

MARTIN AKERMAN v. DEPARTMENT OF THE ARMY

Docket # DC-1221-22-0257-S-1

Reopening an Appeal Dismissed Without Prejudice

Summary Page

Case Title : MARTIN AKERMAN v. DEPARTMENT OF THE ARMY

Docket Number : DC-1221-22-0257-S-1

Pleading Title : Reopening an Appeal Dismissed Without Prejudice

Filer's Name : Martin Akerman

Filer's Pleading Role : Appellant

Details about the supporting documentation

| # | Title/ Description | Mode of Delivery |
|---|--------------------|------------------|
| 1 | 3 IRAs | Uploaded |

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MARTIN AKERMAN v. DEPARTMENT OF THE ARMY

Docket # DC-1221-22-0257-S-1

Reopening an Appeal Dismissed Without Prejudice

Online Interview

1. I am requesting that my case be re-opened for the following reasons:

OSC made a mistake. Hoping MSPB will reopen this on their own given the new evidence.

**U.S. OFFICE OF SPECIAL COUNSEL**

1730 M Street, N.W., Suite 300
Washington, D.C. 20036-4505
(202) 804-7000

February 28, 2022

VIA ELECTRONIC MAIL

Martin Akerman
2001 North Adams St
Unit 440
Arlington, VA 22201
makerman@gmail.com

Re: OSC File No. MA-21-1602

Dear Mr. Akerman:

The U.S. Office of Special Counsel (OSC) terminated its inquiry into your allegations of violations of prohibited personnel practices under 5 U.S.C. § 2302(b)(8) and (b)(9) on February 28, 2022. The purpose of this letter is to notify you that you may file an “individual right of action” (IRA) appeal seeking corrective action from the Merit Systems Protection Board (Board).

You were a GS-15 Supervisory Information Technology Specialist in the Chief Data Office (SAF/CO) within the U.S. Department of Defense (DOD), Department of the Air Force (AF), Air Force Secretariat who served as the Director of Strategy and Staff for Strategy and Governance (COS), a component of SAF/CO.¹ You allege that the Chief Data Officer, Eileen Vidrine, and other agency officials retaliated against you when, in May of 2021, you began disclosing, both orally and in writing, that you believed the manner in which Ms. Vidrine went about reorganizing the SAF/CO was unlawful. In retaliation, you allege that the AF took the following actions against you: (1) Col Michael McDaniel, former Deputy Chief Data Officer, issued you an written admonishment on May 25, 2021 citing unprofessional conduct; (2) Col McDaniel issued you a letter of reprimand on June 15, 2021 for conduct unbecoming; (3) Col Ryan Kehoe, without seeking your input, issued you a 2022 performance plan that had different critical elements than those that were in your 2021 performance plan; (4) agency officials interfered with your student loan repayment benefits and service obligation date; 5) agency officials fraudulently changed your SF-50 to state that you were terminated from your position with the AF; and 6) agency officials interfered with your clearance, as you were directed to undergo a psychological evaluation in order to retain your clearance.

You further allege that the retaliation continued at your new position with the Army NGB after the Army learned of your OSC filing, and after you disclosed issues with a contractor providing services outside the scope of the contract. You allege the Army NGB took the following actions against you: (1) Kenneth McNeil, Chief Information Officer/Director of J6,

¹ In September of 2021, you started a new position as an Information Technology Specialist with the Office of the National Guard Bureau (NGB) within the U.S. Department of Defense, Department of the Army (Army).

U.S. Office of Special Counsel
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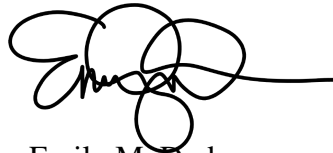
issued you a written counseling on January 19, 2022 for unprofessional conduct; (2) Mr. McNeil issued you a Notice of Proposed Indefinite Suspension on February 14, 2022 for failing to maintain your security clearance; and (3) Susanne Kidd, Army Security Branch Chief, failed to provide you with the time necessary to provide a response to DOD's reasons for suspending your access to classified information.

In your IRA appeal, you may seek corrective action from the Board under 5 U.S.C. §§ 1214(a)(3) and 1221 for any personnel action taken or proposed to be taken against you because of a protected disclosure or activity that was the subject of your OSC complaint. You may file the IRA appeal with the Board within 65 days after the date of this letter. The regulations concerning rights to file an IRA appeal with the Board can be found at 5 C.F.R. Part 1209.

