

EXCISED

SERVICE GRIEVANCE BOARD

March 17, 1972

TO: Grievant
Public Safety Advisor, logistics, CORDS/PSD, APG
San Francisco 96243

SUBJECT: Record of Proceedings Number 71-19-AID-F4 REP:

3 FAM 667.1.b.

A grievance filed by you with AID was in November 1971 referred by that Agency to the Foreign Service Grievance Board, after completion of the informal procedures.

Following a determination that: the grievance was within its jurisdiction the Board investigated the issues in this case, "the investigation consisted in examination of your personnel file and interviews with a number of AID officials familiar with your case; pertinent regulations, including- the AID Manual Order Ho. 423.2 relating to Performance Evaluation and Rating Program, were also reviewed. In compliance with your request for a hearing, and as authorized in 3 F&K 56.3.a. the Board directed that a Panel consisting of William E. Tyler (Chairman; e Martha Sums, and Robert L. Fon, Board Members, hear your case. The Panel convened at 10:00 a.m. on February 17, 1972. Besides the above mentioned persons, John. A. Karnock, Executive Secretary of the Grievance Board, Kenton Duckworth and D. Alan Strachan, both of AID, were also present- The proceedings were taken down verbatim by a stenotypist and the transcript has been made a part of the Record of Proceedings file in your case, A copy of the transcript was made available to you.

The recommendations of the Panel in this case have been reviewed by the full Board, and the action taken is an action of the Board.

At the hearing you stated that your grievance rested on two principal points:

1. You contend *that*- the manner in which the PEE/DAS processed was improper in that the report covering your performance for the period January 1-October 22, 1969, was not prepared in final form prior to your departure from the post. You were shown the report in draft 3rd hours prior to your departure and you advised the rating officer that you would

submit a rebuttal statement: when it was finalized and presented for signature. When you did see the report in final form in January 1970, it had been reviewed by the Mission Review Panel and the Mission Director without benefit of any rebuttal statement by you.

2. You further contend that the -star was not eligible to rate you since his supervision began, according to the organization chart, only on July 1, 1959, and that furthermore during the period from July 1 to your departure from the post on October 22 he was present at the post for only 45 days.

You stated that you believe the "3"030"C2 in your file -f the PSK/DA3 in question was the cause of your being ranged in the low 105 category by the 1971 evaluation Panel and that because of the irregularities described above you consider the report to be an invalid document which should not be in your file.

In considering the points you have raised, the Board notes that you did not sign the report even when you finally did see it in January 1970. It is the understanding of the Board that a PSK/DA3 report does not become invalid simply because the rated officer does not sign it.

The Board also notes that when, you saw the report in January 1973 you did not avail yourself of the opportunity at that time to make a rebuttal statement. According to a statement you gave to the investigator during the investigation of your case, your decision not to make a rebuttal was based on your assumption that it would not be properly acted upon and would do no good. "AID regulations provide for a procedure allowing an officer to prepare a statement for permanent attachment to his PBR/D&H which is then forwarded for review to the Mission Director at the former post -v*hc is required to comment upon the rated officer's statement. The Board does not find any basis for your assumption that any rebuttal statement you made would not be forwarded to the post for comment by the Mission Director.

With reference to your contention that the rating officer was not eligible to rate you for the period of the PSK/DA3 because he was your supervisor, according to the organization chart, only from July 1 to October 22, and was actually present for only 46 days of that period, the Board notes that

Air; has acknowledged that the report has some deficiencies in this respect. Mr. [redacted] stated at the hearing that without a doubt part of the time covered by **the report** the rating officer, Mr. [redacted] was not **truly your** supervisor. However, the report in question states that "Mr. redacted. became your supervisor in April 1968 when Public Safety Logistics/Supply (your section; was concerned with the Support Services Division. You will recall this. It was also pointed out that Mr. redacted was not only Chief of Support Services but was also the Public Safety Program-Officer, the reviewing officer for the report stated that he observed your work on a daily basis for approximately six months as your direct supervisor for about 50 days in 1968." The reviewing officer stated that he observed your work on a daily basis for approximately six months as your direct supervisor for about 50 days in 1968.

In view of the irregularities in the report, the Board finds that supervision by the rating and reviewing officers was adequate as a basis for a report. The Board considers the report to be a valid one and finds no basis for ordering it to be removed from your personnel file.

The Board understands from the testimony at the hearing that you were promoted to grade FSR-3 by the action of the Evaluation Panel which met in 1963 and that you were ranked in the low 10% by the I9SS Panel and that you are not contesting this action.

Taking all of the above factors into account, the Board concludes that your claim that you were placed in the lower 10% of your class by the 1371 Panel only because it had been influenced by the IS63 report has not been substantiated. The Board must therefore disapprove your request to have the PBS/DA3 and all materials relating to it removed from your personnel file.

Chairman, Foreign Service Grievance Board

cc: AID/PK:WGS