



# Report of Investigation of Alleged Misconduct by Then Acting Assistant Chief Immigration Judge (b)(6); (b)(7)(C)

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June 2024

## I. Introduction

This report summarizes the Department of Justice (Department or DOJ) Office of the Inspector General's (OIG) investigation into allegations of misconduct by then DOJ Assistant Chief Immigration Judge (ACIJ) [REDACTED] in connection with [REDACTED] romantic relationship with [REDACTED] when [REDACTED] was the acting ACIJ for DOJ's Executive Office for Immigration Review's (EOIR) Office of the Chief Immigration Judge's (OCIJ) Immigration Court [REDACTED].<sup>1</sup> According to a complaint the OIG received, from [REDACTED] and while serving as acting ACIJ, [REDACTED] had an inappropriate supervisor-subordinate relationship with [REDACTED].

[REDACTED]

[REDACTED] resigned from the Department in [REDACTED].

To conduct this investigation, we obtained relevant policies, documents, and emails, including [REDACTED] emails from [REDACTED] when he departed the [REDACTED] Immigration Court to assume the ACIJ duties at the [REDACTED] Immigration Court in [REDACTED]. We interviewed [REDACTED] and other [REDACTED] court staff with relevant information about the allegations. During the course of the investigation, we identified evidence that [REDACTED] created and sent an email from his DOJ email account to [REDACTED] in which he pretended to be the then EOIR Director. We interviewed [REDACTED] about that conduct as well.

Part II of this report summarizes applicable laws and policies. Part III of this report provides background factual information. Part IV examines the allegations relating to [REDACTED] and [REDACTED] relationship. Part V describes an email [REDACTED] created on his DOJ email account purporting to be from the then EOIR Director, [REDACTED]. Part VI provides our conclusions.

As described in this report, we found that [REDACTED] and [REDACTED] were involved in a romantic relationship during the time that [REDACTED] served as acting ACIJ and [REDACTED] was his subordinate. [REDACTED] relationship with [REDACTED] was well-known to court personnel and caused workplace disruption based on perceptions of [REDACTED] favoritism toward [REDACTED].

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<sup>1</sup> [REDACTED]

[REDACTED]

<sup>2</sup> The OIG also received an anonymous complaint similarly alleging that [REDACTED] engaged in an inappropriate supervisor-subordinate relationship with "a subordinate—[REDACTED] during his tenure as acting ACIJ [REDACTED].



once (b)(6); (b)(7)(C) became acting ACIJ. We therefore found that (b)(6); (b)(7)(C) violated OCIJ's ethics guide, which is applicable to all IJs and prohibits IJs from engaging in conduct that creates an appearance that the IJ is violating applicable ethical standards. Further, we found that (b)(6); (b)(7)(C) engaged in dishonest conduct when he used his DOJ email account to create and send to (b)(6); (b)(7)(C) a fictitious email purportedly from the then EOIR Director, in violation of 5 C.F.R. § 735.203.<sup>3</sup> (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

Unless otherwise noted, the DOJ OIG applies the preponderance of the evidence standard in determining whether DOJ personnel have committed misconduct. The Merit Systems Protection Board applies this same standard when reviewing a federal agency's decision to take adverse action against an employee based on such misconduct. See 5 U.S.C. § 7701(c)(1)(B); 5 C.F.R. § 1201.56(b)(1)(ii). We have provided a copy of our report to EOIR and to the Professional Misconduct Review Unit.

## II. Applicable Standards

### A. Policies Relating to Supervisor-Subordinate Relationships

At the time of the alleged misconduct in this matter, EOIR did not have a policy requiring the reporting of a romantic or intimate relationship between a supervisory employee and a subordinate employee. Similarly, there was no DOJ-wide policy governing supervisor/subordinate relationships. In May 2022, the Justice Management Division (JMD) issued "Policy Regarding Romantic or Intimate Relationships between Supervisors and Subordinates," which provides guidance for addressing romantic or intimate relationships between supervisors and subordinates in DOJ, JMD, and components that adopt the policy. EOIR has adopted this policy.

