

U.S. OFFICE OF SPECIAL COUNSEL

(202) 653-7188 / (800) 872-9855

**COMPLAINT OF POSSIBLE PROHIBITED PERSONNEL PRACTICE
OR
OTHER PROHIBITED ACTIVITY**

(Please print legibly or type and complete all pertinent items. Enter "N/A" (Not Applicable) or "Unknown" where appropriate. Use Continuation Sheet on page 12 if more room is needed.)

PART 1: PROHIBITED PERSONNEL PRACTICES / OTHER PROHIBITED ACTIVITY (GENERAL)

1. Name of person seeking OSC action ("Complainant"): Mr. Ms. Mrs. Miss
RALPH C. de JUSTIS

2. Position, title, series, and grade: Social Insurance Rep (CR-t 16); GS-105, Grade 11 Step 10

3. Agency name: SOCIAL SECURITY ADMINISTRATION

4. Agency address: My Duty Station: SSA, 6128 East 38th Street, Suite 200, Tulsa, OK 74135
Where complaint arose: SSA, 2816 Villa Prom, Oklahoma City, OK 73107

5. Home or mailing address: 3302 Jeannie Lane, Muskogee, OK 74403-7758

6. Contact information: Telephone number(s): (918) 681-1822 (Home)
(918) 581-6300 (Office) Ext. _____
Fax number: (918) 581-6380
E-mail address: ralph.dejustis@ssa.gov

7. If you are filing this complaint as a legal or other representative of the Complainant, please supply the following information:

Name and title of filer: Mr. Ms. Mrs. Miss

Address: _____

Telephone number(s): () _____ (home)
() _____ (office) Ext. _____
Fax number: () _____
E-mail address: _____

8. Are you (or is the Complainant, if you are filing as a representative) covered by a collective bargaining agreement? (Check one.)
() Yes () No () I don't know

9. How did you first become aware that you could file a complaint with OSC?
() OSC Web site () OSC speaker () OSC brochure () OSC poster
() news story () agency personnel office () union () co-worker
() other (please describe): _____
Date (approximate): October 17, 2003

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10. What is the employment status of the person affected by the suspected prohibited personnel practice or other prohibited activity? (Check all applicable items — more than one item may apply.)

- a. Applicant for Federal employment
- b. Competitive Service
 - temporary appointment
 - term appointment
 - career or career-conditional appointment
 - probationary employee
- c. Excepted Service
 - Schedule A
 - Schedule B
 - Schedule C
 - National Guard Technician
 - nonappropriated fund
 - Postal Service
 - Tennessee Valley Authority
 - VA Dept. of Medicine and Surgery
 - Veterans Readjustment Act (VRA)
 - other (specify): _____
- d. Senior Executive Service (SES), Supergrade, or Executive Level
 - career SES
 - noncareer SES
 - career GS-16, 17, or 18
 - noncareer GS-16, 17, or 18
 - Executive Level V or above (career) fund
 - Executive Level V or above (noncareer)
 - Presidential appointee (Senate-confirmed)
- e. Other
 - civil service annuitant
 - former civil service employee
 - competitive service
 - excepted service
 - military officer or enlisted person
 - contract employee
 - other (specify): _____
 - unknown

11. What other action(s), if any, have you taken to appeal, grieve, or report this matter under any other procedure? (Check all that apply.)

- No, or not applicable
- Appeal filed with Merit Systems Protection Board (MSPB) Date: _____
- Petition for reconsideration of initial decision filed with MSPB Date: _____
 - Initial Decision No. _____
- Grievance filed under agency grievance procedure Date: _____
- Grievance filed under negotiated grievance procedure Date: _____
- Matter heard by arbitrator under grievance procedure Date: _____
- Matter is pending in arbitration
- Discrimination complaint filed with agency Date: _____
- Agency or AJ decision on discrimination complaint appealed to the EEOC Date: _____
- Appeal filed with the Office of Personnel Management Date: _____
- Unfair labor practice (ULP) complaint filed with the Federal Labor Relations Authority General Counsel Date: _____
- Lawsuit filed in Federal Court Date: _____
 - Court name: _____
- Reported matter to agency Inspector General Date: _____
- Reported matter to member of Congress Date: _____
 - Name of Senator or Representative: _____
- Other (specify): _____

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12. What official is responsible for the violation(s) that you are reporting, and what is his/her employment status? (If more than one official, continue on page 12. See question 10 for appropriate description of employment status.)

