



July 27, 2010

William E. Reukauf
Associate Special Counsel
1730 M. Street, N.W.
Suite 218
Washington, DC 20036-4505

Dear Mr. Reukauf,

This report is in response to your letter of May 20, 2010, Re: **OSC File No. D1-10-1687** that referred a whistleblower disclosure alleging that employees at the Department of Health and Human Services, Rockville Human Resources Center, Labor and Employee Relations Division, in Rockville, Maryland, and the Office of Information Technology Support Services, Division of Field Operations, in Atlanta, Georgia, are engaging in conduct, which may constitute a violation of law, rule, or regulation, gross mismanagement and an abuse of authority to the Secretary of Health and Human Services (HHS) for further investigation.

Secretary Sebelius delegated your request to our office. Presented herein are the steps the Department has taken to address the following allegations you referred to the Secretary:

- The Agency placed Mr. Rod Campbell, Information Technology (IT) Specialist, on administrative leave on August 27, 2006, following allegations of his unauthorized use of agency-owned IT equipment and installation of video monitoring hardware.
- The Agency did not take any further action regarding this matter until January 2008, nearly 17 months later, at which time Ms. Elaine Rivas proposed Mr. Campbell's removal.
- The Agency has not taken subsequent action either to remove Mr. Campbell or return him to work. Thus Mr. Campbell has been on administrative leave with full pay since August 2006.

Agency Findings and Remedies to Address Allegations:

The Office of the Secretary had been unaware of this situation and, accordingly, I directed an investigation be conducted. Our investigation entailed interviews with Mr. Campbell's immediate supervisor, various Food and Drug Administration management staff, and the servicing Rockville Human Resources Center, Labor and Employee Relations Specialist.

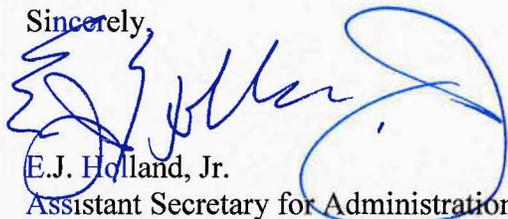
Based on our investigation, we verified that Mr. Campbell was placed on administrative leave following allegations of his unauthorized use of agency-owned IT equipment, installation of

video monitoring hardware and other inappropriate conduct relating to his IT responsibilities. These allegations were substantiated during the Agency's internal audit in August 2006. As a result of the audit, Mr. Campbell was placed on administrative leave beginning August 27, 2006, pending management's decision on the appropriate penalty as warranted by the evidence.

We have confirmed that Mr. Campbell, in fact, has been on administrative leave with full pay since August 2006 and a decision to effect the proposed removal was not made in a timely manner. Therefore, the Agency, as a result of our investigation, has determined that it will discontinue the employee's paid leave and return him to duty in a similar position with slightly different IT administrative authority, but without issuing a final decision on the pending proposed removal action. The decision to return the employee to duty is based primarily on the undue delay.

The Agency will take action to hold the appropriate management officials accountable for not finalizing this case in a timely manner. Based on our finding, we do not anticipate further investigative action in this matter. If I can answer any questions or be of further assistance, please feel free to call me at (202) 690-7431.

Sincerely,

A handwritten signature in blue ink, appearing to read "E.J. Holland, Jr.", is written over a circular blue stamp. The signature is fluid and cursive.

E.J. Holland, Jr.
Assistant Secretary for Administration