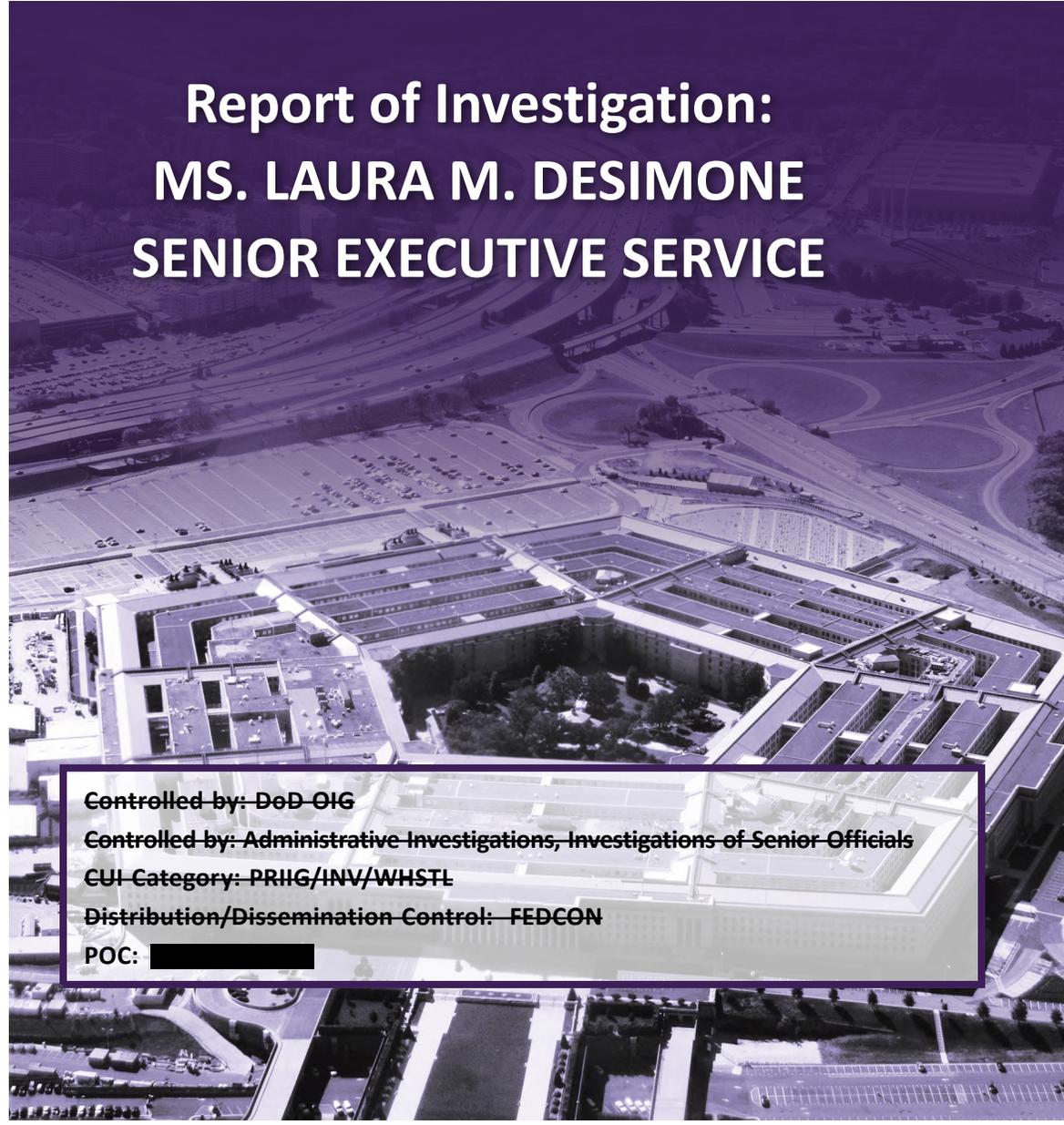




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Report of Investigation: MS. LAURA M. DESIMONE SENIOR EXECUTIVE SERVICE

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REPORT OF INVESTIGATION: MS. LAURA M. DESIMONE SENIOR EXECUTIVE SERVICE

Introduction and Summary

Complaint Origin and Allegations

The DoD Hotline received an anonymous complaint on January 4, 2021, alleging that Ms. Laura M. DeSimone, Executive Director, Missile Defense Agency (MDA), engaged in an inappropriate relationship with a subordinate (Subordinate 1). On February 22, 2021, the DoD Hotline received a second complaint, alleging that Ms. DeSimone sexually harassed a subordinate (Subordinate 2) while serving at the Naval Surface Warfare Center Dahlgren Division (henceforth referred to as Dahlgren Division).

The DoD Office of Inspector General (DoD OIG) initiated an investigation on May 19, 2021, into the allegations that Ms. DeSimone engaged in an inappropriate senior-subordinate relationship with Subordinate 1 and that she sexually harassed Subordinate 2.

Additionally, we examined allegations that Ms. DeSimone misused her public office for the private gain of Subordinate 1 and misused government communication systems and equipment to further her relationship with Subordinate 1.

We evaluated Ms. DeSimone's conduct against the standards summarized throughout this report. We present the applicable standards in Appendix A.

Scope and Methodology of the Investigation

We interviewed Ms. DeSimone and 23 witnesses. Witnesses interviewed included current and former employees of both the MDA and the Dahlgren Division. Additionally, we reviewed government cell phone records, official travel records, and more than 8 million electronic files, which included emails, instant messages, and documents. We also reviewed applicable standards. Due to the passage of time and records retention policies, the Dahlgren Division records and email accounts were no longer available.

Conclusions

We substantiated the allegation that Ms. DeSimone misused her public office for the private gain of Subordinate 1. Ms. DeSimone engaged in an intimate sexual relationship with Subordinate 1 for several years, during much of which time she exercised supervisory control over Subordinate 1 and was directly involved in efforts to promote Subordinate 1. Ms. DeSimone failed to inform her supervisor of the appearance issues associated with her

relationship with Subordinate 1 and failed to recuse herself from promotion actions and another official matter involving Subordinate 1. Ms. DeSimone informed her supervisor of her relationship with Subordinate 1 only after we initiated our investigation, which was well after the promotion actions and the other official matter were completed.

We also concluded that Ms. DeSimone created a reasonable appearance that she was violating ethical standards by engaging in an intimate sexual relationship with Subordinate 1 and taking beneficial employment actions concerning Subordinate 1. Specifically, their relationship combined with Ms. DeSimone's official actions related to Subordinate 1 reasonably caused others to question Ms. DeSimone's impartiality concerning Subordinate 1.

Additionally, we concluded that Ms. DeSimone misused government communication systems and equipment to further her private relationship with Subordinate 1.

Finally, we found insufficient evidence to substantiate the allegation that Ms. DeSimone sexually harassed Subordinate 2. However, we determined that Ms. DeSimone used poor judgment by engaging in a sexual relationship with Subordinate 2.

Ms. DeSimone's Response to our Conclusions

We provided Ms. DeSimone our preliminary conclusions on August 7, 2023, for her review and comment before finalizing our report. Ms. DeSimone's attorney provided us with a response on behalf of Ms. DeSimone on September 21, 2023. The extensive response included documents such as a cover letter signed by her attorney, an enclosure document, transcripts of four witness interviews conducted by Ms. DeSimone's attorney, emails, a briefing, a spreadsheet, and salary appraisal forms. We reviewed all of these documents and adjusted our report where appropriate. We included relevant response comments, in part, throughout this report.¹

In summary, Ms. DeSimone, through her attorney, "unequivocally" denied the allegations. Concerning allegations of an inappropriate senior-subordinate relationship and involvement in official actions related to Subordinate 1, the attorney disagreed with our conclusions that Ms. DeSimone misused her public office for the private gain of Subordinate 1; that Ms. DeSimone created a reasonable appearance that she was violating ethical standards; and that Ms. DeSimone misused government communication systems and equipment. Concerning the allegation that Ms. DeSimone sexually harassed Subordinate 2, the attorney denied that Ms. DeSimone exercised poor judgement.

¹ While we incorporated in this report what we believe is a reasonable synopsis of Ms. DeSimone's response to our conclusions, we will provide a copy of her full response to her supervisor for review and consideration.

After carefully considering Ms. DeSimone's response, we reexamined previously collected evidence and reviewed additional documents.² The additional review did not change our determination by a preponderance of the evidence that:

- Ms. DeSimone misused her public office for the private gain of Subordinate 1;
- Ms. DeSimone created the appearance that she violated ethical standards through her relationship with Subordinate 1 and her involvement in the employment actions concerning Subordinate 1;
- Ms. DeSimone failed to inform her supervisor in a timely manner of the appearance issues associated with her relationship with Subordinate 1 and failed to recuse herself from promotion actions and another official matter involving Subordinate 1;
- Ms. DeSimone misused government communication systems and equipment to further her relationship with Subordinate 1; and
- Ms. DeSimone used poor judgment by engaging in a sexual relationship with Subordinate 2.

We found insufficient evidence to substantiate that Ms. DeSimone sexually harassed Subordinate 2.

We provide more information about Ms. DeSimone's response in the Analysis of the Allegations section.

Detailed Results of Our Investigation

The following sections of this report provide the detailed results of our investigation. We first provide background information on Ms. DeSimone, the MDA, and the Dahlgren Division. Second, we present a chronology of significant events. Next, we present the complaints and discuss the allegations related to Subordinate 1 and Subordinate 2. Finally, we present our overall conclusions and recommendations.³

² We present additional information about Ms. DeSimone's supervisory role concerning Subordinate 1 and other MDA employees in Appendix C.

³ We based our conclusions on a preponderance of the evidence, consistent with our normal process in administrative investigations.

Background

Ms. DeSimone

Ms. DeSimone was a Navy civilian at the Dahlgren Division beginning in June 1990, where she served consecutive assignments as a Program Manager, Division Head, and Deputy Department Head. Ms. DeSimone received her SES appointment in September 2008 and served in the Naval Sea Systems Command.

Ms. DeSimone began working for the MDA in August 2011. She served as the MDA Director for Acquisition beginning in November 2014 and then was dual-hatted as the Acting Executive Director in November 2019. She assumed duties as the MDA Executive Director in October 2020. In this role, Ms. DeSimone is the MDA's senior civilian; she serves as the principal advisor to the MDA Director for strategic planning and provides authoritative decisions on all functional, operational, and management activities. In this capacity, Ms. DeSimone works at MDA headquarters, located in the National Capital Region (NCR).

MDA

The MDA is a Defense agency under the authority, direction, and control of the Under Secretary of Defense for Research and Engineering. The MDA is a research, development, and acquisition agency whose workforce includes Government civilians, Military Service members, and contractor personnel in multiple locations across the United States. The MDA headquarters is located in the NCR, with the majority of its workforce located in Huntsville, Alabama.

Naval Surface Warfare Center Dahlgren Division

The Dahlgren Division is located in Dahlgren, Virginia, and is one of the divisions within the Naval Surface Warfare Center within the Naval Sea Systems Command.

Analysis of the Allegations

Chronology of Significant Events

Table 1 lists the significant events related to this investigation.

Table 1. Chronology of Significant Events

Date	Event
June 1990	Ms. DeSimone begins serving as a Navy civilian at the Dahlgren Division.
July 2005	Ms. DeSimone begins serving as a Division Head (GS-15 equivalent) at the Dahlgren Division.
July 2007	Ms. DeSimone begins serving as the Deputy Department Head (GS-15 equivalent) of the Engagement Systems Department.
September 2008	Ms. DeSimone receives an SES appointment and begins serving at the Naval Sea Systems Command.
August 2011	Ms. DeSimone begins serving at the MDA.
November 2014	Ms. DeSimone begins serving as the MDA Director for Acquisition.
November 2019	Ms. DeSimone is dual-hatted as the MDA Acting Executive Director.
October 2020	Ms. DeSimone begins serving as the MDA Executive Director.
January 4, 2021	The DoD Hotline receives an anonymous complaint that Ms. DeSimone engaged in an inappropriate relationship with a subordinate.
February 22, 2021	The DoD Hotline receives a complaint that Ms. DeSimone sexually harassed a subordinate while assigned to the Dahlgren Division.
May 19, 2021	The DoD OIG initiates the investigation.

Source: The DoD OIG.

Appendix B contains additional tables listing other events and chronological information related to this investigation.

Origin of the Allegations

The January 4, 2021 anonymous complaint alleged that Ms. DeSimone engaged in an inappropriate relationship by having an affair with a named MDA employee (Subordinate 1). The complaint asserted that the affair started on or before 2018 [REDACTED].

The February 22, 2021 complaint alleged that Ms. DeSimone sexually harassed a named Dahlgren Division employee (Subordinate 2). The complaint asserted that when Ms. DeSimone became a division head in 2006, she started sexually harassing Subordinate 2, which created a hostile work environment and caused Subordinate 2 to retire earlier than planned from Government service.

During our investigation, we found information that Ms. DeSimone took several actions affecting Subordinate 1's career without disclosing her relationship with Subordinate 1 or recusing herself from those actions. Additionally, we found information that Ms. DeSimone misused government communication systems and equipment to further her relationship with Subordinate 1.

Ms. DeSimone's Admissions Concerning Her Relationships with Subordinate 1 and Subordinate 2

Ms. DeSimone told us that she had a consensual sexual relationship with Subordinate 1 and Subordinate 2 in the 2018 through 2022 and 2005 through 2007 time frames, respectively. Ms. DeSimone stated that Subordinate 1 and Subordinate 2 both initiated physical contact with her.

Concerning Subordinate 1, Ms. DeSimone told us that:

- she and Subordinate 1 were "colleagues" as well as "close friends," who had been in an "intimate sexual relationship" on and off for nearly 4 years outside of work, and she and Subordinate 1 remained "close friends" although they stopped their intimate sexual relationship in April 2022;
- after her [REDACTED] house in September 2020, Subordinate 1 "asked if she could come up for a few days and just work from my house"; Subordinate 1 testified that she began teleworking from Ms. DeSimone's home in October 2020;
- she was not involved in any personnel decisions regarding Subordinate 1's promotion to [REDACTED] position in the Huntsville office, and she had not done anything to show favoritism toward Subordinate 1;⁴ and
- she first told her supervisor, MDA Director Vice Admiral (VADM) Jon Hill, about her relationship with Subordinate 1 in June 2021, shortly after the DoD OIG initiated the investigation.

When asked why she waited until after the DoD OIG initiated the investigation to inform VADM Hill of her relationship with Subordinate 1, Ms. DeSimone told us that her relationship outside of work was a private matter, it was consensual, and it did not affect or interfere in any way with her job. Ms. DeSimone added:

I thought I should go to Admiral Hill to let him know because certainly my private relationship with [Subordinate 1] was going to be brought forward. [...] since there was an IG [investigation] started that I should share with him the nature of my relationship with [Subordinate 1], my private relationship and so that's why I came forward.

⁴ [REDACTED] of the acquisition demonstration pay band and is equivalent to [REDACTED].

Concerning Subordinate 2, Ms. DeSimone told us that:

- she had a sexual relationship with Subordinate 2 that lasted maybe 18 months;
- she did not recall the details of how her relationship with Subordinate 2 ended, except that Subordinate 2 wanted to stay in the relationship and she (Ms. DeSimone) was not interested in a permanent relationship; and
- she never sexually harassed Subordinate 2, Subordinate 2 never asked for any favoritism at work, and she (Ms. DeSimone) would not have provided any favorable treatment to Subordinate 2.

We discuss the allegations related to Subordinate 1 and Subordinate 2 in sections A and B. In section A, we discuss Ms. DeSimone's close personal relationship with Subordinate 1 and Ms. DeSimone's involvement in Subordinate 1's promotion. We present a detailed chronology of events related to Ms. DeSimone's relationship with Subordinate 1 and actions concerning Subordinate 1's promotion in Appendix B. In section B, we discuss Ms. DeSimone's relationship with Subordinate 2.

A. Inappropriate Senior-Subordinate Relationship and Involvement in Official Actions Related to Subordinate 1

We interviewed Ms. DeSimone, Subordinate 1, and 18 witnesses, including current or former MDA employees, with regard to the allegations related to Subordinate 1. We also reviewed government cell phone records, official travel records, and more than 8 million electronic files, which included emails, instant messages, and documents related to Ms. DeSimone's and Subordinate 1's relationship and Subordinate 1's promotion. Ms. DeSimone's duty location was the MDA headquarters, and Subordinate 1's duty location was the MDA office in Huntsville.

In July 2018, when their relationship started, Ms. DeSimone was the Director for Acquisition and not in Subordinate 1's supervisory chain. However, this supervisory relationship changed operationally and administratively when Ms. DeSimone began serving as the Acting MDA Executive Director in November 2019. The MDA Director's selection of Ms. DeSimone as the MDA Executive Director in October 2020 permanently established Ms. DeSimone's supervisory relationship with Subordinate 1.

As previously described, Ms. DeSimone did not inform the MDA Director of her relationship with Subordinate 1 until June 2021, after the DoD OIG initiated this investigation. While serving as the Acting and then later as the Executive Director, Ms. DeSimone was the MDA's senior civilian, and in that capacity, she certified all MDA pay pool results and was the MDA performance review authority.⁵

⁵ The MDA operates under a contribution-based compensation and appraisal system in which employees align to pay pools. Within each pay pool, management officials review aligned employees' annual appraisals and determine whether the employees' achievements warrant an increase in pay. The overall pay pool results, not individual employee results, are presented to the MDA Executive Director for certification. Additionally, the Executive Director is the MDA performance review authority, and, as such, reviews and renders the final decision on all employee requests for reconsideration of pay pool results.

Close Personal Relationship with Subordinate 1

A review of documentary and digital evidence, supplemented by testimony, revealed that Ms. DeSimone and Subordinate 1 established a close personal relationship beginning in July 2018 that both admitted was still ongoing when we interviewed them in 2022.

Personal Communications

Government cell phone records indicated that Ms. DeSimone and Subordinate 1 sent each other more than 2,000 text messages containing 45 images or videos and more than 580 phone calls totaling more than 100 hours from August 11, 2018, through October 30, 2020.⁶ These records indicated that 61 percent of the text messages and 36 percent of the phone calls were during weekends, holidays, or weekdays between the hours of 7 p.m. and 6 a.m. Eastern time.

Ms. DeSimone and Subordinate 1 exchanged personal and familiar emails, many of which Subordinate 1 told us that she encrypted to prevent Ms. DeSimone's staff from reading them. Several examples follow.

- Ms. DeSimone and Subordinate 1 exchanged their official travel plans to Huntsville in August 2018 and the NCR in September 2018, respectively, with each other via email during the weekend and non-duty hours. Additionally, Subordinate 1 sent an encrypted email in April 2019 to Ms. DeSimone to coordinate the two scheduling the same flight for official travel between the NCR and Boston, Massachusetts.
- Subordinate 1 sent Ms. DeSimone an encrypted email in January 2020 with a copy of Subordinate 1's annual appraisal and pay pool results. Subordinate 1 wrote, "I think this is good. We can discuss later." At the time, Ms. DeSimone was the Acting Executive Director and Subordinate 1's performance review authority.
- Subordinate 1 sent Ms. DeSimone an encrypted email in August 2020 forwarding a personal email exchange concerning issues Subordinate 1 was having [REDACTED].
- Ms. DeSimone and Subordinate 1 exchanged encrypted emails in August 2020 and March 2021, in which Ms. DeSimone reviewed or edited Subordinate 1's resume.
- Subordinate 1 sent Ms. DeSimone several encrypted emails from December 2019 through March 2021 concerning her search for a Federal position outside the MDA. Subordinate 1 told us that she began a "never ending job search" when Ms. DeSimone became the Acting Executive Director. When asked why she was searching for jobs, she responded that she wanted to be open about her relationship with Ms. DeSimone and not have to hide.

⁶ Ms. DeSimone and Subordinate 1 met in July 2018 during a trip to Cleveland and again in August 2018 during Ms. DeSimone's trips to Huntsville. We reviewed Ms. DeSimone's and Subordinate 1's government cell phone records from January 1, 2018, through February 28, 2022, and found the first instance of a text message or call between Ms. DeSimone's and Subordinate 1's government cell phones occurred on Saturday, August 11, 2018. Ms. DeSimone's [REDACTED] house in September 2020. The last instance of a text message or call between Ms. DeSimone and Subordinate 1 on their government cell phones occurred on October 30, 2020, and we found no additional text messages or calls between them in the government cell phone records through February 2022.

