

**UNITED STATES GOVERNMENT**  
*National Labor Relations Board*  
**Office of Inspector General**



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# Survey of the Office of Representation Appeals

Report No. OIG-AMR-44-05-01

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January 2005

## INSPECTOR GENERAL



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# NATIONAL LABOR RELATIONS BOARD

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WASHINGTON, DC 20570

January 07, 2005

I hereby submit a *Survey of the Office of Representation Appeals*, Report No. OIG-AMR-44-05-01. This survey was conducted to gather information about the Office of Representation Appeals (R Unit) to determine functions performed by the office and identify internal controls that management exercises in carrying out its mission.

The Board, exercising authority granted by the National Labor Relations Act, as amended, delegated to Regional Directors its authority to determine the unit appropriate for the purpose of collective bargaining, to determine whether a question of representation exists, and to direct elections and certify the results. The Regional Director, based on the hearing record and briefs of the parties, issues a decision determining whether a question concerning representation exists and the appropriate bargaining unit.

Regional Director's decisions in representation cases (R cases) may be appealed to the Board. R cases can be assigned to the R Unit or a Board Member's staff. Those assigned to the R Unit are mostly requests for review of pre-election Regional Director's decisions, but also include some post-election decisions. R cases assigned to a Board Member's staff are mostly post-election reports on objections and challenges in which the Regional Director ordered a hearing and exceptions to the Hearing Officer's Report are filed with the Board.

During Fiscal Year (FY) 2004, the Board received approximately 390 R cases. The R Unit was assigned 288 of these cases. Nearly 81 percent of the cases received by the R Unit were requests for review in pre-election cases. About 62 percent of the requests for review were of a Regional Director's decision and direction of election (D&DE) with the remainder being decisions and orders and administrative dismissals. The timely issuance of D&DEs is critical because an election is already scheduled and if the issue is not decided before the election, the ballots are impounded until a decision is reached.

Over the past 6 years, the number of R Unit cases pending ranged from 70 in FY 2000 to 145 in FY 2002 and decreased to 115 cases at the end of FY 2004. The increases in pending cases since FY 2000 occurred even though the number of cases received decreased significantly. We did not identify potentially significant structural or procedural issues within the R Unit that contributed to the fluctuations in caseload. We concluded, therefore, that a more detailed review of the R Unit was not necessary at this time.

In addition to presenting information regarding R Unit performance, we identified two issues.

- The Agency did not use its formal System Development Life Cycle (SDLC) Model when making two changes to the Pending Case List Tracking System (PCL) in FY 2004. PCL is part of the Judicial Case Management System (JCMS). The documentation that the Agency is using a spiral SDLC in lieu of the formal SDLC was created and provided to the OIG in response to the discussion document for this survey.
- The FY 2003 Annual Performance Report provides results showing that the Agency achieved the R Unit related performance goal in FYs 2000 through 2003. The FY 2003 results were calculated consistently with the FY 2002 calculation. If the calculation, however, was consistent with the narrative, the reported result would increase from 14 days to 17 days. The point is now moot because this measure has been dropped as a goal for FY 2005 and beyond.

An exit conference was held on October 1, 2004 with the R Unit Director. Subsequent meetings were also held with senior Board management so that they could provide additional information. They agreed with our descriptions of the processes in the R Unit. The R Unit Director submitted written comments to the draft report. His comments included that the draft report understates the number of cases received by the R Unit in recent years, gives an incomplete and inaccurate picture of the length of time D&DE cases are pending, does not fully explain why the GPRA 14-day median calculation is calculated from the date assigned to counsel, and that we incorrectly stated that the Agency created a JCMS-specific SDLC in response to our discussion document report. The Director's comments are addressed in the applicable section of this report and presented in their entirety as an appendix to this report.

