



The extreme difficulty of disciplining or terminating federal employees for poor performance, abusing their position or outright criminal conduct has been in the news a lot [lately](#). The public may be wondering just what it takes to lose a job with the government. In most lines of work, if you wasted your employer's money, broke company rules, intimidated colleagues, and were investigated for ethical violations over a dozen times, you might expect to be fired. But at the Bureau of Indian Affairs (BIA), such behavior might get you promoted. This appears to be true in the case of Jeanette Hanna, the former Regional Director of the Eastern Oklahoma Regional Office (EORO) of the BIA, according to a Department of the Interior, Office of the Inspector General (DOI OIG) [report](#).

Prompted by these complaints (although no explanation was given for why it took so many), the DOI OIG initiated an investigation, releasing a scathing report in August 2012. In its report, the DOI OIG included background from a separate October 2010 review conducted by the Office of the Assistant Secretary for Indian Affairs (AS-IA), at the behest of the Deputy Director of Field Operations at the BIA, which centered on allegations of retaliation by Hanna against her employees:

Unfortunately, the DOI OIG report did not explore the extent of Hanna’s relationship with this contractor. Was the relationship personal, romantic, or financial? According to the DOI OIG report, Hanna ordered forty security cameras for her office, with live feeds that she used to monitor employees. Confidential informants suggest that the same contractor may have sold and installed this security equipment. The DOI OIG found the purchase of this equipment to be unnecessary, unauthorized, and a waste of government money. The DOI OIG does not appear to have investigated whether Hanna received any of the misused funds through her contractor acquaintance.

However, the DOI OIG report did find that Hanna behaved inappropriately when it came to managing funds held in trust with the BIA on behalf of the tribes within the EORO's jurisdiction. One of the core missions of the EORO is to manage funds accrued by tribes through such things as leases of mineral and water rights. The EORO holds these funds in trusts on behalf of smaller

tribes or tribes otherwise unable to manage the funds themselves. As noted in the excerpt above, the DOI OIG report found that Hanna denied EORO employees access to the EORO Indian trust account management system. However, the DOI OIG report does not explain why Hanna would prevent access by these employees, employees tasked with managing these trust accounts.

Jeanette Hanna Goes to Washington, Claims Discrimination

The week after Thanksgiving in 2009, the BIA placed Hanna on detail in Washington, DC, while the AS-IA completed its review of the allegations against her. In fact, the Office of the Chief of Staff for the AS-IA agreed to assign Hanna to its office in DC. However, The DOI OIG initiated its own investigation in August 2011 after receiving allegations that BIA officials failed to act on the AS-IA's review. Upon its eventual release, DOI OIG's report showed that Hanna and several of her colleagues abused BIA regulations and broke federal law even while she was under investigation for other violations.

First, the length of her detail was, in itself, illegal. The Code of Federal Regulations places restrictions on the length of any detail assignment, a prescribed length Hanna ultimately exceeded by over 300%:

From January 12, 2010, until February 25, 2012—a total of 775 days—Hanna was on detail in Washington, DC. Title 5 of the Code of Federal Regulations (CFR), § 317.903, "Employment in the Senior Executive Service: Reassignments, Transfers, and Details," states that an agency may not detail an SES employee to unclassified duties (tasks and responsibilities that have not been assigned an occupational series, title, and grade level) for more than 240 days (**Attachment 35**).

As a result, the Government paid \$178,000 for expenses associated with her detail.

Hanna has also wasted taxpayer money in several other ways, as helpfully outlined by Emily Heil at [*The Washington Post*](#):

According to the damning IG findings, Hanna (who is still employed by the Interior Department) spent more than \$30,000 to rent an SUV, when rules say she should have gotten a cheaper compact car, and frittered away more than \$33,000 renting a hotel room that sat empty while she traveled back to her home in Oklahoma for a whopping 283 days of her detail.

She also tried to get reimbursement for a full per-diem payment during the time she spent in Washington (even though rules say employees should only get 55 percent of the per diem during such extended trips)

While the review of Hanna's alleged ethical violations sat with Acting BIA Director Michael Black for nearly a year, Hanna went on the offensive by filing an Equal Employment Opportunity (EEO) claim against the official who authorized the review of her ethical violations. Her EEO complaint listed seven claims, including discrimination based on her sex and tribal affiliation. Black received a binder from Hanna with a proposed settlement: hundreds of thousands of dollars and letters of apology from employees.

