

Final response to OSC File N. DI-11-3458(Fraud, Waste and Abuse)

By filing with the OSC, the whistleblower's career is over, and an odyssey will begin which is a caricature assignation to discredit their report as my agency did! Even after the investigation found deficiency.

Review what happened to me, and decide if what Shakespeare's Hamlet- 1623 hold true today?

"To be, or not to be, that is the question: Whether 'tis Nobler in the mind to suffer The Slings and Arrows of outrageous Fortune, Or to take Arms against a Sea of troubles, And by opposing end them"

My rating of "Superior" in 2009 is now "Unacceptable"!

11/1/2010: Email to Ms. Dukeman (My First line Supervisor)

"Thousands if not millions of dollars being misused."

11/3/2010: Ms. Dukeman issued me a "Marginal" End of Year performance rating

11/10/2010: Email from Mr. Bailey (My Second Line Supervisor)

Joe –

I just thought it would be good for the three of us to have a discussion about your concerns. This is only to help everyone understand all points of interest and concern. This is not a legal proceeding, just an effort to help clarify and possibly resolve outstanding issues.

Doug

11/12/2010: attended a scheduled appointment with Mr. Shipman (My Third Line Supervisor).

11/18/2010: Faxed my concerns to the USDA/IG (My Fourth Line Supervisor- USDA Secretary Vilsack)

12/21/2010: AMS Compliance Investigator interviewed me on my concerns reported to USDA/IG

2/12/2011: Subject: Private letter to Ms. Dukeman (My First line Supervisor)

This was my second letter to Ms. Dukeman informing her she is in violation of "Prohibit Personal Practices"

2/17/2011: my duty office was moved closer to Ms. Dukeman which has me alienated and ostracized and my Position description rewritten

3/3/2011: reported retaliations from Ms. Dukeman to the AMS compliance Investigator from my 12/21/2010 report.

4/27/2011: Ms. Dukeman issued me a letter of reprimand where she states that as my supervisor (GS14) Mr. Bailey (SES) cannot issues me over riding instructions

8/5/2011: reported my concerns to the Office of Special Counsel (OSC) (My Fifth Line Supervisor- United States President Obama) OSC File No. DI-11-3458-Fraud, Waste, and Abuse logged.

11/28/2011: According to AMS Compliance investigators interview **(10am-2pm)**

- a) They were investigating claims that Ms. Dukeman filed accusations of me stalking her
- b) They were investigating claims of sexual harassment because Ms. Dukeman submitted a sworn statement in November 2011 concerning an incident that transpired around Valentines' Day of February 2009 [that is more than 45 days after the incident]. The incident was that I gave her M&M candy, with biblical scriptures printed on them; that was a sexual overture to her.
- c) They were also investigating Ms. Dukeman's claims that I gave her a soda, and that, too, was a sexual advance to her.

I wonder why she did not report that in September 2005, at a Cheesecake Factory restaurant, I paid \$81 for desert (I was reimburse back individually) where everyone present observed Ms. Dukeman eat my desired off my plate?

11/28/2011: (3pm) Mr. Bailey placed me on paid Administrative Leave (36days), and required I undergo Psychological Evaluation before I could return to USDA this over Christmas. Stating it was because of "My Report of medication" I had provided them my VA doctors contact information if they were truly concerned!



FOR OFFICIAL USE ONLY

Date: November 28, 2011
To: Joseph Hastings
IT Specialist
Subject: Administrative Leave Notice

Effective immediately, you are being placed on paid administrative leave until further notice because of workplace safety issues raised by your health concerns. I am concerned by your reports of the effects of medication on your ability to think rationally and its impact on your personal safety as well as the safety of others in the workplace.

I am a 30% disabled veteran, and my TBI from a military parachute accident and the medication the VA prescribed for a short time was Ritalin, compounded with the stress I was and am under in this witch hunt, placed me at high risk of a heart attack! I had informed Ms. Dukeman and Mr. Bailey several times in emails of my health problems.

1/4/2012: After I was medically cleared, I returned to duty, and still had to report to Ms. Dukeman? (My old office was 4 locked doors away, now my new office is 1 locked door away? In her affidavit Ms. Dukeman states she is scared of me and has instituted an office restraining order, that there must be a third person present during closed door meetings, she goes on to state that she keeps herself locked in

her office until others members arrive! Then why move me closer? Why not change my schedule to arrive later?)