- Subordinate 1 sent Ms. DeSimone an encrypted email in August 2020 that included her leave and earnings statement.

Additionally, Ms. DeSimone maintained copies of Subordinate 1's thrift savings records and leave and earnings statements at Ms. DeSimone's home in June 2020. Subordinate 1 told us that Ms. DeSimone had copies of her thrift savings information in Ms. DeSimone's home because she wanted Ms. DeSimone's investment advice.

Official and Personal Travel

In addition to talking, texting, and emailing each other frequently, Ms. DeSimone and Subordinate 1 also frequently visited each other during official and personal travel in Huntsville, the NCR, and other locations.

A review of Ms. DeSimone's and Subordinate 1's official travel records indicated that Ms. DeSimone made 20 trips to Huntsville and that Subordinate 1 made 7 trips to the NCR from July 2018 through March 2020. Ms. DeSimone also made 2 trips to Huntsville in 2021. Official travel records also indicated that Ms. DeSimone and Subordinate 1 were both on official travel to the same locations on four occasions: Cleveland, Ohio, in July 2018; Honolulu, Hawaii, in January 2019; Colorado Springs, Colorado, in April 2019; and Boston, Massachusetts, in July 2019.

Ms. DeSimone told us that she traveled to Huntsville on average once a month and that she would normally see Subordinate 1 "one evening, one night" during each trip. Ms. DeSimone stated that after work, either she or Subordinate 1 would pick up dinner and meet in Ms. DeSimone's hotel room, where they would eat, talk, and have "intimate, sexual contact." Subordinate 1 stated that most of the time she would meet Ms. DeSimone in Ms. DeSimone's hotel room or would pick up dinner and take it to Ms. DeSimone's hotel room, where they would sit and have dinner.

Ms. DeSimone and Subordinate 1 visited each other at their homes in Virginia and Alabama on numerous occasions.

- Ms. DeSimone told us that after a [REDACTED] from her home in September 2020, Subordinate 1 asked if she could come to Ms. DeSimone's home and telework. Ms. DeSimone and Subordinate 1 both told us that the first time Subordinate 1 teleworked from Ms. DeSimone's home was in October 2020. Subordinate 1 told us that she teleworked from Ms. DeSimone's home about 1 to 1 ½ weeks every month beginning in October 2020 through April 2022 (19 months).
- Ms. DeSimone told us that during one of her official trips to Huntsville in the summer of 2021, she went to Subordinate 1's home for dinner to meet Subordinate 1's [REDACTED]. She stated that she also made two personal trips to Huntsville during July and August 2021 to help Subordinate 1 [REDACTED].

Ms. DeSimone and Subordinate 1 vacationed together on three occasions, during which they shared a room and slept in the same bed.

- Subordinate 1 joined Ms. DeSimone for the last few days of Ms. DeSimone's family vacation in Cape Canaveral, Florida, in March 2020.
- Ms. DeSimone and Subordinate 1 traveled together and spent a week in Iceland in November 2021.
- Ms. DeSimone and Subordinate 1 traveled together and spent 3 nights in New York City in March 2022.

Impact on Other Subordinates of Ms. DeSimone's Relationship with Subordinate 1

Operationally, [REDACTED] reported directly to the MDA Director, VADM Hill. However, administratively, [REDACTED] was aligned under the Executive Director until September 2021 when VADM Hill moved [REDACTED] from under Ms. DeSimone to under the [REDACTED]. Ms. DeSimone rated [REDACTED] (Subordinate 1's supervisor) for the FY 2020 appraisal period (October 1, 2019, through September 2020) and continued to be [REDACTED] rater for the FY 2021 appraisal period. [REDACTED] stated that when he was completing FY 2021 appraisals in September 2021, the [REDACTED] told him to list the [REDACTED] as his supervisor and not Ms. DeSimone.

[REDACTED] told us that in August or September 2021, he advised VADM Hill that Ms. DeSimone was the higher-level reviewer on FY 2021 appraisals for [REDACTED] employees, including Subordinate 1. He added, "[S]eparate from that, Ms. DeSimone, as the most senior civilian, was the final stop for all AcqDemo [acquisition demonstration] ratings and payouts." Therefore, VADM Hill decided to move [REDACTED] from under Ms. DeSimone. [REDACTED] stated that the inspiration for the move was that [REDACTED] answered to Ms. DeSimone and that Ms. DeSimone was in an active relationship with Subordinate 1.

VADM Hill told us that [REDACTED] reported directly to him, but that Ms. DeSimone served as the higher-level reviewer for [REDACTED] employees' performance appraisals. He stated that he moved [REDACTED] from under Ms. DeSimone to under the [REDACTED] because he wanted to make sure there was no ability for Ms. DeSimone to provide special treatment to Subordinate 1 during the FY 2021 appraisal period. He stated he made the move because he "was trying to protect Ms. DeSimone" and Subordinate 1.

Additionally, the HR [REDACTED] confirmed to us that in June 2021, Ms. DeSimone was listed as Subordinate 1's level 2 supervisor on the FY 2021 performance plan.

Even though Ms. DeSimone did not inform MDA officials of her personal relationship with Subordinate 1, their relationship affected others within [REDACTED]. For example, one of the former [REDACTED] employees we interviewed told us that Ms. DeSimone showed favoritism toward

Subordinate 1. This employee stated that a senior executive calling ██████ was very rare, yet Ms. DeSimone's and Subordinate 1's relationship did not fall in line with that business practice.⁷ The employee said that Ms. DeSimone as the Director for Acquisition would call Subordinate 1 directly to clarify an issue whether or not Subordinate 1 was working on that product.

The employee added that the direct calls became more frequent when Ms. DeSimone became the Executive Director. The employee stated that Subordinate 1 said that she spoke to Ms. DeSimone or that she met with Ms. DeSimone after work for happy hour or dinner when Ms. DeSimone came to Huntsville. Additionally, the employee told us that Subordinate 1 would go to the NCR with no explanation of why she was going. The employee stated that the other ██████ were not given the same opportunities as Subordinate 1.

██████ told us that Ms. DeSimone's friendship with Subordinate 1 crossed the line from a "pure friendship-friendship" because Ms. DeSimone always had work-related conversations with Subordinate 1 instead of talking to ██████ added that this made ██████ "uncomfortable" and "leery." ██████ said that it frustrated ██████ that Ms. DeSimone skipped over ██████ and spoke directly to Subordinate 1 concerning work-related matters. ██████ said that Subordinate 1 normally let ██████ know if Ms. DeSimone was "happy or sad" with what ██████ was doing, but ██████ felt that ██████ should not have to get information this way and that it was "very odd and seem[ed] inappropriate ... to do it that way." ██████ stated that Ms. DeSimone was mixing business with pleasure.

██████ told us that Ms. DeSimone's 2021 Iceland trip with Subordinate 1 was "problematic" and that ██████ did not know what to do with this knowledge—go to the MDA Director, equal opportunity, general counsel, or the ██████. ██████ questioned Ms. DeSimone's leadership and decision-making ability if she was intimate or in a "true relationship" with someone in her chain of command, meaning Subordinate 1. ██████ stated that it was inappropriate and unprofessional to have and maintain this type of relationship, and ██████ questioned whether Ms. DeSimone should continue as the MDA Executive Director if she was going to show such poor judgment. ██████ stated that Ms. DeSimone was compromised in terms of her ability to be fair throughout ██████ and that this belief placed ██████ in an "awkward" position and made ██████ uncomfortable. ██████ questioned whether:

- ██████ needed to be careful about what ██████ said to Ms. DeSimone about Subordinate 1 and vice versa;
- ██████ would be able to discipline Subordinate 1 the way he felt he needed to, if it would ever be necessary; and

⁷ ██████ of the acquisition demonstration pay band and is equivalent to ██████.

- [REDACTED] would get another phone call from Ms. DeSimone defending Subordinate 1's conduct with [REDACTED] (henceforth referred to as [REDACTED]). According to [REDACTED] Ms. DeSimone called [REDACTED] after Subordinate 1 had a confrontation with [REDACTED] and Ms. DeSimone told [REDACTED] to "get [REDACTED] under control."

[REDACTED] added:

[Ms. DeSimone is] going to defend [Subordinate 1]—the person that she's in a relationship with. To me that's why you don't do that. You don't have relationships within the office like that especially in the—well at least within the chain of command you don't. It needed to stop if it had started and if it started it never should have started.

When VADM Hill became aware of Ms. DeSimone's relationship with Subordinate 1, he moved the entire [REDACTED] away from Ms. DeSimone's supervision and placed the office staff administratively under the [REDACTED]. [REDACTED] told us that he was not told why [REDACTED] was realigned and that he thought it was just a temporary administrative move probably caused by the DoD OIG investigation. He told us that [REDACTED], he speculated that Ms. DeSimone and Subordinate 1 had a relationship that caused the move. However, [REDACTED] also told us that Ms. DeSimone, as the Executive Director, remained in his operational chain of command.

Ms. DeSimone's Involvement in Subordinate 1's Promotion Action

A review of Subordinate 1's personnel records indicated that Subordinate 1 received a temporary promotion to [REDACTED] in 2019, followed by a permanent promotion in 2020. To examine Ms. DeSimone's involvement in these promotions, we obtained and reviewed documentary and digital evidence, including instant messages, official emails, and records concerning these matters. We present information about Ms. DeSimone's involvement in this section and present additional details related to these matters in the chronology of events in Appendix B.

Background – Subordinate 1's Temporary Promotion to [REDACTED]

The previous MDA Executive Director, Ms. DeSimone's predecessor, approved Subordinate 1's non-competitive temporary promotion to [REDACTED] effective [REDACTED] 2019, not to exceed [REDACTED] 2020, to perform the duties of [REDACTED] to fill the position during [REDACTED] absence. Per the terms of the employment action, the temporary promotion would end, and Subordinate 1 would return to her [REDACTED] position on the return of [REDACTED].⁸

⁸ Ms. DeSimone assumed duties as the Acting Executive Director on November 24, 2019.

Establishing [REDACTED] Position in Huntsville

[REDACTED] stated that in late 2019 or early 2020, he told the HR [REDACTED] that he was unhappy that his two [REDACTED] billets ([REDACTED] billet and [REDACTED] billet) were both in the NCR while most of his workforce was physically located in Huntsville. He stated to us that he told the HR [REDACTED] that he wanted to move the [REDACTED] position back to Huntsville. He said that the HR [REDACTED] told him that she thought the move was a good idea and that she would look into it.

[REDACTED] stated that on March 6, 2020, the HR [REDACTED] told him that Ms. DeSimone wanted to meet to discuss the [REDACTED] position in Huntsville. He added that he and the HR [REDACTED] met with Ms. DeSimone in Ms. DeSimone's office on March 6, 2020, at which time Ms. DeSimone "surprised" him by suggesting they upgrade Subordinate 1's position in Huntsville ([REDACTED] to [REDACTED] position if [REDACTED] returned. [REDACTED] return would cause [REDACTED] position to remain in the NCR. He stated that he was "very surprised [at the suggestion] because normally it [was] extremely difficult to get current positions recoded like that."

We reviewed MDA emails, electronic files, and other documents for information about this specific personnel action. In the paragraphs below, we describe the information witnesses provided about the specific steps taken to approve this personnel action along with the information we found in our search of MDA files.

MDA Skype call records indicated that on August 6, 2020, Ms. DeSimone and the HR [REDACTED] spoke for 14 minutes, and immediately after the Skype call, the HR [REDACTED] instant messaged [REDACTED] stating that she just spoke to Ms. DeSimone. The HR [REDACTED] wrote that after discussions with VADM Hill, Ms. DeSimone wanted to add [REDACTED] position to [REDACTED] in Huntsville. The HR [REDACTED] wrote that Ms. DeSimone wanted her to connect with [REDACTED] "soonest" on the classification action and on getting the internal hiring action out. The HR [REDACTED] added that she would walk [REDACTED] through the process. The HR [REDACTED] also instant messaged the Total Force Management [REDACTED] stating that she just received an instant message from Ms. DeSimone. She wrote that Ms. DeSimone said that VADM Hill wanted [REDACTED] to have another [REDACTED] position located in Huntsville.

[REDACTED] told us that he thought creating [REDACTED] position in Huntsville was "very odd" and a "little problematic" because it was Ms. DeSimone's idea. Subordinate 1 never hid her friendship with Ms. DeSimone; everyone was aware of Ms. DeSimone's and Subordinate 1's friendship; and it looked as though Ms. DeSimone was "hooking up" her friend with a promotion. He added that the appearance that Ms. DeSimone was helping Subordinate 1 in this action was awkward and that everyone just looked away. He stated that when he mentioned these concerns to the HR [REDACTED] she acknowledged his concerns and asked if he

wanted to fight or push back. He said that he told her no. He told us that he did not object to the [REDACTED] position in Huntsville because he would still have the new [REDACTED] position if Subordinate 1 departed the MDA.

[REDACTED] stated that [REDACTED] told her that Ms. DeSimone and VADM Hill wanted [REDACTED] position in Huntsville. She said that she did not recall [REDACTED] raising any concerns about adding the position. She told us that as the HR [REDACTED] she regularly engaged with Ms. DeSimone. She added that they were talking about “re-describing some scope of work” in [REDACTED]. She stated that she worked directly with [REDACTED] to complete the action. She said that she did not remember any conversation with Ms. DeSimone concerning the [REDACTED] position other than providing Ms. DeSimone with a status. She added, “[W]hen we initially started the conversation ... [Ms. DeSimone] would have said ... ‘Just work with the [REDACTED] and move out on whatever action you have.’”

However, email and instant message records indicated that Ms. DeSimone was the force driving the HR [REDACTED] HR [REDACTED] and [REDACTED] to complete actions to create and fill [REDACTED] position in Huntsville. For example, emails dated August 12 and 14, 2020, showed:

- [REDACTED] expressed concerns to the HR [REDACTED] that they complete actions regarding [REDACTED] Huntsville position by August 14, 2020, to meet Ms. DeSimone’s “expectations”;
- the HR [REDACTED] responded that she would engage her HR [REDACTED] and that she could also discuss with Ms. DeSimone if they have a delay;
- [REDACTED] asked the HR [REDACTED] if they could finish the action concerning the new [REDACTED] position on August 17, 2020, or if he needed to discuss it with his employees tonight to meet Ms. DeSimone’s intent; and
- the HR [REDACTED] responded that she mentioned it to Ms. DeSimone this week and that she thought Ms. DeSimone understood that [REDACTED] was making progress.

Ms. DeSimone emailed the HR [REDACTED] and courtesy copied the [REDACTED] and the HR [REDACTED] on August 20, 2020, regarding questions about four HR matters. Ms. DeSimone asked if [REDACTED] advertisement had gone out yet. Before the HR [REDACTED] responded to Ms. DeSimone’s email, the HR [REDACTED] instant messaged [REDACTED] asking about the status of the announcement for the [REDACTED] position. The HR [REDACTED] wrote that they could “assume some risk” and get the announcement out while they finalized the position description. The HR [REDACTED] told [REDACTED] that Ms. DeSimone was asking for the status.

The HR [REDACTED] then responded to Ms. DeSimone's email question regarding [REDACTED] action by instant message directly to Ms. DeSimone. She informed Ms. DeSimone that pending HR acceptance, the internal hiring announcement should go out that week. The HR [REDACTED] added that she was "sorry for the delay" and that she was trying to get Ms. DeSimone an update on [REDACTED] position, to which Ms. DeSimone replied, "[A]ll good, thank you so much!"

The HR [REDACTED] then replied to the recipients on Ms. DeSimone's email regarding HR matters. The HR [REDACTED] wrote that [REDACTED] was reviewing the position description and that she would provide him with a sample internal announcement that morning. She wrote that [REDACTED] could send the announcement to [REDACTED] employees, giving them a couple of days to submit for consideration, and that he then could make a decision and engage with the Director, "as we discussed."

The HR [REDACTED] sent an update to Ms. DeSimone's HR questions email later that evening. The HR [REDACTED] wrote that she just received the draft internal announcement for [REDACTED] position and that the plan was to finalize it so [REDACTED] could disseminate it to [REDACTED] the next day. The HR [REDACTED] added that the HR office would support [REDACTED] in the hiring action.

The HR [REDACTED] emailed an HR [REDACTED] early on August 21, 2020, that the MDA Director requested that [REDACTED] establish [REDACTED] position in Huntsville and that Ms. DeSimone would like the internal hiring announcement to be disseminated that day. She added, "Let me know what questions you have as I need to let Ms. DeSimone [know] that this has gone out to [REDACTED] staff."

Subordinate 1's and [REDACTED] Employees' Knowledge of the Position

Our review of MDA messages indicates that Subordinate 1 was aware of detailed management plans regarding the new [REDACTED] position before the MDA had advertised the position. For example, Subordinate 1 wrote in an instant message to an MDA colleague on July 22, 2020, that [REDACTED] recently told her he would work to make her [REDACTED] promotion permanent if [REDACTED] returned. However, Subordinate 1 also wrote that [REDACTED] wanted to move [REDACTED] position back to Huntsville if [REDACTED] did not return so that Subordinate 1 could compete for the position "even though I've [Subordinate 1] been doing it for over 2 years now."

Instant message records on August 14, 2020, indicated that Subordinate 1 knew of the actions to establish the [REDACTED] position because she recommended that [REDACTED] not do much work to justify the [REDACTED] position for Huntsville since it was already happening.

Instant message records on [REDACTED] 20, 2020, indicated that Subordinate 1 recommended that [REDACTED] inform [REDACTED] employees about the [REDACTED] position during [REDACTED] meeting. In separate instant message conversations during that office meeting, two of

Subordinate 1's [REDACTED] colleagues asked Subordinate 1 if [REDACTED] was upgrading Subordinate 1's position. Subordinate 1 replied yes to both colleagues and explained to the first colleague that it took 20 months to upgrade and that she had been a temporary [REDACTED] for almost a year. Subordinate 1 added that the announcement would only be for internal candidates. The second colleague congratulated Subordinate 1, and Subordinate 1 responded that [REDACTED] would email the announcement to the second colleague and a third colleague; all three qualified and had the opportunity to apply.

Selection of [REDACTED]

[REDACTED] emailed the finalized announcement to the [REDACTED] on August 21, 2020. He advised all to read the eligibility information in the announcement and, if interested, to submit their resumes to the HR [REDACTED]. The announcement opened on August 21, 2020, and closed on August 26, 2020. When asked why the announcement was open for 6 days, [REDACTED] told us that the HR [REDACTED] set the time because Ms. DeSimone wanted it done quickly. The first [REDACTED] colleague instant messaged Subordinate 1 and wrote, "You better apply for your job." Subordinate 1 replied that she had just submitted her resume, only two other [REDACTED] employees met the year requirement, and the second [REDACTED] colleague said she was not applying because she did not want the position.

An HR [REDACTED] emailed two resumes (Subordinate 1's and one other [REDACTED] to [REDACTED] and courtesy copied the HR [REDACTED] on August 27, 2020. The HR [REDACTED] informed them that they could not move forward until they received guidance from staffing concerning establishing the position.

[REDACTED] told us that he reviewed the two resumes and selected Subordinate 1 for the position because she had more time and more experience. When asked what conversations he had with Ms. DeSimone concerning who had applied, [REDACTED] told us that he did not have any direct conversations with Ms. DeSimone, because Ms. DeSimone told him to work with the HR [REDACTED]. He stated that he informed the HR [REDACTED] and the HR [REDACTED] of his selection. He added that the HR [REDACTED] was concerned about the time and wanted to get the hiring done because "Ms. DeSimone was giving some pressure to get it done."

The HR [REDACTED] and [REDACTED] exchanged instant messages on September 1, 2020, concerning the selection of the [REDACTED] candidate. The HR [REDACTED] wrote that she was reviewing her list of actions, in which Ms. DeSimone and the [REDACTED] had great interest. The HR [REDACTED] added, "As mentioned early, DX [Ms. DeSimone] asked that you keep the D [VADM Hill] included on your final selection and such and to keep her [Ms. DeSimone] out." [REDACTED] replied that he understood and reminded the HR [REDACTED] that they could not move forward without guidance from staffing. The HR [REDACTED] advised [REDACTED] that he could not say anything to the selectee until the MDA's supporting human capital management office cleared the priority placement program (PPP); however, [REDACTED] could let VADM Hill know of the selection.

When asked about the instant message, [REDACTED] told us that the HR [REDACTED] was all over him, “nudging” him to “get it done.” He stated that the HR [REDACTED] told him that they would not put Ms. DeSimone on any of the paperwork because Ms. DeSimone and Subordinate 1 were friends. He added that the HR [REDACTED] kept emphasizing that when he made his final decision, to make sure VADM Hill was okay with the promotion.

