



# OFFICE OF INVESTIGATIONS

OFFICE OF INSPECTOR GENERAL  
U.S. ENVIRONMENTAL PROTECTION AGENCY



March 31, 2021

## REPORT OF INVESTIGATION

MR. RYAN JACKSON, SENIOR EXECUTIVE SERVICE  
AND  
MR. CHARLES MUNOZ, GS-15  
U.S. ENVIRONMENTAL PROTECTION AGENCY

## REPORT OF INVESTIGATION

MR. RYAN JACKSON, SENIOR EXECUTIVE SERVICE  
FORMER CHIEF OF STAFF, OFFICE OF THE ADMINISTRATOR  
U.S. ENVIRONMENTAL PROTECTION AGENCY

MR. CHARLES MUNOZ, GS-15  
FORMER SENIOR ADVISOR TO THE REGIONAL ADMINISTRATOR, REGION 9  
U.S. ENVIRONMENTAL PROTECTION AGENCY

### I. Introduction and Summary

#### *Complaint Origin and Allegations*

On May 14, 2018, the U.S. Environmental Protection Agency's Office of Inspector General received a complaint (b) (6), (b) (7)(C). The complaint stated that, (b) (6), (b) (7)(C) seemed to suggest a possible arrangement for the Agency to pay an employee after (b) (6), (b) (7)(C) had left federal service. (b) (6), (b) (7)(C) to the EPA email address of Mr. Ryan Jackson, then-chief of staff in the EPA's Office of the Administrator. In the email, (b) (6), (b) (7)(C) wrote, "Also, I haven't got paid yet, usually I get paid on Thursday. I just wanted to see if something has changed since our conversation about being paid a few months." Mr. Jackson responded on the same day, "Actually, let me know if it doesn't come through by Tuesday. That's apparently the actual pay date for this period. We have not put in any paperwork on you so no one is aware of any actions." (b) (6), (b) (7)(C) email was sent 22 days after (b) (6), (b) (7)(C) terminated (b) (6), (b) (7)(C) employment.

During our investigation into the complaint concerning (b) (6), (b) (7)(C), we identified (b) (6), (b) (7)(C) as having received pay and benefits after (b) (6), (b) (7)(C) termination from the EPA (b) (6), (b) (7)(C). We expanded our investigation to examine the facts and circumstances surrounding the payments made to (b) (6), (b) (7)(C) after (b) (6), (b) (7)(C) termination from the EPA.

Based on information that we received from a source on August 27, 2018, about Mr. Charles Munoz, senior advisor to the regional administrator for EPA Region 9 in San Francisco, California, we initiated a subsequent investigation concerning potential time-and-attendance fraud. Before being transferred to EPA Region 9, Mr. Munoz served as the EPA's White House liaison and reported to Mr. Jackson.

During our investigation into the complaint concerning Mr. Munoz, Mr. Jackson told us in a voluntary interview that it was his decision to select Mr. Munoz to be the "chief of staff" for the Region 9 regional administrator. Although the main office for EPA Region 9 is in San Francisco,

Mr. Jackson authorized Mr. Munoz to work from Las Vegas, Nevada, where EPA Region 9 did not have a satellite office. Mr. Jackson stated that Mr. Munoz was originally from Las Vegas and wanted to be closer to where he was from. We expanded our investigation to examine the facts and circumstances surrounding Mr. Munoz's transfer.

If substantiated, the allegations in the above complaints and the matters that we determined required investigation had the potential to violate federal and state criminal laws, federal regulations, and EPA standards.

### ***Scope and Methodology of the Investigations***

During our investigation, we interviewed:

- Mr. Ryan Jackson.
- (b) (6), (b) (7)(C)
- (b) (6), (b) (7)(C)
- Mr. Charles Munoz.
- Other witnesses—including EPA employees (b) (6), (b) (7)(C)

—who had information about the allegations or who were identified as potentially having knowledge relevant to the investigation.

On the matters relating to (b) (6), (b) (7)(C), we received and examined government-issued laptops, official emails, personnel records, and supporting documents. In addition, we reviewed applicable federal and state laws, as well as EPA policies and procedures.

As for the matter concerning Mr. Munoz and his position in EPA Region 9, we examined:

- Official emails.
- Phone records for Mr. Munoz's government-issued cell phone.
- Phone records for Mr. Munoz's personal cell phone.
- Financial records.
- Pay system records.
- Facility access records.
- Computer log entries.
- Personnel files.
- Other supporting documents.

We served subpoenas and search warrants to obtain records concerning Mr. Munoz. In addition, we reviewed applicable federal laws and regulations, as well as EPA policies and procedures.

## **Conclusions**

Mr. Jackson and Mr. Munoz Arranged and Directed Improper Post-Termination Pay for (b) (6), (b) (7)(C)

We substantiated the allegation that there was an arrangement made by Mr. Jackson for the EPA to continue to pay (b) (6), (b) (7)(C) after (b) (6), (b) (7)(C) was terminated from the Agency. This arrangement was implemented with the assistance of Mr. Munoz. We found that Mr. Jackson and Mr. Munoz made a similar arrangement to pay (b) (6), (b) (7)(C) after (b) (6), (b) (7)(C) termination.

Mr. Jackson and Mr. Munoz, who acted at the direction of Mr. Jackson, made and used official timesheets and personnel forms that contained materially false, fictitious, and fraudulent statements and representations to mislead EPA personnel and to facilitate continued payments to (b) (6), (b) (7)(C). The combined loss to the EPA from these improper payments was \$37,913.23.

Mr. Munoz's Appointment to Senior Advisor Included an Improper Pay Increase

We determined that the pay increase associated with Mr. Munoz's appointment as senior advisor to the regional administrator for EPA Region 9 was improper. When Mr. Jackson requested that Mr. Munoz be appointed to the new senior advisor position, Mr. Jackson provided Mr. Munoz with a general-schedule four-step increase to GS-15, Step 10. Pursuant to federal law, regulation, and EPA policy, when a federal employee is appointed to a new position at the same grade level without a break in service, an increase in step is not permitted. No justification had been given to support the increase. By providing Mr. Munoz with a four-step increase, the Agency allowed for a loss to the government of \$40,575.11, which is the total pay differential of the improper pay increase from the date of appointment through November 7, 2020.

Mr. Munoz Committed Time-and-Attendance Misconduct by Not Recording Absences From His Official Duty Station

We identified evidence to support the conclusion that Mr. Munoz committed time-and-attendance misconduct. Mr. Munoz lied to (b) (6), (b) (7)(C), the deputy regional administrator for EPA Region 9 and the approving official for Mr. Munoz's time for the duration of the investigation, about his whereabouts and submitted fraudulent timesheets to receive pay for hours when he was not present at his official duty station. The total loss to the EPA in wages paid for Mr. Munoz's misconduct is \$46,607.08. Mr. Munoz also accrued 56 hours of annual leave, worth \$4,271.68, and another 56 hours of sick leave, worth \$4,271.68 during the period in question. The total loss to the government for Mr. Munoz's misconduct is \$55,150.44.

## II. Background

### **Organization**

The EPA chief of staff is assigned to the Office of the Administrator and provides executive support for the EPA administrator. The Office of the Administrator supports the leadership of the EPA's programs and activities to protect human health and the environment.

The White House liaison is assigned to the Office of the Administrator and serves as the Agency's liaison to the White House on confidential and sensitive matters regarding personnel and related issues.

The main office for EPA Region 9, which covers the Pacific Southwest of the United States, is in San Francisco. EPA Region 9 also has satellite offices located in Los Angeles, California; San Diego, California; and Honolulu, Hawaii. EPA Region 9 encompasses Arizona, California, Hawaii, Nevada, and the Pacific Islands. The regional administrator's official duty station is in the San Francisco office. The senior advisor to the regional administrator is a position reporting directly to the EPA regional administrator. The deputy regional administrator served as the approving official for Mr. Munoz's timesheets.

