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THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	
LANCE MORDECAI,)	
Employee)	OEA Matter No. 1601-0083-09
)	
v.)	Date of Issuance: December 1, 2011
)	
D.C. DEPARTMENT OF)	
MOTOR VEHICLES,)	
Agency)	ERIC T. ROBINSON, Esq.
)	Administrative Judge
_____)	
Clifford Lowery, Employee Representative ¹		
Charles Tucker, Esq., Agency Representative		

INITIAL DECISION

INTRODUCTION AND PROCEDURAL BACKGROUND

On February 12, 2009, Lance Mordecai (“Employee”) filed a petition for appeal with the Office of Employee Appeals (“OEA” or the “Office”) contesting the District of Columbia Department of Motor Vehicles (“DMV” or the “Agency”) adverse action of removing him from service. The Agency’s removed Employee from service due to an internal fraud investigation which uncovered several dozen allegedly fraudulent vehicle emission and safety inspections involving several DMV employees, including Employee herein. According to the Notice of Final Decision Proposed Removal dated January 30, 2009, Employee was charged with “any on duty act that interferes with the efficiency or integrity of government operations, malfeasance District Personnel Manual (“DPM”) 1603.3 (f) (7); any on duty or employment-related act or omission that the employee knew or should reasonably known is a violation of law DPM 1603.3

¹ Mr. Lowery was initially listed as Employee’s representative in this matter. As such, he was duly informed of all relevant actions in this matter, most importantly, he was notified of when and where the evidentiary hearing in this matter was set to occur. Mr. Lowery has had numerous dealings with the Office of Employee Appeals so the Undersigned makes the educated assumption that Mr. Lowery is fully aware of the importance of Mr. Lowery’s presence and counsel to his Union member during an evidentiary hearing. The Undersigned also assumes that Mr. Lowery is aware of the potentially detrimental impact that his absence may have caused. Yet, for some inexplicable reason, Mr. Lowery did not appear for the evidentiary hearing. Due to Mr. Lowery’s absence, Employee was required to represent himself during the evidentiary hearing described herein.

(e); and any on duty act that interferes with the efficiency and integrity of government operations, neglect of duty DPM 1603.3 (f) (3)”. The Agency sustained the aforementioned charges and removed employee from his position of Motor Vehicle Inspection. This matter was originally assigned to the Undersigned on September 8, 2009. This matter has endured several status conferences that were held in order to prepare the parties for an evidentiary hearing in this matter. Moreover, this matter was held in abeyance for an extended period of time due to a past lack of funds within the OEA’s budget. Ultimately, an evidentiary hearing was held in this matter on February 7, 2011. The record is now closed.

JURISDICTION

The Office has jurisdiction in this matter pursuant to D.C. Official Code § 1-606.03 (2001).

BURDEN OF PROOF

OEA Rule 629.1, 46 D.C. Reg. 9317 (1999) states:

The burden of proof with regard to material issues of fact shall be by a preponderance of the evidence. “Preponderance of the evidence” shall mean:

That degree of relevant evidence which a reasonable mind, considering the record as a whole, would accept as sufficient to find a contested fact more probably true than untrue.

OEA Rule 629.3 *id.* states:

For appeals filed on or after October 21, 1998, the Agency shall have the burden of proof, except for issues of jurisdiction.

ISSUES

1. Whether the Agency’s adverse action was taken for cause.
2. If so, whether the penalty was appropriate under the circumstances.

FINDINGS OF FACT, ANALYSIS AND CONCLUSION

The following findings of facts, analysis and conclusions of law are based on the testimonial and documentary evidence as presented by the parties during the course of the Employee’s appeal process with this Office.