  
Jane E. Altenhofen  
Inspector General

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"Survey of the Office of Representation Appeals" (OIG-AMR-44)

## **BACKGROUND**

The National Labor Relations Board (NLRB or Agency) administers the principal labor relations law of the United States, the National Labor Relations Act (NLRA) of 1935, as amended. The NLRA is generally applied to all enterprises engaged in interstate commerce, including the United States Postal Service, but excluding other governmental entities as well as the railroad and the airline industries. The Fiscal Year (FY) 2004 appropriation authorized 1,952 full-time equivalents that were located at Headquarters, 51 field offices throughout the country, and 3 satellite offices for Administrative Law Judges. NLRB received an appropriation of \$244,072,983 for FY 2004, less an across-the-board reduction of .59 percent, leaving a net spending ceiling of \$242,632,952.

The Board, exercising authority granted by the NLRA, delegated to the Regional Directors its authority to determine the unit appropriate for the purpose of collective bargaining, to determine whether a question of representation exists, and to direct elections and certify results. The Regional Director, based on the hearing record and briefs of the parties, issues a decision determining whether a question concerning representation exists and the appropriate bargaining unit. The Regional Director's decision sets forth findings of fact, conclusions of law, and a direction of election or order dismissing the petition.

Regional Director's decisions in representation cases (R cases) may be appealed to the Board. R cases can be assigned to the Office of Representation Appeals (R Unit) or a Board Member's staff. Those assigned to the R Unit are mostly requests for review of pre-election Regional Director's decisions, but also include some post-election decisions. R cases assigned to a Board Member's staff are mostly post-election reports on objections and challenges in which the Regional Director ordered a hearing and exceptions to the Hearing Officer's Report are filed with the Board.

During FY 2004, the Board received approximately 390 R cases. The R Unit was assigned 288 of these cases. Nearly 81 percent of the cases received by the R Unit were requests for review in pre-election cases. About 62 percent of the requests for review were of a Regional Director's decision and direction of election (D&DE) with the remainder being decisions and orders and administrative dismissals. The timeliness of issuing D&DEs is critical because an election is already scheduled and if the issue is not decided before the election, the ballots are impounded until a decision is reached. A description of the R Unit processes appears as an attachment to this report.

The R Unit is comprised of the Director, 2 supervisory attorneys, 10 attorneys, and 2 support staff. The R Unit Director stated that the office has maintained the same number of full-time equivalents since 1999 and, except for normal attrition, the R Unit has been fully staffed since then.

## **OBJECTIVES, SCOPE, AND METHODOLOGY**

The objectives of this survey were to gather information about the R Unit to determine functions performed by the office and identify internal controls that management exercises in carrying out its mission. Our scope included R cases handled by the R Unit in FY 2003.

We interviewed employees in the R Unit to learn about the processes used for managing its caseload. We interviewed employees in the Office of Executive Secretary (OES) to determine its function in handling R case appeals, to learn about the functions and development of the Pending Case List Tracking System (PCL), and to learn how the Agency's measures were calculated for the FY 2003 Annual Performance Report required by the Government Performance and Results Act (Results Act). We interviewed staff in the Information Technology Branch to learn about the System Development Life Cycle (SDLC) Model.

We reviewed the NLRA and other regulations relevant to R cases. We reviewed Agency guidance, including the *Guide for Staff Counsel of the National Labor Relations Board* for procedures in R case appeals. We also reviewed the NLRB's SDLC Model and guidance from the Office of Management and Budget (OMB) to determine whether modifications to the Judicial Case Management Systems (JCMS), which includes PCL, were done in compliance with Government policies. We reviewed the portions of the study conducted by Bearing Point that pertain to the R Unit's responsibilities.

We obtained a database of R cases handled by the R Unit from OES. We tested the database for illogical data. We computed case statistics for cases received in FY 2003 and cases pending as of September 2003. We computed the trends for the handling of cases by the R Unit for FY 1999 through FY 2003. We also obtained and analyzed data through September 30, 2004 to determine whether significant changes in performance occurred, but we performed no tests to validate the data. We recalculated the Agency's FY 2003 Results Act statistics for the measure exclusive to the R Unit's accomplishments and evaluated other measures for which R Unit performance is included.

We selected a judgmental sample of 25 R cases that were received in FY 2003 and tested 14 PCL data fields to determine whether they were supported by documentary evidence and whether the basis for the R Unit's recommendation was in the file.

