



U.S. Department of Justice

Office of the Deputy Attorney General

Bradley Weinsheimer
Associate Deputy Attorney General

Washington, D.C. 20530

July 10, 2023

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

Re: OSC File No. DI-23-000261; Investigation Regarding Whistleblower Disclosures
Relating to Bureau of Prisons, Federal Detention Center Miami, FL

Dear Mr. Kerner:

I am responding to your March 8, 2023, letter to the Attorney General in which you referred for investigation allegations by a whistleblower that you believe may constitute a violation of law, rule, or regulation; gross mismanagement; a gross waste of funds; or an abuse of authority. Specifically, a case manager at the Federal Detention Center (FDC) Miami, FL alleged that inmates have been wrongfully denied participation in certain Bureau of Prisons (BOP) programs. The allegations suggested a lack of timeliness in processing applications, that certain documents had been post-dated, and that certain inmates were misinformed about the availability of certain BOP programs. Authority has been delegated to me to review and sign the Department's response, in accordance with 5 U.S.C. 1213(d).

As reflected in the attached report, the BOP Office of Internal Affairs initiated an investigation upon receiving the referral from your office. That investigation substantiated certain of the allegations and did not substantiate others. In particular, the investigation found that FDC Miami officials did not fail to timely process inmate applications or fail to inform inmates of the availability of certain BOP programs. However, the investigation did substantiate the claim that the whistleblower was directed to post-date certain documents so it would appear that paperwork was processed in a timely manner following its receipt by FDC Miami officials. The investigation did not substantiate claims that the whistleblower received unjustified performance reviews or that FDC Miami officials retaliated against her, although one official was found to have engaged in conduct unbecoming a management official and providing an inaccurate statement. The sustained allegations of misconduct have been forwarded to BOP's Human Resources Division for disciplinary processing.

I trust that the investigation conducted by the BOP Office of Internal Affairs resolves the concerns outlined in your letter. Please do not hesitate to contact me if I can provide further assistance.

Sincerely,

Bradley Weinsheimer
Bradley Weinsheimer
Associate Deputy Attorney General

**United States Department of Justice
Federal Bureau of Prisons**

Office of Internal Affairs

Report of Investigation

OSC File Number DI-23-000261

Subject: INVESTIGATION REGARDING A WHISTLEBLOWER ALLEGATION OF VIOLATION OF LAW, RULE, OR REGULATION; GROSS MISMANAGEMENT; A GROSS WASTE OF FUNDS; AND AN ABUSE OF AUTHORITY AT THE FEDERAL DETENTION CENTER MIAMI, FLORIDA

SYNOPSIS

This investigation was initiated based upon a whistleblower disclosure that officials of the Department of Justice (DOJ), Federal Bureau of Prisons (BOP), Federal Detention Center, Miami, Florida, (FDC Miami), may have engaged in conduct which constituted a violation of law, rule, or regulation, gross mismanagement, a gross waste of funds, and an abuse of authority. The Office of Special Counsel (OSC) received the allegations from [REDACTED], at FDC Miami, who consented to the release of her name.

[REDACTED] disclosed FDC officials wrongfully denied inmates participation in certain Bureau of Prisons (BOP) programs at FDC Miami. Specifically, [REDACTED] makes the following allegations:

- FDC Miami officials routinely fail to process inmate applications and referrals for BOP programs in a timely manner;
- FDC Miami officials directed [REDACTED] to post-date paperwork to appear compliant with BOP policies; and
- FDC Miami officials have misinformed inmates during the Admissions and Orientation (A&O) process as to the availability of select BOP programs.
- During the investigation, [REDACTED] reported the following:
 - Inmates are being given improper credit for completing programs;
 - FDC Miami officials have included inaccurate information in her performance evaluations; and
 - FDC Miami officials have retaliated against her.

OSC requested on March 8, 2023, the investigation be conducted by the Bureau of Prisons, Office of Internal Affairs (OIA).

Between May 22, 2023, and May 26, 2022, the OIA conducted an on-site investigation at FDC Miami. The OIA conducted interviews and gathered/reviewed additional documentary information. During the investigation, thirteen relevant staff members were interviewed.

No witnesses were offered confidentiality for their responses, and no witnesses requested or were granted confidentiality for their responses. Notice for the on-site investigation was provided to the FDC Warden. The witnesses were not provided notice of the investigation prior to their interviews.

No other investigations or reports from other investigations were relied upon as substitutes for the OIA investigation of this case.

