



United States Marshals Service

Chapter 373

[fma.usmarshals@gmail.com](mailto:fma.usmarshals@gmail.com)

April 25, 2022

The Honorable Richard J. Durbin  
Chairman  
Senate Judiciary Committee  
711 Hart Senate Office Building  
Washington, D.C. 20510

The Honorable Charles E. Grassley  
Ranking Member  
Senate Judiciary Committee  
135 Hart Senate Office Building  
Washington, D.C. 20510

**SUBJECT:** Freedom of Information Act (FOIA) disclosure reveals nearly \$1 million in executive bonuses and cash awards paid at the U.S. Marshals Service (USMS)

Dear Chairman Durbin and Ranking Member Grassley:

On March 15, 2022, Attorney General Merrick B. Garland issued new FOIA Guidelines “to favor disclosure and transparency.”<sup>1</sup> He directed the heads of all executive branch departments and agencies—including the U.S. Marshals Service (USMS)—to apply a presumption of openness in administering the FOIA. He made it clear, “...the Justice Department will not defend nondisclosure decisions that fail to do so.” The Attorney General said, “Timely disclosure of records is also essential to the core purpose of FOIA.”<sup>2</sup>

Two weeks after the Guidelines were issued the Senate Judiciary Committee held a hearing entitled, “The Freedom of Information Act: Improving Transparency and the American Public’s Right to Know for the 21st Century.” Witnesses included: 1) Director Bobak Talebian, Office of Information Policy, U.S. Department of Justice (DOJ); 2) Director Alina M. Semo, Office of Government Information Services, National Archives and Records Administration;

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<sup>1</sup> <https://www.justice.gov/opa/pr/attorney-general-merrick-b-garland-issues-new-foia-guidelines-favor-disclosure-and>

<sup>2</sup> <https://www.justice.gov/ag/page/file/1483516/download>

and, 3) Director James R. McTigue, Jr., Strategic Issues, Government Accountability Office. Director Talebian testified that his office serves in an advisory capacity to offer “guidance and training,” rather than in an enforcement role where FOIA is concerned.<sup>3</sup>

On November 10, 2021, we filed a FOIA request for information on executive bonuses and cash awards paid to those within the USMS Senior Executive Service (SES). Our request was acknowledged by the USMS one week later on November 17th.<sup>4</sup>

By definition, the FOIA was a simple request, meaning a response was required within 20 business days unless there were “unusual circumstances.”<sup>5</sup> The bonuses and cash awards were allocated to the recipient SES employees in 2019, 2020, and 2021, presumably in each preceding year approved by the USMS Director. Therefore, the data we requested already existed within the USMS system of record and should have required minimal effort to identify, copy, and transmit. Yet eight weeks after our request, on January 6, 2022, the USMS Government Information Specialist informed us that the USMS employee(s) who held the information had not turned it over for FOIA processing, despite a long-established 5 business day turnaround standard.<sup>6</sup>

Pursuant to the regulation, we appealed the repeated delays to the USMS Director on January 20th.<sup>7</sup> Our initial appeal was met with no response. We renewed our appeal on March 1st.<sup>8</sup> It too went unanswered. On March 8th we appealed to the Office of the Deputy Attorney General (ODAG), prompting a same-day response from Director Talebian whose office contacted the USMS.<sup>9</sup> Subsequently, a response date of March 31st was stipulated.<sup>10</sup> The date came and went. A new date of April 15th was provided.<sup>11</sup> That day too came and went. We continued to appeal for release of the requested information, again raising it with ODAG. We finally received a response on April 19th, or **more than 5 months** after making the simple request on November 10th.<sup>12</sup>

Within the response the USMS redacted certain information. We appealed to Director Talebian that the redactions were unnecessary and did not meet the (b)(6) and (b)(7)(C) exemptions based on a quick review of publicly-available data on the Internet. We asked for a timely acknowledgment of our findings, as well as a release of the full logs, without redactions.<sup>13</sup> We await both the reply and decision and hope that too doesn’t again require ODAG intervention.

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<sup>3</sup> See examples at Senator Leahy’s questions at 42:30 and 44:12 and Director Talebian’s answers at 43:03 and 44:20, respectively, at <https://www.judiciary.senate.gov/meetings/the-freedom-of-information-act-improving-transparency-and-the-american-publics-right-to-know-for-the-21st-century>

<sup>4</sup> Acknowledgement Letter, November 17, 2021 [Exhibit 1]

<sup>5</sup> <https://www.justice.gov/oip/make-foia-request-doj>

<sup>6</sup> Email from Elaine Rivera to Jason Wojdylo, January 6, 2022 [Exhibit 2]

<sup>7</sup> Email to Ronald Davis from Jason Wojdylo, January 20, 2022 [Exhibit 3]

<sup>8</sup> Email to Ronald Davis from Jason Wojdylo, March 1, 2022 [Exhibit 4]

<sup>9</sup> Email to Jason Wojdylo from Bobak Talebian, March 8, 2022 [Exhibit 5]

<sup>10</sup> Letter from Matthew Hurd to Jason Wojdylo, March 15, 2022 [Exhibit 6]

<sup>11</sup> Emails between Jason Wojdylo and Matthew Hurd, March 15 – April 15, 2022 [Exhibit 7]

<sup>12</sup> USMS Final Response and Performance and Cash Award Logs for each of 2019, 2020, and 2021 [Exhibits 8 and 9]

<sup>13</sup> Email to Bobak Talebian from Jason Wojdylo, April 19, 2022 [Exhibit 10]

You will note the documents released includes a justification for a \$9,500 cash award to the former USMS General Counsel. Two sentences raise questions about the truthfulness of the reasoning for the award: 1) He was credited with developing an electronic system allowing the USMS to “**quickly respond to** discovery and IG/EEO/**FOIA investigation requests.**” Yet, our simple request took more than 5 months for a response, and responses to other requests have been outstanding for a longer period of time; and, 2) he was credited with Excepted Service hiring authority at the USMS, the justification suggesting the initiative “has taken years of oversight to pursue legislative approval.” **Yet, no such legislative approval ever occurred!** In fact, the USMS instead sought an Executive Order from the prior Administration when the Senate Judiciary Committee was under Senator Grassley’s leadership. The Federal Manager’s Association then raised objections to the special authority after years of well-documented hiring failures at the USMS<sup>14</sup> and the legislation was not advanced. The work-around was the Executive Order.

We encourage all USMS employees to review the SES bonus and cash award logs at Exhibit 9, with supplemental appeal information at Exhibit 10, representing **\$909,907 paid to 16 to 17 of the most senior executive employees** across the past three performance periods. The USMS issues a policy for rank-and-file employees that generally caps annual performance awards at \$2,500, without prior approval by the Deputy Director, Director, or Attorney General (and statistically the vast majority of employees receive far less than \$2,500 annually).<sup>15</sup> SES performance awards, however, are governed by 5 U.S.C. § 5384.<sup>16</sup>

Noteworthy is hundreds of thousands of dollars in executive bonuses and cash awards were paid in 2019 during a year when thousands of USMS employees went without pay during a record-breaking 35-day furlough. Many USMS contractors were never made whole on lost wages during the same more than month-long government shutdown. Another observation is most USMS senior executives saw increases in bonuses at a time when Government agency spending decreased during the pandemic and they enjoyed maximum telework arrangements in 2020 and 2021.

We respectfully ask you to continue to exercise your oversight authority and insist that the USMS improve its compliance with FOIA. If we as a not-for-profit organization experience delays and unnecessary redactions using seemingly non-qualifying exemptions, we should assume others interested in the operations of Government—including the media—are equally being mistreated by an Agency whose motto is Justice Integrity Service. We also ask that you consider introducing legislation that would require all Government agencies to post annual SES bonus and cash award details on their public websites. After all, compensation packages of corporate executives—including their bonuses—are widely available for publicly-traded companies. Why not for those at the top in Government?

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<sup>14</sup> <https://www.judiciary.senate.gov/imo/media/doc/2016-11-29%20MAJORITY%20REPORT%20-%20Improper%20Hiring.%20WB%20Reprisal.pdf>, <https://oig.justice.gov/press/2018/2018-09-20a.pdf>, and <https://www.judiciary.senate.gov/press/rep/releases/multi-year-investigation-reveals-widespread-waste-and-misconduct-at-highest-echelon-of-marshals-service>

<sup>15</sup> Policy Directive 3.18, USMS Awards Program, specifically pages 1, 2, and 5 of 7 [Exhibit 11]

<sup>16</sup> <https://www.opm.gov/policy-data-oversight/senior-executive-service/compensation/#url=Overview>

How taxpayer dollars are being spent should not be so difficult to obtain, as illustrated by our exhaustive FOIA experience. Ultimately, the Attorney General’s “promise of a government that is open and accountable to the American people” cannot be achieved if the USMS is left to set the standard. With some irony, the current General Counsel—**with USMS FOIA administration responsibility**—received a \$20,000 bonus for the most recent full performance period.