During the time of this investigation, the Las Vegas Finance Center was part of the EPA's Office of the Chief Financial Officer, which is located in Washington, D.C. Although located in EPA Region 9, the Las Vegas Finance Center was not considered a regional satellite office. The EPA officially closed the Office of the Chief Financial Officer's Las Vegas space in March 2020.

### **Mr. Ryan Jackson**

Mr. Jackson began serving as the EPA chief of staff in February 2017. As the chief of staff, he reported to the EPA deputy administrator. (b) (6), (b) (7)(C)  
Mr. Jackson left government service in February 2020.

### **Mr. Charles Munoz**

Mr. Munoz began his career at the EPA in January 2017 as the White House liaison within the EPA's Office of the Administrator. In this capacity, he reported to Mr. Jackson. In May 2018, Mr. Jackson:

- Appointed Mr. Munoz as the senior advisor to the regional administrator for EPA Region 9.
- Approved Mr. Munoz's transfer to Las Vegas.

As the senior advisor to the regional administrator, Mr. Munoz's duties included:

- Developing strategies for the regional administrator's outreach to local elected officials.
- Developing and implementing EPA Region 9's community outreach programs.
- Strategizing to engage agriculture.

- Acting as the point of contact for EPA administrator visits to EPA Region 9.
- Handling any inquiries received by EPA Region 9 involving the White House.

Mr. Munoz reported to [REDACTED], then-regional administrator for EPA Region 9, from May 2018 to February 2020. Mr. Munoz also continued receiving assignments from Mr. Jackson for an unknown period of time after his transfer. Since February 2020, Mr. Munoz reported to (b) (6), (b) (7)(C), then-regional administrator for EPA Region 9. While serving in this position, Mr. Munoz also served as the EPA Region 9 chief of staff on a rotating basis. Mr. Munoz separated from the EPA on January 20, 2021.

(b) (6), (b) (7)(C)

[REDACTED]

(b) (6), (b) (7)(C)

[REDACTED]

### III. Analysis of the Allegations

(b) (6), (b) (7)(C) and (b) (6), (b) (7)(C)

#### Complaint

The complaint alleged that emails sent between Mr. Jackson and (b) (6), (b) (7)(C) suggested there was an arrangement for the EPA to continue to pay (b) (6), (b) (7)(C) after [REDACTED] was terminated from the Agency. During our investigation, we identified another former EPA employee, (b) (6), (b) (7)(C), who continued to receive pay and benefits after [REDACTED] separation from the EPA (b) (6), (b) (7)(C).

Chronology of Significant Events

Tables 1 and 2 list the significant events related to this investigation.

**Table 1. Chronology of significant events relative to (b) (6), (b) (7)(C)**

(b) (6), (b) (7)(C)	
Date	Event
(b) (6), (b) (7)(C) 2017	<ul style="list-style-type: none"> <li>(b) (6), (b) (7)(C) to collect (b) (6), (b) (7)(C) EPA-issued property after (b) (6), (b) (7)(C) terminated *</li> <li>(b) (6), (b) (7)(C) terminate (b) (6), (b) (7)(C)</li> <li>(b) (6), (b) (7)(C) advised his staff in an email that (b) (6), (b) (7)(C)</li> <li>(b) (6), (b) (7)(C) informed (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C)</li> </ul>
(b) (6), (b) (7)(C), 2017	<ul style="list-style-type: none"> <li>(b) (6), (b) (7)(C) informed Mr. Jackson that (b) (6), (b) (7)(C) had not been paid yet. (b) (6), (b) (7)(C) "just wanted to see if something has changed since our conversation about not being paid a few months."</li> <li>Mr. Jackson told (b) (6), (b) (7)(C) to let him know if the pay did not come through by (b) (6), (b) (7)(C), 2017. (b) (6), (b) (7)(C) stated, "We have not put in any paperwork on you so no one is aware of any actions."</li> </ul>
(b) (6), (b) (7)(C), 2017	<ul style="list-style-type: none"> <li>(b) (6), (b) (7)(C) informed Mr. Jackson that (b) (6), (b) (7)(C) still had not received a paycheck.</li> <li>Mr. Jackson asked Mr. Munoz to help him "track this down."</li> </ul>
(b) (6), (b) (7)(C) 2017	<ul style="list-style-type: none"> <li>Mr. Munoz emailed an amended time-and-attendance report for (b) (6), (b) (7)(C) to HRPayHelp. The amended report stated that (b) (6), (b) (7)(C) timesheet for the previous pay period was mistakenly entered and needed to be corrected.</li> <li>(b) (6), (b) (7)(C) emailed a group of 15 EPA employees a copy of a (b) (6), (b) (7)(C) "TERMINATION (b) (6), (b) (7)(C) /2017" was noted next to (b) (6), (b) (7)(C) name.</li> </ul>
(b) (6), (b) (7)(C) 2017	<ul style="list-style-type: none"> <li>Mr. Munoz informed (b) (6), (b) (7)(C), "We fixed your time card earlier this week and it'll be added to your next paycheck."</li> </ul>
(b) (6), (b) (7)(C) 2017	<ul style="list-style-type: none"> <li>(b) (6), (b) (7)(C) told Mr. Jackson and Mr. Munoz that (b) (6), (b) (7)(C) had not been paid for two pay periods.</li> <li>Mr. Jackson forwarded (b) (6), (b) (7)(C) email to both Mr. Munoz and (b) (6), (b) (7)(C) stating, "I need this done. I promised (b) (6), (b) (7)(C) In an email, (b) (6), (b) (7)(C) asked Mr. Munoz about (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Mr. Munoz responded (b) (6), (b) (7)(C) When (b) (6), (b) (7)(C) asked whether (b) (6), (b) (7)(C) had been working at the EPA since (b) (6), (b) (7)(C), Mr. Munoz responded affirmatively.</li> <li>Mr. Jackson signed, and Mr. Munoz submitted amended timesheets for pay periods (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C), which falsely claimed that (b) (6), (b) (7)(C) worked episodic telework. However, (b) (6), (b) (7)(C) told us that (b) (6), (b) (7)(C) performed no work for the EPA after (b) (6), (b) (7)(C) employment ended on (b) (6), (b) (7)(C) 2017.</li> </ul>
(b) (6), (b) (7)(C), 2017	<ul style="list-style-type: none"> <li>Mr. Jackson and Mr. Munoz signed and submitted (b) (6), (b) (7)(C) Standard Form 52 or SF-52, Request for Personnel Action,** falsely declaring that (b) (6), (b) (7)(C) had resigned.</li> </ul>

\* (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

\*\* An SF-52 is used by federal supervisors and managers to request (1) position actions, such as the establishment of a new position or the reclassification of an existing position; (2) employee actions, such as the appointment of an employee or the promotion of an employee; and (3) actions involving both a position and an employee, such as the establishment and filling of a position or the reclassification of a position and reassignment of an employee to the reclassified position. Employees use the form to notify an agency of their resignation or retirement, to request leave without pay, or to request a name change. Personnel offices use the SF-52 to record staffing, classification, and other personnel determinations, and then use the information on the SF-52 to prepare a corresponding Notifications of Personnel Action.

