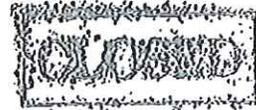


National Railroad Passenger Corporation
Office of the Inspector General
Office of Investigations

CLOSING REPORT

DATE: October 27, 2009
TO: [REDACTED]
Deputy Inspector General/Counsel
FROM: [REDACTED]
Chief Inspector
Subject: Closing Report Case # 09-056



BACKGROUND

October 27, 2009, the Office of the Inspector General ("OIG"), Office of Investigations ("OI") issued a Management Report to William Crosbie, Chief Operating Officer which substantiated several allegations made against [REDACTED]. The basis for those allegations was that [REDACTED] was abusing his position by claiming "business travel" to commute from his residence in [REDACTED] to [REDACTED]. Specifically, [REDACTED] had been advised by several subordinates that such action was not only a violation of Amtrak Policy, but that it was an abuse of his position to do so. [REDACTED] continued to do so without regard to policy. [REDACTED] continued abusing his position by driving his company assigned, GSA leased, vehicle to and from [REDACTED], without authorization and used Amtrak leased vehicles to move personal furniture from his residence in [REDACTED] to a temporary apartment in [REDACTED]. Additionally, [REDACTED] reported that [REDACTED] used the GSA leased vehicles as his personal vehicle while off-duty.

OI substantiated several of the above listed allegations of abuse by Mr. [REDACTED]. OI also substantiated several other instances of dishonesty by [REDACTED] which were included in the Management Report.

RECOMMENDATIONS TO MANAGEMENT:

OI issued a Management report on October 27, 2009 to William Crosbie with the following recommendations:

Amtrak Management should require [REDACTED] to undergo a thorough back ground check if he is to be retained by the company.

Amtrak Management should consider appropriately disciplining [REDACTED] for the following reasons:

- 1) He abused his position as a member of Amtrak Management by instructing his subordinates to book his commute to his place of residence and back to work as bona fide (valid) "business travel" depriving the company of an average revenue of \$2,180.00 had he complied with Amtrak policy. [REDACTED]'s actions were in direct violation of Rail Pass Policy. His excuse that he was not informed lacks credibility because he has worked for

the railroad [REDACTED] both companies issue rail passes with the same applicable rules and policies.

- 2) Since OI's second interview with [REDACTED], OI has been informed that [REDACTED] has booked his commute to and from [REDACTED] in the coach car but upon boarding the train he indicates to OBS and T&E personnel aboard the train that he is a member of the Executive Staff and asks to be accommodated with a roomette.
- 3) [REDACTED] continues to utilize subordinate personnel as his personal social secretaries by demanding that they book travel for his wife, as recently as September 2-3, 2009. [REDACTED] has also indicated to employees that he has instructed his wife to identify his position as a member of Executive Staff to ensure that she is upgraded to a roomette.
- 4) [REDACTED]'s responses to OI was deceptive and false when he admitted driving a GSA company vehicle to [REDACTED] only once and that he had conducted Amtrak business while driving the vehicle. OI verified through witness statements and the production of gas receipts, and phone records that [REDACTED] drove both GSA vehicles assigned to the Mechanical Department to his home in [REDACTED]. OI substantiated that he did so at least twice without authorization and without regard to the liability he was potentially incurring for Amtrak, by the vehicles improper use. Additionally, the cost of fuel was absorbed by Amtrak at a cost of at least \$221.91 which was charged against the GSA Credit Card as supported by receipts.
- 5) OI identified an instance, where on April 8, 2009, [REDACTED] improperly had his assistant [REDACTED] use the company FedEx account to send tax papers to his accountant [REDACTED]. Rather than take responsibility, he placed blame on his newly hired assistant. OI had to walk [REDACTED] step by step through the process before he would consider that he had failed to give the proper instructions to his assistant and was responsible for the misuse of the company account. Unfortunately, [REDACTED] attempted to negate OI's finding, when on July 31, 2009, [REDACTED] handed his assistant a check for \$148.92 and instructed her to "make something up and tell them that it was you who made the error (for the FedEx and Hotel) and send them this check."
- 6) [REDACTED] falsely reported to his supervisors that he had just received notification of a "Family Emergency" which necessitated that he depart a conference a day early to travel home to handle the family emergency. [REDACTED] failed to advise his supervisor [REDACTED] that the family emergency had occurred in [REDACTED] two weeks earlier. When OI initially broached the subject, [REDACTED] stuck to the story until OI advised him that they intended to check with the police department where the incident occurred. It was only then, that [REDACTED] admitted that the incident with his niece occurred two weeks earlier in [REDACTED]. OI contacted the [REDACTED] Police Department and the [REDACTED] Sheriff's Office both law enforcement agencies were located in [REDACTED] and have jurisdiction in and around [REDACTED]. OI was unable to identify any crime report listing [REDACTED] alleged victim of [REDACTED]. The change to his flight itinerary cost Amtrak an additional \$150.00 which was included in [REDACTED]'s expense report.