Sincerely,

*Dave Barnes*

Dave Barnes  
President

*Jason R. Wojdylo*

Jason R. Wojdylo  
Vice-President for  
Law Enforcement Operations

cc: All U.S. Marshals Service Employees

The Honorable Lisa O. Monaco  
Deputy Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530-0001

The Honorable Michael E. Horowitz  
Inspector General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530-0001

The Honorable Gene L. Dodaro  
Comptroller General  
Government Accountability Office  
441 G Street, N.W.  
Washington, D.C. 20548

The Honorable Ronald L. Davis  
Director  
U.S. Marshals Service  
Washington, D.C. 20530-0001

Ms. Alina M. Semo  
Director, Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road  
College Park, MD 20740-6001

Mr. Bobak Talebian  
Director, Office of Information Policy  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530-0001

Mr. James R. McTigue, Jr.  
Director, Strategic Issues  
Government Accountability Office  
441 G Street, N.W.  
Washington, D.C. 20548

Sally Buzbee  
Executive Editor  
The Washington Post  
[sally.buzbee@washpost.com](mailto:sally.buzbee@washpost.com)

Amelia Gruber  
Managing Editor  
Government Executive  
[agruber@govexec.com](mailto:agruber@govexec.com)

# Exhibit 1



**U.S. Department of Justice**

United States Marshals Service

*Office of General Counsel*

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*CG-3, 15<sup>th</sup> Floor  
Washington, DC 20530-0001*

November 17, 2021

Mr. Jason Wojdylo  
Vice President for Law Enforcement Operations  
Federal Managers Association  
1641 Prince Street  
Alexandria, VA 22314  
fma.usmarshals@gmail.com

**Re: Freedom of Information Act Request Number 2022-USMS-000111**  
**Subject: FOIA Request for award information for the Senior Executive Service**

Dear Jason Wojdylo,

The United States Marshals Service (USMS) is in receipt of your Freedom of Information Act/Privacy Act (FOIA/PA) request for Performance award (bonus) for each career executive within the Senior Executive Service—current and former—for each of the three (3) most recent appraisal periods. Any Presidential Rank Award to any agency career executive within the Senior Executive Service—current and former—delineated by Meritorious Rank and Distinguished Rank, for each of the three (3) most recent appraisal periods; Cash award to any agency career executive within the Senior Executive Service—current and former—based on “a special act or service, suggestion, invention, superior accomplishment, or productivity gain no linked to a performance rating,” for each of the three (3) most recent appraisal periods.

The USMS adopted a “first in/first out” practice for processing all incoming FOIA/PA requests. Your request was placed in chronological order based on following the date of receipt and will be handled as quickly as possible when assigned for processing. If you have any questions regarding the status of your request, you may contact the Government Information Specialist assigned to your request at the following address:

United States Marshals Service  
CG-3, 15<sup>th</sup> Floor  
Washington, DC 20530-001

Due to a substantial backlog of requests, it is estimated the processing of your request may be significantly delayed. I regret the necessity of this but assure you that your request will be processed as soon as possible.

At this time, the USMS is unable to determine the amount of fees to be charged to you (if any). The filing of your request constitutes your agreement to pay all applicable fees that may be

charged under the Department of Justice FOIA/PA regulations in excess of \$25.00. You will be notified as soon as practicable if the estimated or actual fee for satisfying your request exceeds \$25.00.

Please be advised that due to necessary operational changes as a result of the national emergency concerning the novel coronavirus disease (COVID-19) outbreak, there may be some delay in the processing of your request.

Lastly, you may contact the USMS FOIA Public Liaison either by telephone at 703-740-3943, your PAL account (<https://foia.usmarshals.gov/app/Home.aspx>) or the address listed above if you would like to discuss any aspect of your FOIA/PA request.

Sincerely,

A handwritten signature in black ink that reads "Elaine Rivera for". The signature is written in a cursive, flowing style.

Charlotte Luckstone  
Associate General Counsel  
Freedom of Information/Privacy Act Officer  
Office of General Counsel

# Exhibit 2

Jason

----- Forwarded message -----

From: **FMAUSMarshals** <[fma.usmarshals@gmail.com](mailto:fma.usmarshals@gmail.com)>  
Date: Thu, Jan 13, 2022 at 9:00 AM  
Subject: Re: [EXTERNAL] Re: Status of FOIA requests  
To: Rivera, Elaine (USMS) [REDACTED]

Checking in for what is the 6th time to see if there has been any progress over the past week with you obtaining the requested information from the subject matter experts since my mid-November FOIAs?

On Thu, Jan 6, 2022 at 10:11 AM FMAUSMarshals <[fma.usmarshals@gmail.com](mailto:fma.usmarshals@gmail.com)> wrote:

Thank you very much for your work on this. Really. It is quite upsetting that you have not received a response yet from the subject matter experts...since November. I am quite familiar with what is typically a 5 day response timeframe to OGC following a request for records. The data I am seeking is readily available (*i.e.*, already maintained in the Agency's system of record) and honestly should be turned over without a FOIA request, consistent with our Consultation Agreement.

If you don't get something back within a week I am prepared to send a letter to Director Davis, with a copy to Congressional leaders, outlining what appears to be obstructionists in the USMS thwarting the FOIA process. And, blaming the pandemic for the lengthy delay in responding to you is no excuse.

I will check back with you next Thursday to see if there has been any progress. Thank you again.

Jason

On Thu, Jan 6, 2022 at 6:54 AM Rivera, Elaine (USMS) [REDACTED] wrote:

Good morning,

I have submitted a request for documents for FOIA requests 2022-USMS-000111 and 2022-USMS-000112. I have not received any information back but will follow up with the subject matter experts today. In regards to FOIA request 362956, we are still waiting on a review. Once I receive that review back, I will be able to provide it to you. I apologize for any inconvenience.

Thank you,

Elaine M. Rivera  
Government Information Specialist  
Office of General Counsel  
United States Marshals Service

NOTICE: This email (including any attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient (or the recipient's agent), you are hereby notified that unauthorized dissemination, distribution, copying, or use of this email or its

contents is prohibited and may violate applicable law. If you received this email in error, please notify the sender immediately and destroy all copies.

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**From:** FMAUSMarshals <[fma.usmarshals@gmail.com](mailto:fma.usmarshals@gmail.com)>  
**Sent:** Wednesday, January 5, 2022 7:04 PM  
**To:** Rivera, Elaine (USMS) [REDACTED]  
**Subject:** [EXTERNAL] Re: Status of FOIA requests

Another request for an update (what may be my fourth). Can I at least get an idea where each is in the queue? There continues to be high interest in the timely release of the people's business and what I have asked for is readily and already maintained by the USMS in its system of records:

<https://www.grassley.senate.gov/news/news-releases/grassley-leahy-feinstein-introduce-bill-to-reinforce-transparency-in-wake-of-supreme-court-foia-decision-and-recent-regulations>

<https://oversight.house.gov/news/press-releases/gao-reports-find-agencies-withheld-more-information-from-the-public-in-recent>

On Wed, Dec 22, 2021 at 12:27 PM FMAUSMarshals <[fma.usmarshals@gmail.com](mailto:fma.usmarshals@gmail.com)> wrote:

Hi Elaine -

Can I get an update on the following FOIA simple requests:

2021-USMS-362956 (supplemental)

2022-USMS-000111

2022-USMS-000112

The information requested is readily available within agency records and should be timely released as being in the public interest.

Many thanks and happy holidays,

Jason R. Wojdylo

Vice-President for Law Enforcement Operations

Federal Managers Association

U.S. Marshals Service Chapter 373

# Exhibit 3



fma.usmarshals <fma.usmarshals@gmail.com>

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## Status of FOIA requests

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**FMAUSMarshals** <fma.usmarshals@gmail.com>

Thu, Jan 20, 2022 at 12:09 PM

To: ronald.davis [REDACTED]

Hello Director Davis -

Trust it pains the Federal Managers Association to have to trouble you with this request. We work hard to resolve issues at the lowest possible level, yet have been unable to do so here, as we weren't when we bothered ODAG last year to get resolution to another pressing issue that could have easily been resolved by the Deputy Director with an acknowledgment and courtesy reply (see attachment).

While our written Consultation Agreement with the Agency does not require it in lieu of access to records, we have three pending FOIA requests dating back to mid-November 2021. These are all "simple requests" by FOIA definition, meaning the Agency has the information readily available within its system of records and should turn it over generally within about 20 business days. We understand OGC is not experiencing a delay in processing the request, but instead those within HRD and OPR in immediate possession of the requested records will not timely surrender them to OGC for processing. The standard is to respond to OGC within 5 business days of a request. Ignoring the timely transmission of documents undermines the FOIA process and assuredly does not comply with Congressional intent for the citizenry to be able to see what goes on within its government.

Out of respect to you we want to ask for your assistance before we trouble ODAG who seems to have better success, based on the earlier issue we raised re: retirement shadow boxes, in obtaining compliance (*i.e.*, the badges and credentials office within TOD is currently and admirably processing shadow boxes within weeks of an employee's retirement). We would welcome you directing the appropriate HRD and OPR officials accordingly re: the outstanding FOIA simple requests. An acknowledgement of this email would also be much appreciated.

Many thanks,

Jason R. Wojdylo  
Vice President for Law Enforcement Operations  
Federal Managers Association  
U.S. Marshals Service Chapter 373

----- Forwarded message -----

From: **FMAUSMarshals** <fma.usmarshals@gmail.com>  
Date: Mon, Jan 17, 2022 at 10:23 PM  
Subject: Fwd: [EXTERNAL] Re: Status of FOIA requests  
To: <Charlotte.Luckstone [REDACTED]>

Hello Charlotte -

Can I get an update, specifically on -000111 and -000112? It's one thing if the delay is related to OGC processing the request, as may be the case with -362956. It's entirely another when agency officials don't timely respond to OGC's request for the documents it readily has in its possession as a part of its established system of records. I don't think it is a good use of the Director's time for me to ask for his intervention.

