

A Confidential Source deeply entrenched within DEA Headquarters and affiliated the Human Resources Department advised me that when OPR conducts an internal investigation, they submit their investigation to the Human Resources Department for review. There, three to four GS 12 – 13's, who are civilian employees and non-agents, review the case and propose discipline for the involved employee.

That notice of proposed discipline is then sent to the Chairman for the Board of Professional Conduct, who makes a "recommendation." That "recommendation" is then sent to the Deciding Official to make an, "official" proposed disciplinary decision. It became clear in my conversations with this Confidential Source that when an Agent or employee is being disciplined, it is a non-Agent GS-12 or GS-13, who makes the proposed decision, not a Special Agent Supervisor, who subsequently affixes his name and rank on the Notice of Adverse Action.

This explains how these GS-12's and GS-13's, who lack formalized legal training and an understanding of the evidence code, **often times** "latch onto" erroneous assumptions made by OPR Investigators in the field, and perpetuate the errors, and sometimes skewed and fictional findings, to the point that it becomes not only ratified, but a death knell for the involved employee.

This Confidential Source also advised me that they unfortunately, but routinely, place an inordinate amount of trust in these GS-12 – GS-13's employees assigned to the Human Resources Department because personally, they do not want to involve themselves in drafting exhaustive disciplinary notices against an employee.

So, the errors, misunderstandings, and incorrect assumptions that commence from the initial allegation, or as the OPR Investigators skew their investigation, dependent on directives from either the involved employee's SAC or the DEA Administrator herself, continue down the road of deceit and untruthfulness.

This Confidential Source also advised me that although the Chairman of the Board of Professional Conduct, Office of Chief Counsel, and Deciding Officials all know this practice is inherently wrong and constitutes a violation of Title 18, USC 1001, they continue to engage in this conduct, fearful that "rocking the boat" and "blowing the whistle" will subject them to the end of the employment termination barrel. Ruined careers and lives of impacted employees and Agents as a result of this practice is the least concern for these DEA Upper Management officials, including the DEA Administrator, Michele Leonhart.

This Confidential Source also advised me that within the last few months, DEA recently hired another GS-13 to augment the staff in the Human Resources Department. Many times, the Deciding Official just "signs off on the paperwork and work product performed by these Human Resource employees (GS-12's and GS-13's). The articulated facts set forth in a disciplinary decision to purportedly justify adverse action against an employee is not the work product of the Deciding Official or Chairman of the Board of Professional Conduct, but instead, the work of a GS-12-13 Human Resource analyst.

The signature on the actual Notice of Adverse Action letter sent to the involved employee is not the true author of the proposed disciplinary action nor has that person spent much time drafting the document, other than signing and dating the document.

This Confidential Source also advised me that the Deciding Official and the Chairman of the Board of Professional Conduct have very little input into the actual formulation, wording, and drafting of the disciplinary letters.