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<sup>3</sup> As (b)(6); (b)(7)(C) conduct could be construed to implicate 18 U.S.C. § 912, we referred his conduct to DOJ's Public Integrity Section, which declined to open a criminal investigation.



## B. Ethics Standards for IJs

The OCIJ issued an ethics guide applicable to all IJs, entitled “Ethics and Professionalism Guide for Immigration Judges” (IJ Guide), in January 2011.<sup>4</sup> Many of the sections of the IJ Guide reference the Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. Part 2635, in providing standards specifically applicable to IJs. The Preamble to the IJ Guide provides that “[t]o preserve and promote integrity and professionalism,” IJs should, among other things, “avoid impropriety and the appearance of impropriety in all activities.” More specifically, Section VI of the IJ Guide, Appearance of Impropriety, references 5 C.F.R. § 2635.101(b)(14) and states:

An Immigration Judge shall endeavor to avoid any actions that, in the judgment of a reasonable person with knowledge of the relevant facts, would create the appearance that he or she is violating the law or applicable ethical standards.

Section XII of the IJ Guide, Use of Public Office for Private Gain, references 5 C.F.R. § 2635.702 and states in relevant part: “Immigration Judges may not use their public office for their own private gain or the gain of persons or organizations with which they are associated personally.”

## C. Employee Standards of Conduct—5 C.F.R. § 735.203

Government employees must also comply with standards of conduct set forth in 5 C.F.R. Part 735, Subpart B. Section 735.203 sets forth the following restrictions on conduct: “An employee shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Government.” 5 C.F.R. § 735.203.

## III. Background

(b)(6); (b)(7)(C)



<sup>4</sup> See

[www.justice.gov/sites/default/files/eoir/legacy/2013/05/23/EthicsandProfessionalismGuideforIJs.pdf](http://www.justice.gov/sites/default/files/eoir/legacy/2013/05/23/EthicsandProfessionalismGuideforIJs.pdf) (accessed February 24, 2023).



(b)(6); (b)(7)(C)

B.

(b)(6); (b)(7)(C)

Professional Backgrounds

1.

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

told us

that, as part of the onboarding process, he attended new IJ training, which included topics on ethics and professionalism, and received the IJ Guide. (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

Due to events we describe

below, (b)(6); (b)(7)(C)

became acting ACIJ at the (b)(6); (b)(7)(C) Immigration Court on (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

and served as acting ACIJ

until (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) resigned from the Department in (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)



#### IV. (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) Relationship

##### A. Factual Findings

##### 1. (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) Interactions With One Another Before (b)(6); (b)(7)(C) Became Acting ACIJ

According to (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) sometime in (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) the two began a romantic relationship that continued through at least the end of (b)(6); (b)(7)(C) when the OIG interviewed (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) told us that he would be “shocked” if (b)(6); (b)(7)(C) court staff did not know about his relationship with (b)(6); (b)(7)(C) because they typically arrived at and departed the office and outside social functions together. (b)(6); (b)(7)(C) said he thought “kind of like everybody” knew about their relationship because they “weren’t hiding it,” but they did not go around announcing they were in a relationship either. Virtually every (b)(6); (b)(7)(C) court employee we interviewed told us that they thought (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) were engaged in a romantic relationship before (b)(6); (b)(7)(C) became acting ACIJ.

(b)(6); (b)(7)(C)



(b)(6); (b)(7)(C)

### 3. (b)(6); (b)(7)(C) is Named Acting ACIJ (b)(6); (b)(7)(C) Immigration Court

(b)(6); (b)(7)(C) notified all of the (b)(6); (b)(7)(C) Immigration Court that he would serve as acting ACIJ (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) told us that during the first week of (b)(6); (b)(7)(C) near the end of his new ACIJ training class, (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) called him and asked him to be the acting ACIJ at (b)(6); (b)(7)(C) for a short period of approximately (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) said he agreed to do so (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

Prior to being asked to serve as acting ACIJ, (b)(6); (b)(7)(C) had contacted (b)(6); (b)(7)(C) several times about the acting ACIJ post (b)(6); (b)(7)(C). For instance, on (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) reached out to (b)(6); (b)(7)(C) by email and instant message to propose that (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

(b)(6);  
(b)(7)(C)

acknowledged to us that it was fair to say that he expressed a willingness to serve as acting ACIJ before (b)(6); (b)(7)(C) —asked him to do so.