[Quoted text hidden]

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# Exhibit 4

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**OPA question re: mugshots**

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**FMAUSMarshals** <fma.usmarshals@gmail.com>

To: "Davis, Ronald (USMS)" [REDACTED]

Good Morning Director Davis -

Two issues I would like to raise this morning:

I missed copying you on my message yesterday to Director Coley at DOJ. While it continues to be disappointing that the USMS doesn't respond to us (raising quest answers elsewhere, as appropriate (*i.e.*, as previously stated we *first* work hard to resolve issues at the lowest possible level). Nonetheless, we seemingly identified Agency's relationship with the public it serves. From the referenced policy provided to us by DOJ:

1-7.610 - Concerns of Prejudice

Because the release of certain types of information could prejudice an adjudicative proceeding, DOJ personnel should refrain from disclosing the following, except as

- A. Observations about a defendant's or party's character;
- B. Statements, admissions, confessions, or alibis attributable to a defendant or party, or the refusal or failure of the accused to make a statement;
- C. Reference to investigative procedures, such as fingerprints, polygraph examinations, ballistic tests, or forensic services, including DNA testing, or to the refusal
- D. Statements concerning the identity, testimony, or credibility of prospective witnesses;
- E. Statements concerning anticipated evidence or argument in the case; and
- F. Any opinion as to the defendant's guilt, or the possibility of a plea of guilty to the offense charged, or the possibility of a plea to a lesser offense.

DOJ personnel should not encourage or assist news media in photographing or televising a person held in custody. DOJ personnel should not voluntarily disclose a photograph is already part of the public record in the case.

[updated April 2018]

The second issue is we still have not heard back on our FOIA requests (*i.e.*, 2021-USMS-362956, 2022-USMS-000111 and 2022-USMS-000112).

Again, two of the three requests the Agency already has the information within its system of record (*i.e.*, it requires no research, but only photocopying information).

The rules say we can appeal to the Agency head. As such, please accept this message as such an appeal prior to seeking DOJ assistance.

Many thanks,

Jason

----- Forwarded message -----

From: **Hornbuckle, Wyn (PAO)** [REDACTED]  
Date: Tue, Mar 1, 2022 at 9:35 AM  
Subject: RE: [EXTERNAL] Fwd: OPA question re: mugshots  
To: fma.usmarshals@gmail.com <fma.usmarshals@gmail.com>  
Cc: Coley, Anthony D. (PAO) [REDACTED]

Jason,

Sorry for the long delay in replying, and thanks for sharing the information with us. I flagged it for the Marshal's service when you sent it previously. DOJ's policy remains unchanged in this regard. DOJ policy guidelines can be found here [1-7.000 - Confidentiality and Media Contacts Policy | JM | Department of Justice](#). These

Respectfully,

Wyn Hornbuckle

Deputy Director, Office of Public Affairs

U.S. Department of Justice

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**From:** FMAUSMarshals <fma.usmarshals@gmail.com>**Sent:** Monday, February 28, 2022 12:38 PM**To:** Coley, Anthony D. (PAO) [REDACTED]**Subject:** [EXTERNAL] Fwd: OPA question re: mugshots

Hello Director Coley -

I have not heard back from Wyn in more than a month. Perhaps he is no longer with DOJ OPA? Nor have I heard back from the USMS, although they seemingly too. After all, the membership of the organization I represent are equally taxpayers who deserve to understand the operations of our government. Acknowledging an error

Many thanks,

Jason

----- Forwarded message -----

From: **FMAUSMarshals** <[fma.usmarshals@gmail.com](mailto:fma.usmarshals@gmail.com)>  
Date: Tue, Feb 1, 2022 at 11:59 AM  
Subject: Re: OPA question re: mugshots  
To: <[wyn.hornbuckle@usmarshals.com](mailto:wyn.hornbuckle@usmarshals.com)>  
Cc: <[ronald.davis@usmarshals.com](mailto:ronald.davis@usmarshals.com)>

Hello Wyn -

Will there be an opportunity to hear from DOJ or the USMS on the question(s) we raised?

Many thanks,

Jason

On Tue, Jan 25, 2022 at 2:03 PM FMAUSMarshals <[fma.usmarshals@gmail.com](mailto:fma.usmarshals@gmail.com)> wrote:

Hello Wyn -

I sent the below message on Friday afternoon to your office through the [usdoj.gov](https://usdoj.gov) web-based form, as well as to the U.S. Marshals Service (USMS), as one raised

I note at least one of the referenced tweets (ending in 85293 that was taken with handcuffs on a bench in the background) was removed from the USMS twitter feed. The other two tweets are not specific to Twitter, but are on other USMS social media platforms. Any similar video image would seemingly be the equivalent of a perp walk, which I believe were taken incident to arrest such as the link to the one ending in 16803 as being in the back of a police vehicle).

I was in the audience assigned as the Chief Deputy U.S. Marshal for the Northern District of Illinois when the USMS announced at a national management conference that they could not host office-specific accounts similar to the FBI or U.S. Attorney's Offices (USAOs) because of various "rules" that had to be followed. Yet, the question I asked was about the Agency's social media accounts. In 2019, I questioned why the USMS posted that someone had been arrested, for example, "for murder," rather than "on an allegation of the crime for which they were arrested when DOJ takes great care to say in its press releases "an indictment is merely an allegation and not a presumption of guilt." Then they began to use terms such as "allegation," "accused of," "charged with," "announces the arrest on a warrant for," "wanted on a warrant for," etc. This minor adjustment

I would like to know if DOJ's policy has been updated re: release of mugshots, or is what the USMS is posting on social media another example of overreach? If it is (i.e., similar to the FBI and USAO) when the headquarters doesn't provide proper administration by complying with the rules in what may be strike two. If the policy is

Some at the USMS sometimes forgets it works for the American taxpayers, including members of public interest groups, who deserve to understand the operations of the USMS Office of Public Affairs, although they received the same question simultaneously and separately, with no response to what is a basic question). Therefore,

Many thanks,

Jason R. Wojdylo

Vice President for Law Enforcement Operations

Federal Managers Association

U.S. Marshals Service Chapter 373

[www.fedmanagers.org](http://www.fedmanagers.org)

*The Federal Managers Association (FMA), established in 1913, is the oldest and largest association representing the interests of the 200,000 managers, supervisors and executives in the federal government.*  
[fedmanagers.org/About-Us](http://fedmanagers.org/About-Us)

----- Forwarded message -----

From: **FMAUSMarshals** <[fma.usmarshals@gmail.com](mailto:fma.usmarshals@gmail.com)>

Date: Fri, Jan 21, 2022 at 3:06 PM

Subject: OPA question re: mugshots

To: <[us.marshals@usdoj.gov](mailto:us.marshals@usdoj.gov)>

Citing privacy interests of the accused, DOJ has maintained a longstanding policy of not releasing mugshots of persons arrested by federal agencies, except in the charge while the person is at large. Upon arrest, the same mugshots have also been used to notify the public the individual has been arrested (i.e., generally the s times the U.S. Marshals Service has regularly been releasing photos with the same terms across them on Twitter, that are seemingly incident to arrest (not pre-dat

<https://twitter.com/USMarshalsHQ/status/1484571599797985293/photo/1>

<https://twitter.com/USMarshalsHQ/status/1484526249498316803/photo/1>

Also, several other recent examples here:

<https://twitter.com/USMarshalsHQ/status/1483561093171752960/photo/1>

<https://twitter.com/USMarshalsHQ/status/1481657419763798019/photo/1>

<https://twitter.com/USMarshalsHQ/status/1481279861306142725/photo/1>

Has DOJ's policy on the release of mugshots, negating any privacy interests, changed? For reference, may I obtain a copy of the current policy? Many thanks.

# Exhibit 5



fma.usmarshals <fma.usmarshals@gmail.com>

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## FOIA requests

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**FMAUSMarshals** <fma.usmarshals@gmail.com>

Tue, Mar 8, 2022 at 4:52 PM

To: "Talebian, Bobak (OIP)" [REDACTED]

Hello Director Talebain -

Thank you very much for your response. The USMS often only seems to be responsive when DOJ gets involved. In fact, they seem to forget who they serve (*i.e.*, we seldom even get the courtesy of an acknowledgment to issues we raise). [REDACTED] has been kind enough to route (and subsequently resolve) an increasing number of issues across a variety of topics since assuming her position. While it should not take her intervention, we remain grateful for her engagement. Similarly, we appreciate yours as well.

Jason R. Wojdylo  
Vice President for Law Enforcement Operations  
Federal Managers Association  
U.S. Marshals Service Chapter 373

**About us:** *The Federal Managers Association, established in 1913, is the oldest and largest association representing the interests of the 200,000 managers, supervisors, and executives serving in today's federal government. For more information see: <https://www.fedmanagers.org/About-Us>*

On Tue, Mar 8, 2022 at 4:34 PM Talebian, Bobak (OIP) <[Bobak.Talebian@usdoj.gov](mailto:Bobak.Talebian@usdoj.gov)> wrote:

Good afternoon,

[REDACTED] forwarded your message to my office, the Office of Information Policy, to look into the concerns you raised below. I want to thank you for bringing this to our attention. As part of our oversight and guidance responsibilities, OIP reviews inquiries made by the public raising issues regarding agencies' compliance with the FOIA statute and the Attorney General's FOIA Guidelines. An attorney from my office will look into this matter and be in touch.

Thank you again,

Bobby

Bobak Talebian

Director

Office of Information Policy

U.S. Department of Justice

**From:** FMAUSMarshals <[fma.usmarshals@gmail.com](mailto:fma.usmarshals@gmail.com)>

**Sent:** Tuesday, March 8, 2022 11:29 AM

**To:** [REDACTED] (ODAG) [REDACTED]

**Subject:** [EXTERNAL] FOIA requests

Hi [REDACTED] -

I am sorry to have to bother you with this issue, yet I want to make a concerted attempt to resolve it at the lowest possible level. Unfortunately, I have had no success with the USMS.