Summary of the Testimony

Agency's Case in Chief

Horniman Orjisson

Horniman Orjisson (“Orjisson”) testified in relevant part that he has been employed by the DMV for 14 years. He has held the role of Supervisor for the past four years. As a Supervisor, Orjisson is responsible for monitoring, coordinating, and running the day-to-day affairs of his assigned work station at the Southwest Vehicle Inspection Station. Moreover, he is responsible, in part, for training subordinate employees in how they are supposed to conduct vehicle inspections. *See generally* Transcript (“Tr.”) at 13 – 15. Orjisson explained that Employee was one of his subordinates prior to Employee’s termination. Moreover, Orjisson maintained that Employee was counseled about making sure that he correctly enters vehicle information into the database as he conducts his assigned vehicle inspections. *See generally* Tr. at 18 – 20. When a vehicle is presented for inspection, there are two primary lane positions - 1 and 2 - where the actual test is conducted. *Id.* It is not uncommon to find one inspector logged into both lanes 1 and 2. Orjisson explained that the Inspector who worked on lane 1 was responsible for inputting the correct Vehicle Identification Number (“VIN”), mileage, make, model, and vehicle tag number into the DMV database in order to commence with the inspection. *See generally* Tr. at 19 – 33. It is critical for this information to be inputted correctly, particularly with respect to for-hire vehicles (e.g. taxis, limousines, etc.).

Orjisson reviewed Agency’s Exhibit No. 1. *Id.* Each DMV inspector is given their own ID number. Employee’s ID number was 711. *Id.* Agency’s Exhibit No. 1 consisted of numerous inspection report printouts corresponding to ID number 711 (Employee herein). *Id.* Orjisson noticed that numerous vehicle reports contained erroneous information – he cited the instance where a 1999 Lincoln Town Car registered as unsupported² within the report. This information was inputted by ID number 711. According to Orjisson, this type of vehicle should always register as supported. Orjisson explained that some pertinent information was not inputted correctly into the DMV inspection database by 711. *Id.* Orjisson also contrasted the time that the aforementioned vehicle was inputted (1:50) with a Jeep Cherokee that was inputted moments later (1:51). Both vehicles were listed as unsupported. Orjisson also explained that it takes approximately 15 minutes to process a vehicle. Under normal circumstances two vehicles cannot be tested within a minute or two of each other. *Id.*

According to Orjisson, Employee received proper training with respect to inputting the correct information into the DMV database. *Id.* Agency’s Exhibit No. 1 is replete with instances where the wrong information was inputted by Employee into the DMV database. Vehicles were being registered as unsupported when in fact they should have registered as being supported. Orjisson posited that some vehicle, other than the one listed, was used to trick the diagnostic testing equipment into passing another vehicle. *See* Tr. at 29 – 39. Agency’s Exhibit No. 2 consists of several certifications that Employee has received. Orjisson explained that these

² The difference between a reading of “unsupported” versus “supported” will become evident below. Orjisson’s testimony did not fully elaborate on the difference between the two and its overall significance. The testimonies of Dr. Michael St. Denis and Michael Montgomery are more informative on this matter.

certifications show that Employee was trained on how to properly conduct vehicle inspections for the DMV. *See* Tr. at 32 -44. Orjisson also held numerous meetings with his subordinates stressing the need for vehicle inspectors to accurately input the data into the DMV database. *Id.* Orjisson confirmed that Employee was present for these meetings. *Id.*

Gregory Simpson

Gregory Simpson (“Simpson”) testified in relevant part that he is currently employed by the DMV as an Inspection Station Manager. As part of the investigation that was conducted into possible fraudulent vehicle inspection, Simpson became aware that Employee was one of the employees who allegedly performed fraudulent vehicle inspections. *See* Tr. at 80 – 86. Simpson explained that the aforementioned investigation was carried out by the DMV’s Office of Service Integrity (“OSI”). The OSI examined the DMV’s vehicle inspection database and was able to determine that an inordinate number of discrepancies were attributable to ID number 711. It is of note, that a majority of the vehicles involved were for-hire. *Id.* Simpson indicated that Employee was repeatedly counseled on how to adequately perform his on-the-job duties. *See* Tr. at 86 -89.

Based on the data produced by this investigation, it was determined that Employee was involved with processing numerous fraudulent vehicle inspections of for-hire vehicles. *See* Tr. 93 - 103. At some point, Employee informed Simpson that he thought his ID and password had been compromised. Simpson had Employee’s ID number changed from 112 to 711. *Id.*

