

December 17, 2024

U.S. Office of Special Counsel
1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505

RE: OSC File No. DI-24-000838

Hello,

Thank you for providing the agency report to me on December 11, 2024. My comments are summarized below.

The position of MSHA Deputy Assistant Secretary for Operations (MSHA DAS) is the highest career official of an enforcement agency and requires the incumbent to exercise a high degree of ethical care. The MSHA DAS did not exercise a high degree of ethical care for the following reasons.

1. The MSHA DAS is an attorney and a member of the D.C. Bar Association, is trained in ethics and should know better. Unethical behavior cannot be tolerated at any level of the federal government, particularly at the Senior Executive Service.
2. The MSHA DAS was advised in 2018 and 2023 by DOL's ethics office about potential conflicts of interest with assets owned by the MSHA DAS and their spouse. The MSHA DAS took no action.
3. The MSHA DAS appears to blame their spouse and stockbroker for their ownership of certain stocks. The MSHA DAS signs and certifies the accuracy of each OGE form 278 submittal. As stated earlier, the MSHA DAS is an attorney and should know what they are signing.
4. The MSHA DAS does not file monthly OGE 278-T, when required. DOL's ethics office frequently reminds 278 filers of the STOCK Act requirement to report transactions exceeding \$1000 of stocks, bonds, commodity futures, or other securities on a monthly basis. The MSHA DAS has stated openly in the MSHA HQ office that they do not complete the monthly 278 form. It is likely that MSHA DAS and their spouse had transactions, potentially including Thermo-Fisher transactions, requiring monthly reporting.

I would an audit completed to ensure MSHA DAS fully complied with the STOCK ACT, particularly regarding Thermo-Fisher transactions. I would like to know exactly what action the Department is proposing regarding MSHA's DAS. Many of my co-workers and myself are concerned about the MSHA DAS being returned to MSHA based on history and personnel experience of retaliation. Many agency employees and former employees have been retaliated against by the MSHA DAS in the past.

Sincerely,
Confidential Complainant
(C2)