

EXCISION NO. 303

I. GRIEVANCE

The grievant submitted a grievance to the Board on October 15, [year] in which he claimed that four ratings prepared on his performance while he was assigned to (post) are substantively and procedurally defective as well as damaging to his promotion and assignment prospects. As relief, he seeks removal of the ratings from his performance file. The [agency] partially reversed the findings in its earlier review of the grievance by offering at the hearing to remove one of the ratings, but otherwise finds no basis to direct further changes in the grievant's performance file.

A hearing into the grievance was held on July 1 and 2, 197-; a deposition of one witness was taken on July 9, 197-. Post-hearing briefs were submitted by the parties on July 16 and 20.

II. BACKGROUND

Grievant began his career with [agency] ment in 197- as a Class 7 Foreign Service Officer.

He was promoted to Class 6 in 19 during his initial assign-

In order to prevent an unwarranted invasion of Privacy, names of individuals and other identifying information have been deleted from the attached material in accordance with Section 552 (b) (6) of the Freedom of Information Act. These names and other identifying information are also withholdable under Privacy Act.

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ment.

On completion of \_\_\_\_\_ assignment, he entered \_\_\_\_\_ language training, preparatory to a tour of duty in (post), \_\_\_\_\_ where he arrived on July 15, 197- .

[Career history deleted.]

He was promoted over the threshold to Class 5 in June 197- .

The last year of the grievant's two-year tour in (post) was marked by occasional difficulties with his superiors and by personal tragedy. In September 197-, because of these problems, the grievant asked that he be taken out of a particular cone and placed in another cone which would perhaps be closer to his interests. In addition, while on the first of four emergency trips to the United States in connection with the illnesses and subsequent deaths of his parents, he asked for an early transfer from [post] on compassionate grounds. The Agency denied his request, but did explore several areas to which he could be reassigned upon completion of his \_\_\_\_\_ tour.

He began his [next tour] in September 197-

The grievant's performance while assigned to (post) is documented as follows:

Inspector's Efficiency Report,  
9/4/7- - 10/5/7-;

Officer's Efficiency Report,  
7/15/7- - 12/1/7-;

Officer's Efficiency Report,  
12/2/7- - 6/15/7-, rated by Mr. A,  
reviewed by Mr. B;

Inspector's Efficiency Report,  
4/3/7- - 4/18/7-, rated by an  
Inspector

Officer's Efficiency Report,  
6/15/7- - 6/15/7-, rated by Mr. C,  
reviewed by Mr. B.

The grievant's grievance concerns only the last three reports cited above. An interim report covering the period June 15 to July 31, 197- prepared by Mr. C was removed from the grievant's performance file by the Agency on June 28, 197- in connection with this grievance.

III. GRIEVANT'S POSITION

1. OER of June 15, 197-

Because of his objections to this evaluation, the grievant has refused to sign it; he did, however, submit a rebuttal to it in the space provided for the rated officer's comments. He objects to the rating because he contends the rating officer, Mr. A, was ineligible to prepare the report since he supervised the grievant for less than three and one-half weeks of the 28 week rating period. For the remainder of the period, the grievant asserts he was under the supervision of Mr. B, who signed off numerous times on the grievant's written correspondence and leave applications, as well as provided him daily guidance in his work. On the other hand, Mr. A was away from post for eight and one-half weeks during that period, according to grievant, and was physically located away from the office where the grievant worked. Furthermore, except for the three and one-half week period mentioned above, the grievant claims that he never consulted Mr. A, about his performance per se but rather talked to him only about technical

matters, in the same manner in which he consulted with his other colleagues when work-related questions arose. [grievant] holds that a conversation early in the rating period in which Mr. B. indicated that Mr. A. would be his rating officer was only a proposed working arrangement which was implemented for the three and one-half week period only. The fact that the (post) Personnel Office originally designated Mr. B as the rating officer--and, implicitly, the supervisor--of both Mr. A and the grievant bears out this argument, grievant maintains.

A Special Review Panel, convened at post to consider the points raised in grievant's rebuttal to the report, decided that Mr. A was the appropriate rating officer for grievant. The grievant believes this Panel erred in its interpretation of 3 FAM 517 in that it ignored the actual length of time grievant was supervised by Mr. A; nor did it give adequate consideration to the evidence presented by the grievant which demonstrated that Mr. B was indeed his supervisor.