On September 28, 2021, I filed on behalf of the FMA a FOIA request. I received an acknowledgement letter on October 6th, assigning a tracking number of 2021-USMS-362956, and clarified and supplemented the request on October 7th. We received a response on October 28th suggesting we did not supply enough information to provide a response. Therefore, I responded with the referenced supplemental information.

On November 16, 2021, I filed two additional and unrelated FOIA requests, with responses assigning tracking number 2022-USMS-000111 and 2022-USMS-000112. Since then, I have asked more than a dozen times for an update on what are "simple requests" by FOIA definition (i.e., the Agency already has the records within its system of record that only requires copying, review, and turn over within 20 business days).

On January 6, 2022, the USMS informed me despite its processing office's (Office of General Counsel) best attempts and multiple requests, the subject matter experts (SMEs) within the Agency had not turned over the documents from its system of records. The standard is to do so within 5 business days.

On January 20th, following the FOIA guidelines, I appealed for a response to the Agency head, Director Ronald Davis. I renewed my appeal on March 1st. I have not received the courtesy of a response, nor have I received responses to the 3 FOIA requests.

It seems unreasonable that I should have to request dispute resolution from the FOIA Public Liaison of the Office of Government Information Services, or from Congress. The fact that the SMEs have slow-walked or not turned over the requested documents so that the processing office can timely respond to the requests is unfair and does not provide the transparency of government operations intended by the legislative branch.

One senior official told me over the course of the pending request "they don't want you to have the information." Yet, it is not in any way classified and should be readily released.

Any effort you may be willing to undertake to inquire of the USMS the status of my requests and more timely turnover of the response would be greatly appreciated. Attached are my appeals to the Agency

head that have gone unanswered. Below is the regulation I earlier referenced.

Many thanks,

Jason

- (6)(A) Each agency, upon any request for records made under paragraph (1), (2), or (3) of this subsection, shall—
  - (i) determine within 20 days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of any such request whether to comply with such request and shall immediately notify the person making such a request of —
    - (I) such determination and the reasons therefor;
    - (II) the right of such person to seek assistance from the FOIA Public Liaison of the agency; and
    - (III) in the case of an adverse determination —
      - (aa) the right of such person to appeal to the head of the agency, within a period determined by the head of the agency that is not less than 90 days after the date of such adverse determination; and

- (bb) the right of such person to seek dispute resolution services from the FOIA Public Liaison of the agency or the Office of Government Information Services; and

- (ii) make a determination with respect to any appeal within twenty days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of such appeal. If on appeal the denial of the request for records is in whole or in part upheld, the agency shall notify the person making such request of the provisions for judicial review of that determination under paragraph (4) of this subsection.

- The 20-day period under clause (i) shall commence on the date on which the request is first received by the appropriate component of the agency, but in any event not later than ten days after the request is first received by any component of the agency that is designated in the agency's regulations under this section to receive requests under this section. The 20-day period shall not be tolled by the agency except—

- (l) that the agency may make one request to the requester for information and toll the 20-day period while it is awaiting such information that it has reasonably requested from the requester under this section; or

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- (II) if necessary to clarify with the requester issues regarding fee assessment. In either case, the agency's receipt of the requester's response to the agency's request for information or clarification ends the tolling period.

# Exhibit 6



**U.S. Department of Justice**  
Office of Information Policy  
Sixth Floor  
441 G Street, NW  
Washington, DC 20530-0001

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Telephone: (202) 514-3642

**March 15, 2022**

Jason R. Wojdylo  
Vice President for Law Enforcement Operations  
Federal Managers Association  
U.S. Marshals Service Chapter 373  
[fma.usmarshals@gmail.com](mailto:fma.usmarshals@gmail.com)

Dear Jason Wojdylo:

This is in response to your compliance inquiry made to the Office of the Deputy Attorney General on March 8, 2022. In your inquiry, you sought a status update and an estimated date of completion for each of the following three Freedom of Information Act (FOIA) requests submitted to the United States Marshals Service (USMS): (1) Request No. 2021-USMS-362956; (2) Request No. 2022-USMS-000111; and (3) Request No. 2022-USMS-000112.

Our Office reached out to USMS to determine the status and request an estimated date of completion for each of your requests. The status and estimated date of completion for each of your three requests are provided below:

Request No. 2021-USMS-362956 - Our Office was advised that USMS made a partial release of responsive records by letter dated October 28, 2021, and that USMS is currently processing the remainder your request. USMS estimates that it will complete the processing of your request and issue a final response by March 31, 2022.

Request No. 2022-USMS-000111 - Our Office was advised that USMS is currently processing your request. USMS estimates that it will complete the processing of your request and issue a final response by March 31, 2022.

Request No. 2022-USMS-000112 - Our Office was advised that USMS is currently processing your request. USMS estimates that it will complete the processing of your request and issue a final response by April 30, 2022. If this request can be completed prior to this date, a response will be sent to you sooner.

If you are dissatisfied with USMS' final responses to your requests, you may administratively appeal to this Office. We trust that this information responds to your compliance inquiry. Please do not hesitate to contact our Office if you have additional questions or concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read "M.H. - M".

Matthew Hurd  
Chief, Administrative Appeals Staff

# Exhibit 7



fma.usmarshals <fma.usmarshals@gmail.com>

## Compliance Inquiry Response

**FMAUSMarshals** <fma.usmarshals@gmail.com>

Fri, Apr 15, 2022 at 5:15 PM

To: "Hurd, Matthew (OIP)" [REDACTED]

Cc: "Talebian, Bobak (OIP)" [REDACTED]

(ODAG)"

Bcc: [REDACTED]@senate.gov

As predicted, another deadline has come and gone without fulfilling any of the 3 FOIA requests outstanding since last fall. This validates the AG's recent Guidelines have no enforcement provision among DOJ components.

Respective Congressional counsel, staff, and investigators have been blind copied. I am also adding back ODAG to the courtesy copy in hopes they may have success in directing the USMS to comply.

On Wed, Apr 13, 2022 at 10:36 PM FMAUSMarshals <fma.usmarshals@gmail.com> wrote:

Hello Matthew -

We are on the verge of another deadline. I hope to avoid another round of raising the gamesmanship and stonewalling by the USMS to Congress. Any last-minute effort on your part would be much appreciated. Again, there is no reason why all three outstanding requests should not have already been provided.

Jason

On Tue, Apr 5, 2022 at 10:59 AM Hurd, Matthew (OIP) [REDACTED] wrote:

Hello Jason -

I hope you and your family are doing well.

A member of my team reached out to USMS and was informed that Request Nos. 2021-USMS-362956 and 2022-USMS-000111 should be ready soon. USMS provided us with an updated estimated date of completion of April 15, 2022.

Sincerely,

**Matthew W. Hurd**

Office of Information Policy

Phone - [REDACTED]

**From:** FMAUSMarshals <[fma.usmarshals@gmail.com](mailto:fma.usmarshals@gmail.com)>

**Sent:** Friday, April 1, 2022 8:32 AM

**To:** Hurd, Matthew (OIP) [REDACTED]

**Cc:** Talebian, Bobak (OIP) [REDACTED]

**Subject:** [EXTERNAL] Re: Compliance Inquiry Response

Hello Matthew -

I watched with keen interest this week's testimony before the Senate Judiciary Committee re: Freedom of Information Act (FOIA). I was particularly struck by the "presumption of openness" repeatedly stated by Director Talebian and his commitment to the Committee regarding the DOJ's efforts to be more open.

Yet, this message should come as no surprise, nor is it an April Fool's joke, that the U.S. Marshals Service (USMS) did not fulfill its obligation to respond to my FOIA requests by yesterday's deadline, as noted in your letter of March 15th, the same day as Attorney General Garland's new Guidelines were published to favor disclosure and transparency (<https://www.justice.gov/opa/pr/attorney-general-merrick-b-garland-issues-new-foia-guidelines-favor-disclosure-and><https://www.justice.gov/opa/pr/attorney-general-merrick-b-garland-issues-new-foia-guidelines-favor-disclosure-and>). It is even more clear the USMS senior agency official who told me more than a month ago, "...they don't want you to have the information," specific to all three of my requests, was speaking with knowledge following delay after delay, promise after promise, from the USMS Office of General Counsel that I would receive something "soon." It's been more than six months on one FOIA, more than four months on the other two.

The request numbered 2021 (September 2021) is attached (yet it was subsequently modified to expand the date range for documents, etc. and include the name of the subject employee after it was widely reported in the press), and is connected to two stories that were published in the New York Post, the second that named the USMS employee and included his photograph: <https://nypost.com/2021/10/12/senior-us-marshals-accused-of-having-sex-at-virginia-headquarters-documents/> and <https://nypost.com/2021/10/24/us-marshals-boss-probed-for-office-sex-made-underlings-do-homework/>. The senior official (of the Senior Executive Service) never returned following his FMLA leave, but retired the day he became eligible in mid-November, reportedly to escape discipline. His female accomplice (widely identified within the Agency as [REDACTED]) recently left the USMS for another agency within the Department of Energy, I am told, to also avoid discipline. So, the two employees are no longer with the USMS, giving greater reason to release the requested information.

The first 2022 case (also filed November 2021) is for "Performance award (bonus) for each career executive within the Senior Executive Service—current and former—for each of the three (3) most recent appraisal periods. Any Presidential Rank Award to any agency career executive within the Senior Executive Service—current and former—delineated by Meritorious Rank and Distinguished Rank, for each of the three (3) most recent appraisal periods; Cash award to any agency career executive within the Senior Executive Service—current and former—based on 'a special act or service, suggestion, invention, superior accomplishment, or productivity gain no linked to a performance rating,' for each of the three (3) most recent appraisal periods." The former USMS Director or Deputy Director signed off on the bonuses in each of the previous three years in order for

the recipients to receive them so this data is already within the Agency's system of record. Photocopying and releasing the reports in whole should not take more than four months.