**Table 2. Chronology of significant events relative to (b) (6), (b) (7)(C)**

(b) (6), (b) (7)(C)	
Date	Event
(b) (6), (b) (7)(C) 2018	<ul style="list-style-type: none"> <li>Mr. Munoz advised (b) (6), (b) (7)(C) wanted (b) (6), (b) (7)(C) to immediately resign. Mr. Munoz said he was authorized to provide (b) (6), (b) (7)(C) with two months of severance pay (b) (6), (b) (7)(C) refused to sign the resignation paperwork. (b) (6), (b) (7)(C)</li> <li>A security guard later escorted (b) (6), (b) (7)(C) out of the building.</li> <li>Mr. Munoz told us that Mr. Jackson authorized him to provide severance pay to (b) (6), (b) (7)(C) on the condition that (b) (6), (b) (7)(C) agree to resign.</li> </ul>
(b) (6), (b) (7)(C), 2018, to (b) (6), (b) (7)(C) 2018 (approximately)	<ul style="list-style-type: none"> <li>Mr. Munoz, at the direction of Mr. Jackson, entered and approved (b) (6), (b) (7)(C) time in the EPA's timekeeping system for the pay periods covering (b) (6), (b) (7)(C), 2018, through (b) (6), (b) (7)(C) 2018.</li> </ul>
(b) (6), (b) (7)(C) 2018	<ul style="list-style-type: none"> <li>Mr. Munoz signed an SF-52 for (b) (6), (b) (7)(C) falsely declaring that (b) (6), (b) (7)(C) had resigned.</li> </ul>
(b) (6), (b) (7)(C) 2018	<ul style="list-style-type: none"> <li>Mr. Jackson signed (b) (6), (b) (7)(C) SF-52.</li> </ul>
(b) (6), (b) (7)(C) 2018	<ul style="list-style-type: none"> <li>In an email to (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) Mr. Munoz stated, "Attached is the signed 52 for (b) (6), (b) (7)(C). Per my conversation with (b) (6), (b) (7)(C) resignation is effective (b) (6), (b) (7)(C) /18."</li> </ul>
(b) (6), (b) (7)(C), 2019	<ul style="list-style-type: none"> <li>In an interview, Mr. Jackson told us that (b) (6), (b) (7)(C) Mr. Jackson said he tried to help (b) (6), (b) (7)(C) by keeping (b) (6), (b) (7)(C) on the payroll to avoid a break in service.</li> </ul>

Termination of (b) (6), (b) (7)(C)

Before (b) (6), (b) (7)(C) terminated (b) (6), (b) (7)(C) to collect (b) (6), (b) (7)(C) laptop computer, keys, badge, and phone upon (b) (6), (b) (7)(C) termination. Mr. Munoz also offered to join the meeting or to sit outside the meeting to collect the items. Mr. Munoz admitted that one of his responsibilities was to complete the

<sup>1</sup> Prior to Mr. Jackson's interview on December 18, 2019, OIG special agents gave Mr. Jackson the *Kalkines* warning. This warning advised Mr. Jackson that he was compelled to cooperate in the interview and that any information he provided would not be used against him in a criminal proceeding. A *Kalkines* warning protects an employee from prosecution. See *Kalkines v. United States*, 473 F.2d 1391 (Ct. Cl. 1973).



that when (b) (6), (b) (7)(C) they were letting go, to which (b) (6), (b) (7)(C) stated believed was being fired because (b) (6), (b) (7)(C), (b) (5)

On July 24, 2019, in a voluntary interview, Mr. Jackson was asked why (b) (6), (b) (7)(C) was fired. In response, Mr. Jackson replied, (b) (6), (b) (7)(C)

#### Continued Salaried Payments and Benefits for [REDACTED] After [REDACTED] Termination

On [REDACTED] 2017, 22 days after [REDACTED] was terminated, [REDACTED] emailed Mr. Jackson from [REDACTED] personal email account, informing him that [REDACTED] had not gotten paid. [REDACTED] wrote, "Also I haven't got paid yet, usually I get paid on Thursday. I just wanted to see if something has changed since our conversation about being paid a few months." In his response, Mr. Jackson told [REDACTED] to let him know if [REDACTED] did not get paid by [REDACTED] 2017, the actual pay date. Mr. Jackson said in an email to [REDACTED] that "we" had not put in "any paperwork" on [REDACTED], "so no one was aware of any actions." Four days later, [REDACTED] emailed Mr. Jackson again, writing, "I still haven't received my paycheck yet." That same day, Mr. Jackson forwarded the email to Mr. Munoz, requesting that Mr. Munoz "track this down." In a voluntary interview, Mr. Munoz admitted that Mr. Jackson told him to ensure [REDACTED] received [REDACTED] salaried payments after [REDACTED] had been terminated.

On [REDACTED] 2017, [REDACTED] emailed Mr. Jackson and Mr. Munoz to inform them that [REDACTED] still had not been paid for the previous pay period. Mr. Jackson then sent an email to Mr. Munoz and (b) (6), (b) (7)(C) [REDACTED], writing, "I need this done. I promised (b) (6), (b) (7)(C) Mr. Jackson, however, told us that he did not promise (b) (6), (b) (7)(C) anything. (b) (6), (b) (7)(C) forwarded Mr. Jackson's email to (b) (6), (b) (7)(C) [REDACTED] that same day. (b) (6), (b) (7)(C) wrote, "Can you please check into this. I have no information. First I heard." (b) (6), (b) (7)(C) in a voluntary interview, told us that [REDACTED] did not remember responding to Mr. Jackson's request or receiving further information from (b) (6), (b) (7)(C) on Mr. Jackson's request.

<sup>2</sup> (b) (6), (b) (7)(C)

On the same day, (b) (6), (b) (7)(C) asked Mr. Munoz, “(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) advised that, if (b) (6), (b) (7)(C) stopped working at the EPA on (b) (6), (b) (7)(C) 2017, (b) (6), (b) (7)(C) would not have been paid for the two pay periods covering (b) (6), (b) (7)(C) 2017, through (b) (6), (b) (7)(C) 2017. Mr. Munoz responded, (b) (6), (b) (7)(C) ” When (b) (6), (b) (7)(C) asked Mr. Munoz whether (b) (6), (b) (7)(C) had been working at the EPA since (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) responded affirmatively.

In a voluntary interview, Mr. Munoz told us that he and Mr. Jackson had “figured out” how to get (b) (6), (b) (7)(C) paid after (b) (6), (b) (7)(C) termination. Mr. Munoz explained that the “fix,” which he believed was Mr. Jackson’s idea, was to tell the EPA’s Human Resources Management Division that (b) (6), (b) (7)(C) was on an extended telework schedule so that (b) (6), (b) (7)(C) would receive pay through (b) (6), (b) (7)(C) 2017. Mr. Munoz explained that he believed Mr. Jackson would not be happy if he had not followed Mr. Jackson’s order to get additional pay for (b) (6), (b) (7)(C) after (b) (6), (b) (7)(C) termination.

Mr. Munoz completed amended time-and-attendance reports for (b) (6), (b) (7)(C) for pay periods (b) (6), (b) (7)(C), covering (b) (6), (b) (7)(C), 2017, through (b) (6), (b) (7)(C), 2017. In these amended reports, Mr. Munoz falsely stated that (b) (6), (b) (7)(C) “worked episodic telework” for the entirety of two pay periods, with the exception of one holiday. In a voluntary interview, Mr. Munoz admitted to us that at the time he amended (b) (6), (b) (7)(C) time-and-attendance reports, he knew the continued payments made to (b) (6), (b) (7)(C) were wrong and were potentially theft against the government.

Mr. Jackson signed in the “Supervisor Approval” field on both amended reports. In doing so, the reports required Mr. Jackson to “certify that the time and attendance reported ... [was] correct and [was] authorized in accordance with applicable statutes and regulations.” Mr. Jackson admitted to us that he had, in fact, signed both of the amended reports. The amended reports did not have a date field to indicate when Mr. Jackson signed the reports.

