Issues reported by M.D. Siciliano

January 2011

1) **May 2008 – Failure to Investigate Classified Material Removal from INL**
[redacted] failed to report and investigate the circumstances around [redacted] and his sub-contractors potential unauthorized removal of classified material from INL and the shredding of all project files for various classified programs upon his resignation. Files were shredded in May of 2008. Removal of classified computer (alleged) would have occurred prior to that.

2) **October 2008 - February 2009 – Failure to Act on Security Improvement Recommendations**
N&HS senior leadership were provided with recommendations to improve security performance by Mr. Siciliano. They failed to act on in a timely manner, resulting in a number of security infractions. This was "substantiated" by DOE-ID Office Employee Concerns Manager.

3) **April 2009 – Investigation of MDS for Security Incident**
Mr. Siciliano is investigated for his role in a Security incident regarding loss of control of a secret document within National and Homeland Security (N&HS). The document was lost in March/Aril 2007, during which time Mr. Siciliano was not an INL employee. He believes he was investigated based on his reaction and response to the DOE Form 5639.3, "Report of Security Incident/Infraction" (which he believed to be in error) that his employees were asked to fill out. Mr. Siciliano was investigated approximately 30 days after the investigation was closed, giving him further cause to believe he was a "specific target" for intimidation and harassment. I am concerned that the individual who ordered the investigation was subsequently promoted.

4) **May 2009 – Failure of Senior Management to adequately address employee concerns**
Mr. Siciliano raised his employee concerns regarding the DOE From 5639.3, "Report of Security Incident/Infraction, " to management and was told to be quiet about it and to not make it an issue. Employees were very upset and concerned that they were being forced to sign a form indicating that they were responsible for a security incident before an investigation was completed. Additionally, Mr. Siciliano expressed concern that this procedure would negatively impact an open and healthy reporting culture and was not in alignment with the spirit of due process—forcing a confession when real consequences hung in the balance, to include termination, reassignment, time off without pay, etc. Note: DOE-ID has since corrected the form so it does not imply guilt before an investigation is completed.

5) **July 2009—Failure of Senior Management to Act on Proposal to Improve Management Effectiveness**
Department Managers were directed to provide input to improve the management effectiveness of N&HS. Department Managers met with the chairs of L2L and spent much time and effort to develop our proposed solutions. Six (all) of the value statements were drafted by Mr. Siciliano and managers worked collaboratively to produce a good product. The entire document was filtered by the directors and never reached the ALD. No action was taken on any of the proposals. Some of these were put into ICAMS six or more months ago with no action taken to date.

6) **August 2009 – Unprofessional Meeting Behavior**
A mandatory meeting was held for N&HS management, chaired by [redacted] to discuss security incidents. Mr. Siciliano had a "verbal exchange" with [redacted] concerning him blaming [Mr. Siciliano and another manager's department] in an open forum for the security incidents that incurred in the entire division. Following this meeting, a verbal exchange occurred between another N&HS manager and [redacted]

MDS

in which the manager claims [redacted] "could be retaliating" against him for providing feedback of the meeting.

7) **August 2009—Derogatory Mid-Year Review**
Mr. Siciliano receives a derogatory mid-year review with eight weeks left in the reporting cycle. His past performance review was very positive and there was no indication that this review would be negative. [redacted] included written remarks on the hard copy performance review emphasizing the need for improvement in professional communication with DOE (See Issue 15).

8) **October 2009 – Failure to Report Foreign Travel**
Mr. Siciliano informed [redacted] and [redacted] that [redacted] failed to report foreign travel. They did not follow up by reporting to Counterintelligence and Safeguards and Security.

9) **November 2009 – SOCOM Work Divestment**
Mr. Siciliano objected to an N&HS decision to divest itself from work based on risk aversion. [redacted] asked for a "risk mitigation brief," but refused to listen to the brief. [redacted] was condescending to members of the briefing team. This decision continues to impact the SOCOM relationship and portfolio today.