Name: LaVerna Williams - see continuation on page 12

Position/Title: District Manager, OKC, OK SSA District Office (DO)

Employment status: Currently employed by SSA as the District Manager

13. What are the actions or events that you are reporting to OSC? (To the extent known, specifically list: (a) any suspected prohibited personnel practices or other prohibited activity, other than reprisal for whistleblowing; and (b) any personnel actions involved. **(IF YOU ARE ALLEGING REPRISAL FOR WHISTLEBLOWING, SKIP TO PART 2 OF THIS FORM ON THE NEXT PAGE.)**)

(1) LaVerna Williams, District Manager (DM) hired a relative. She hired _____ as a Student Clerk/Stay in School. Ms Williams step-father was _____ Ms Williams hired _____ who is a blood relative of her step-father. _____ is currently employed and working in the OKC, OK SSA District Office. (2) Ms Williams, as DM is the concurring official for _____ appraisal and awards!

(2) On October 8, 2003 in an e-mail to all employees in the OKC, OK SSA DO, LaVerna Williams and SSA Area Director Ed Vela reassigned _____ from a temporary Technical Expert GS 12 to a permanent Management Support Specialist GS 12 without posting a solicitation of interest or a merit promotion vacancy announcement for the permanent MSS GS 12 vacancy.

Both (1) and (2) above violate merit systems principles and SSA's own rules for promotions from temporary positions to permanent positions.

14. What facts support the statement(s) made in question 13? (Be as specific as possible about dates, locations, and the identities and positions of all persons mentioned. In particular, identify actual and potential witnesses, giving work locations and telephone numbers when possible. Also, attach any pertinent documents that you may have. Please provide, if possible, a copy of the notification of the agency's proposal and/or decision about the personnel action(s) covered by your request for OSC action. If more space is needed, continue on page 12.)

E-mail referenced above is attached.

15. What action would you like OSC to take in this matter (that is, what remedy are you asking for)?

Bar Ms Williams and Mr. Vela from hiring or promoting for a period of time not less than 10 years. Bar Ms Williams from concurring on _____ performance appraisal and awards. Remove _____ from the permanent GS 12 MSS position. Post a vacancy announcement for that permanent GS 12 MSS position so that all eligible employees make compete for it.

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PART 3: CONSENT TO CERTAIN DISCLOSURES OF INFORMATION

OSC asks everyone who files a complaint alleging a possible prohibited personnel practice or other prohibited activity to select one of three Consent Statements shown below. **If we do not receive a signed Consent Statement, we will assume that you have agreed to Consent Statement 1.** Please return the original signed Consent Statement to OSC. Also, please keep a copy of the signed Consent Statement and all documents that you send to OSC for your own records.

If you initially choose a Consent Statement that restricts OSC's use of information, you may later select a less restrictive Consent Statement. If your selection of Consent Statement 2 or 3 prevents OSC from being able to conduct an investigation, an OSC representative will contact you, explain the circumstances, and provide you with an opportunity to select a less restrictive Consent Statement.

You should be aware that the Privacy Act allows information in OSC case files to be used or disclosed for certain purposes, regardless of which Consent Statement you sign. See 5 U.S.C. § 552a(b). Information about certain circumstances under which OSC can use or disclose information under the Privacy Act appears on the next page.