Michael Montgomery

Michael Montgomery (“Montgomery”) testified in relevant part that he is currently employed by the District of Columbia Office of the Inspector General as a Criminal Investigator. *See* Tr. at 118. Montgomery was previously employed by the DMV as an Investigator from August 2008 through October 3, 2009. During his stint with the DMV, Montgomery was asked to investigate possible fraudulent inspections at the Southwest Vehicle Inspection Station. *See* Tr. at 119 – 122. Upon examining the data that was collected, Montgomery noticed that Employee was involved in a number of suspected fraudulent vehicle inspections. As his investigation developed, Montgomery also noticed that a vast majority of the fraudulent inspections that were uncovered involved for-hire vehicles. *Id.* Montgomery investigation was guided by Dr. St. Denis who Montgomery credits with acquainting him with the vehicle inspection system which is better known as the Gordon-Darby system. According to Montgomery, the Gordon-Darby system keeps track of all of the vehicle data for the inspections conducted at the inspection station. *See* Tr. at 121. Moreover, Montgomery explained that Dr. St. Denis was able to help guide his investigation in terms of what constitutes an irregularity that would be attributable to a fraudulent inspection. *See* Tr. at 120 – 124. After reviewing all of the data, it was determined that Employee (711) was personally involved in approximately 90 fraudulent investigations where Employee was the only inspector signed onto both lane stations 1 and 2. *Id.*

Through Montgomery’s testimony, Agency’s Exhibit No. 5 was introduced into evidence. This exhibit contains the data extracted from the Gordon-Darby system from April 1,

2008 through September 30, 2008. This is the same data that the Agency relied upon as part of the investigation described herein. Tr. at 124 – 139. Montgomery explained that he knew from consultation with Dr. St. Denis that when certain makes and models of vehicles were inspected, they were always supposed to read “supported” on the inspection system used by the DMV. For the time period that the investigation covered, Employee inspected approximately 90 vehicles that read “unsupported” where it was deemed to be scientifically impossible for that reading to occur for the vehicles tested. Montgomery based this assertion on the opinion of Dr. St. Denis. *Id.* Montgomery authored a report that detailed his findings with respect to his investigation into the fraudulent vehicle inspection which occurred at the Southwest Vehicle Inspection Station from April 1, 2008, through September 30, 2008. This report may be found in the record at Agency’s Exhibit No. 6 at Attachment 2.

Dr. Michael St. Denis³

Dr. Michael St. Denis (“St. Denis”) testified in relevant part that he owns Revecorp, Incorporated (“Revecorp”). This company’s is primarily focused on reducing air pollution and conducting research into vehicle emissions. Tr. at 163. St. Denis holds a BS in Chemistry from the University of the Pacific, MS in Physical Chemistry from the University of the Pacific, and a Doctorate in Environmental Science Engineering from the University of California Los Angeles. *Id.* St. Denis testified that in 2005 he started working with the DMV into finding and implementing a vehicle emissions testing equipment. The equipment that the DMV was using at the time was not in full compliance with what the United States Environmental Protection Agency (“EPA”) mandated for vehicle emissions testing. As part of this process, St. Denis helped the DMV procure vehicle emissions testing equipment and implement a new data system for keeping track of emissions testing. According to St. Denis, this new data system made it easier for the DMV to identify any fraudulent vehicle testing. *See* Tr. at 166 – 170. He was asked to assist the OSI in identifying whether fraudulent testing occurred during the time period of April 1, 2008 through September 30, 2008. St. Denis conferred with Montgomery in order to provide specific data that would indicate fraudulent vehicle emissions inspections. *Id.* The following excerpt is relevant to this matter:

Q: ... I’m drawing your attention now to [Agency’s] Exhibit No. 5 in evidence. Do you recognize that document?

A: Yes, it’s a printout from the data system that records the inspections. It’s a piece of all of the data that’s collected.

Q: Okay, is that part of the time period you referred to, that being the April 1st, 2008, to September 30th, 2008, time period involving vehicles

³ DMV proffered St. Denis as an expert witness in the field of vehicle emissions testing and auditing of emissions testing and with respect to the Gordon Darby vehicle emissions system used by the DMV to test vehicle emissions. *See* Tr. at 162 – 166. The Undersigned decided not to accept St. Denis as an expert witness due to the fact that St. Denis and the DMV have a contractual relationship wherein he provided technical expertise to the DMV so that it could find, procure and implement its current vehicle emissions testing system. The *appearance* of bias is too great to allow for St. Denis’ testimony to be accepted as an expert. *Id.* However, St. Denis was allowed to testify otherwise in this matter and the undersigned will weigh his testimony appropriately given the circumstances.

for-hire?