This survey was performed in accordance with generally accepted government auditing standards during the period of April 2004 through January 2005 at NLRB Headquarters in Washington, D.C.

## **FINDINGS**

Over the past 6 years, the number of pending R cases assigned to the R Unit ranged from 70 in FY 2000 to 145 in FY 2002 and decreased to 115 cases at the end of FY 2004. The increases in pending R cases since FY 2000 occurred even though the number of cases received decreased significantly. We did not identify potentially significant structural or procedural issues within the R Unit that contributed to the fluctuations in caseload. We concluded, therefore, that a more detailed review of the R Unit was not necessary at this time.

We identified two issues. The Agency did not use its formal SDLC Model when making two changes to PCL and a measure in the NLRB's FY 2003 Annual Performance Report was calculated consistently with the FY 2002 calculation, but not consistently with the narrative.

## **REQUESTS FOR REVIEW**

### **Case Processing Time**

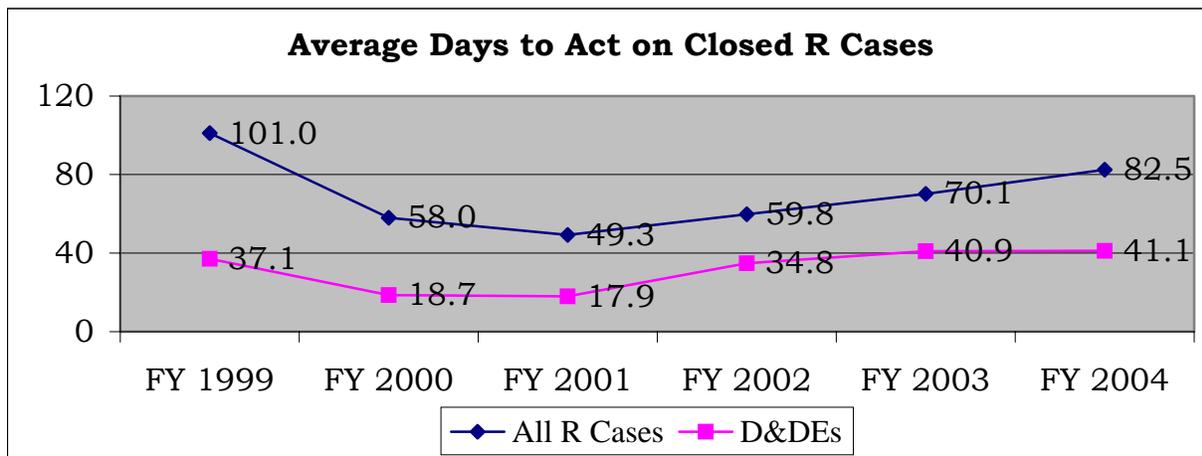
The number of R cases received by the R Unit significantly decreased since FY 1999. The percentage of cases that were requests for review of D&DEs was relatively consistent, ranging between 50 percent and 56 percent.

### **R Cases Received by the R Unit**

<b>Type</b>	<b>FY 1999</b>	<b>FY 2000</b>	<b>FY 2001</b>	<b>FY 2002</b>	<b>FY 2003</b>	<b>FY 2004</b>
Requests for Review of D&DE	248	239	212	226	184	143
R Cases Assigned to the R Unit	442	441	414	427	353	288
Percent	56	54	51	53	52	50

The R Unit Director noted that the most pressing cases that the R Unit handles are requests for review of D&DEs. According to the Agency's Statements of Procedure, the Regional Director will normally schedule an election between 25 and 30 days after the date of the D&DE, unless a waiver is filed. The parties are given 14 days to request review, so the R Unit only has between 11 and 16 days to prepare a recommendation for the Board to reach a decision. If the Board does not reach a decision before the election is scheduled, the election will be held, but the ballots are not counted until the decision is reached. Because of the importance of getting a decision on the request for review before the election is held, attorneys are often taken from other assignments to prepare recommendations for these requests.

