

----- Forwarded message -----

From: MacLean, Robert <rjmaclean@gmail.com>

Date: Tue, Jun 23, 2009 at 6:18 AM

Subject: June 23, 2009 Complaint / MSPB docket # SF-0752-06-0611-I-2

To: OIGHotline@opm.gov, wwscott@opm.gov, finance@opm.gov

Cc: Peter Noone <pnoone@averydooley.com>, Patrick Tinsley <ptinsley@averydooley.com>, Larry Berger <fleoaatty@aol.com>, Tom Devine <tomd@whistleblower.org>

Dear Honorable Patrick E. McFarland,

Given more questionable events, I would like to respectfully request that my June 23, 2009 complaint be amended regarding the Washington DC U.S. Merit Systems Protection Board (MSPB) actions surrounding their handling and marking of their June 22, 2009 decision in my case.

On June 23, 2009 at 4:58 PM Eastern, I called the MSPB in Washington DC and directed an inquiry to Bernard Parker. I inquired about a document on my personal, password-protected MSPB electronic "repository" about a document listed that required a separate ***"This .PDF is password protected. Please type the password below. Password: \_\_\_\_\_"*** to open. This document was entered as TAB # 28 and titled "Opinion and Order" along with ANOTHER "Opinion and Order" entry as TAB # 27. Bernard Parker informed me that the TAB # 28 document cannot be opened by me and that this password-protected "Opinion and Order" document could only be directly emailed to me. He verified my email address on file -- rjmaclean@gmail.com -- and told me it was on the way; I have never received this password, protected document.

On June 23, 2009 at 5:08 PM EASTERN (after hours for the MSPB), I took a screen shot of my password-protected personal "repository" along with the .PDF password prompt for the June 22, 2003 "Opinion and Order." Please note that the MSPB had removed the "Sensitive Security Information (SSI)"-marked document from its public Internet website early in the morning of June 23, 2009 and was responding to media inquiries thereafter. Here is the screen-shot I took:

<http://bit.ly/e5dqF>

In another document TAB entry in my personal, password-protected MSPB repository, my electronic repository does not allow me to open another document titled: TAB # 29: "TSA Cover sheet" dated 6/23/2009 submitted by "Coleman." I filed an online inquiry on 6/24/2009; I have never received a response. Another issue that troubles me: I received a hard-copy of the MSPB's June 22, 2009 decision in the U.S. Mail on June 26, 2009. Each page was again marked "Sensitive Security Information (SSI)" with all of the "WARNING" nondisclosure disclaimers. With very strict adherence to TSA's SSI regulations by the Washington DC MSPB: A green-colored Transportation Security Administration (TSA) cover sheet declaring

the document was SSI was stapled to the decision, and "To Be Opened By Addressee Only" red ink stamps all over the Certified U.S. Mail envelope. To view image of MSPB's package, click here:

<http://bit.ly/OjgGd>

The General Counsel for the MSPB told the "Center for Public Integrity" that a "computer glitch" caused their decision to be uploaded onto their public Internet website late on June 22, 2009. Here is a link to the June 25, 2009 Center for Public Integrity's article:

<http://bit.ly/10jqrL>

Since when do computers "glitch," and staple a bright green TSA SSI coversheet, red ink-stamp, package, and mail Certified U.S. Mail SSI-marked documents?

Please note I am not questioning the fact that the MSPB mailed the SSI-marked decision, but I do want to bring to your attention that these actions showed the MSPB followed TSA's SSI regulations with very strict adherence -- as opposed to a minor "computer glitch."

The MSPB must have known about this controversial case being in every major newspaper -- recently the front page of the Washington Times [ <http://bit.ly/13DUmw> ] -- including ABC News, CNN, MSNBC, and Fox News. This coupled with the fact that the MSPB has had this case on their docket since May 9, 2006, studied SSI-related case law and regulations in their main Washington DC office for the last six months, and finally rendered a 19-page decision solely on SSI issues: How does the MSPB now casually dismiss **ALL** of this as simply being a "computer glitch?"

Given all of these actions, inactions, and contradictory actions and statements by the MSPB, I strongly believe that it should be thoroughly investigated whether or not the MSPB had the Transportation Security Administration's (TSA) Office of SSI reviewed and designated their June 22, 2009 decision as SSI **PRIOR** to the MSPB uploading its initial SS-marked decision document on June 22, 2009 onto its public Internet website.

I would like to respectfully request an investigation of unclassified information marking malfeasance at the TSA Office of SSI and/or the MSPB in violation of 5 U.S.C. 552 and 49 CFR parts 15 and 1520.

Sincerely,  
Robert MacLean  
20 Waltham Road  
Ladera Ranch, CA 92694  
Phone: 310-218-6176

Email: [RJMACLEAN@GMAIL.COM](mailto:RJMACLEAN@GMAIL.COM)

Cc:

Peter H. Noone, Esq.

Patrick Tinsley, Esq.

Thomas Devine, Esq.

Lawrence Berger, Esq.

----- Forwarded message -----

From: MacLean, Robert <rjmaclean@gmail.com>

Date: Tue, Jun 23, 2009 at 6:18 AM

Subject: Complaint for INTAKE

To: OIGHotline@opm.gov, wwscott@opm.gov, finance@opm.gov

Cc: "Matthew L. Issman" <issmanm@oig.treas.gov>, Peter Noone <pnoone@averydooley.com>, Patrick Tinsley <ptinsley@averydooley.com>, Larry Berger <fleoaatty@aol.com>

Dear Honorable Patrick E. McFarland,

I would like to file a complaint. The U.S. Merit Systems Protection Board (MSPB) has posted a "Sensitive Security Information" document on its publicly accessible website in violation of 5 U.S.C. § 552 and 49 CFR parts 15 and 1520.

Please click and open, and you will notice that EVERY page of the decision is unredacted but yet every page has an SSI "WARNING" disclaimer:

<http://www.mspb.gov/netsearch/viewdocs.aspx?docnumber=422879&version=423882&application=ACROBAT>

In case this link is broken, you can also access the SSI-marked/unredacted decision by going to [www.mspb.gov](http://www.mspb.gov), click on "MSPB Decisions" in the top center of the page, and then click on "Robert J. MacLean."

In the case this SSI document has been removed or redacted, I have taken screen shots of it along with a copy of the SSI-marked and unredacted version:

<http://tinyurl.com/openmspbssi>

On June 22, 2009 at 23:02 hrs Eastern, Matthew L. Issman verified that the SSI document was posted on the MSPB's public website without any security and without any redaction. If needed, there are several more witnesses who can also verify this.

I would like to respectfully request that you reply verifying receipt of this complaint.

Respectfully,

Robert MacLean  
20 Waltham Road  
Ladera Ranch, CA 92694  
Phone: 310-218-6176  
Email: RJMACLEAN@GMAIL.COM

Cc:

Peter H. Noone, Esq.  
Patrick Tinsley, Esq.  
Thomas Devine, Esq.  
Lawrence Berger, Esq.  
Matthew L. Issman, Assistant Attorney General for Investigations, U.S. Department  
of Treasury