The grievant also objects to a number of inaccuracies and omissions which he finds in the report:

-- The rating officer failed to mention the fact that [grievant] had handled a 100% increase in visa

applications during a peak visa season when the assistance of another officer and two local employees was unavailable. The rating officer's comment that the grievant was "able to cope" with the situation, "although not always as expeditiously as he might have done", disposes of his accomplishment "in a backhanded way", he claims;

-- Comments about counselling provided by the rating officer were added after the Panel had reviewed the report, and are inaccurate because they concern a single discussion of performance which occurred after the rating period;

-- In response to a criticism that his interviews were "inordinately long", grievant maintains that a log he kept on the length of such interviews indicates they lasted from three to eight minutes. He also notes that a report he developed from a visa interview concerning the international oil market proved to be most useful to the Economic Section of the Embassy; the rating officer, however, while acknowledging the report, included it in a more general criticism of "digressions";

-- The grievant maintains that the rating officer's negative comments about his effectiveness in

oral communication are unfounded, especially when compared to previous evaluations in which his ability to express himself was commended. He objects to the rating officer's reference to an alleged speech impediment as a "medical problem" which the rating officer indicated adversely affected grievant's ability to conduct an interview. Also, the rating officer's statement that grievant's command of the (foreign) language met the minimum requirements of his position, or the 2-2 level, is erroneous, as grievant believes he exceeded those requirements, having successfully tested at the 3-3 level (Foreign Service Institute testing method).

-- The rating officer's comments about his effectiveness in personal relations, e.g., "He has not yet been able to command the respect of his subordinate local employees, and this considerably diminishes his effectiveness in his dealings with them", are groundless, the grievant contends; on the contrary, he believes he had good relationships with his associates. He claims also that, in discussing his potential, the rating and reviewing officers made conflicting statements. The former alluded to the grievant's "forcefulness and perseverance" in relating to local employees which "hampered his training in consular work"; conversely,

the latter talks about his "hesitant and indecisive manner in attempting to supervise the staff". This inconsistency is also apparent in their respective evaluations of where he would rank with his class peers, the grievant asserts. The rating officer placed him in the lower 25%, whereas the reviewing officer ranked him in the middle 50% of his class;

-- A comment by the rating officer that the grievant required "greater than average guidance" is erroneous, he contends, and was included in the revised rating only after the grievant had argued his point to the Review Panel that, as a matter of fact, he had received little supervision from the rating officer.

-- The grievant believes that the entire reviewing statement reflects the deteriorating relationship he had with the reviewing officer as he (the grievant) persisted in his efforts to prove to the Special Review Panel that the rating officer was not his supervisor, and because of that Panel's determination that some of the statements made by the reviewing officer were inconsistent. The review, therefore, is not an accurate or objective one, grievant contends.

2. IER of April 197-

When a Foreign Service Inspection team visited [post] in April 197-, the grievant states he was

prepared to discuss with it several problems: the unresolved status of his June 197- OER, which he had refused to sign and which had not yet been forwarded to Washington; his work situation within the office; and his concerns about the accuracy and quality of subsequent OERs which would be prepared on his performance during the remainder of his tour in (post). The inspector assigned to rate grievant told him that he would not read the contested OER, because, without a signature, it was not complete. The report by the inspector, based on two discussions with the grievant, did refer to the contested OER and included a recommendation that a letter of admonition be placed in his file because of the circumstances surrounding the delinquency of the OER. In the inspector's view, the grievant was "lacking in Service discipline". The inspector's report also mentioned that the grievant planned to grieve the OER, a statement which was later deleted by [agency] as inadmissible.

The grievant considers the inspector's report to be incomplete, inaccurate, and, in part, unfair. He believes that his ability to discuss his work situation with him was severely limited by the inspector's refusal even to read the contested OER. He contends

that he had not signed the OER on the advice of a senior official at the post, and that the rater, reviewer, and post review panel, shared responsibility for holding up the OER. He withheld his comments on the report while awaiting the Agency's action on his request that he be reassigned, reasoning that the comments he intended to make would further alienate Mr.

