

February 3, 1972

The Director of Personnel
Department of State

SUBJECT: Record of Proceedings Number 71-03-State-D3:
Remedial Order in the Case of FSO (Ret.) Grievant

S3F: 3 FAM 667.2.a,1.

Grievant, a former foreign service officer who is presently retired on medical disability, filed a grievance with the Board alleging that an improperly prepared and falsely prejudicial evaluation report prepared in redacted covering the period June 16, 1968 through December 2, 1968 was the principal, if not sole, basis for two low 5% ratings by Selection Boards and a subsequent selection-out decision. He further charged that a chronic intestinal illness that he had while serving at the post for a period of about one year was regarded by named senior officers of the Embassy as evidence of malingering, and was so implied in one of his evaluation reports, i.e. "he could not be depended upon to be present on difficult days...." He has requested that the evaluation report in question and all related material, as well as the ratings given *him* by the two selection boards, be stricken from his official personnel files.

The investigation of his grievance by a member of the Board included an examination of his performance - and other personnel files and of the foreign service regulations pertaining to the preparation and transmittal of evaluation reports. The investigating officer also discussed the case with the official who prepared the evaluation report objected to, the Embassy personnel officer who was at the post at the time - the deputy director of the State Department Medical Center, and with [grievant].

The findings of the investigation indicated that the evaluation report in question was the principal basis for the two low percentile ratings and the selection-out consideration. In the years prior to and following this specific report, [grievant's] overall performance was consistently rated better than satisfactory. The first

evaluation rendered on him in redacted (I/6/6S-6/IS/63), recommending his promotion, was reviewed as follows by the same officer who later prepared the evaluation report in question: "[Grievant] is an intelligent, competent, responsible and dependable officer." The evaluation report objected to, which the rating officer told the Board was influenced by [grievant's] medical problems at the post, was prepared and transmitted in violation of regulations several months after [grievant] was transferred for medical reasons.

On the basis of its investigation, the Board has determined that [grievant's] medical problem in redacted, which affected his performance and for which he was later accorded a medical disability retirement, was the cause of an unjustly prejudicial evaluation report- and that this report provided the major grounds for the low ratings of two selection boards. The Grievance Board has ruled, therefore, that the evaluation report in question and all material related thereto shall be removed from his personnel file. The Board also recommended that all records relating to the ratings given him by the 23rd and 24th selection boards be disregarded.

Your confirmation of the implementation of this order should be provided this office within the next 30 days.

-ian E. Siskin Chsirsan,
Foreign Service Grievance Board:

cc= Grievant
AFGE Local 1534, B451 KS