Ms. DeSimone instant messaged the HR [REDACTED] on September 8, 2020, asking if there were any updates. The HR [REDACTED] replied that the staff had been working with [REDACTED] the previous week and that she would get an update. Ms. DeSimone responded, “[D]on’t let him drag this out. His piece should have been completed already.” The HR [REDACTED] immediately instant messaged [REDACTED] asking for the latest on the [REDACTED] position because she needed to provide a status to leadership. [REDACTED] told us that he interpreted “leadership” to mean Ms. DeSimone. [REDACTED] replied to the HR [REDACTED] “Tell leadership [Ms. DeSimone] I will try to discuss [the selection] with him [VADM Hill] today.”

At the end of the workday, the HR [REDACTED] emailed two HR [REDACTED]. She informed them that it would be great if they could get the loaner billet so they could clear the PPP and that she needed to update Ms. DeSimone and VADM Hill with an estimated timeline on [REDACTED] action. On September 9, 2020, an HR [REDACTED] informed the HR [REDACTED] that [REDACTED] loaner billet was built and ready for use.

The HR [REDACTED] instant messaged [REDACTED] on September 10, 2020, asking if the HR [REDACTED] helped him with the selection memorandum. The HR [REDACTED] advised that she was “being pinged by DX [Ms. DeSimone] as she wants the D [VADM Hill] to be made aware soonest of the outcome.”

The HR [REDACTED] said that she told the HR [REDACTED] on September 15, 2020, that [REDACTED] would return on [REDACTED] 2020. She stated that [REDACTED] return meant that Subordinate 1’s temporary promotion would end. She also said that they needed to know the results of clearing the PPP so that she could update leadership on when Subordinate 1’s permanent promotion would be effective.

Instant messages exchanged between the HR [REDACTED] the HR [REDACTED] and the [REDACTED] [REDACTED] (henceforth referred to as Staffing [REDACTED]) on September 16, 2020, showed Ms. DeSimone’s continued involvement in [REDACTED] hiring action to promote Subordinate 1. The messages indicated the action needed to clear the PPP, and the MDA had already missed the deadline to make Subordinate 1’s promotion effective on [REDACTED] 2020. The HR [REDACTED] noted, “[We] don’t typically get these done that quickly.”

These instant messages, all dated September 16, 2020, indicated constant pressure by Ms. DeSimone to complete the action. See the following examples.

- The HR [REDACTED] stated that [REDACTED] said that Ms. DeSimone wanted the [REDACTED] action completed that day.
- The HR [REDACTED] wrote that she received an email from Ms. DeSimone and that they needed to get the offer out that day. The HR [REDACTED] then wrote that she just told Ms. DeSimone about the clearing of the PPP before the MDA could make a firm offer. She added that she needed to have all specifics to relay to Ms. DeSimone and VADM Hill.
- The HR [REDACTED] recommended that the HR [REDACTED] contact the Staffing [REDACTED] so the HR [REDACTED] could update Ms. DeSimone. The HR [REDACTED] added that [REDACTED] needed to complete the selection memorandum because she did not want to tell “leadership” that they were still waiting.
- The HR [REDACTED] told the Staffing [REDACTED] that they needed to talk because they “have an urgent tasking from the DX [Ms. DeSimone] regarding [REDACTED] [internal hire] position.”
- The HR [REDACTED] stated that the Staffing [REDACTED] said, “[I]f the DX [Ms. DeSimone] wants the tentative offer out today, to go ahead and send it ... ,” and remove the PPP language.
- The HR [REDACTED] said that she already told Ms. DeSimone that they could have the promotion effective this fiscal year. She added that it was important in terms of the pay pool and return action on Subordinate 1’s temporary promotion.
- The HR [REDACTED] expressed frustration on the time it was taking to complete the action and stated, “DX [Ms. DeSimone] will not be happy to hear this and I don’t want to tell her.”
- The HR [REDACTED] said that she just sent Subordinate 1 the offer, and wrote, “Ms. DeSimone will be happy now. :)”
- The HR [REDACTED] indicated that she informed Ms. DeSimone that they sent the offer and that Ms. DeSimone already responded. The HR [REDACTED] added that Ms. DeSimone needed some good news to relay to VADM Hill. The HR [REDACTED] then asked, “So the Director [VADM Hill] is pushing for [Subordinate 1]’s promotion?” The HR [REDACTED] responded, “[N]o [sic] for her promotion but getting [REDACTED] person” in Huntsville.

That same day (September 16, 2020), the HR [REDACTED] instant messaged Ms. DeSimone, informing her that HR would send a tentative offer for [REDACTED] position that afternoon. The HR [REDACTED] wrote that they would then ensure the position cleared the PPP before HR

made the firm offer. She added that the MDA's supporting human capital management office was aware that the MDA wanted the action processed for approval by September 27, 2020. Ms. DeSimone responded by thanking the HR [REDACTED]

The HR [REDACTED] the HR [REDACTED] and [REDACTED] continued to work on the [REDACTED] hiring action from September 17 through completion on September 22, 2020. Instant messages and emails indicated that Ms. DeSimone was involved in this hiring process and that the process did not follow normal procedures to clear the PPP. See the following examples.

- The HR [REDACTED] asked the HR [REDACTED] if they were holding on sending the firm offer to Subordinate 1 and commented that she said, "[S]ince we're doing this one all backwards."
- [REDACTED] asked the HR [REDACTED] if Ms. DeSimone was "tracking" the [REDACTED] action, after the HR [REDACTED] informed him that the PPP cleared and they would send the firm offer out. [REDACTED] added that he had not updated Ms. DeSimone.
- The HR [REDACTED] informed [REDACTED] that she had not updated Ms. DeSimone, because she "was told to have you just to keep D [VADM Hill] aware." The HR [REDACTED] suggested that [REDACTED] instant message Ms. DeSimone to let her know the [REDACTED] action cleared the PPP and would be effective the coming weekend, "as a way of her direct report sharing information on org[anizational] change within [REDACTED]."

[REDACTED] instant messaged Ms. DeSimone on September 22, 2020, to let her know that the [REDACTED] promotion action would be effective the coming weekend. [REDACTED] stated that after the action was processed, the next time he saw Ms. DeSimone she was "aware and was very happy" about it. He stated that Ms. DeSimone told him, "I see everything is done and you chose [Subordinate 1]." He said that Ms. DeSimone had a "beaming smile" and that he thought it was the only time Ms. DeSimone ever smiled at him like that.

Subordinate 1's promotion was effective on [REDACTED] 2020. Additionally, Subordinate 1 maintained the same pay because her temporary [REDACTED] promotion was still effective until [REDACTED] 2020, when [REDACTED] returned.

Other Witness Statements Concerning the Decision to Create [REDACTED] Position in Huntsville

Ms. DeSimone told us that she was not involved in the decision to give [REDACTED] position in Huntsville. She stated that the [REDACTED] did a workforce review and that maybe the Executive Management Council or VADM Hill made the decision to give [REDACTED] position in Huntsville.

VADM Hill told us that he did not recall having any discussion with Ms. DeSimone concerning [REDACTED] position. He told us that his memory was a "little foggy" but thought he had a brief informal conversation with [REDACTED] in June 2020 concerning the

██████████ position. He said that during the conversation, ██████████ told him that he wanted to establish a more senior ██████████ position in Huntsville so they could backfill ██████████ position whenever ██████████. VADM Hill stated that he told ██████████ to go ahead and work on the action with HR. VADM Hill told us that he did not recall having a conversation with Ms. DeSimone other than talking to her about the billet assessment across the agency to make sure the MDA “got the right talent in the right places and the right mix of seniority.” He added that ██████████ position was put down as an area in which they needed “to plus it up” because they had very junior staff in Huntsville.

██████████ told us that she initiated a workforce review during the spring of 2020. She stated that she was briefed by every office within the MDA and that she personally assessed what she thought was priority to either reduce, change, or add billets for all offices. She said that during ██████████ organizational review on ██████████, 2020, she noted that most ██████████ work and ██████████ employees were located in Huntsville, but ██████████ did not have ██████████ position in that location. She stated that she previously noticed disjointed efforts and a “slip in quality” in ██████████ products from the Huntsville location, which she attributed to the lack of guidance at the Huntsville office. Therefore, she asked ██████████ to consider upgrading one of the ██████████ positions to ██████████ position to serve as the ██████████ for the Huntsville office. She told us that ██████████ agreed with this organizational change.

██████████ also told us that she did not recall having specific discussions regarding ██████████ billet with VADM Hill or Ms. DeSimone. However, she said that she would have briefed Ms. DeSimone on all her workforce review recommendations before she went to VADM Hill. She added that she knew Ms. DeSimone shared her concerns about the Huntsville ██████████ work quality. She stated that she briefed VADM Hill and received his approval for all MDA changes on October 21, 2020.

██████████ told us the following.

- It was Ms. DeSimone’s idea to upgrade ██████████ position in Huntsville to ██████████ position, and he worked with the HR ██████████ and an HR ██████████ to make it happen.
- He did not recall having any substantive discussions concerning ██████████ position with VADM Hill until after he selected Subordinate 1 for the position. VADM Hill called him in October 2020 and asked if he was satisfied with the overall results of upgrading the position and hiring Subordinate 1 for the position. He told VADM Hill that he was satisfied and explained that while Subordinate 1 was truly the only qualified person who applied for the position, ██████████ personnel knew that Subordinate 1 and Ms. DeSimone were friends, and some might feel that favoritism was involved in the hiring.

- He did not remember having any conversations with the [REDACTED] concerning upgrading [REDACTED] Huntsville [REDACTED] position to [REDACTED]. He stated that the [REDACTED] was focused on the administrative personnel and not DoD employees during [REDACTED] organization review, and they ended up discussing how [REDACTED] administrative needs would be covered if the MDA adjusted the administrative contract.

Disclosure of the Relationship

Ms. DeSimone stated that she first told VADM Hill and the MDA GC about her relationship with Subordinate 1 in June 2021, shortly after the DoD OIG initiated the investigation.

VADM Hill stated that Ms. DeSimone first told him about her relationship with Subordinate 1 on June 24, 2021. [REDACTED] told us that he first learned about Ms. DeSimone's relationship with Subordinate 1 from VADM Hill after the DoD OIG initiated the investigation. When asked why she waited until after the DoD OIG initiated an investigation to inform VADM Hill of the relationship, Ms. DeSimone told us that her relationship outside of work was a private matter and that Subordinate 1 was actively looking to leave the MDA.

Ms. DeSimone added that the relationship was consensual and did not affect or interfere with her job in any way. Ms. DeSimone told us that she did not think anyone at the MDA knew about her relationship with Subordinate 1. She said that she wanted to keep the relationship separate from work. She stated that she never wanted there to be even a perception of a conflict. She added that she wanted to execute her duties and keep the relationship with Subordinate 1 separate and a private matter away from work.

When asked why she directed the HR [REDACTED] to have [REDACTED] engage with VADM Hill on the selection, Ms. DeSimone responded that she told the HR [REDACTED] that she did not want to be involved in the selection process at all. When asked why she did not want to be involved, Ms. DeSimone responded, "Because of my private relationship."

When asked why Ms. DeSimone and Subordinate 1 used their government cell phones to communicate with each other, Subordinate 1 stated, "Because we were both trying to figure out how to navigate [REDACTED], and we were trying to withhold our communications from our [REDACTED]."

MDA instant message records indicated that at least two MDA employees were aware of Ms. DeSimone's and Subordinate 1's close personal relationship before the DoD OIG investigation. For example, in September 2019, Subordinate 1 told another MDA employee that Ms. DeSimone did not want to move to Huntsville, that Ms. DeSimone loved the Virginia area, and that Ms. DeSimone's [REDACTED] lived in Ms. DeSimone's neighborhood. In May 2020, the HR [REDACTED] asked Subordinate 1 if Ms. DeSimone had any pets, and Subordinate 1 answered that Ms. DeSimone loved [REDACTED].

██████████ stated that an MDA employee told him that Ms. DeSimone brought Subordinate 1 as her “plus one” to a personal dinner with an MDA program executive and deputy program executive and ██████████ in May 2021. ██████████ also stated that the same employee later questioned Subordinate 1’s frequent travel to and from the NCR to spend time supporting MDA or spend time with Ms. DeSimone.

Five current or former ██████████ employees described Ms. DeSimone and Subordinate 1 as friends. Two of the five stated that Subordinate 1 told them that she and Ms. DeSimone were friends. The other three based their description on a combination of office hearsay and the frequency that Ms. DeSimone and Subordinate 1 interacted directly with each other or that Ms. DeSimone’s staff interacted directly with Subordinate 1. One of these employees stated that Subordinate 1 said she was dating someone in the NCR. The employee told us about hearing later that Subordinate 1 was in a relationship with an MDA senior person.

Four of the five employees noted that Ms. DeSimone and Subordinate 1 went on vacation at the same time, for the same length of time, and to the same location, Iceland. Two of the four employees stated that they found it interesting that Ms. DeSimone and Subordinate 1 were not forthcoming about vacationing together. One of these employees also told us that from conversations with Subordinate 1, they had the impression that Ms. DeSimone and Subordinate 1 talked several times per week.

██████████ told us that originally ██████████ was not concerned with Ms. DeSimone’s and Subordinate 1’s friendship because their friendship was established before Ms. DeSimone became the Executive Director. However, ██████████ began to suspect the two were in a more personal relationship because both went to Iceland at the same time, and both told similar stories about their trip. However, neither mentioned they travelled together and that struck ██████████ as suspicious because ██████████ wondered why they would not tell others if they were only going as friends. ██████████ added, “You don’t go to Iceland for a week with someone in your chain of command like that even as friends, that seems excessive, that’s something you just shouldn’t do. And so it makes me think that they’re hiding a relationship.”

Ms. DeSimone’s Review of an MDA Investigative Report

A review of documentary and digital evidence revealed another example of Ms. DeSimone’s failure to inform her supervisor of her relationship with Subordinate 1 or to recuse herself from an official matter related to Subordinate 1.

On April 22, 2021, the MDA GC emailed one of the MDA associate GCs, asking for the investigative report concerning allegations against an MDA SES. The MDA GC wrote, “Please send me the report for the [SES] matter. DX [Ms. DeSimone] wants to discuss in a few moments.” The MDA GC obtained and then forwarded to Ms. DeSimone an email containing

the MDA investigative report, witness statements (including the SES's and Subordinate 1's statements), and exhibits. The MDA GC wrote, "[Named associate GC] is working up the legal analysis (not attached). Suggest you start with [the last page of the report]."

In Subordinate 1's statement, provided to the MDA investigator in [REDACTED] 2020, Subordinate 1 alleged that [REDACTED] while she and the SES were on official travel [REDACTED] the SES [REDACTED] that she interpreted as sexual advances.

[REDACTED] She said that Ms. DeSimone happened to call her at that time, and she told Ms. DeSimone about the SES's conduct. Subordinate 1 stated that she asked Ms. DeSimone not to tell anyone, even though Ms. DeSimone offered to intervene with the SES. [REDACTED]

On April 26, 2021, Ms. DeSimone signed a sworn statement that corroborated Subordinate 1's account of the phone conversation she had with Ms. DeSimone in [REDACTED]. In her statement, Ms. DeSimone indicated that she and Subordinate 1 had a few additional conversations about the SES's behavior, [REDACTED]

[REDACTED] Ms. DeSimone's sworn statement did not include information concerning her intimate relationship with Subordinate 1.

The MDA inquiry officer revised the investigative report with information from Ms. DeSimone's statement. The MDA inquiry officer signed the report on April 29, 2021.

Preliminary Conclusions on Inappropriate Senior-Subordinate Relationship and Involvement in Subordinate 1's Promotion Actions

The JER incorporates title 5 Code of Federal Regulations (CFR) section 2635 in its entirety. Title 5 CFR Section 2635.101, "Basic Obligation of Public Service," states, in part, that public service is a public trust, requiring employees to place loyalty to the Constitution, the laws, and ethical principles above private gain, and employees should "endeavor to avoid any actions creating the appearance that they are violating the law or ethical standards."⁹ "Where a situation is not covered by the standards set forth in this part, employees shall apply the principles set forth in this section in determining whether their conduct is proper."¹⁰

Additionally, Section 2635.702, "Use of Public Office for Private Gain," requires employees to not use public office for the private gain of a friend and to ensure that their performance of official duties does not appear to use public office for private gain or to give preferential treatment to a friend. An employee whose duties would affect the financial interests of a friend will comply with any applicable requirements of Section 2635.502, "Personal and

⁹ Title 5 CFR section 2635.101(b)(1) and (14).

¹⁰ Title 5 CFR section 2635.101(b), "General Principles."

Business Relationships,” which establishes an expectation that employees who have certain personal relationships with another person that would cause someone to question the employee’s impartiality should not take action on any matter involving that other person. Section 2635.502 states that an employee should not participate in such a matter unless the employee has informed the agency designee of the appearance problem and received authorization from the agency designee.

Ms. DeSimone failed to meet these standards when she misused her position for the private gain of Subordinate 1, with whom she engaged in an intimate sexual relationship for several years, during much of which time she exercised supervisory authority over Subordinate 1 and was directly involved in efforts to promote Subordinate 1. During this time, Ms. DeSimone also failed to inform her supervisor of the appearance problem of her personal relationship with Subordinate 1 and failed to recuse herself from personnel actions involving Subordinate 1.

Ms. DeSimone was not only an SES in the MDA, but when she began serving as the Acting MDA Executive Director in November 2019, she was also directly in the supervisory chain over Subordinate 1, who was two levels below her through an intermediate supervisor. When Ms. DeSimone became the permanent MDA Executive Director in October 2020, that supervisory relationship became permanent.

Despite her intimate sexual relationship with Subordinate 1, Ms. DeSimone failed to inform her supervisor in a timely manner of the appearance issue created by her relationship. She only informed her supervisor after we started our investigation into this matter and failed to recuse herself from serving in Subordinate 1’s supervisory chain.

Ms. DeSimone told us that she was not involved in any personnel decisions regarding Subordinate 1’s promotion into [REDACTED] position. That assertion is belied by the actions she took to create the new [REDACTED] position and limit the applicant field to only internal candidates with whom Subordinate 1 would be competitive for the position. Additionally, she repeatedly drove her HR staff to complete the action quickly for Subordinate 1 to receive the position before Subordinate 1’s temporary promotion expired.

Despite her intimate relationship with Subordinate 1, Ms. DeSimone again failed to inform her supervisor of her conflicting personal interest and inserted herself into the process that promoted Subordinate 1 to the new, higher-grade position. Ms. DeSimone also failed to inform the MDA inquiry officer, the MDA GC, or her supervisor of her intimate relationship with Subordinate 1 before providing corroborating evidence concerning Subordinate 1’s complaint against an MDA SES.

Ms. DeSimone’s explanation for failing to inform her supervisor was that she considered her personal relationship outside of work with Subordinate 1 a private matter. Although Ms. DeSimone might have considered her relationship a private matter, her professional

relationship with Subordinate 1 raised a conflict of interest that would cause any reasonable person to question Ms. DeSimone's impartiality and warranted a timely notification to her supervisor. She failed to provide such a notification.

Ms. DeSimone failed to meet ethical standards by taking beneficial employment actions concerning Subordinate 1, a person with whom she was engaged in an intimate relationship. Ms. DeSimone's actions and her relationship with Subordinate 1 reasonably created the appearance of an ethical violation and caused others to question Ms. DeSimone's impartiality.

Additionally, Ms. DeSimone misused her government communication systems and equipment to further her private relationship with Subordinate 1 and used encrypted official emails to avoid any discovery of their relationship by other employees. Her misuse of government communications systems violated the JER Section 3, "DoD Guidance," 2-301, "Use of Federal Government Resources," which only allows for minimal personal use of government communication systems.

Accordingly, we substantiated the allegations that Ms. DeSimone misused her public office for the private gain of her friend, Subordinate 1; failed to meet ethical standards by taking beneficial employment actions concerning Subordinate 1 that reasonably created the appearance of partiality toward a person with whom she was engaged in an intimate relationship; and misused government communication systems and equipment in violation of the JER.

Ms. DeSimone's Response to Our Preliminary Conclusions

Ms. DeSimone's attorney disagreed with our conclusions that Ms. DeSimone misused her public office for the private gain of Subordinate 1; created a reasonable appearance that Ms. DeSimone violated ethical standards; and misused government communication systems and equipment. In summary, Ms. DeSimone's attorney asserted that the DoD OIG "intentionally" omitted evidence (testimony and documentation) making the report "irrevocably flawed," and provided information from four witnesses that the attorney said contradicted the conclusions in this report.¹¹ Finally, the attorney stated that the DoD and MDA do not have policies that prohibit private consensual relationships between civilian employees in the same command or within the same chain of command.

