



U.S. OFFICE OF SPECIAL COUNSEL

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The Special Counsel

January 22, 2015

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

Re: OSC File No. DI-13-4105

Dear Mr. President:

Pursuant to 5 U.S.C. § 1213(e)(3), enclosed please find the Social Security Administration's (SSA) investigative report, based on disclosures of wrongdoing at the Region 5, Area 9, in Chicago, Illinois, made to the Office of Special Counsel (OSC). OSC has reviewed the report and, in accordance with 5 U.S.C. § 1213(e), provides the following summary of the allegations and our findings.

The whistleblower, William Price, a claims representative and local union president at the SSA, alleged that employees impermissibly obligated \$105,964 in relocation funds for an employee who did not relocate. Mr. Price consented to the release of his name.

SSA did not substantiate the whistleblower's allegation that SSA employees violated federal law when they obligated and expended over \$100,000 in relocation funds for an employee who did not relocate. I have determined that SSA's report meets all statutory requirements and that the findings of Acting Commissioner Carolyn W. Colvin appear reasonable.

Mr. Price's allegations were referred to Acting Commissioner Colvin to conduct an investigation pursuant to 5 U.S.C. § 1213(c) and (d). On January 7, 2014, Acting Commissioner Colvin submitted the agency's report to OSC based on an investigation conducted by SSA's Office of the Inspector General (OIG). Mr. Price submitted comments on the report pursuant to § 1213(e)(1). As required by 5 U.S.C. § 1213(e)(3), I am now transmitting the report and comments to you.¹

¹ The Office of Special Counsel (OSC) is authorized by law to receive disclosures of information from federal employees alleging violations of law, rule, or regulation, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health and safety. 5 U.S.C. § 1213(a) and (b). OSC does not have the authority to investigate a whistleblower's disclosure; rather, if the Special Counsel determines that there is a substantial likelihood that one of the aforementioned conditions exists, she is required to advise the appropriate agency head of her determination, and the agency head is required to conduct an investigation of the allegations and submit a written report 5 U.S.C. § 1213(c). Upon receipt, the Special Counsel reviews the agency report to determine whether it contains all of the information required by statute and that the findings of the head of the agency appear to be reasonable. 5 U.S.C. § 1213(e)(2). The Special Counsel will determine that the agency's investigative findings and

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Specifically, Mr. Price disclosed that SSA employees violated federal law by inappropriately obligating \$105,964 in relocation funds on behalf of Office Supervisor Harry Martinez. Mr. Price further disclosed that Mr. Martinez may have received relocation funds without having relocated. In support of his disclosures, Mr. Price provided sworn testimony from Mr. Martinez and a copy of the public inventory of expenditures that described the funds that were obligated to Mr. Martinez.

The OIG did not substantiate Mr. Price's allegations. In its investigation, the OIG concluded that Mr. Martinez was properly authorized to receive \$105,964 in actual relocation expenses in connection with a promotion he received. However, the investigation determined that Mr. Martinez subsequently accepted a voluntary downgrade and did not transfer to another location. Although the funds were obligated on Mr. Martinez's behalf, the OIG confirmed that Mr. Martinez did not receive any of the authorized relocation expenses. Further, the OIG investigation revealed that the funds originally obligated for Mr. Martinez's relocation could no longer be used to reimburse him because the time period for filing a reimbursement claim has lapsed. In addition, the SSA verified that the funds were de-obligated on February 20, 2014.

In his comments, Mr. Price did not dispute the agency's findings. He emphasized that his intention was to bring to OSC's attention discrepancies that he identified between Mr. Martinez's testimony and the applicable inventory of expenditures.

I have reviewed the original disclosure, the agency's report, and the whistleblower's comments. I have determined that the report meets all statutory requirements and that the findings of the agency head appear reasonable.

As required by 5 U.S.C. § 1213(e)(3), I have sent copies of the agency's report and comments to the Chairman and Ranking Member of the Senate Committee on Health, Education, Labor, and Pensions and the Chairman and Ranking member of the U.S. House Committee on Education and the Workforce. I have also filed copies of the report and comments in our public file, which is available online at www.osc.gov. This matter is now closed.

Respectfully,



Carolyn N. Lerner

Enclosures

conclusions appear reasonable if they are credible, consistent, and complete based upon the facts in the disclosure, the agency report, and the comments offered by the whistleblower under 5 U.S.C. § 1213(e)(1).