

February 8, 1972

TO-, The Director
 The United States Information Agency

SUBJECT: Record of Proceedings Number 71-28-USIA-D1:
 RecoEEsendation and Remedial Order in the case
 of FSS Grievant

3EF: 3 FAK.667.2 3
 FAM 667,3

[Grievant] is a USIA limited appointment reserve officer currently on detail to the Department of State. On December 15, 1971, he submitted a formal grievance charging that an "unsubstantiated prejudicial statement",- incorporating a recommendation bearing on his desired lateral entry into the Foreign Service Information Officer corps had been prepared on him by the Deputy Director of CSZA during the course of a brief visit to his previous post in February 1971, and placed, without his knowledge, in his performance file. The substance of the Deputy Director's statement is: ** Everyone from the Ambassador on down felt that he was the weakest member of the USIA team; that while he was undoubtedly knowledgeable in cultural affairs he had difficulty in organizing himself and was very poor at organising and leading- others. While he was very pleasant and affable, he did not impress me with knowing what he was doing and why he was doing it. My understanding is that [grievant] still is a Limited Reserve Officer- I think we should take a careful look at his performance at other posts before we consider *him* for lateral entry to the *TBIQ* Corps.

[Grievant] attributes r ■; subsequent ranking in the lowest quartile of his class to this stateisent and believes that as a result of his assignment to Washington and detail to the State Department it is no longer possible for his performance :** to be eKair-ined in accordance with the recommendation, and that this will have the practical effect of terminating his service with G3IA on August 1973, when his present limited appointment expires.

Following a determination that [grievant's] case was within its jurisdiction, the Board ordered an investigation of his charges. This investigation took the form of: a review of

[grievant's] grievance and supporting documentation, the Taeiaoran&oia in. question, and [grievant's] performance file; interviews with [grievant] current supervisor, the Director of USI&'s Foreign Service Personnel Division, and such of [grievant's] associates from redacted as were available; and an exchange of cables with the deputy Director of US If. on the background of the sieisorarid-air..

The investigation revealed that [grievant] is an officer of unusual academic distinction who has considerable ability and has made a distinguished contribution to US interests. The efficiency reports covering [grievant's] three years in redacted bristle with recommendations. At the time of his departure from redacted, in the summer of 1371, [grievant] was recommended for promotion and lateral entry into the Foreign Service Information Officer corps by both his rating and reviewing officers. In addition. [grievant] was also told by his rating officer that he was being recommended for a distinguished service award.

These ratings by the officers most familiar with [grievant's] work contradict and negate the sweeping language of the isersoranduaia. The Board, moreover, has determined on the basis of the record that the genesis of the memorandum was solely in the dissatisfaction which the Arabassador registered about some aspects of [grievant's] performance, specifically his alleged verbosity and tenaciousness during a special coiabirsd operation.

On the basis of this investigation the 3oe~ ■ has determined that [grievant] has been the victim of . clear injustice which has adversely affected his career, significantly, the Board notes that a critical seiscranduir: written by a high ranking officer based on no more than a few days visit to [grievant's] post and inconsistent with [grievant's] performance file without his knowledge; that as a result of the contents of that rsen^oranduis, [grievant] has been effectively deprived of the possibility of lateral entry into the FSIO corps; and that it is possible or even probable that but for the isesiorandusi [grieva would have since been selected for both promotion and lateral entry. On th

j.n order to correct this injustice, the [grievant]
for lateral entry into the Foreign Service -^-
Information Officer corps and proiaotion to the next highest
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Furthermore, the Board, by copy of this recommendation to the
Chief of the Foreign Service Personnel Division, USIA, orders the
removal of the aeziorancar: of February 23, 1971, snc all IT'L.¹ istccT
"storial- fron [grievant's] ~'crfcirrr.2.r;cc and otr.cr files; and the
inclusion of the following statement in his performance file;

"The Fcreich Service Grievance Beard has determined:
that [grievant] has been the victim of one
serious instance of unjust and un-fair treatment which
resulted in falsely prejudicial material being
included in his personnel file, available to selection
psriols. The Board has ordered the removal of this
material and has recommended that [grievant] be
selected for istersl entry into the FS10 corps *SJT.C.*
promotion to the nest highest class."

Certification of compliance with the Board's order should be
sabtitted by the Chief of the Foreign Service Personnel Division to
the Board within the next 30 days-

In conclusion, the Board wishes to record its disapproval of
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in performance files issrsorands written by high ranking" officers or.
the basis of short visits to posts- based primarily cr; incomplete
evidence, ar.ci tc v^hica t-h-c employee has no OT^r?c^"t"ij3* "" t^-T *"o "e'D" v

The Board calls for a halt to this practice. It urges furthermore
that appropriate steps be taken to insure that all such memoranda
now in performance folders are removed and that none is placed in
such folders in the future.

SSfilliais E. Simkin Chairman,
Forei-gn Service Grievance Eoard

CC: Grievant