- 7) [REDACTED] falsely claimed that his flight on April 1, 2009, (during this false "Family Emergency") had arrived late and due to the late arrival he missed his connection which required him to take a hotel room for the night at a cost of \$144.99. OI had verified that his flight (Flight #1543) on that day was not delayed and had arrived on time. OI advised [REDACTED] that they had verified that fact with [REDACTED] Police Department, Airport Detail. It was only then that [REDACTED] admitted that his flight was not delayed but that his [REDACTED]'s flight had been delayed and that he misrepresented those facts on his expense report.
- 8) OI identified an incident where [REDACTED] had made a verbal request to purchase a digital camera and been denied by his supervisor [REDACTED] who instructed him to utilize the camera on his cell phone. [REDACTED] directed his subordinate [REDACTED] to purchase the digital camera anyway with his [REDACTED] P-card. [REDACTED] followed [REDACTED]'s direction and purchased the digital camera and presented it to [REDACTED]. [REDACTED] submitted a purchase order which was then officially denied by [REDACTED] on May 11, 2009, however it took [REDACTED] an additional 18 days to return the camera.
- 9) [REDACTED]'s attendance record, as indicated above, allows him to take off anytime he chooses without regard to Amtrak's policy. Further, [REDACTED] had tasked [REDACTED] to look into and verify that [REDACTED] was actually in attendance. [REDACTED] stated to OI that the method he utilized in making that determination was calling [REDACTED] on his cell phone. [REDACTED] reasoned that if [REDACTED] answered the call, [REDACTED] was working. That method was flawed because the cell phone would ring at any location a tower could receive the transmission. A more reasonable method to confirm his presence at a particular work site should have been utilized (I.E. a land line call might have been more reasonable in establishing that [REDACTED] was at a particular location).
- 10) OI determined that [REDACTED] failed to document his sick time and personal time in SAP as required by Amtrak Policy. [REDACTED] took no responsibility for any of his failures but very quickly shifted the blame to his assistant.
- 11) Amtrak Management should ensure that [REDACTED] repay Amtrak for the costs associated with his misuse of his rail pass privileges and any other falsifications submitted by him and used to justify reimbursements paid to him, along with those that have been identified in this report.
- 12) Finally, [REDACTED]'s abuse of his Rail Pass privilege should be considered and Amtrak Policy be applied regarding his personal use of the pass. Such abuses in the past have required that the employee lose the use of the rail pass.

MANAGEMENT'S RESPONSE:

On November 25, 2009, OI received a response from Mr. Crosbie which stated:

"This is in response to your October 27, 2009, Management Report addressed to me regarding certain activities involving [REDACTED], [REDACTED]. I was very disturbed by the

(facts uncovered in this report and quickly determined that we would adopt the OIG recommendation.

Based on the information contained in the report and the attached exhibits, and after conferring with legal counsel, we terminated Mr. [REDACTED]'s employment effective close of business October 29, 2009. Given that we took these immediate steps, and again after discussion with legal counsel, I determined that we would forego any attempt to seek reimbursement from Mr. [REDACTED] for any amounts which might be owed to Amtrak due to his unauthorized activities.

I appreciate the thorough investigation and development of facts contained in this report. Please do not hesitate to contact me if you have any questions."

RECOMMENDATIONS:

Close this case. Management has taken the necessary steps to correct this abuse by terminating this manager from his position.

*all 12/1/2009
BT*