The Director stated that the internal operating goal of the R Unit is to have the Board act on a request for review of a D&DE prior to the election. The priority that is given to D&DE cases can be seen in the chart below which shows that over the past 6 years, these requests for review were processed in approximately half the time as the R cases.



Based on our calculation of average days, however, processing of D&DEs took considerably longer than 14 days from the date assigned to counsel until the date of Board action. Management stated that cases that are more complex, such as cases of first impression, take longer than normal cases and skew the average. The R Unit Director also noted other factors, including grants of extensions for parties to file oppositions to requests for review, sporadic short-term increase in requests for review received, and actions in the Regional Office that postpone the need to act on the request for review, such as a pending withdrawal request or a Regional Director's reconsideration of a decision.

The Director noted that the performance of the R Unit is gauged on processing requests for review of D&DEs within 14 median days from the date R Unit counsel is assigned to the date of Board action. The R Unit met this standard from FY 1999 through FY 2004.

### Management's Comments

Management responded that the OIG draft report understates the number of cases received by the R Unit in recent fiscal years.

### OIG Response

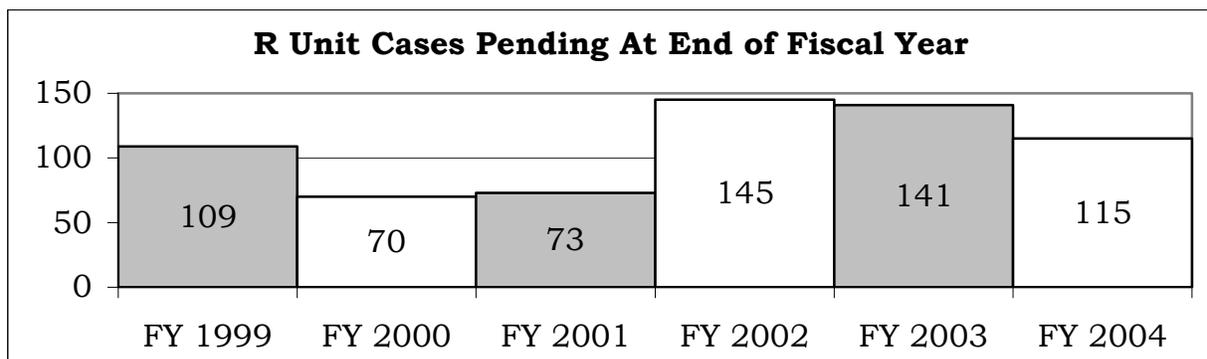
The OIG determined the annual number of R cases received based on the R case data in PCL provided by OES as of October 2004. The Director calculated the annual number of cases received based on a monthly report, which he entered into a spreadsheet. The Director provided the monthly reports, either

from his files or regenerated by PCL, as supporting documentation for his computation. We reconciled the supporting documentation to the PCL database.

The monthly case totals on the Director's spreadsheet did not match the supporting documentation he provided. Further, the supporting documentation did not match the PCL database. Our analysis did not support that the difference was unfair labor practice cases assigned to the R Unit.

### **Pending Cases**

Over the past 6 years, the pending number of R cases in the R Unit at year-end, as shown in the following chart, ranged from 70 to 145 and decreased to 115 cases at the end of FY 2004. The 115 cases as of September 30, 2004 were pending in the R Unit a median of 336 days or an average of 429 days.



Management noted that factors out of the control of the R Unit impact the average time for cases pending. These factors include a number of cases awaiting Board action on lead cases involving similar issues. The R Unit had 69 cases that were awaiting lead cases, including 45 cases resulting from the Supreme Court's decision known as *Kentucky River*, which involved the classification of nurses who exercised ordinary professional or technical judgment in directing less-skilled employees to deliver services in accordance with employer-specified standards. The *Kentucky River* cases have been pending on average for 670 days as of September 30, 2004. In addition, the Director stated that the R Unit also works on lead cases in which the Board is changing case law or is hearing an issue for the first time. Because these cases are more complex, the time for the Board decisions take longer. If lead cases and related cases are excluded, R Unit cases would be pending on average approximately 146 days.

