



## THE ASSISTANT SECRETARY OF DEFENSE

1200 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1200

### HEALTH AFFAIRS

December 17, 2020

#### MEMORANDUM FOR DR. RICHARD THOMAS

SUBJECT: Notice of Proposed Removal

#### References:

- (a) DoD Directive (DoDD) 5505.06, Investigations of Allegations Against Senior DoD Officials, June 6, 2013, incorporating Change 1, effective April 28, 2020
- (b) DOD Instruction 5105.45, Uniformed Services University of the Health Sciences, May 30, 2019.
- (c) DoD Instruction (DoDI) 5505.16, Investigations by DoD Components, June 23, 2017

The purpose of this memorandum (Proposal) is to notify you that I propose to remove you from your position as President, Uniformed Services University of the Health Sciences (USUHS), Department of Defense (DoD) and from the Federal Service based on Failure to Follow Policy/Procedure, Failure to Properly Supervise, Lack of Candor, Poor Judgment, and Conduct Unbecoming a Federal Employee. This action is being proposed to promote the efficiency of the Federal Service. If upheld, a decision on this proposal will be effected not earlier than 30 calendar days from the date you receive this notice. The specific details for proposing this action are as follows:

#### **Background**

You were appointed as the President of USUHS on July 25, 2016. In that role, you are responsible for overseeing the operations of the University, and you directly supervise a number of people, including the Dean of the F. Edward Hebert School of Medicine (SOM). From the time of your appointment until September 30, 2020, the Dean of the SOM was Dr. Arthur L. Kellermann.

Soon after your appointment as President, you became aware that Dr. Kellermann was actively concerned about conduct allegedly committed by a volunteer adjunct faculty member, Dr. Eric Noji. Dr. Kellermann believed that Dr. Noji had lied about professional honors he had received and plagiarized the work of another physician, Dr. Frederick "Skip" Burkle. Dr.

Kellermann was also particularly upset about the fact that Dr. Noji is a member of the National Academy of Medicine (NAM, formerly the Institute of Medicine or IOM), a voluntary professional organization and non-federal entity. Dr. Kellermann is also a member of NAM (as is Dr. Burkle) and repeatedly told you and others that he believed the university should tell NAM about Dr. Noji's alleged misconduct.

Dr. Noji was a volunteer adjunct faculty member at USUHS. Notwithstanding, the university found no records of him teaching any courses there. He was not paid. Pursuant to 5 U.S.C. §3111, he was not considered a federal employee except for very limited purposes. However, starting in early spring of 2016, Dr. Kellermann took steps to end Dr. Noji's faculty affiliation with USUHS and to share information with NAM. Following an unorthodox process led by Dr. Kellerman, Dr. Noji's voluntary adjunct status was terminated on May 23, 2016, thereby severing any ties between Dr. Noji and the university. Despite this, Dr. Kellermann continued to attempt to use Dr. Noji's former status with the University to bring Dr. Noji to task for the wrongs that Dr. Kellermann perceived had occurred. Both you and Dr. Kellermann were repeatedly advised that publicly disclosing personnel information about Dr. Noji would constitute a violation of the Privacy Act. *See* Attachments 1, 2, 3, 4, 5, 6, 7, 8. Dr. Noji's only association with the University was his position as a volunteer adjunct, and the decision to terminate his association with the University was a personnel action that was protected by the Privacy Act.

You were aware that Dr. Kellermann was expending a significant amount of his official time and effort to formally discredit Dr. Noji and to have Dr. Noji expelled from NAM. After Dr. Kellermann pushed to terminate Dr. Noji's faculty association with USUHS, he also sought to provide notice of the allegations against Dr. Noji to other professional organizations to include journals, Dr. Noji's medical licensing board, prior employers, and NAM. *See* Attachments 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 18. Dr. Kellermann utilized his official position when undertaking these efforts, thereby acting as an agent for NAM in violation of 18 U.S.C. §205.

