



**U.S. Customs and
Border Protection**

May 5, 2013

Re: OSC File No. DI-13-002

Dear Mrs. Alexander:

Thank you for your service at the U.S. Office of Special Counsel (OSC). I got your report on Saturday, May 4, 2013. I am no longer required to remain in anonymity by the OSC. I was single out by U.S. Customs and Border Protection (CBP) Management as the whistleblower and removed from my position at the Commissioner's Situation Room (CSR). I reviewed the entire report provided by the CBP Assistant Commissioner of the Office of Internal Affairs (CBPOIA) James F. Tomsheck and I agree with the CBPOIA investigation findings; however, I strongly disagree with the Description of Action Taken or Planned under section # 5. I am a CBP Officer and after short time research on Federal laws, rules and regulations in reference to the Administrative Uncontrollable Overtime (AUO) I clearly understood that no one at the CSR was allowed to work AUO and at that time it was my duty as a Federal Law Enforcement Officer to report the violation of laws, rules and regulations to the OSC. Now, if I can understand the appropriate use of AUO, I am quite certain that any CBP employee at the CSR receiving AUO is capable to understand it as I did.

As, I write my comments to you. There are CSR employees and CBP Office of Border Patrol (OBP) Headquarters employees currently working AUO with complete disregard of compliance with Federal laws. Now, more than ever CSR employees know the requirements for legally working AUO yet, they choose to pickpocket Uncle Sam of an estimated \$200 million this Fiscal year alone and we might end up getting furlough days because the OBP needs to abuse their AUO assignments. It is my most sincere opinion that this is plain corruption at the OBP highest level and I cannot even visualize what the OBP is doing with the AUO field assignments around our Nation.

Under section # 5, the CBPOIA report lacks integrity and accountability because it merely excuses the OBP for their current AUO practice. Protecting key OBP Management Officials for their AUO interpretation shortcomings throughout the entire final section of the report. In my professional opinion the report is just an empty future promise of compliance by the OBP to resolve the AUO problem and a smoke screen to get the OSC out of track.

In conclusion, the OBP will continue business as usual, even when the law is simple and clear, that the OBP needs to meet certain requirements to work AUO and is not an

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incentive or entitlement given to them to work at CBP HQ or at any National Federal location. The current OBP AUO practice must stop now. Not someday down the road.

As a Citizen, is my personal opinion that if we continue to tolerate such actions of corruption with just a slap on the hand. The American experiment given to us by our founding fathers will be dead in the next several generations.

Our American spirit is dying slowly because we are more committed to ourselves than to our 236 years old National Pride. The United States Constitution our promise for a stable and well balance government.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Jose Rafael Ducos-Bello". The signature is stylized and somewhat cursive, with a large initial "J" and "R".

Jose Rafael Ducos-Bello
CBP Chief, Program Manager