According to the attorney, Ms. DeSimone and Subordinate 1 "were in a consensual, private, intimate relationship from September 2018 to November 2019 (Period 1), then again from December 2020 to April 2022 (Period 2), at which time the relationship ended amicably."

¹¹ Although we did not identify to Ms. DeSimone or her attorney the names of witnesses we interviewed, Ms. DeSimone's attorney interviewed individuals who told the attorney we interviewed them. The attorney provided copies of their interview transcripts for our consideration. The attorney asserted that "non-incriminating" evidence was left out of our preliminary report and that this violated DoD OIG policies. Additionally, the attorney asserted that the witnesses he interviewed "remarked about the unprofessional behavior of the [OIG] investigators during their DoD OIG interviews" We reviewed the attorney's assertions, reexamined the DoD OIG interview transcripts, the witnesses' responses to our questions about whether they had any additional information or any concerns about our interviews, and found no basis to change our determinations and conclusions or conduct any further review of the conduct of this investigation.

Given the level of personal and private contact at various times, dates, and locations between Ms. DeSimone and Subordinate 1, we find the attorney's efforts to minimize the nature of the relationship unsupported by the facts we reviewed. For example, according to Ms. DeSimone and Subordinate 1, they vacationed together as friends and slept in the same bed in March 2020. Additionally, Subordinate 1 began teleworking 1 to 1 ½ weeks every month from Ms. DeSimone's home beginning in October 2020 through April 2022. In any case, even if Ms. DeSimone and Subordinate 1 did not engage in an intimate relationship between November 2019 and December 2020, both told us they maintained a close personal relationship. Therefore, we conclude that Ms. DeSimone maintained a close personal relationship with Subordinate 1 beginning in July 2018 through April 2022 and misused her position for the private gain of Subordinate 1, failed to inform her supervisor of her personal relationship with Subordinate 1, and failed to recuse herself from personnel actions involving Subordinate 1.

The attorney contended that Ms. DeSimone never exercised supervisory control over Subordinate 1 or [REDACTED] and that [REDACTED] had operationally reported to the MDA Director since 2018. The attorney stated that [REDACTED] administratively reported to Ms. DeSimone during FY 2020 but the "entire [REDACTED]" always reported to the MDA Director. The attorney stated that Ms. DeSimone "never completed" an end of the year appraisal on [REDACTED] during the two periods that Ms. DeSimone was in a relationship with Subordinate 1 and that Ms. DeSimone only rated [REDACTED] for the FY 2020 appraisal period that ended September 30, 2020. However, we found that Ms. DeSimone continued to serve as [REDACTED] rating official until September 13, 2021. Additionally, she did not complete an end of year appraisal for the period that ended on September 30, 2021, solely because VADM Hill removed her from the rating chain in the final month of the rating period. Additionally, based on the testimonial and documentary evidence, we conclude that Ms. DeSimone continued to exercise supervisory duties until [REDACTED] was realigned from under her supervision in September 2021.¹²

According to the attorney, Ms. DeSimone recommended to VADM Hill in June 2021 that VADM Hill move [REDACTED] from administratively reporting to Ms. DeSimone to reporting to the [REDACTED]. Neither Ms. DeSimone nor any other witnesses told us this during our investigation, and we found no evidence to support this assertion. However, we note that both VADM Hill and Ms. DeSimone told us that Ms. DeSimone spoke with VADM Hill in June 2021 and offered to step down from her position as the Executive Director and that VADM Hill declined her offer. VADM Hill further stated that he told Ms. DeSimone that he was going to have to move one of them or realign [REDACTED] from under Ms. DeSimone. Ms. DeSimone also told us that VADM Hill decided to move [REDACTED] from under her to another SES to mitigate any perceptions. According to witnesses and our review of emails, the MDA GC

¹² We present additional information about Ms. DeSimone's supervisory role concerning [REDACTED] employees in Appendix C.

recommended to VADM Hill, and VADM Hill concurred, on or about September 2, 2021, to realign [REDACTED] employees from under Ms. DeSimone. Additional details about this decision are located in Appendix C of this report.

Ms. DeSimone's attorney asserted that there had been no reason for Ms. DeSimone to inform VADM Hill of her relationship with Subordinate 1 or to recuse herself from matters concerning Subordinate 1 because Ms. DeSimone was not involved in establishing the [REDACTED] position or in selecting Subordinate 1 for the position. We reject this assertion. We conclude that Ms. DeSimone's official actions as they related to the [REDACTED] position and Subordinate 1 violated ethical standards because she misused her official position for the private gain of Subordinate 1. These actions were further compounded by Ms. DeSimone's failure to inform her supervisor of her relationship with Subordinate 1.

According to the attorney, Ms. DeSimone did not create an appearance of violating ethical standards because no one at MDA at the time knew about Ms. DeSimone's intimate relationship with Subordinate 1. We also reject this assertion. Several employees were aware of the close personal relationship between Ms. DeSimone and Subordinate 1.

Additionally, the attorney asserted that Ms. DeSimone's misuse of government communications systems and equipment was not supported by the facts because the DoD OIG did not make any distinction between "professional versus personal text messages and calls." We reject this assertion. We carefully considered Ms. DeSimone's and Subordinate 1's extensive use of government cell phones to communicate with each other from August 2018 through October 2020 (61 percent of the text messages and 36 percent of the phone calls were during weekends, holidays, or weekdays between the hours of 7 p.m. and 6 a.m. Eastern time) and the fact that cell phone records showed that they did not use their government cell phones to communicate with each other for the 7 months before or the 14 months after these dates, which indicates these were largely personal communications. We weighed the attorney's assertions against the evidence we reviewed and concluded that Ms. DeSimone's extensive use of her government communications systems and equipment to further her private relationship with Subordinate 1 violated the JER.

Final Conclusions on Inappropriate Senior-Subordinate Relationship and Involvement in Subordinate 1's Promotion Actions

After carefully considering the response to our preliminary conclusions, we reexamined previously collected evidence, reviewed the additional documents, and reviewed our investigative process. The additional review did not change our determination by a preponderance of the evidence that Ms. DeSimone misused her public office for the private gain of her friend, Subordinate 1; created the appearance that she violated ethical standards through her relationship with Subordinate 1 and her involvement in the employment actions concerning Subordinate 1; failed to inform her supervisor in a timely manner of the

appearance issues associated with her relationship with Subordinate 1; failed to recuse herself from promotion actions and another official matter involving Subordinate 1; and misused government communication systems and equipment in violation of the JER.

B. Sexual Harassment of Subordinate 2

The February 2021 complaint alleged that Ms. DeSimone sexually harassed a named Dahlgren Division employee (Subordinate 2). The complaint asserted that when Ms. DeSimone was a division head at the Dahlgren Division, she pressured Subordinate 2 into having an affair with her and created a hostile work environment, which caused Subordinate 2 to retire earlier than planned from Government service. Ms. DeSimone and Subordinate 2 both lived in the same neighborhood in Virginia.

We interviewed Ms. DeSimone, Subordinate 2, and five witnesses, including three who were in Ms. DeSimone's division when the alleged sexual harassment occurred. Because of the extended passage of time, witnesses had difficulty recalling the timelines and facts of some events. Additionally, Dahlgren Division records and email accounts were no longer available for our investigation because of the extended passage of time and the records retention policies.

At the time of the events, Ms. DeSimone was a GS-15 equivalent and the leader of a division with about 120 employees. Subordinate 2 was a  working in Ms. DeSimone's division, three levels below Ms. DeSimone.

Ms. DeSimone told us that she and Subordinate 2 had a consensual sexual relationship while Ms. DeSimone was leading and supervising the division. She also stated that they both lived in the same neighborhood but that she did not really know Subordinate 2 until after Ms. DeSimone took charge of the division.

In this section, we discuss Subordinate 2's testimony about the relationship and how it affected her. We then present witness testimony from those witnesses who had relevant information about the relationship. Finally, we present Ms. DeSimone's testimony about the relationship.

Subordinate 2's Testimony

Subordinate 2 told us that Ms. DeSimone started pursuing her after a work-related social event. Subordinate 2 stated that she did not plan on going to the event that was celebrating the completion of a large project. However, she said that Ms. DeSimone called and told her that she needed to go and that they would ride together. Subordinate 2 stated that Ms. DeSimone gave her and a team lead (Witness A) a ride to and from the work-related social event. Subordinate 2 told us that after the event, Ms. DeSimone dropped Witness A off at

his car and insisted on driving Subordinate 2 all the way home because Subordinate 2 had alcoholic beverages at the social event. Subordinate 2 stated that she agreed because she and Ms. DeSimone lived in the same Virginia neighborhood.

Subordinate 2 stated that during the car ride home, Ms. DeSimone started asking personal questions and told Subordinate 2 that she was not happy and that she had a “crush” on Subordinate 2. Subordinate 2 said that when they arrived at Subordinate 2’s home, Ms. DeSimone parked in her driveway, and she kissed her and told her that the two of them should have an affair. Subordinate 2 told us that she declined Ms. DeSimone’s offer. Subordinate 2 said that the next morning, Ms. DeSimone arrived at Subordinate 2’s home to transport Subordinate 2 back to her car. At that time, Subordinate 2 told us that she “reiterated” to Ms. DeSimone that she did not want to have an affair, she was substantially older than Ms. DeSimone, and Ms. DeSimone was her boss. Subordinate 2 stated that Ms. DeSimone told her that she “figured” Subordinate 2 would be the “voice of reason.”

Subordinate 2 said that after the ride with Ms. DeSimone to and from the social event, Witness A told Subordinate 2 that Ms. DeSimone could not wait to get him (Witness A) out of the car so she (Ms. DeSimone) could be alone with Subordinate 2. Subordinate 2 told us that Ms. DeSimone then began calling her “almost daily” and showing up where she was working. Subordinate 2 stated that her coworkers noticed Ms. DeSimone’s behavior and started to tease Subordinate 2 about it. Subordinate 2 also stated that another coworker told her that she could not go anywhere without Ms. DeSimone.

Subordinate 2 told us that in response to a request for assistance, she went to Ms. DeSimone’s office after hours to help her move into a new office. Subordinate 2 stated that while she was in the office, Ms. DeSimone did “a very odd thing”: she tried to get Subordinate 2 to go to the bathroom with her. Subordinate 2 stated that Ms. DeSimone said something to the effect of, “I’m going into the bathroom. Why don’t you come along?” Subordinate 2 said that she declined the offer and that Ms. DeSimone told her, “You’re no fun.” When asked what she thought Ms. DeSimone meant, Subordinate 2 told us, “I knew exactly what she meant. There could only be one reason she’d want me to follow her into the bathroom To have sex of some kind or to do something.” When asked why she thought that, Subordinate 2 stated that she thought there were no windows or cameras in the bathroom. She said that Ms. DeSimone’s comment made her uncomfortable, especially since she told Ms. DeSimone that she was not interested in having an affair. Subordinate 2 told us that she thought, “I guess this is not over. I guess this is still going to be ongoing. But I thought it was okay as long as I didn’t go in there. I thought, what can she do? Nothing.”

Subordinate 2 told us that each time she went to lunch with Ms. DeSimone, Ms. DeSimone “would try to convince” her to have an affair. When asked why she went to lunch with Ms. DeSimone, Subordinate 2 told us that she thought going to lunch was “harmless” and would not lead to an affair. She stated that after a few months, she was impressed that

someone substantially younger than her and a division head was “somehow interested” in her. She added that Ms. DeSimone was “relentless in wanting to get together.” She then said that Ms. DeSimone never quit trying. Subordinate 2 stated that Ms. DeSimone’s behavior continued for about 6 months with Subordinate 2 always telling Ms. DeSimone, “[N]o.” Subordinate 2 stated that Ms. DeSimone’s partner started showing up at her house, banging on the door and asking if something was going on between her and Ms. DeSimone. Subordinate 2 told us that she and her partner always said no because at that point, nothing was going on between the two.

Subordinate 2 stated that when Ms. DeSimone’s “pursuing an affair” did not work, Ms. DeSimone began saying that she was in love and wanted to spend her life with Subordinate 2. When describing Ms. DeSimone’s pursuit of her, Subordinate 2 told us that she “just got worn down emotionally.” She added that she told Ms. DeSimone “no” for a long time, but Ms. DeSimone would not take “no” for an answer. According to Subordinate 2, Ms. DeSimone said [REDACTED], she was in a “miserable and dysfunctional relationship” with her current partner, and she would never have a happy life. Subordinate 2 told us that she thought this was when she finally gave in and began an affair with Ms. DeSimone. Subordinate 2 told us that Ms. DeSimone did not physically force her into an affair. She added that she felt Ms. DeSimone “manipulated” her into having one. Subordinate 2 described Ms. DeSimone’s actions as “emotional manipulation” and “predatory behavior.”

Subordinate 2 told us that she and Ms. DeSimone met and had sex maybe three to four times over several months. Subordinate 2 stated that Ms. DeSimone kept pushing her to meet at a hotel. Subordinate 2 remembered Ms. DeSimone’s reaction as “Yes, like okay, I won ... I got my way” when she finally agreed to meet Ms. DeSimone at a hotel. She and Ms. DeSimone had sex at a hotel in Fredericksburg, Virginia, and once at [REDACTED].

Subordinate 2 told us that Ms. DeSimone needed to control everything and everybody. She stated that Ms. DeSimone “considered herself quite the catch” and that Subordinate 2, a [REDACTED], should “jump at the chance” to be with her. She added that it was “part of the authority thing. [Ms. DeSimone would act as if to say] ‘I’m a division head. I make a lot of money and you’re not even responding to me.’” Subordinate 2 described an instance when Ms. DeSimone got very mad and “ripped out of the parking lot throwing rocks” with her car after Subordinate 2 told her that she would not go on official travel with Ms. DeSimone.

Subordinate 2 told us that she paid a price in the workplace when she did not do what Ms. DeSimone wanted her to do outside the office. Subordinate 2 stated that Ms. DeSimone would give Subordinate 2 the “cold shoulder” or be in “a huff” or acted immature when she

(Subordinate 2) did not do what Ms. DeSimone wanted or did not immediately respond to Ms. DeSimone. For example, in addition to Ms. DeSimone's response when Subordinate 2 would not go on official travel with Ms. DeSimone:

- Ms. DeSimone "summoned" Subordinate 2 into Ms. DeSimone's office because Subordinate 2 had not returned Ms. DeSimone's personal calls from the previous night;
- Ms. DeSimone wanted to hear from everyone when in meetings, but if Ms. DeSimone was annoyed with Subordinate 2, she would not ask Subordinate 2 for input or talk directly to Subordinate 2;
- Ms. DeSimone practically knocked Subordinate 2 out of the way while walking down a hallway at work without saying anything, and Ms. DeSimone treated Subordinate 2 abruptly as though she was mad at Subordinate 2; and
- Ms. DeSimone had been mad at Subordinate 2 for a week and responded to Subordinate 2's greeting by asking, "After this week? You come up and say something to me? You come up and talk to me?"

Subordinate 2 stated that she told her partner that she had feelings for Ms. DeSimone, which devastated her partner. She stated that later, when Ms. DeSimone was going through [REDACTED], she told her partner that if Ms. DeSimone's [REDACTED], she was going to be with Ms. DeSimone for the time that Ms. DeSimone [REDACTED]. She stated, "[T]hat pretty much sealed my relationship with my partner," and her partner moved out of the house "some weeks" later.

Subordinate 2 told us that the affair with Ms. DeSimone lasted about 6 to 7 months, until November or December 2006. She stated that Ms. DeSimone was "frantic" when she told Ms. DeSimone that she told her partner about the relationship and that her partner had moved out and that Ms. DeSimone responded that she did not want to be a "home wrecker." Subordinate 2 stated that it was obvious that Ms. DeSimone did not want the truth to come out. Subordinate 2 said that Ms. DeSimone repeatedly promised to break up with her partner over the weekend and that each time, on the following Monday, Ms. DeSimone would say that she had not done so. Subordinate 2 stated that Ms. DeSimone was never going to tell her partner.

Subordinate 2 said that Ms. DeSimone tried to control everything that Subordinate 2 did, just because Ms. DeSimone was her boss, and that this caused "so much tension and stress." Subordinate 2 stated that she was depressed about her bad decisions and would only go to work 2 or 3 days each week. She said that she thought the way to fix it was to leave, so she decided to retire as soon as she was eligible. She stated, "That's the place I was in emotionally." She stated that she retired because that was the quickest way out of the problem with Ms. DeSimone. It became "psychologically burdensome" at work. She said,

“Here’s how I’ll fix this. I’ll retire and I’ll do something else.” She put in her retirement paperwork and asked to retire as quickly as possible. She stated that Ms. DeSimone did not know she was retiring until about a week before her retirement.

Subordinate 2 told us:

I did feel like she wrecked my relationship even though I ended up wrecking it myself because I told her over and over and over again I’m not interested in having an affair and it never ... slowed her down any. And then ... when “I’m very attracted to you” became “I’m in love with you, I want to share my life with you.” And then when I say, “Hey, the truth is out, I told [my partner],” she begins a whole series of lies to make it look differently ... of course, then I realize this woman never told me the truth to begin with. You know, this was all a predatory—this was all a hunt to begin with. It wasn’t anything real involved in it. So that’s why I blamed her.

Subordinate 2 stated that she told her two supervisors that she was retiring because Ms. DeSimone had pursued her and “wrecked” her [REDACTED] relationship with her partner, and she did not want to be around Ms. DeSimone any longer. She stated that she remembered that Supervisor A was surprised and said he was sorry to hear it, and Supervisor B was very diplomatic and did not have much to say. She added that she did not file a complaint against Ms. DeSimone because she (Subordinate 2) was at the end of her career and did not want others to remember her as a whistleblower.

Subordinate 2 told us that Ms. DeSimone tried to make it appear that the relationship never happened, even though they saw each other for maybe 4-6 weeks after Subordinate 2 retired. Subordinate 2 stated that mutual friends, including Witness B, told her that Ms. DeSimone said that Subordinate 2 was stalking her (Ms. DeSimone). Subordinate 2 said that she told the friends that Ms. DeSimone was not being truthful and played a voice message she received from Ms. DeSimone.¹³ Subordinate 2 told us that in the voice message, Ms. DeSimone said, “I know you’re really busy. But I really want to see you for a minute, if you could just come outside of the clubhouse for a few minutes and let me talk to you. I love you.” Subordinate 2 stated that the friends were shocked and said Ms. DeSimone had been lying to them.

Witnesses’ Testimony

We interviewed five witnesses (Supervisors A and B and Witnesses A, B, and C) who had relevant information about Ms. DeSimone’s relationship with Subordinate 2. Because of the passage of time, the witnesses had difficulty recalling the timelines and facts of some events. Supervisors A and B and Witness A all worked in Ms. DeSimone’s division. Supervisor A was Subordinate 2’s immediate supervisor and two levels below Ms. DeSimone. Supervisor B

¹³ We did not hear the voice message because Subordinate 2 told us that she deleted the messages years ago. However, we interviewed one of the friends who Subordinate 2 stated heard the voice message as described in the section titled “Witness B.”

was a branch head and one of Ms. DeSimone's direct reports, but Subordinate 2 was not in Supervisor B's branch. Witness A was a team lead and was three levels below Ms. DeSimone. Witnesses B and C lived in the same neighborhood as Ms. DeSimone and Subordinate 2.

Supervisor A

Supervisor A told us that he did not remember whether Subordinate 2 told him why she was retiring or even if she did tell him. Supervisor A described Subordinate 2 as a very hard worker, dedicated, expert in her field, having a super-professional appearance, happy, and never disgruntled. Supervisor A said that he never heard of or noticed anything between Ms. DeSimone and Subordinate 2.

Supervisor B

Supervisor B described Ms. DeSimone and Subordinate 2 as friends because Subordinate 2 would frequently go to Ms. DeSimone's office and the two would talk. Supervisor B stated that it was not normal for [REDACTED] such as Subordinate 2 to be in Ms. DeSimone's office.