Dr. Kellermann's actions were open and notorious among leadership and management of the University. For example, he repeatedly attempted to present the personnel issues with Dr. Noji to the University's Board of Regents (BOR), a Federal Advisory Committee subject to the Federal Advisory Committees Act, in a public session, despite being given consistent advice from the Office of General Counsel that doing so would violate the Privacy Act.<sup>1</sup> *See* Attachments 1, 2, 3, 4, 7, 8, 9, 10, 11. You were repeatedly and specifically advised by the Office of General Counsel that Dr. Kellermann's actions created potential risk, both for the University and for Dr. Kellermann personally (since the Privacy Act contemplates criminal liability for violations). *See* Attachments 1, 7. Despite knowing that Dr. Kellermann had exposed the University to substantial legal risk, you took no action to deter him from continuing his efforts to publicly air the allegations against Dr. Noji.

In November 2017, Dr. Kellermann acknowledged in an email to attorneys in the Office of General Counsel that he had inappropriately disclosed information protected by the Privacy Act to NAM. You were specifically advised by the Office of General Counsel in writing that

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<sup>1</sup> The matters involving Dr. Noji were ultimately discussed in multiple closed sessions of the Board of Regents.

this constituted misconduct by a senior official (Dr. Kellerman) and that such misconduct was required to be reported to the Inspector General in accordance with DoDD 5505.06 and DODI 5505.16.<sup>2</sup> See Reference A, B, Attachments 1, 3, 4, 6. You did not respond to this email advisement, in writing or otherwise, to follow up on your obligations to report. You did not report Dr. Kellermann's misconduct to the Inspector General, nor did you request assistance in doing so from the Office of General Counsel or anyone else from the University or chain of command.

In March 2018, Dr. Kellermann again reached out to ask for your support in providing information to NAM that the Office of General Counsel had repeatedly advised both you and Dr. Kellermann could not legally be disclosed to NAM. You indicated to the Office of General Counsel that you wanted to support Dr. Kellermann's request if it did not create risk, despite the fact that you had been repeatedly advised that this course of action would expose the University to legal risk. See Attachment 12.

In early 2018, Dr. Kellermann informed you and other officials at USUHS that he had knowledge that a news article was being prepared and would soon be published regarding the allegations against Dr. Noji and the fact that NAM was unable to remove Dr. Noji from its membership rolls. In his presentation of this information, Dr. Kellermann implied that he was not involved in providing information to the reporter writing the article and implied that this was an effort undertaken by Dr. Burkle. Even if you relied on Dr. Kellermann's presentation as being truthful, you were aware at that time that a forthcoming news article was likely to cast the University in a negative light. However, you took no action to intervene and made no attempts to protect the reputation of USUHS from potential harm due to the news article.

In April 2018, the article was published in the New York Times recounting the allegations of plagiarism against Dr. Noji and describing the difficulties that Dr. Kellermann encountered in attempting to expel Dr. Noji from the NAM. See Attachment 13. The article made clear that Dr. Kellermann had disclosed information protected by the Privacy Act about Dr. Noji to both NAM and the New York Times. The article cited a complaint Dr. Kellermann had filed with the NAM regarding his allegations against Dr. Noji and identified Dr. Kellermann as the Dean of the Medical School at USUHS. The article went on to describe Dr. Kellermann as being on a "personal mission" to publicly call Dr. Noji to account. The content of the article made clear that Dr. Kellermann had misrepresented or lied about his involvement with the news article about which he had warned you several weeks prior. Despite this fact, you took no action to attempt to correct Dr. Kellermann's behavior. Subsequently, emails were identified showing Dr. Kellermann's interactions with the New York Times Reporter. See Attachment 14.

