29-Mar-10

From: Mr. Mark D. Siciliano
9733 Andee K Lane
Pocatello, ID 83204

To: [redacted]
Department of Energy
Washington, DC 20585

Subj: RESPONSE TO BATTELLE ENERGY ALLIANCE, LLC LETTER OF MARCH 4, 2010 IN RESPONSE TO MY 10CFR708 COMPLAINT CASE NUMBER TBI-0098

Dear [redacted]

In response to [redacted] letter to Ms. Ogilvie dated March 4, 2010 I would like to offer the following observations:

Forced signatures on DOE Form--

BEA employees were FORCED to sign a DOE form "as individual RESPONSIBLE for security infraction" and were required to do so before investigations were complete, and even when they WERE NOT responsible for the infraction. This is ***tantamount*** to a FORCED confession and I believe it is absolutely in violation of the law and our civil rights. Furthermore, at BEA, if an individual receives a security infraction they are often given time off without pay so there is clearly an element of punishment to this. It is important to remember that I personally brought up this concern to my immediate supervisor in private, then to senior management in private and was told "not to make an issue / be quiet" about it. I believe for management to ignore employee concerns is against the law, rules and procedures in and of itself.

A confession is:

"The voluntary declaration to another person by someone who has committed a crime or misdemeanor in which he admits agency or participation in the same.
When made without bias or improper influence, confessions are admissible in evidence as the highest and most satisfactory proof because it is fairly presumed that no man would make such a confession against himself if the facts confessed were not true. But they are excluded if unfairly obtained.

I brought these concerns up to Sr. Management and they responded with **gross mismanagement** of the concern and decided to attack me, which is an **abuse of authority**, and retaliate against me by stripping me from my line management position. Furthermore, this abuse of authority has had a **chilling** affect on employees' willingness

to report concerns. Your independent investigation will find this to be true. Finally, as mentioned in my complaint, they again abused their authority by investigating me for the incident, 30 days AFTER the investigation was closed, even though I was **not an employee at the time of the incident**. I believe I was completing my 5th combat tour of duty and culminating a 29 year career as a Naval Officer at the time control of the SECRET document was lost. BEA employee concerns responded: "Well [redacted], you didn't receive an infraction for the incident" and "we do investigate managers from time to time" although it had not been done before me. It's also noteworthy that once they figured out I was not the manager at the time of the incident, they FAILED to investigate the actual manager [redacted]). I was investigated, or harassed, because they didn't like the fact that I raised my employee's concerns. Clearly, this is gross mismanagement and abuse of authority and it has resulted in retaliation as well as a **collapse in a healthy security and employee concerns reporting culture**. I would also add that Mr. [redacted] of BEA Employee Concerns agreed with me that something needs to be done about the form and certainly the process, which contradicts senior management's actions in dealing with this issue. To say that "Siciliano and several of his staff were overly defensive" as it relates to this event only drives my point home. Forcing someone to admit guilt, when real penalties hang in the balance, including career ending retaliation, is unacceptable. Not taking employee concerns seriously is unacceptable. Gross mismanagement and abuse of authority in retaliation to raising an employee concern is unacceptable.

Security concern over [redacted]'s foreign travel—

[redacted] **potentially business and governmental ties. This country is listed on The State Department's sensitive country list.** The fact that [redacted] who holds a TS/SCI clearance did not follow established security protocol, despite annual security training, in his position of authority and national trust is much more than an "insignificant or de minimus" violation. BEA has time and time again attempted to sweep this under the carpet as insignificant and I suggest that this event, coupled with the **gross negligence in managing** the 45 security incidents in a 12 month period, including IMI 1 and IMI 2's, is much more than an "insignificant" event. To clarify on the timing of the retaliation, and as stated in my complaint, my supervisor indicated on 22 September that [redacted] and the other directors "***considered*** me unfit to be a department manager" but **no action was taken at that time**. The uncompromising fact is that I became pro-active and tried to understand how they came to that opinion, especially since I was **ranked number 1 out of approx. 13** department managers in 2008. I was **officially** reassigned in mid-December which is well **after** the security event and reporting took place.

