

U.S. Department of Justice  
 Office of the Inspector General

**REPORT OF INVESTIGATION**

<b>SUBJECT</b>		<b>CASE NUMBER</b>	
[REDACTED] United States Marshal [REDACTED]		[REDACTED]	
<b>OFFICE CONDUCTING INVESTIGATION</b>		<b>DOJ COMPONENT</b>	
Dallas Field Office (El Paso Area Office)		United States Marshals Service	
<b>DISTRIBUTION</b>		<b>STATUS</b>	
<input checked="" type="checkbox"/> Field Office	DFO	<input type="checkbox"/> OPEN	<input type="checkbox"/> OPEN PENDING PROSECUTION
<input checked="" type="checkbox"/> AIGINV		<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
<input checked="" type="checkbox"/> Component	USMS	Date of Previous Report:	
<input type="checkbox"/> USA			
<input type="checkbox"/> Other			

**SYNOPSIS**

The Department of Justice Office of the Inspector General (OIG) initiated this investigation upon the receipt of information from Supervisory Deputy United States Marshal (SDUSM) [REDACTED] alleging that United States Marshal (USM) [REDACTED] and Chief Deputy United States Marshal (CDUSM) [REDACTED] discriminated against and harassed him due to his [REDACTED] ethnicity. Specifically, [REDACTED] alleged that:

- he was transferred to a [REDACTED] position in [REDACTED] away from his duty assignment in [REDACTED];
- when he appealed to [REDACTED] and [REDACTED] that the move would create hardships for him, they denied his request for an alternative position; and
- he subsequently filed an informal grievance in [REDACTED] and a formal grievance in [REDACTED] alleging that [REDACTED] and [REDACTED] retaliated against him due to his informal filing.

The OIG investigation substantiated that [REDACTED] and [REDACTED] harassed [REDACTED] by forcing him to travel excessively without justification. The OIG also concluded that [REDACTED] threatened to retaliate against [REDACTED] because he filed a grievance against [REDACTED], which is a prohibited personnel practice under 5 U.S.C. section 2302(b)(9). Lastly, the OIG also concluded that [REDACTED] and [REDACTED] lacked candor during their OIG interviews by denying that [REDACTED] threatened to retaliate against [REDACTED]. The OIG did not find sufficient information to substantiate [REDACTED] allegation of racial discrimination.

DATE	December 10, 2018	SIGNATURE	[REDACTED]
PREPARED BY SPECIAL AGENT			
DATE	December 10, 2018	SIGNATURE	[REDACTED]
APPROVED BY SPECIAL AGENT IN CHARGE	Monte A. Cason	<i>Monte A. Cason</i>	

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 DN: c=US, o=U.S. Government, ou=Dept  
 of Justice, ou=OIG, cn=MONTE CASON  
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During the course of the investigation, the OIG additionally learned that [REDACTED] and [REDACTED] took personnel action against DUSM [REDACTED] in response to [REDACTED] grievance filing in a separate incident. The OIG concluded that [REDACTED] and [REDACTED] retaliated against DUSM [REDACTED] for filing that grievance.

During the OIG investigation, [REDACTED] resigned from his position as USM [REDACTED] and [REDACTED] retired from the USMS in [REDACTED]

The OIG has completed its investigation and is providing this report to the USMS and to the Office of Special Counsel for information.

## ADDITIONAL SUBJECTS

[REDACTED]  
Chief Deputy United States Marshal  
U.S. Marshals Service  
[REDACTED]

## DETAILS OF INVESTIGATION

### Predication

The Department of Justice Office of the Inspector General (OIG) initiated this investigation upon the receipt of information from Supervisory Deputy United States Marshal (SDUSM) [REDACTED] alleging that the United States Marshal (USM) [REDACTED], and Chief Deputy United States Marshal (CDUSM) [REDACTED] retaliated against [REDACTED] for protected activity, and discriminated against and harassed [REDACTED] due to his [REDACTED] ethnicity. Specifically, [REDACTED] alleged that he was transferred to a [REDACTED] position in [REDACTED] away from his duty assignment in [REDACTED]; when he appealed to [REDACTED] and [REDACTED] that the move would create hardships for him, they denied his request for an alternative position; and he subsequently filed an informal grievance [REDACTED], and a formal grievance in [REDACTED] alleging that [REDACTED] and [REDACTED] retaliated against him due to his informal filing.