AS-IA Interferes in Deliberative Process, DOI Takes Unprecedented Action

Hanna's EEO complaint sets the backdrop for several other allegations from the DOI OIG report. Paul Tsosie, Chief of Staff to the AS-IA and Hanna's supervisor during her DC detail, appears to have attempted to influence the EEO process to benefit Hanna. Tsosie went to the officials responsible for Hanna's review and stated his belief that the Executive Resources Board (ERB), which oversaw Hanna's Senior Executive Services (SES) appointment, wanted to settle the complaint, as did his boss, Larry Echo Hawk who was the Assistant Secretary of the Interior for Indian Affairs at the time. In fact, Tsosie thought Hanna should be given a "six-figure" EEO settlement, which the officer reviewing Hanna's EEO complaint considered impossible, given "Hanna's EEO case had no merit." Tsosie's claim was especially outlandish, since the ERB, despite overseeing issues related to Hanna's SES appointment, never directly resolves EEO claims (this is the responsibility of the DOI Office of Civil Rights) and ERB members denied ever speaking with him.



Paul Tsosie

When the DOI OIG asked Michael Smith, Hanna's supervisor, for his opinion on whether Tsosie and Echo Hawk interfered with the review of Hanna's EEO complaint, Smith said, "I hate to say it that way, but it appears [so]."

Meddling in an EEO complaint was not all that Tsosie and Echo Hawk were willing to do for Hanna. Having met with Hanna in a restaurant in Alexandria, VA in January 2010, Echo Hawk agreed to assign her directly to Tsosie during her DC detail. Smith also agreed with the DOI OIG's assertion that Hanna's fellow BIA Regional Directors viewed her assignment as effectively a promotion or get-out-of-jail-free card:

When we asked if Hanna being placed in AS-IA appeared to be a promotion, Smith said: "I'll tell you, the regional directors and the deputy regional directors are all watching this. They are all saying: 'Okay. If you get in trouble, all you've got to do is run to the front office and you'll get saved.'"

According to the DOI OIG report, Tsosie also "granted Hanna multiple waivers authorizing her to rent an SUV" and "authorizing her to receive 100 percent per diem while she was on extended detail" without properly including written justification, as required by agency

regulations. In fact, Tsosie only became Hanna's supervising officer after disobeying orders from the Director of the DOI's Office of Civil Rights, who told Tsosie not to place Hanna in the AS-IA because she was under review for ethical violations, showing Hanna is not the only BIA official who plays fast and loose with federal rules and regulations.

As review of Hanna's EEO complaint and ethical violations continued, the DOI Branch of Personnel Litigation in Civil Rights, Office of the Solicitor (SOL) began to become suspicious of AS-IA staff. The SOL noticed the obvious: Tsosie was not being objective in his involvement. As a result, the DOI PMB Deputy Assistant Secretary for Budget, Finance, Performance, and Acquisition, Pamela Haze, and Deputy Assistant Secretary for Human Capital and Diversity, Pamela Malam, ultimately agreed that someone who did not have a personal relationship with Hanna should be considering her case.

In September 2011, Robert More, Director of DOI's Office of Hearing and Appeals, became the official responsible for reviewing both Hanna's EEO complaint and the ethics charges. Malam explained why the DOI shifted responsibility to More:

Malam confirmed that she and

██████ met in September 2011 with SOL officials ██████ and ██████ as well as Davis, Suh, and Haze, and that they all agreed that Tsosie being involved in the decision-making process for either the ██████ or the EEO complaint could be a conflict of interest. On the decision to let More act as the deciding official, Malam said she had never heard of another instance in which Interior officials stepped in and took a ██████ away from a bureau because of inaction.

The DOI OIG also interviewed Haze, who said Hanna's name came up often in reviews conducted by the DOI PMB:

Haze stated that Hanna's name also came up during a review that her office performed of BIA's budget, finance, and acquisition functions. It was interesting, she said, that a "constant thread" in all three teams' findings was that Hanna was directing all of the day-to-day work in these areas, which were outside her purview.

The fact that Hanna was a "constant thread" across multiple official reviews and that she performed unauthorized work in BIA's budget, finance, and acquisition functions is disconcerting. Coupled with the initial allegations of a conflict of interest arising from Hanna's relationship with a contractor, this finding demonstrates that BIA finances and Hanna's involvement in them deserve deeper scrutiny.