On (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) sent a notice to all (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) would “assume supervision (b)(6); (b)(7)(C) [I]mmigration [C]ourt,” (b)(6); (b)(7)(C) told us that he did not disclose to his supervisors his relationship with (b)(6); (b)(7)(C) at this time because the initial request was for only (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)





(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) told us that before the initial (b)(6); (b)(7)(C) period as acting ACIJ ended, (b)(6); (b)(7)(C) asked him to serve for a longer, undefined period, (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) Then, later in (b)(6); (b)(7)(C) asked (b)(6); (b)(7)(C) to serve as acting ACIJ possibly until (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) told us that he considered disclosing his relationship to (b)(6); (b)(7)(C) at that time because he thought (b)(6); (b)(7)(C) "is a long time" from (b)(6); (b)(7)(C) and he was concerned that someone might file a complaint against him if he served as acting ACIJ for that length of time. According to (b)(6); (b)(7)(C) "[t]he concern is also common sense. I know better. If I was her real supervisor and I had to write a performance appraisal, I would have acted differently."

But, (b)(6); (b)(7)(C) said his "calculus" about disclosing the relationship changed following a conversation with (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) if he could just stay until then. (b)(6); (b)(7)(C) told us that this conversation mattered because he only had to "navigat[e]" the courthouse for a bit longer, (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) (b)(6); (b)(7)(C) also told us that he did not review any ethics regulations or policies at the time to assess whether he should disclose his relationship.

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C), told us that she did not know about (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) relationship.<sup>6</sup> (b)(6); (b)(7)(C) said that she would have removed (b)(6); (b)(7)(C) as acting ACIJ (b)(6); (b)(7)(C) Immigration Court if she learned that (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) were in a romantic relationship because "there is no way he could supervise a subordinate that he's in an intimate relationship with. It's not appropriate." (b)(6); (b)(7)(C) added: "It's going to look...unfair. There's a perception of favoritism right then and there."

<sup>5</sup> (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

<sup>6</sup> (b)(6); (b)(7)(C) told us that when (b)(6); (b)(7)(C) once asked (b)(6); (b)(7)(C) if there was something between (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) said she felt uncomfortable having such a conversation with her supervisor and responded that she had no idea.





#### 4. The Impact of [REDACTED] and [REDACTED] Relationship [REDACTED] Immigration Court After [REDACTED] Became Acting ACIJ

After [REDACTED] became acting ACIJ, many [REDACTED] court staff told us that [REDACTED] and [REDACTED] were still constantly together in the courthouse. Two witnesses each described to us similar (but separate) incidents, while [REDACTED] was acting ACIJ, where they walked unannounced into [REDACTED] or [REDACTED] office, unaware that [REDACTED] and [REDACTED] were in there together. While neither witness observed physical contact between the two, they stated that [REDACTED] and [REDACTED] reactions suggested to the witnesses that they had interrupted something inappropriate. Three [REDACTED] told us that one of these incidents became the topic of widespread discussion among staff [REDACTED]. According to one [REDACTED] employee, the office "was just becoming like such a toxic environment because everyone knows what's going on but no one is doing anything to stop it." [REDACTED] and [REDACTED] told us that they had no recollection of any such incidents.