During the course of the investigation, the OIG additionally learned that [REDACTED] and [REDACTED] took personnel action against DUSM [REDACTED] in response to [REDACTED] grievance filing in a separate incident.

### Investigative Process

The OIG's investigative efforts consisted of the following:

Interviews of the following USMS personnel:

- [REDACTED] United States Marshal
- [REDACTED] Chief Deputy United States Marshal

[REDACTED]

Review of the following:

- Email records for USM [REDACTED]
- Email records for CDUSM [REDACTED]
- USMS policies and directives regarding professional development
- USMS Intra-District transfer policy
- USM job description and authority
- CDUSM job description and authority
- USMS requirements to attend professional leadership training
- USMS prerequisites to attend professional development training

## [REDACTED] Position Transfer

In his complaint to the OIG, [REDACTED] stated the following:

[REDACTED] a new [REDACTED] SDUSM position was created in [REDACTED]. At the time, [REDACTED] had previously allowed several non-supervisory [REDACTED] DUSMs to laterally transfer into SDUSM positions. Since he lived in [REDACTED], and was already a [REDACTED] approached [REDACTED] and requested to be laterally transferred into the SDUSM position in [REDACTED]. [REDACTED] responded by telling [REDACTED] that he would have to compete for the SDUSM position with others who applied and would not be allowed to laterally transfer. [REDACTED] competed for and was selected as the SDUSM [REDACTED].

[REDACTED] informed [REDACTED] that he was being rotated into another position, along with two other SDUSMs, for professional development purposes. [REDACTED] was told he was being rotated from his SDUSM position in [REDACTED] to [REDACTED] position in [REDACTED] while [REDACTED] was being rotated from [REDACTED] position in [REDACTED] to the SDUSM position in [REDACTED]. In addition, [REDACTED] was being moved from [REDACTED] position to the [REDACTED] position in [REDACTED]. After the transfers were announced, [REDACTED] approached [REDACTED] and provided him with several reasons why he did not want to be transferred to [REDACTED]. [REDACTED] and [REDACTED] subsequently removed [REDACTED] from the rotation and moved [REDACTED] into the [REDACTED] position in [REDACTED] and [REDACTED] to the SDUSM position in [REDACTED]. [REDACTED] then approached [REDACTED] and provided his reasoning for not wanting to be rotated, which [REDACTED] believed were the same as [REDACTED] had provided, and requested not to be rotated. [REDACTED] and [REDACTED] denied his request, and [REDACTED] was subsequently rotated to the [REDACTED] position and required to drive daily from [REDACTED] to [REDACTED] approximately 67 miles each way. [REDACTED] then requested to be allowed to work [REDACTED] position from the [REDACTED], but [REDACTED] and [REDACTED] denied his request. [REDACTED] later filed an informal grievance with [REDACTED] and [REDACTED] and a formal grievance with USMS [REDACTED] regarding his forced rotation and the requirement to drive to [REDACTED] every day. [REDACTED] and [REDACTED] denied his informal grievance. [REDACTED] formal grievance to USMS [REDACTED] was granted in part. [REDACTED] was permitted to work from [REDACTED] in the [REDACTED] position.

## [REDACTED] and [REDACTED] Allegedly Discriminated Against, Retaliated Against, and Harassed

The complaint provided to the OIG alleged that [REDACTED] and [REDACTED] discriminated against and harassed [REDACTED] due to his [REDACTED] ethnicity. [REDACTED] also alleged that [REDACTED] and [REDACTED] retaliated against him because he filed an informal grievance against them in [REDACTED].

[REDACTED] provided the OIG with an email chain containing emails dated [REDACTED] and [REDACTED]. In the [REDACTED] email, [REDACTED] instructed all supervisors that they needed to be physically present at the monthly staff meetings. In his [REDACTED] email, [REDACTED] stated that, [REDACTED] are not required to travel unless I specifically request you travel to the staff meeting. Otherwise you will join via lync from the main office. SDUSM [REDACTED] you are required to be physically present in [REDACTED] for all meetings.” According to [REDACTED], [REDACTED] and [REDACTED] required him to drive from [REDACTED] to [REDACTED] on late Friday afternoons to attend the monthly management meetings. [REDACTED] told the OIG that often times the management meetings would only last 10 to 15 minutes and he would then have to return to [REDACTED], meaning [REDACTED] would be traveling more than 120 miles round trip for an extremely short meeting. [REDACTED] alleged that he was the only [REDACTED] supervisor who was not in [REDACTED] who was required to drive to [REDACTED] to attend the meetings. [REDACTED] explained that he had lync and VTC capabilities to attend the meetings, but [REDACTED] and [REDACTED] required him to attend the meetings in person.

