



OFFICE OF INSPECTOR GENERAL
U.S. Department of Energy

INSPECTION REPORT

DOE-OIG-18-43

August 2018

**ALLEGATION REGARDING THE OAK
RIDGE OFFICE PERSONNEL SECURITY
PROCESS**



Department of Energy
Washington, DC 20585

August 14, 2018

MEMORANDUM FOR THE MANAGER, OAK RIDGE OFFICE

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FROM: Debra K. Solmonson
Deputy Assistant Inspector General
for Audits and Inspections
Office of Inspector General

SUBJECT: INFORMATION: Inspection Report on "Allegation Regarding the
Oak Ridge Office Personnel Security Process"

BACKGROUND

The Department of Energy has key roles and responsibilities in the personnel security clearance process. The Office of Personnel Management conducts investigations for most of the Federal Government, but personnel security specialists from the Department request background investigations and use the investigative reports and Federal guidelines when making clearance adjudication determinations. Once the Department suspends a clearance, the final decision to revoke or restore the suspended clearance is made by either a management decision or an administrative review hearing.

We received an allegation that personnel security specialists at the Department's Oak Ridge Office had conducted activities outside of the approved adjudication process during the adjudication of the complainant's case. The complainant's security clearance was suspended in October 2014, an administrative review hearing was held in December 2015, and the complainant's security clearance was restored in May 2016. We initiated this inspection to determine the facts and circumstances surrounding the allegation that personnel security specialists at the Oak Ridge Office had conducted inappropriate investigative-type activities during the adjudication of the complainant's case. Our inspection was limited to this specific case, and we did not review other personnel security case files.

RESULTS OF INSPECTION

We substantiated the allegation, but we were unable to determine whether the inappropriate investigative-type activities resulted in any harm to the employee. We found that personnel security specialists identified in the allegation had conducted inappropriate investigative-type activities during the adjudication of the complainant's case. Specifically, we found that personnel security specialists had conducted investigative-type activities that were not part of the normal adjudication process and not within their purview. Department Order 472.2, *Personnel*

Security, explains that during the adjudication process, personnel security specialists are responsible for such activities as reviewing personnel security files, requesting information from or conducting interviews with the clearance holder/applicant, as well as requesting and reviewing other Federal agencies' investigative reports and psychological evaluations, as necessary. The Order further states that in the process of adjudicating security clearances, personnel security specialists may, if necessary, refer investigative work to an "appropriate investigative agency."

In addition, the Office of Personnel Management explains in its *Position Classification Standard for Security Administration Series, GS-0080*, that personnel security specialists are not responsible for conducting or supervising the conduct of personal background or criminal investigations. The Office of Personnel Management describes investigative activities as work that includes following leads, researching records, and reconstructing events. After reviewing the position descriptions for the Oak Ridge Office's personnel security specialists, we confirmed that their Federal Occupational Code was GS-0080, *Personnel Security Specialist*, and that their job duties did not include conducting investigative activities.

Nonetheless, personnel security specialists from the Oak Ridge Office performed inappropriate investigative-type activities in the adjudication of the complainant's case. Some of the personnel security specialists employed at the Oak Ridge Office when the complainant's case was adjudicated stated that their supervisors had directed them to perform investigative-type activities. We were unable to interview the supervisors because they had separated from the Department before our review was conducted, but evidence of investigative-type activities was documented in the complainant's file. Examples documented in the complainant's file included a personnel security specialist making unscheduled visits to off-site locations, initiating meetings with Federal employees and private citizens, contacting local law enforcement personnel for interviews, and requesting reports from multiple local law enforcement organizations.

We determined that personnel security specialists at the Oak Ridge Office had conducted inappropriate investigative-type activities during the adjudication of the complainant's case because previous supervisors had not provided consistent and appropriate guidance. Some of the personnel security specialists we spoke to acknowledged that these investigative-type activities were outside their authority as adjudicators. Without consistent and appropriate guidance, some of the personnel security specialists were uncertain about the extent of their purview.

We could not determine the effect the inappropriate investigative-type activities had on the personnel security decision to suspend the complainant's clearance. Specifically, the supervisors responsible for making the recommendation to suspend the clearance have separated from the Department. Furthermore, based on our review of the information in the complainant's personnel security file, we could not determine the extent to which the information gathered during the investigative-type activities was relied upon. However, we noted that the Office of Hearings and Appeals Administrative Judge determined that the Department had sufficient derogatory information that warranted the suspension of the complainant's clearance. But, based on all of the evidence brought forth during the administrative review hearing, the Administrative Judge restored the clearance. Further, we and the current Oak Ridge Office Personnel Security supervisors could not determine the harm, if any, these investigative-type activities alone had on the complainant.

Actions Taken and Path Forward

The Oak Ridge Office has taken corrective actions to ensure personnel security specialists adhere to proper adjudication activities in the future. For example, a newly hired supervisor has provided verbal clarifying guidance to the personnel security specialists on their roles and responsibilities, which should not include conducting the investigative-type activities identified above. As such, adjudicative operations have changed since the time of the complainant's case. Further, the supervisor is in the process of updating the local policies and procedures to institutionalize the verbal clarifying guidance provided. However, at the time of our review, these specific policies and procedures had not been completed, and the resulting training had not been provided to staff. We made recommendations aimed at improving the overall adjudication process at the Oak Ridge Office. After the corrective actions are completed, we plan to consider performing a followup evaluation to ensure that the corrective actions are implemented and effective.