At multiple points during this sequence of events, and specifically upon release of the New York Times article, the attorneys in the USUHS Office of General Counsel specifically

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<sup>2</sup> At all times relevant to this matter, you were required to adhere to the standards established in this Directive and Instruction. Specifically, both require that allegations of misconduct against senior officials be reported to the Department of Defense Inspector General within 5 work days of receipt by a DoD Component. The definition of a senior official includes a current or former DoD civilian employee whose position is deemed equivalent to that of a member of the Senior Executive Service, which would include Dr. Kellermann.

advised you that Dr. Kellermann's disregard for the Privacy Act was potentially a criminal offense. Specifically, on November 14, 2017, you were advised that Dr. Kellermann's actions constituted misconduct by a senior leader in the Department of Defense, which necessitated reporting of the misconduct to the DoD Office of Inspector General (OIG). *See* Attachment 6. You continued to take no action to deter or correct Dr. Kellermann's behavior and you did not ensure that his misconduct was reported to the DoD OIG as required. Finally, after the release of the New York Times article, one of the attorneys in the DoD Office of General Counsel referred the article to the DoD OIG Office of General Counsel for action. The allegations of misconduct were investigated by the Defense Health Agency (DHA) OIG, and that investigation ultimately was expanded to include investigating misconduct by you.

You failed to appropriately hold Dr. Kellermann accountable for his actions in any way. In his 2018 performance appraisal, you stated that Dr. Kellermann worked with "USU OGC to address problematic faculty behavior and enforce professional expectations in accordance with university and federal laws, policies and procedures." *See* Attachment 15. Your review of Dr. Kellermann's performance failed to take into account his own problematic behavior and failure to comply with professional expectations in accordance with university and federal laws, policies and procedures, despite having been made aware of those issues explicitly and being advised that you should take action. You similarly failed to take into account Dr. Kellermann's actions in his 2017 performance appraisal.

In total, Dr. Kellermann was determined to have violated the Privacy Act many times as he made various public disclosures of information protected by the Privacy Act to NAM, other professional colleagues, and a New York Times reporter over a period of more than two years. *See* Attachment 6. While you may not have known the exact number of violations, you were aware of the ongoing nature of his inappropriate disclosures and were repeatedly advised about the risks they posed. Despite knowing of Dr. Kellermann's egregious behavior, you did nothing to mitigate the risk to the University or the Department of Defense.

You acknowledged during your testimony in the OIG investigation that as the President of the University, "one of my number one issues is to make sure that we don't put the university in jeopardy inadvertently or intentionally by any of our folks' actions." *See* Attachment 6. However, even in the face of overwhelming information that your direct subordinate was committing potentially criminal misconduct and exposing the university to significant legal and reputational risk, you failed to act. With respect to the New York Times article, you knew with certainty that it was pending publication and that Dr. Kellermann was personally involved. You stated, "When I saw the New York Times articles come out, and let me get this clear, we knew it was coming out, expected it months before, based on information likely that Art [Dr. Kellermann] had given them, and he was interviewed in that article and was talking about things. So it should, we actually expected this a long time before." Despite this certain knowledge, you did not take appropriate steps to mitigate the potential harm caused by Dr. Kellermann.

You also were not truthful in your testimony to the IG. You testified that, in response to the email you received from attorneys in the Office of General Counsel on November 14, 2017, you immediately walked down the hall, discussed the issue with the USUHS General Counsel,



and that you believed that he was handling reporting the issues to the IG. However, it was impossible for you to have had such a discussion, because the USUHS General Counsel was not on site at USUHS that day. *See* Attachments 3, 4. You also testified that you spoke with John Casciotti, an attorney with the Department of Defense Office of General Counsel, and that he was reporting the issue. This testimony was also untrue, as you never discussed the reporting requirement and processes for reporting with Mr. Casciotti. *See* Attachment 1. You also testified that you could not report the misconduct to the USUHS OIG, because you did not have an IG and were waiting for the position to be filled. However, this was also untrue, because you had an individual serving as the IG at the time, Mr. Steve Henske. *See* Attachments 9, 10, 11.

When you were interviewed as part the DHA OIG investigation, you insisted that you had repeatedly told Dr. Kellermann that he was not authorized to publicly share confidential personnel information pertaining to Dr. Noji. *See* Attachment 6. This was not true. Contrary to your representations that you counseled Dr. Kellermann about his behavior, there is no evidence that you did so. Dr. Kellermann denied that you ever told him that he should not engage in such behavior. *See* Attachments 5, 19. Even when you were fully briefed on the criminal nature of Dr. Kellermann's behavior, you did nothing to stop his efforts, which were undertaken in his official capacity, for the benefit of NAM rather than the benefit of DoD. Your lack of supervision of Dr. Kellermann and your repeated refusal to hold him accountable for his unauthorized disclosures created legal exposure to the University in clear abrogation of your duties as President.