## **Management's Comments**

Management responded that the report gives an incomplete and, as a result, inaccurate picture of the length of time D&DE cases are pending in the R Unit. The response noted that if the 39 cases closed in FY 2003 that took over 50 days to issue are excluded from the calculation that the average pending time in all cases is reduced to 15 days. The response stated that such time is due in large measure to circumstances outside the control of the R Unit.

## **OIG Response**

We believe that the most accurate way of representing the Agency's performance is to include information that reflects the processing of all cases. Eliminating 22 percent of the cases because they have the longest process times does not provide a complete or accurate picture of the length of time D&DE cases are pending in the R Unit. Our draft report acknowledged that factors out of the control of the R Unit impact the average time for cases pending. We also believe that stakeholders are interested in the total times to process cases, not the time controlled by the R Unit.

## **SDLC MODEL FOR PCL**

The Agency did not use its formal SDLC Model when making two changes to PCL in FY 2004. The first change made in April 2004 consisted of merging data tables related to R Unit cases with the OES data tables. The second change made in August 2004 consisted of PCL being changed from an Access database to a Structured Query Language (SQL) server.

PCL was created in 1999 to maintain the Board's case processing data. Originally, PCL consisted of separate data tables for cases being processed by Board Member staffs and the R Unit. The R Unit Director stated that the tables were merged in order to standardize data input of closing dates and to allow cases in the R Unit to appear on reports to the Board Members so that they can monitor all R case activity. PCL was migrated to a SQL server for additional functionality and to be compatible with the Agency's information technology enterprise architecture.

OMB Circular A-130, *Management of Federal Information Resources*, dated November 30, 2000, requires agencies to ensure that major information systems proceed in a timely fashion towards agreed upon milestones in an information system life cycle. This can be done through the SDLC methodology. In our Review of Information Systems Security, OIG-AMR-30-00-03, dated September 29, 2000, we recommended that the Agency develop an SDLC. Our recommendation was implemented in FY 2002 when the Agency established a formal SDLC that applied to all information systems.

In OIG-AMR-30-00-03, we stated that the purpose of an SDLC is to (1) provide a framework for ensuring systems are designed, developed, and implemented to meet the needs and requirements of the agency; (2) ensure that systems work as anticipated; and (3) ensure that controls are built into the system before being placed into production. Additionally, the SDLC methodology provides the framework for controlling software changes to reduce the potential for unauthorized program changes. OMB Circular A-130 also requires agencies to maintain current system documentation.

Management stated that the JCMS Section is using a spiral SDLC for changes to JCMS. The documentation that the Agency is using a spiral SDLC in lieu of the formal SDLC was created and provided to the OIG by Agency managers in response to the discussion document for this survey. The Agency acknowledged that, because of the requirements of the system, personnel developing and maintaining the JCMS were not following the Agency's formal SDLC, but were instead using a spiral methodology involving prototyping in what is called Rapid Application Development. Management considers this an adaptation of the Agency's formal SDLC that ensures adherence to budget considerations, minimizes cost and risk, and maximizes efficiency. The document provided to the OIG now stands as the system-specific SDLC for the JCMS. Agency managers noted that while system requirements documents are informally maintained, documentation meeting all of the requirements of the formal SDLC does not exist. Because of the importance of this system, any modifications to the system should be completed and documented in accordance with Government policy.

### **Management's Comments**

Management responded that the OIG draft report incorrectly states that the Agency created a JCMS-specific SDLC in response to the OIG discussion document.

### **OIG Response**

Page 6 of the draft report stated that the documentation, not the JCMS-specific SDLC, was created in response to the discussion document. This agrees with management's comment that the Agency generated some written materials to be responsive to OIG inquiries. The executive summary was changed to clarify that the documentation was created and provided to the OIG in response to the discussion document for this survey.