(Please sign one)

Consent Statement 1

I consent to OSC's communication with the agency involved in my complaint. I agree to allow OSC to disclose my identity as the complainant, and information from or about me, to the agency if OSC decides that such disclosure is needed to investigate the allegation(s) in my complaint (for example, to request information from the agency, or seek a possible resolution through mediation or corrective action). I understand that regardless of the Consent Statement I choose, OSC may disclose information from my complaint file when permitted by the Privacy Act (including circumstances summarized in Part 5, below).

Rashid 10/17/03
Complainant's Signature for Consent Statement 1 Date Signed

Consent Statement 2

I consent to OSC's communication with the agency involved in my complaint, but I do not agree to allow OSC to disclose my identity as the complainant to that agency. I agree to allow OSC to disclose only information from or about me, without disclosing my name or other identifying information, if OSC decides that such disclosure is needed to investigate the allegation(s) in my complaint (for example, to request information from the agency, or seek a possible resolution through mediation or corrective action). I understand that in some circumstances (for example, if I am complaining about my failure to receive a promotion), OSC could not maintain my anonymity while communicating with the agency involved about a specific personnel action. In such cases, I understand that this request for confidentiality might prevent OSC from taking further action on my complaint. I also understand that regardless of the Consent Statement I choose, OSC may disclose information from my complaint file when permitted by the Privacy Act (including circumstances summarized in Part 5, below).

Complainant's Signature for Consent Statement 2 Date Signed

Consent Statement 3

I do not consent to OSC's communication with the agency involved in my complaint. I understand that if OSC decides that it cannot investigate the allegation(s) in my complaint without communicating with that agency, my lack of consent will probably prevent OSC from taking further action on the complaint. I understand that regardless of the Consent Statement I choose, OSC may disclose information from my complaint file when permitted by the Privacy Act (including circumstances summarized in Part 5, below).

Complainant's Signature for Consent Statement 3 Date Signed

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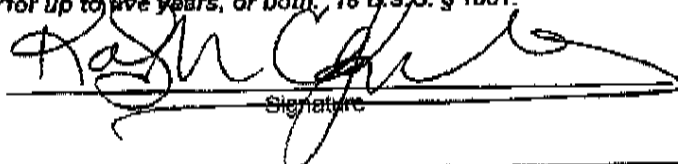
CONTINUATION SHEET

<u>Part No.</u>	<u>Item/Question No.</u>	<u>Response Continuation</u>
I	12	<p>Ed Vela - Area I - Area Director Social Security Administration / Office of the Regional Commissioner 1301 Young St. STE 130 Dallas, Texas 75202-5433</p> <p>He is currently employed by the Social Security Administration. I believe he is career-conditional, competitive civil service.</p>

KEEP A COPY OF THIS PAGE FOR YOUR RECORDS IF YOU ARE ALLEGING REPRISAL FOR WHISTLEBLOWING

COMPLAINT OF POSSIBLE PROHIBITED PERSONNEL PRACTICE OR OTHER PROHIBITED ACTIVITY
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I certify that all of the statements made in this complaint (including any continuation pages) are true, complete, and correct to the best of my knowledge and belief. I understand that a false statement or concealment of a material fact is a criminal offense punishable by a fine of up to \$250,000, imprisonment for up to five years, or both, 18 U.S.C. § 1001.


Signature

10/17/03
Date Signed

PART 5: PRIVACY ACT / PAPERWORK REDUCTION ACT STATEMENTS

Routine Uses. Limited disclosure of information from OSC files is needed to fulfill OSC's investigative, prosecutorial, and related responsibilities. OSC has described 18 routine uses for information in its files in the *Federal Register* (F.R.), at 66 F.R. 36611 (July 12, 2001), and 66 F.R. 31095 (October 5, 2001). A copy of the routine uses is available from OSC upon request. A summary of the routine uses appears below.