B, who would prepare the reviewing statement on his next OER. The length of time spent on emergency leaves further delayed submission of the report.

The comment by the inspector that he was "lacking in Service discipline" is unfair, the grievant contends, because at no time did he fail to comply with an order. His willing acceptance of his first overseas assignment, despite his belief at that time that it would not be rewarding to him in terms of promotion, and his positive attitude in continuing to carry out his responsibilities in (post) when his request for reassignment was denied, belie the inspector's statement, he argues. Since he had no indication from his superiors that by withholding the June 197- OER he would incur a penalty, the inspector's recommendation that a letter of admonition be placed in his file is completely unjustified, he contends.

Finally, by devoting two-thirds of his inspection report on grievant to the 197- OER, and only one-third to his actual performance over a one and one-half year period, the Inspector's report is unbalanced, in the grievant's view.

3. OER of June 15, 197

This report, the grievant alleges, reflects improper pressure on his new rating officer, Mr. C, by both Mr. A, his previous rating officer, and Mr. B, his reviewing officer, to have the report include criticism of the length of the grievant's absences from post, the implication being that these absences showed him to have an irresponsible attitude toward his work. As Mr. A was to write Mr. C's OER, grievant believes Mr. C felt compelled to support his criticisms of grievant in the OER with examples which grievant believes are distorted:

-- The attention given by the rating officer to grievant's absences from post, rather than to the quality of his performance, is misleading, the grievant claims. Grievant calculates that during the rating period he was away from his office for a total of 21 weeks and four days, including temporary details and emergency leaves. He points out that both the rating

and reviewing officers themselves took leave for periods approximating his own in cumulative length. The time he spent as an acting branch chief is also understated, making obviously incorrect the rating officer's remark that grievant had "limited opportunity...to demonstrate managerial ability".

-- The rating officer's comments concerning his discussions of work performance with the grievant, i.e., need for "timely completion of work", and "keeping the post informed of his whereabouts", are unsupported, grievant claims. Neither does the rating officer give any basis for his statements concerning "unevenness" of grievant's performance and his need to develop a "more positive attitude" toward his work.

The grievant also takes issue with a number of comments made by Mr. B, his reviewing officer in this report:

-- Mr. B's statement that grievant had fully occupied himself during the first few months of the rating period with "an extended dialogue with Agency personnel concerning the review of his last OER with which he was so dissatisfied" is both inaccurate and inappropriate, [grievant] claims.

grievant points out that during eight of the first twelve weeks of the period, he was fully occupied in his job as an acting branch chief. He complains that Mr. B's use of the reviewing statement to serve as a "vehicle to criticize a subordinate's (successful) defense concerning a previous OER" was neither called for, nor pertinent to the subordinate's work performance.

-- Mr. B faults grievant for taking five months to complete a disaster manual, whereas the grievant contends it was completed in three months, and, in any case, he had not been made aware that there was any urgency attached to the project.

-- Grievant finds inaccurate Mr. B's assertion that grievant had a "penchant for unexplained absences" from his office. If this had been the case, grievant is convinced that his time away from the office would have been noted on his time and attendance record.

#### IV. AGENCY'S POSITION

The Agency holds that the grievant's performance file, in its present form, contains no procedural defects, and, furthermore, provides a balanced view of his performance which would enable

Selection Boards to evaluate his record for promotion purposes in a proper and fair manner. While there may be critical and sometimes inconsistent comments on his performance in (post) such comments are not necessarily inaccurate or falsely prejudicial. In the Agency's view, the three contested reports covering his assignment in (post) depict, in fact, a true picture of the grievant's accomplishments, as well as of his failures and weaknesses, with full recognition and consideration given by his rating and reviewing officers to the tragedies he experienced while in (post) which may have accounted in some measure for those shortcomings.

1. OER of June 15, 197-

The Agency notes that the (Office)/ (post) went to great lengths to consider all of the issues the grievant raised about this report. The Special Review Panel convened for that purpose was composed of experienced Foreign Service officers who weighed all of his argumentation, and -- in the opinion of the Agency -- correctly determined that Mr. A was grievant's proper rating officer on this report. The Panel also noted its reservations concerning the substance of the report, to wit:

"(1) It notes that the Rated Officer and the Rating Officer were unable to agree on work requirements and priorities and that, therefore, the Rated Officer has declined to make a statement under Section D, Part I and to sign Section I.

