burke