

Green vs. State Dept.

Case DOS - F-125-1D

Exhibit 23 of \_\_\_\_\_

AWRC Exhibit 23 – OF-118 security incident Jan 31 2011  
THE DAY AFTER I CONFRONT MY CURRENT  
SUPERVISOR ON THE ISSUE OF OVERTIME  
HE BEGINS A REPRISAL IN THE FORM OF A  
SECURITY INCIDENT. HE STILL DOES NOT KNOW  
OF THIS CASE.

## Statement of Person Suspected of Incident – Summary

January 31 2011

My name is Marvin Green, I am a 2<sup>nd</sup> tour IMS in a training slot at Embassy Wellington. I was not tenured on my first tour in Freetown, (despite a strong recommendation for tenure from the IMO and MO in Freetown). Tenure results for the IMS/IMTS 99<sup>th</sup> class were: all candidates under 40 were tenured and 4 of the 5 candidates over 40 were not. I have an active EEO complaint that is currently being investigated by Tim Liddiard [liddiard2@att.net](mailto:liddiard2@att.net) . One aspect of my EEO complaint is that I was required to work unpaid overtime to achieve comparable productivity to younger IMS workers. I worked <sup>the</sup> hours, I got the recommendation and am now insisting on payment for all hours ordered and worked.

On Jan 25 I was accused by Tim Simas of falsely claiming overtime while he was on Christmas vacation. I demanded a meeting with the Management Officer. The next morning, on Jan 26 Tim Simas came in before me (unusual) and began fabricating (opening a safe) and altering evidence (adding a phone number) pertinent to this investigation.

1. I was improperly trained on the correct delivery procedure. The only evidence of any training is a small piece of paper on the wall in the courier vault. It had no phone number on it prior to Jan 26.
2. My training supervisor, Tim Simas, improperly added a phone number to the small piece of paper on the wall in the courier vault. He altered evidence, increasing my culpability, attempting to falsely show that I failed to call for instructions prior to delivering an item to the DAO. He presented altered evidence as fact to the RSO.

U.S. Department of State  
**RECORD OF INCIDENT INSTRUCTIONS**  
**FORM OF-118**

**Complete Part 1A. for Information Security Incident.**  
**Complete Part 1B. for Cyber Security Incidents only.**

Upon receiving a **Notice of Incident (OF-117)**, a security specialist determines who is responsible for the incident and ascertains the possibility or extent of compromise. For **domestic incidents**, the respective Bureau Security Officer (BSO) or DS/IS/APD investigator briefly summarizes the investigation in Part 1 of the **Record of Incident (OF-118)**. The suspected employee shall complete Part 2 and the respective BSO or Primary Unit Security Officer (PUSO) shall complete Part 3. For **overseas incidents**, the suspected employee shall complete Part 2 of the OF-118 and the Regional Security Officer (RSO) completes Parts 1 and 3, which must include but need not be limited to the following:

- a. Name the person suspected of committing the incident.
- b. Provide the parent agency/company of the person suspected of committing the incident.
- c. Provide the highest classification involved (**for CSIP list employment status**).
- d. Estimate the possibility of compromise, (**n/a for Cyber Security Incidents**).
- e. Note whether or not a Close of Business Security Check was in place, (**n/a for Cyber Security Incidents**).

**Part 2.** The employee may comment on the incident in Part 2, and include any mitigating circumstances. The employee must sign in the space provided, obtain signature from his/her immediate supervisor and return the completed form to the RSO or BSO/USO within three working days.

**Part 3.** The RSO or BSO/USO comments on the incident taking into account any statements the employee provided in Part 2.

**DISSEMINATION OF COMPLETED**

**Domestic Incidents:** A Uniformed Protection Officer shall forward the original Notice of Incident (OF-117) to DS/IS/APD for both infractions and violations.

**Overseas Infractions:** The RSO shall maintain a file of the Information Security and Cyber Security Incidents that occur within a 36-month window for each employee at Post. The RSO shall forward all OF-117's and OF-118's to DS/IS/APD after each incident occurs.