In summary, there was sufficient evidence to show CMC1 advised staff to post-date paperwork to appear compliant with BOP policies; UM1 was inattentive to duties; and UM2 provided an inaccurate statement, and behaved in a manner unbecoming of a manager.

INVESTIGATION

Background:

The Federal Detention Center, Miami (FDC Miami) is a multi-level federal prison for male inmates and male and female pre-trial detainees in Miami, Florida. The FDC houses inmates and detainees ranging in security levels from Minimum to Maximum.

Allegation 1: FDC Miami officials routinely fail to process inmate applications and referrals for BOP programs in a timely manner.

Policy:

Program Statement 7310.04, Community Corrections Center (CCC) Utilization and Transfer Procedure, to provide guidelines to staff regarding the effective use of Community Corrections Centers (CCCs).

Of note, Community Corrections Centers (CCCs), are now identified as Residential Reentry Centers (RRCs). This policy also allows inmates who are otherwise eligible for camp placement to be transferred to a camp prior to transfer to an RRC.

The policy explains a final and specific release preparation plan, including a decision as to CCC referral, is normally established at a team meeting no later than 11 to 13 months before an inmate's projected release date.

Allegation:

██████████ reported she believed inmate referrals for Home Confinement (HC) and Residential Reentry Center (RRC) pursuant to the CARES Act¹ were not processed properly from May 2021, through December 2022. ██████████ stated her belief was determined from her training and

¹ The Coronavirus Aid, Relief, and Economic Security Act, also known as the CARES Act, was signed into law on March 27, 2020. Among other provisions, the CARES Act allowed some adults in custody to serve their prison term on home confinement.

experience. She provided specific details on three referral packets she completed on inmates, herein referred to as INM1, INM2, and INM3.²

Investigation:

INM1

██████████ stated she started a Home Confinement (HC) referral for INM1 on March 16, 2022, but it was not signed by EX1 until May 11, 2022. She stated she believed the referral took too long to be processed and signed by the EX1, but acknowledged the Residential Reentry Manager (RRM) ultimately reviewed and denied the referral.

UM2 denied the referral was delayed. INM1 was a previous violator on HC and would not be a good candidate for HC, so the inmate was submitted for a transfer to a nearby, minimum security camp.

INM2

██████████ she completed HC referral for INM2 on December 1, 2022, and it was not signed by EX1 until February 14, 2023. ██████████ stated UM1 was acting for UM2 and refused to sign the referral in December 2022, so it was not signed until January 6, 2023. ██████████ was unable to provide a specific policy violation but states 76 days was an excessive amount of time for a referral approval.

UM2 stated she signed this referral on January 6, 2023, and noted INM2's Projected Release Date (PRD) was updated in the time since the referral was generated and before EX2 signed it. The inmate's PRD was initially March 24, 2023, but INM2 received First Step Act credits and his release date was updated to February 23, 2023, so he released.

UM1 stated he was acting for UM2 in December 2022. UM1 stated he did not refuse to sign the RRC referral for ██████████ while he was acting for UM2. UM1 stated if the referral needed a correction, he would not have signed the referral and returned it for corrections. UM1 stated he would never purposely delay a referral by not signing.

INM3

██████████ stated she completed a HC referral for INM3 on November 2, 2022, and it was not signed by EX1 until December 13, 2022.

██████████ stated on December 17, 2022, the Residential Reentry Manager (RRM) requested clarification for INM3 about a pending juvenile charge noted in his file. She stated she requested clarification on the juvenile charge, but was told only adult charges were checked. ██████████ stated both UM1 and UM2 were aware she needed the clarification on the juvenile charge, but they never delegated the task be completed. ██████████ stated that on December 30, 2022, since she had not received a response, she contacted the county court and confirmed the juvenile charge was resolved.

² ██████████ selected the selected three inmate referrals to provide the specific issues since she felt they were the most blatant examples of what she considered violations.

SCS1 stated that on or about December 21, 2022, she received an email from [REDACTED] requesting SCS1 do another check on the inmate's juvenile pending charges. SCS1 stated checking juvenile charges is not part of their protocol.

UM1 stated he was not aware [REDACTED] needed charges researched on INM3 for his RRC referral on December 21, 2022. UM1 stated he was acting for UM2 at this time, but he was not notified by [REDACTED] until December 23, 2022, via email. UM1 stated if he would have known [REDACTED] needed assistance, he would have assisted her.

