



FOREIGN SERVICE GRIEVANCE 30.)

DEPARTMENT OF STATE

U.S.S.

STATE

Washington, D.C. 20520

March 17, 1972

7.
: 21 Y.<; 3 o<

TO: The Secretary of State
Department of State

t:~:~., f "irs-VL
Or T;i: < ■ ,. :L:,'Xf

SUBJECT: Record of Proceedings Number 71-01-State-D1:
Remedial Order in the Case of FSO-3 Öã↔ã{á^\

REF: 3 FAM 667.2.a.1.

Mr. Lindsay is a foreign service officer whose selection-out directive in 1971 is scheduled to become effective on July 1, 1972. He filed a grievance with the Foreign Service Grievance Board on September 9, 1971, alleging that (a) for the past 12 years he had been detailed continuously to special assignments outside the mainstream of normal and traditional foreign service duties; (b) for the past six years his efficiency reports were either not reviewed at all or were given only pro forma review by officers totally unfamiliar with his duties and his performance of them; (c) there was no efficiency report rendered on him covering the first five months of his assignment with the CENTO Secretariat in Öã↔ã{á^\; and (d) the three efficiency reports prepared on him in 1969, 1970, and 1971, while he was assigned to CENTO, were improperly prepared by an AID officer in disregard for, or in violation of, foreign service regulations. He states that the first two of these efficiency reports resulted in two low 5% ratings and his selection out. As a remedy, Öã↔ã{á^\ asks that he be reconsidered for promotion; that his performance file be amended and expanded to correct its deficiencies; that his eligibility for promotion be extended by two years; and that he be reassigned to "normal" foreign service duties.

A preliminary investigation of his grievance was made by two members of the Board and included an examination of his personnel folders, of foreign service regulations relating to the preparation, review, and transmittal of evaluation reports, and of precepts to Selection Boards. His case was discussed with a career and counselling officer familiar with his performance evaluation record, and with two State Department inspectors who had inspected the Öã↔ã{á^\ post in 1971, one of whom prepared a report on Öã↔ã{á^\. The investigators discussed his grievance with Öã↔ã{á^\ and his representative.

A pre-hearing conference was held on February 17, 1972, attended by Öã↔ã{á^\, his representative, Mr. Xienzle, the Agency's representative, Mr. Blood, Board members Snell and Dorman, and Mr. Warnock, Executive Secretary of the Board.

7.9

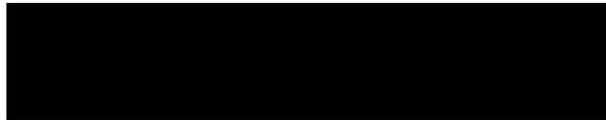
On February 22, 1972 a full Board hearing of the case was held. The names of those present and a record of the statements are contained in a transcript which has been made a part of the Record of Proceedings.

Based on the findings of the preliminary investigation and the statements made at the formal hearing, the Board's position with reference to the four major points made in ä{á^ \Cb grievance submission is as follows:

1. Absence of a five-month interim evaluation report; An interim report should have been prepared on ä{á^ \ for the period from August 1 to December 19, 1968, but this was left undone in the absence of an American rating officer at CENTO during this period. The Agency representative has conceded that this omission was in violation of regulations. The extent to which this gap in his evaluation record disadvantaged ä{á^ \, when viewed by the Selection Boards on the basis of his total performance file, is a matter of speculation. The record indicates that there was a possibility this report could have been prepared by the grievant's direct supervisor, who was a foreign national, but in view of his unfamiliarity with the preparation of foreign service evaluation reports, ä{á^ \ did not consider him a qualified rating officer.
2. Improperly prepared efficiency reports: The three reports cited described ä{á^ \ overall as a very satisfactory and competent officer. They were prepared by the Deputy Secretary General of CENTO, a senior AID official experienced in the writing of foreign service evaluation reports. The Board finds no basis for the grievant's claim that these reports were prepared in disregard for or in violation of foreign service regulations and gave an "unjustly harsh" picture of him.
3. Absence or inadequacy of review statements: In the six-year period preceding ä{á^ \ 's selection-out notice, four evaluation review statements, two Foreign Service Inspector reports, and three Commerce Department end-user reports were rendered on him. While material thus provided was adequate, nevertheless, in the circumstances of this case, the Board believes he may have been at some competitive disadvantage when compared to other officers in his class whose evaluation reports were more comprehensively prepared and reviewed by supervisors closely familiar with their work.
4. Assignment outside the "Mainstream": The series of assignments given ä{á^ \ outside "traditional" foreign service duties for a consecutive period of 12 years is somewhat unusual. ä{á^ \ contends that this was an important

disadvantaging factor. However, the record indicates that* a significant part of the responsibility rests with the grievant in that he was given the opportunity on two occasions to get back into the "mainstream". Moreover, in this case there is no claim by the grievant that any regulations in the matter of "his assignments were violated.

On review of the total record, the Board finds insufficient basis for granting &ã↔æ{á^\}'s claim, and we see no particularly good purpose in referring his case back to another Selection Board. However, there is enough evidence of irregularities in the case, including the admitted omission of an interim five-month evaluation report, to entitle &ã↔æ{á^\ to another year of service. Under the special circumstances of this case, therefore, the Board recommends that &ã↔æ{á^\b's service be extended through June 30, 1973.



William E. Simkin Chairman,
Foreign Service Grievance Board

cc: Öã↔æ{á^\

296