**Overseas Violations:** The RSO shall forward the original OF-117 and OF-118 to DS/IS/APD, retain a copy at post for inclusion in the employee's personnel file, and forward a copy to the employee.

**INFORMATION SECURITY INCIDENT CODES**

<u>CODE*</u>	<u>INCIDENT</u>	<u>CODE*</u>	<u>INCIDENT</u>
CCM	Classified Left in Copy Machine	RED	Red Switch Phone Enabled
CEP	Classified Left in Excess Property	RSA	Failure to Set Alarm
CIK	CIK Left in or Around STU III/STE	SCI	SCI Violation
CKL	Classified in Keylock Cabinet	SOA	SAP, NODIC Improper Storage
CLD	Classified Left on Another's Desk	TRS	Transmission Incident
CPC	Classified Protruding From Containing	TSB	Top Secret in Barlock
CSC	COMSEC Incident	UGB	Unsecured Burn Bag
CSU	Classified Sent Via Unclassified Pouch	UCH	Unsecured Classified Hardware
CTV	CRYPTO Violation	UCP	Unsecured Classified on Printer
CUC	Classified on Unclassified Computer	UCW	Unsecured Classified Password
CUM	Classified Sent Via Unclassified Mail	UDC	Unsecured Documents
CUP	Classified Given to Uncleared Person	UDD	Unsecured Disks/Diskettes
DCP	Discussing Classified on Phone	UHD	Unsecured Hard Drive
FAX	Classified Sent Via Unclassified FAX	UMC	Unmarked Document given to Another
LOG	Classified Computer Logged On	UPW	Unsecured Password
MDL	Unsecured M.D.L.	USC	Unsecured Combination
POD	Pouch Violation	USF	Unsecured Safe or Barlock
RBX	Classified in Recycle Box	UVD	Unsecured Vault Door
RCP	Reading Classified in Public	WAB	Classified Material in Waste Basket

**CYBER SECURITY INCIDENT CODES**

<u>CODE*</u>	<u>INCIDENT</u>	<u>CODE*</u>	<u>INCIDENT</u>
CYI-CUC	Transfer Electronic Data From SBU to C-LAN	CYV-IIS	Access Improper Internet Sites/Services
CYI-DIPS	Disclosure of Non-PKI Password	CYV-MC	Introduction of Malicious Code
CYI-DPKI	Disclosure of PKI Password	CYV-NPKI	Installation of Non-PKI Hardware/Software to CAS
CYI-IIS	Access Improper Internet Sites/Services	CYV-NCSC	Non-Compliance w/Critical Security Configuration
CYI-T2C	Failure to Remove Smart Card from Unattended Work	CYV-PKI	Use of PKI to Conceal Unauthorized Act
CYI-UNA	Unauthorized Access	CYV-TSS	Tampering w/Security Seals on (IT) Devices
CYV-CAS	Unauthorized Access to Certificate Authority Servers	CYV-U2C	Introduction of Unauthorized Type 2 Cryptography
CYV-CCB	Installation of Software not Authorized by CCB or LCCB	CYV-UAA	Provide/Achieve Unauthorized Admin. Level Access
CYV-DUH	Deliberate Intro. of Unauthorized Hardware	CYV-UNA	Obtaining Unauthorized User-Level Access
CYV-DUS	Deliberate Intro. of Unauthorized Software		

**PRIVACY ACT STATEMENT**

We are authorized to collect this information by 5 U.S.C. §§ 301, 3301, and 7311 and by Executive Orders 9397, 10450 (as amended), and 12958 (as amended). This information is used primarily by the Department of State to identify personnel who have been cited with information or Cyber Security Incidents. Additional uses of the provided information may include:

- A. Distribution within the Department of State for evaluating job performance, promotions and/or security clearances.
- B. To your agency or company if you are not a federal employee of the Department of State.

Executive Order 9397 authorizes us to collect your social security number. Furnishing the social security number, as well as the other data requested on this form, is voluntary, but failure to do so could cause you to be misidentified and/or wrongly cited with a security incident.