Acting BIA Director Cannot Negotiate, Hanna's EEO Complaint Dismissed

When the DOI OIG interviewed Michael Black, the Acting BIA Director, he said he assumed responsibilities related to Hanna's ethical violations in March 2010. Black, like Tsosie, hoped to settle both the pending ethics investigation and EEO complaint with Hanna because the BIA had not done well in the past with EEO cases, having to pay complainants "a lot of money" in the process. An unidentified agency official thought this made no sense:

At this point, ██████ said, he felt that something "was not quite right," stating: "Given the fact that the attorneys who reviewed this had a pretty strong and uniform view that the EEO complaints were without merit, starting negotiations in the six figures struck me as odd and inappropriate."



Michael Black

Asked about his delay in responding to the allegations against Hanna, Black's response displayed a stunning personal bias:

We asked Black why the [REDACTED] sat with him for nearly a year. He admitted that he was uncomfortable being the deciding official because he did not agree with [REDACTED]'s initial review of Hanna, and he also had a good working relationship with her: "You know, if I've got issues with the Regional Director, or the Deputy Director, or one of my staff, I want to sit down with them and reason with them, and explain it to them . . . and say here's what's going to happen if you don't change [your] behavior, or activity, prior to just all of a sudden, boom, off-shooting into this big investigation."

In Black's opinion, 17 formal complaints to the DOI OIG reflect poorly on the manners of those filing the complaints, rather than on the Regional Director accused of ethical violations.

Perhaps Black had every reason to act cautiously. As Pamela Malam at the ERB noted:

She said that because Tsosie was above Black, the deciding official on the [REDACTED] and Tsosie liked Hanna, Black was in a difficult position.

Meanwhile, Tsosie informed Malam that Hanna would probably settle her EEO complaint and then the BIA could drop the allegations against her, illustrating how Hanna created a stronger bargaining position for herself through claims of sexism and racism. To her credit, Malam told Tsosie that the EEO complaint and any reprimand for ethical violations were "on separate tracks."



Larry Echo Hawk

Eventually, Robert More reached a final decision on Hanna's EEO complaint:

On February 21, 2012, Robert More [REDACTED] Hanna [REDACTED] **Attachment 33**). On February 22, 2012, Interior's Office of Civil Rights issued a final agency decision that Hanna had not been subjected to discrimination (**Attachment 34**).

The successful outcome must have come as surprise to Black. Maybe if the BIA and AS-IA outsourced more EEO complaints, they wouldn't have to pay so many complainants "a lot of money" in settlements.

Chief Financial Officer Ignores Agency Regulations, Allegedly Retaliates Against Employee and Possibly Misleads Investigators

Unfortunately, the questionable motives of agency officials extend to the BIA Office of the Chief Financial Officer (OCFO), where the Chief Financial Officer, Vicki Forrest, took a keen interest in minimizing Hanna's punishment for the misuse of federal funds, even after Forrest became aware that Hanna may have violated federal tax laws. In 2011, an employee within OCFO uncovered an explosive finding regarding Hanna's compliance with IRS rules and regulations for her travel payments:

In December 2011, we interviewed [REDACTED] who confirmed that in mid-September 2011, she was assigned to review Hanna's travel vouchers from January 12, 2010, through August 31, 2011 (**Attachments 42 and 43**). [REDACTED] could not recall how she received this assignment. According to Internal Revenue Service rules and regulations, [REDACTED] explained, employees on detail for over a year had to claim their travel payments as taxable income. Although Hanna was on detail for almost 2 years, [REDACTED] said, she did not pay any taxes on this money.

Hanna could not bring herself to pay taxes on vouchers she received inappropriately and without justification. But this OCFO employee's review did not stop there:

During her initial review of Hanna's vouchers, ██████ said, she found "quite a few inconsistencies" and "a lot of disregard for the rules and regulations" in addition to the tax issues (see Attachments 42 and 43). She also said that in November 2011, BIA Chief Financial Officer Vicki Forrest ordered her to "cease and desist" her review of Hanna's travel. ██████ said she had written to Acting Division Chief ██████ requesting more time to review the vouchers.