Supervisor B also stated that Subordinate 2 came into his office upset and told him that Ms. DeSimone had abused her position or authority and did something "very bad." Supervisor B could not remember Subordinate 2's exact words and stated that Subordinate 2 did not go into detail other than to say that Ms. DeSimone did something and, if it got out, Ms. DeSimone would be fired or removed. Supervisor B said that he told Subordinate 2 to talk to her branch head or file a complaint if Ms. DeSimone had done "something egregious." Supervisor B stated that Subordinate 2 "sounded believable." Supervisor B also stated that Subordinate 2 would not make something up because she was well grounded. Supervisor B told us that Subordinate 2's retirement was sudden and unexpected after "whatever occurred with [Ms. DeSimone]."

Witness A

Witness A told us that he and Subordinate 2 rode with Ms. DeSimone to and from a work-related social event, about a 30-minute ride each way. He stated that he did not know where Ms. DeSimone and Subordinate 2 went after dropping him off at his car, and instead of driving home, he got a room at a nearby hotel. When asked about the ride to the event and back, Witness A responded that "nothing unusual" happened between Subordinate 2 and Ms. DeSimone. He stated that others asked later if Ms. DeSimone and Subordinate 2 stayed at the hotel together. He told them he had no idea if Ms. DeSimone and Subordinate 2 stayed at the hotel or where Ms. DeSimone and Subordinate 2 went after dropping him off. Witness A stated that he did not see Ms. DeSimone or Subordinate 2 at the hotel and assumed that Ms. DeSimone dropped Subordinate 2 off at her car after dropping him off.

Witness A denied telling Subordinate 2 that Ms. DeSimone could not wait to get him out of the car or even having a thought to that effect. Witness A stated that when Ms. DeSimone dropped him off, he thought that Ms. DeSimone was going to drop Subordinate 2 off next. Witness A stated that later he heard rumors about a relationship between Ms. DeSimone and Subordinate 2. He added that others questioned him about Ms. DeSimone's and Subordinate 2's relationship, such as asking him if Ms. DeSimone and Subordinate 2 stayed at the hotel together or asking if he thought something was going on with Ms. DeSimone and Subordinate 2. Witness A stated that he always responded he had no idea.

Witness B

Witness B told us that she moved to the same neighborhood where Ms. DeSimone and Subordinate 2 lived [REDACTED]. Witness B stated that she and her partner became "really good friends" with Subordinate 2 and her partner. Witness B added that several couples from the neighborhood would meet for dinner at the neighborhood clubhouse. Witness B told us that these couples included Ms. DeSimone and her partner, as well as Subordinate 2 and her partner. Witness B stated that everyone in their group thought something was going on between Ms. DeSimone and Subordinate 2, but no one knew for sure, because the two kept it very quiet.

Witness B stated that she knew that Ms. DeSimone was Subordinate 2's boss, because Ms. DeSimone was the head of the office where Subordinate 2 worked. Witness B told us that she did not initially believe Subordinate 2 when Subordinate 2 told her that Ms. DeSimone "was pursuing [Subordinate 2] at work" and that they were having an affair. Witness B told us that she finally believed Subordinate 2 when one evening, while having dinner at the clubhouse, Subordinate 2 whispered in Witness B's ear, "We really are having an affair." Witness B stated that Subordinate 2 "really fell" for Ms. DeSimone "hook, line, and sinker." Witness B told us that Subordinate 2 said she slept with Ms. DeSimone several times and did not give details. However, Witness B remembered that Subordinate 2 said she slept with Ms. DeSimone at Ms. DeSimone's house when Ms. DeSimone's partner was away. Witness B told us that at some point, Ms. DeSimone's partner "must have caught on," because Ms. DeSimone's partner started frequently calling Witness B, asking what she knew about Ms. DeSimone's and Subordinate 2's relationship.

Witness B stated that in the beginning, Subordinate 2 thought it was funny that her boss would pursue her. However, after a while, Subordinate 2 was hooked. Witness B told us that Subordinate 2 wanted Ms. DeSimone to leave her partner but that it was too much pressure on Ms. DeSimone, and Ms. DeSimone broke off the relationship with Subordinate 2 over the phone.

Witness B stated that she did not know whether Subordinate 2 retired because of Ms. DeSimone because Subordinate 2 never told her. She added that Ms. DeSimone and Subordinate 2 maintained the affair after Subordinate 2's retirement.

Witness B told us that even though Subordinate 2 said that Ms. DeSimone was pursuing Subordinate 2, “nobody believed that. Nobody—everybody thought it was the other way around.” Witness B stated that after the breakup, Subordinate 2 played a voice message that Ms. DeSimone left for Subordinate 2. Witness B added that Subordinate 2 played the message because she did not want people to think she was a fool and wanted everyone to know that Ms. DeSimone told her that Ms. DeSimone loved her and that they had a future together. Witness B added that Subordinate 2 hurt emotionally for a long time after the breakup and that Subordinate 2 talked about it and played the voice message any time the subject came up.

Witness C

Witness C told us that she was [REDACTED]. She stated that in February or March 2006, Ms. DeSimone said she wanted to get to know Subordinate 2 because she was having an issue at work. Witness C stated that after that it seemed that Subordinate 2 was around Ms. DeSimone more socially, and then Subordinate 2 was around a lot. The witness added that Ms. DeSimone even took her (Ms. DeSimone’s) [REDACTED] horseback riding with Subordinate 2 on Saturdays. Witness C described Subordinate 2 as being “extremely infatuated” and “enamored” with Ms. DeSimone. Witness C added that Subordinate 2 made comments such as “I never thought I’d be close friends with someone like [Ms. DeSimone].”

Witness C told us that in July or August 2006, Ms. DeSimone [REDACTED] very upset and said that Subordinate 2 was going to report her (Ms. DeSimone) at work, and it would affect her career. Witness C stated that Ms. DeSimone said that she was having an affair with Subordinate 2 and that Subordinate 2 was also going to tell [REDACTED] everything. Witness C told us that Ms. DeSimone said that she had been seeing Subordinate 2 for about 3 months and that she was breaking off the relationship with Subordinate 2.

Witness C stated that about 5 years ago, she learned during separate conversations with Subordinate 2, Witness B, and Ms. DeSimone’s [REDACTED] that the affair between Ms. DeSimone and Subordinate 2 did not last 3 months, but that it lasted about 1 year. When we asked Witness C how Ms. DeSimone’s [REDACTED] knew about the affair, Witness C stated that it was “because [Subordinate 2] in 2006 had threatened to go to [Ms. DeSimone’s] work and her [Ms. DeSimone’s] [REDACTED] had to step in and talk to [Subordinate 2].”

Witness C stated, “[Ms. DeSimone] may be guilty of poor judgment, but I wholeheartedly find the idea of sexually harassing someone is just not something [Ms. DeSimone] would do.” Witness C told us that sexual harassment was taking it to another level because “they were grown women and they were fully ready to jump in on their own.” Witness C added that over the years, she observed Subordinate 2 on many occasions approach, hug, and then talk to Ms. DeSimone and that Ms. DeSimone never initiated the hug. Witness C told us that she did not think Subordinate 2 would do this if Ms. DeSimone had sexually harassed Subordinate 2.

Ms. DeSimone's Testimony

Ms. DeSimone told us that she and Subordinate 2 lived in the same neighborhood and that both worked at the Dahlgren Division. Ms. DeSimone stated that she “knew of” Subordinate 2 but did not really know her until Ms. DeSimone became the division head, a GS-15 equivalent position. She added that she had about 120 employees in three branches under her supervision, including Subordinate 2, who was [REDACTED] in one of the branches and was three levels of supervision below her.

Ms. DeSimone told us that she and Subordinate 2 “got to talking” at test events at work and “ended up becoming friends.” She added that she and her “roommate” went to dinner a couple of times with Subordinate 2 and Subordinate 2’s “roommate.”¹⁴ She said that because they lived in the same neighborhood, she drove Subordinate 2 to work a couple of times and maybe to one or two evening test events. She stated that during one of these commutes, she pulled over because they were having an emotional conversation, and Subordinate 2 “came on” to her.

Ms. DeSimone told us that she could not pinpoint what year their relationship started but thought that it had to be during the 2005 to 2007 time frame that Subordinate 2 “came on” to her, and she thought that they had sexual relations several times. Ms. DeSimone added that she remembered Subordinate 2 coming to her house once and her going to Subordinate 2’s house once, and they met a couple of times after work. She said that she thought they even got a hotel room one time. Ms. DeSimone told us that the relationship did not last. Ms. DeSimone stated that she did not recall the details of how the relationship ended, just that Subordinate 2 wanted to stay in the relationship and Ms. DeSimone was not interested in a permanent relationship.

Ms. DeSimone told us that her relationship with Subordinate 2 was “100 percent consensual” and “outside of work,” and that Subordinate 2 initiated it. She stated, “[Subordinate 2] never asked me for any consideration at work, nor would I have provided it.”

Ms. DeSimone told us that she had never had a sexual harassment complaint made against her. She stated:

I would think if you’re fact-finding, you should be asking why, after 15 years, that somebody that I had a consensual relationship with would come forward now and claim it to be sexual harassment. And so [REDACTED] is a very vindictive, cruel person, and she threatened me multiple occasions to ruin me, to destroy my career, to go up to the Under Secretary of Defense Research and Engineering, at the time, [REDACTED], to call the DoD IG, and said she would make it her mission in life to destroy me. And so she promised to take all my money, to [REDACTED] [...] and then after [REDACTED] and three people [REDACTED] on her side and one of them is [Subordinate 2]. [...] And so [REDACTED] [REDACTED] is a savvy, crafty person. She knew the way to get this started was to anonymously lodge a complaint to the DoD IG, and that would—she knows that all things are investigated for senior officials and all she had to do was to get the

¹⁴ Ms. DeSimone referred to her and Subordinate 2’s partners as roommates.

ball rolling, say, you know say it was against [Subordinate 2], you guys contact [Subordinate 2]. [...] I feel most certain ... I'm being targeted by a disgruntled [REDACTED] and that ... the former General Counsel at MDA ... said, "The DoD IG knows when they're being set up and manipulated to go harass a disgruntled [REDACTED]." But it appears not the case here. ... [REDACTED] has supplied has manipulated the situation and caused me tremendous stress and ... I think it's a witch hunt.¹⁵

Preliminary Conclusions on Sexual Harassment of Subordinate 2

We concluded that there was insufficient evidence to substantiate the allegation that Ms. DeSimone sexually harassed Subordinate 2.

DoD Directive 1440.1 defines sexual harassment as a form of sex discrimination that involves unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when such conduct interferes with an individual's performance or creates an intimidating, hostile, or offensive environment.

We determined that Ms. DeSimone, as a division head, engaged in a consensual sexual relationship with one of her subordinate employees (Subordinate 2). Subordinate 2 described Ms. DeSimone's behavior as "predatory" and "emotional manipulation" and said that Ms. DeSimone was "relentless" in her pursuit. However, Ms. DeSimone indicated that Subordinate 2 initiated the first physical contact, and one witness said that Subordinate 2 was infatuated with Ms. DeSimone. Both Ms. DeSimone and Subordinate 2 indicated that the relationship was consensual. Additionally, Dahlgren Division witnesses did not corroborate Subordinate 2's version of work-related events, including Subordinate 2 telling them that Ms. DeSimone had pursued her and that she was retiring because she no longer wanted to be around Ms. DeSimone. However, Ms. DeSimone and Subordinate 2 continued their relationship for a short time after Subordinate 2 retired.

Given the totality of the evidence, we determined that Ms. DeSimone exercised poor judgment by engaging in a sexual relationship with one of her subordinates.

However, given the conflicting testimony and the absence of corroborating evidence in light of the passage of time, we concluded that there was insufficient evidence to substantiate the allegation that Ms. DeSimone sexually harassed Subordinate 2.

Ms. DeSimone's Response to Our Preliminary Conclusions

In Ms. DeSimone's response, the attorney stated that Ms. DeSimone "has never sexually harassed anyone, at any time, in any location. Consensual relationships from more than 15 years ago should not have warranted a DoD OIG investigation." The attorney asserted that

¹⁵ Subordinate 2 told us that she decided to come forward after hearing that Ms. DeSimone had once again had an affair with a subordinate. Subordinate 2 said that she felt that Ms. DeSimone's pattern of behavior would not end with Subordinate 1. She stated, "[S]ome other woman will be next, the next target." She added that Ms. DeSimone should be held accountable.

the sexual harassment complaint did not meet DoD OIG investigative criteria because it did not constitute a credible allegation, and that the alleged event occurred many years ago and was too old to investigate.

In summary, Ms. DeSimone's attorney disagreed with our conclusion that there was insufficient evidence to substantiate the allegation that Ms. DeSimone sexually harassed Subordinate 2 and asserted that the allegation was "unsubstantiated." Additionally, the attorney stated:

To be accused of such an egregious act over 15 years after a consensual relationship ended and then have the preliminary ROI state that Ms. DeSimone "exercised poor judgment" based on the "totality of evidence" is adding insult to injury. [...] The information leading to the conclusion of "exercised poor judgement" is clearly unsubstantiated, subjective, and grossly misrepresents the facts.

Final Conclusions on Sexual Harassment of Subordinate 2

After carefully considering Ms. DeSimone's response and reviewing our investigative process, we conclude that Ms. DeSimone exercised poor judgment by engaging in a sexual relationship with Subordinate 2, but there was insufficient evidence to substantiate the allegation that Ms. DeSimone sexually harassed Subordinate 2.

Overall Conclusions

We substantiated the allegation that Ms. DeSimone misused her public office for the private gain of Subordinate 1. Ms. DeSimone engaged in an intimate sexual relationship with Subordinate 1 for several years, during much of which time she exercised supervisory control over Subordinate 1 and was directly involved in efforts to promote Subordinate 1. Ms. DeSimone failed to inform her supervisor in a timely manner of the appearance issues associated with her relationship with Subordinate 1 and failed to recuse herself from promotion actions and another official matter involving Subordinate 1. Ms. DeSimone informed her supervisor of her relationship with Subordinate 1 only after we initiated our investigation, which was well after the promotion actions and the other official matter were completed.

We also concluded that Ms. DeSimone created a reasonable appearance that she was violating ethical standards by engaging in an intimate sexual relationship with Subordinate 1 and taking beneficial employment actions concerning Subordinate 1. Specifically, their relationship combined with Ms. DeSimone's official actions related to Subordinate 1 reasonably caused others to question Ms. DeSimone's impartiality concerning Subordinate 1.

Additionally, we substantiated the allegation that Ms. DeSimone misused government communication systems and equipment to further her private relationship with Subordinate 1.

We found insufficient evidence to substantiate the allegation that Ms. DeSimone sexually harassed Subordinate 2. However, we determined that Ms. DeSimone used poor judgment by engaging in a sexual relationship with Subordinate 2.

Recommendations

We recommend that Ms. DeSimone's supervisor take appropriate action concerning Ms. DeSimone.

During our investigation, we found that Defense agencies, including MDA, lack policy or guidance regarding romantic, intimate, and sexual relationships between civilian supervisors and subordinates, including the reporting of these types of relationships. Additionally, the DoD has not provided guidance or an overall policy concerning these types of relationships, although the DoD OIG continues to receive and investigate complaints of alleged inappropriate relationships between civilian supervisors and subordinates. Therefore, we recommend that the DoD consider developing DoD-wide policy concerning romantic, intimate, and sexual relationships between civilian supervisors and subordinates and the reporting requirements for those relationships, and implement and provide training regarding any additional policy developed as a result.¹⁶

Additionally, during our investigation, we received information from the MDA Special Security Office that personal events such as divorces are not considered events requiring self-reporting. This information appears to be inconsistent with current DoD training and guidelines, which indicate that a divorce is a potential reportable life event. Accordingly:

- we recommend that the DoD review the guidance that special security offices provide to civilian employees, military personnel, and civilian contract employees concerning self-reporting requirements regarding life events such as these changes in personal status; and
- we recommend that the DoD consider issuing clarifying guidance concerning whether periodic and temporary cohabitation arrangements require reporting to the appropriate security office, and implement and provide training on any changes to policy or guidance developed as a result.

¹⁶ Similarly, the Department of Justice (DOJ) OIG noted in its March 2020 Management Advisory Memorandum (Investigations 20-035) an increase in the number of allegations it has received and subsequently investigated regarding allegedly inappropriate relationships between high-level supervisors and subordinates. However, most DOJ components have policies regarding supervisor-subordinate relationship, although these policies differ substantially from one another. The DOJ OIG recommended that the DOJ consider these differing policies and determine whether to adopt a consistent policy, including reporting these relationships across all the DOJ components.

Appendix A – Standards

DoD 5500.7-R, “Joint Ethics Regulation (JER),” August 30, 1993 (Incorporating Changes 1-7, November 17, 2011)

The JER provides a single source of standards of ethical conduct and ethics guidance for DoD employees.

Chapter 2, “Standards of Ethical Conduct,” Section 1, “Office of Government Ethics Regulation,” incorporates Title 5 CFR Part 2635, “Standards of Ethical Conduct for Employees of the Executive Branch,” in its entirety.

In the CFR, Subpart A, “General Provisions,” Section 2635.101, “Basic Obligation of Public Service,” states in part:

(a) Public service is a public trust. Each employee has a responsibility to the United States Government and its citizens to place loyalty to the Constitution, laws and ethical principles above private gain. To ensure that every citizen can have complete confidence in the integrity of the Federal Government, each employee shall respect and adhere to the principles of ethical conduct set forth in this section, as well as the implementing standards contained in this part and in supplemental agency regulations.

(b) General principles. The following general principles apply to every employee and may form the basis for the standards contained in this part. Where a situation is not covered by the standards set forth in this part, employees shall apply the principles set forth in this section in determining whether their conduct is proper.

(1) Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws and ethical principles above private gain.

(7) Employees shall not use public office for private gain.

(8) Employees shall act impartially and not give preferential treatment to any private organization or individual.

(9) Employees shall protect and conserve Federal property and shall not use it for other than authorized activities.

(13) Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or handicap.

(14) Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in this part. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.

Subpart E, "Impartiality in Performing Official Duties," Section 2635.502, "Personal and Business Relationships," states in part:

(a) Consideration of appearances by the employee. Where an employee knows that a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interest of a member of his household, or knows that a person with whom he has a covered relationship is or represents a party to such matter, and where the employee determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question his impartiality in the matter, the employee should not participate in the matter unless he has informed the agency designee of the appearance problem and received authorization from the agency designee in accordance with paragraph (d) of this section.

(1) In considering whether a relationship would cause a reasonable person to question his impartiality, an employee may seek the assistance of his supervisor, an agency ethics official or the agency designee.

(2) An employee who is concerned that circumstances other than those specifically described in this section would raise a question regarding his impartiality should use the process described in this section to determine whether he should or should not participate in a particular matter.

(d) Authorization by agency designee. Where an employee's participation in a particular matter involving specific parties would not violate 18 U.S.C. 208(a), but would raise a question in the mind of a reasonable person about his impartiality, the agency designee may authorize the employee to participate in the matter based on a determination, made in light of all relevant circumstances, that the interest of the Government in the employee's participation outweighs the concern that a reasonable person may question the integrity of the agency's programs and operations. Factors which may be taken into consideration include:

(1) The nature of the relationship involved;

(2) The effect that resolution of the matter would have upon the financial interests of the person involved in the relationship;

(3) The nature and importance of the employee's role in the matter, including the extent to which the employee is called upon to exercise discretion in the matter;

(4) The sensitivity of the matter;

(5) The difficulty of reassigning the matter to another employee; and

(6) Adjustments that may be made in the employee's duties that would reduce or eliminate the likelihood that a reasonable person would question the employee's impartiality.

Subpart G, "Misuse of Position," Section 2635.702, "Use of Public Office for Private Gain," states in part that an employee shall not use his public office for his own private gain, or for the private gain of friends.

a. Inducement or coercion of benefits. An employee shall not use or permit the use of his Government position or title or any authority associated with his public office in a manner that is intended to coerce or induce another person, including a subordinate, to provide any benefit, financial or otherwise, to himself or to friends.

d. Performance of official duties affecting a private interest. To ensure that the performance of his official duties does not give rise to an appearance of use of public office for private gain or of giving preferential treatment, an employee whose duties would affect the financial interests of a friend...shall comply with any applicable requirements of Section 2635.502.