OSC may disclose information from its files in the following circumstances:

1. to disclose that an allegation of prohibited personnel practices or other prohibited activity has been filed;
2. to disclose information needed by the Office of Personnel Management (OPM) for inquiries involving civil service laws, rules or regulations, or to obtain an advisory opinion;
3. to disclose information about allegations or complaints of discrimination to entities concerned with enforcement of antidiscrimination laws;
4. to the MSPB or the President, when seeking disciplinary action;
5. to the involved agency, MSPB, OPM, or the President when OSC has reason to believe that a prohibited personnel practice has occurred, exists, or is to be taken;
6. to disclose information to Congress in OSC's annual report;
7. to disclose information to third parties (without identifying the complainant unless OSC has the complainant's consent) as needed to conduct an investigation; obtain an agency investigation and report on information disclosed to OSC's whistleblower disclosure channel; or to give notice of the status or outcome of an investigation;
8. to disclose information as needed to obtain information about hiring or retention of an employee; issuance of a security clearance; conduct of a security or suitability investigation; award of a contract; or issuance of a license, grant, or other benefit;

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9. to the Office of Management and Budget (OMB) for certain legislative coordination and clearance purposes;
10. to provide information from an individual's record to a congressional office acting pursuant to the individual's request;
11. to furnish information to the National Archives and Records Administration for records management purposes;
12. to produce summary statistics and work force or other studies;
13. to provide information needed by the Department of Justice for certain litigation purposes;
14. to provide information needed by courts or adjudicative bodies for certain litigation purposes;
15. to disclose information to the MSPB as needed in special studies authorized by law;
16. for coordination with an agency's Office of Inspector General or comparable entity, to facilitate the coordination and conduct of investigations and review of allegations;
17. to news media or the public in certain circumstances (except when the Special Counsel determines that disclosure in a particular case would be an unwarranted invasion of personal privacy); and
18. to the Department of Labor and others as needed to implement the Uniformed Services Employment and Reemployment Rights Act of 1994, and the Veterans' Employment Opportunities Act of 1998.

If OSC officials believe that disclosure may be appropriate in a situation not covered by one of OSC's routine uses, or one of the 11 other exceptions to the Privacy Act's general prohibition on disclosure, OSC will seek written authorization from the complainant permitting the disclosure.

Purposes, Burdens, and Other Information. An agency may not conduct or sponsor a collection of information, and persons may not be required to respond to a collection of information, unless it (a) has been approved by OMB, and (b) displays a currently valid OMB control number. The information in this form is collected pursuant to OSC's legal responsibility to investigate: (a) allegations of prohibited personnel practices, to the extent necessary to determine whether there are reasonable grounds to believe that a prohibited personnel practice has occurred, exists, or is to be taken (5 U.S.C. § 1214); and (b) other allegations of prohibited activity (5 U.S.C. § 1216). The information will be reviewed by OSC to determine whether the facts establish its jurisdiction over the subject of the complaint, and whether further investigation and corrective or disciplinary action is warranted. The reporting burden for this collection of information is estimated to be an average of one hour and 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering the data needed, and completing and reviewing the form. Please send any comments about this burden estimate, and suggestions for reducing the burden, to the U.S. Office of Special Counsel, Legal Counsel and Policy Division, 1730 M Street, N.W. (Suite 201), Washington, DC 20036-4606. Use of this form to file a complaint alleging a prohibited personnel practice or other prohibited activity is required; use of this to file a complaint alleging only a Hatch Act violation is *not* required. 5 C.F.R. § 1800.1(d), as amended. As indicated in Part 3 of this form, complainants may request that OSC maintain their name, and information provided by them, in confidence.

From: Williams, La Verna
Sent: Friday, October 10, 2003 1:41 PM
To: #DA OK 783 All
Subject: Congratulations to [REDACTED]

Ed Vela and I are pleased to announce that [REDACTED] has accepted a reassignment to the Management Support Specialist position. She will begin on October 20 as the unit manager for the T2 Initial claims unit. Congratulations to [REDACTED]

LaVerna