[REDACTED] told the OIG that, on or about [REDACTED], after his transfer and the denial of his request to stay in [REDACTED] to perform the duties of [REDACTED] position, [REDACTED] filed a local informal grievance with [REDACTED] and [REDACTED], seeking to stay in his [REDACTED] SDUSM position. [REDACTED] and [REDACTED] denied [REDACTED] informal grievance and required [REDACTED] to travel back and forth daily between [REDACTED] and [REDACTED]. [REDACTED] said [REDACTED] and [REDACTED] told him that the [REDACTED] position was assigned to the [REDACTED] office and required him to be in the office daily, except when he needed to travel elsewhere for the [REDACTED] position. On about [REDACTED], following their denial of his informal grievance, [REDACTED] filed a formal grievance with the USMS Headquarters in [REDACTED] stating he applied for and was selected as the SDUSM in [REDACTED], and did not want to be moved into [REDACTED] position. [REDACTED] also pointed out that the daily distance he was required to drive each way from [REDACTED] to [REDACTED] was excessive. On [REDACTED], [REDACTED] received the decision from USMS [REDACTED] in reference to his formal grievance advising him that [REDACTED] USM management had the discretion to rotate employees as they saw fit, but agreed with [REDACTED] that the distance he was being required to drive daily was neither economical nor cost effective, and granted [REDACTED] the ability to work out of the [REDACTED] office as [REDACTED].

### *Interview of [REDACTED]*

During his OIG interview, [REDACTED] stated that he was initially part of a three-person rotation plan. After [REDACTED] further thinking about it, [REDACTED] said he spoke to [REDACTED] and said that [REDACTED], he did not want to be rotated to the SDUSM position in [REDACTED]. [REDACTED] said that [REDACTED] and [REDACTED] agreed to remove [REDACTED] from the rotation. [REDACTED] said he later told [REDACTED] the exact reasoning he provided to [REDACTED] and [REDACTED] for them to remove [REDACTED] from the rotation. When asked about the harassment [REDACTED] alleged against [REDACTED] and [REDACTED], [REDACTED] stated that he never witnessed [REDACTED] or [REDACTED] harass [REDACTED].

*Interview of [REDACTED]*

During his OIG interview, [REDACTED] confirmed his attendance at an [REDACTED] managers meeting in [REDACTED] where he, [REDACTED] and [REDACTED] were present in person and [REDACTED] attended via teleconference. During the meeting, [REDACTED] said that [REDACTED] told everyone that he was currently reviewing a formal grievance filed by [REDACTED] told the OIG that [REDACTED] responded by saying [REDACTED] was, "stabbing the [REDACTED] in the back" and stated, "We will take care of [REDACTED] once the grievance is done." [REDACTED] said he understood [REDACTED] to mean that he was going to retaliate against [REDACTED] because he filed the grievance. Following the meeting, [REDACTED] said that [REDACTED] called him and told him that [REDACTED] thought [REDACTED] comments relating to [REDACTED] meant that [REDACTED] was going to attempt to ruin [REDACTED] career.

*Interview of [REDACTED]*

[REDACTED] told the OIG that around [REDACTED] [REDACTED] said that he met with [REDACTED], [REDACTED] and other supervisors, and that [REDACTED] said he was going to "bury [REDACTED]," referring to [REDACTED], because of a grievance [REDACTED] had filed against [REDACTED]. [REDACTED] said he later told [REDACTED] about his conversation with [REDACTED] and the comment that [REDACTED] allegedly made about [REDACTED].