# January 2011

January 2011							February 2011						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
2	3	4	5	6	7	8	6	7	8	9	10	11	12
9	10	11	12	13	14	15	13	14	15	16	17	18	19
16	17	18	19	20	21	22	20	21	22	23	24	25	26
23	24	25	26	27	28	29	27	28					
30	31												

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Dec 26	27	28	29	30	31	Jan 1, 11
12/26 - 31						
2	3	4	5	6	7	8
1/2 - 7						
9	10	11	12	13	14	15
1/9 - 14						
16	17	18	19	20	21	22
1/16 - 21						
23	24	25	26	27	28	29
1/23 - 28						
30	31	Feb 1	2	3	4	5
1/30 - 2/4						
	RESPOND TO OFFICE RECORD OF INCIDENT					
	WOL 1 PM	FROM AND I GO TO MC TO DISCUSS OT	LEFT CAMPUS WITH JESSICA COURIER VAN DOOR DISCREPANCY	OT DISCUSSION WITH EDWIN 13:00	8:00am medical appoint ment at 10am MET WITH RSC WENT DOWN TO COURIER VAN	

Marvin:

Tasks.

26 Jan 2011 - WEDNESDAY

Marvin, these are the primary tasks needed to get done today.

Note -

When you closed on Friday you didn't lock the safe - it was still open when I got in on Tuesday.

You didn't change the system back-up tape yesterday (Tuesday).

The discussion re pouch on Jan 4<sup>th</sup> - you were in the office and didn't sigh out on the SF701 sheet by

the door. This needs to be completed every night, by the last person out. - TIM STARTED PATTING THE TIME ON THIS FORM BECAUSE HE IS USUALLY THE LAST ONE OUT AND OFFER REPORTS. Marvin, there have been too many lapses of basic security. Combined with the pouch issues - if there

is another lapse - I'm going to be writing it up officially. NEVER ONE QUESTION ON COMSEC IN

Today:

- 1 - all comsec items need to be brought up to IPC and have receipts sent out on Cards.
- 2- continue with inventory in IPC and we'll collect the drives from 2<sup>nd</sup> floor.
- 3. the batteries need to be changed on the KIK's.
- 4. after lunch we'll go through the Comsec worksheet for the inspection.

NEVER ONE QUESTION ON COMSEC IN 2 YEARS NO EXCEPTIONS, 3 questions in 3 months in COLLECTION

ON TUESDAY TIM AND I WENT TO THE MD AND DISCUSSED IT I SUBMITTED WHILE HE WAS ON CHRISTMAS LEAVE. HE RETURNED ME AS HAVING TRIED TO TAKE ADVANTAGE OF HIS ABSENCE BY SUBMITTING 2 ITEMS THAT WERE IN ARKENS TO. I HAD SUBMITTED 2 ITEMS THAT WERE IN ARKENS FROM BEFORE HE LEFT.

WHY DID HE DO THIS MEMO THE NEXT DAY? WHY WONT YOU TALK AFTER ALL DISCUSSING IT? - CAN BE DONE ANY TIME BEFORE NEXT MONDAY

TIM STARTED PATTING THE TIME ON THIS FORM BECAUSE HE IS USUALLY THE LAST ONE OUT AND OFFER REPORTS.

**From:** Green, Marvin E  
**To:** Simas, Timothy J  
**CC:** Herren, James D  
**Subject:** courier vault entry discrepancy  
**Sent:** 1/26/2011 12:06:19 PM  
Tim,

As I entered the Courier Vault this morning I noticed the file drawer open and the printer turned off indicating that the room was entered last night after I had left it secured for the day.

Since there are 10 items of COMSEC material that I have signed for; I am disturbed that there is no matching entry on the security container check sheet that documents your entry and exit from the Courier Vault.

Please ensure that each entry and exit from the Courier Vault is documented accurately.

Marvin  
IMS Wellington  
IVG 847-6116

This email is UNCLASSIFIED.

**From:** Eustaquio, Edwin B  
**To:** Simas, Timothy J; Green, Marvin E  
**Subject:** OT Discussion  
**Sent:** 1/27/2011 4:14:03 PM

Tim/Marvin: This is just to confirm that a job discussion was conducted on Jan 27, 2011 starting at 1300 in the HROs office. The discussion was initiated to resolve any misunderstanding on the issue of Overtime, specifically on what the supervisor and employee's responsibilities are in the scheduling, approving and completion of the DS-3060 form.