The other 2022 case (filed November 2021) is for "the number of U.S. Marshals Service employees, broken down between administrative and operational, arrested by a law enforcement agency in each of 2019, 2020, and to date in 2021." The USMS Office of Professional Responsibility tracks each and every employee arrest in a database, as they occur or become known (*i.e.*, it already maintains this data within its system of records requiring NO RESEARCH, but it only requires printing and releasing the report). The Agency told you on this one it would respond by April 30, 2022. However, printing the report should not take more than five months. In fact, it is a month longer than photocopying the reports on the FOIA request re: SES bonuses, as was promised by March 31st.

I shared the aforementioned information with Senator Grassley's Chief Investigative Counsel prior to this week's hearing (and for transparency they are blind copied on this email). I am respectfully asking that while the Committee's record from this week's hearing remains open a QFR be included to Director Talebain to understand why the USMS refuses to timely release information related to FOIA requests, all that is within the public interest. The American people deserve to know how its government operates. In fact, it raises questions about how other requestors are being treated by the USMS.

Noteworthy is the Federal Managers Association maintains a more than 20-year written and signed Consultation Agreement with the USMS. A provision provides: "The USMS grants permission and agrees that the USMS FMA membership may utilize the following agency items to further the goals of the FMA: ...The use of any agency document that is obtainable under FOIA *without having to FOIA the document...*" Yet, the USMS doesn't honor its longstanding written Agreement either, prompting us to seek release of information through FOIA which is more often than not delayed and/or ignored.

It is seemingly clear from Director Talebian's testimony that DOJ Office of Information Policy (OIP) has no enforcement authority over the USMS to compel timely responses to FOIA requests (in fact, here the USMS deliberately thumbs its nose at DOJ by promising to you a response by yesterday, but failed to deliver). Does the Attorney General or Deputy Attorney General have enforcement powers over the USMS? Any lack of enforcement, however, should not be confused with Congressional oversight. Moreover, I am also kindly asking for Office of Government Information Services Director Semo's engagement through her agency's mediation, ombuds, conciliation, and/or facilitation programs, inclusive of the DOJ OIP and USMS.

Thank you for your continued engagement (although regrettably even your best efforts here were incapable of producing any useful results).

Jason R. Wojdyla

Vice President for Law Enforcement Operations

Federal Managers Association

U.S. Marshals Service Chapter 373

**About us:** *The Federal Managers Association, established in 1913, is the oldest and largest association representing the interests of the 200,000 managers, supervisors, and executives serving in today's federal government. For more information see: <https://www.fedmanagers.org/About-Us>*

On Tue, Mar 15, 2022 at 9:58 AM FMAUSMarshals <[fma.usmarshals@gmail.com](mailto:fma.usmarshals@gmail.com)> wrote:

Thank you very much for your engagement. I believe it's what it will take for a more timely response from the USMS. In the past we've waited up to a year for a response to what should be, like the most recent requests, a simple request. The information being sought in -000111 and -000112 is already within the agency's system of record and should not take more than four months to produce. We became concerned when an agency official in a position of knowledge shared with us, "...they don't want you to have the information." Then, the FOIA specialist told me in writing that designated agency officials would not turn over the information, despite her repeated requests.

I will let you know if we don't receive a response by March 31st. Again, I appreciate you making the inquiry with the USMS.

On Tue, Mar 15, 2022 at 8:16 AM Hurd, Matthew (OIP) [REDACTED] wrote:

Dear Jason Wojdylo:

Director Talebian asked my team to look into your inquiry dated March 8, 2022, which concerned three Freedom of Information Act requests pending with the United States Marshals Service (USMS). An attorney from my team contacted USMS to determine the status of your three requests and to ask for estimated dates of completion. Attached, please find our response to your inquiry.

Please do not hesitate to reach out to me if I can be of any further assistance or if you have any questions or concerns.

Sincerely,

**Matthew W. Hurd**

Chief, Administrative Appeals Staff

Office of Information Policy

U.S. Department of Justice

Phone – [REDACTED]

# Exhibit 8



**U.S. Department of Justice**

United States Marshals Service

*Office of General Counsel*

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*CG-3, 15<sup>th</sup> Floor  
Washington, DC 20530-0001*

April 19, 2022

Mr. Jason Wojdylo  
Vice President for Law Enforcement Operations  
Federal Managers Association  
1641 Prince Street  
Alexandria, VA 22314  
[fma.usmarshals@gmail.com](mailto:fma.usmarshals@gmail.com)

**Re: Freedom of Information Act Request No. 2022-USMS-000111**  
**Subject: FOIA Request for Performance award (bonus) for each career executive within the Senior Executive Service**

Dear Jason Wojdylo,

The United States Marshals Service (USMS) is responding to your Freedom of Information Act (FOIA) request for Performance award (bonus) for each career executive within the Senior Executive Service—current and former—for each of the three (3) most recent appraisal periods. We ask for the information in a format suggested in the attached spreadsheet that should be considered a part of this request; Any Presidential Rank Award to any agency career executive within the Senior Executive Service—current and former—delineated by Meritorious Rank and Distinguished Rank, for each of the three (3) most recent appraisal periods; Cash award to any agency career executive within the Senior Executive Service—current and former—based on “a special act or service, suggestion, invention, superior accomplishment, or productivity gain no linked to a performance rating,” for each of the three (3) most recent appraisal periods.

Pursuant to your request, the USMS conducted a search and located 139 pages of responsive documentation. These pages are released to you with portions withheld pursuant to Exemptions (b)(6), (b)(7)(C) and (b)(7)(E) of the FOIA, 5 U.S.C. § 552(b).

These pages are being released to you with limited redaction pursuant to exemptions (b)(6) and (b)(7)(C) of the Freedom of Information Act, 5 U.S.C § 552(b). Exemption (b)(6) allows an agency to withhold personnel, medical and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Exemption 7(C) protects records or information compiled for law enforcement purposes to the extent that the production of such records or information could reasonably be expected to constitute an unwarranted invasion of personal privacy. A discretionary release of such records is not appropriate. See also United States Department of Justice v. Reporters Committee for Freedom of the Press, 489 U.S. 749 (1989).

Accordingly, the personally identifiable information of law enforcement officers and

government employees was withheld from the responsive documentation. The disclosure of such sensitive information contained in records compiled for law enforcement purposes to the public could subject law enforcement officers and other government personnel to harassment and unwelcome contact. This could disrupt and impede official agency activity, as well as endanger the safety of law enforcement officials. Additionally, the personally identifiable information of third parties named in the records was withheld. The disclosure of third party information could constitute an unwarranted invasion of personal privacy and subject the individuals to embarrassment, harassment, and undue public attention. Individuals have a recognized privacy interest in not being publicly associated with law enforcement investigations, not being associated unwarrantedly with alleged criminal activity, and controlling how communications about them are disseminated.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

If you are not satisfied with USMS's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account on the following website: <https://foiastar.doj.gov>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

You may also contact Charlotte Luckstone or our FOIA Public Liaison at (703) 740-3943 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

*Elaine Rivera for*

Charlotte Luckstone  
Senior Associate General Counsel  
FOIA/PA Officer  
Office of General Counsel

# Exhibit 9



**U.S. Department of Justice**

United States Marshals Service

*Office of the Director*

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*Washington, DC 20530-0001*

November 12, 2019

MEMORANDUM FOR THE DEPUTY ATTORNEY GENERAL

FROM:

Donald W. Washington  
Director

A handwritten signature in blue ink that reads "Donald W. Washington".

SUBJECT:

Nominations for 2019 Special Act Awards

On behalf of the United States Marshals Service (USMS), it is my pleasure to endorse and submit the following nominations for 2019 Special Act Awards. These individuals are being nominated based on their significant contributions to the USMS mission.

Carole O'Brien, Procurement Executive, Financial Services Division  
*Recommended award amount of \$9,500.00*

Gerald Auerbach, General Counsel, Office of General Counsel  
*Recommended award amount of \$9,500.00*

Attachments

## Special Act Award for Carole A. O'Brien

Carole A. O'Brien of the United States Marshals Service (USMS), is nominated for a Special Act Award for her many years of dedication and hard work, particularly over the last 12 months as she developed and implemented several new projects as the Agency's Procurement Executive (PE).

PE O'Brien continues to raise the bar for the USMS acquisition workforce, and was able to complete an important project and start several new ventures during the 2019 Fiscal Year (FY). PE O'Brien was able to close an important project to establish a Procurement Principals Committee that incorporates a more formal communication path for acquisition-related issues with leadership from other separate contract teams within the organization. She also created and

[REDACTED]

PE O'Brien oversaw the creation and deployment of a [REDACTED]

[REDACTED]

[REDACTED] Program offices are now able to use this information to plan for upcoming requirements with a greater understanding of actual timelines for execution. This information is also used to help track any performance gaps or opportunities for improvements on individual team members. This project will continue to evolve over the next couple of years by establishing and tracking [REDACTED]

[REDACTED] PE O'Brien has begun taking steps to implement these same [REDACTED]

Additionally, for the OOP, FY 2019 saw a substantial increase in the overall small business achievement to [REDACTED] percent as of August 30, 2019. Under PE O'Brien's leadership, as of July 31, 2019, the Procurement APC had executed over [REDACTED] percent more procurement actions in support of district office operations than the same timeframe in FY 2018. PE O'Brien has been instrumental during FY 2019 in facilitating several important procurement actions in support of the Agency's overarching mission. These include, but are not limited to, the award actions for [REDACTED] for [REDACTED]

[REDACTED] Her oversight was vital in facilitating the vehicle maintenance/repair national award, the new human resource automation program, and the HQ professional and administrative services actions, that were all slated for award in late FY 2019 and early FY 2020. Further, PE O'Brien oversaw the creation of a partnership with the Federal Acquisition Institute (FAI) to provide training space for classroom certification courses in exchange for dedicated class seats to be used for USMS acquisition workforce members.