*Interview of [REDACTED]*

[REDACTED] told the OIG during his interview that he was in attendance via teleconference in [REDACTED] during a meeting with [REDACTED], [REDACTED] and [REDACTED] in [REDACTED]. During that meeting, [REDACTED] asked [REDACTED] if he had talked to [REDACTED] about his grievance. [REDACTED] acknowledged that he had spoken to [REDACTED] prior to [REDACTED] filing his grievance and that he encouraged [REDACTED] to file a grievance if he did not agree with the rotation decision. [REDACTED] said that [REDACTED] responded by telling [REDACTED] that it did not matter whether [REDACTED] won his grievance or not because he would be treated differently by [REDACTED] from this point forward. [REDACTED] continued by saying [REDACTED] was ungrateful and unappreciative for all the things that [REDACTED] had done for him, including two promotions, training, and other benefits. [REDACTED] said he interpreted [REDACTED] comments as retaliatory. He said that [REDACTED] did not say anything.

[REDACTED] said he later spoke to [REDACTED] telephonically and told [REDACTED] his interpretation of [REDACTED] statement about [REDACTED]. [REDACTED] said [REDACTED] told him that his interpretation was the same as [REDACTED] and that he could not believe that [REDACTED] had made comments insinuating retaliation and retribution. [REDACTED] said he did not recall hearing [REDACTED] at a later time state that he was going to bury [REDACTED], a statement attributed to [REDACTED] by [REDACTED], but stated that [REDACTED] comments definitely insinuated retaliation and retribution. [REDACTED] said he spoke with [REDACTED] telephonically following [REDACTED] comments about [REDACTED]. [REDACTED] said he told [REDACTED] that he believed [REDACTED] comments about [REDACTED] insinuated and implied retaliation. [REDACTED] told the OIG that [REDACTED] responded that he did not perceive [REDACTED] comments as threatening retaliation, but instructed [REDACTED] that if [REDACTED] felt the need to claim whistleblower status and file a complaint, [REDACTED] should do so. [REDACTED] said he told [REDACTED] that there was no need to file a complaint because [REDACTED] had followed the chain of command and had just reported the complaint to [REDACTED].

*Interview of [REDACTED]*

[REDACTED] told the OIG that [REDACTED] and [REDACTED] constantly harassed [REDACTED]. [REDACTED] told the OIG that [REDACTED] and [REDACTED] continuously ordered [REDACTED] to drive from [REDACTED] to [REDACTED] for supervisor meetings that often lasted no longer than 10 minutes. [REDACTED] said that when he was assigned to a local task force and was unable to attend a supervisors' meeting, [REDACTED] and [REDACTED] would allow him to attend the meeting via teleconference.

*Interview of [REDACTED]*

[REDACTED] told the OIG that [REDACTED] hated [REDACTED]. According to [REDACTED], [REDACTED] did not "stroke" the egos of [REDACTED] and [REDACTED] and this may be the reason for their dislike of [REDACTED]. [REDACTED] said that [REDACTED] would schedule supervisor meetings in [REDACTED] and require [REDACTED] to drive in from [REDACTED] to attend them. [REDACTED] said that when [REDACTED] arrived at the [REDACTED] office, [REDACTED] would sarcastically ask [REDACTED] how his drive was from [REDACTED]. [REDACTED] told the OIG that the majority of the meetings lasted approximately 5 minutes, and [REDACTED] could have attended the meetings via teleconference. [REDACTED]

*[REDACTED] Statement*

During his OIG interview, [REDACTED] denied that [REDACTED] was rotated due to harassment or retaliation. [REDACTED] explained that after becoming the USM for [REDACTED], he instituted a 2-year professional development rotation for all SDUSMs in order to make them more well-rounded employees.

[REDACTED] He explained that to ensure the continuity of the mission and so as not to disrupt that mission, [REDACTED] and [REDACTED] decided not to rotate [REDACTED] at that time. In reference to the [REDACTED] email below regarding the need to rotate [REDACTED] said the words in the email do not reflect his work during the prior [REDACTED] years to develop [REDACTED] and continue the mission. He added that [REDACTED] would also be rotated at some point. [REDACTED] claimed to have had no issue with [REDACTED] being able to work the [REDACTED] position out of [REDACTED].

When questioned about his requiring [REDACTED] to drive to [REDACTED] to attend management meetings, [REDACTED] deferred the answer to [REDACTED], claiming he was not aware of [REDACTED] being ordered to attend all the meetings in [REDACTED].

[REDACTED] denied making any statements insinuating or threatening retaliation regarding [REDACTED].