It was agreed that the supervisor will initiate the overtime request and inform Marvin as far in advance as possible if a Regularly scheduled overtime is expected to take place via email. Marvin will complete his portion of the form and forward it to Tim via eForms. Tim will then print the form and sign Part I and will keep the form in IPC until the actual OT work has been completed. Page 2 of the form will then be completed to indicate the actual hours of OT performed. The supervisor and employee will affix their signatures at the bottom of the page to indicate they both agree on the OT work that was completed. The supervisor will then present the form to the Management Counselor for his signature, before handing the form to the IPC Admin Asst for submission to HR for processing.

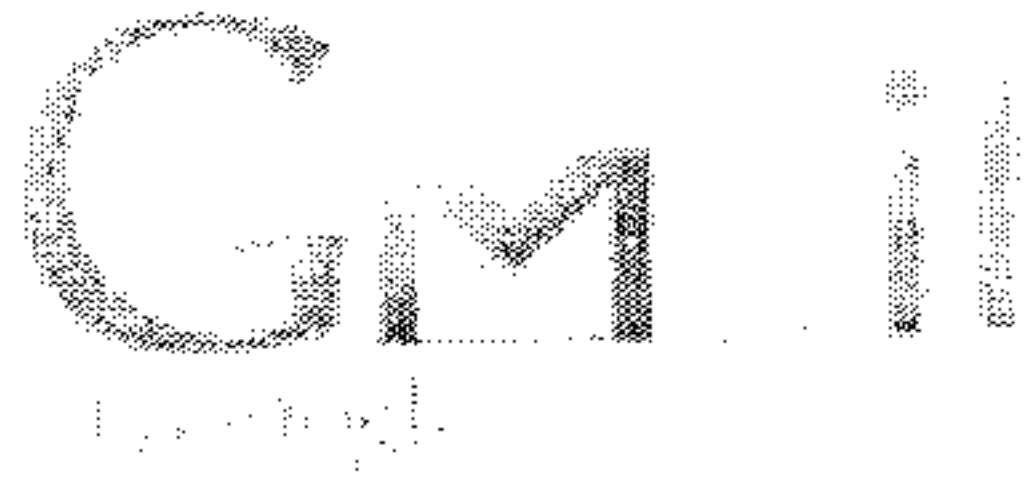
Marvin did voice his concern that the absence of the MCs signature in Part I of the form will render the OT request unauthorized. So I relayed the Management Counselor's guarantee that any OT ordered by Section supervisors will be paid for actual OT work performed by an employee to alleviate his concern.

Another issue that was discussed was how much notice should be given to the employee in the event a regularly scheduled overtime will be cancelled. Marvin feels he should be given as much advance notice as possible since this affects how he plans his daily schedule. Tim agrees, and will inform Marvin as soon as he receives word if OT will have to be cancelled. Marvin feels that he should still be compensated even if the OT work did not take place, if he was not given enough notice of the cancellation. So I informed him that premium compensation can only be paid for actual OT work performed. There is also no additional compensation for being "on call" status.

The discussion was concluded after it was understood what each individual's responsibilities are as indicated above, and no further questions or concerns were raised. Best, Edwin

*Edwin B. Eustaquio  
Human Resources Officer  
American Embassy Wellington  
U.S. Mission to New Zealand and Samoa  
Tel No: (64) 4-462-6151  
Cell No: (64) 27-451-7446  
IVG: 847-6151  
Email: [EustaquioEB@state.gov](mailto:EustaquioEB@state.gov)*

SBU  
This email is UNCLASSIFIED.