In two separate interviews, Mr. Jackson admitted knowing that he had approved the EPA paying (b) (6), (b) (7)(C) after (b) (6), (b) (7)(C) termination from the Agency on (b) (6), (b) (7)(C), 2017. On July 24, 2019, Mr. Jackson stated, “I didn’t want to just, you know, terminate (b) (6), (b) (7)(C) drop (b) (6), (b) (7)(C) There was a need for us to—to have some kind of transition, (b) (6), (b) (7)(C) knew that, (b) (6), (b) (7)(C) did that.” Later in that same interview, we asked Mr. Jackson, “Can (b) (6), (b) (7)(C) stay on the payroll if (b) (6), (b) (7)(C) no longer actually working here?” Mr. Jackson replied, “It’s what I chose to do.” Mr. Jackson also stated, “You know, I wanted a transition period. I didn’t think it was really fair to (b) (6), (b) (7)(C) what was going down. ... I wanted to be helpful to (b) (6), (b) (7)(C) ”

On December 18, 2019, Mr. Jackson explained that (b) (6), (b) (7)(C) continued to receive pay from the EPA because he wanted (b) (6), (b) (7)(C) to be “available” if he needed to contact (b) (6), (b) (7)(C) Mr. Jackson further stated, “That’s what I did. If you guys want to write something bad up about it and send it to (b) (6), (b) (7)(C), ”

then-associate deputy administrator for the EPA] and send it to [then-Administrator Andrew] Wheeler, knock yourself out, but that's what I did.”

Mr. Munoz submitted an SF-52 for (b) (6), (b) (7)(C) on or about (b) (6), (b) (7)(C) 2017. In this SF-52, Mr. Munoz falsely stated that (b) (6), (b) (7)(C) had resigned on (b) (6), (b) (7)(C), 2017. Mr. Munoz also signed the SF-52 and wrote (b) (6), (b) (7)(C) after his signature, while Mr. Jackson signed for himself in the “Action Requested By” field and for then-Administrator Pruitt in the “Action Authorized By” field. Mr. Jackson admitted that he signed the (b) (6), (b) (7)(C), 2017 SF-52. In addition, Mr. Munoz admitted to filling out the SF-52, signing the SF-52 for (b) (6), (b) (7)(C) without (b) (6), (b) (7)(C) permission, and falsely stating in the SF-52 that (b) (6), (b) (7)(C) had resigned from the EPA on (b) (6), (b) (7)(C), 2017. Mr. Munoz explained to us that his actions were taken at the direction of Mr. Jackson.

When we interviewed (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) was terminated (b) (6), (b) (7)(C). In addition, Mr. Munoz admitted that (b) (6), (b) (7)(C) did not authorize him to sign (b) (6), (b) (7)(C) SF-52 on (b) (6), (b) (7)(C) behalf. Furthermore, (b) (6), (b) (7)(C) told us that (b) (6), (b) (7)(C) believed Mr. Jackson purposefully delayed sending (b) (6), (b) (7)(C) SF-52 to the EPA's Human Resources Management Division so that the EPA would continue to pay (b) (6), (b) (7)(C) after (b) (6), (b) (7)(C) no longer worked at the Agency.

We confirmed that (b) (6), (b) (7)(C) amended timesheets were processed and that (b) (6), (b) (7)(C) was paid for time in pay periods (b) (6), (b) (7)(C), which occurred between (b) (6), (b) (7)(C) 2017, and (b) (6), (b) (7)(C) 2017. (b) (6), (b) (7)(C) leave-and-earnings statements confirmed that (b) (6), (b) (7)(C) was paid a lump sum of \$14,181.38 for 80 hours of time worked across pay periods (b) (6), (b) (7)(C), as well as all compensation elements, including Thrift Savings Plan contributions, health insurance, social security, and flexible spending.

#### Termination of (b) (6), (b) (7)(C)

On (b) (6), (b) (7)(C), 2018, Mr. Munoz met with (b) (6), (b) (7)(C). Also in attendance was (b) (6), (b) (7)(C). In a December 18, 2018 voluntary interview, (b) (6), (b) (7)(C) provided a detailed account of the meeting. During this meeting, Mr. Munoz advised (b) (6), (b) (7)(C) to resign from (b) (6), (b) (7)(C) position at the EPA effective immediately. Mr. Munoz also told (b) (6), (b) (7)(C) that Mr. Munoz was authorized to provide (b) (6), (b) (7)(C) with two months of “severance pay.” Mr. Munoz said that if (b) (6), (b) (7)(C) did not resign, (b) (6), (b) (7)(C) would fail to receive the severance pay, (b) (6), (b) (7)(C), and be unable to procure a job with the federal government. When (b) (6), (b) (7)(C) asked why (b) (6), (b) (7)(C) was being terminated, Mr. Munoz replied, “(b) (6), (b) (7)(C).”

(b) (6), (b) (7)(C) told us (b) (6), (b) (7)(C) knew at the time of Mr. Munoz's offer that no such thing as severance pay existed for federal employees. (b) (6), (b) (7)(C) confirmed that (b) (6), (b) (7)(C) witnessed Mr. Munoz tell (b) (6), (b) (7)(C) that “[t]hey'll make life difficult for (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) won't work for the federal government.” According to (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) refused to sign the resignation paperwork, instead asking Mr. Munoz

why (b) (6), (b) (7)(C) was being fired. (b) (6), (b) (7)(C) believed Mr. Munoz was ordered to terminate (b) (6), (b) (7)(C)

Mr. Munoz generally corroborated (b) (6), (b) (7)(C) account of the (b) (6), (b) (7)(C) 2018 meeting. He also admitted to us that it was Mr. Jackson who directed him to provide severance pay to (b) (6), (b) (7)(C) on the condition that (b) (6), (b) (7)(C) agree to resign. Mr. Jackson told us that the EPA cannot provide severance packages. (b) (6), (b) (7)(C) did not remember Mr. Munoz mentioning anything about a severance package. (b) (6), (b) (7)(C) believed there was a possibility that Mr. Munoz mentioned that (b) (6), (b) (7)(C) might (b) (6), (b) (7)(C) if (b) (6), (b) (7)(C) did not sign the resignation paperwork. In an interview on December 18, 2019, Mr. Jackson stated that he tried to help (b) (6), (b) (7)(C) by keeping (b) (6), (b) (7)(C) on the payroll to avoid a break in service.

After the (b) (6), (b) (7)(C) 2018 meeting, an EPA armed contract security guard escorted (b) (6), (b) (7)(C) from the EPA building. At that time, (b) (6), (b) (7)(C) believed that (b) (6), (b) (7)(C) was suspended from the EPA because Mr. Munoz never officially fired (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) never resigned. On July 10, 2019, in a voluntary interview, (b) (6), (b) (7)(C) told us that (b) (6), (b) (7)(C) believed (b) (6), (b) (7)(C), (b) (5)

On (b) (6), (b) (7)(C) 2018, Mr. Munoz signed an SF-52, falsely stating that (b) (6), (b) (7)(C) resigned on (b) (6), (b) (7)(C) 2018. Mr. Munoz signed the SF-52 and wrote "for (b) (6), (b) (7)(C)" next to his signature. Furthermore, Mr. Munoz admitted that he filled out the form, signed it for (b) (6), (b) (7)(C), and falsely reported that (b) (6), (b) (7)(C) resigned on (b) (6), (b) (7)(C) 2018. Mr. Jackson also signed the SF-52 for then-Administrator Pruitt as the official who requested and authorized the action on (b) (6), (b) (7)(C) 2018. Mr. Jackson confirmed that the signatures on the SF-52 were his. The first signature is in Block 5 of the SF-52, "Action Requested By (*Typed Name, Title, Signature, and Request Date*)," with Mr. Jackson's name typed into the block and a signature over it. The second signature can be found in Block 6 of the SF-52, "Action Authorized by (*Typed Name, title, signature, and Concurrence Date*)," with former Administrator Pruitt's name typed into the block and Mr. Jackson's signature over it. In an (b) (6), (b) (7)(C) 2018 email to (b) (6), (b) (7)(C) EPA's Human Resources Management Division, and (b) (6), (b) (7)(C) EPA's Human Resources Management Division, Mr. Munoz wrote, "Attached is the signed 52 for (b) (6), (b) (7)(C). Per my conversation with (b) (6), (b) (7)(C) resignation is effective (b) (6), (b) (7)(C) /18." (b) (6), (b) (7)(C) told us that (b) (6), (b) (7)(C) never agreed to resign, never signed an SF-52, and did not authorize anyone to sign an SF-52 on (b) (6), (b) (7)(C) behalf.