*[REDACTED] Statement*

[REDACTED] told the OIG that every [REDACTED] SDUSM was aware of the rotation policy and they support the policy. [REDACTED] explained the local rotation policy allows [REDACTED] SDUSMs the ability to gain experience in various areas, and that [REDACTED] was removed from the rotation [REDACTED].

not ready to rotate him. [REDACTED] added that [REDACTED] would eventually be rotated. [REDACTED] denied that harassment or retaliation motivated [REDACTED] rotation.

[REDACTED] said that he did not order [REDACTED] to attend all meetings held in the [REDACTED] office. Note: During [REDACTED] interview the OIG was not in possession of the email dated [REDACTED], from [REDACTED] to all [REDACTED] supervisors, with a copy to [REDACTED], wherein [REDACTED] singularly directed [REDACTED] to be physically present in [REDACTED] for all meetings. [REDACTED] claimed to have had no issue with [REDACTED] being able to work the [REDACTED] position out of [REDACTED].

[REDACTED] did not recall attending a monthly meeting with [REDACTED], [REDACTED] and [REDACTED] in which [REDACTED] made comments threatening or insinuating retaliation against [REDACTED] for filing a grievance.

### *Email Review*

An OIG review of [REDACTED] and [REDACTED] emails revealed an email chain dated [REDACTED], between [REDACTED] and [REDACTED] wherein [REDACTED] told [REDACTED] that [REDACTED] did not want to be transferred from [REDACTED] to [REDACTED]. [REDACTED] responded to [REDACTED] via email, “[REDACTED] needs to be rotated out. Let’s find someone.”

### *Grievance Official Findings*

The USMS Designated Grievance Official (DGO) assigned to [REDACTED] formal grievance, found that the lateral reassignment of [REDACTED] was within the USMS policy. Accordingly, the DGO found that neither [REDACTED] nor [REDACTED] discriminated against [REDACTED] in making the lateral reassignment.

### *OIG’s Conclusion*

The OIG concluded that [REDACTED] and [REDACTED] harassed [REDACTED] beginning in [REDACTED] when he was assigned to the [REDACTED] office, by requiring [REDACTED] to attend staff meetings in [REDACTED], while none of the other supervisors were treated similarly. However, the OIG did not find sufficient information to conclude that this harassment was due to [REDACTED] race.

The OIG further concluded that, in response to [REDACTED] filing of a grievance against him in [REDACTED], [REDACTED] made retaliatory statements to other supervisors about [REDACTED], stating that [REDACTED] would be treated differently because he filed the grievance. These retaliatory statements violated 5 U.S.C. § 2302(b)(9), which prohibits any employee who has authority from taking, failing to take, or threatening to take or failing to take any personnel action against any employee because of the exercise of any appeal, complaint, or grievance right granted by law, rule, or regulation.

The OIG also concluded that [REDACTED] lacked candor with the OIG when he denied [REDACTED] was required to be present in [REDACTED] for management meetings, and when [REDACTED] denied making a statement threatening or insinuating retaliation against [REDACTED] due to his grievance filing, violating USMS Policy Directives, 1.7, Code of Professional Responsibilities, Sub-section F Paragraph 23, 26, 28, 29, and 32 addressing statement of fact, personal activities, conduct, and high standards. In addition, [REDACTED] violated USMS Policy Directives, 3.40 Discipline and Adverse Action, Sub-section B, Paragraph 5, addressing failing to provide

required instructions to subordinates, permitting or requiring actions that violate regulations and/or failing to report allegations of misconduct may result in adverse action against the supervisor or manager. [REDACTED] also violated 28 C.F.R. 45.13, addressing duty to cooperate in an official investigation.

The OIG concluded that [REDACTED] also displayed a lack candor when he stated to the OIG that [REDACTED] was not required to be present in [REDACTED] for management meetings, and denying [REDACTED] made a statement threatening or insinuating retaliation against [REDACTED] due to his grievance filing. [REDACTED] violated USMS Policy Directives, 1.7, Code of Professional Responsibilities, Sub-section F 32, F Paragraph 23, 26, 28, 29, and 32 addressing statement of fact, personal activities, conduct, and high standards. [REDACTED] violated USMS Policy Directives, 3.40 Discipline and Adverse Action, Sub-section B, Paragraph 5, addressing failing to provide required instructions to subordinates, permitting or requiring actions that violate regulations and/or failing to report allegations of misconduct may result in adverse action against the supervisor or manager. [REDACTED] also violated 28 C.F.R. 45.13, addressing duty to cooperate in an official investigation.