"(2) It questions whether the mention of the medical problem under Part II, (1), without setting forth the degree to which this problem adversely affects the Rated Officer's performance, is appropriate. The Panel itself was unable to make its own independent evaluation as to the degree, if any, this problem in fact affected the Rated Officer's performance and what particular aspects of that performance were affected.

"(3) It does not consider taking advice from local employees to be a valid criterion for evaluating effectiveness of personal relations and managerial ability in Part II. The Rating Officer's comments in this regard do not seem to be consistent with the Reviewing Officer's comments on the Rated Officer's manner in supervising the local staff. In fact, the Panel had the distinct impression that the Rated Officer seemed to be getting conflicting signals as to how he should conduct his relations with his subordinates.

"(4) It notes that the concept 'rank in class' is a relatively subjective one. Nevertheless, it has difficulty in understanding how the Rated Officer's performance and potential could have deteriorated so sharply since the last rating period (Officer's previous OER was made available to the Panel by

(the grievant) and in the context of the Reviewing Officer's statements on the grievant's performance and his ranking him in the 50 percent potential category. The Reviewing Officer's statement that the Rating Officer appears to have applied his own excessively high performance standards to this rating is probably applicable in this respect.

"As general observations, the Panel notes (a) that the Rating Officer has set very strict standards of evaluation and that the report appears to be excessively subjective and (b) that the Rated Officer, working as a trainee, seems to have been subjected to more than the usual adjustment and workload in a relatively short period of time.

"The Reviewing Officer, in his statement, has shown firsthand knowledge of the Rated Officer's performance and potential and his comments and observations on the validity of the basic evaluation, obviously based upon considerable direct observation of the Rated Officer, provide a balanced commentary on the performance".

The findings of the Panel are appended, along with grievant's comments, to the contested OER. Together, these findings and comments offer Selection Boards sufficient perspective about the report to enable members to draw their own conclusions, the Agency asserts. It questions grievant's judgment in not complying with *Agency* procedures and instruc-

tions to forward the OER, once the Panel had determined that it had been prepared in accordance with standard procedures.

2. IER of April 197 -

The Agency holds that the Inspector acted properly in refusing to discuss the merits of the June 197 - OER, as grievant wished him to do, since, without grievant's signature, it was not a report of record. In the assessment, the inspector did discuss and criticize his handling of the report; he was justified, the Agency contends, in recommending that a letter of admonition be placed in his file. Furthermore, the Inspector General of the Foreign Service, having reviewed the circumstances of the report, found no basis in the regulations for changing it.

3. June 15, 197- OER

The Agency maintains that the grievant's objections to this report amount to an assertion that, because relations with his rating and reviewing officers had become severely strained, any reports written by them would necessarily be inaccurate and falsely prejudicial to him. It is the Agency's view that the strain in relations between the grievant and his

superiors was caused, in large part, by grievant himself. To illustrate this, the *Agency* points to the repercussions of grievant's refusal to sign and submit the 197- OER, including the probable effect on his superiors of his assertions that this refusal should not be of concern to them, even though, in the *Agency's* view, it demonstrated a lack of regard on the grievant's part for regulations and published policy.

The *Agency* contends that comments in the report about *grievant's* absences were included in order to make clear that the report, in actual fact, covered a much more limited period than one would expect. They were not inserted in order to find fault with him, since it was well known that his absences were for reasons which were beyond his control. Notwithstanding grievant's claims to the contrary, there were, in the *Agency's* opinion, occasions when he did not properly notify his superiors about his absences from the office. *To the Agency*, this is indicative of a person who has little sense of responsibility to either his job or to his co-workers. The *Agency* notes that many of the adverse remarks concerned attributes of the grievant which were known to exist even before the period covered by the rating.