[REDACTED]



(b)(5); (b)(7)(C)

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(b)(6); (b)(7)(C)

## B. Analysis

As described in this report, (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) acknowledged that they were involved in a romantic relationship, including during the time that (b)(6); (b)(7)(C) served as acting ACIJ, (b)(6); (b)(7)(C) Immigration Court and (b)(6); (b)(7)(C) was his subordinate. (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) <sup>9</sup> We also determined that (b)(6); (b)(7)(C) violated Section VI of the IJ Guide relating to the appearance of ethics impropriety. (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) told us that at the time he assumed the role of acting ACIJ, he believed that everyone (b)(6); (b)(7)(C) Immigration Court knew about his romantic relationship with (b)(6); (b)(7)(C) because they “weren’t hiding” the relationship. Our investigation confirmed the relationship in fact was widely known. Despite being in a romantic relationship with (b)(6); (b)(7)(C) proactively offered to serve as acting ACIJ—a position that would make (b)(6); (b)(7)(C) his subordinate—and ultimately accepted the role without disclosing the relationship to his supervisor. (b)(6); (b)(7)(C) provided the OIG with several explanations for not disclosing the relationship, including the initial short duration of the time he would serve as acting ACIJ; (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) We do not believe any of these explanations excuse (b)(6); (b)(7)(C) failure to inform his supervisor of his relationship with (b)(6); (b)(7)(C) prior to accepting the role of acting ACIJ.

(b)(6); (b)(7)(C)

<sup>8</sup> (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

<sup>9</sup> As noted earlier, at the time of the alleged misconduct in this matter, neither DOJ nor EOIR had a policy governing supervisor-subordinate relationships. That changed in May 2022 when JMD issued “Policy Regarding Romantic or Intimate Relationships between Supervisors and Subordinates,” which provides guidance for addressing romantic or intimate relationships between supervisors and subordinates in DOJ, JMD, and components that adopt the policy. EOIR has adopted this policy.



(b)(6); (b)(7)(C) However, in deciding whether to tell (b)(6); (b)(7)(C) about the relationship, (b)(6); (b)(7)(C) failed to consider that supervisor-subordinate relationships can create strong perceptions of favoritism regarding any workplace decisions and actions involving the subordinate. (b)(6); (b)(7)(C) appeared not to recognize the perceptions of favoritism that likely would flow from any future management decision he would make involving (b)(6); (b)(7)(C) even if done for legitimate work-based reasons. In fact, (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) the perception that he was favoring (b)(6); (b)(7)(C) caused workplace disruption as many court personnel, especially (b)(6); (b)(7)(C) believed (b)(6); (b)(7)(C) was providing benefits to (b)(6); (b)(7)(C) due to their relationship.



For similar reasons, we also found that (b)(6); (b)(7)(C) romantic relationship with (b)(6); (b)(7)(C) while serving as acting ACIJ, created the appearance that he was using his public office for the private gain of (b)(6); (b)(7)(C) in violation of Section VI of the IJ Guide. Section VI of the IJ Guide, Appearance of Impropriety states:

An Immigration Judge shall endeavor to avoid any actions that, in the judgment of a reasonable person with knowledge of the relevant facts, would create the appearance that he or she is violating the law or applicable ethical standards.

One of the ethical standards that guides Immigration Judges, which is expressed in both Section XII of the IJ Guide and in Section 2635.702 (Section 702) of the Standards of Ethical Conduct for Employees of the Executive Branch, which Section XII of the IJ Guide references, is that they may not use their public office for their own private gain or the gain of persons or organizations with which they are associated personally. (b)(6); (b)(7)(C) being (b)(6); (b)(7)(C) supervisor while in a relationship with her created the appearance that he was violating the ethical standard that prevented him from using his position as acting ACIJ for





(b)(6); (b)(7)(C) benefit or gain. Accordingly, we also found that he violated Section VI of the IJ Guide when he served as acting ACIJ while in a romantic relationship with (b)(6); (b)(7)(C) his subordinate.

(b)(6); (b)(7)(C)

## V. Drafting of Fictitious Email from EOIR Director (b)(6); (b)(7)(C)

### A. Factual Findings

During the course of our investigation, we identified a series of emails that indicated that (b)(6); (b)(7)(C) created an email on his DOJ email account on (b)(6); (b)(7)(C)—prior in time to when he served as acting ACIJ (b)(6); (b)(7)(C) Immigration Court—purportedly from the then EOIR Director, (b)(6); (b)(7)(C) which email (b)(6); (b)(7)(C) then forwarded to (b)(6); (b)(7)(C). Specifically, we found three consecutive emails that revealed that (b)(6); (b)(7)(C) took the following steps to create an email that would appear to a reader as being sent by (b)(6); (b)(7)(C) to (b)(6); (b)(7)(C). First, at 9:45 a.m. on (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) sent to himself an email with no subject line and only (b)(6); (b)(7)(C) DOJ email address in the body, as depicted below:

From: (b)(6); (b)(7)(C) (EOIR)  
To: (b)(6); (b)(7)(C) (EOIR)  
Date: (b)(6); (b)(7)(C) 9:45:00 AM

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(b)(6); (b)(7)(C) (EOIR) (b)(6); (b)(7)(C)

Four minutes later, at 9:49 a.m., (b)(6); (b)(7)(C) drafted another email, which purported to forward an email *from* (b)(6); (b)(7)(C) to (b)(6); (b)(7)(C) from 9:45 a.m. on (b)(6); (b)(7)(C) with no subject line and no text in the body, as depicted below:

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**Sent:** (b)(6); (b)(7)(C) 9:49:03 AM  
**Subject:** FW:

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**From:** (b)(6); (b)(7)(C) (EOIR) (b)(6); (b)(7)(C)  
**Sent:** (b)(6); (b)(7)(C) 9:45 AM  
**To:** (b)(6); (b)(7)(C)  
**Subject:**

As there were no emails from (b)(6); (b)(7)(C) to (b)(6); (b)(7)(C) on (b)(6); (b)(7)(C) in (b)(6); (b)(7)(C) email account (or any other emails from (b)(6); (b)(7)(C) addressed only to (b)(6); (b)(7)(C) on any day in (b)(6); (b)(7)(C) emails that we obtained), we surmised that (b)(6); (b)(7)(C) pressed forward on the first email to himself and, while it was in draft format, deleted his email address in the "from" field, cut (b)(6); (b)(7)(C) email address that was in the body of the first email, as depicted above, and pasted it into the "from" field, resulting in the email not having any text in the body of the email. The third email in (b)(6); (b)(7)(C) email account, shown below, was forwarded 16 minutes later at 10:05 a.m. to (b)(6); (b)(7)(C). That email purported to forward an email from (b)(6); (b)(7)(C) to (b)(6); (b)(7)(C) on (b)(6); (b)(7)(C) now with four lines of text in the body, as depicted below:

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**From:** (b)(6); (b)(7)(C) (EOIR)  
**To:**  
**Subject:** FW:  
**Date:** (b)(6); (b)(7)(C) 10:05:00 AM

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**From:** (b)(6); (b)(7)(C) (EOIR) (b)(6); (b)(7)(C)  
**Sent:** (b)(6); (b)(7)(C) 9:45 AM  
**To:** (b)(6); (b)(7)(C)  
**Subject:**

(b)(6); (b)(7)(C)

I know you are taking on a great deal at the court. (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)  
(b)(6); (b)(7)(C) Thank you for your efforts there. These are going to be some tough times. We need to keep individual hearings going and the judges need to do their part.

(b)(6); (b)(7)(C)

This email that (b)(6); (b)(7)(C) forwarded to (b)(6); (b)(7)(C) still retained a blank subject line and had a sent time stamp of 9:45 a.m. on (b)(6); (b)(7)(C) the same as the first email that (b)(6); (b)(7)(C) sent to himself. However, in addition to four lines of text in the body, this email began with (b)(6); (b)(7)(C) and closed with (b)(6); (b)(7)(C). Once again, as there were no emails from (b)(6); (b)(7)(C) to (b)(6); (b)(7)(C) on (b)(6); (b)(7)(C) in (b)(6); (b)(7)(C) email account (or any other emails from (b)(6); (b)(7)(C) addressed only to (b)(6); (b)(7)(C) on any day in (b)(6); (b)(7)(C) emails that we obtained), we surmised that (b)(6); (b)(7)(C)

drafted the text that appears in the body of the email before forwarding the email to (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