The OIG further concluded that, in requiring [REDACTED] to work out of the [REDACTED] office in [REDACTED], [REDACTED] and [REDACTED] violated USM Service Travel Policy Manual, Chapter 301-Temporary Duty (TDY) Travel Allowances, 301-2.5.3, Authorizing Officials' Responsibilities, by unilaterally ordering [REDACTED] to commute in his GOV in excess of 120 miles each day from his residence to his place of duty, which constitutes an inefficient management of travel and a waste of government resources. [REDACTED] and [REDACTED] also violated Office of Personnel Management Policy 550.703, which defines commuting area as, "The Geographic area surrounding a work site that encompasses the localities where people live and reasonably can be expected to live and reasonably be expected to travel back and forth daily to work as established by the employing agency based on the generally held expectations of the local community."

### **[REDACTED] and [REDACTED] Allegedly Retaliated Against [REDACTED]**

During the course of our review of [REDACTED] allegations, the OIG learned from [REDACTED] about alleged retaliation by [REDACTED] and [REDACTED] against DUSM [REDACTED]. [REDACTED] told the OIG about an incident involving [REDACTED] and an unidentified local Task Force Officer (TFO) assigned to the USMS office [REDACTED], [REDACTED]. [REDACTED], the TFO, and others were involved in a shooting during a warrant roundup for the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). The TFO fired his weapon during a particular arrest operation. According to [REDACTED], [REDACTED] wanted to hold [REDACTED] accountable for a failure to follow proper procedure because he believed the TFO should not have been involved in the roundup since the TFO was not an officially sworn and deputized USMS task force officer. As a result, [REDACTED] sent a referral to USMS Office of Internal Affairs (OIA) reporting [REDACTED] misconduct. USMS OIA returned the complaint to the [REDACTED] for investigation, and [REDACTED] found that [REDACTED] violated [REDACTED] Directive 11-002: State and Local Warrants Misdemeanor Warrants, due to the [REDACTED] Police Department officers not being listed on the operational plan. [REDACTED] told us that when he arrived in the USMS [REDACTED], [REDACTED] asked [REDACTED] to review the evidence and findings in the case against [REDACTED]. [REDACTED] said he told [REDACTED] that he did not believe there was enough evidence to suggest that [REDACTED] committed any misconduct and that [REDACTED] thought [REDACTED] would grieve a finding of misconduct and any resulting discipline. [REDACTED] told [REDACTED] and [REDACTED] that [REDACTED] wanted [REDACTED] to receive a suspension for his actions and that if [REDACTED] filed an appeal and prevailed, that decision belonged to someone else.

explained that based on decision, proposed a 14-day suspension for , but later reduced the suspension to 10 days. Utilizing the Federal Law Enforcement Officers Association, later grieved decision to the USMS OIA. grievance was upheld by the , suspension, which he had already served, was overturned, and he was paid his lost salary for the days he did not work due to the suspension.

said that within an hour of receiving news that prevailed in his grievance, and/or , at direction, sent an email to the advising that until further notice, was restricted to the USMS and could not participate in any enforcement actions unless accompanied by a SDUSM. Despite attempts to locate the e-mail and contact other SDUSMs in the , the OIG was not able to verify the details of the document.

told the OIG that he was upset because he had won his grievance and it was determined that did not do anything wrong, but was still punishing him, and therefore called the . After hearing of situation, called and told him that neither nor could issue such an instruction restricting activities. was subsequently allowed to return to normal DUSM activities.

confirmed to the OIG generally that and were the subject of numerous complaints.

#### Statement

When interviewed by the OIG, said was placed on desk duty because he invited a part-time officer to assist during an ATF operation in . explained acted outside of his authority by inviting the officer to assist.

#### Statement

During his OIG interview, confirmed initial suspension and stated that during the grievance process had not been allowed to work enforcement. After prevailed in his grievance appeal, continued to be restricted from working enforcement activities. said that after contacted the USMS Ombudsman, he was allowed to return to enforcement activities, but only with another law enforcement officer present.

#### OIG's Conclusion

The OIG concluded both and retaliated against by taking a personnel action against him for filing a grievance, in violation of 5 U.S.C. § 2302(b)(9).

During the OIG investigation resigned from his position as the USM for the and retired from the USMS

The OIG has completed its investigation and is providing this report to the USMS and to the Office of the Special Counsel for information.