#### Continued Salaried Payments for (b) (6), (b) (7)(C) After (b) (6), (b) (7)(C) Termination

On (b) (6), (b) (7)(C) 2018, more than one month after (b) (6), (b) (7)(C) refused to resign and was escorted from the EPA building, Mr. Munoz, at the direction of Mr. Jackson, entered and approved 80 hours of work and holiday pay for (b) (6), (b) (7)(C) for pay period (b) (6), (b) (7)(C) in

PeoplePlus, the EPA's official timekeeping system. Mr. Munoz informed us that he never took any personnel actions unilaterally without being instructed to do so by Mr. Jackson or the administrator. He believed that Mr. Jackson directed him to pay (b) (6), (b) (7)(C) because (b) (6), (b) (7)(C), (b) (5). We obtained the leave-and-earnings statements for (b) (6), (b) (7)(C) for pay periods (b) (6), (b) (7)(C), which confirmed that (b) (6), (b) (7)(C) was paid \$10,883.20 in salary for 80 hours of work for each pay period.

In addition, on December 18, 2019, Mr. Jackson told us that (b) (6), (b) (7)(C) was removed because (b) (6), (b) (7)(C). In the same interview, Mr. Jackson also stated that for a period of time, he was trying to help (b) (6), (b) (7)(C) by getting (b) (6), (b) (7)(C) placed with another federal agency and by keeping (b) (6), (b) (7)(C) on the payroll to avoid a "break in service."

(b) (6), (b) (7)(C) confirmed that (b) (6), (b) (7)(C) did not perform any work for the EPA after (b) (6), (b) (7)(C), 2018. From (b) (6), (b) (7)(C), 2018, to (b) (6), (b) (7)(C), 2018, the EPA paid (b) (6), (b) (7)(C) a total of \$23,731.85 in pay and benefits.

### **Mr. Charles Munoz**

#### Complaint

Based on information about Mr. Munoz that we received from a source on August 27, 2018, we initiated an investigation concerning potential time-and-attendance fraud. During our investigation, we identified information concerning Mr. Munoz's transfer to Las Vegas that required further review. We expanded our investigation to examine the facts and circumstances surrounding his transfer.

Chronology of Significant Events

Table 3 lists significant events related to this investigation.

**Table 3. Chronology of significant events relative to Mr. Munoz**

Mr. Charles Munoz	
Date	Event
May 8, 2018	<ul style="list-style-type: none"> <li>Mr. Jackson submitted an SF-52 to the EPA's Human Resources Management Division to create the new position of senior advisor to the regional administrator, with an official duty station in Las Vegas. Mr. Munoz was identified as the person designated for the position.</li> </ul>
May 15, 2018	<ul style="list-style-type: none"> <li>Mr. Munoz was recorded as having arrived in the Las Vegas area and accessing the Las Vegas Finance Center.</li> </ul>
May 17, 2018	<ul style="list-style-type: none"> <li>Mr. Munoz attested his timesheet for the pay period of May 27, 2018, to June 9, 2018, for 71 regular hours worked and nine holiday hours.</li> </ul>
May 21, 2018	<ul style="list-style-type: none"> <li>[REDACTED], an EPA human resources specialist, coordinated with Mr. Munoz on the proposed effective date of Mr. Munoz's reassignment. Mr. Munoz concurred with the effective date of May 27, 2018.</li> </ul>
May 25, 2018	<ul style="list-style-type: none"> <li>Mr. Munoz attested his timesheet for the pay period of June 10, 2018, to June 23, 2018, that he performed 80 regular hours of work.</li> </ul>
May 27, 2018	<ul style="list-style-type: none"> <li>Mr. Munoz officially began as the senior advisor to the regional administrator for EPA Region 9.</li> </ul>
June 4, 2018	<ul style="list-style-type: none"> <li>[REDACTED], the deputy regional administrator for EPA Region 9 and the approving official for Mr. Munoz's time, emailed Mr. Munoz to suggest that, because of his remote duty station, she required him to report to her what his work schedule was for each pay period prior to his timesheet being approved.</li> <li>Mr. Munoz attested his timesheet for the pay period of June 24, 2018, to July 7, 2018, for 71 regular hours worked, and nine holiday hours.</li> </ul>
July 5, 2018	<ul style="list-style-type: none"> <li>Mr. Munoz attested his timesheets for the pay periods of:               <ul style="list-style-type: none"> <li>July 8, 2018, to July 21, 2018, for 80 regular hours worked.</li> <li>July 22, 2018, to August 4, 2018, for 80 regular hours worked.</li> </ul> </li> </ul>
August 15, 2018	<ul style="list-style-type: none"> <li>Mr. Munoz attested his timesheets for the pay periods of:               <ul style="list-style-type: none"> <li>August 5, 2018, to August 18, 2018, for 80 regular hours worked.</li> <li>August 19, 2018, to September 1, 2018, for 80 regular hours worked.</li> <li>September 2, 2018, to September 15, 2018, for 71 regular hours worked and nine holiday hours.</li> </ul> </li> </ul>
September 4, 2018	<ul style="list-style-type: none"> <li>Mr. Munoz attested his timesheets for the pay periods of:               <ul style="list-style-type: none"> <li>September 16, 2018, to September 29, 2018, for 80 regular hours worked.</li> <li>September 30, 2018, to October 13, 2018, for 71 regular hours worked and nine holiday hours.</li> </ul> </li> </ul>

Mr. Munoz's Appointment as Senior Advisor and Transfer to Las Vegas

On May 8, 2018, Mr. Jackson submitted an SF-52 and other documentation to the EPA's Human Resources Management Division to create the position of senior advisor to the regional administrator for EPA Region 9, job series 0301.<sup>3</sup> The position was designated as a

<sup>3</sup> The U.S. Office of Personnel Management occupational series 0301, Miscellaneous Administration and Program Series, includes positions the duties of which are to perform, supervise, or manage nonprofessional, two-grade interval work for which no other series is appropriate. The work requires analytical ability, judgment, discretion, and knowledge of a substantial body of administrative or program principles, concepts, policies, and objectives.

GS-15, Step 10. Mr. Jackson identified Mr. Munoz as the person selected for the position. Mr. Jackson signed as the requestor and for the authorizing official, then-Administrator Pruitt.

On May 21, 2018, Mr. Munoz received a memorandum from (b) (6), (b) (7)(C) a human resources specialist with the Human Resources Management Division, confirming Mr. Munoz's conversion to a new Schedule C appointment as the senior advisor to the regional administrator for EPA Region 9, GS-0301-15, Step 10, with an official duty station of Las Vegas. The effective date of Mr. Munoz's appointment was May 27, 2018.

Mr. Munoz received a four-step increase when he converted from his GS-0301-15, Step 6 White House liaison appointment in Washington, D.C., to a new GS-0301-15, Step 10 Schedule C appointment as a senior advisor to the EPA Region 9 regional administrator with an official duty station of Las Vegas, Nevada. The annual salary in 2018 for a GS-0301-15, Step 6, with a locality adjustment for Washington, D.C., was \$157,253. An employee at the same GS-0301-15, Step 6 level with the Las Vegas locality adjustment earned \$142,867 annually in 2018, approximately \$14,000 less than the Washington, D.C.-based position. However, a GS-0301-15, Step 10 position with locality adjustment for Las Vegas was \$159,194 per annum in 2018. The four-step increase enabled Mr. Munoz to receive a salary in Las Vegas that was comparable to what he had earned in Washington, D.C.

In a voluntary interview, we asked Mr. Jackson about Mr. Munoz's appointment as the senior advisor to the EPA Region 9 regional administrator. Mr. Jackson told us that it was his decision to select Mr. Munoz for the position and to allow Mr. Munoz to work from Las Vegas. He explained that "they" try to put political appointees in other regional positions because it would be helpful to the offices. Mr. Jackson also said that Mr. Munoz was originally from Las Vegas and was interested in doing something new and closer to where he was from.