For her continued successful development of major USMS enhancements, PE O'Brien is being recognized with this Special Act Award in the amount of \$9,500.

## Special Act Award for Gerald Auerbach

This Special Act Award is to recognize Gerald Auerbach, leader of the United States Marshals Service (USMS) Office of General Counsel (OGC), for the advice and guidance that he provided over the past year related to several complex projects. Having served over 40 years, his deep understanding of the Agency's administrative and operational advancements offers valuable insight on successful implementation. In addition to being readily available to the Office of the Director during unusual or difficult circumstances, General Counsel (GC) Auerbach continues to promote transparency in all mission and business initiatives.

One major example of GC Auerbach's leadership skills during Fiscal Year (FY) 2019 centers around the development and implementation of OGC's new automated system. The number of legal cases, Inspector General (IG) investigations, Equal Employment Opportunity (EEO) cases, and Freedom of Information Act (FOIA) requests were putting a tremendous strain on the legacy system used by USMS to retain and search for relevant records as part of electronic discovery (eDiscovery). After a particularly large discovery request was submitted, General Counsel Auerbach coordinated with the USMS Information Technology Division (ITD) to create a more robust eDiscovery capability. Given an increasing workload and in spite of the government shutdown, OGC and ITD were able to meet the initial eDiscovery development goal. The licensing and installation were completed a full month earlier than anticipated. As a result of this effort, the USMS is now able to quickly respond to discovery and IG/EEO/FOIA investigation requests.

During FY 2019, GC Auerbach was instrumental in helping the USMS as it tackles two major Human Resource transformational initiatives, Full Performance Level 13 (FPL-13) and Excepted Service. Over the years, there has been a significant increase in law enforcement responsibilities for the USMS and Deputy U.S. Marshals. The FPL-13 initiative aims to update position descriptions to reflect the added scope and complexity of work that is being done today by the specialty positions. The second initiative, Excepted Service hiring authority, will allow the USMS to target recruitment efforts to reach highly qualified, diverse candidates best suited to meet its critical mission needs. Both decisions will put the USMS on a level playing field with our federal law enforcement counterparts and better position the USMS to build the Agency of the future. FPL-13 may be one the largest personnel initiatives to affect the USMS in many years, and excepted service has taken years of oversight to pursue legislative approval. Both also involve a significant amount of work and guidance that GC Auerbach and OGC have provided. At the same time, GC Auerbach and OGC have successfully assisted with the undertaking of a realignment of the USMS Discipline Management adjudication functions.

During FY 2019, GC Auerbach also assisted on technical and procurement advancements such as

For his many hours of additional work and outstanding performance in assisting the Office of the Director, GC Auerbach is being recognized for this Special Act Award in the amount of \$9,500.

Last Name, First Initial	Bureau	Performance (\$)	Special Act (\$)
BRANDT, ROBERT	USMS	\$0	N/A
BROSHOW, BRENT L	USMS	\$17,000	N/A
BROWN, SHANNON B	USMS	\$20,000	N/A
[REDACTED]	USMS	\$17,000	N/A
CAMPBELL, DIANNE M	USMS	\$18,500	N/A
DICKINSON, LISA M	USMS	\$20,000	N/A
KELLY, RICHARD T	USMS	\$18,500	N/A
MATHIAS, KARL S	USMS	\$20,000	N/A
O BRIEN, HOLLEY B	USMS	\$28,224	N/A
O BRIEN-ROGAN, CAROLE A	USMS	\$17,000	N/A
O HEARN, DONALD P	USMS	\$28,224	N/A
PETERSON, AMANDA M	USMS	\$11,500	N/A
PITTELLA, MARK PAUL	USMS	\$10,000	N/A
ROBINSON, ROBERTO I	USMS	\$28,224	N/A
SHEEHAN, JOHN P	USMS	\$20,000	N/A
SMITH, ANDREW C	USMS	\$0	N/A
[REDACTED]	USMS	\$0	N/A
TYLER, JEFFREY R	USMS	\$28,224	N/A
VIRTUE, TIMOTHY R	USMS	\$17,000	N/A
WALKER, HEATHER	USMS	\$15,500	N/A
[REDACTED]	USMS	\$0	N/A

Last Name, First Initial	Bureau	Performance (\$)	Special Act (\$)
BROSHOW, BRENT	USMS	\$10,000	N/A
BROWN, SHANNON B	USMS	\$18,000	N/A
[REDACTED]	USMS	\$12,000	N/A
CAMPBELL, DIANNE M	USMS	\$22,145	N/A
DICKINSON, LISA M	USMS	\$18,000	N/A
DRISCOLL, DERRICK D	USMS	\$26,000	N/A
[REDACTED]	USMS	\$0	N/A
MATHIAS, KARL S	USMS	\$14,000	N/A
O BRIEN, HOLLEY B	USMS	\$26,000	N/A
O BRIEN-ROGAN, CAROLE A	USMS	\$12,000	N/A
O HEARN, DONALD P	USMS	\$18,000	N/A
PETERSON, AMANDA	USMS	\$0	N/A
ROBINSON, ROBERTO I	USMS	\$26,000	N/A
SHEEHAN, JOHN P.	USMS	\$16,000	N/A
SMITH, ANDREW C.	USMS	\$16,000	N/A
TYLER, JEFFREY R	USMS	\$26,000	N/A
VIRTUE, TIMOTHY R	USMS	\$18,000	N/A
WALKER, HEATHER	USMS	\$0	N/A
WHITE, DARRELL H	USMS	\$18,000	N/A

Last Name, First Initial	Bureau	Performance (\$)	Special Act (\$)
WHITE, DARRELL H	USMS	\$15,000.00	
ROBINSON, ROBERTO I	USMS	\$18,000.00	
TYLER, JEFFREY R	USMS	\$18,000.00	
DRISCOLL, DERRICK D	USMS	\$22,500.00	
[REDACTED]	USMS	\$22,500.00	
[REDACTED]	USMS	\$22,500.00	
O BRIEN, HOLLEY B	USMS	\$22,500.00	
DICKINSON, LISA M	USMS	\$18,000.00	
VIRTUE, TIMOTHY R	USMS	\$18,000.00	
BROWN, SHANNON B	USMS	\$18,000.00	
CAMPBELL KRIEGER, DIANNE M	USMS	\$16,500.00	
O HEARN, DONALD P	USMS	\$12,366.00	
[REDACTED]	USMS	\$12,000.00	
MATHIAS, KARL S	USMS	\$12,000.00	
[REDACTED]	USMS	\$12,000.00	
AUERBACH, GERALD	USMS		\$9,500.00
O BRIEN-ROGAN, CAROLE A	USMS		\$9,500.00

# Exhibit 10



fma.usmarshals <fma.usmarshals@gmail.com>

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## APPEAL - Freedom of Information Act Request No. 2022-USMS-000111

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**FMAUSMarshals** <fma.usmarshals@gmail.com>

Tue, Apr 19, 2022 at 8:21 PM

To: "Talebian, Bobak (OIP)" [REDACTED]

Bcc: Jason <jason\_wojdylo@yahoo.com>

Good Evening Director Talebian:

Using publicly-available Internet websites, we have narrowed the identity of redacted names to the following SES employees, none that should justify not releasing the respective information:

### 2021

Ja [REDACTED] B [REDACTED] believed to have been awarded \$17,000

Ja [REDACTED] I [REDACTED] believed to have been awarded \$0

Darrell White, believed to have have been awarded \$0

### 2020

Ja [REDACTED] B [REDACTED], believed to have been awarded \$12,000

Ka [REDACTED] H [REDACTED], believed to have been awarded \$0

### 2019

Jo [REDACTED] B [REDACTED], believed to have been \$12,000

Ne [REDACTED] H [REDACTED] believed to have been awarded \$22,500

Ka [REDACTED] M [REDACTED] believed to have been awarded \$22,500

Darrell White, believed to have have been awarded \$12,000

While all of these employees have left the Agency, so have Derrick Driscoll, Darrell White (identity released in the 2020 log, believed to be redacted in the 2019 log), Gerald Auerbach, Andrew Smith, and Karl Mathias. Therefore, privacy cannot be used as justification. Furthermore, Ja [REDACTED] B [REDACTED] is a current SES, yet his name is believed to have been redacted in each of 2020 and 2021.

Can you please verify our findings and consider directing the timely release of the full logs, without redactions? This should not take the USMS another 6 months.

Thank you,

Jason

On Tue, Apr 19, 2022 at 5:37 PM FMAUSMarshals <fma.usmarshals@gmail.com> wrote:

Also, with some interest the justification for the \$9,500 cash award for Gerald Auerbach suggests, "...the USMS is now able to quickly respond to...FOIA requests." Yet, seemingly not so given the 6 months it took to respond to our simple requests.

----- Forwarded message -----

From: **FMAUSMarshals** <fma.usmarshals@gmail.com>

Date: Tue, Apr 19, 2022 at 5:19 PM

Subject: APPEAL - Freedom of Information Act Request No. 2022-USMS-000111

To: Talebian, Bobak (OIP) [REDACTED]

Hello Director Talebian -

Please accept this as an appeal of FOIA 2022-USMS-000111, specifically the refusal of the USMS to disclose the identity of some employees appearing in the alphabetical listing within the three review logs on the final pages of the second attachment.