Verbal Exchange with [redacted]–

I apologized to Mr. [redacted] because he took offense to me setting the record straight during a group meeting in which he abused his authority, showed up 20 minutes late to his own

meeting, slandered the employees in my charge, made false accusations in a public setting, had his facts completely wrong and placed me in an untenable situation. I did not apologize for what I said and [redacted] unsolicited letter confirms my stand on this.

Security Improvements---

The point I made on the plethora of security improvement suggestions I provided in early February, 2009, was that **management FAILED to act responsibly and was grossly negligent because they did not act on them in a timely manner**. These were valid improvements that would have **prevented** several security infractions if they were implemented when first brought to senior management's attention. THEY IGNORED THEM. After several more IMI's I asked them why they didn't take these suggestions seriously and they took offense with me. The fact that they were put in the CAP validates their effectiveness; the fact that management waited so long to implement them validates their negligence and gross mismanagement.

In response to BEA's claim that I was not retaliated against:

I am doing a job now that I was already doing as a collateral duty, except that now, after [redacted] turned down [redacted] dollars of extremely low risk yet critically important work, compromised millions of dollars of future work, and all but ruined our ability to meet the needs of this SOCOM client, I am somehow supposed to fix this mess.

I believe [redacted] has abused his authority and has chosen risk aversion to further his personal career vs. making logical and informed decisions based on facts in order to conduct the work our nation needs accomplished. His gross mismanagement of National and Homeland Security has fostered a chilling culture that doesn't allow for adequate, open and honest discussions to take into account the risks facing our nation. I have observed irrational, inexplicable and explosive behavior, and your investigation will show that I am not the only individual who has complained about his abusive management style.

There are no "new opportunities" to establish long term relationships as stated in BEA's letter. The fact of the matter is I have been completely shut out of client visits as seen just last week when [redacted] from STRATCOM came to visit the INL and every other strategist was invited to attend and participate with the exception of myself. The week prior [redacted] from STRATCOM visited the INL and again, I was not invited or allowed to participate. The environment I am working in is both hostile and oppressive and to say I have all these new opportunities is beyond the pale. In fact, even though I was reassigned in mid-December and I still do not have a Position Description.

[redacted] indicates that my previous department organizational structure as "obsolete." What they have actually done is combined the core of my former department with another department in order to remove me from that position. The new manager is not located with my former employees, has never worked in the intelligence field, and

does not know the client set. I have scanned and attached an email that I received from a client that articulates my performance leading this group of professionals. To keep it unclassified I have removed the client's name, organization and the specifics of the project.

I have gone from the number one Department Manager, where I supervised [redacted] personnel (including matrixed personnel and sub-contractors), managed [redacted] classified projects, brought in and managed [redacted] million dollars in business volume, performed Lab Manager responsibilities, **and conducted all the collateral duties and responsibilities of a Relationship Manager 4**, to what I have now, which is a tarnished professional reputation, defamation of character, and a hostile and oppressive working environment where I have been absolutely minimized. These are tangible negative effects of retaliation and I will offer plenty of witnesses to testify to this.

In summary, having served nearly thirty years as a Navy SEAL, I know first hand the challenges facing our great nation and the sacrifice our brave young men and women are making on our behalf. We are at war on multiple fronts—Iraq, Afghanistan, HOA, and in a global pursuit of terrorists. We are confronted with an ever increasing threat of Weapons of Mass Destruction by nations with the intent to proliferate WMD as well as non-state actors. The INL has amazing resources, engineering and scientific talent that our country is relying on to keep us safe, **however, risk aversion and emotional decision making at the leadership level in National and Homeland Security are preventing us from serving the greater good**. In my professional opinion, we need preemptive assistance and a course correction to get us back on track and stop us from failing the American People. Your investigation into my 10 CFR 708 complaint will result in findings that: the abusive management practices of [redacted] have led to a collapse of a healthy security and reporting culture; the gross mismanagement of security issues and lack of timely action resulted in a multitude of security infractions; gross miss management and significant risk aversion in National and Homeland Security has negatively impacted our ability to meet the needs of our nation; the lack of institutional and personal integrity at the senior management level in National and Homeland Security pose additional security threats, and finally, I have been retaliated against because I raised significant employee and security concerns where I **believe** the law has blatantly been violated, management abused their authority and grossly mismanaged security events and employee concerns.

Very Respectfully,

Mark D. Siciliano

Cc: Ms. Janice Ogilvie, DOE-ID Employee Concerns

[redacted]