As the OIG investigation came to a close, the investigators provided you with a Tentative Conclusions Letter laying out their findings and provided you an opportunity to respond and/or present additional evidence that may show that you did not engage in misconduct as they believed. Your response completely failed to take any responsibility for your actions, and in fact attempted to cast blame on others – specifically, the USUHS and DoD Offices of General Counsel – going so far as to allege that they had engaged in a conspiracy to undermine USUHS, and completely failing to address the actual content of the issues, which was Dr. Kellermann's conduct and your response or lack of response thereto. *See* Attachments 16, 17. The OIG found your arguments unavailing, and I agree with their interpretation.

## **Charges**

### **Charge 1: Failure to Follow Policy/Procedure**

**Specification 1:** You failed to follow written Policies/Procedures when, in November 2017, you failed to timely report allegations of senior leader misconduct to the Inspector General as required by DoD Directive 5505.06, Investigations of Allegations Against Senior DoD Officials. You were aware that your subordinate Dr. Kellermann had admitted to intentionally disclosing information protected by the Privacy Act to individuals outside of the DoD without authorization. You were also informed that you were required to report such misconduct pursuant to DoDD 5505.06. Despite being provided this information, you failed to take the necessary action of reporting this misconduct. You failed to follow the procedures set forth in DoDD 5505.06.

## **Charge 2: Failure to Properly Supervise**

Specification 1: On divers occasions between July 2016 and December 2018 you were aware that your direct subordinate, Dr. Arthur Kellermann, was engaged in a longstanding effort to publicly share information in violation of the Privacy Act. Despite knowing of Dr. Kellermann's behavior and its impropriety and illegality, you failed to properly supervise Dr. Kellermann when you failed to counsel him or otherwise intervene in his misconduct.

Specification 2: On divers occasions between July 2016 and September 2020 you failed to properly supervise your direct subordinate, Dr. Kellermann, when you failed to take action against him after being informed that he was using his position with the University and with DoD to act as an agent for a non-governmental entity, NAM, in violation of Title 18 U.S.C. § 205.

Specification 3: In Dr. Kellermann's 2018 performance appraisal, you lauded his efforts to work with USU OGC to address conduct and professionalism issues in his subordinates, overlooking the fact that Dr. Kellermann himself had displayed such failures. You failed to properly supervise him when you declined or neglected to hold him accountable for his improper actions.

## **Charge 3: Lack of Candor**

Specification 1: You testified during the IG investigation that you were unaware of any misconduct by Dr. Kellermann. This statement was untrue. You had been informed on multiple occasions that Dr. Kellermann was taking and/or had taken actions that violated law, rule, and/or policy. You were aware that these actions constituted misconduct. Your statement to the IG lacked candor.

Specification 2: You testified during the IG investigation that you "continuously counseled" Dr. Kellermann and told him to "cease and desist" his involvement with NAM. However, you were able to provide no evidence or witnesses to corroborate that you provided such warnings. Dr. Kellermann denied that you ever counseled him in this manner. Documentary and testimonial evidence shows that you instead attempted to support Dr. Kellermann's continued misconduct, namely, his efforts, including investment of significant time, energy, and government resources, to attempt to ensure Dr. Noji was removed from NAM, even though you were aware that Dr. Kellermann's actions violated the Privacy Act. Your statements to the IG to the effect that you "continuously counseled" Dr. Kellermann and told him to "cease and desist" were untrue and therefore lacked candor.

Specification 3: You testified during the IG investigation that, after being presented specific and verifiable descriptions of senior leader misconduct by your subordinate, Dr. Kellermann, along with the policy requiring you to report senior leader misconduct in an email from your General Counsel on November 14, 2017, that you sat down with your General Counsel and had a conversation about the situation, and that OGC was notifying DoD IG. However, testimony shows that you never had a conversation with the General Counsel after that email, and that you

could not have sat down with him because he was on leave and not at the facility. Your statement that you consulted with your General Counsel after receiving this email lacked candor.