Marvin Green &lt;marvin.e.green@gmail.com&gt;

## Emailing: Threatened COMSEC Violation 2011 01 260001.pdf

3 messages

Green, Marvin E &lt;GreenME@state.gov&gt;

Fri, Jan 28, 2011 at 1:55 PM

To: liddiard2@att.net

Cc: marvin.e.green@gmail.com

<<Threatened COMSEC Violation 2011 01 260001.pdf>> I worked for 4 years as a restaurant manager (1974-8). I was standing in the lobby with my supervisor looking back into the kitchen when my grill man started digging in his nose for boogers. I had to fire the guy but couldn't really cite him for having his fingers up his nose so I had to write him up three times for uniform violations and then fire him.

In the State Dept COMSEC (Communications Security) violations will get you fired quickly. Usually they follow the 3 strikes rule. My predecessor said she was written up several times but fought it successfully. I was never even threatened in Freetown, Josh Hromatka was very consciences on COMSEC and except for the OT and a couple of personnel issues we agreed more that we disagreed. In the area of COMSEC we trusted each other quite well.

I'm going to a meeting in 10 min with the Regional Security Officer because I delivered a classified package that was addressed to DoD, to our local Navy Captian, Defense Attache. Apparently It was supposed to be deliver it to another DoD group that I didn't even know was part of DoD.

I wasn't trained properly before my supervisor went on vacation. Because it involves COMSEC it can never enter the personnel system. As an investigator be very wary of security violations. They are another tool that supervisors use to intimidate employees into behaviors that don't require the supervisor to take written responsibility for their action as they would have to if they put the action into a work counseling statement.

Hopefully I'm off to only get my hand slapped.

Marvin

Privacy/PII

This email is UNCLASSIFIED

 Threatened COMSEC Violation 2011 01 260001.pdf  
17K

Sun, Jan 30, 2011 at 8:01 PM

Marvin E. Green (gmail) &lt;marvin.e.green@gmail.com&gt;

Reply-To: marvin.e.green@gmail.com

To: "Gao, Yi E (Wellington)" &lt;GaoYE@state.gov&gt;

Cc: Liddiard &lt;liddiard2@att.net&gt;

Eve, I believe Tim has interfered in 2 ongoing official investigations--he has altered evidence in

the RSOs investigation of a COMSEC incident where he is trying to increase my liability and decrease his own, (I delivered suslow material to DAO). Secondly, he is attempting to use the threat of a COMSEC violation to punish me for the prosecution of my age discrimination complaint related to the non-payment of overtime ordered and already worked.

After you read the message ~~way down below~~, <sup>ABOVE</sup> at the ~~bottom~~ of this forwarded e-mail, this is what happened next:

I went down to the RSOs office and he had a blank investigation form to be filled out and one of those labels from one of the suslow boxes on his desk. He had obviously been coached by Tim because he pointed to the "To" address which had a mixture of letters and numbers and I pointed to the "From" address where it had "DoD" and "Fort Meade."

I told the RSO, "Please come down to the courier vault and let me show you my "training". So we went down to the courier vault and I opened it and we went in and he shut the door so we could talk. I pointed to that piece of paper on the left side as you enter the vault door. As you may recall it has those numbers and letters that are on the "To" label of the suslow boxes with an arrow that points to 5 or 6 letter that start with a "G". There isn't much more than that. There was 2 lines but not much more and it didn't make much sense.

So I'm standing there with Paul (Regional Security Officer) and I notice a phone number has been added to the paper. I say "that wasn't here before, he has added a phone number". Then I reach over for a pencil from the computer side, one with an eraser and erased the last digit. It was written in pencil! The rest of the of the paper is written in copier toner I think. I tried to erase a character of the original lettering and it would not erase then I wrote back the last digit onto the paper. The phone number was in Tim's handwriting. Paul observed all of this and then we left together.