The Agency notes that the evaluation, with the grievant's rebuttal attached, was seen by a Review Panel in (post). With the following comment which was attached by the Panel, the Agency contends that Selection Boards have a full record before them:

"The original OER was returned to contributors in order that differences in statement of facts could be reconciled. The Reviewing Officer is in the United States on home leave and has not had an opportunity to see the Panel's comments, changes in facts in the original report by the Rating Officer and the Rated Officer's comments. The Panel does not know if the Reviewing Officer may wish to revise his statement in light of the above. Given the already late submission of this OER, it was not believed that further delay should be incurred pending a possible revision of his comments. The Reviewing Officer will be returning to the post on September 2 and will be requested to review his statement.

"The Panel finds the Rating Officer's report to be neither too strict nor too lenient. The Reviewing Officer's Statement appears, in the Panel's opinion, to be slightly strict, particularly in view of the circumstances that accounted for the larger portion of the Rated Officer's absences."

The Agency concludes that the report is a balanced one, which accurately and fairly evaluates the grievant's performance during the rating period,

taking into full account the trauma he experienced when both his parents died.

V. DISCUSSION AND FINDINGS

1. June 15, 197 - OER

It was established at the hearing that a discussion took place between Mr. B and the grievant early in the rating period covered by this report at which time Mr. B, (title), indicated to grievant that he was to work primarily in Mr. A's Visa Section and that Mr. A would be his supervisor and rating officer. The post's Special Review Panel which examined the OER noted, in its report of findings dated August 10, 197-, that the grievant did not contest the designation at that time". The Board sees no impropriety in the designation of Mr. A as (the grievant's rating officer, and of Mr. B as his reviewing officer. The Personnel Office's placement of Mr. B on the OER form as grievant's rater appears to have been an error and was subsequently changed by that office to conform to the true supervisory relationship. As for the grievant's argument that Mr. B should have been his rater because that officer signed off on the grievant's correspondence, the Board notes the Special

Review Panel's comment that other considerations, such as the routine practice of having officers other than the supervising officer clear certain types of correspondence, may have been applicable at the time. Given these circumstances, the Board finds the designation of the grievant's rating and reviewing officers to be reasonable, and in conformity with 3 FAM 517.

In examining the grievant's contentions about the substance of this report, the Board has concluded:

-- The report was erroneous in that the grievant's successful handling of a 100% increase in the visa workload, despite a reduced staff, was played down by the rating officer, rather than being highlighted as a positive accomplishment of the grievant. The Board bases its finding on the fact that Mr. B, in his reviewing statement, did credit grievant with this achievement, which he noted was all the more significant given grievant's relative inexperience in consular matters at the time.

-- The evidence available leads the Board to conclude that the grievant did not use an inordinate amount of time to accomplish his visa interviews. On the contrary, there were positive results from Mr. grievant's so-called "digressions", as for example,

the use of time by the grievant to take advantage of an irreplaceable opportunity to glean some information about the international oil market from a visa applicant.

-- Mr. A's reference to the grievant's alleged speech impediment as a "medical problem" is improper under current regulations and unsupported in the text of the report. He also misrepresented the grievant's attainment of a 3-3 (foreign) language proficiency by stating that he met the "minimum requirements" of his 2-2 position.

-- The "conflicting signals" which the Special Review Panel believed were given the grievant by his rating and reviewing officers are clearly demonstrated by the variance in their comments about the grievant's effectiveness and manner with the local employees in his section, as well as their respective rankings of him with his peers. The grievant's testimony at the hearing claims that he did indeed enjoy good working relationships with the local employees, casting into doubt Mr. A's assessment of the matter.

-- His comment that grievant required "greater than average guidance" is clearly unwarranted.

--The reviewing officer's statement appears to be a fair and balanced evaluation.

In light of the foregoing considerations, the Board finds that certain deletions from the report should be made.

2. IER of April 197-

The principal purposes of Inspector Evaluation Reports, as defined in Chapter IX of the Inspector's Handbook (revised in February 1973), are:

- "1. to evaluate and place in perspective reports prepared on the employee by supervisors at the post;
- "2. to supplement, where feasible, information on the employee's potential, strengths and weaknesses, and suitability for promotion and/or assignment to more responsible positions;
- "3. to provide information on an employee's special fields of competence and to make recommendations on the desirability of training."