Chapter 12, "Ethical Conduct," Section 4, "Ethical Values," states DoD employees should consider ethical values when making decisions as part of official duties. In that regard, the JER includes integrity, accountability, fairness, caring, and respect.

b. Integrity. Being faithful to one's convictions is part of integrity. Following principles, acting with honor, maintaining independent judgment and performing duties with impartiality help to maintain integrity and avoid conflicts of interest and hypocrisy.

d. Accountability. DoD employees are required to accept responsibility for their decisions and the resulting consequences. This includes avoiding even the appearance of impropriety because appearances affect public confidence. Accountability promotes careful, well thought-out decision-making and limits thoughtless action.

e. Fairness. Open-mindedness and impartiality are important aspects of fairness. DoD employees must be committed to justice in the performance of their official duties. Decisions must not be arbitrary, capricious or biased. Individuals must be treated equally and with tolerance.

f. Caring. Compassion is an essential element of good government. Courtesy and kindness, both to those we serve and to those we work with, help to ensure that individuals are not treated solely as a means to an end. Caring for others is the counterbalance against the temptation to pursue the mission at any cost.

g. Respect. To treat people with dignity, to honor privacy and to allow self-determination are critical in a government of diverse people. Lack of respect leads to a breakdown of loyalty and honesty within a government and brings chaos to the international community.

Section 3, "DoD Guidance," 2-301, "Use of Federal Government Resources," states in part:

a. Communications Systems. Federal Government communication systems and equipment (including Government owned telephones, facsimile machines, electronic mail, internet systems, and commercial systems when use is paid for by the Federal Government) shall be for official use and authorized purposes only.

(2) Authorized purposes include brief communications made by DoD employees while they are traveling on Government business to notify family members of official transportation or schedule changes. They also include personal communications from the DoD employee's usual work place that are most reasonably made while at the work place (such as checking in with spouse or minor children; scheduling doctor and auto or home repair appointments; brief internet searches; emailing directions to visiting relatives) when the Agency Designee permits categories of communication, determining that such communications:

- (a) Do not adversely affect the performance of official duties by the DoD employee or the DoD employee's organization;
- (b) Are of reasonable duration and frequency, and whenever possible, made during the DoD employee's personal time such as after duty hours or lunch periods;
- (c) Serve a legitimate public interest (such as keeping DoD employees at their desks rather than requiring the use of commercial systems; educating the DoD employee on the use of the communications system; improving the morale of DoD employees stationed for extended periods away from home; enhancing the professional skills of the DoD employee; job-searching in response to Federal Government downsizing);
- (d) Do not put Federal Government communications systems to uses that would reflect adversely on DoD or the DoD Component (such as uses involving pornography; chain letters; unofficial advertising, soliciting or selling except on authorized bulletin boards established for such use; violations of statute or regulation; inappropriately handled classified information; and other uses that are incompatible with public service); and
- (e) Do not overburden the communication system (such as may be the case with broadcasts and group mailings), create no significant additional cost to DoD or the DoD Component.

DoD Directive 1440.1, “The DoD Civilian Equal Employment Opportunity (EEO) Program,” May 21, 1987 (Certified Current as of November 21, 2003)

Paragraph 4.6. Eliminate barriers and practices that impede equal employment opportunity for all employees and applicants for employment, including sexual harassment in the work force and at work sites and architectural, transportation, and other barriers affecting people with disabilities.

E2.1.10, Sexual Harassment. A form of sex discrimination that involves unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- E2.1.10.1. Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of a person’s job, pay, or career; or
- E2.1.10.2. Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or
- E2.1.10.3. Such conduct interferes with an individual’s performance or creates an intimidating, hostile, or offensive environment.

Any person in a supervisory or command position who uses or condones implicit or explicit sexual behavior to control, influence, or affect the career, pay, or job of a military member or civilian employee is engaging in sexual harassment. Similarly, any military member or civilian employee who makes deliberate or repeated unwelcomed verbal comments, gestures, or physical contact of a sexual nature is also engaging in sexual harassment.

Secretary of the Navy Instruction 5300.26D, “Department of the Navy (DON) Policy on Sexual Harassment,” January 3, 2006

Paragraph 5, Background. This section states, in part:

- a. The Navy-Marine Corps team must be composed of an optimally integrated group of men and women who are able to work together to accomplish the mission. Each member of the team is entitled to be treated fairly, with dignity and respect, and must be allowed to work in an environment free of unlawful discrimination. Additionally, each member is expected to abide by the DON Core Values of Honor, Courage and Commitment. Sailors, Marines and civilians who model the Core Values do not engage in negative behaviors such as sexual harassment, and do not condone those behaviors in others.
- b. The economic costs of sexual harassment are significant. Even more harmful, however, are the negative effects on productivity and readiness, including increased absenteeism, greater personnel turnover, lower morale, decreased effectiveness, and a loss of personal, organizational, and public trust. While not easily quantified, these costs are real and seriously affect DON’s ability to accomplish its mission.

Paragraph 6, Policy. The DON is committed to maintaining a work environment free from unlawful discriminatory practices and inappropriate behavior. In support of this commitment, it is DON policy that:

- a. Sexual harassment is prohibited. All DON personnel, military and civilian, will be provided a work environment free from unlawful discrimination which includes sexual harassment. Off-duty or non-duty behaviors that affect the military workplace may also be considered to be sexual harassment.
- d. Individuals who believe they have been sexually harassed shall be provided the opportunity to seek resolution and redress. Commanders and those in supervisory positions shall ensure that notification of sexual harassment can be made in a command climate that does not tolerate acts of reprisal, intimidation, or further acts of harassment. All personnel shall be made aware of the avenues of resolution and redress that are available.
- e. All reported incidents of sexual harassment shall be investigated and resolved at the lowest appropriate level. The nature of the investigation will depend upon the particular facts and circumstances and may consist of an informal inquiry where that action is sufficient to resolve factual issues. All incidents shall be resolved promptly and with sensitivity. Confidentiality will be maintained to the extent possible. For civilian employees, confidentiality is guaranteed during the informal stage of a discrimination complaint, if requested.

Paragraph 8, Responsibility.

- a. Leadership is the key to eliminating all forms of unlawful discrimination. Sound leadership must be the cornerstone of the effort to eliminate sexual harassment. It is not the intent of this instruction to impair commanders and supervisors in their ability to take appropriate actions to carry out leadership responsibilities. They must set the example in treating all people with dignity and respect, fostering a climate free of all forms of unlawful discrimination including sexual harassment. Such a climate is essential to maintain high morale, discipline, and readiness. Commanders and supervisors are responsible for and must be committed to preventing sexual harassment in their commands and work environments. They must not ignore or condone sexual harassment in any form, and they must take whatever action is required to ensure that a recipient of sexual harassment is not subsequently also the victim of reprisal or retaliation. Reprisals, as further described in enclosure (1) and references (e) and (h), are prohibited under this instruction whether they are originated by the command, the alleged perpetrator, or peers of the complainant. These responsibilities regarding sexual harassment are part of the broader responsibility of commanders and supervisors to foster a positive climate and take appropriate corrective action when conduct is disruptive, provoking, discriminatory, or otherwise unprofessional.

b. Individuals who believe they have been sexually harassed are encouraged to address their concerns or objections regarding the incident directly with the person demonstrating the harassing behavior. Persons who are subjected to or observe objectionable behavior should promptly notify the chain of command if:

- (1) the objectionable behavior does not stop; or
- (2) the situation is not resolved; or
- (3) addressing the objectionable behavior directly with the person concerned is not reasonable under the circumstances; or
- (4) the behavior is clearly criminal in nature.

If the person demonstrating the objectionable behavior is a direct superior in the chain of command or the chain of command condones the conduct or ignores a report, individuals who have been subjected to or who observe objectionable behavior are encouraged to promptly communicate the incident through other available means.

c. All personnel are responsible for treating others with dignity and respect. This means fully and faithfully complying with this instruction. All DON personnel are accountable for their actions.

Enclosure 1, Definitions.

3. Sexual Harassment. A form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career; or,
- b. Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person; or
- c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile or offensive working environment. This definition emphasizes that workplace conduct, to be actionable as "abusive work environment" harassment, need not result in concrete psychological harm to the victim, but rather need only be so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the work environment as hostile or offensive. ("Workplace" is an expansive term for military members and may include conduct on or off duty, 24 hours a day.) Any person in a supervisory or command position who uses or condones any form of sexual behavior to control, influence, or affect the career, pay, or job of a military member or civilian employee is engaging in sexual harassment. Similarly, any military member or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature in the workplace is also engaging in sexual harassment.

Enclosure 2, Range of Behaviors Which Constitute Sexual Harassment.

4. Range of Behaviors. There are a wide range of behaviors which can be unwelcome, sexual, and work-connected and can, therefore, constitute sexual harassment. Some behaviors may be unwelcome and work-connected, but not sexual (for example, performance counseling), and obviously do not constitute sexual harassment. To better explain the range of behaviors that may constitute sexual harassment, the traffic light illustration was developed, in which behaviors are divided into three zones, corresponding to the colors on a traffic light. Green on the traffic light means “go,” and behavior in the green zone is acceptable. Green zone behavior is not sexual harassment. Yellow on the traffic light means “caution,” and behavior in the yellow zone may be sexual harassment. Red on the traffic light means “stop.” Red zone behaviors are sexual harassment. Just as with a traffic light, if in the yellow zone long enough, the light will turn red. If yellow zone behaviors occur repeatedly, especially after the person has been told it is unwelcome, it becomes red zone behavior - sexual harassment. The following examples illustrate these three types of behavior:

- a. Green zone. These behaviors are not sexual harassment: touching which could not reasonably be perceived in a sexual way (such as shaking hands, or a friendly pat on the shoulder), counseling on military appearance, social interaction, showing concern or encouragement, a polite compliment, or friendly conversation.
- b. Yellow zone. Many people would find these behaviors unacceptable and they could be sexual harassment: violating personal space, whistling, questions about personal life, lewd or sexually suggestive comments, suggestive posters or calendars, off-color jokes, leering, staring, repeated requests for dates, foul language, unwanted letters or poems, or sexually suggestive touching or gesturing.
- c. Red zone. These behaviors are always considered sexual harassment: sexual favors in return for employment rewards, threats if sexual favors are not provided, sexually explicit pictures (including calendars or posters) or remarks, using status to request dates, or obscene letters or comments.

Appendix B – Chronology of Events Related to Ms. DeSimone’s Relationship with Subordinate 1

Table 2 lists the 2018 events related to Ms. DeSimone’s relationship with Subordinate 1.

Table 2. 2018 Chronology of Events Related to Ms. DeSimone’s Relationship with Subordinate 1

Date	Event
July 21–25, 2018	Subordinate 1 is on official travel to Cleveland, Ohio.
July 23–25, 2018	Ms. DeSimone is on official travel to Cleveland. Ms. DeSimone and Subordinate 1 begin a friendship at a conference in Cleveland.
August 8–9, 2018	Ms. DeSimone is on official travel to Huntsville, Alabama. Subordinate 1 joins Ms. DeSimone, Ms. DeSimone’s executive officer, and one of Ms. DeSimone’s office directors for dinner.
August 10, 2018	Ms. DeSimone emails Subordinate 1 at 10:50 p.m. on Friday that she will be in Huntsville August 20–21, 2018, and suggests they get a group together to meet at a local restaurant.
August 11, 2018	Subordinate 1 responds to Ms. DeSimone that she scheduled a trip to the National Capital Region (NCR) for September 14–20, 2018. Subordinate 1 texts Ms. DeSimone’s government cell phone—first instance of government cell phone use between Ms. DeSimone and Subordinate 1.
August 12–19, 2018	Ms. DeSimone and Subordinate 1 use their government cell phones to exchange: <ul style="list-style-type: none"> • more than 170 text messages, • 5 images, and • more than 10 phone calls totaling nearly 1.5 hours.
August 16, 2018	Ms. DeSimone emails Subordinate 1 to coordinate meeting at 7 p.m. at Ms. DeSimone’s hotel on August 20, 2018, to “catch up over dinner.”
August 20–22, 2018	Ms. DeSimone is on official travel to Huntsville. Ms. DeSimone and Subordinate 1 use their government cell phones to exchange 142 text messages. More than 60 of these text messages occur between 7 p.m. and 11:30 p.m. Subordinate 1 begins sharing her government calendar with Ms. DeSimone on August 21, 2018.
August 22–31, 2018	Ms. DeSimone and Subordinate 1 use government cell phones to exchange: <ul style="list-style-type: none"> • more than 440 text messages, • 3 images, and • more than 16 phone calls totaling more than 2.5 hours.
September 2018	Ms. DeSimone and Subordinate 1 use their government cell phones to exchange: <ul style="list-style-type: none"> • more than 600 text messages, • 10 images, and • more than 75 phone calls totaling more than 14.5 hours.
September 10–12, 2018	Ms. DeSimone is on official travel to Huntsville.
September 15–20, 2018	Subordinate 1 is on official travel to the NCR.
October 2018	Ms. DeSimone and Subordinate 1 use their government cell phones to exchange: <ul style="list-style-type: none"> • 5 text messages, and • more than 70 phone calls totaling more than 9.75 hours.

Table 2. 2018 Chronology of Events Related to Ms. DeSimone's Relationship with Subordinate 1 (cont'd)

Date	Event
October 1–3, 2018	Ms. DeSimone is on official travel to Huntsville.
October 15–16, 2018	Ms. DeSimone is on official travel to Huntsville.
October 23–26, 2018	Ms. DeSimone is on official travel to Huntsville.
November 2018	Ms. DeSimone and Subordinate 1 use their government cell phones to exchange: <ul style="list-style-type: none"> • more than 270 text messages, • 18 images, and • more than 65 phone calls totaling more than 12 hours.
November 13–15, 2018	Ms. DeSimone is on official travel to Huntsville.
December 2018	Ms. DeSimone and Subordinate 1 use their government cell phones to exchange: <ul style="list-style-type: none"> • more than 400 text messages, • 5 images, and • more than 50 phone calls totaling more than 6.75 hours.

Source: DoD OIG review and analysis of Ms. DeSimone's and Subordinate 1's government cell phone records, official travel records, and email accounts.

Table 3 lists the 2019 events related to Ms. DeSimone's relationship with Subordinate 1.

Table 3. 2019 Chronology of Events Related to Ms. DeSimone's Relationship with Subordinate 1

Date	Event
January 2019	Ms. DeSimone and Subordinate 1 use their government cell phones to exchange: <ul style="list-style-type: none"> • 2 text messages, • 1 image, and • more than 40 phone calls totaling more than 3.25 hours.
January 7–11, 2019	Subordinate 1 is on official travel to Honolulu, Hawaii.
January 8–12, 2019	Ms. DeSimone is on official travel to Honolulu.
January 11, 2019	Ms. DeSimone and Subordinate 1 sit next to each other on the first leg of the return flight—Honolulu to Denver, Colorado.
January 13–18, 2019	Subordinate 1 is on official travel to the National Capital Region (NCR). Ms. DeSimone and Subordinate 1 exchange encrypted emails to coordinate meeting for lunch.
January 28–30, 2019	Ms. DeSimone is on official travel to Huntsville, Alabama.
January 31–February 1, 2019	Subordinate 1 is on official travel to the NCR.
February 2019	Ms. DeSimone and Subordinate 1 use their government cell phones to exchange more than 40 phone calls totaling more than 6.75 hours.
February 7, 2019	Ms. DeSimone and Subordinate 1 exchange encrypted emails in which Subordinate 1 provides pay pool results and a draft of a grievance concerning her 2018 annual rating. Ms. DeSimone responds that she will review the draft grievance during the weekend.

Table 3. 2019 Chronology of Events Related to Ms. DeSimone's Relationship with Subordinate 1 (cont'd)

Date	Event
February 19–22, 2019	Ms. DeSimone is on official travel to Huntsville. Ms. DeSimone and Subordinate 1 coordinate via encrypted email to complete Subordinate 1's grievance about her annual rating.
March 2019	Ms. DeSimone and Subordinate 1 use their government cell phones to exchange more than 30 phone calls totaling more than 6.5 hours.
April 2019	Ms. DeSimone and Subordinate 1 use their government cell phones to exchange more than 35 phone calls totaling more than 4.5 hours.
April 1–3, 2019	Ms. DeSimone is on official travel to Huntsville.
April 8–11, 2019	Ms. DeSimone and Subordinate 1 are both on official travel to Colorado Springs, Colorado.
April 19, 2019	Subordinate 1 sends encrypted email to Ms. DeSimone to coordinate synchronizing one leg of their flights for official travel to Boston, Massachusetts.
April 24–25, 2019	Subordinate 1 is on official travel to the NCR.
April 30–May 2, 2019	Ms. DeSimone is on official travel to Huntsville.
May 2019	Ms. DeSimone and Subordinate 1 use their government cell phones to exchange: <ul style="list-style-type: none"> • 3 text messages, and • more than 30 phone calls totaling more than 14 hours.
May 8–9, 2019	Subordinate 1 is on official travel to the NCR.
May 13–14, 2019	Ms. DeSimone and Subordinate 1 exchange familiar banter via encrypted email.
May 19, 2019	Subordinate 1 [REDACTED].
June 2019	Ms. DeSimone and Subordinate 1 use their government cell phones to exchange more than 40 phone calls totaling more than 6.75 hours.
June 24–25, 2019	Ms. DeSimone is on official travel to Huntsville.
July 2019	Ms. DeSimone and Subordinate 1 use their government cell phones to exchange: <ul style="list-style-type: none"> • 1 text message, and • more than 30 phone calls totaling more than 5.75 hours.
July 8, 2019	Subordinate 1 forwards the MDA Executive Director's Decision Memorandum concerning her request for reconsideration and the final review of her appraisal to Ms. DeSimone via encrypted email.
July 10, 2019	Ms. DeSimone recommends to Subordinate 1 that although the scoring was correct, she should point out that the Executive Director's memorandum did not address most of her reconsideration requests.
July 28–31, 2019	Subordinate 1 is on official travel to Boston.
July 29–31, 2019	Ms. DeSimone is on official travel to Boston.
July 31, 2019	Ms. DeSimone and Subordinate 1 are on the same return flight—Boston to Ronald Reagan Washington National Airport (DCA).
August 2, 2019	Subordinate 1 forwards email concerning her updated appraisal and salary and cash award processing to Ms. DeSimone and asks if she should pursue her request to speak to the MDA Executive Director.

Table 3. 2019 Chronology of Events Related to Ms. DeSimone's Relationship with Subordinate 1 (cont'd)

Date	Event
August 19–21, 2019	Ms. DeSimone is on official travel to Huntsville.
September 3, 2019	Subordinate 1 exchanges instant messages with an MDA colleague and asks, “Want me to have L [Ms. DeSimone] move her? [...] L will have to take her out.” Later in the message exchange, Subordinate 1 tells the colleague that she cannot do anything permanent for 7 years because of her [redacted] and that she [Ms. DeSimone] is “adamantly opposed” to moving to Huntsville. Subordinate 1 adds that “her [Ms. DeSimone] [redacted] lives in same neighborhood and she [Ms. DeSimone] loves the Virginia area.”
September 9–13, 2019	Ms. DeSimone is on official travel to Huntsville.
September 15–19, 2019	Subordinate 1 is on official travel to the NCR.
September 18, 2019	Subordinate 1 instant messages the HR [redacted] saying that she stopped by the HR [redacted] office and is now headed to the airport. Subordinate 1 writes that she is sorry that they did not get together this time and that next time, she will not tell people she is coming to town until after they get together. The HR [redacted] replies that she is sorry she missed Subordinate 1 and that it is “stiff competition.”
October 7, 2019	Subordinate 1 sends an encrypted email to Ms. DeSimone that contains Subordinate 1’s itinerary concerning her [redacted].
October 9, 2019	Subordinate 1 and an MDA colleague exchange instant messages in which Subordinate 1 says that the HR [redacted] is the person in HR who “gets stuff done” and that she is her “good friend.”
[redacted] 2019	Subordinate 1 is on [redacted].
October 15–16, 2019	Ms. DeSimone is on official travel to Huntsville.
October 25, 2019	Subordinate 1, while on [redacted], forwards official morning news email to Ms. DeSimone and the two exchange personal banter. Ms. DeSimone and Subordinate 1 use their government cell phones to exchange 2 text messages.
October 30, 2019	The MDA HR [redacted] and the [redacted] discuss requesting that the MDA Executive Director temporarily promote Subordinate 1 to [redacted]. The HR [redacted] advises that she will prepare a draft request for [redacted] consideration. Ms. DeSimone uses her government cell phone to call Subordinate 1—2 phone calls totaling more than 6 minutes.
November 1, 2019	The MDA HR [redacted] provides the [redacted] draft request paperwork to submit to the MDA Executive Director, requesting that he temporarily promote Subordinate 1 to [redacted].
November 4, 2019	The MDA HR [redacted] checks to see if the [redacted] has any questions concerning the temporary promotion paperwork and advises that she could add the package to the weekly meeting with the Executive Director.
November 6, 2019	The [redacted] informs the MDA HR [redacted] that he signed off on the memorandum requesting the temporary promotion of Subordinate 1 to [redacted].
November 6–8, 2019	Ms. DeSimone is on official travel to Huntsville.