A: Yeah, it was 2008, I don't recall exactly the time frame, but that seems reasonable. It was kind of in the spring to summer...

Q: Okay, and if you recall - - you said you were doing a chart between the most notorious offenders to the least. Do you recall where did [Employee] fall in that regard?

A: As I believe, he was first on the list.

Q: Meaning he was the most notorious.

A: Had the most test records that looked inconsistent that made us, with our screening test, want to look at the individual inspections, yes.

Q: ... In instances where [Employee] is logged onto Station 1 and Station 2, Mr. Montgomery, you testified that he was able to extrapolate over 89 inspections involving [Employee]. Does that, in of itself, tell you anything?

A: [Montgomery] showed me those cases, which I haven't looked at in several years, but as I recall, they were that couldn't occur, couldn't have been the vehicle that it said it was inspected.

Q: Earlier, [Montgomery] testified in regards to Mercury Marquis, Crown Victorias and Lincoln Town Cars as the EGR system showing unsupported. And [Montgomery] was able to identify reports in [Agency's] Exhibit Nos. 8 and 9. Drawing your attention to [Agency's] Exhibit No. 9 in evidence, can you turn to the second document of that exhibit? That represents a Lincoln Town car, 1997, VIN number 1455, showing an EGR system unsupported.

A: Yes.

Q: Should that be able to show an unsupported EGR system?

A: No.

Q: Why not?

A: The readiness monitors on vehicles are indications of the emissions control system, which are checked by the car's computer. So for instance, this is catalyst ready. That means that this vehicle had a catalyst in it. All cars in a report like this have catalysts in them; obviously, all cars have catalysts nowadays.

Some vehicles do and some vehicles do not have an EGR system, which is exhaust gas recirculation. If I remember right, it's about 40 percent of vehicles have it, about 60 percent don't. It's something that's built into the car's emissions control system and the car's computer is programmed to check that at a regular frequency to make sure it's working properly.

Or if it's there, it'll report "ready" or "unready" and if it's not ready, that just means that the computer hasn't had a chance to check it; ready means it had a chance to check it. Those two are an indication that it's there and it's checked by the computer; "unsupported" is an indication that it's not there.

I do know that we selected these vehicles because they were all supposed to have [EGR] on them.

So one of the screening tools that Michael came up with, Montgomery, was to look for vehicles that should have had it. And fortunately, what made it easier is taxis are just generally just a few makes and models. These Crown Vics and Town Cars are used for taxis.

And so when we found them with the EGR system unsupported, that was an indication that it wasn't that Ford product that was tested that it indicated on the inspection report.

Q: And in your experience of auditing these types of fraudulent inspections, are these some of the things that you've seen nationwide in regards to the ongoing issue with regards to fraudulent inspections?

A: Yes... I actually helped write EPA's guidance on how you look for fraud, which included doing this exact check, amongst other checks that are done.

So this technique is used by pretty much all of the [United] States to help identify fraudulent stations and inspectors, to help them focus their enforcement resources...

We start with whoever has the highest rate of inconsistency and then we ... investigate them in detail and then we move down the list and we rerun this again and just keep working our way down. So this is exactly the technique described in that document.

Tr. at 169 – 174.

Q: Dr. St. Denis, when you looked at the high number of fraudulent inspections involving [Employee] - - I believe Mr. Montgomery had in his

report 165 - - was there any doubt that [Employee] was involved in fraudulent inspections?

A: Based on the number and the period of time they occurred over, no.

Tr. at 186 – 187.

Robert Johnson

Robert Johnson (“Johnson”) testified in relevant part that he is an Investigator with the OSI. Johnson assisted Montgomery in his investigation. *See* Tr. at 188 – 192. Johnson was tasked with assisting Montgomery with pulling documents and records as part of this investigation. Johnson was given Employee’s ID number (711) and he searched the Gordon-Darby system for for-hire vehicle inspections that were conducted by Employee that were notated as “unsupported” in the system. Johnson then turned over the information he collected to Montgomery. *Id.*