3/12/2012: I had requested an ADR at which time Ms. Dudley had the role of **AMS resolving official**, she also claimed in her affidavit she was sometimes my second line supervisor which would also make her a **Responsible Management Official (RMO)**, is that fair?

5/15/2012: I received my "2011" performance rating of "unacceptable". Ms. Dukeman stated the reason she waited until now (6 months into 2012 rating) was she was instructed to wait until the OSC investigation was done! What does the closing of the OSC investigation have to do with my performance? And the rating period covered was 10/1/2011-9/30/2012, that would be 4 months too early

5/16/2012: after so many attempts to stop the hostilities and PPP violation, and being just plain tired, I had no other recourse left except to file with OSC whistleblowing retaliation. OSC File No. MA-12-3010-Retaliacion for Whistleblowing.

12/16-12/29/2012 Placed on 14 day suspension for failing to follow "Department Regulations # 4070-735-001 Subject: Employee Responsibilities and conduct". Even after I requested clemency because I had not received a copy of the regulation which was written to prevent violation.

I am being suspended for a second offence of failure to follow instructions, as it relates to violation of Point II Prohibited Activities item h. Utilizing any device to monitor or record non-telephone conversations except for

It provides further details of exceptions on pages 6 & 7 of the 13 page.

I want to point out that on page 4 of 13 pages Section 7 Responsibilities it states

- a. Agency and Staff heads are responsible for:
 - (1) Ensuring that every current employee is provided with a current copy of this directive within 90 days of its issuance; and
 - (2) Ensuring that every new employee is furnished a copy of this directive at the time of appointment
- b. Supervisors are responsible for:
 - (1) Maintaining high standards of ethical conduct. They must become familiar with and comply with the regulation's in this directive, the standards and the USDA supplements; and
 - (2) Responding to employee's questions on matters covered by this directive, the standards, and the USDA supplement and /or referring employee ethics questions to the USDA Office of ethics or an appropriate EA.

I have been with USDA/AMS since June 2002 and the first time I read this Departmental Regulation was when Ms. Courtney from AMS compliance sent me the department link on 10/10/2011. I have also check with others in AMS/ITS if they had even heard of the directive, the response was the same, "never know it existed"

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A side note: my personal recorders were confiscated on 10/20/2011; USDA/IG interviewed me on 12/19/2011, no charges filed, returned my device to Mr. Bailey. Mr. Bailey and Ms. Dukeman waited until 10/5/2012 to issue me a 14 day suspension, again over Christmas!

My logged cases to date are:

EEOC case AMS-2012-00263-Discrimination

Status: Postpone Initiation of Discovery to January 4 2013 close on March 15-2013

Breach of Settlement Agreement # AMS-2011-00103-EEOC (FAD issued)

Within Settlement agreement # AMS-2011-00103 dated 1/4/2011 and Reasonable Accommodation "Disability Determination Letter case number Case Number 11 -- 015" approved on 12/3/2010, both agreements offered by USDA and AMS, where my supervisor Ms. Dukeman was to clarify in writing instructions she had issued to me.

Extracted from the Report of investigation of a breach of our settlement agreement (Final Agency Decision sided with AMS)

The investigators stated:

"The Agency also asserts that the other four GS-13 staff members do not require the same level of guidance on a day-to-day tasks and many of the tasks the complainant referenced, many of which have been his duties since 2003 under a former supervisor, and should not require the level of direction and guidance the complainant demands".

That statement given under oath in blatant discriminatory and reflects the hostilities I meet with every day. I am not able to make my disabilities disappear as it has been suggested here nor do I place justification of AMS's stance that supervisors are not held accountable for violations of "ADA"

The Office of Special Counsel (OSC) File No. DI-11-3458-Fraud, Waste, and Abuse

Status: This is my response. To closing the case and posting it publicly

OSC File No. MA-12-3010- Whistleblowing Retaliation

Status: reviewed then Escalated to Alternate Dispute Resolution (ADR) section of the Investigation and Prosecution Division

USDA Inspectors General Office-USDA DA Compliance Officer

Status: Investigation phase- Investigating Formal complaints filed against Mr. Bailey

Joseph Hastings
USDA/AMS