## **COMPUTATION OF RESULTS ACT STATISTIC**

Measure 1-6 of the NLRB's FY 2003 Annual Performance Report is "to issue ruling on requests for review of Regional Director decisions within a 14-day median." The FY 2003 Annual Performance Report provides results showing that the Agency achieved this goal in FYs 2000 through 2003. The FY 2003 results were calculated consistently with the FY 2002 calculation. If the calculation, however, was consistent with the narrative, the reported result would increase from 14 days to 17 days.

Narrative information in the performance report states, "It is the Board's goal to continue to issue these review decisions within 14 days from receipt." The calculation is actually from the date assigned to counsel, usually days after receipt by OES and the R Unit Director. We also noted that 5 of the 25 case files examined (20 percent) did not have the annotated case assignment sheet that documents the dates that the R Unit received the case and counsel was assigned to the case.

The narrative also describes the cases included as only review decisions. The calculation, however, actually includes withdrawn or moot cases as well as those decided by the Board. For FY 2003, 34 of the 205 cases in the calculation ended before the Board reached a decision on the request for review and were included in the computation. These 34 cases were withdrawn or rendered moot in a median of 10 days after being assigned to counsel.

Management said that the calculation should begin upon assignment to the staff counsel because this is consistent with the calculation for unfair labor practice cases, and not all cases are ready for assignment upon receipt. Management also said that including withdrawn cases in the calculation more accurately reflected R Unit productivity because substantial work may have been performed on the cases.

We have previously commented in reviews of the Agency's Results Act reports that measures exclude time periods and certain cases from the results. The exclusions reflect an office perspective rather than an agency-wide approach to Results Act goals and often help to achieve the goal. As stated in Inspection Report OIG-INS-05-00-02, *Update of Results Act Implementation*, issued March 16, 2000, we believe the beginning date used in the Results Act calculation should be the date when the request was received in OES. The point is now moot because the FY 2003 Annual Performance Report noted that this measure has been dropped for FY 2005 and beyond, although it will continue to be used as an internal management goal.

## **Management's Comments**

Management responded that the report did not fully or adequately explain why the GPRA 14-day median is calculated from the date the case was assigned to counsel. The response noted that the time when cases were received but could not be processed should be excluded from the calculation and provided many situations in which that may occur.

Management also responded that our report exaggerates the amount of time it takes from a case's receipt in the Headquarters mailroom, docketing by the Executive Secretary's Office, receipt and docketing in the R Unit, and then assigned to an attorney. The response stated that of the D&DEs issued in FY 2003, 88 percent of the cases went from the mailroom to the Executive Secretary's office and then to the R Unit within 1 business day and that 74 percent of the cases were assigned to counsel within 1 business day after receipt in the R Unit.

## **OIG Response**

The draft report acknowledged that not all cases may be ready for assignment upon receipt, but did not state the amount of time it took from the receipt of case until assignment. Rather, the draft report identified two differences that in total would increase the median processing time from 14 to 17 days. The additional time from using the receipt date in the calculation was 2 days, which is consistent with management's comments.

**ATTACHMENT**

## **R UNIT PROCESSES**

Regional Director D&DEs and other R case decisions are e-mailed to OES, which forwards all decisions to the R Unit. Requests for review are sent to the OES, where the case is docketed and entered into PCL. The case is then forwarded to the R Unit for administrative processing and evaluation by the R Unit Director. The two R Unit support staff employees are responsible for the data entry into PCL. Data input includes all actions that occur while the R Unit is assigned to the case and the trail of documents. The R Unit Director also has the ability to input data, which he stated he used only to correct identified mistakes. He noted that the attorneys had read-only access.

The R Unit Director reads the request for review to determine the issues involved, consults with supervisors, and then assigns the case to counsel using an assignment sheet. The Director stated that the assignment is based on the attorney's caseload, expertise in a given area, and developmental needs.

The attorney assigned to a case will then prepare a recommendation for the Board based on the request for review, which is informally known as a screen. The screen explains what the case involves and provides a recommendation to grant or deny review. The recommendation will be given to the attorney's supervisor and the Director for review and approval.

