



Investigative Report of Potential Mismanagement by a U.S. Fish and Wildlife Service Assistant Director

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This is a version of the report prepared for public release.

SYNOPSIS

In April 2016, we opened this investigation into potential mismanagement of U.S. Fish and Wildlife Service (FWS) employees by Hannibal Bolton, Senior Advisor for Diversity and Workforce Inclusion, FWS, while in his former position as assistant director for the FWS Wildlife and Sport Fish Restoration (WSFR) program. An earlier investigation had revealed that over the course of several years, Bolton's former employee, Stephen M. Barton, failed to report that he received income from a prohibited source and that he violated the U.S. Department of the Interior's (DOI) telework rules and took personal trips at Government expense.

We found that Bolton did not investigate or correct Barton's misconduct when he learned about it, nor did he review Barton's travel or the travel of two other WSFR employees who had served as his deputies at various times.

By failing to provide this basic supervision to his employees, Bolton neglected his responsibilities and violated DOI policy (370 Departmental Manual 752.1.5(E), which covers supervisors' responsibilities). His inaction enabled Barton to claim hundreds of hours of compensatory time without approval and to violate DOI telework rules. In addition, his failure to review his employees' travel violated the Federal Travel Regulation (FTR), and allowed them to violate the FTR as well by taking multiple personal trips to and from their home States at Government expense.

DETAILS OF INVESTIGATION

We opened this investigation on April 18, 2016, after completing an investigation into potential misconduct by former U.S. Fish and Wildlife Service (FWS) Wildlife and Sport Fish Restoration (WSFR) employee Stephen M. Barton. That investigation revealed that the Western Association of Fish and Wildlife Agencies (WAFWA) paid Barton \$377,363—with some of this payment being for U.S. Government work—and that Barton attempted to influence WAFWA-related audit decisions and took over 100 personal flights at Government expense.

We learned during the Barton investigation that Barton's then-supervisor, Hannibal Bolton (who has since become FWS' senior advisor for diversity and workforce inclusion), knew about some of Barton's misconduct but did not take action to either stop it or discipline Barton. Therefore, we opened this investigation into Bolton's potential mismanagement of Barton and two other former FWS employees who had reported to Bolton when they worked in WSFR. We focused our investigation on whether Bolton violated U.S. Department of the Interior (DOI) policies governing supervisors' responsibilities, and whether he and his three employees violated the Federal Travel Regulation (FTR).

Bolton Failed To Address Barton's Improper Involvement With WAFWA

We found that Bolton violated DOI policy (370 Departmental Manual 752.1.5(E), which covers supervisors' responsibilities) by failing to promptly investigate, document, and initiate corrective action for Barton's misconduct after being told that Barton was receiving income from WAFWA and had submitted grant application documents to FWS on behalf of WAFWA.

Bolton acknowledged that someone—he did not recall who—reported to him in 2009 that Barton was receiving income from WAFWA. He admitted that he took no action after he was told about Barton's WAFWA income, and explained that he did not understand that there was a potential for a conflict of interest if an FWS employee worked for an outside organization. He acknowledged that he understood, in hindsight, that he should have done something, but said: "I didn't do anything because I didn't know there was anything to do."

In addition, Bolton did not take any action after an FWS division chief raised concerns to him in 2011 about Barton working for both FWS and WAFWA. Bolton said it was clear that he had not done a "complete job" of supervising Barton.

We interviewed a senior FWS official, who said that when Bolton learned about Barton's outside income in 2009, Bolton should have reported it to the FWS Ethics Office. The official said Bolton should have recognized that WAFWA was a prohibited source.

The official also noted that Barton had submitted a form to Bolton in December 2010 requesting ethics approval to engage in outside work or activities; he stated that this had been another opportunity for Bolton to alert the Ethics Office to Barton's WAFWA income. We reviewed this approval form, which stated that Barton was receiving no income from WAFWA, and confirmed that Bolton signed it in December 2010—the year after he learned that Barton was receiving income from the association.

Bolton said he also knew that Barton submitted grant documents to FWS on WAFWA's behalf in 2010 and 2014, but he acknowledged that he did not pay attention to the issue. When a WSFR division chief raised concerns to Bolton in 2014 about a grant application Barton had submitted to FWS, Bolton did not report the incident to the Ethics Office or take any other action.

We asked the FWS official what Bolton should have done about the 2014 grant application, and he said that Bolton should have investigated the grant, determined why an FWS employee was sponsoring a grant application to FWS, and contacted the Ethics Office. The official said that Bolton also should have considered reporting the information he received from the division chief to FWS leadership, to DOI's Office of the Solicitor, or to our office. He said that Bolton was responsible for failing, over the course of several years, to take any action against Barton or to report Barton's misconduct.

Bolton admitted that he had taken annual ethics training, which would have covered prohibited-source issues and other potential conflicts of interest. An FWS ethics counselor confirmed that Bolton received ethics training each year from 2010 through 2015.