The USMS publishes the identity of its senior managers, including but not limited to those within the Senior Executive Service, on its public webpage at <https://www.usmarshals.gov/contacts/index.html>. Therefore, suggesting the release of the information results in an unwarranted invasion of privacy for some employees while not others fails to accomplish the Congressional objective of (b)(6) and (b)(7) (C), notably in light of the Attorney General's updated Guidance issued on March 15, 2022.

The FOIA request was for award information. Nothing more. I did not ask for PII so the entire subsequent paragraph beginning at the bottom of page 1 and into page 2 of the first attachment is gamesmanship to attempt to justify the unnecessary redactions.

The fact is the identity of employees whose identity was released administer, for example, the Agency's Investigative Operations Division and Witness Security Division (two of the most highly sensitive programs in the USMS). Their names are also publicly available on the Internet, to include sometimes in press releases. Accordingly, I ask for the identity to be released on the nine redacted names from the final three pages of the review logs as the second attachment herein. Presumably, some are one in the same since the data reflects the past three annual performance periods.

An acknowledgement of receipt of this appeal would be most appreciated.

Many thanks,

Jason R. Wojdylo  
Vice President for Law Enforcement Operations  
Federal Managers Association  
U.S. Marshals Service Chapter 373

----- Forwarded message -----

From: <[Elaine.Rivera](mailto:Elaine.Rivera)>  
Date: Tue, Apr 19, 2022 at 4:06 PM  
Subject: Re: Freedom of Information Act Request No. 2022-USMS-000111  
To: <[fma.usmarshals@gmail.com](mailto:fma.usmarshals@gmail.com)>

Dear Mr. Wojdylo :

The United States Marshals Service (USMS) is responding to your Freedom of Information Act (FOIA) request 2022-USMS-000111. Please find attached the final disclosure.

Sincerely,

USMS FOIA Admin

**NOTICE:** This email (including any attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient (or the recipient's agent), you are hereby notified that unauthorized dissemination, distribution, copying, or use of this email or its contents is prohibited and may violate applicable law. If you received this email in error, please notify the sender immediately and destroy all copies.

# Exhibit 11



# United States Marshals Service POLICY DIRECTIVES

## HUMAN RESOURCES

### 3.18 UNITED STATES MARSHALS SERVICE (USMS) AWARDS PROGRAM

- A. Purpose:** The purpose of the Awards Program is to recognize and reward employees who perform in an exemplary manner; make significant contributions to the efficiency and effectiveness of government operations; achieve a significant reduction in paperwork; or perform a special act in the public interest in connection with their duties.
- B. Authority:** The authority to give awards is set forth in [5 U.S.C. § 4302](#), [5 U.S.C. § 4501-4509](#), and [5 U.S.C. § 5336](#), and [5 C.F.R. § 451](#) and [5 C.F.R. § 531](#). This policy complies with the current Department of Justice (DOJ) Human Resources Order, [DOJ 1200.1](#), Chapter 2-18.
- C. Policy:** Awards are given to recognize employees who, individually or through a team effort, contribute to meeting USMS-, DOJ- and/or government-wide goals. There should be a direct relationship between organizational goal attainment and performance recognition. The USMS rewards employees using the following types of awards: sustained superior performance awards (SSP), special act awards, time off awards, quality step increases (QSI) and Director's honorary awards. SSPs and QSIs recognize employees whose individual performance contributes to meeting these goals. The USMS Performance Management Program ensures that individual performance work plans and ratings are clearly linked to higher-level organizational goals. SSPs and QSIs reinforce this strategic alignment by recognizing those individuals who have made significant contributions to organizational goal attainment. Special act and time off awards should also be given for contributions that assist in meeting organizational goals, and the justifications should include a statement concerning the employee's goal attainment.

#### 1. Types of Awards

- a. **Sustained Superior Performance Awards (Cash):** Awards based solely on the employee's performance rating of record assigned at the end of the appraisal period. These awards recognize sustained levels of successful or higher performance over the course of the rating period. The rating of record is the justification. A cash award or a time off award may be given based on the rating of record, but not both.
- 1) **Criteria:** Employee's current rating of record must be Successful, Excellent, or Outstanding. An award for sustained superior performance can only be made on an individual basis. One or more critical elements must be performed for at least six months in a manner clearly exceeding normal requirements. Employee must not have received another cash performance award within six months before the date of the nomination. A special act award during the six-month period is not disqualifying.
  - 2) **Award amounts:** Minimum - Generally \$250. For sustained superior performance awards, the Human Resources Division, through the Financial Services Division, will provide guidance for award amounts. Statutory maximum amounts: sustained superior performance awards may not be more than 10 percent of the employee's annual rate of basic pay, unless the head of the agency determines that exceptional performance by the employee justifies a higher percent, not to exceed

20 percent of the employee's annual rate of basic pay. Computation of the basic pay includes locality pay, special rate supplements, or similar payments under other legal authority.

- b. **Special Act Awards (Cash):** Recognize specific accomplishments that exceed normal job requirements. These may be for contributions of a one-time nature that increase productivity, economy or other highly desirable benefits, or a special act in the public interest in connection with official duties. The accomplishments should help to meet the goals of the USMS or the district/division. A narrative justification is required.
- 1) Criteria: For performance substantially beyond expectations on a specific assignment; an accomplishment which has involved overcoming unusual difficulties; creative efforts that make important contributions; an accomplishment requiring special effort or innovation; exemplary or courageous handling of an emergency situation related to official employment; initiating quality improvements to operations, work flow, cost effectiveness, streamlining, or customer satisfaction; or demonstrating exceptional teamwork by two or more people, or one individual who works well with other team members (Special Act for Teamwork).
  - 2) **Award amounts: Minimum - Generally \$250; maximum - \$7,500.**
- c. **Time Off Awards:** Grant time off from duty without loss of pay or charge to leave. They recognize superior accomplishments or other personal efforts that contribute to the quality, efficiency or economy of government operations. These awards may be used to recognize contributions that are of a one time, non-recurring nature, and may also be used to recognize sustained high-level performance.
- 1) Criteria:
    - a) *Special Act:* For making a high quality contribution involving a difficult or important project or assignment; displaying special initiative and skill in completing an assignment or project before a deadline; using initiative and creativity in making improvements in a project, activity, program or service; ensuring the mission of an organization is accomplished during a difficult period by successfully completing additional work or a project assignment while still maintaining one's own workload; or demonstrating exceptional teamwork by two or more people working together, or one individual who works well with other team members (Special Act for Teamwork). A narrative justification is required.
    - b) *Sustained Superior Performance Award (Time Off):* The employee's current rating of record must be Successful, Excellent, or Outstanding. A maximum of 40 hours may be given for an Outstanding rating; a maximum of 32 hours may be given for an Excellent rating; and a maximum of 24 hours may be given for a Successful rating. The rating of record is the justification. A cash award or a time off award may be given based on the rating of record, but not both.
    - c) *Fitness-In-Total Performance (FIT):* Employee must be operational; eight hours may be given for employees who score

excellent or superior in all four categories of push-ups, sit-ups, aerobic assessment, and flexibility; four hours may be given for excellent or superior in three of the above categories with no category rated lower than fair; employees must complete all four of the categories to be eligible for a FIT award; Fitness Assessment Summary must be dated within one year of nomination; an employee may receive two time off awards for FIT per leave year if both of the FIT assessments completed during the year meet the qualification requirements. The Fitness Assessment Summary is the justification.

- 2) Award amounts and limitations: The minimum time off award is four hours. The maximum that can be given for one time off award is 40 hours. The maximum per employee, per leave year, is a total of 120 hours. This total includes all awards from all offices, Director's Awards, and any time off awarded for sustained superior performance.

A time off award is effective at the beginning of the pay period following approval of the award; however, recipients must wait six weeks after the award has been submitted before using it, to allow time for keying by the Human Resources Division. If the total amount of a time off award is not used within one year after its approval, any unused time off is forfeited and is not eligible for restoration. A time off award is not transferrable to another federal agency or to another DOJ component. A time off award may not be converted to cash. The written justification for the award must be based solely on the merit of the employee's contribution and shall not be used to compensate or reward employees for working outside of the basic work week or in lieu of premium pay, such as overtime. Intermittent employees are not eligible for time off awards. Promotion has no impact on the granting of a time off award.

- 3) Scheduling and Documentation: To use the time off, employees must complete Office of Personnel Management (OPM) Form 71, *Request for Leave or Approved Absence*, indicating the date(s) they would like to use the time off. The employee should check the block for *Other Paid Absence* and write "Time Off Award" in remarks. The time off must be approved by the supervisor.

- d. **Director's Honorary Awards (Cash or Honorary Without Cash):** The highest USMS honor that can be bestowed on an employee, Director's awards are presented to those who perform in an exemplary manner or make significant contributions to the efficiency and effectiveness of the USMS.
- e. **Employee Improvements and Innovations Awards:** Employee Improvements and Innovations should be submitted using Form [USM-224](#), *Employee Improvements and Innovations*, and will be administratively processed by the Management Support Division (MSD), Office of Records Management (ORM). All applicable program guidelines, submission procedures, and potential award criteria are located on the Employee Improvements and Innovations (EII) Program website and are incorporated into this policy by reference.
- f. **Quality Step Increases (QSI):** A QSI is an increase in basic pay from one step of the grade to the next step. A QSI provides faster than normal progression through the steps of the General Schedule. Unlike other forms of monetary recognition, a QSI permanently increases an employee's rate of basic pay by one step. The rating of record is the justification.