Conclusion:

The investigation did not reveal sufficient evidence UM1, UM2 or any other FDC Miami employee failed to complete or submit Home Confinement referrals or Residential Reentry Center referrals pursuant to the CARES Act in a timely manner. A review of the selected referrals did not support a finding of any policy violation. Accordingly, no misconduct allegations were sustained.

Allegation 2: FDC Miami officials directed [REDACTED] to post-date paperwork to appear compliant with BOP policies.

Policy:

Program Statement 5140.42, Transfer of Offenders to or From Foreign Countries, directs staff to provide the inmate with an opportunity to inquire about transfer to the country of which the inmate is a citizen or national. The inmate indicates on a Transfer Inquiry (BP-A0297) that he/she was advised of the opportunity to inquire about transfer, and whether he/she is, or is not, interested in being transferred. The initial Application Packet must be forwarded to the Assistant Administrator, Correctional Programs Branch, within 60 calendar days of the inmate's initial request.

Program Statement 3420.11, Standards of Employee Conduct, explains the Bureau expects its employees to conduct themselves in such a manner that their activities both on and off duty do not discredit the agency.

Allegation:

[REDACTED] reported FDC Miami officials directed her to post-date paperwork in order to appear compliant with BOP Program Statements. [REDACTED] provided specific details on three treaty transfer packets she completed on inmates, herein referred to as INM4, INM5, and INM6.

Investigation:

██████████ stated INM4 signed his initial BP-A0297³ on October 18, 2021. She stated that in December 2022, she was instructed to complete a second treaty transfer referral and update the BP-A0297. ██████████ stated she was instructed by CMC1 to put the new date of December 17, 2022, on the BP-A0297. She complied with this direction and an updated BP-A0297 was completed. ██████████ claimed INM5, and INM6 had BP-A0297s which were outdated, and she was again directed to update the BP-A0297 with a more current date by CMC1.

CMC1 confirmed INM4's original BP-A0297 was dated October 18, 2021, and the updated BP-297 was dated December 17, 2022. CMC1 stated he requested the new BP-A0297 so FDC Miami would appear to be in compliance with the policy requirement that the BP-A0297 was forwarded to the Central Office within 60 calendar days. CMC1 confessed he directed ██████████ to update three other BP-A0297's, which she refused. CMC1 stated he sent updated BP-A0297s to UM2 to obtain updated signatures.

UM2 stated she believed the reason CMC1 generated new BP-A0297s was to give the appearance the form was forwarded to Central Office within 60 calendar days, as required by policy.

Conclusion:

CMC1 instructed ██████████ to violate policy by creating a new BP-A0297 to give the appearance FDC Miami was within the 60-day requirement to forward the form to Central Office. CMC1 produced and directed ██████████ to obtain new signatures and new dates on several BP-297s to make it appear FDC Miami was in compliance with policy. Accordingly, Advising Someone to Violate Policy is sustained on CMC1.

Allegation 3: FDC Miami officials have misinformed inmates during the Admissions and Orientation (A&O) process as to the availability of select BOP programs.

Policy:

Program Statement 5290.14, Admission and Orientation Program, states staff must provide the inmate with an awareness of Institution's program opportunities.

Institution Supplement 5290.14H, Admission and Orientation Program, indicates Unit Management/Case Management is responsible for ensuring inmates are aware of the Treaty Transfer of Offenders to Foreign Countries.

Allegation:

██████████ stated she believes that during the Admissions and Orientation (A&O) process, information was not provided to inmates on the treaty transfer process at FDC Miami. She stated

³ A BP-A0297 form is titled "Transfer Inquiry and Review." The form's purpose is for an inmate to express interest in being transferred to continue serving the sentence imposed by United States Judicial Authorities to the country of citizenship or nationality of the inmate.

she has never attended A&O nor had firsthand knowledge but claims two unidentified inmates told her they were not informed about the treaty transfer process.

Investigation:

CMC1 stated he provides a lesson to the inmates to ensure they know the process to be considered for a treaty transfer. CMC1 stated he informs inmates who are not United States citizens if they are interested in a treaty transfer, they should inform their case manager during the inmate review process.

Conclusion:

The investigation revealed insufficient evidence CMC1 any other FDC Miami employee engaged in misinforming inmates during the A&O process at FDC Miami. [REDACTED] explained she had no direct knowledge that inmates were being misinformed and it was only relayed to her by two unnamed inmates. CMC1 stated he taught a lesson on treaty transfers which is supported by the A&O lesson plan. Accordingly, no misconduct allegations were sustained.