Bolton's Negligence Allowed Barton To Violate Payroll and Telework Policies

Bolton admitted that he rarely reviewed Barton's payroll records and never documented an oral telework agreement he had with Barton. Bolton said he had been responsible for approving Barton's payroll statements, but that he reviewed and approved them as rarely as once or twice a year. He said he did not recall authorizing other employees to review and approve Barton's payroll statements.

We reviewed Barton's payroll data and statements for the period August 1, 2011, through June 30, 2014, during which time Barton served as Bolton's acting deputy assistant director. For this nearly 3-year period, Barton submitted claims for and received various types of earned credit hours: credit time (91.75 hours), compensatory time (272.75 hours), and compensatory time for travel (543.25 hours). The 907.75 hours Barton gained during this period were the equivalent of 22.7 weeks of paid leave. Bolton approved two of Barton's biweekly payroll statements during this period; an FWS branch chief approved 52 payroll statements during the same period.

The branch chief told us that he had reported directly to Barton from September 2007 until Barton left FWS in 2016, and he confirmed that he had approved Barton's payroll statements. The branch chief said he had not been in a position to question any of the information or claims that Barton submitted for approval; when asked why he did not question Barton, he acknowledged that doing so would have been awkward. The branch chief told us that other FWS employees had also approved Barton's payroll statements.

When Barton retired from FWS on May 25, 2016, he received a lump sum payout of \$32,893.88, minus \$12,519.12 in deductions and adjustments, for a net payout of \$20,374.76. The lump sum payout was based on 404.25 hours of annual leave plus 24 credit hours, at an hourly rate of \$76.81.

Bolton also said that he had orally authorized Barton to occasionally work from his home in Idaho for as long as a week at a time; however, Bolton never documented this authorization. Bolton was aware that DOI rules require a written telework agreement to be in place before a DOI employee can work from home, and he acknowledged that he had violated the rules by authorizing Barton to telework without an agreement.

Bolton admitted that he had failed in his supervision of Barton. He said that Barton's fraud could have been avoided if he had supervised Barton properly, and that his failure to do so allowed Barton to "get away with it."

The senior FWS official we interviewed told us that that Bolton, as Barton's supervisor, was culpable for failing to properly supervise Barton and for not paying attention to Barton's travel and time-and-attendance records. He said that if Bolton had supervised Barton more closely, he would have caught on sooner to Barton's fraud, and that Bolton was the single point of failure that allowed the fraud to occur.

Barton and Two Other WSFR Employees Violated Travel Regulations Under Bolton's Supervision

Bolton acknowledged that he did not review and approve the travel authorizations or the travel vouchers (post-trip requests submitted to a bureau for payment or reimbursement of an employee's travel expenses) for Barton or for two other then-FWS employees who had served as Bolton's deputies when he was the assistant WSFR director. Bolton's inaction violated the Federal Travel Regulation (FTR) as well as DOI and FWS travel policies, and his three employees, all of whom were stationed in the Washington, DC area but had homes in other States, were able to violate the FTR themselves by taking personal trips at Government expense between various locations and their homes.

According to the FTR, the official who authorizes and approves a Federal employee's travel, or that official's designee (e.g., the traveler's supervisor), must review and sign travel claims to confirm the authorized travel (41 C.F.R. § 301-71.200). This official must also have full knowledge of the employee's activities and must ensure that the claim is prepared in accordance with pertinent regulations and agency procedures, that the types of expenses claimed are authorized and allowable, and that the amounts claimed are accurate (41 C.F.R. § 301-71.201).

DOI and FWS travel policies also require supervisory review and approval of employee travel, as well as authorization of combined personal and official travel. DOI Temporary Duty Travel Policy 1.4.2 requires that the approving official have full knowledge of the traveler's activities during the trip and verify that the expenses included in the submitted voucher are authorized and allowable. The approving official is ultimately responsible for the validity of the travel voucher and must ensure compliance with DOI and bureau policy. In addition, FWS' "Temporary Duty Handbook: A Guide to the TDY Process," dated October 2009, required travelers to complete a cost comparison (FWS Form 3-2387) and obtain preauthorization for personal travel conducted in conjunction with official travel when the personal travel affected transportation costs. (Barton and Bolton's other two former employees would have been required to conform to this handbook when they worked at FWS; FWS issued a new one on January 11, 2016.)

In addition, the FTR states that employees are responsible for any additional costs incurred if they travel by an indirect route or interrupt travel by a direct route for personal convenience (41 C.F.R. § 301-10.8).

Bolton said that Barton served as his acting deputy assistant director and reported directly to him, on and off, between January 2009 and December 2015. Because he never reviewed Barton's travel authorizations or vouchers as he was supposed to, Bolton did not know that the Government had been paying for Barton's personal flights to and from his home in Idaho until we issued our report on the Barton investigation. He admitted he had authorized a WSFR administrative employee to use his credentials to electronically approve Barton's travel, and acknowledged that he had not done his job as Barton's approving official.