- 1) Limitations on QSIs: QSIs may be allowed by the Director, dependent upon the availability of funding. If funding is available, districts and divisions would be advised of the limitations on QSIs for that year. For example, five or ten percent of the current on board permanent employees of that office could be submitted for QSIs.
  - 2) Criteria: No more than one QSI may be granted to an employee in a 52-week period. The employee's most recent rating of record must be Outstanding. The employee must have been performing at that grade for a minimum of six months, and there is an expectation that the performance will continue at that level for a minimum of an additional six months.
2. **Coverage:** All USMS employees are eligible for awards under this policy, except members of the Senior Executive Service (SES), senior-level employees, employees paid under the Executive Schedule, and United States Marshals (USMs). Contract Guards and Court Security Officers are not USMS employees; therefore, they are only eligible for honorary recognition, such as a plaque or certificate of appreciation.
  3. **Limitation on Awards During a Presidential Election Period:** Under [5 U.S.C. § 4508](#), cash awards and time off awards may not be granted to employees in an excepted service position of a confidential or policy-determining character (Schedule C) during a Presidential election period (beginning June 1 in a calendar year in which the popular election of the President occurs and ending on January 20 following the date of such election).
  4. **Impact of pending internal investigations, or disciplinary actions received, when considering employees for Sustained Superior Performance, Special Act and Time Off Awards:**

If an employee is under investigation, is facing a disciplinary action, or has had a disciplinary action greater than a letter of reprimand based on misconduct that took place within the last year, the approving official should consider whether giving an award is appropriate. Consideration should be given to such matters as employee morale and the perception of fairness in the system. The decision is made by the approving official.

Specific instructions regarding consideration of employees for cash and time off awards for sustained superior performance are given each year. For example, if a district or division nominates employees for SSPs, all employees with Outstanding ratings of record must receive a cash or time off award. However, if an employee is under investigation, is facing a disciplinary action, or has had a disciplinary action greater than a letter of reprimand based on misconduct that took place within the last year, it is not required to give them an award. The decision is made by the approving official.
  5. **Impact of pending internal investigations, or disciplinary actions received, when considering employees for cash Director's Awards, Attorney General's Awards, and awards by external organizations:**
    - a. **Pending Investigations:** In most cases, an employee under misconduct investigation or involved in an active disciplinary case that could result in a disciplinary action greater than a letter of reprimand is not eligible for a cash Director's Award, an Attorney General's Award, or an award by an external organization.

However, if an employee has a pending investigation or an active disciplinary case, the Office of Inspections and/or the Office of Employee Relations may be asked to provide information concerning the nature of the issue and the likelihood of confirmed misconduct. The nature of the misconduct, the likelihood of its accuracy, and the amount of time that has passed since the investigation was initiated will be relayed to the Director for consideration in making the final decision.

- b. **Disciplinary Actions Received:** If an employee has received a disciplinary action greater than a letter of reprimand in the past two years, and is recommended for a cash Director's Award, an Attorney General's Award or an award by an outside organization, the Office of Employee Relations will indicate the date the offense was committed or when headquarters/management became aware of it (if there was a delay in reporting).

If the date of offense or when headquarters became aware of it has occurred within the past year, the employee is not eligible for the award.

If the date of offense or when headquarters became aware of it has occurred within the past two years, this information will be referred to the Director. At the discretion of the Director, the employee may be deemed ineligible for the award based on the nature or severity of the offense.

#### D. Procedures:

1. **Approval Authority for Cash Awards:** Awards in excess of \$7,500, as well as cash awards for Schedule C employees, must be approved by the Attorney General. The Director has authority to approve cash awards up to \$7,500. This authority may be redelegated. Accordingly, authority to approve cash awards that total more than \$2,500 per employee, per fiscal year, is delegated to the Deputy Director. This total includes awards from other offices, but does not include Director's Awards, Attorney General's Awards, or sustained superior performance awards.

Authority to approve cash awards that total no more than \$2,500 per employee, per fiscal year, is delegated to USMs, Assistant Directors, and all Staff Officers, and may be redelegated to a lower supervisory level. The approving official must be a supervisor at a higher grade level than the award recipient. Each office must keep a written record of the delegation identifying who may approve awards. This total includes awards from other offices, but does not include Director's Awards, Attorney General's Awards, or sustained superior performance awards.

The awarding of a cash sustained superior performance award of up to \$2,500 does not impact the limit for cash special act awards for the fiscal year. For example, an employee may be given a \$2,500 sustained superior performance award. The employee may still receive up to a total \$2,500 in cash special act awards per fiscal year before the approval of the Deputy Director is required for any additional cash special act awards.

2. **Approval Authority for Time Off Awards:** Authority to approve awards that total no more than 80 hours per employee, per leave year, is delegated to USMs, Assistant Directors and all Staff Officers. Approval authority for time off awards totaling 24 hours or less may be redelegated to a lower supervisory level. The approving official must be a supervisor at a higher grade level than the award recipient. Each office must keep a written record of the delegation identifying who may approve awards.

Time off awards totaling more than 24 hours, and up to 80 hours, per employee, per leave year, must be approved at the level of the USMs, Assistant Directors and all Staff Officers, and may not be redelegated.

Time off awards totaling more than 80 hours per employee, per leave year, must be approved by the Deputy Director.

Award amounts and limitations: The minimum time off award is four hours. The maximum time that can be given for one time off award is 40 hours. The maximum per employee, per leave year, is a total of 120 hours. Totals include all awards from all offices, Director's awards and any time off awarded for sustained superior performance.

3. **Nominating employees from other offices:** When nominating an employee from a different office for a cash, time off, or honor award, including the Director's and Attorney General's Awards, the nominating office must contact the employee's USM, Assistant Director, or Staff Officer, to receive their concurrence on the award. This is to ensure that the employee has not already received an award for the same contribution and that there are no other considerations that would prevent the award. The award form must include a statement of who was contacted for concurrence. Do not advise the employee of the award until after all approvals are received.

In addition, nominating office Administrative Officers must contact the nominee's employing office Administrative Officer to ensure that they will not exceed the authorized limits.

4. **Funding for Cash Performance Awards:** The Assistant Attorney General for Administration will issue guidance on the designated component award reserve for each fiscal year.
5. **Submission of Awards:** Administrative Officers should be assigned to submit award forms. Any office that does not have an Administrative Officer should designate an appropriate employee to handle awards. Approving officials forward the forms to the Administrative Officer or designated employee, who is responsible for the complete accuracy of the forms and attachments. The Administrative Officer submits awards to the Awards Program Manager, or the Deputy Director, based on the amount of the award.

Time off awards and cash awards that can be approved below the level of the Deputy Director are submitted to the Awards Program Manager. Cash awards that total over \$2,500 per employee, per fiscal year, and time off awards that total more than 80 hours per employee, per leave year, must be submitted directly to the Deputy Director with a memo requesting that the award be forwarded to the Office of Employee Relations after the Deputy Director's review.

6. **Specific Instructions for Submitting Awards:** Instructions are attached to the award nomination forms, [USM-196](#), *Request for Cash Awards*, and [USM-200](#), *Request for Time Off Awards*. The procedures for the submission of cash or time off sustained superior performance awards may be different from year to year, and managers will be advised of any updated procedures.
7. **Point of Contact for Employees and Supervisors:** Employees and supervisors who have questions about specific awards should contact their Administrative Officer or the designated employee in their office. That individual will keep records of the awards and when they were submitted to the Office of Employee Relations or the Deputy Director.

8. **Point of Contact for Administrative Officers and Designated Employees:** The Office of Employee Relations servicing specialist for each district/division is the point of contact.
9. **Documenting, Filing, and Reporting:** All cash and time off awards are documented with an SF-50, *Notification of Personnel Action*. Each award recipient receives the employee copy of the SF-50. Award documents will be filed in compliance with the OPM Operating Manual, *The Guide to Personnel Record-keeping*. Award data are reported to the Central Personnel Data File (CPDF). A copy of the award forms and justifications for special act and time off awards must be maintained in the nominating office for two years after the presentation of the award. Completed original ratings of record justifying SSPs and QSIs will be maintained in the district/division's individual Employee Performance Files (EPF) for four years.
10. **Notice of Awards:** At least quarterly, each district/division must post the names and the types of awards bargaining unit employees have received. Offices have the option of posting the names of all employees who have received awards, but it is required for bargaining unit employees. The Administrative Officer or designated employee will ensure that the lists are posted in a convenient location for review by district or division employees.

**E. Responsibilities:**

1. **Approving Officials:** Ensure that documentation is adequate, awards are given for appropriate contributions, and eligibility requirements are met. Before approving an award, verify the employee's total awards with the Administrative Officer to ensure that the maximum limits are not exceeded. The approving official may then sign the forms and provide them to the Administrative Officer or the designated employee in their office, who forwards the award forms to the Office of Employee Relations or the Deputy Director, depending on the employees' award totals.
2. **Administrative Officers or Designated Employees:** Responsible for complete accuracy of the award forms and attachments. They are also responsible for ensuring that no faxes or duplicate copies of awards are submitted; ensuring that the funds do not exceed the allowed amount; submitting original award forms to the Awards Program Manager or the Deputy Director based on the approval level required; checking SF-50s for accuracy; reporting overpayments or under payments to the Awards Program Manager for corrective action; maintaining a copy of the award forms and justifications for special act and time off awards for two years after the presentation of the award; and maintaining completed original ratings of record justifying SSPs and QSIs in the individual Employee Performance Files (EPF) for four years.
3. **Office of Employee Relations:** Oversees the Awards Program, performs audits, ensures that the overall program complies with regulations, and provides assistance to managers and employees regarding the program.
4. **Employees:** Notify the Administrative Officer or the designated employee in their office of overpayments or under payments on their awards. If the award recipient is unsure of whom to contact, they should contact the Awards Program Manager.

**By Order of:**

          /S/            
 John F. Clark  
 Director  
 U.S. Marshals Service

**Effective Date**

          9-27-2007