Eve, I complained about Tim not following the overtime rules as they are written on the DS-3060 General Instructions--to the Management Officer. I complained this week but we discussed it the previous week and he had started looking into my "abuse" of overtime while I was in charge and he was gone over Christmas break. The MO directed us to the HR Officer to reach an understanding. The HR officer sent us an e-mail that follows the DS-3060 General Instructions almost word for word. I think it was last friday night or Tuesday morning, (it was a holiday Monday), around the time the HR guy issued the OT memo, at some point Tim entered the courier vault and changed that scrap of paper on the left wall--in pencil, adding a phone number that theoretically I should have called before misdelivering the classified suslow boxes to the DAO. When Tim entered the courier vault he did not initial the door log when he entered the courier vault (and I complained to the MO about this lapse in an e-mail last week when I noticed he had been in there). Tim added a phone number to the scrap of paper to make it look like he had previously instructed me to call a number when I didn't know where a box should be delivered. I believe he showed this "cooked evidence" to the RSO before I took the RSO down to view the same thing--he altered evidence in a pending investigation to shift blame from himself as a trainer to me as a trainee. He came to work before me (unusual) Tuesday morning and "found" container 3 open (backup tapes)--which I am sure I closed friday. (I generally don't leave these drawers wide open during the day and this one was wide open by at least a foot). There is no way I left it open--but I did not initial the log sheet for container 2 when I closed the safe Friday. Tim drew circles around the empty entries on Wednesday morning (after having given me a day to "cook" the evidence against myself), because I didn't touch and try to cover my mistake on Tuesday and then he wrote the memo on wednesday 26 Jan 2011 (which is attached).

You should be able to understand and follow exactly what I'm saying since you worked here for two years and for Tim for about a year. I'll summarize for the Dept of Labor investigator: Two

weeks ago Tim came back from Christmas leave. DOA reported that the boxes were not theirs. We retrieved them together and delivered them to suslow. Tim came in early Tuesday and started covering himself and shifting the blame to me. As part of the blame game he retrieved all the overtime I had submitted while he was gone and reviewed it and attempted to present it to the MO as himself as the conscientious manager stopping me from "taking advantage" of the overtime system while he was gone. I complained loudly to the MO and he reviewed my (this pending) complaint and implemented the overtime policy correctly and without variation from the written form's (DS-3060) instructions. Tim, still not aware of my complaint or the gravity of the situation, went down to the courier vault and altered our "cheat sheet" to add a phone number--making it look like I had not called when I decided who to deliver the boxes to.

In Freetown I had the good sense to bide my time until after I was recommended for tenure. So, two IMO/supervisors have both used denial of overtime to induce me to work faster and longer to be the equal of younger workers such as yourself. When I complained in Freetown my HHE was withheld 4 1/2 months in an effort to compel me to sign time cards that would have killed my discrimination complaint. This time I'm being given a security violation to silence me. In Freetown I went 2 years without a single security incident. I've been here 4 months and there have been 2 incidents so far. I reminded the MO and CCed you that I am, and you were, in a FS-5 slot here which is a training slot that is ordinarily assigned to 1st or 2nd tour new hires.

I'm on question 17 of 34 of my "Request for Affidavit". Tim Liddiard is the EEO investigator (in Wisconsin) whom I believe is contracted to the Dept of Labor, not State. I don't know if he is a State Dept WAE or former employee--could be. I'm not sure whether it is safe for you to talk to him or not--but you are my most critical witness to Tim's past pattern of behavior and whether there was a phone number on that suslow scrap of paper on the wall--and that is question 17 on this paper I am filling out.. I have not shared any e-mails from you and won't without your OK. I must put down your e-mail address on this affidavit. I will e-mail you a copy when I'm done and send you any other information if you are interested.

Tim has told me that you were born in China and have a father there that you have visited. He also said, somewhat derisively, that you were on stress medication while you were working for him. I asked the other agency person here about keeping my security clearance and he advised that they only get upset when you try to hide things--and trust me--the irony of that is not lost on me one bit. I can only guess how stressful it must have been for you if Tim threatened you with security violations. As an American you have every right to complain without fear of retaliation. I don't have a lot of faith in the system either but I think the present circumstances are a lucky exception to the norm.

I don't know if this EEO investigator has a security clearance but we will find out and act appropriately. Since the word suslow appears on the embassy phone list and it is classified Sensitive But Unclassified--this e-mail is likewise classified as SBU.

Be brave. I think it will be OK.

Marvin

[Quoted text hidden]

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Thanks,

Marvin

Wellington pouch address - personal and official mail:

MARVIN E GREEN  
4360 WELLINGTON PL