The same employee sent Forrest an e-mail on November 1, 2011, stating that Hanna's vouchers might be "a misuse of government funds." Forrest became upset at this characterization and in an e-mailed response, demanded an end to the review of Hanna's records:

██████ I don't want any more of this "investigation" as you termed it to continue until after we meet tomorrow morning. I also did not call for an "audit" as you termed it. I want the efforts below by multiple staff members to cease and desist. I appreciate your attention to detail. However, using words like "misuse of government funds" before you know all the facts is quite disturbing.

The DOI OIG noted this was not the first time that Forrest had inappropriately interceded on Hanna's behalf, since she had instructed employees with the Division of Fiscal Services to pay Hanna the full per diem during her detail despite agency regulations limiting per diems for employees on detail to 55% of the normal amount. One of these employees noted that Hanna and Forrest were "good friends." Does the BIA routinely assign the review of ethical violations to friends of the investigated employee? The OIG report does not say.

After another employee insisted that Hanna could not be reimbursed for this per diem due to agency rules, Forrest allegedly retaliated:

██████ said he believed that Forrest retaliated against him after he refused to pay Hanna's per diem (see Attachments 49 and 50). Forrest removed him from his acting role, and he went back to being a ██████ whom ██████ said was ██████ took over the acting role. ██████ said he was a ██████ with ██████ years of Government experience. In light of this, he said, he filed an EEO complaint against Forrest.

The DOI OIG interviewed Forrest twice on this matter. She admitted that she and Hanna were friends, but said Hanna was not in her chain of command. DOI OIG asked the obvious question: would Forrest normally get involved in a matter like this for a lower-level employee? Forrest replied that she would not, but Hanna had asked for her help. Forrest also denied telling her staff to pay Hanna. But when DOI OIG showed her a May 2011 e-mail asking that Hanna be reimbursed as quickly as possible, Forrest conceded it appeared as if she had.

However, Forrest still insisted that if any of her employees felt pressured to pay Hanna's full per diem, this was "perceived" pressure. Forrest also characterized the employee whom she removed from his active role after he refused to process Hanna's travel waivers as "disgruntled."

Hanna and Tsosie Ignore Inspector General, USAO Declines to Prosecute

The DOI OIG eventually managed to interview Tsosie and Hanna. Tsosie admitted that he knew an SUV cost more to rent than a compact car, thereby increasing the cost of travel to the federal government. He had signed these travel documents trusting that Hanna, a Regional

Director already under investigation for ethical violations, knew the relevant regulations. When asked why he signed waivers for Hanna to receive 100% per diem when only 55% is authorized for employees on detail, he responded: "I did the paperwork, again relying on her to know the rules."

While interviewing Hanna, the DOI OIG asked her if she knew the regulations regarding time limitations for SES personnel on detail:

She responded: "I know there was a regulation, and I raised that as part of my EEO. . . . I don't know which [citation] it is, and I thought it was like 540 days or something like that."

Hanna also described why she needed an SUV:

Hanna admitted she prepared and submitted requests for waivers that would allow her to drive an SUV rather than a compact car. When asked why she requested a waiver, Hanna replied, "Because of snow." When asked why she continued to submit requests for waivers throughout the remainder of her detail, Hanna replied: "I think it [was] just by default. Quite honestly, that was my fault . . . I probably should have caught it . . . I probably should have stopped it."

Apparently, when it snows, it pours in DC. The DOI OIG report finishes with a punch line:

After our interviews with Hanna and Tsosie, Hanna submitted travel vouchers for September 1, 2011, through January 31, 2012, requesting reimbursement for her SUV rental and Washington hotel while in Oklahoma. Tsosie approved them.

That's right, Hanna and Tsosie continued to submit and approve travel authorizations even after the OIG informed them of the misconduct. The DOI OIG completed its report in August 2012 and referred Hanna to the Chief of Staff for the Secretary of the Interior for "any action deemed appropriate." However, the Secretary of the Interior took no action, and it seems unlikely any punishment will be forthcoming.

Following the DOI OIG's referral, the U.S. Attorney's Office (USAO) for the District of Columbia also declined to prosecute this case. While the USAO might have determined that the evidence did not warrant a criminal prosecution, it is disturbing that such blatant disregard for agency regulations and federal law has warranted no punishment for Hanna.

The DOI OIG report reveals that there were at least 17 formal complaints, 2 separate DOI OIG investigations, and 4 different BIA and DOI PMB reviews of Hanna's behavior between 2005 and 2011. Just how bad does a federal employee need to be before getting fired? In the BIA, it appears the sky's the limit.