Allegation 4: Inmates were given improper credit for programing.

Policy:

Program Statement 5325.07, Release Preparation Program, directs staff to prepare each inmate to re-enter the community successfully and particularly, the work force. The Release Preparation Program (RPP) will have the following assignments: RPP NEEDS, RPP PART, RPP REFUSE, RPP EXEMPT, RPP INELIG, RPP UNIT C and RPP COMPLT. RPP NEEDS will be entered when an inmate needs to participate in the program prior to release. RPP PART will be entered for an inmate participating in any of the RPP's courses. When an inmate has completed one course or category and enrolls or is awaiting enrollment in another course or category, the CMA will remain as participates.

Program Statement 3420.11, Standards of Employee Conduct, explains inattention to duty in a correctional environment can result in escapes, assaults, and other incidents. Employees are required to remain fully alert and attentive during duty hours.

Allegation:

[REDACTED] stated UM1 falsified inmates' RPP status on [REDACTED] caseload. She stated that on January 31, 2023, UM1 changed four inmates from the status of RPP NEEDS to RPP PART, with the effective date December 10, 2022. She explained inmates should be updated to RPP PART from RPP NEEDS only after they are enrolled in or completed any of the approved courses.

[REDACTED] stated she did not believe any of the indicated inmates signed up for a course which would allow them to be updated to RPP PART.

The A&O curriculum reveals Health Services at FDC Miami presents a video during A&O regarding HIV/AIDS. The video is an approved RPP course at FDC Miami which qualify the inmate as RPP PART after the video is viewed.

Investigation:

INM7 was keyed to RPP PART on January 31, 2023, by UM1, with an effective date of December 10, 2022. INM7 completed A&O on December 12, 2022, not December 10, 2022.

UM1 stated he conducted an audit of RPP NEEDS of inmates at FDC Miami. UM1 claimed he noticed some discrepancies in the audit and noticed inmates who had completed A&O were still listed as RPP NEEDS status and should have been updated to RPP PART.

UM1 stated he entered December 10, 2022, for INM7. UM1 stated the correct date should have been December 12, 2022.

Conclusion:

The investigation revealed sufficient evidence UM1 changed INM7 from RPP NEEDS to RPP PART with an effective date December 10, 2022, although the inmate did not attend A&O until December 12, 2022. UM1 admitted he updated the inmate's file with the incorrect date. Accordingly, the allegation of Inattention to Duty is sustained on UM1.

Allegation 5: FDC Miami officials have included inaccurate information in performance evaluations. [REDACTED]

Policy:

Program Statement 3430.09, Performance, establishes regulations by which an employee's work performance is evaluated by their supervisor.

The performance appraisal process requires that rating officials must observe and note employee performance continuously throughout the rating period. Rating officials must record examples of employee performance to ensure the rating at the end of the rating period is an accurate and fair appraisal of the employee's performance during the entire rating period. The performance log is used to document and substantiate the final rating.

Each element of a performance log is rated at one of the following five levels: Outstanding, Excellent, Successful, Minimally Satisfactory, or Unacceptable. The policy further mandates, when rating each element of the log, entries must document the actual job performance of the employee, not personality traits or judgmental conclusions drawn by the supervisor.

Allegation:

██████████ reported she had concerns with her 2021 and 2022 evaluations. Over the past two years she has received the highest rating of outstanding during each year, but there were comments with which she disagreed.

██████████ stated in 2021, UM1 documented ██████████ was late on a form. ██████████ stated she explained to UM1 she had a large case load of inmates, and UM1 removed the comment from her evaluation.

██████████ stated in a 2022 quarterly rating element, she received an excellent rating in one element. ██████████ stated UM2 noted ██████████ was late on a task. ██████████ confirmed she received an outstanding yearly rating during the 2022 evaluation year.

Investigation:

UM1 stated he did originally document in ██████████ evaluation that she was late issuing a form to an inmate. UM1 stated after a discussion with ██████████, he decided to remove the entry from her evaluation.

UM2 stated she did write ██████████ did not meet a deadline on an evaluation element. UM2 stated after reviewing the evaluation, missing a deadline one time should not have been a justification to decrease a quarterly rating. UM2 confirmed ██████████ received an outstanding yearly evaluation rating.