When we showed (b)(6); (b)(7)(C) the email purportedly sent by (b)(6); (b)(7)(C) to (b)(6); (b)(7)(C) on (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) said he (b)(6); (b)(7)(C) "must have" written it because (b)(6); (b)(7)(C) never sent him an email like that "or it would stand out." (b)(6); (b)(7)(C) said that (b)(6); (b)(7)(C) but he had no recollection of the email or what his purpose was in forwarding that email to (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) stated that the day he forwarded the email to (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) and, upon reflecting on it, he thought that he (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) agreed that it was fair to interpret his actions in creating and forwarding the email as him pretending to be (b)(6); (b)(7)(C) to (b)(6); (b)(7)(C) <sup>10</sup>

## B. Analysis

(b)(6); (b)(7)(C) DOJ email records clearly reveal the steps (b)(6); (b)(7)(C) took to create the fake email in (b)(6); (b)(7)(C) name. In addition, (b)(6); (b)(7)(C) admitted that it was fair to interpret his actions as him falsely pretending to be (b)(6); (b)(7)(C) to (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) email records establish that he did not receive an email from (b)(6); (b)(7)(C) on (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) engaged in dishonest conduct by creating such an email and sending it to (b)(6); (b)(7)(C) in an attempt to mislead (b)(6); (b)(7)(C) into believing that he had received the email from the head of EOIR. This dishonest conduct also was prejudicial to the government. IJs serve as arbiters of the truth; therefore, the government must ensure that IJs are themselves scrupulously honest in order to maintain the public trust in their decisions and the integrity of OCIJ operations. We found that creating and sending the fake email was dishonest and prejudicial to the government, and therefore violated 5 C.F.R. § 735.203. <sup>11</sup>

<sup>10</sup> On (b)(6); (b)(7)(C) 5 days after his OIG interview, (b)(6); (b)(7)(C) sent a letter via email to the OIG, stating, among other things, that the (b)(6); (b)(7)(C) email was outside the scope of the OIG's investigation, which (b)(6); (b)(7)(C) said was limited to his tenure as acting ACIJ (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) requested that the OIG reopen the record and provide him with an opportunity to respond if any adverse inference were to be drawn from this email. We responded to (b)(6); (b)(7)(C) on (b)(6); (b)(7)(C) and informed him that the record had not closed; that the email communication on (b)(6); (b)(7)(C) was part of the scope of our investigation of potential misconduct; and that we were willing to schedule an additional follow-up interview to take any additional testimony that (b)(6); (b)(7)(C) wanted to provide regarding the email. On (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) replied that he had nothing further that he wished to add and maintained that the email was outside the scope of our investigation. In comments (b)(6); (b)(7)(C) submitted in response to reviewing a draft of this report, he reiterated his objection to the OIG including the (b)(6); (b)(7)(C) email within the scope of our investigation.

<sup>11</sup> In comments (b)(6); (b)(7)(C) submitted in response to reviewing a draft of this report, (b)(6); (b)(7)(C) contended that his conduct with respect to the (b)(6); (b)(7)(C) email was not prejudicial to the government. According to (b)(6); (b)(7)(C) the email was merely a "private exchange" between him and (b)(6); (b)(7)(C) ("a private citizen") (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

(Cont'd.)





## VI. Conclusion

We found that (b)(6); (b)(7)(C) served as acting ACIJ (b)(6); (b)(7)(C) Immigration Court while engaged in a well-known romantic relationship with (b)(6); (b)(7)(C) a subordinate (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)  
(b)(6); (b)(7)(C) We also found that (b)(6); (b)(7)(C) created the appearance that he was using his public office for the private gain of (b)(6); (b)(7)(C) in violation of OCIJ policy. Further, we found that (b)(6); (b)(7)(C) engaged in dishonest conduct when he used his DOJ email account to create and send a fake email purportedly from the then EOIR Director to (b)(6); (b)(7)(C) in violation of 5 C.F.R. § 735.203.

We have provided a copy of this report to EOIR and to the Professional Misconduct Review Unit for any action they deem appropriate.

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(b)(6); (b)(7)(C) We disagree and believe that (b)(6); (b)(7)(C) actions—using government resources and equipment to create a fake email purporting to be written by the head of a federal office—is conduct covered by § 203.