Kenneth King

Kenneth King (“King”) testified in relevant part that he is employed by the DMV as its Administrator for Vehicular Services. King is tasked with overseeing the inspection (e.g. safety and emissions) and titling of all vehicles registered in the District of Columbia. *See* Tr. at 193. King confirmed that numerous meetings and training modules were provided to the DMV inspectors both as means of stressing the integrity of their inspection process as well as keeping the Inspector’s abreast of how to properly do their assigned tasks. *See* Tr. at 196 - 201. With the vast number of fraudulent inspections allegedly conducted by Employee, King felt that it puts the Agency in jeopardy with respect to Federal monies that are granted to the Agency. Moreover, he also surmised that if the DMV did not act on this information, it could potentially lead to those monies being withheld from the DMV and the District government. *See* Tr. at 203 – 204. King prepared the Advanced Written Notice of Proposed Removal that was given to Employee. He based his proposal to remove Employee on the evidence gleaned from the investigation conducted by the OSI. *See* Tr. at 205 – 206. After going through all of the evidence provided, King does not doubt his decision to propose removing Employee from service. *See* Tr. at 206 – 207.

Lucinda M. Babers

Lucinda M. Babers (“Babers”) testified in relevant part that: she is the Director of the DMV. *See* Tr. at 220. She is tasked with overseeing the Agency. She was the one who tasked the OSI with undertaking the instant investigation. Babers confirmed that St. Denis was working for the DMV as a consultant. According to Babers, St. Denis was noted as one of only three experts in the United States in the area of emissions auditing and inspections auditing. *See* Tr. at 221 – 222. Babers confirmed the combined testimonies of Montgomery and St. Denis with respect to the criteria used for the investigation at hand. Babers was aware that Employee was involved with approximately 89 inspections where he is the sole Inspector logged onto both stations 1 and 2; and a host of other inspections where Employee is logged onto only one of these

two stations. *See* Tr. at 223 – 224. Babers was also concerned about Federal monies that may be put into jeopardy due to Employee’s alleged fraudulent actions. Babers further asserted the following:

“We do emissions testing, which is a Federal program on behalf of the Department of the Environment. And so we actually have our Air program, 65 percent of the funds that we get for our Air program is based on emissions; also a couple of hundred million for our Transportation fund based on our emissions program. So our program has to be above board. That’s why we engaged Dr. St. Denis to conduct audits of our program. Because if we’re in violation with the management and running of the program, we jeopardize hundreds of millions of dollars for the District. With the District currently facing a \$600 million dollar deficit, we can’t afford that...”

Tr. at 224 -225.

Babers confirmed that when assessing whether to remove Employee she took into consideration whether there was some unintentional error (e.g. possible misuse of Employee’s ID number) that could explain Employee’s actions. Babers explained that if that were the case, with at least 89 documented instances where Employee left his work station unattended – that, in of itself, is a violation of DMV policy. *See* Tr. at 227. Babers personally prepared Employee’s Notice of Final Decision Proposed Removal dated January 30, 2009. *See* Agency’s Exhibit No. 6. Babers opted to follow the hearing officer’s recommendation to remove Employee from service. Given all of the attendant circumstances, Babers does not regret her decision in this matter. *See* Tr. at 228 – 230.

Employee’s Case in Chief

Lance Mordecai

Lance Mordecai (“Employee”) testified in relevant part that he felt that he was unjustly removed from his last position of record. He felt that he should have first been warned or reprimanded before the DMV instituted the instant action. *See* Tr. at 242 – 244. Moreover, he felt as if some of his superiors, in particular the lane chief(s), should have also faced repercussions from these alleged fraudulent acts. *Id.*

Findings of Fact

The Agency presented oral testimony from several persons who, both individually and collectively, repeatedly counseled Employee (and his colleagues) about the importance of exercising integrity in their job-related duties. Orjisson, Simpson, and King confirmed that Employee and his fellow vehicle inspectors attended several DMV sponsored training classes in an effort to make sure that each attendee was well versed in the mechanics of performing their job-related duties in a workmanlike manner. These three witnesses also confirmed that Employee attended several DMV sponsored meetings over the course of several years wherein it

was stressed that the fraudulent activities in question were not to be tolerated. Employee was repeatedly counseled that the actions alleged herein would not be condoned and that the offending employee would face severe sanctions.