A review of ██████████ evaluations confirmed she received an outstanding rating for the 2021 and 2022 yearly rating evaluations. The outstanding rating is the highest available rating on evaluations.

Conclusion:

The investigation did not reveal UM1 or UM2 engaged in misconduct related to ██████████ evaluations. ██████████, UM1, and UM2 all confirmed ██████████ received an outstanding yearly rating for the 2021 and 2022 rating years. Although ██████████ expressed concern regarding one comment on timeliness for each year, she still received an outstanding rating for each year. Accordingly, no misconduct allegations were sustained.

Allegation 6: FDC Miami officials have retaliated against ██████████.

Policy:

Program Statement 3420.11, Standards of Employee Conduct, explains the Bureau expects its employees to conduct themselves in such a manner that their activities both on and off duty do not discredit the agency.

In general, the Bureau expects its employees to conduct themselves in such a manner that their activities both on and off duty do not discredit the agency.

During the course of an official investigation, employees are to cooperate fully by providing all pertinent information they may have. Full cooperation requires truthfully responding to questions and providing a signed affidavit if requested.

Any employee who fails to cooperate fully or who hinders an investigation is subject to disciplinary action, up to and including removal.

Allegation:

██████████ reported she was the victim of retaliation from UM1, UM2, and AW1.

Investigation:

UM1 – Combinations to File Cabinets

██████████ stated UM1 did not provide her with the combinations to the inmate Central File cabinets until she was a case manager for six months. ██████████ claimed she asked UM1 for the combinations, and he instructed her to get the combinations from SEC1. ██████████ stated SEC1 delayed providing the combinations.

UM1 stated ██████████ arrived at FDC Miami in approximately May 2020, and she was originally assigned pre-trial and holdover inmates.⁴ UM1 stated when ██████████ was assigned a caseload of designated inmates who had Central Files, he immediately gave ██████████ the combinations to the file cabinets.

UM1 – Supplies

██████████ stated UM1 purposely would not provide her printer toner or adequate supplies.

UM1 stated he always provided adequate supplies for ██████████ to complete her duties. At one point, due to budget restrictions, ██████████ was without toner for her office printer for approximately two months. UM1 stated he offered the option to use another printer within the area, close to her office.

UM2 – Denial of Annual Leave

██████████ stated UM2 retaliated against her by denying her unscheduled annual leave for November 12, 2022.

UM2 confirmed ██████████ requested annual leave on November 12, 2022. UM2 stated ██████████ initial request was to attend an Affirmative Employment Program (AEP) LGBT function, so she questioned ██████████ about whether she requested to attend this event through the AEP Chairperson. ██████████ responded she was going on her personal time.

⁴ Pre-trial and holdover inmates do not have Central Files created yet.

UM2 stated she denied the request because she believed [REDACTED] should not use her annual leave to fulfill a collateral duty responsibility, but acknowledged [REDACTED] did not have any pending work nor was she late on any deadlines.

UM2 stated that over the past year, she had not denied other staff annual leave when requested, and confessed there was no reason why she should have denied [REDACTED] annual leave request.

UM2 – Meeting Attendance

[REDACTED] stated while she was on a job modification assignment, UM2 did not include her in an April meeting, and she was not allowed to vote or voice input on the creation of a schedule for team duties.

UM2 stated she had a team meeting on April 5, 2023, and [REDACTED] did not attend the meeting because she was on leave. UM2 stated the staff present at the meeting were given the opportunity to vote on procedures.

After a review of [REDACTED] Time & Attendance (T&A) record did not support UM2's statement that she was on leave during the team meeting, UM2 stated she was incorrect in her previous statement stating [REDACTED] was on leave. UM2 stated [REDACTED] was at work on her job modification assignment but was not able to attend the meeting in person. UM2 did not provide an alternative method for [REDACTED] to attend.

UM2 – Photo of Incorrect File Procedure

[REDACTED] stated UM2 scanned a photo of inmate files incorrectly checked out by [REDACTED] to show fellow staff what not to do when removing files. [REDACTED] believes UM2 did this to embarrass her.

UM2 stated on May 1, 2023, she sent an email to staff regarding the process to check out inmate files. UM2 stated on May 9, 2023, she sent out an email reiterating her previous message about the files, and confirmed she attached examples of what not to do when removing inmate files. All the examples contained Ms. Melek's name only.