#### Mr. Munoz's Receipt of a Four-Step Pay Increase

As discussed above, on May 8, 2018, Mr. Jackson signed an SF-52 that was submitted to the EPA's Human Resources Management Division. The SF-52 requested that Mr. Munoz be converted to the position of senior advisor to the regional administrator for EPA Region 9, at the GS-15, Step 10, pay level. Mr. Jackson did not cite any pay-setting authority that would permit this four-step pay increase nor was any other justification provided. A human resources specialist for the U.S. Office of Personnel Management, or OPM, explained to us that the information documented on an SF-52 is entered into an electronic system and a Form 1019, *Request for Schedule C Appointing Authority*, is generated.<sup>4</sup> Mr. Munoz's proposed appointment was a Schedule C position, which is a type of political appointment. The appointment required advance approval from the White House Presidential Personnel Office and the OPM. According to (b) (6), (b) (7)(C), the Form 1019 was supposed to have been provided to (b) (6), (b) (7)(C), the EPA's then-acting deputy White House liaison.

<sup>4</sup> Schedule C positions are exempted from the competitive service because they have policy-determining responsibilities or require the incumbent to serve in a close and confidential working relationship with the head of an agency or other key appointed official.

(b) (6), (b) (7)(C) was supposed to provide the Form 1019 to the White House Presidential Personnel Office for review and approval. (b) (6), (b) (7)(C) signature can be found on the Form 1019, approving Mr. Munoz's new position. The request for appointing authority was reviewed and approved by the OPM on May 10, 2018.

The Form 1019 that the OPM reviewed included information identifying Mr. Munoz as the proposed candidate, as well as the proposed position's title, grade and step, and location. The form did not indicate that Mr. Munoz was a current federal employee, nor did it include information identifying Mr. Munoz's current grade and step. According to (b) (6), (b) (7)(C) an OPM senior human resources specialist, the OPM does not conduct any independent research to determine whether the proposed pay identified on a Form 1019 has been properly determined. Rather, the OPM relies upon the requesting agency to properly determine the pay in accordance with the law and the requesting agency's pay policy. Therefore, the OPM approval provided for Mr. Munoz's appointment to a senior advisor did not include a review of whether his appointment was made at the correct step.

(b) (6), (b) (7)(C) EPA's Human Resources Management Division, informed us that in February 2018, (b) (6), (b) (7)(C) were responsible for executing hirings, transfers, and certain other personnel matters for political appointees. (b) (6), (b) (7)(C) further explained that when Mr. Jackson requested the new appointment for Mr. Munoz, the staff of the EPA's Human Resources Management Division lacked experience with political appointee matters and did not understand what actions they could take regarding proposed appointments. (b) (6), (b) (7)(C) told us that he determined that the new position created for Mr. Munoz and the associated four-step increase appeared "irregular," but they were unable to identify any regulation prohibiting the pay increase. Therefore, in keeping with the Agency's past practice of granting step increases when political appointees were reassigned and the OPM's approval of Mr. Munoz's appointment, the EPA's Human Resources Management Division permitted both the appointment and the increase to take effect. (b) (6), (b) (7)(C) told us that they assumed the OPM reviewed the proposed pay for Mr. Munoz prior to granting approval.

We determined through our research and interview with (b) (6), (b) (7)(C) that federal regulations require that when a federal employee is appointed to a new position at the same grade level without a break in service, an increase in step is not permitted.<sup>5</sup> Therefore, when Mr. Munoz was appointed to the senior advisor position, he should have remained a GS-15, Step 6, the same pay level he had during his tenure as the White House liaison.

By authorizing Mr. Munoz's appointment to a GS-0301-15, Step 10 position, the EPA allowed for a loss to the government of \$40,575.11, which is the total pay differential of the improper pay increase from the date of appointment through November 7, 2020. After this

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<sup>5</sup> As provided in 5 C.F.R. § 531.213, "[f]or an employee who is moved laterally (by transfer, reassignment, change in type of appointment, change in official worksite, or other change in position) from one GS position to a different GS position without a change in grade or break in service, the agency must determine the employee's payable rate of basic pay and any underlying rate(s) of basic pay based on the employee's new position of record, new official worksite, and the step ... in effect before the position change."

date, Mr. Munoz was transitioned to the Senior Level pay scale until his resignation on January 20, 2021.

#### Mr. Munoz's Work Schedule and Telework Status

Mr. Munoz began working at his official duty station, the Las Vegas Finance Center, prior to his May 27, 2018 start date as the senior advisor to the regional administrator for EPA Region 9. During the pay period covering May 13, 2018, to May 26, 2018, while he still had the official title of White House liaison, Mr. Munoz accessed the Las Vegas Finance Center. During this pay period, he also traveled on official business from Las Vegas.

After starting as the senior advisor to the regional administrator, Mr. Munoz worked a compressed work schedule. However, he was still required to complete 80 hours of work per pay period. A compressed work schedule allows an employee to opt for a workday exceeding eight hours, resulting in the completion of 80 hours of work in fewer than the standard ten workdays. Compressed work schedules are authorized by the employee's supervisor. Mr. Munoz's compressed two-week work schedule consisted of nine hours each Monday through Thursday, eight hours on the first Friday, and the second Friday off. In a voluntary interview, Mr. Munoz described to us his normal workday as beginning around 5:30 a.m. and finishing between 4:00 and 5:00 p.m.

EPA Order 3110.32, *Telework Policy*, requires an employee to complete both a telework agreement for the supervisor's approval and training on telework before participating in the Agency's telework program. Mr. Munoz stated that he had an approved telework agreement during his time as the White House liaison. In a voluntary interview, Mr. Munoz made claims to us that he was "pretty sure" he had submitted a telework agreement to EPA Region 9 and agreed to provide us with a copy. Mr. Munoz never provided us with a copy of his telework agreement.

The EPA Region 9 Human Resources Office confirmed that Mr. Munoz did not have a telework agreement on file with EPA Region 9. Mr. Munoz's former supervisor, (b) (6), (b) (7)(C), was unsure if Mr. Munoz had a telework agreement on file. Mr. Munoz told us that he never had a conversation with (b) (6), (b) (7)(C) regarding telework.

Because Mr. Munoz was not co-located with EPA Region 9 personnel, (b) (6), (b) (7)(C), who was responsible for approving Mr. Munoz's time in PeoplePlus, required that Mr. Munoz provide her with written confirmation of the hours he attested to in his timesheet. (b) (6), (b) (7)(C) emailed Mr. Munoz on June 4, 2018, stating, "Because your work location is Las Vegas, I suggest you send me an email each pay period (say, at the same time you complete your time card, e.g., Wednesday or Thursday of the second week) letting me know what your work schedule was for that period (e.g., M-F 8 hour days). If I'm in the system as your time approver, I will also receive any leave requests, which should be straightforward."

## Mr. Munoz's Inaccurate Time-and-Attendance Records

Mr. Munoz admitted to EPA OIG special agents that he knew:

- He was responsible for submitting accurate information in PeoplePlus.
- How PeoplePlus worked, and when and how to request and take leave.
- His supervisor would not have authorized him to telework for extended periods.

Despite this knowledge, Mr. Munoz continued to lie about his location during times he attested to working regular hours, as submitted in PeoplePlus.

There are 15 pay periods that fall between May 27, 2018, and December 22, 2018. For each pay period, Mr. Munoz attested to and submitted his time and attendance in PeoplePlus. Of his 15 pay-period submissions to PeoplePlus, Mr. Munoz provided false information for 14. In his submission of his timesheets in PeoplePlus, Mr. Munoz claimed that he worked either nine- or eight-hour workdays according to his compressed work schedule. Prior to Mr. Munoz's submission of each time card in PeoplePlus, he was required to acknowledge the following:

I attest that I have read the information provided on the Login Screen of PeoplePlus and understand the consequences to knowingly or intentionally submitting false information in a government timecard.