**Specification 4:** You testified during the IG investigation that, after being presented specific and verifiable descriptions of senior leader misconduct by your subordinate, Dr. Kellermann, along with the policy requiring you to report senior leader misconduct in an email from your General Counsel on November 14, 2017, that Mr. Casciotti of DoD OGC was reporting the issues to DoD IG. You did not speak with Mr. Casciotti about reporting the issue, and no one told you that Mr. Casciotti was reporting the issue. Your statement that Mr. Casciotti was reporting the issue to DoD IG lacked candor.

**Specification 5:** You testified multiple times during the DHA OIG Investigation that your IG (for USUHS) was “not on board yet” or that you “did not have an IG”. However, throughout the time period of all the events covered by this investigation, you did have an individual appointed as the IG for USUHS, Mr. Steve Henske. Your statements to the effect that you did not have an IG at USUHS lacked candor.

#### **Charge 4: Poor Judgment**

**Specification 1:** You demonstrated poor judgment in your role as President, USUHS. You were aware for an extended period of time that Dr. Kellermann’s actions were ethically and legally problematic for many reasons. You were advised that Dr. Kellermann’s actions could subject the University and the Department to litigation and potentially liability, and that Dr. Kellermann’s actions were potentially criminal in nature. Despite repeated advisements and warnings, you continued to support or attempt to support Dr. Kellermann’s efforts and failed to take any action to mitigate the risk of exposure to litigation and/or liability for the Agency. Specifically, you did not attempt to stop Dr. Kellermann’s activities. Your actions demonstrate poor judgment, as you are the most senior leader of the organization and as such expected to take action to protect the Agency.

**Specification 2:** You demonstrated poor judgment in your role as President, USUHS. After receiving credible information from Dr. Kellermann that the New York Times was planning to release an article centered on USUHS, Dr. Kellermann, Dr. Noji, and NAM, and included information the release of which violated the Privacy Act, you failed to act upon this information or take any efforts to protect USUHS from the risk of liability or threat of litigation. Your actions demonstrate poor judgment, as you are the most senior leader of the organization and as such expected to take action to protect the Agency.

#### **Charge 5: Conduct Unbecoming a Federal Employee**

**Specification 1:** As President, USUHS, you were responsible for the total oversight over the University and its component schools and colleges. In that role, you are required to ensure that the University is not exposed to avoidable and unwarranted legal risk. By failing to take action to correct Dr. Kellermann’s conduct and behavior, even when expressly warned, you needlessly

exposed the University and the Department to legal and reputational risk. Your conduct was unbecoming of a federal employee.

### **Penalty**

Your misconduct causes me grave concern about your ability to effectively serve in your position. You took no action to stop Dr. Kellermann's actions or correct them after they had occurred and did not report the misconduct as required by policy. You were not truthful with the investigators, you failed to take responsibility for your actions or the actions of your subordinates (for which you are ultimately responsible in your position as a leader), and when faced with potential adverse findings, you continued to try to avoid responsibility by casting blame on others.

As the head of USUHS, you are expected to lead the University with integrity, honesty, and candor and to ensure its leaders carry out their responsibilities in an ethical manner that does not place the organization at legal or reputational risk. Your role is a critical, public facing position that has a significant and meaningful impact on the University's public reputation. Ensuring that the University and its leaders continue to be held in high public esteem is a critical component of your role.

You exposed the University to direct legal liability when you failed to supervise Dr. Kellermann and meaningfully deter or sanction him with respect to his Privacy Act violations. By your own admission, you were aware that Dr. Kellermann was using his official capacity as Dean to engage in a personal vendetta against Dr. Noji. The merits of Dr. Kellermann's concerns were wholly immaterial to the fact that you allowed Dr. Kellermann to repeatedly abuse his position as Dean of the School of Medicine to pursue a personal grudge. Your failure to adequately supervise Dr. Kellermann resulted in dozens of Privacy Act breaches and placed the University and the Department of Defense at legal and reputational risk.

