



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

January 3, 2011

The President
The White House
Washington, D.C. 20500

Re: OSC File No. DI-10-1687

Dear Mr. President:

Pursuant to 5 U.S.C. § 1213(e)(3), the Office of Special Counsel (OSC) is forwarding to you agency reports concerning disclosures from a whistleblower at the Department of Health and Human Services (HHS), Labor and Employee Relations Division, in Atlanta, Georgia. The whistleblower, who requested anonymity, alleged that HHS employees in the Labor and Employee Relations Division in Rockville, Maryland, and the Office of Information Technology Support Services, Division of Field Operations, in Atlanta, Georgia, allowed an individual to remain on administrative leave indefinitely with the benefit of full pay.

These disclosures were referred to the Honorable Kathleen Sebelius, Secretary of Health and Human Services, to conduct an investigation pursuant to 5 U.S.C. § 1213(c) and (d). Secretary Sebelius tasked the Office of the Secretary with conducting the investigation and delegated the authority to review and sign the report of that investigation to the Assistant Secretary for Administration. We received a report dated July 27, 2010, and a supplemental report dated November 23, 2010. As required by law, 5 U.S.C. § 1213(e)(3), we are now transmitting the reports to you.

The whistleblower alleged that on August 27, 2006, the agency placed Information Technology (IT) Specialist Rod Campbell on administrative leave, following allegations of his unauthorized use of agency-owned IT equipment and installation of video monitoring hardware. According to the whistleblower, in November 2006, Supervisory IT Specialist Elaine Rivas met with Mr. Campbell and his union representative to discuss Mr. Campbell's actions. No further action was taken against Mr. Campbell until January 2008, nearly 17 months later, at which time Ms. Rivas proposed Mr. Campbell's removal. Mr. Campbell submitted an oral reply to the proposed removal in May 2008, but the agency took no subsequent action to either remove Mr. Campbell or return him to work.

In its report, the agency substantiated the allegation that Mr. Campbell was on administrative leave with full pay from August 27, 2006, onward because of his misconduct. The agency further substantiated that Mr. Campbell's proposed removal was not made in a timely fashion. In response, the agency discontinued Mr. Campbell's paid leave and returned him to duty on August 2, 2010, in a position similar to his prior position but with altered IT

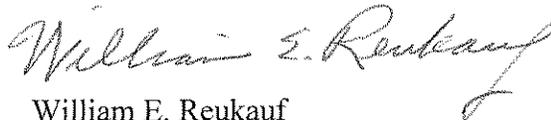
administrative authority. No final decision was issued on Mr. Campbell's pending proposed removal.

In its supplemental report, the agency stated that three individuals were held responsible for Mr. Campbell's extended period of administrative leave. Mr. Anthony Gipson, the Employee and Labor Relations Specialist handling the case, received a counseling on communication and follow-through; Ms. Elaine Rivas, the proposing official in Mr. Campbell's removal action, received an oral reprimand; and Mr. Carl Ponticello, the deciding official in Mr. Campbell's removal action, received a proposed 30-day suspension.

The whistleblower declined to comment on the reports. OSC has reviewed the original disclosures and the agency's report and supplemental report. Based on that review, we have determined that the reports contain all of the information required by statute and that the agency's findings appear to be reasonable.

As required by law, 5 U.S.C. § 1213(e)(3), we have sent copies of the agency report and supplemental report to the Chairmen and Ranking Members of the Senate Committee on Health, Education, Labor and Pensions, and the House Committee on Energy and Commerce. We have also filed a copy of the reports in our public file, which is available online at www.osc.gov, and closed the matter.

Respectfully,



William E. Reukauf
Associate Special Counsel

Enclosures