Table 3. 2019 Chronology of Events Related to Ms. DeSimone's Relationship with Subordinate 1 (cont'd)

Date	Event
November 8, 2019	The HR [REDACTED] informs [REDACTED] that the MDA Executive Director approved the temporary promotion to [REDACTED] for Subordinate 1. Subordinate 1 sends encrypted email to Ms. DeSimone informing her that [REDACTED] just told her that the MDA Executive Director approved the temporary raise to [REDACTED] that is good for [REDACTED].
November 21, 2019	VADM Hill announces that Ms. DeSimone will serve as the Acting Executive Director effective November 24, 2019, while she continues to hold her position as Director for Acquisition.
[REDACTED]	Subordinate 1's temporary promotion to [REDACTED] is effective, not to exceed [REDACTED].
December 10–13, 2019	Ms. DeSimone is on official travel to Huntsville.
December 17, 2019	Subordinate 1 sends encrypted email to Ms. DeSimone that contains career website links and states, "I'm sending you these links so we can discuss."

Source: DoD OIG review and analysis of Ms. DeSimone's and Subordinate 1's government cell phone, official travel, and instant message records and government email accounts, and government email accounts and instant message records of other MDA employees concerning the issue.

Table 4 lists the 2020 events related to Ms. DeSimone's relationship with Subordinate 1.

Table 4. 2020 Chronology of Events Related to Ms. DeSimone's Relationship with Subordinate 1

Date	2020 Event
Winter 2019–2020	[REDACTED] tells the HR [REDACTED] that he is unhappy with [REDACTED] positions being in the National Capital Region (NCR) and wants to move [REDACTED] (henceforth [REDACTED] position to Huntsville, Alabama. The HR [REDACTED] tells him that is a good idea, and she will look into it.
January 6–8, 2020	Ms. DeSimone is on official travel to Huntsville.
January 17, 2020	Subordinate 1 sends encrypted email to Ms. DeSimone that contains her 2019 appraisal and pay pool results and writes, "I think this is good. We can discuss later."
February 4–6, 2020	Subordinate 1 is on official travel to the NCR.
February 7, 2020	8:16 p.m. Subordinate 1 uses her government cell phone to make one 45-minute phone call to Ms. DeSimone's personal cell phone.
February 8, 2020	Subordinate 1 uses her government cell phone for two text messages to Ms. DeSimone's personal cell phone.
February 10–11, 2020	Ms. DeSimone is on official travel to Huntsville.
February 24, 2020	Subordinate 1 sends encrypted email to Ms. DeSimone concerning a USAJobs announcement that Subordinate 1 applied to that morning.
March 3–5, 2020	Ms. DeSimone is on official travel to Huntsville.
March 4, 2020	Ms. DeSimone and Subordinate 1 coordinate via encrypted email to meet in the lunchroom.

Table 4. 2020 Chronology of Events Related to Ms. DeSimone's Relationship with Subordinate 1 (cont'd)

Date	2020 Event
March 6, 2020	The HR [REDACTED] emails [REDACTED] that Ms. DeSimone wants to meet with the two of them to discuss the [REDACTED] position in Huntsville. They meet Ms. DeSimone at 12:15 p.m. in her office. Ms. DeSimone tells [REDACTED] that they should make Subordinate 1's position a permanent [REDACTED] position if [REDACTED].
March 7–14, 2020	Ms. DeSimone takes a family vacation ([REDACTED]) to Cape Canaveral, Florida, where they stay in a three-bedroom unit.
March 11–14, 2020	Subordinate 1 joins Ms. DeSimone in Cape Canaveral and they sleep together.
March 21, 2020	Ms. DeSimone uses her government cell phone to make one phone call less than a minute in duration to Subordinate 1's personal cell phone at 8:57 p.m. Saturday.
March 30, 2020	Subordinate 1 instant messages an MDA colleague, saying that if the MDA moves [REDACTED] position to Huntsville and she (Subordinate 1) was selected for the position, then Subordinate 1 would have a "great shot" at being [REDACTED] and could then move to the NCR.
April 10, 2020	Ms. DeSimone's [REDACTED] that Ms. DeSimone is in a relationship with Subordinate 1.
April 16–17, 2020	Ms. DeSimone uses her government cell phone to make four phone calls totaling 27 minutes to Subordinate 1's personal cell phone.
April 21 & 23, 2020	Ms. DeSimone uses her government cell phone to make four phone calls totaling 34 minutes to Subordinate 1's personal cell phone.
May 6, 9, 10, & 12, 2020	Ms. DeSimone uses her government cell phone to make four phone calls totaling 39 minutes to Subordinate 1's personal cell phone.
May 13, 2020	The HR [REDACTED] and Subordinate 1 exchange instant messages in which the HR [REDACTED] asks if Ms. DeSimone has any pets. Subordinate 1 answers that Ms. DeSimone loves [REDACTED].
June 9, 2020	Ms. DeSimone uses her government cell phone to make a phone call totaling 12 minutes to Subordinate 1's personal cell phone.
June 18, 2020	Subordinate 1 instant messages an MDA colleague asking about the official nature of work calendars and travel plans. Subordinate 1 tells the colleague that someone is going through a [REDACTED]; this person's [REDACTED] who is [REDACTED], contacted the person's active duty executive officer and asked for the person's travel plans. Subordinate 1 says that the person asked her to look into if it would be a Uniform Code of Military Justice violation if the executive officer provided the information.
June 20, 21, & 24, 2020	Ms. DeSimone uses her government cell phone to make three phone calls totaling 18 minutes to Subordinate 1's personal cell phone.
July 2, 2020	Ms. DeSimone uses her government cell phone to make a phone call totaling four minutes to Subordinate 1's personal cell phone.

Table 4. 2020 Chronology of Events Related to Ms. DeSimone's Relationship with Subordinate 1 (cont'd)

Date	2020 Event
July 16, 2020	<p>Subordinate 1's [REDACTED] a letter alleging that on June 10, 2020, Ms. DeSimone's [REDACTED] made an unauthorized entrance into Ms. DeSimone's home office and removed a folder that contained privileged documentation and communications of Subordinate 1's financial documents, such as Thrift Savings Plan investments and Leave and Earnings Statements.</p> <p>Subordinate 1 and an MDA colleague exchange instant messages and are talking about AncestryDNA. Subordinate 1 shares that her family and Ms. DeSimone's family are from the same area [REDACTED], and both families moved to the same town when they [REDACTED]. She states that it was crazy when she and Ms. DeSimone made the connection.</p>
July 22, 2020	<p>10:11 a.m.–10:21 a.m. Subordinate 1 exchanges instant messages with an MDA colleague, saying that [REDACTED] made her list herself as [REDACTED] on the charts and hopes that [REDACTED] addresses it during the “deep dive” that starts at 11 a.m. (Eastern). Subordinate 1 states that she might address the issue with the [REDACTED]. The colleague replies that Subordinate 1 should address it with the [REDACTED] because [REDACTED] should make her promotion permanent. Subordinate 1 states that the HR [REDACTED] told her last week that [REDACTED] had not turned in the charts, so she asked to be included to track them. She states that [REDACTED] recently promised her that he would work to make her promotion permanent if [REDACTED]. She states that [REDACTED] is waiting, because he hopes [REDACTED] and if so, [REDACTED] wants to move [REDACTED] position back to Huntsville and she can compete for it. She adds, “even though [she's] been doing it for over 2-years now).”</p> <p>11:00 a.m. Ms. DeSimone attends the [REDACTED]</p>
August 3, 2020	<p>Total Force Management emails [REDACTED] and Subordinate 1 the three [REDACTED] action items from the deep dive. Action items include accessing the impact of reducing to one supervisor position (possibly leveraging [REDACTED] positions).</p>
August 6, 2020	<p>7:34 a.m.–7:48 a.m. Ms. DeSimone and HR [REDACTED] Skype call.</p> <p>7:50 a.m. The HR [REDACTED] instant messages [REDACTED] “I just spoke to Ms. DeSimone. After discussions with the Director, she would like to move forward with adding [REDACTED] to your org ... in Huntsville. She'd like for me to connect with you soonest on the classification action and then working to get the MIIC [Management Identification of Internal Candidates] out...I can walk you thru all that.”</p> <p>7:52 a.m. The HR [REDACTED] instant messages the Total Force Management [REDACTED] that she just received a Skype call from Ms. DeSimone. She writes that VADM Hill wants [REDACTED] to have another [REDACTED] position, to be located in Huntsville with no increase in the footprint. The HR [REDACTED] advises that they need to get a loaner billet and then do an internal hiring action.</p>
August 12, 2020	<p>10:12 a.m.–10:28 a.m. [REDACTED] emails the HR [REDACTED] that the HR person has not contacted him concerning the [REDACTED] write-up for Huntsville. [REDACTED] states, “I am just concerned that we do this by Friday COB to meet DX [Ms. DeSimone's] expectations.” The HR [REDACTED] responds that she can discuss it with Ms. DeSimone if they are delayed.</p> <p>11:41 a.m. The HR point of contact emails [REDACTED] [REDACTED] position descriptions that they can modify to create [REDACTED] for the Huntsville [REDACTED] position.</p>
August 13, 2020	<p>The HR [REDACTED] emails [REDACTED] saying she has an update for him.</p>

Table 4. 2020 Chronology of Events Related to Ms. DeSimone’s Relationship with Subordinate 1 (cont’d)

Date	2020 Event
August 14, 2020	<p>1:52 p.m. [REDACTED] replies to the HR point of contact’s August 12, 2020 email, directing the HR contact to use the [REDACTED] position description for [REDACTED] for Huntsville, but to remove the [REDACTED] paragraph. The HR contact responds that she will revise on Monday and get it moving.</p> <p>4:18 p.m. [REDACTED] forwards the email exchange with the HR contact to the HR [REDACTED] and asks if they can finish on Monday or if he needs to discuss it with his employees tonight to meet Ms. DeSimone’s intent.</p> <p>4:21 p.m. The HR [REDACTED] responds that she mentioned it to Ms. DeSimone this week and thinks that Ms. DeSimone understands that he is making progress.</p> <p>4:29 p.m. Subordinate 1 advises [REDACTED] via an instant message, that she would not do much work to justify the [REDACTED] position for Huntsville since it is already happening.</p>
August 18, 2020	<p>Subordinate 1 encrypts an email to Ms. DeSimone forwarding a personal email exchange concerning [REDACTED]. Subordinate 1 informs Ms. DeSimone that [REDACTED]. Ms. DeSimone responds that she will call Subordinate 1 later.</p> <p>Ms. DeSimone uses her government cell phone to make a 3-second call to Subordinate 1’s personal cell phone.</p>
August 19, 2020	<p>Subordinate 1 replies (encrypted) to Ms. DeSimone’s August 18 response by attaching copies of Subordinate 1’s August 21, 2020 Leave and Earnings Statement and resume. Subordinate 1 states that she received pay for 8 hours of compensation time and asks for feedback on the resume.</p>
August 20, 2020	<p>9:22 a.m. Ms. DeSimone emails the HR [REDACTED] and courtesy copies the HR [REDACTED] and the [REDACTED], asking staffing questions, including asking if the announcement for [REDACTED] Huntsville position went out yet.</p> <p>9:49 a.m.–9:52 a.m. The HR [REDACTED] and [REDACTED] exchange instant messages. The HR [REDACTED] asks about the status of the announcement for [REDACTED] position and states that they could “assume some risk” and get the announcement out while they finalize the position description. She advises [REDACTED] that Ms. DeSimone is asking for its status.</p> <p>9:53 a.m. The HR [REDACTED] instant messages Ms. DeSimone that [REDACTED] announcement should go out this week. The HR [REDACTED] also writes that she is sorry for the delay because she was trying to provide Ms. DeSimone the update on [REDACTED] hiring action.</p> <p>9:54 a.m. The HR [REDACTED] replies to Ms. DeSimone’s 9:22 a.m. email that [REDACTED] was reviewing the new [REDACTED] position description this morning and that they could get the announcement out now.</p> <p>9:54 a.m.–9:57 a.m. The HR [REDACTED] and [REDACTED] exchange instant messages. The HR [REDACTED] writes that the announcement should be sent to all [REDACTED] along with information on eligibility to apply.</p> <p>10:01 a.m. Ms. DeSimone thanks the HR [REDACTED] for her 9:53 a.m. instant message.</p> <p>10:26 a.m. The HR [REDACTED] sends an email update to Ms. DeSimone that she provided [REDACTED] a sample announcement, he can send out to [REDACTED] staff and give them a couple of days to consider and submit resumes, and [REDACTED] can make a decision and “engage with the Director on that, as we discussed.”</p> <p>10:44 a.m. Ms. DeSimone thanks the HR [REDACTED] for the 10:26 a.m. email update and courtesy copies the HR [REDACTED] and the [REDACTED].</p> <p>11:18 a.m. Subordinate 1 recommends that [REDACTED] mention [REDACTED] position during [REDACTED] group meeting.</p>

Table 4. 2020 Chronology of Events Related to Ms. DeSimone's Relationship with Subordinate 1 (cont'd)

Date	2020 Event
August 20, 2020	<p>11:21 a.m.–11:31 a.m. Subordinate 1 and [REDACTED] colleague exchange instant messages. [REDACTED] colleague asks Subordinate 1 if they were going to upgrade Subordinate 1. Subordinate 1 replies yes, that it only took [REDACTED], and states she has been a temporary [REDACTED] for almost [REDACTED]. Subordinate 1 adds that the announcement will only be for internal candidates.</p> <p>1:07 p.m.–1:15 p.m. Subordinate 1 has separate instant message exchanges with two [REDACTED] colleagues.</p> <ul style="list-style-type: none"> • The first [REDACTED] colleague states that it is ridiculous that [REDACTED] positions are not [REDACTED]. Subordinate 1 replies that the OMB allows 1 [REDACTED] for every 10 employees and [REDACTED] only has [REDACTED] employees. The first [REDACTED] colleague asks what [REDACTED] really mean. Subordinate 1 replies that she believes they are creating two [REDACTED] positions. She adds that the [REDACTED] did this during the “deep dives.” • The second [REDACTED] colleague asks Subordinate 1 if her (Subordinate 1’s) position is being upgraded to [REDACTED]. The second [REDACTED] colleague congratulates Subordinate 1 and states that Subordinate 1 deserves the promotion. Subordinate 1 replies that [REDACTED] will email the second [REDACTED] colleague and another named [REDACTED] colleague as well because they all have the opportunity to apply for the position. The second [REDACTED] colleague informs Subordinate 1 that she will not apply for the position. Subordinate 1 states that [REDACTED] would be the only [REDACTED] position, [REDACTED] position will no longer [REDACTED], and these changes came from the deep dives. <p>2:09 p.m. The HR [REDACTED] emails [REDACTED] an example of a management identification of an internal candidate’s announcement, telling him to tweak the specifics to match the position description, and that [REDACTED] can email it to his [REDACTED].</p> <p>6:19 p.m.–6:25 p.m. The HR [REDACTED] and [REDACTED] exchange instant messages. The HR [REDACTED] writes that she will review the internal announcement so they can finalize it and send it out tomorrow. The HR [REDACTED] advises [REDACTED] that he could give [REDACTED] employees a few days to submit their resumes. [REDACTED] replies that she should release the announcement tomorrow (Friday) and give employees a week to apply. The HR [REDACTED] advises [REDACTED] to give [REDACTED] employees until Wednesday to submit a resume and that resumes are needed to show a competitive process; then [REDACTED] will review the resumes to determine who is best qualified.</p> <p>6:40 p.m. The HR [REDACTED] updates Ms. DeSimone about the staffing questions and courtesy copies the [REDACTED] and the HR [REDACTED]. The HR [REDACTED] states that she just received the draft announcement from [REDACTED] and the plan is to finalize so that he can disseminate it to [REDACTED] tomorrow. HR will then support this by collecting resumes for [REDACTED] consideration and determination as to the best qualified.</p>

Table 4. 2020 Chronology of Events Related to Ms. DeSimone's Relationship with Subordinate 1 (cont'd)

Date	2020 Event
August 21, 2020	<p>5:52 a.m. The HR [REDACTED] emails the HR [REDACTED] to let her know that the MDA Director requested that [REDACTED] establish [REDACTED] position in Huntsville and that Ms. DeSimone wants the announcement disseminated today. The HR [REDACTED] directs [REDACTED] to collect any resumes, determine if those submitted meet the requirements, and create a list of candidates to send to [REDACTED] with the candidates' resumes. The HR [REDACTED] adds that she (HR [REDACTED]) needs to let Ms. DeSimone know when the announcement goes out to [REDACTED] staff.</p> <p>7:40 a.m. Ms. DeSimone thanks the HR [REDACTED] for her August 20th, 6:40 p.m., email update.</p> <p>8:12 a.m. The HR [REDACTED] emails [REDACTED] announcement to [REDACTED] and tells him to disseminate it to [REDACTED] in a group email and to courtesy copy [REDACTED]. HR will get him a list of resumes submitted and help him with the next steps.</p> <p>11:01 a.m. [REDACTED] emails the announcement and eligibility requirements to the [REDACTED] and courtesy copies the HR [REDACTED] and an HR [REDACTED]. [REDACTED] states that the MDA has decided to create a new [REDACTED] position in Huntsville and advises all of them to read the eligibility requirements and if interested, to submit a resume to the HR [REDACTED]. The announcement opens on August 21, 2020, and closes on August 26, 2020.</p> <p>11:23 a.m.–11:31 a.m. Subordinate 1 and the first [REDACTED] exchange instant messages. The first [REDACTED] tells Subordinate 1 that she had better apply for "your job." Subordinate 1 replies that she just submitted her resume, that only two other [REDACTED] meet the requirements, and that one of them, the second [REDACTED] told her yesterday that she was not applying.</p> <p>7:01 p.m. & 7:57 p.m. Ms. DeSimone uses her government cell phone to make two phone calls totaling 11 minutes to Subordinate 1's personal cell phone.</p>
August 24, 2020	<p>3:20 p.m.–3:48 p.m. Subordinate 1 instant messages an MDA colleague, asking to remind her what he said about the classification of an MDA employee's travel records. Subordinate 1 asks specifically about SES travel records.</p>
August 25, 2020	<p>The HR [REDACTED] asks the HR [REDACTED] if he received any resumes for [REDACTED] position. The HR [REDACTED] replies that he has received one so far. The HR [REDACTED] asks if it was the one they were expecting. The HR [REDACTED] replies that it is. The HR [REDACTED] then directs the HR [REDACTED] to see what type of selection memorandum they need.</p>
August 27, 2020	<p>An HR [REDACTED] emails [REDACTED] two resumes (Subordinate 1 and one other [REDACTED]). [REDACTED] courtesy copies the HR [REDACTED] and informs them that they cannot move forward until they receive guidance from [REDACTED] (Staffing).</p>
September 1, 2020	<p>9:34 a.m.–9:57 a.m. The HR [REDACTED] and [REDACTED] exchange instant messages concerning the selection of [REDACTED] candidate. The HR [REDACTED] says that she is reviewing her list of actions in which Ms. DeSimone and the [REDACTED] have great interest. The HR [REDACTED] states, "As mentioned early, DX [Ms. DeSimone] asked that you keep the D [VADM Hill] included on your final selection and such and to keep her out." [REDACTED] replies that he understands and reminds the HR [REDACTED] that they cannot move forward without guidance from Staffing. [REDACTED] advises [REDACTED] that he cannot say anything to the selectee until MDA's supporting human capital management office has cleared the priority placement program (PPP); however, he can let VADM Hill know of the selection.</p> <p>Ms. DeSimone attends the [REDACTED].</p>

Table 4. 2020 Chronology of Events Related to Ms. DeSimone's Relationship with Subordinate 1 (cont'd)