Your failure to act also set an unacceptable standard for the behavior as the President of the University. Your staff, including your legal advisors, were well aware of Dr. Kellermann's misconduct and your repeated refusal to address it. Your repeated unwillingness to set a meaningful standard of ethical behavior yourself has irreparably damaged my trust and confidence in your ability to lead the University.

This is not the first time that you have failed to properly protect government information. You have previously been reprimanded for your own improper sharing of confidential information. This leads me to believe that you either do not understand or do not acknowledge the seriousness of safeguarding confidential government information, and your carelessness in this regard is not compatible with the position of President of the University.

Your conduct identified through the IG investigation has left me without confidence that you can successfully serve in your position. Your failures to supervise Dr. Kellermann and take appropriate action to ensure he discontinued activities that you knew were in violation of law and DoD and University policies, your lack of candor with the investigation into your misconduct,



and your refusal to accept critical legal advice are incompatible with what the Department expects of the President of the University.

This Proposed action was selected as the appropriate penalty based on the facts and circumstances regarding your misconduct. It is also taken to promote the efficiency of the Federal Service. This action is being taken in accordance with Title 5, Part 752 of the Code of Federal Regulations (CFR),

### **Rights**

You have the right to reply to this proposal in person, in writing, or both, stating why this proposed action should not be taken. You may submit affidavits and other documentary evidence to support your reply. Any reply should be made to the Honorable Mr. Matthew P. Donovan, Under Secretary of Defense for Personnel and Readiness, the deciding official, no later than ten (10) calendar days after you receive this notice. You may schedule an appointment to reply in person by contacting LTC Patrick M. Murphy at patrick.m.murphy7.mil@mail.mil or at 703-697-2121 (office) or 774-254-0992 (mobile). If more time is needed for the preparation of your reply, you must request an extension in writing to Mr. Donovan explaining why you need more time, in advance of the deadline. An extension of time is not automatic and such a request will be considered based upon the justification provided. Your reply will be given full and fair consideration. Whether or not you reply, you will receive a written notice of the final decision.

You have the right to select an attorney or other representative to assist you in the preparation and presentation of your reply. However, you may not choose a member of the Washington Headquarters Services, Human Resources Directorate (WHS HRD) or USUHS Civilian Human Resources (CHR), the WHS Office of Equal Employment Opportunity (EEO) Programs, the USUHS Equal Employment Opportunity (EEO) Office, an EEO counselor, employee in the WHS, USUHS, or DoD Offices of General Counsel, or an investigator, or anyone else whose service as a representative would result in a conflict, or apparent conflict, of interest or position, conflict with the priority needs of the agency, or cause unreasonable costs to the government. Any choice of representative or change in representative must be designated in writing; include your representative's name, address, and phone number; must be signed and dated by you; and submitted to Mr. Donovan. You must make all arrangements for and pay all costs associated with representation. You may request a reasonable amount of duty time to prepare and present your reply, if you are in a duty status. Arrangements for the use of duty time for this purpose must be made with me. Your representative, if an employee of the DoD, may also request a reasonable amount of duty time for these purposes if s/he is in a duty status. S/he must make arrangements for the use of duty time for such purpose with his/her supervisor.

**Should this proposed action be sustained, you may be entitled to the following rights:** You may appeal the decision on this action to the Merit Systems Protection Board (MSPB). If you choose to appeal the decision to the MSPB, your petition of appeal will need to be filed in writing with the MSPB. You may submit an appeal at any time after the effective date of the action being appealed, but not later than thirty (30) calendar days after the effective date of the decision or thirty (30) calendar days after your receipt of the decision – whichever is later.

You may not file your appeal before the effective date of the action. If you do not submit your appeal within the cited time frame, the administrative judge may dismiss it as untimely unless a good reason for the delay is shown. You will be provided the opportunity to show why the appeal should not be dismissed as untimely. Access to a copy of the MSPB appeal form, rules, and regulations is available at major libraries and on the internet at <http://www.mspb.gov>.

