

**Memorandum to the File
Case Closure**

**Alleged Misuse of Official Time, Service Area Office West,
Network 22 Contracting Office, Long Beach, CA
(2012-01841-1Q-0008)**

The VA Office of Inspector General Administrative Investigations Division investigated an allegation, given to us during another investigation, that (b) (7)(C),

(b) (7)(C), misused his official time. To assess this allegation, we

interviewed (b) (7)(C)

(b) (7)(C) and other VA employees. We also reviewed time and attendance records, computer access and key card physical access logs, Outlook® calendar and email records, as well as Federal laws, regulations, and VA policy.

Standards of Ethical Conduct for Employees of the Executive Branch state that unless authorized otherwise an employee shall use official time in an honest effort to perform official duties. 5 CFR § 2635.705. VA policy states that that all employees are expected to be on duty during the full period of their tours of duty unless absent on approved leave; to observe the opening and closing hours established for the tour of duty; and to adhere to established luncheon periods. VA Handbook 5011, Part II, Chapter 2, Paragraph 1 (April 15, 2002). It also states that employees are responsible for maintaining productivity and for fulfilling their obligation to account for a full day's work. VA Handbook 5011/5, Part II, Chapter 4, Paragraph 3 (September 22, 2005).

During an interview for another administrative investigation, (b) (7)(C) told us that "ever since (b) (7)(C) got here, he would just leave during the day, and be gone." He said, "Sometimes he would just be gone...He'd leave early, come in late, you know," and gave us his recorded notes he kept on (b) (7)(C)' attendance. Listed in (b) (7)(C)'s notes were commentary and the "approximate" times he believed (b) (7)(C) to be away from his duty station for roughly 32 dates between January 2011 and March 2012. Time and attendance records reflected that (b) (7)(C) VA tour of duty was from 8:00 a.m. to 4:30 p.m. from January 2011 to May 2011 and that it was adjusted for a tour of duty from 8:30 a.m. to 5:00 p.m. from April 2011 to March 2012, the remainder of the period of time covering the dates in question.

Computer access logs, reflecting (b) (7)(C) logon access to VA's network using his unique user name and VA-assigned computer, were limited and only available from March 12, 2012 to October 18, 2012. Based on the limited amount of data, we were only able to review records for two of the questionable dates. These records reflected that on March 20, 2012, (b) (7)(C) noted that (b) (7)(C), "Left at 3pm during important CLR meeting. Did not return until the next day." Computer access logs reflected that (b) (7)(C) logged onto VA's network at 7:33 a.m. and again at 2:29 p.m. (b) (7)(C) noted on March 22, 2012, "He left at 4:10 said he was going to the

post office and will be back tomorrow..." Computer logs reflected that (b) (7)(C) logged onto his VA computer 11 times that day between 7:46 a.m. and 2:45 p.m.

Key card physical access logs, which provided a date and time stamp for when (b) (7)(C) swiped his entry card to enter his office building, were available for the time period covering April 25, 2011 to December 19, 2011 and from May 14, 2012 to June 16, 2012. (b) (7)(C)

(b) (7)(C) told us that the key card physical access system was not fully operational until May 2011 and that the limited data for the physical access logs beyond this date were due to the Network Contracting Office 22 moving from the Long Beach Medical Center to a different location and that the security access software used at the new location was limited to 30-60 days of logs. We examined four of the questioned dates using the available key card physical access log data; however, on three of the four dates entry date and time stamps did not match with (b) (7)(C)'s "approximate" times he believed (b) (7)(C) to be away from his duty station. However, these records may not truly reflect (b) (7)(C) comings and goings, as (b) (7)(C) told us that two individuals could enter the building at the same time without one individual swiping their key card. He said that it was possible for one person to swipe their card and then other individuals to enter the building behind them without swiping their cards. He also said that it was possible to use a physical door key and by-pass the entire system but that this created a forced door alarm to sound.

(b) (7)(C) and (b) (7)(C) supervisor, told us that (b) (7)(C) regularly attended meetings at facilities other than his own, including the Long Beach Medical Center and the Network office located at a separate location in Long Beach. (b) (7)(C) said that because (b) (7)(C) frequently conducted business at the Network office that there were discussions about finding office space for him at that location. She further said that (b) (7)(C) had meetings at locations away from his office "almost every day" and "at least three to five times a week," because of his job responsibilities to attend Network meetings. (b) (7)(C) Outlook® Calendars covering the time period from May 2011 to November 2012 reflected an extensive amount of scheduled meetings.

(b) (7)(C) told us that she never personally saw (b) (7)(C) arrive late or leave early without taking the appropriate leave and that when she called him, he was reasonably responsive. She said that she heard there were allegations about his time and attendance, and she spoke to him about it. She said that (b) (7)(C) "denied any allegations that he was leaving early or without taking the appropriate leave." (b) (7)(C) told us that as a follow-up to their discussion, she instructed her Deputy Assistant to regularly talk with (b) (7)(C) in the afternoons to more closely monitor his time.

Conclusion

We did not substantiate an allegation that (b) (7)(C) misused his official VA time, as we found insufficient evidence reflecting (b) (7)(C) being absent during his tour of

duty. Further, we noted that part of (b) (7)(C) official duties required frequent meetings away from his duty station, which was supported by his calendar. (b) (7)(C) (b) (7)(C) supervisor, discussed the allegations with (b) (7)(C) and has since taken measures to monitor (b) (7)(C) official time more closely. We are therefore closing this investigation without issuing a formal report or memorandum.

Prepared By: (b) (7)(C) 5/13/13
Date

Approved By: (b) (7)(C) 5/13/13
Date