To effect their evaluations, the Handbook instructs inspectors to prepare their reports in the following format:

- "1. Inspector's evaluation of performance reports prepared on employee by supervisors at the post;
- "2. Supplementary remarks on employee's performance, if any; and
- "3. Comments on employee's potential."

The Board has examined the contested Inspector's Report and finds that it has been written in conformity with the guidance cited above. The inspector gave

full cognizance to the grievant's first OER, covering the period July 15 to December 1, 197-, in his statement that he had "responded effectively to the direction and supervision provided in the initial months of his first consular assignment". His comments about the contested June 197- report in Section I of the IER make clear the reasons why the subsequent rating period had not yet been covered by a report "of record", making him "unable to comment on the grievant's performance during this period".

The Board finds that the inspector fulfilled the requirement to evaluate grievant's strengths and weaknesses in his supplementary comments, which credit <sup>grievant</sup> with meeting his assigned responsibilities, and approaching his work with enthusiasm and "with a broad view for possible contributions to substantive matters". His comments about the contested 197- OER make record of a weakness which he perceived in grievant's handling of the matter. He noted that <sup>grievant's</sup> "refusal to accept counsel given him from the very beginning to utilize the prescribed procedures of the rating system...to present his position" reflected poorly on his "ability to make timely decisions with good judgment". His finding that <sup>grievant</sup> lacked Service discipline is tied to his observation that "he is no less bound by the administrative regulations to comply with the

various steps in the rating system as are rating and reviewing officers to observe the requirements levied on them. When a rating officer is unjustifiably late in submitting a report, he is issued a letter of admonition and a copy is placed in his performance file. No less should be done in grievant's case."

The inspector assessed grievant's potential in a positive manner, noting that he "has made exceptionally good use of his current tour to round out his experience in his first traditional Foreign Service assignment." He concluded that it was his belief that the grievant had the ability to succeed in either of his two preferred fields of specialization.

The Board finds in this report a fair and balanced assessment by the inspector of a young consular officer in his first traditional Foreign Service assignment. The Board notes that the Agency did not take any action to carry out the inspector's implied recommendation that the grievant be given a written admonition for his delay in submitting the June 197 - OER to his superiors. There is no justification to remove or amend the report.

### 3. June 197- OER

There is ample evidence in the record of this grievance that personality clashes and ill-feeling

existed among the officers of the (post) Consulate. There is also evidence that the grievant's continuing efforts with regard to the contested 197- OER and his absences from post on TDY and emergency leaves may have exacerbated a work environment in which a small staff was required to provide continuous services to the public, even when short-handed.

The Board has examined the 197- OER in light of the atmosphere which appears to have prevailed in the Consular Section and finds that, with one exception, the rating officer's statement offers a balanced evaluation of the grievant's performance. Given the fact that the rating officer's comments about the grievant's absences from post are at variance with the grievant's own testimony and statements in the record, the Board concludes that those portions of the rating statement which address the grievant's absences are falsely prejudicial and should be removed.

#### VI. DETERMINATIONS

The Board directs the Agency to remove from the June 15, 197- OER the following portions:

##### Section A; Part II:

"On the other side of the ledger, however, it must be pointed out that he has not always made the most effective use of his time. He tends to lose sight of the main

purpose of a visa interview (to determine eligibility) and get mired in irrelevancies. His visa interviews are inordinately long, and despite their length have not always elicited the necessary information on which to make a decision, necessitating further telephoning with the applicants or requesting them to return for reinterviews. In one instance an applicant still had no decision on his visitor visa application after three trips to the office, two interviews (the second lasting nearly an hour) and completion and submission of several sets of forms" (Paragraph 4).

Section C, 2 Part II:

"His ability to conduct a visa interview is significantly and adversely affected by his medical problem. His command of (language) meets the minimum job requirements; he is continuing his efforts to improve his (language) so that he will be able to dispense wholly with interpreters for (language) visa interviews."