Bolton also said he knew that his other two former employees each had a residence in their home States, but he said that he would not have known whether they had taken personal trips at Government expense when they worked for WSFR because he never reviewed their travel authorizations or vouchers, either.

We interviewed the WSFR administrative employee who Bolton said had approved Barton's travel. She said that Bolton gave her his user name and password for GovTrip and Concur, the Government's electronic travel systems during the time these trips were taken, and she used his credentials to approve vouchers for Barton and the other two employees. She said she would approve their travel when they instructed her to do so because Bolton was unavailable, which, she said, happened once or twice per month.

We pulled the travel records for Bolton's two former employees to determine whether they had also taken personal trips at Government expense while under Bolton's supervision. One former employee's travel records from January 2010 to June 2011 revealed 16 flights to or from his home State. The travel vouchers that included these trips showed an approximate total cost to the Government of \$16,982. We also found that he received around \$180 in per diem for 3 weekend days while he was at home. The other former employee's travel records from July to October 2014 showed six trips to and from his home State. The travel vouchers that included these trips showed an approximate total cost to the Government of \$6,426.

We found that neither former employee ever completed and signed an FWS Form 3-2387 to document any combined personal and official travel. We also found no evidence that either ever reimbursed the Government for any of their personal travel.

We were unable to interview one of Bolton's former employees, but the one we did interview told us that the Government never paid for him to go to or from his home unless there was an official reason for him to do so. He confirmed that he traveled to his home on occasion for personal reasons, but said that he did so at his own expense. For these trips, he said, he either purchased the flights himself or had a WSFR administrative employee pay for them using his personal credit card. The FWS travel records we reviewed, however, reflected that the Government paid for his trips to and from his home.

This former employee said that a WSFR administrative employee would also submit travel authorizations on his behalf when he served as Bolton's deputy. He said one administrative employee helped him briefly, but another processed most of his travel. He said he gave both of them his GovTrip user name and password so they could submit his authorizations. He admitted knowing that he was not authorized to provide his GovTrip credentials to anyone else and that he should have submitted his own authorizations. He said that he tried to tell Bolton in advance when he planned to ask one of the administrative employees to book a personal flight to or from his home on his personal credit card.

Bolton's former employee also said that Bolton had given him oral approval to combine official and personal travel and to have one of the administrative employees charge personal flights to his personal credit card, but he admitted that he and Bolton never documented this approval in writing. He also said that he was familiar with FWS' 2009 "Temporary Duty Handbook," but he acknowledged that he had never completed FWS Form 3-2387 to compare costs for his combined personal and official travel. He said he had not known at the time that he was required to complete the form.

The former employee told us that an administrative employee would also prepare his vouchers after his trips and that he would then electronically submit them for approval. He did not recall ever checking the flight information in his vouchers to ensure that the Government was not paying for his personal flights to or from his home, but he admitted that he should have done so. He also said that Bolton should have reviewed his vouchers and verified that they were accurate.

We asked the administrative employees about their involvement in the travel for Bolton's former employee. One said she did not recall working on his travel authorizations or vouchers, nor did she recall receiving his personal credit card number or booking personal travel for him. The other, however, acknowledged that she had prepared authorizations and vouchers for him. She said she did this under her own user name and password, using the "travel arranger" role in the GovTrip system, and she would occasionally approve his vouchers when he instructed her to. She said that he never asked her to book personal flights for him or gave her his personal credit card number to book flights.

We determined that Bolton's former employee violated 41 C.F.R. § 301-10.8 by incurring additional costs to travel for personal convenience to and from his home. He admitted that he had not documented his combined official and personal travel, that there was no documentation reflecting that he had paid for personal travel, and that he had also received per diem on days he had been in his home State and had not been working. He said, however, that Bolton, as his supervisor, should have ensured that he knew about and adhered to the rules, regulations, and policies related to conducting and documenting combined official and personal travel.

The senior FWS official said that FWS supervisors had always been required to review and approve travel authorizations and vouchers. He said that supervisors were not supposed to delegate this requirement, but many had done so anyway and had not faced any disciplinary action as a result. The official said this practice was "pretty common" at DOI. He said that supervisors also did not necessarily review travel authorizations to determine where their

employees were going or whether the travel vouchers they submitted when their trips were complete, and he characterized the travel approval process as a “vulnerability.”

SUBJECTS

1. Hannibal Bolton, Senior Advisor for Diversity and Workforce Inclusion, FWS.
2. Former WSFR employee, FWS.

DISPOSITION

We submitted our investigative results concerning the former WSFR employee’s travel to the U.S. Attorney’s Office with jurisdiction over his home State, but the office declined to prosecute. We provided this report to the Acting FWS Director for whatever action he deemed appropriate.