To determine whether Mr. Munoz reported to his official duty station on the days he attested to working, we gathered and reviewed information from various sources to account for Mr. Munoz's activities. The information, which we list in Appendix A, included access badge data, computer log entries, timesheets, cell phone data, emails, travel and financial documents, and personal appointments. An analysis of the information allowed us to determine whether Mr. Munoz was at his official duty station on his scheduled workdays from May 27, 2018, through December 22, 2018. We captured each workday under one of the following six categories, which we summarized in Table 4: (1) Full Day at the Official Duty Station, (2) Day Not Reporting to the Official Duty Station, (3) Partial Day at the Official Duty Station, (4) Day on Official Travel, (5) Holiday, and (6) Day on Leave. The results are summarized in Table 4.

**Table 4. Summary of analysis**

Pay Period Year: 2018	Full Day at the Official Duty Station <sup>a</sup>	Day Not Reporting to the Official Duty Station <sup>b</sup>	Partial Day at the Official Duty Station <sup>c</sup>	Day on Official Travel <sup>d</sup>	Holiday <sup>d</sup>	Day on Leave <sup>d</sup>
5/27–6/9		7	1		1	
6/10–6/23		7	2			
6/24–7/7		3	1	4	1	
7/8–7/21		4		5		
7/22–8/4		8		1		
8/5–8/18		8	1			
8/19–9/1		8	1			
9/2–9/15		4		4	1	
9/16–9/29		6	1	2		
9/30–10/13		3		5	1	
10/14–10/27		4	1	4		
10/28–11/10	3		4	4		
11/11–11/24	5				2	2
11/25–12/8	1	1		5	1	1
12/9–12/22	3	1	1	4		
<b>Total Days:</b>	<b>12</b>	<b>64</b>	<b>11</b>	<b>38</b>	<b>7</b>	<b>3</b>

<sup>a</sup> If Mr. Munoz accessed the Las Vegas Finance Center or the EPA network or made calls on his EPA-issued cell phone for what appeared to be more than four hours, he was credited with a full day of work.

<sup>b</sup> If Mr. Munoz did not access the Las Vegas Finance Center or the EPA network, used his cell phones away from the Las Vegas Finance Center, attended [REDACTED] or sent emails identifying him engaged in places other than the Las Vegas Finance Center, it was determined that he was not working a full day of work at his assigned duty location.

<sup>c</sup> If Mr. Munoz accessed the Las Vegas Finance Center or the EPA network or made calls on his cell phones in the vicinity of the Las Vegas Finance Center for more than one hour but less than four hours, he was credited with a partial day of work, or four hours.

<sup>d</sup> Holidays, official government travel, and leave used accounted for full workdays.

To further our analysis, we developed a spreadsheet detailing the locations of activity for Mr. Munoz’s EPA-issued cell phone and personal cell phone, [REDACTED]. The activity data were also plotted on maps. Below is an overview of our findings for the pay periods covering May 27, 2018, through December 22, 2018, focusing on Mr. Munoz’s activities during traditional workweeks, Monday through Friday. Specifically, we found:

- **Pay Period May 27–June 9, 2018.** This was Mr. Munoz’s first official pay period as the senior advisor to the regional administrator for EPA Region 9. During these two weeks, the evidence reviewed showed Mr. Munoz as not having worked from his official duty location on seven of the nine workdays in his compressed schedule. He was recorded entering the Las Vegas Finance Center on one workday, June 4, 2018, which the activity data we collected show was a partial workday. Specifically, the activity data we collected for that day show that Mr. Munoz made and received

phone calls near his residence and engaged in minimal work email traffic. On June 6, 2018, Mr. Munoz emailed (b) (6), (b) (7)(C), stating, "I've been in my Vegas office except for the 24<sup>th</sup> and 25<sup>th</sup> of May when I was in the LA office (not sure if that falls under the time period). Let me know of any questions. Thank you." *For this pay period, Mr. Munoz claimed 71 hours of regular work and nine holiday hours.*

- **Pay Period June 10–23, 2018.** During these two weeks, Mr. Munoz did not work from his official duty location on seven of the nine workdays in his compressed schedule. He was recorded as entering the Las Vegas Finance Center on two workdays, which were identified as partial workdays: June 11 and 15, 2018. On June 20, 2018, Mr. Munoz emailed (b) (6), (b) (7)(C), stating, "I've been in the Las Vegas office for the entire pay period." He was also recorded entering the Las Vegas Finance Center on June 22, 2018, the second Friday in the pay period, but he did not claim to have worked any hours that day, as this would have been his day off as a result of his normal compressed work schedule. *For this pay period, Mr. Munoz claimed 80 hours of regular work.*
- **Pay Period June 24–July 7, 2018.** During these two weeks, Mr. Munoz did not work from his official duty location on three of the nine workdays in his compressed schedule. He was on official government travel from June 26 to 29, 2018. He was identified as being present for a partial day of work at the Las Vegas Finance Center on July 5, 2018. On July 3, 2018, Mr. Munoz emailed (b) (6), (b) (7)(C), stating, "I was in Santa Maria (Casmalia) for Wednesday and Thursday last week for the Administrator's visit. I'll be working out of the Vegas office this week. Hope you have a great 4<sup>th</sup>!" *For this pay period, Mr. Munoz claimed 71 hours of regular work and nine holiday hours.*
- **Pay Period July 8–21, 2018.** During these two weeks, Mr. Munoz did not work from his official duty location on four of the nine workdays in his compressed schedule. He was on official government travel for five days. *For this pay period, Mr. Munoz claimed 80 hours of regular work.*
- **Pay Period July 22–August 4, 2018.** During these two weeks, Mr. Munoz did not work from his official duty station on eight of the nine workdays in his compressed schedule. He was on official government travel to San Francisco on July 23, 2018. On July 31, 2018, Mr. Munoz was found to have attended (b) (6), (b) (7)(C) from 8:38 a.m. to 8:57 a.m., approximately 11 miles from his official duty station. On August 1, 2018, Mr. Munoz emailed (b) (6), (b) (7)(C) stating, "Outside of last week when I was in SF for a day, the rest of my time has been spent working out of the Las Vegas CFO office." *For this pay period, Mr. Munoz claimed 80 hours of regular work.*
- **Pay Period August 5–18, 2018.** During these two weeks, Mr. Munoz did not work from his official duty location on eight of the nine workdays in his compressed schedule. He was found to have been present for a partial day on August 15, 2018.

On August 16, 2018, Mr. Munoz attended (b) (6), (b) (7)(C) at 11:15 a.m., approximately 11 miles from his official duty station. *For this pay period, Mr. Munoz claimed 80 hours of regular work.*