Section C, 3, Part II:

"(The grievant's) managerial ability has been generally adequate for the work he was assigned, although he has seemed to need greater than average guidance in keeping his own work priorities well ordered. He has occasionally misplaced material and files for which he had responsibility, resulting in some disruption of the work of the office. One such slip, the misplacing of a group of visaed passports, nearly caused a group of persons to miss a charter flight departure. (The grievant) is aware of the necessity of avoiding such

slips, and I believe it unlikely that they will recur. His working relationships with his subordinates have been as much characterized by antagonism as by cooperation. They feel he does not trust them and is unwilling to learn from them things they can and are willing to impart to him."

The Board also orders the deletion of the following portions of the June 197 OER:

Section B. Part III:

"Before departing the Post on May 20 (grievant) informed me and the secretary of the chief of the section in separate telephone conversations that he intended to return to work on the following Monday, May 26. It was anticipated that this date would be kept as (the grievant) had just spent 4 weeks in the USA and was aware at the time of his departure on May 20 that the Section would be reduced from 5 officers to only 1 officer in addition to himself during the period immediately following his scheduled return on May 26. On June 3, as a request to the (Agency) concerning grievant's whereabouts was being prepared, a telegram was received from the Agency, stating that grievant would return to Post on June 6. On June 10, a telegram was sent to the (the Agency), advising them that (the grievant) had not returned and requesting them to locate him and advise the post of his travel plans. The (Agency) advised that (the grievant) had departed (State) on June 7. He did not report until June 11, 2 1/2 weeks later than he said he would. His failure to

return as scheduled without informing the post forced deferments in appointments and work schedules until he actually reported for duty."

The Board further finds that the reviewing statement, taken separately, is contradictory, and, more importantly, is based upon certain alleged facts which, upon examination, were found to be erroneous. The Board therefore orders that the following sentences from the reviewing officer's statement be expunged from the grievant's June 197 - OER:

"Last October, (the grievant) was given an assignment to prepare a draft of a disaster action plan for the post so that key (Agency) personnel could take with minimum delay immediate and effective emergency supportive action in a disaster situation (air, train or bus accident or a natural disaster) involving American citizens. This task, for which general guidance had already been supplied by the the (Agency) was only completed five months later, again despite repeated queries from his supervisors. These instances are indicative of either an inability or unwillingness on <sup>grievant's</sup> part to recognize and establish work priorities to meet work deadlines and were a great disappointment to me since his evident abilities are obviously underutilized or misdirected. (The grievant's) absences during approximately forty percent of the reporting period, coupled with those of his supervisor, worked a definite hardship on the latter in his efforts to

prepare a conscientious and accurate assessment of the rated officer's work performance. This problem was compounded by (the grievant's) penchant for absenting himself from the office for extended periods without reporting to clerical or supervisory personnel his whereabouts. Since the Consular Section is a public service sector, these often unexplained absences created embarrassing problems for personnel who had either prepared documents for his signature or scheduled interviews in anticipation of his availability to provide the required service."

The 197 - Selection Board based its evaluation of the grievant's performance, at least in part, upon material in the 197- and 197- OERs which the Board has ordered deleted. The grievant was low-ranked in 197-. The Foreign Service Grievance Board orders that this low-ranking be deleted from all records and that the records be made to show that the grievant received a non-rate for that year. The Board further orders that the following statement be inserted in

*grievant's* Performance File:

The Foreign Service Grievance Board has ordered certain portions in the 197- Officer Evaluation Report prepared on the grievant in (post) deleted from his Performance File. This action was taken on the grounds that the material was erroneous and falsely prejudicial.

The Foreign Service Grievance Board has ordered Paragraph 3 of Section B, Part III, and six sentences from the Reviewing

Officer's statement in the 197- Officer Evaluation Report prepared on ~~the grievant~~ deleted from his Performance File. This action was taken on the grounds that this material was erroneous and falsely prejudicial.

The Board has been informed that ~~grievant's~~ file has already been examined by Board B of the 197- Selection Boards. The Grievance Board also understands that Selection Board B will continue to evaluate files for a certain period of time, with adjournment now contemplated no earlier than November 4. The Grievance Board orders that ~~grievant's~~ Performance File again be placed before Board B when all of the changes ordered above have been effected. ~~The Agency~~ is directed to ask Board B to make a fresh evaluation of the grievant's file, as revised, and to base its ranking of him solely thereon.