10) **November 2009 – Fraudulently Induced to Take an MR 3 Position**
Mr. Siciliano submitted an equity concern because he learned that other managers with less responsibilities were classified at a higher level (MR4) and felt he was misled when he was moved from a Program Manager 4 (hired in May 2007) to a Department Manager (MR 3). He was led to believe that the position that was being posted was an MR4. When he was offered the position, the PD was an MR3. He was told by [redacted] and [redacted] that all department managers were MR3's which was a false statement. Additionally, he was told that "when he got the JIANT classified network installed and qualified as a Lab Manager I, he would be promoted to a Department Manager (MR 4) position." He completed these prerequisites, but this was never addressed due to the reorganization. Finally, he was told by HR that it is [redacted]'s direction that all department managers are MR3s, which in his opinion significantly interferes with the grading process.

11) **December 2009 (verify) – Reorganization: Moved from MR 3 to RM 4**
When N&HS reorganized, Mr. Siciliano was moved from a Department Manager (MR 3) to a Relationship Manager (RM4) for SOCOM, which was formerly a collateral duty. Mr. Siciliano disagreed with reassignment, especially after decision was made to divest from SOCOM projects resulting in an estimated [redacted]% decline in SOCOM work. This reassignment was made following a personal leave of absence (5/4/09 – 6/2/09) pertaining to a disability, and after he raised several issues that gave him reason for concern (alleging retaliation). E4

12) **May 2010 – Failure to Communicate/Act on DOE-ID Substantiation of Employee Concerns**
Mr. Siciliano filed an employee concern with DOE-ID in February 2010. A response was received by Mr. Siciliano from DOE-ID with investigation results, substantiating a preponderance of his concerns. BEA was provided with copies of the report but did not act on or follow up with the employee on substantiated and partially substantiated claims which included the failure of [redacted] to report his foreign travel; failure to act on security improvement recommendations; the chilling effect in National and Homeland Security; and the inadequacy of DOE Security Incident Report (as modified by BEA). Note: DOE-ID has since corrected the form so it does not imply guilt before an investigation is completed.

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13) December 2010 – N&HS Management Disengagement from Strategy Group

N&HS management has been disengaged from the strategy group and has not provided clear guidance since approximately February 2010. There is a concern about a drop in business volume and the lack of new work from the strategists, but strategists are not included and addressed with concerns. Additionally, Mr. Siciliano has been excluded from meetings/visits on various named dates that he felt he could have contributed to based on his experience, professional contacts, and assigned roles and responsibilities as a relationship manager.

14) May 2007 – Jan 2009 – Strategic Hires/High Caliber Personnel Left N&HS

High caliber personnel have left N&HS due to disagreements with N&HS [redacted]

15) Pattern of Dishonesty Concerning N&HS [redacted]

There is a pattern of dishonesty concerning the N&HS [redacted] based on the following examples

[redacted] LIED to Mr. Siciliano about his manager position

[redacted] to Mr. Siciliano concerning his knowledge about an email exchange with Ms. Dee Brown

[redacted] to a DOE investigator when he denied knowledge that Mr. Siciliano reported his failure to follow security regulations.

[redacted] allegedly LIED to DOE-ID when he misrepresented the official status of a DOD client referring to them as "contractors and we don't need to listen to them" as reported by the customer. DOE-ID employee Concerns looked into this, however they never had an opportunity to discuss it with the actual client. Ms. Ogilvie stated it got too complicated to be sure.

10CFR710 states that a "Pattern of dishonesty" is grounds for revocation of a security clearance.

16) Date – Unwillingness to Report Security Concerns or Make a Mistake Due to Fear of N&HS Management Response

Zero security infraction mentality by N&HS [redacted] has led to overbearing security practices that have had a negative impact on client relationships. N&HS employees have moved out of UB2 because they are afraid of N&HS management repercussions if they make a mistake. Significant ($ 8 M) funding lost due to overbearing escort oversight of a British foreign national. There is a chilling effect for those who work on classified projects in N&HS.

I am in agreement that this is a comprehensive list of issues/concerns as of the date listed below that make up the scope of the investigation chartered by BEA General Counsel on November 4, 2010.

Mark D. Siciliano — 10 JAN 2010
Mark D. Siciliano — **Date**

[redacted] — JAN 10, 2011
[redacted] **Investigation Team Lead** — **Date**

[redacted] — Jan 10, 2011
[redacted] **Investigation Team Member** — **Date**