

Appellant

United States of America
Merit Systems Protection Board

	)	Case No.	
Appellant,)		
	)	<u>APPELLANT'S WRITTEN</u>	
	)	<u>INTERROGATORIES</u>	
v.	)	Set One	
	)	Federal Rules of Civil Procedure, Rule 33 (as	
United States Department of Justice,	)	modified by Acknowledgment Order)	
Respondent.	)	Interrogatories Served:	10/5/2009
	)	Date Responses Due:	10/26/2009

1. State each score achieved by applicant ["applicant" or "appellant" means [REDACTED] [REDACTED] DOB [REDACTED]] in the Special Agent Selection System, including but not limited to Phase I and Phase II (both the interview and written exercise).

2. State the applicant's Total Ranking Grade.

3. State the applicant's calculated percentile rank in each entry program for which applicant qualified.

4. If the applicant's calculated percentile rank(s) changed in any manner between 12/2/2008 and 7/1/2009, state each calculated percentile rank ever held by the applicant.

5. State the total number of applicants with a more competitive calculated percentile rank than appellant in the same entry program(s), which applicants passed the polygraph examination between 6/1/2009 and 7/1/2009.

6. State the total number of applicants with a less competitive calculated percentile rank than appellant in the same entry program(s), which applicant's passed the polygraph examination between 6/1/2009 and 7/1/2009.

7. State all the reasons why the SF-86 containing applicant's handwritten additions made during the Personnel Security Interview was not included in the file produced to applicant on 8/31/09 under FOIPA.

8. State all the reasons why the file produced to applicant on 8/31/09 does not contain a suitability determination.

1 9. Describe with reasonable particularity the eight page bloc of materials in applicant's file
2 that were withheld from applicant under FOIPA exemptions in the response dated 8/31/09.

4 10. State all the reasons why applicant was contacted between 6/15/09 and 7/1/09 by SACU.

6 11. State all the reasons why applicant was not advised of the scope of investigation in his
7 Personnel Security Interview.

9 12. Identify ["Identify" means, with respect to a document, state (1) the date the document
10 was filed, signed, completed, or otherwise became relevant to applicant's application, and (2)
11 describe with reasonable particularity the document and its contents] each document that was
12 relied upon in reaching the decision to discontinue applicant's application. For example "6/30/09
13 - Suitability determination prepared by analyst."

15 13. State the date on which Special Agent Grahm Coder started working at SACU.

17 14. Starting on the date Special Agent Grahm Coder started working at SACU, state the total
18 number of applicants in whose cases Special Agent Grahm Coder developed information that was
19 considered in any manner in adjudicating the applicants unsuitable.

21 15. Starting on the date Special Agent Grahm Coder started working at SACU, state the total
22 number of applicants in whose cases Special Agent Grahm Coder developed information but
23 which applicants were ultimately adjudicated not unsuitable.

25 16. Identify ["Identify" means, with respect to a person, state the person's first name, last
26 name, title/office, duty station, and grade] each employee or other person associated with the FBI
27 who had access to any information pertaining to applicant between 6/15/09 and 7/1/09, including

1 but not limited to application materials, Headquarters files, associated files, and other information
2 systems (for example, Montchell Brice, Acting Unit Chief, FBI Headquarters, GS-15).

3
4 17. For each person who had access to any information pertaining to applicant from 6/15/09
5 to 7/1/09, list each document/record that the person had access to. (e.g. Acting Unit Chief
6 Montchell Brice- complete written application, notes of SA Coder, report of Analyst, electronic
7 records of communications, emails, etc.; SA Grahm Coder- emails from analyst; Analyst- com-
8 plete written application).

9
10 18. State each fact that was relied upon in making the negative suitability determination that
11 was made.

12
13 19. Identify each document that was relied upon in making the negative suitability determina-
14 tion that was made.

15
16 20. Identify each person who made any contribution (information, analysis, approval, etc.) to
17 the negative suitability determination that was made.

18
19 21. Identify the person who prepared the attached sheet of notes.

20
21 22. Do you contend that applicant is unsuitable for any reason other than a lack of candor?

22
23 23. If you contend that applicant is unsuitable for any reason other than a lack of candor, state
24 each suitability ground upon which you base your contention.

25
26 24. For each suitability ground other than a lack of candor, state each fact upon which you
27 base your contention.

25. For each suitability ground other than a lack of candor, identify each document upon which you base your contention.

Date: 10/5/2009

By: /S/

[Redacted Signature]

[Redacted]

CERTIFICATE OF SERVICE

I certify that the attached Document(s) was (were) sent as indicated this day to each of the following:

Agency Representative

FBI

Office of General Counsel

Employment Law Unit

935 Pennsylvania Avenue, NW, Room PA-400

Washington, DC 20535

by way of:

☐ Email

☒ U.S. Mail

☐ Overnight Delivery

☐ Facsimile

I declare under penalty of perjury [REDACTED] that the foregoing is true and correct.

Date: 10/5/2009

By: /S/

[REDACTED]
Appellant

(4)

(86 Review) 5/18/2009.

Continuation sheet for "Where you Lived?" From 9/1998-2/2006 Lived in 7 locations (some repetitive) and did not name persons who knew him.

PAGE 4, Where you went to school! H.S. was not listed.

Note: Applicant noted on his SF 86 13A, and attached a statement saying that he will be let laid-off 5/29/09 on medical leave but the reason is because office found out he is pursuing a career with FBI.

PAGE 14 Item 23 Illegal Drug Activity: In May 2008 applicant ~~accompanied~~ accompanied a roommate to purchase Marijuana, but did not smoke.

Applicant faxed in supplemental sheet citing past character flaws.
(A MUST READ!!)

5/19/2009

Applicant faxed in another supplemental sheet citing another past character flow. At the end of statement applicant refers to an incident disclosed during YH II interview.