

PCKElffi? SERVICE GRIEVANCE BOARDS

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March 27, 1972

Director, Office of Personnel and Manpower Agency  
for International Development, Washington

SUBJECT: Record of Proceedings Number 72-39-AI0-F12:  
Order in the Case of FSR Grievant

REP: 3 TRK 667.2

{Grievant} submitted a formal grievance to the Foreign Service Interim Grievance Board on January 14, 1972. In his grievance statement he takes strong exception to remarks made in the DAH prepared on his performance in redacted for the period December 21, 1966 - July 12, 1967, which he saw for the first time when he examined his personnel file in December 1971. He characterizes the statements of the reviewing officer as "vindictive, arbitrary and prejudicial" and asks that his whole letter be removed, together with the Board member who investigated his case and the Executive Secretary of the Board on March 10, 1972, at which time he changed his request for removal of the entire DAH to a request for removal of only that portion of it written by the reviewing officer.

An investigation was conducted which consisted of an examination of the grievant's personnel file and consultations with various officials in AID in line with the facts and the personalities involved. These included former desk officers and senior officials responsible for programs at the post where the report was written.

The investigation revealed that the grievant and the reviewing officer first met some two years prior to the grievant's assignment to the post where the DAH in question was written. The reviewing officer had just been assigned to that post and the officers met on two occasions to discuss the possibility of an assignment for the grievant. The first time the discussion centered on a specific position, for which the grievant was well qualified, but the second time a new position was offered, for which the grievant did not feel qualified.

At that point the reviewing officer [grievant] according to his own later statement, had conceived a dislike for the grievant and turned his back. The grievant has a slightly different view of the

decision for not assigning him to the post? he feels that other factors were also i&pcrtaxit^ the fact that is his own viaw be was not Qualifies for the position and the fact that he was also being considered for another post.

In any case, he was assigned to the other post. Some eighteen months later, however, he asked for a transfer and the reviewing officer was then, in his words, "pressed" to take him on his staff. He agreed, although because of the negative feelings he had for the grievant based on their previous encounter, he did so with reluctance. The senior officer in AID responsible for ^he transfer has confirmed that he put strong pressure on the Kission Director to take him. ' He felt the grievant should be granted his request for a transfer because he was a valuable officer who might otherwise be lost to the service. He states that he was unaware of the hostility toward the grievant, but in any case at that time there was apparently no other suitable post to which the grievant could be transferred.

The grievant thus ssoved into a situation which was unfavorable to him from the start. He set about developing a program but according to the statement prepared by the rating officer on the grievant, he was never able to develop the close working relationship with the reviewing officer which is essential if a sew program is to have any chance of success.

An analysis of the reviewing statement in the 3A& shows that it is deficient and iinproper in a number of respects: it does not cover any of the points specifically called for in the instructions,- it does not estimate th- officer's potential for growth and development in any aaniagful way; it contains a stateiaent that the grievant h- assbitions which are in e&nfliet with his total personality but it does not specify in what way this is so. Furthsnssore, the statement dwells at length on the episode of the first meeting of the two officers, some two years prior to the tiiae of the rating period, and on the unfavorable impression sad® on the reviewing officer by the grievant at that ti^se. la short, instead of being an objective appraisal of the grievant, it is an expression of the reviewing officer's personal dislike for him.

The Board notes that the reviewing officer, who is now retired, was asked by AIB to comment on the grievant's objection to the atateasent and that in his reply he denies that the report is vindictive but aekuowiaSges that it could

be called arbitrary since it is a subjective statement of his feelings about the grievant, and that it could be called prejudicial since it is critical of the grievant. The Board further notes -that the reviewing officer stands behind the opinions expressed in the report but would not register any complaint if it were stricken from the grievant's file.

The Board's finding is that the BAR reviewing statement is biased, prejudicial and improper in that it does not conform to the stated purposes of such reports but instead is a mere statement of the dislike of the reviewing officer for the rated officer, the grievant, the Board therefore orders that it be removed from the grievant's file and that the following statement be placed in his personnel folder:

The statement of the Reviewing Officer in the DAR covering the period 12/21/66-7/12/67 has been removed by order of the Foreign Service Interim Grievance Board dated March 1972 because it has been judged to be a falsely prejudicial statement that should not remain in the officer's personnel file.

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

v/s. Iliam E. Siaskin Chairman, "  
Foreign Service Grievance Board

cc: Grievant