AW1 – Medical Restrictions

[REDACTED] stated AW1 retaliated against her by preventing her from coming to work on a job modification assignment after an injury. [REDACTED] stated AW1 read her restrictions incorrectly and stated [REDACTED] could not come to work with a five-pound restriction. [REDACTED] stated AW1 claimed [REDACTED] needed to be on crutches, but [REDACTED] explained none of her restrictions involved crutches.

[REDACTED] stated that on July 7, 2022, she reported to work with crutches for her injured ankle, but she did not have any requirement for crutches from any physician or doctor. [REDACTED] confirmed she was never told she was not permitted bring crutches into work, but she could not recall if she continued to bring the crutches to work.

██████████ CA-17⁵ dated June 7, 2022 reveals ██████████ reported she originally injured her ankle off duty on May 10, 2022. The CA-17 states ██████████ had a five-pound weight restriction for lifting, carrying, pushing, and pulling.

On June 27, 2022, ██████████ received a notification email that with her five-pound restriction she could not be accommodated at the institution. She was instructed to provide updated medical documentation and the accommodations would be reconsidered. ██████████ provided an updated CA-17 on July 7, 2022, and was permitted to return to work on a job modification assignment.

AW1 stated the restriction ██████████ CA-17 said she could not push or pull more than five pounds. AW1 stated she explained to ██████████ she could not come to work with the listed restriction, as the five-pound restriction was too extreme for ██████████ to return to work. AW1 stated she believed the door coming into FDC Miami weighed more than five pounds. AW1 stated she has denied other staff with similar no push, no pull restrictions during a previous assignment.

AW1 stated she received guidance from the National Reasonable Accommodations Branch (NRAB), but did not receive anything in writing. AW1 stated the NRAB instructed her the weight restriction needed to be increased, as the total minimum weight was two and a half pounds per extremity for Ms. Melek to return to work.

AW1 stated initially ██████████ injury was reported as non-work related, but when ██████████ reported to work, she stated she re-aggravated the injury at work and then claimed it was a work-related injury. AW1 stated when ██████████ Worker's Compensation Claim was denied on June 22, 2022, ██████████ reported to work on crutches. AW1 stated she never told ██████████ she had to use crutches. AW1 stated she emailed NRAB when ██████████ came to work on crutches, and NRAB eventually approved ██████████ to return to work with crutches on July 8, 2022. AW1 stated the approval came through a phone conversation. AW1 stated ██████████ returned to work without crutches, and stated she did not need them.

AW1 stated that according to the updated CA-17 dated July 7, 2022, ██████████ had a restriction of ten to fifteen pounds, and could return to work on a job modification assignment.

Conclusion:

The investigation did not reveal UM1 or AW1 retaliated against ██████████. UM1 stated he offered ██████████ options to use other printers and AW1 stated her decisions regarding medical restrictions were based on guidance from NRAB. Accordingly, the allegation of Retaliation is not sustained on UM1 or AW1.

However, UM2 denied ██████████ annual leave without a work-related reason. UM2 stated she held a team meeting when ██████████ was on leave and allowed other staff to vote on future procedures. UM2 later confirmed ██████████ was not actually on leave during the meeting. UM2 also circulated guidance to staff regarding procedures to check out files, and attached examples that identified ██████████ files as an example of what not to do. Accordingly, the allegations of

⁵ A CA-17, Duty Status Report, is the form the employee's doctor will fill out information about the employee's ability to work, how long the employee may need to stay away from work and whether the employee can continue to work with some restrictions.

Conduct Unbecoming a Management Official and Providing an Inaccurate Statement are sustained on UM2.

Investigative Findings Summary:

The investigation revealed sufficient evidence the allegations of misconduct against CMC1, UM1, and UM2. The allegation of Advising Someone to Violate Policy is sustained on CMC1. The allegation of Inattention to Duty is sustained on UM1. Finally, the allegations of Conduct Unbecoming a Management Official and Providing an Inaccurate Statement are sustained on UM2.

Violation of Laws, Rules, or Regulations:

The investigation did not discover any evidence of a violation of law. However, evidence of multiple policy violations by staff at FDC Miami were discovered.

Action taken or planned as a result of the investigation:

- (A) Changes in agency rules, regulations, or practices.

Not applicable.

- (B) Restoration of any aggrieved employee.

Not applicable.

- (C) Disciplinary action against any employee.

The OIA investigative findings are being forwarded for disciplinary action against CMC1, UM1, and UM2.

- (D) Referral to the Attorney General of any evidence of criminal violation.

Not applicable.