



# OFFICE OF THE INSPECTOR GENERAL

## U.S. Department of Justice

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### INVESTIGATIVE SUMMARY

#### **Findings of Misconduct by U.S. Marshals Service Management for Committing Gross Mismanagement Resulting in a Gross Waste of Taxpayer Funds in its Handling of Serious Misconduct Allegations Against a Chief Deputy U.S. Marshal**

The Department of Justice (DOJ) Office of the Inspector General (OIG) initiated this investigation upon the receipt of an allegation that the United States Marshals Service (USMS) violated federal leave provisions and the statutory notice requirement for certain matters within the jurisdiction of the Office of Special Counsel in its handling of serious misconduct allegations against a Chief Deputy United States Marshal (CDUSM).

The allegation resulted from two misconduct reports issued by the OIG regarding the CDUSM. The first OIG report found that the CDUSM engaged in sexual harassment, lack of candor, and other serious misconduct. Six months later, the USMS proposed that the CDUSM be removed from federal service. The CDUSM was placed on paid Administrative Leave, appealed the proposed removal to the USMS Deciding Official, and six months later the USMS decided that the CDUSM should be removed for his serious misconduct. The CDUSM was then removed from federal service. However, one month later, the USMS entered into a settlement agreement with the CDUSM that rescinded the removal penalty, thereby effectively providing no discipline whatsoever for his established serious misconduct. The USMS permitted the CDUSM to use various leave mechanisms including annual leave, sick leave, and leave without pay for about nine months that enabled the CDUSM to reach his full retirement date. USMS witnesses told the OIG that the reason they settled instead of continuing with removal proceedings was litigation risk associated with the CDUSM's expected appeal of his removal.

Subsequent to the date of this settlement agreement and four months prior to the CDUSM's required retirement date, the OIG issued its second misconduct report, a summary of which is available on the OIG's website [here](#), finding that the CDUSM had engaged in retaliatory actions against USMS employees for reporting serious violations by the CDUSM and for their cooperation with the OIG in its initial investigation. Three months later the CDUSM was again proposed for termination by the USMS; however, because the USMS did not properly serve the CDUSM with its removal proposal until just before the CDUSM's retirement date, the CDUSM was able to attain full retirement eligibility and retire without any disciplinary action being taken against him.

The OIG investigation did not substantiate the allegation that the USMS's handling of the matter violated federal leave provisions and the statutory notice requirement for certain matters within the jurisdiction of the Office of Special Counsel. Nevertheless, the OIG found that USMS management committed gross mismanagement that resulted in a gross waste of taxpayer funds by: (a) taking nearly one year from the date of issuance of the first OIG misconduct report to propose and decide that the CDUSM should be removed from federal service for his misconduct, resulting in the CDUSM being placed on paid administrative leave for about six months; (b) entering into a settlement agreement with the CDUSM that rescinded the removal penalty against the CDUSM, failed to hold the CDUSM accountable for his established serious misconduct in the first OIG report, and permitted him to use various leave mechanisms that enabled him to reach his full retirement date; and (c) failing to take timely action to hold the CDUSM accountable for his retaliation against USMS employees for cooperating with the OIG investigation as outlined in the second OIG misconduct report.

The OIG found this to be wholly unacceptable and antithetical to the interests of accountability for USMS employees. Moreover, to the extent USMS employees were aware that the USMS failed to hold the CDUSM accountable for his serious misconduct, the OIG noted that the handling of this case sends a message to USMS employees that senior USMS officials will not be held to account for their serious misconduct, thereby possibly dissuading USMS employees from coming forward to report misconduct by USMS officials.

The OIG has completed its investigation and provided its report to the USMS for its review and to consider whether disciplinary or performance action against the USMS personnel involved in the management failures is appropriate.

*Posted to [oig.justice.gov](http://oig.justice.gov) on October 18, 2018*