RECOMMENDATIONS

To address the issues identified in this report, we recommend that the Manager, Oak Ridge Office:

1. Finalize and implement local policies and procedures clarifying personnel security specialists' roles and responsibilities; and
2. Ensure training is provided to personnel security specialists on their roles and responsibilities consistent with the updated local policies and procedures.

MANAGEMENT RESPONSE

Management concurred with the report's recommendations and indicated that corrective actions will be taken to address the issues identified in the report. To address our recommendations, management stated that the Office of Safeguards, Security & Emergency Management is drafting local policies and procedures that will clarify roles and responsibilities of the personnel security specialists. Additionally, the Office of Safeguards, Security & Emergency Management will ensure training is provided to personnel security specialists detailing local procedural and policy requirements.

INSPECTOR COMMENTS

Management's proposed actions are responsive to our recommendations.

Attachments

cc: Deputy Secretary
Chief of Staff
General Counsel
Director, Office of Science

OBJECTIVE, SCOPE, AND METHODOLOGY

OBJECTIVE

The objective of this inspection was to determine the facts and circumstances surrounding the allegation that personnel security specialists at the Oak Ridge Office had conducted inappropriate investigative-type activities during the adjudication of the complainant's case.

SCOPE

We conducted this inspection from May 2017 through August 2018 at the Department of Energy's Oak Ridge Office, located in Oak Ridge, Tennessee. Specifically, our review focused on the Oak Ridge Office's local security office personnel security adjudication procedures, policies, and practices during calendar years 2014 through 2017, as they pertained to the complainant. The inspection was conducted under the Office of Inspector General project code S17IS013.

METHODOLOGY

To accomplish our objective, we:

- Reviewed Federal, Department, and Oak Ridge Office policies and procedures related to personnel security and adjudicative guidelines;
- Interviewed officials from the Office of Inspector General's Hotline and the Oak Ridge Office, as well as all current local security office personnel security specialists;
- Reviewed training records, position descriptions, and grant authority letters of the local security office personnel security specialists;
- Reviewed the Administrative Judge's decision from the administrative hearing;
- Reviewed the transcript from the administrative hearing; and
- Reviewed the complainant's personnel security file.

We conducted this allegation-based inspection in accordance with the Council of Inspectors General on Integrity and Efficiency's *Quality Standards for Inspection and Evaluation*. Those standards require that we plan and perform the inspection to obtain sufficient, appropriate evidence to provide a reasonable basis for our conclusions and observations based on our inspection objective. We believe the evidence obtained provided a reasonable basis for conclusions based on our inspection objective. Accordingly, the inspection included tests of controls and compliance with laws and regulations to the extent necessary to satisfy the inspection objective. Because our review was limited, it would not necessarily have disclosed all internal control deficiencies that may have existed at the time of our inspection. Finally, we did not rely on computer-processed data to satisfy our objective.

An exit conference was held with Oak Ridge Office management on August 1, 2018.

MANAGEMENT COMMENTS



Department of Energy

Oak Ridge Office
P.O. Box 2001
Oak Ridge, Tennessee 37831

July 18, 2018

MEMORANDUM FOR DEBRA K. SOLMONSON
DEPUTY ASSISTANT INSPECTOR GENERAL
FOR AUDITS AND INSPECTIONS
OFFICE OF INSPECTOR GENERAL, IG-303

FROM: KENNETH R. TARCZA
MANAGER
OAK RIDGE OFFICE, M-1

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SUBJECT: RESPONSE TO THE OFFICE OF INSPECTOR GENERAL'S DRAFT
INSPECTION REPORT ON "ALLEGATION REGARDING THE OAK RIDGE
OFFICE PERSONNEL SECURITY PROCESS" (S17IS013)

Thank you for the opportunity to review and comment on the subject draft report. This feedback will help the Department of Energy further its goal of improving the personnel security process.

The Oak Ridge Office (ORO) agrees with the assessment that additional work is needed to ensure that local policies and procedures are clarified, and that personnel security specialists are trained and familiar with those policies.

Below please find my Management Response to each recommendation:

Recommendation 1: We recommend that the Manager, ORO, finalize and implement local policies and procedures clarifying personnel security specialists' roles and responsibilities.

Management Response: Concur.

Action Plan: The Office of Safeguards, Security & Emergency Management (OSSEM) is drafting local policies and procedures that will clarify roles and responsibilities of the personnel security specialists.

Estimated Completion Date: December 10, 2018

Debra K. Solmonson

-2-

July 18, 2018

RESPONSE TO THE OFFICE OF INSPECTOR GENERAL'S DRAFT INSPECTION REPORT ON
"ALLEGATION REGARDING THE OAK RIDGE OFFICE PERSONNEL SECURITY PROCESS" (S17IS013)

Recommendation 2: We recommend that the Manager, ORO, ensure training is provided to personnel security specialists on their roles and responsibilities consistent with the updated local policies and procedures.

Management Response: Concur.

Action Plan: The OSSEM will ensure training is provided to personnel security specialists detailing local procedural and policy requirements. This training will be formally documented as an official training record.

Estimated Completion Date: December 10, 2018

If you have any questions or need additional information, please contact Donte Davis, of my staff, at (865) 574-1300.

cc:

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Washington, DC 20585

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