Date	2020 Event
September 8, 2020	<p>9:21 a.m.–9:36 a.m. Ms. DeSimone instant messages the HR [REDACTED] asking if there are any updates on [REDACTED]. The HR [REDACTED] replies that the staff was working with [REDACTED] last week and that she would get an update. Ms. DeSimone responds, “[D]on’t let him drag this out. His piece should have been completed already.”</p> <p>9:54 a.m.–10:17 a.m. The HR [REDACTED] instant messages [REDACTED] asking for the latest on the [REDACTED] position because she needs to provide a status to leadership. [REDACTED] replies that he will try to discuss it with VADM Hill today and writes, “Tell leadership” that he will try to discuss it with VADM Hill today.</p> <p>3:19 p.m.–3:46 p.m. The HR [REDACTED] and the Staffing [REDACTED] exchange instant messages. The HR [REDACTED] writes that she is getting pressure from VADM Hill and Ms. DeSimone to move on [REDACTED] hiring action. The Staffing [REDACTED] advises that she can get a loaner billet to get the action moving.</p> <p>3:23 p.m. The HR [REDACTED] instant messages the Total Force Management [REDACTED] that VADM Hill wanted [REDACTED] to have [REDACTED] in Huntsville. She advises the [REDACTED] that they did an internal action but just realized they need a loaner billet for the action so they can swap the selectee with no increase to the footprint. She asks how quickly they can get a loaner billet because she needs to tell VADM Hill and Ms. DeSimone this morning that the action is moving through quickly.</p> <p>3:34 p.m.–4:13 p.m. The HR [REDACTED] and an HR [REDACTED] exchange instant messages concerning [REDACTED] hiring action. The HR [REDACTED] tells the HR [REDACTED] that they need a loaner billet for [REDACTED] internal hiring action so the PPP can clear. She adds that once the PPP clears, they can return the loaner, and the selectee’s billet will be used for the action. The HR [REDACTED] asks how they can work on the action because it is an action that VADM Hill and Ms. DeSimone have “eyes on.”</p> <p>4:46 p.m. The HR [REDACTED] responds to an email from the HR [REDACTED] and the Staffing [REDACTED] informing them that they need a loaner billet for [REDACTED] position to quickly clear the PPP. She adds that she needs to update Ms. DeSimone and VADM Hill on this action with an estimated timeline.</p>
September 9, 2020	<p>The HR [REDACTED] informs the HR [REDACTED] and the Staffing [REDACTED] that [REDACTED] loaner billet was built and is ready for use.</p>
September 10, 2020	<p>4:22 p.m. The HR [REDACTED] instant messages [REDACTED] asking if the staff helped him with the selection memorandum, and advises that she is “being pinged by DX [Ms. DeSimone] as she wants the D [VADM Hill] to be made aware soonest of the outcome.”</p> <p>4:24 p.m.–4:38 p.m. The HR [REDACTED] and the Staffing [REDACTED] exchange instant messages about providing [REDACTED] an example of a selection memorandum for [REDACTED] hiring action. The HR [REDACTED] advises that she “need[s] to be able to tell [Ms. DeSimone] something.”</p> <p>4:32 p.m.–4:46 p.m. The HR [REDACTED] and [REDACTED] have a 14-minute Skype call.</p>
September 11, 2020	<p>12:08 p.m. The HR [REDACTED] instant messages the Staffing [REDACTED] asking about [REDACTED] hiring action. The HR [REDACTED] informs the Staffing [REDACTED] that [REDACTED] will return on [REDACTED] 2020, and asks if they need to return Subordinate 1 from temporary promotion.</p>
September 14–15, 2020	<p>The HR [REDACTED] uses a temporary billet to establish [REDACTED] position and align it to [REDACTED]. The HR [REDACTED] advises an HR [REDACTED] that they need to complete [REDACTED] position action because [REDACTED] would be returning [REDACTED] which means that Subordinate 1’s temporary promotion ends.</p>

Table 4. 2020 Chronology of Events Related to Ms. DeSimone’s Relationship with Subordinate 1 (cont’d)

Date	2020 Event
September 15, 2020	<p>10:25 a.m.–10:26 a.m. The HR [REDACTED] and HR [REDACTED] exchange instant messages. The HR [REDACTED] writes that [REDACTED] 2020, which means that Subordinate 1’s temporary promotion ends. The HR [REDACTED] responds that she will do the request for personnel action to end Subordinate 1’s temporary promotion.</p> <p>4:03 p.m. The HR [REDACTED] instant messages the Staffing [REDACTED] asking how long the PPP reconstruct will take for [REDACTED] internal hiring action. She also asks if they could complete the action before [REDACTED], as she is being asked questions about how the appraisal cycle for temporary promotions works and wonders if they can return Subordinate 1 to [REDACTED] and then promote to [REDACTED].</p> <p>4:08 p.m. The HR [REDACTED] instant messages the Staffing [REDACTED] writing that she checked with the HR [REDACTED] this morning to ensure she had [REDACTED] action ready and can then do Subordinate 1’s downgrade at the same time.</p>
September 16, 2020	<p>12:05 p.m.–12:16 p.m. The HR [REDACTED] instant messages the HR [REDACTED] that [REDACTED] said that Ms. DeSimone wants [REDACTED] action completed today. [REDACTED] states that she does not have an update on the PPP action, and if it is like other actions, MDA’s supporting human capital management office needs to put it into the system before the MDA can make an offer. [REDACTED] adds that maybe the MDA could get an exception. The HR [REDACTED] asks the HR [REDACTED] to call the MDA’s supporting human capital management office to get the action moving. The HR [REDACTED] adds that she received an email from Ms. DeSimone and “WE need to know PPP is clear and get the offer out today.”</p> <p>12:20 p.m.–12:26 p.m. The HR [REDACTED] instant messages the HR [REDACTED] saying that she just told Ms. DeSimone about the PPP and that she would get back to her with an answer. The HR [REDACTED] asks if the MDA can give a tentative offer without clearing the PPP. The HR [REDACTED] states that if the MDA can make the promotion effective on [REDACTED], then they can work with the supporting human capital management office on how to do the action from a temporary promotion. The HR [REDACTED] adds that she needs to have all the specifics to relay to Ms. DeSimone and VADM Hill. The HR [REDACTED] writes that [REDACTED] was the deadline for submitting a package for a [REDACTED] effective date. She adds that she will need the Staffing [REDACTED] assistance working with the human capital management office because “we don’t typically get these done that quickly.” She states that the MDA cannot send an offer without first clearing the PPP. The HR [REDACTED] replies that the HR [REDACTED] should contact the Staffing [REDACTED] so the HR [REDACTED] can update Ms. DeSimone. The HR [REDACTED] states that maybe they could get word on the PPP today so that the MDA could make the tentative offer. The HR [REDACTED] adds that [REDACTED] needs to complete the selection memorandum because she does not want to tell leadership that they are waiting on him.</p> <p>12:27 p.m.–1:12 p.m. The HR [REDACTED] instant messages the Staffing [REDACTED] asking if she is available to talk, because they have an urgent tasking from Ms. DeSimone regarding [REDACTED] position.</p>

Table 4. 2020 Chronology of Events Related to Ms. DeSimone's Relationship with Subordinate 1 (cont'd)

Date	2020 Event
September 16, 2020	<p>1:11 p.m.–1:12 p.m. The HR [REDACTED] and the HR [REDACTED] exchange instant messages. The HR [REDACTED] states that she just sent the HR [REDACTED] the tentative offer for Subordinate 1 and that they can add the PPP language later, if necessary, and explains that she is still waiting on the Staffing [REDACTED] to contact her.</p> <p>2:40 p.m.–2:46 p.m. The HR [REDACTED] and the HR [REDACTED] exchange instant messages. The HR [REDACTED] writes that [REDACTED] hiring action has not cleared the PPP. The HR [REDACTED] adds that the Staffing [REDACTED] told her that if Ms. DeSimone wants the tentative offer out today, to go ahead and send it without the PPP language. The HR [REDACTED] replies that they need to work on the action “soonest” because the MDA needs to make the hiring action effective [REDACTED] 2020, so they do not have to return Subordinate 1 to [REDACTED] and then do another action. The HR [REDACTED] also writes that she already told Ms. DeSimone that they could make the hiring action effective [REDACTED].</p> <p>3:02 p.m.–3:06 p.m. [REDACTED] and the HR [REDACTED] exchange instant messages. [REDACTED] asks if the HR [REDACTED] sent him the resumes because he says in the selection that he considered the candidates and their resumes. The HR [REDACTED] informs him that she sent him the resumes. He replies that he will locate and review them.</p> <p>3:04 p.m.–3:07 p.m. The HR [REDACTED] and the HR [REDACTED] exchange instant messages concerning [REDACTED] hiring action. The HR [REDACTED] writes that [REDACTED] is working on the selection memorandum. The HR [REDACTED] replies, “OMG...how long does it take him to write a couple of sentences on why one over the other. It does not need to be long ... [Ms. DeSimone] will not be happy to hear this and I don't want to tell her...”</p> <p>3:58 p.m.–3:59 p.m. The HR [REDACTED] tells [REDACTED] that she is going to send the tentative offer and non-select emails out today. [REDACTED] replies that it sounds good and that he was completing the selection memorandum.</p> <p>4:04 p.m.–4:05 p.m. The HR [REDACTED] instant messages Ms. DeSimone, informing her that [REDACTED] tentative offer will be sent this afternoon. She adds that the human capital management office is aware that the MDA wants the action processed for [REDACTED] 2020. Ms. DeSimone thanks the HR [REDACTED].</p> <p>4:07 p.m. & 4:09 p.m. [REDACTED] emails the HR [REDACTED] a draft copy of the selection memorandum. The HR [REDACTED] asks for the MS Word version of the document and states that she will edit the memorandum in the morning and send it back to him.</p> <p>4:13 p.m. The HR [REDACTED] emails Subordinate 1 a tentative job offer.</p> <p>4:14 p.m.–4:23 p.m. The HR [REDACTED] and the HR [REDACTED] exchange instant messages. The HR [REDACTED] writes that she sent out the tentative offer and the non-selection email. She adds, “Ms. DeSimone will be happy now.” The HR [REDACTED] replies that Ms. DeSimone “already responded....she needed some good news to relay to the Director....she told him how this was a quick process and it didn't turn out to be that.” The HR [REDACTED] then asked if VADM Hill is pushing for Subordinate 1's promotion. The HR [REDACTED] responds, “[N]o for her promotion but getting [REDACTED] person” in Huntsville. The HR [REDACTED] writes, “In a perfect world, [REDACTED] position would be [in Huntsville].”</p>
September 17, 2020	<p>1:56 p.m.–1:58 p.m. An HR [REDACTED] instant messages the HR [REDACTED] asking if they were holding off on the firm offer for Subordinate 1. The HR [REDACTED] asks for an estimate on how long MDA's supporting human capital management office will take so they can make the promotion effective [REDACTED] 2020. The HR [REDACTED] adds that they cannot give a firm offer if the process is not cleared. The HR [REDACTED] replies that she was checking on the firm offer “since we're doing this one all backwards.”</p> <p>3:32 p.m. & 3:34 p.m. The HR [REDACTED] emails [REDACTED] asking for the Word version of the selection memorandum. [REDACTED] replies that he only has a PDF version.</p>

Table 4. 2020 Chronology of Events Related to Ms. DeSimone’s Relationship with Subordinate 1 (cont’d)

Date	2020 Event
September 18, 2020	<p>11:15 a.m. The HR [REDACTED] emails a Word version of the selection memorandum to [REDACTED].</p> <p>1:43 p.m.–1:44 p.m. The HR [REDACTED] exchanges instant messages with the HR [REDACTED] asking for an update on [REDACTED] clearing the PPP and how the MDA will process the permanent promotion action from the temporary promotion.</p>
September 22, 2020	<p>8:49 a.m. The Staffing [REDACTED] instant messages the HR [REDACTED] that [REDACTED] hiring action cleared the PPP and that the HR [REDACTED] would submit the promotion paperwork that morning.</p> <p>8:56 a.m.–9:01 a.m. The HR [REDACTED] instant messages the HR [REDACTED] that [REDACTED] cleared PPP and that the HR [REDACTED] will be able to process the firm offer today. The HR [REDACTED] states that she will let leadership know.</p> <p>8:59 a.m.–9:01 a.m. The HR [REDACTED] informs Subordinate 1 to stand by for the firm offer that the HR [REDACTED] will email to her.</p> <p>9:02 a.m.–9:06 a.m. The HR [REDACTED] and [REDACTED] exchange instant messages. The HR [REDACTED] writes that [REDACTED] cleared priority placement and that the HR [REDACTED] will send out the firm offer this morning. [REDACTED] asks if Ms. DeSimone was tracking the action because he had not updated her. The HR [REDACTED] replies that she has not updated Ms. DeSimone because she was told to have [REDACTED] just keep VADM Hill aware. The HR [REDACTED] suggests that [REDACTED] instant message Ms. DeSimone that morning that [REDACTED] action cleared and will be effective [REDACTED], “as a way of her direct report sharing information on org change within [REDACTED].”</p> <p>9:53 a.m. [REDACTED] instant messages Ms. DeSimone that [REDACTED] action ([REDACTED] for Huntsville) cleared and will be effective [REDACTED].</p> <p>10:05 a.m.–10:18 a.m. The HR [REDACTED] instant messages [REDACTED] asking him to sign the selection memorandum, dated [REDACTED] 2020.</p> <p>10:23 a.m. [REDACTED] digitally signs the memorandum selecting Subordinate 1 for [REDACTED] position in Huntsville.</p>
[REDACTED] 2020	[REDACTED] 2020, is the effective date of Subordinate 1’s permanent promotion to [REDACTED], same pay as for the temporary [REDACTED] promotion.
[REDACTED] 2020	Subordinate 1 instant messages the HR [REDACTED] that the HR [REDACTED] said her promotion was effective [REDACTED].
October–December 2020	Subordinate 1 teleworks from Ms. DeSimone’s home on average 1–1 ½ weeks every month.
October 21, 2020	Ms. DeSimone uses her government cell phone to make a phone call totaling four minutes to Subordinate 1’s personal cell phone.
October 25, 2020	Effective date Ms. DeSimone is assigned as the MDA Executive Director.
October 30, 2020	Subordinate 1 uses her government cell phone for six text messages to Ms. DeSimone’s personal cell phone. (This is the last recorded use of government cell phones to contact each other.)
December 17, 2020	Ms. DeSimone [REDACTED].

Source: DoD OIG review and analysis of Ms. DeSimone’s and Subordinate 1’s government cell phone, official travel, and instant message records and government email accounts, and government email accounts and instant message records of other MDA employees concerning the issue.

Table 5 lists the 2021 and 2022 events related to Ms. DeSimone’s relationship with Subordinate 1.

Table 5. 2021-2022 Chronology of Events Related to Ms. DeSimone’s Alleged Relationship with Subordinate 1

Date	2021-2022 Event
January 2021–April 2022	Subordinate 1 teleworks from Ms. DeSimone’s home on average 1-1 ½ weeks every month.
February 12, 2021	Subordinate 1 and the HR [REDACTED] exchange instant messages. Subordinate 1 writes that she is logging off and that she is in D.C. [REDACTED].
March 16, 2021	Subordinate 1 sends an encrypted email with her resume to Ms. DeSimone. Ms. DeSimone replies with an edited version of Subordinate 1’s resume.
March 17, 2021	Subordinate 1 replies (encrypted) with an updated version of her resume.
March 22, 2021	Subordinate 1 and the HR [REDACTED] exchange instant messages in which Subordinate 1 writes that she is waiting on a call from [REDACTED] concerning a job.
March 26, 2021	Subordinate 1 sends an encrypted email to Ms. DeSimone forwarding an email exchange between Subordinate 1 and a former MDA SES concerning a vacancy announcement at another Federal agency.
April 21, 2021	Subordinate 1 and the HR [REDACTED] exchange instant messages in which Subordinate 1 writes that she had a call with a management consulting company that will do some research and fit her for a job in the Northern Virginia area.
April 27, 2021	One of the program executives (PE) [REDACTED] emails Ms. DeSimone, informing her of dinner reservations for 7 p.m. on [REDACTED] 2021. Ms. DeSimone replies, asking if she can bring a plus one to the dinner. She adds that she is trying to see as many people as possible while she is in Huntsville and may ask someone to join them. The executive replies, “Done! Reservations for 6 of us!” (This includes the PE, the PE’s [REDACTED] the Deputy PE, the Deputy’s [REDACTED] and Ms. DeSimone plus one.)
May 10–14, 2021	Ms. DeSimone is on official travel to Huntsville, Alabama.
May 11, 2021	Ms. DeSimone takes Subordinate 1 as her plus one to dinner.
May 19, 2021	Ms. DeSimone and the MDA are notified of the DoD OIG investigation.
June 11, 2021	[REDACTED].
June 24, 2021	VADM Hill and Ms. DeSimone meet. Ms. DeSimone tells VADM Hill that she is in a relationship with Subordinate 1.
August 6, 2021	[REDACTED].
September 18–23, 2021	Ms. DeSimone is on official travel to Huntsville, Alabama.
November 5–13, 2021	Ms. DeSimone and Subordinate 1 vacation together in Iceland.
March 3–6, 2022	Ms. DeSimone and Subordinate 1 vacation together in New York City.

Source: DoD OIG review and analysis of Ms. DeSimone’s and Subordinate 1’s government cell phone, official travel, and instant message records and government email accounts, and government email accounts and instant message records of other MDA employees concerning the issue.

Appendix C – Additional Information About Ms. DeSimone’s Supervisory Role Concerning Employees

Based on Ms. DeSimone’s response to our preliminary conclusions, we obtained additional MDA records. These records corroborated previously collected evidence, which showed that Ms. DeSimone was in the supervisory chain for employees, including Subordinate 1, and that VADM Hill moved from under Ms. DeSimone just a few weeks before the FY 2021 appraisal period ended. These records included change histories and salary appraisal documents from MDA’s contribution-based compensation and appraisal system as well as emails concerning the matter. These records showed that:

- Ms. DeSimone was “Supervisor Level 1” from January 30, 2020, to September 13, 2021. Ms. DeSimone approved FY 2021 contribution plan on April 27, 2021. Ms. DeSimone was rater for all but the last 17 days of the FY 2021 appraisal period.¹⁷ However, the , not Ms. DeSimone, rated for the entire FY 2021 appraisal period (October 1, 2020, through September 30, 2021).
- Ms. DeSimone was Subordinate 1’s “Supervisor Level 2” beginning September 22, 2020, until August 26, 2021.
- On September 2, 2021, by email, the HR informed the that she and the MDA GC confirmed with VADM Hill that only the rater information for employees would be changed in the performance management system and that no functional or organizational realignment would be made. Additionally, she recommended that employees remain aligned to the ’ pay pool for the FY 2021 appraisal cycle.
- On September 8, 2021, by email, the MDA GC informed the that as a follow-up to the previous week’s discussion, he recommended to VADM Hill, and VADM Hill concurred, to realign Subordinate 1 specifically and the entire staff out from under Ms. DeSimone as the higher-level reviewer. The MDA GC stated that the realignment should be completed before the end of the FY 2021 rating period that closed this month. The realignment was not intended to change day-to-day interactions with VADM Hill or to change the “optics on the current MDA” organizational chart. Additionally, was to remain in the ’ pay pool for the FY 2021 appraisal cycle. The MDA GC stated, “Bottom line—you will serve as the HLR [Higher Level Reviewer] for to close out the FY21 cycle. More complete alignment actions for could be addressed if needed once FY22 starts.”
- employees, including and Subordinate 1, were realigned to the pay pool for the FY 2022 appraisal cycle.

¹⁷ The contribution plan is the acquisition demonstration term for performance plan. The contribution plan contains the employee’s goals, objectives, and expected contribution and performance as developed by the employee and their supervisor for the appraisal cycle.

Acronyms and Abbreviations

CFR Code of Federal Regulations

Dahlgren Division Naval Surface Warfare Center Dahlgren Division

DoD OIG DoD Office of Inspector General

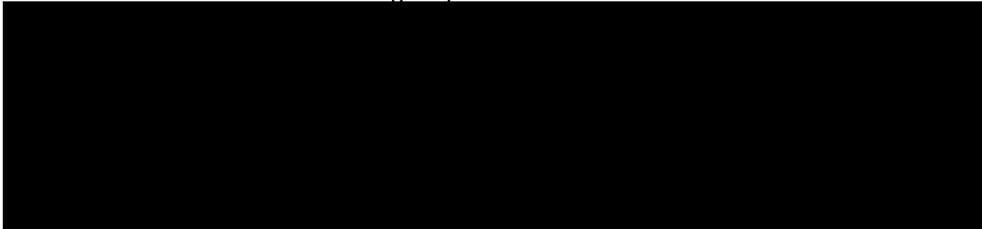
DOJ Department of Justice

GC General Counsel

HR Human resources

JER DoD 5500.7-R, "Joint Ethics Regulation (JER)," August 30, 1993

MDA Missile Defense Agency



SES Senior Executive Service member





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**Report of Investigation:
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