If you believe this personnel action is taken in retaliation for any allegations of protected Whistleblowing activities under 5 United States Code (U.S.C.) § 2302(b) (8), you may file a complaint with the Office of Special Counsel (OSC) under 5 U.S.C. § 1214. You may obtain a copy of the OSC's rules and regulations and appeal form at [www.osc.gov](http://www.osc.gov)

If you believe you have been unlawfully discriminated against based on race, color, religion, sex, national origin, disability, age, genetic information, or reprisal for prior Equal Employment Opportunity (EEO) activity, you may file a discrimination complaint with the WHS, Office of EEO Programs (EEOP), consistent with the provisions of Title 29 CFR § 1614.302. Pursuant to Title 29 CFR § 1614.302(b), you may file a mixed case complaint with the agency's EEO Office pursuant to Title 29 CFR, Part 1614, or a mixed case appeal with the MSPB pursuant to Title 5 CFR § 1201.151, but not both. The forum in which you file first (EEO or MSPB) is considered your election to proceed in that forum. You may obtain a copy of the EEOC's rules and regulations at <http://www.eeoc.gov>. If you elect to file a discrimination complaint, your complaint should be sent in writing to: WHS, EEOP, 4800 Mark Center Drive, Suite 03G19, Alexandria, Virginia 22350- 3400. You may reach WHS, EEOP at (571) 372-0832, or by fax at (571) 372-0847.

If you are experiencing personal problems that may be adversely impacting you, I encourage you to contact the Department of Defense Employee Assistance Program (DDEAP) at 1-866-580-9046. The DDEAP is a free, confidential, and voluntary service that provides counseling and referral services, employee consultations, as well as training and education. The DDEAP has available to you well-qualified professional counselors that are available to provide expert guidance and counseling to help restore and maintain workplace health and productivity. The DDEAP is available 24 hours a day/7 days a week. You may also access the DDEAP program by using the following URL: <https://magellanascend.com/?ccid=hpZiwiTni/VKNrZqvUQNB7LHvDV361mJPN/XTGpBqlc%3D>.

A copy of the materials relied upon to support this action are attached. If you have any questions about the aforementioned information, please contact Michael Sebastian, Assistant Director, Labor Management Employee Relations, WHS, HRD, LMER Division, at (571) 372-3964, or via email at [Michael.d.sebastian.civ@mail.mil](mailto:Michael.d.sebastian.civ@mail.mil).



THOMAS MCCAFFERY

Attachments:

1. Testimony of John Casciotti, September 5, 2018.
2. Testimony of Jason Kaar, August 16, 2018.
3. Testimony of Mark Peterson, December 10, 2018.
4. Summary of Follow-Up Questions to Mark Peterson, February 13, 2019.
5. Testimony of Dr. Arthur Kellermann, February 6 and 12, 2019.
6. Testimony of Dr. Richard Thomas, February 4 and 14, 2019.
7. Consolidated legal analyses regarding FOIA, Dr. Noji, and NAM.
8. Excerpts from documents provided by Jason Kaar.
9. Board of Regents Closed Meeting Minutes, May 20, 2016.
10. Board of Regents Closed Meeting Minutes, May 19, 2017.
11. Board of Regents Closed Meeting Minutes, November 3, 2017.
12. Email correspondence between Mark Peterson and Dr. Richard Thomas, March 20, 2018.
13. New York Time Article, April 9, 2018.
14. Email correspondence between Dr. Arthur Kellermann and Sheila Kaplan, New York Times Reporter, March 2018.
15. Performance Appraisals, Dr. Arthur Kellermann, Performance Years 2017 and 2018.
16. OIG Tentative Conclusions Letter and Dr. Richard Thomas's written response.
17. Supplemental Documents submitted by Dr. Richard Thomas with response to OIG Tentative Conclusions Letter.
18. Emails of Dr. Arthur Kellermann from his official to personal email accounts regarding Dr. Noji and NAM.
19. OIG Tentative Conclusions Letter and Dr. Kellermann's written response.

**ACKNOWLEDGEMENT OF RECEIPT**

I, Richard Thomas, hereby acknowledge that I have received a copy of the Notice of Proposed Removal and its attachments.

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Signature

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Date