THANKS!!

Mark

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"Ogilvie, Janice E" <ogilvije@id.doe.gov>

04/20/2010 11:20 AM

To "Siciliano, Mark David" <mark.siciliano@inl.gov>
cc
Subject RE: Employee Concern

No problem, Mark

From: Siciliano, Mark David
Sent: Tuesday, April 20, 2010 8:34 AM
To: Ogilvie, Janice E
Subject: Re: Employee Concern

Janice,

I'm on travel. Can I get back to you next Monday? I have the information in my office.
Thank you!

Mark

From: "Ogilvie, Janice E" [ogilvije@id.doe.gov]
Sent: 04/20/2010 08:27 AM CST
To: Mark Siciliano
Subject: Employee Concern

Observation: I question the date of the incident. The date the document was found was December of 2008. **The actual date the document was not safeguarded, or more clearly, control was lost, is undetermined, but probably May of 2007**.

Observation: We have implemented new policies and procedures as they pertain to cleanout procedures to afford better oversight and control.

Ogilvie, Janice E

From: Siciliano, Mark David
Sent: Monday, April 26, 2010 9:01 AM
To: Ogilvie, Janice E
Subject: RE: Employee Concern
Attachments: 5639-3.pdf; Incident Response.doc

Hi Janice,

The personnel I chose for the survey were my direct reports as well as a few others that I had some oversight on their projects. I feel it is important to survey the personnel who actually work on classified projects and assume the associated risks.

In N&HS, there were only 2 departments before the re-org that performed 90+% of the classified work. Those departments were mine as well as [redacted]. I believe I gave you names of some of [redacted] personnel, but not all of them.

As far as the security investigation, here is the approximate timeline:

March/April 2007 (approx): Classified document was missed during file cleanout and went to excess inside a folder. Control was lost at this time, therefore this is actually the date of the incident.

May 29 2007 (approx): Mr. Siciliano begins work at INL as a BEA employee

December **2008**: Classified document was found unsecured in a file folder by an INL employee. Investigation began.

March 4 - 16, **2009**: Four of my employees were directed to sign form 5639.3 as person responsible for incident, even though they were not.

March 4 - 16, **2009**: I notified senior management I had serious concerns about this verbally and in writing on the form. I notified management that this was tantamount to forcing a confession, disregarded due process, and was intimidating-- i.e. an illegal act.

March 19, **2009: Investigation was CLOSED

April 16, 2009 (approx): I was investigated for the incident even though I was not an employee at the time of the incident. I believe this was retaliatory, intimidation, and harassment for raising my employees' concerns. The true manager was never investigated.

July 1, 2009: I signed the DOE form and provided my statement. Once the investigator realized I was not even an employee at the time the document was lost, he failed to investigate the actual manager at the time of the incident, which was [redacted]. **Based on this, it is reasonable to conclude that the intent of the investigation was to intimidate or harass me.**

Finally, I have discovered that BEA isn't even using the correct form for conducting investigations. The form numbers correspond, however they changed the official form to their own version. I don't believe they have the authority to do that. I have attached the official form that I received from a DOE investigator in my 708 case. Please compare it to what BEA is using locally. They are not the same, particularly Section II.

Here is a copy of the actual form that we are supposed to be using. I hope this helps.