- **Pay Period August 19–September 1, 2018.** During these two weeks, Mr. Munoz did not work from his official duty location on eight of the nine workdays in his compressed schedule. He was found to have been present for a partial workday on August 22, 2018. On August 23, 2018, Mr. Munoz had a Department of Motor Vehicles appointment scheduled for 9:15 a.m. (b) (6), (b) (7)(C). On August 24, 2018, at 9:14 a.m., Mr. Munoz was identified as having made or received a phone call in Nipton, California, which is on the border of California and Nevada. On August 27, 2018, Mr. Munoz was found to have made several phone calls in Ventura, California. On August 29, 2018, Mr. Munoz had a second Department of Motor Vehicles appointment scheduled for 8:45 a.m. On August 30, 2018, Mr. Munoz emailed (b) (6), (b) (7)(C) stating, “I’ve been working out of the Vegas office the past 2 pay periods. For future reference, I’ll be working out of HQ in DC all next week.” *For this pay period, Mr. Munoz claimed 80 hours of regular work.*
- **Pay Period September 2–15, 2018.** During these two weeks, Mr. Munoz did not work from his official duty location on four of the nine workdays in his compressed schedule. He was on official government travel from September 3 to 7, 2018, as reported to (b) (6), (b) (7)(C). Mr. Munoz claimed nine hours of holiday pay for September 3, 2018. On September 11, 2018, he attended (b) (6), (b) (7)(C) at 10 a.m., approximately 11 miles from his official duty location. On September 14, 2018, Mr. Munoz emailed (b) (6), (b) (7)(C), stating, “Correct, I was in DC a week ago and was in Vegas this current week. I’ll be back in DC next week as well. Have a good weekend.” *For this pay period, Mr. Munoz claimed 80 hours of regular work.*
- **Pay Period September 16–29, 2018.** During these two weeks, Mr. Munoz did not work from his official duty location on six of the nine workdays in his compressed schedule. He was found to have been present for a partial workday on September 24, 2018. He was on official government travel for two days: September 17 and 18, 2018. On September 20 and 29, 2018, Mr. Munoz was at his residence for the delivery and construction of furniture between 1:00 p.m. and 3:00 p.m. Communications between Mr. Munoz and the delivery personnel, as well as between Mr. Munoz and a private contractor hired to assemble the furniture, (b) (7)(E). On September 19, 2018, Mr. Munoz attended (b) (6), (b) (7)(C) at 9 a.m. On September 25, 2018, he attended (b) (6), (b) (7)(C) from 8:06 a.m. to 8:23 a.m., approximately 11 miles from his official duty location. On September 26, 2018, he attended (b) (6), (b) (7)(C) at an unknown time. *For this pay period, Mr. Munoz claimed 80 hours of regular work.*
- **Pay Period September 30–October 13, 2018.** During these two weeks, Mr. Munoz did not work from his official duty location on three of the nine workdays in his compressed schedule. He was on official government travel for five days.

On October 4, 2018, Mr. Munoz received an email from Target at 3:17 p.m. to thank him for picking up his “item(s).” On October 9, 2018, he attended (b) (6), (b) (7)(C) at 2:45 p.m., approximately 11 miles from his official duty location. *For this pay period, Mr. Munoz claimed 71 hours of regular work and nine holiday hours.*

- **Pay Period October 14–27, 2018.** During these two weeks, Mr. Munoz did not work from his official duty location on four of the nine workdays in his compressed schedule. He was on official government travel for four days. Mr. Munoz was found to have been present for one partial workday on October 25, 2018. On October 17, 2018, Mr. Munoz (b) (6), (b) (7)(C), (b) (7)(E). Phone records identify Mr. Munoz as making and receiving phone calls on his personal and EPA-issued cell phones in the vicinity of the (b) (6), (b) (7)(C) store between 2:24 p.m. and 2:49 p.m. *For this pay period, Mr. Munoz claimed 80 hours of regular work.*
- **Pay Period October 28–November 10, 2018.** During these two weeks, Mr. Munoz worked two partial workdays and two full workdays at his official duty location. On November 6, 2018, Mr. Munoz used six hours of sick leave, and completed the rest of his workday at his official duty location. On that same day Mr. Munoz attended (b) (6), (b) (7)(C) at 11 a.m., approximately 11 miles from his official duty location. *For this pay period, Mr. Munoz claimed 74 hours of regular work, and six hours of sick leave.*
- **Pay Period November 11–24, 2018.** During these two weeks, Mr. Munoz worked at his official duty location for five days. He used 18 hours of sick leave. *For this pay period, Mr. Munoz claimed 44 hours of regular work, 18 holiday hours, and 18 hours of sick leave.*
- **Pay Periods November 25–December 8, 2018.** During these two weeks, Mr. Munoz did not work from his official duty location on one day. He worked from his official duty location for one day. He was on official travel for five days. Mr. Munoz used nine hours of sick leave on November 26, 2018. *For this pay period, Mr. Munoz claimed 62 hours of regular work, nine holiday hours, and nine hours of sick leave.*
- **Pay Period December 9–December 22, 2018.** During these two weeks, Mr. Munoz did not work from his official duty location on one of the nine workdays in his compressed schedule. He was found to have worked one partial workday on December 17, 2018. He was on official travel for four days. He worked from his official duty location on three workdays. *For this pay period, Mr. Munoz claimed 80 hours of regular work.*

Mr. Munoz admitted to us that he knew to tell (b) (6), (b) (7)(C) he was working in the Las Vegas Finance Center to ensure she would not ask further questions about where he was during the pay period. (b) (6), (b) (7)(C) EPA employees assigned to the Las Vegas Finance Center provided statements that described Mr. Munoz as not being in the office most days. According to (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C), when Mr. Munoz came into the office, he departed around midday or during lunch and did not return. (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C). Mr. Munoz made admissions that there were times he would show up to the office to work for four hours and consider himself working because he was accessible by phone when not in the office and would take four hours (b) (6), (b) (7)(C)

#### IV. Overall Impact of Mr. Jackson's and Mr. Munoz's Conduct

Mr. Jackson improperly approved and directed that (b) (6), (b) (7)(C) continue to receive full pay and benefits from the EPA after they were terminated from federal service. Mr. Jackson and Mr. Munoz, who acted at the direction of Mr. Jackson, produced and used fraudulent documents to facilitate the payments and mislead EPA personnel concerning (b) (6), (b) (7)(C) employment status.

The total dollar loss to the EPA in unauthorized payments directed by Mr. Jackson, executed with Mr. Munoz's assistance, and paid to (b) (6), (b) (7)(C) was \$37,913.23. The EPA paid (b) (6), (b) (7)(C) \$14,181.38 in salary and benefits after (b) (6), (b) (7)(C) termination from the EPA. The EPA paid (b) (6), (b) (7)(C) \$23,731.85 in salary and benefits after (b) (6), (b) (7)(C) termination from the EPA.

As for Mr. Munoz, our investigation found that between May 27, 2018, and December 21, 2018, he was not at his assigned work location for 64 workdays that he attested to as working regular hours in PeoplePlus, and an additional 11 days were partial workdays at the Las Vegas Finance Center were identified. To determine the financial loss to the EPA, we calculated the amounts based on the hourly rate of a GS-15, Step 10, to include locality pay for Las Vegas, as shown in the 2018 Salary Table published by the OPM. As of January 1, 2018, the hourly rate for an employee earning a GS-15, Step 10, pay in Las Vegas was \$76.28. The total loss to the EPA in wages paid for Mr. Munoz's misconduct is \$46,607.08. Mr. Munoz accrued 56 hours of annual leave, worth \$4,271.68 and an additional 56 hours of sick leave worth \$4,271.68 during the period in question. The total loss to the government for Mr. Munoz's misconduct is \$55,150.44.

Finally, the improper four-step pay increase given to Mr. Munoz when he was appointed to the senior advisor position resulted in a loss to the government of \$40,575.11, which is the total pay differential of the improper pay increase from the date of appointment through when he was transitioned to the Senior Level pay scale on November 7, 2020.

#### V. Prosecutive Status

For our investigations into the continued salaried payments made to (b) (6), (b) (7)(C) after their terminations, we consulted with the U.S. Attorney's Office for the District of Columbia, Fraud and Public Corruption Section; U.S. Attorney's Office for the District of Columbia, Superior Court Division; Department of Justice, Public Integrity Section;

and U.S. Attorney's Office for the District of Nevada, Special Prosecutions Section, concerning the allegations and findings for potential criminal prosecution. The cases were declined by all prosecutive entities.

For our investigation into Mr. Munoz's potential time-and-attendance fraud, we consulted with the U.S. Attorney's Office for the Northern District of California and the U.S. Attorney's Office for the District of Nevada concerning the stated allegations and findings for potential criminal prosecution. The case was declined by both prosecutive entities.

## VI. Disposition

Mr. Jackson, (b) (6), (b) (7)(C), and Mr. Munoz are no longer employed by the EPA. This report is being provided to EPA Administrator Michael S. Regan for any action deemed appropriate.