

February 8, 1972

TO: The Director of ^Personnel
Department of

SUBJECT: Record of Proceedings Number 71-09-State-D8:
Remedial Order in the case of FSO John M. Dennis

SET: 3 FAM 667.2.a.1.

On October 1971, FSO John M. Dennis filed a grievance with this Board. He charged that false and damaging material had been maintained in his personnel file for nearly twenty years, and that it had unjustly hindered his advancement in the Service. He asked that the Board order this material removed, and that it place in his file a recommendation that he be promoted as a means of offsetting the damage allegedly done him.

Upon receipt of Mr. Dennis's grievance, the Board made a determination that his case was within its jurisdiction and proceeded to investigate his charges. The material in question, and all related documents, were examined, and both the grievant and Mr. David H. McKillop, the only other available person with direct knowledge of the origin of the material, were interviewed.

On the basis of its investigation, the Board learned that grave but unsubstantiated charges against Mr. Dennis's professional competence, personal integrity, and morality were used as the basis for a severe reprimand and a summary transfer. It was further learned that at that time Mr. Dennis was given no chance to see the charges made against him or to be faced with his accusers. Furthermore, although no formal charges were ever brought against Mr. Dennis, the material against him, over his objections, has been retained in his personnel file, available to the Selection Boards, for nearly two decades.

In view of these findings, the Board has unanimously decided that Mr. Dennis has been the victim of repugnant and obnoxious treatment and that the material in question is manifestly falsely prejudicial. The Board, therefore, orders its immediate and permanent removal from Mr. Dennis's personnel records.

record does not disclose sufficient evidence **for** the **Grievance Board** to make a recommendation now as to whether Mr. Dennis should or should not be promoted.

The Board further orders that the following statement be placed in Mr. Dennis's performance file:

The Foreign Service Grievance Board has determined that John M. Dennis has been the victim of one serious instance of unjust and unfair treatment, which resulted in falsely prejudicial material being included in his personnel file, available to all selection boards, for a period of nearly two decades. The Board wishes all future selection boards to be aware of this fact and of the probable impact it has had on Mr. Dennis's career.

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

William E. Simkin Chairman,
Foreign Service Grievance Board

cc: John M. Dennis