

February 5, 1972

Director, Office of Personnel and Manpower,
AID/Washington

SUBJECT: Record of Proceedings & Report 71-1S-AID-F3:
Remedial Order in the Case of FSR Carl M. Fisher

REP: 3 FTH..667.2.a.1.

Mr. Carl M. Fisher submitted a formal grievance against a "Technical Division Review" prepared by Lewis B. Baylor, Jr, covering period 1/1/71 to 7/15/71 when Mr. Fisher was in Saigon, and against the "Reviewing Statement by the Director's Designee" dated August 23, 1971 signed by H. E* Kusters. He charged that both reports contain erroneous and falsely prejudicial statements and are at complete variance with the rating and reviewing officer's performance and evaluation statements prepared by his military superiors. Mr. Fisher requests that the two reports and any supporting statements be removed from his performance evaluation file.

Board conducted an informal investigation which involved examination of Mr. Fisher's personnel files, including performance evaluation reports and reviews; followed an inquiry to the Office of Personnel and Manpower regarding Lewis B. Taylor's record as a reporting Officer; conversation with the Department of Defense Management Division regarding DOD personnel rating standards; and conversation with the Director, Office of Capital and Commercial Development, AID/Washington.

Mr. Fisher was in an untenable position of split authority, a problem that existed, stemming from differences in philosophy between AID and DOD as to how the assistance program should be planned, managed and implemented. Mr. Fisher's military rating and reviewing officers, the AID Technical Division Review officer, the AID Review Panel and Mr. Fisher were aware of Fisher's difficult and complex situation.

The Board recognizes AID'S right to a technical review by one of its qualified officers whenever an AID employee is rated by another agency. The performance evaluation

report, prepared by Col. Robert p. Graves and reviewed by **Major General R. P. Young, had "top boxes"** checked in **Part II** Rating Areas. Mr. Taylor **states** in his ' review that the rating narrative does not support the high marks in the rated areas (the Board shares the same opinion). The Department of Defense Personnel Management Division, in informal conversation, indicate-* that the military generally rated highly, especially when reconflating someone for promotion. Also brought to the Board's attention was the probability that AID engineers tend to rate each other more severely than most groups. The "Technical Division Review", in general, seems objective. However, there are a few remarks made by the reviewer that seem unnecessarily harsh and unwarranted.

Our informal investigation found no sound basis for complete removal of the "Technical Division Review" and the "Reviewing Statement by the Director's Designee". But, in view of Mr. Fisher's extremely difficult position of working under split authority,

the Board feels that these reports should not be held against his, and orders that the following statement be placed in Mr. Fisher's performance evaluation file:

I "The Foreign Service Grievance Board has determined that some attention in the Technical Division **Pic.** view, covering period 1/1/71 to 7/15/71 are unnecessarily harsh and unwarranted, *L I* that this report and the Reviewing Statement by the Director's Designee, dated August *, 1971, should not be held against Mr. Carl M. Fisher by the A.I.D. evaluation Panels. During the rating period, Mr. Fisher occupied a difficult and complex position, working under the split authority of the Agency for International Development and the Department of Defense."

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

E. Simkin Chairman,
Foreign Service Grievance Board

cc; Carl K. Fisher