If you choose to file an IRA appeal with the Board, you should include this letter as part of your submission to help show that you have exhausted OSC's administrative procedures. Please note, importantly, that OSC's decision to end the inquiry into your case may not be considered or otherwise held against you in the IRA appeal. See 5 U.S.C. § 1221(f)(2); *Bloom v. Dep't of the Army*, 101 M.S.P.R. 79, 84 (2006). Although the Board may order you to submit a copy of OSC's letter closing your case, the order must contain an explanation of why the closure letter is necessary and give you the opportunity to consent. See 5 U.S.C. § 1214(a)(2)(B); *Bloom*, 101 M.S.P.R. at 84.

If you wish to discuss this matter, please contact me at (202) 804-7028 or edrake@osc.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Emily M. Drake', with a long horizontal line extending to the right.

Emily M. Drake
Attorney
Retaliation & Disclosure Unit



U.S. OFFICE OF SPECIAL COUNSEL

1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505
202-804-7000

May 20, 2022

Sent via electronic mail

Martin Akerman
2001 North Adams Street
#440
Arlington VA 22201
Makerman.ngb@gmail.com

Re: OSC File No. MA-22-000340

Dear Mr. Akerman:

The U.S. Office of Special Counsel (OSC) terminated its inquiry into your allegations of prohibited personnel practices under 5 U.S.C. § 2302(b)(8) or (b)(9) on this date. The purpose of this letter is to notify you that you may file an “individual right of action” (IRA) appeal seeking corrective action from the Merit Systems Protection Board (Board).

In your complaint against the Office of the Chief of the National Guard Bureau (NGB), you alleged that you filed complaints with the OSC Disclosure Unit and the NGB Office of the Inspector General (OIG) regarding what you believed to be retaliatory revocation of your security clearance and access determinations. You further alleged that because of these disclosures, the agency retaliated against you by changing the billing codes used to process your timesheets.

In your IRA appeal, you may seek corrective action from the Board under 5 U.S.C. §§ 1214(a)(3) and 1221 for any personnel action taken or proposed to be taken against you because of a protected disclosure or activity that was the subject of your OSC complaint. You may file the IRA appeal with the Board within 65 days after the date of this letter. The regulations concerning rights to file an IRA appeal with the Board can be found at 5 C.F.R. Part 1209.

If you choose to file an IRA appeal with the Board, you should include this letter as part of your submission to help show that you have exhausted OSC’s administrative procedures. Please note, importantly, that OSC’s decision to end the inquiry into your case may not be considered or otherwise held against you in the IRA appeal. See 5 U.S.C. § 1221(f)(2); *Bloom v. Dep’t of the Army*, 101 M.S.P.R. 79, 84 (2006). Although the Board may order you to submit a copy of OSC’s letter closing your case, the order must contain an explanation of why the closure letter is necessary and give you the opportunity to consent. See 5 U.S.C. § 1214(a)(2)(B); *Bloom*, 101 M.S.P.R. at 84.

Sincerely,

Maureen Taylor

Maureen Taylor
Attorney

Investigation and Prosecution Division

**U.S. OFFICE OF SPECIAL COUNSEL**

1730 M Street, N.W., Suite 218

Washington, D.C. 20036-4505

202-804-7000

May 3, 2023

Sent via electronic mail

Martin Akerman

2001 North Adams Street

#440

Arlington VA 22201

Makerman.dod@gmail.com

Re: OSC File No. MA-22-000917

Dear Mr. Akerman:

This letter is to inform you that an error was made in the OSC file number included in the Closure and IRA letters that you received on May 20, 2022. Please take note that the accurate number for your file is MA-22-000917.

Sincerely,

A handwritten signature in blue ink that reads "Maureen Taylor".

Maureen Taylor

Attorney

Investigation and Prosecution Division

Certificate Of Service

e-Appeal has handled service of the assembled pleading to MSPB and all of the Parties.

Following is the list of the Parties in the case:

| Name & Address | Documents | Method of Service |
|---|---|-------------------|
| MSPB: Washington Regional Office | Reopening an Appeal Dismissed Without Prejudice | e-Appeal / e-Mail |
| Bernard E. Doyle Agency Representative | Reopening an Appeal Dismissed Without Prejudice | e-Appeal / e-Mail |