

## Foreign Service Grievance Board

July 6, 1972

TQi           The Director of Personnel  
                   Department of State

SUBJECT: Record of Proceedings Number 7I-13-State-FS:  
 Her. eddal Order in this Case of ESO-2 Grievant

[Grievant] filed a grievance with the Board on May 1, 1972, in which he charges that *sm* evaluation report prepared on him in 1S5S, - while he served as Deputy Principal Officer in redacted is falsely prejudicial, grossly inaccurate in almost all respects- and resulted in a low 55 ranking. He further states that the report was not reviewed and was prepared two months after his departure from the post, AS remedy, [grievant] requests that the offending, report and his rebuttal to it be removed from his file.

The Board's investigation included an examination of the grievant's official personnel folders, interviews with officers who had served at the post with him, and a review of regulations covering the preparation and processing of evaluation reports. Also one of the Agency's career development and counseling officers personally familiar with the grievant was consulted.

Z-'r.e cited report (Parts I and Z1) stands out in sharp contrast to the other evaluation reports in the grievant's excellent performance record. It presents an extremely harsh picture of him not reflected in other evaluation, reports rendered on his before or after. This is evidenced in an Inspector's report prepared at the grievant's current post which states; <sup>K</sup>The Inspector has read the performance rating and development appraisal reports covering the period June 16, 1967 to June 15, 1968 prepared by Consul General, redacted. The Mr. SSanbey tiescrijied Is. t little resemblance to the officer presently serving in redacted the offending report is also inconsistent with coisaents zaacie by the rating officer in preceding reports he rendered on the grievant

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in 1966 and 1367 and in which he urged his promotion. For example, the 1968 report states that the grievant was unwilling to accept responsibility and lacks executive ability. In an earlier evaluation report the same officer wrote: "I have no hesitancy in leaving the largest Consulate General operation in the world in his capable hands during those periods when I must be away." In 1968 rater commented: [Grievant] is unpopular with his subordinates and not at all encouraging with junior officers.<sup>3</sup> In 1967 he observed on this subject: "He has good and frequent contact with junior officers, and from every indication has their respect and confidence. Raters earlier reports were generally of a character with the grievant's overall career record, whereas the offending one was not. The reasons for the virtually complete reversal in tone and content of the I?S3 report are not fully known. From the evidence, however, they appear to be related, to a personality conflict rather than to the grievant's performance. Officers who served at the post with the rater and ratee have stated that at the time [grievant left the post in April, 1968, the relationship between the two had deteriorated to a very noticeable degree. This explanation for the inconsistency between the reports finds substance in the elements of personal prejudice that are clearly evident in the 1363 report. It is more a detailed recording of the rating officer's dissatisfaction and annoyance with the rated officer's personal characteristics and behavior than an objective appraisal of actual job performance. This is exemplified in the following comment rater in the 1968 appraisal report: \*X  
rater admits that the ratings given [grievant] last year was higher than deserved, but based on an optimism that getting him a promotion would give him a different, happier outlook." The grievant countered the rating officer's charges and criticisms in the offending report in a lengthy rebuttal statement. The rebuttal, taken together with the whole record in this case, supports the grievant's claim that the cited report is falsely prejudicial and inaccurate. In addition, the report is seriously deficient in that it does not include a review statement despite its severely critical nature. It was written more than a month after the grievant's transfer from the post, and the period covered by the report is not accurately shown. For the reasons given above, the Board orders that the cited report (Parts X and II)

and the rebuttal to it be removed from the grievant's official personnel file.

[Grievant] was promoted in May, 1963, and was accordingly ineligible for rating by a Selection Board that year. However, following the placement of the 1963 report in his file- the grievant was ranked by Selection Boards in the low 10% in 1969, low 5% in 1970, and low 10% in 1971. In the Board's opinion, the overwhelmingly unfavorable and unjust 1968 report was the principal basis for the low rankings. With the removal of the falsely prejudicial 136S report from his performance file, the basis for these low rankings no longer exists, and the Board orders, therefore, that the 1969, 1970 and 1971 low rankings be expunged from the official records kept on this employee.

The Board further directs that the following statement be placed in the grievant's performance folder:

"The evaluation report prepared on this officer in 1963 has been removed from his performance folder by direction of the Foreign Service Grievance Board because of falsely prejudicial material and serious deficiencies.\*

Certification of compliance with, the Board's order should be submitted to the Board within the next 30 days.

William S. [redacted] Foreign  
Service Grievance Board

cc: Grievant