In an attempt to make sure that the vehicle emissions inspection process was done in a manner that was compliant with EPA demands, as well as making sure that the District government did not lose out on Federal grant monies tied to emission guidelines, Babers contracted with St. Denis to find and then implement the Gordon-Darby vehicle emission testing system. When this new system was instituted, it became a more manageable process for tracking emissions as well as rooting out fraudulent vehicle inspections. Babers then tasked St. Denis, Montgomery, and Johnson with investigating whether fraudulent inspections were being conducted at the Southwest Vehicle Inspection Station. In order to accomplish this task, St. Denis advised Montgomery of some of the best practices which were widely accepted nationwide in order to effectively determine whether fraudulent vehicle inspections were occurring. This process would focus on whether certain vehicles would register within the Gordon-Darby system as “unsupported”. What was discovered is that certain makes and models of vehicles should never come back as unsupported by the Gordon-Darby system. In order to make sure that the data set was not too onerous for the OSI to investigate, the investigation only focused on vehicle inspections that occurred during the time period of April 1, 2008 through September 30, 2008. The OSI then further focused their investigation by reducing that list of inspections to certain makes and models (primarily Ford vehicles) that were registered as for-hire (taxi) vehicles. What the investigation uncovered was that DMV employee identification number 711 (Employee herein) registered approximately 90 instances where he was the sole vehicle inspector logged onto both stations 1 and 2 where a vehicle read as unsupported, but according to the vehicle’s make and model that is virtually an impossible occurrence. After tallying the results of the investigation, Employee, by far, had the most instances of allegedly fraudulent vehicle inspections.

For his part, Employee firmly denies that he actively participated in fraudulent vehicle inspections. Employee asserts that someone else must have usurped his employee identification number which may explain the discrepancies that led to his removal. Employee also posited that the lane chiefs who are stationed after him should also share in the blame and should have also been subjected to discipline.

In this matter, I find that the collective testimonies and evidence assembled by the DMV to be very compelling. Agency instituted its investigation in order to root out suspected fraudulent activities occurring with its vehicle inspections. What the DMV found is that Employee was the most notorious fraudulent vehicle inspector that it had during the time period covered by the investigation. Employee has been firmly connected to approximately 90 fraudulent vehicle inspections where he was the sole inspector. Employee was also connected to approximately 75 more fraudulent inspections where he shared the inspection responsibilities with another co-worker. I find that Employee’s explanation of his identification number and password being comprised to be self-serving. The undersigned might be swayed if it were only a handful of alleged fraudulent actions coupled with credible explanation(s). But such is not the case in this matter. I find that the Agency has met its burden of proof in this matter and it has adequately proved that it had proper cause to remove Employee from service.

Analysis and Conclusion

In a nutshell, I find that the Agency's adverse action was taken for cause. The primary responsibility for managing and disciplining Agency's work force is a matter entrusted to the Agency, not this Office. See, *Huntley v. Metropolitan Police Dep't*, OEA Matter No. 1601-0111-91, *Opinion and Order on Petition for Review* (March 18, 1994), __ D.C. Reg. __ (); *Hutchinson v. District of Columbia Fire Dep't*, OEA Matter No. 1601-0119-90, *Opinion and Order on Petition for Review* (July 2, 1994), __ D.C. Reg. __ (). Therefore, when assessing the appropriateness of a penalty, this Office is not to substitute its judgment for that of the Agency, but is simply to ensure that "managerial discretion has been legitimately invoked and properly exercised." *Stokes v. District of Columbia*, 502 A.2d 1006, 1010 (D.C. 1985).

When an Agency's charge is upheld, this Office has held that it will leave the Agency's penalty undisturbed when the penalty is within the range allowed by law, regulation or guidelines, is based on consideration of the relevant factors and is clearly not an error of judgment. See *Stokes, supra*; *Hutchinson, supra*; *Link v. Department of Corrections*, OEA Matter No. 1601-0079-92R95 (Feb.1, 1996), __ D.C. Reg. __ (); *Powell v. Office of the Secretary, Council of the District of Columbia*, OEA Matter No. 1601-0343-94 (Sept. 21, 1995), __ D.C. Reg. __ (). I conclude that given the totality of the circumstances as enunciated in the instant decision, the Agency's action of removing the Employee from service should be upheld.

ORDER

Based on the foregoing, it is ORDERED that the Agency's action of removing the Employee from service is hereby UPHeld.

FOR THE OFFICE:

ERIC T. ROBINSON, Esq.
Administrative Judge