The decisions in R Unit cases are generally made differently from R cases assigned to a Board Member's staff. R cases handled by a Board Member's staff are generally assigned by OES on a rotating basis when cases are received. Each Board Member heads a subpanel of three Board Members that meets weekly to discuss and vote on that Board Member's cases. R cases handled by the R Unit are generally assigned to a superpanel, which consists of three Board Members who rotate on a monthly basis to vote on cases.

Superpanel usually meets on Wednesday. After review and approval, the screen is e-mailed to the Board Members on the superpanel that will decide the case. On the prior Friday, an agenda is prepared of cases to discuss at superpanel. The R Unit Director stated that an agenda usually consists of 5 to 10 cases. On the Monday before superpanel, the attorney prepares a draft order either granting or denying the request for the panel Members' signature.

The attorney will then present the case to superpanel. The Board Members on the superpanel will ask questions about the order. If the Board Members agree with the order, they will sign it. Occasionally they will request an amendment to the order, such as when a Board Member dissents. The signed order will be sent to OES, which will distribute the order to the parties.

If the request for review is denied, the case is considered closed and OES will close the case in PCL. If the request for review is granted, the case will be

reassigned to the attorney who worked on the request for review. The attorney will obtain the transcript and hearing record from the Regional Office, review it, and make a recommendation based on the case record. If the attorney has an idea of how the Board will decide the matter in question, the attorney will circulate a draft decision. If the attorney is unsure, a decisional memo will be sent to superpanel. After a decision is reached, the order is sent to OES for processing, and the R Unit sends the case file to the Case Records Unit.

## **APPENDIX**

UNITED STATES GOVERNMENT  
National Labor Relations Board



Memorandum

To: Jane E. Althenhofen  
Inspector General  
Date: December 1, 2004

From: Lafe E. Solomon, Director   
Office of Representation Appeals

Subject: Report "Survey of the Office of Representation Appeals"  
(OIG-AMR-44)

I wish to submit the following comments to the Report:

1. The Report understates the number of cases received by the R-Unit in recent fiscal years. For FY 2001 the total number of cases was 415; for FY 2002, 435; and for FY 2004, 291.
2. The Report gives an incomplete and, as a result, inaccurate picture of the length of time D&DE cases are pending in the R-Unit. Of the 174 D&DE cases closed in FY 2003, 135 or 78% of these cases issued in under 50 days. While the remaining cases may have been pending in the R-Unit for a lengthy period of time, such time is due in large measure to circumstances outside the control of the R-Unit, such as Board delay in issuing lead cases and Board Member turnover. Further, the length of time this relatively small percentage of cases remains pending in the R-Unit inordinately skews the average time of all cases pending in the R-Unit, as referenced in the Report. If the 39 cases that took over 50 days to issue are excluded from the calculation, the average pending time of all cases is reduced to 15 days.

Similarly, of the 145 D&DE cases closed in FY 2004, 108 or 74 % of these cases issued in under 50 days. Excluding from the calculation the 37 cases that took over 50 days to issue, the average pending time of all cases is reduced to 15 days.

3. The Report does not fully or adequately explain why the GPRA 14-day median is calculated from the date a case is assigned to counsel. The goal was intended to serve as a performance measure for the R-Unit, and to accurately judge that performance, the time during which a case, although received, cannot be processed should be excluded from the calculation. Processing of some cases arriving in the R-Unit may be suspended for a variety of reasons: missing documents, reconsideration of the D&DE by the Regional Director based on the request for review, related cases still pending in the Regional Office,

consideration by the Union of withdrawal of the petition, or unfair labor practice charges being considered by the Regional Director, the Office of Appeals, or an administrative law judge.

Further, the Report exaggerates the amount of time it takes from a case's receipt in the Headquarters mailroom, docketing by the Executive Secretary's Office, receipt and docketing in the R-Unit, and then assigned to an attorney. For the overwhelming majority of cases, this time period is 2 days or less. In FY 2003, of the 174 D&DE cases issued, 153 or 88% of the cases went from the mailroom to the Executive Secretary's Office and then to the R-Unit within 1 business day. Further, 129 or 74 % of the cases were assigned to counsel within 1 business day after receipt in the R-Unit, and an additional 15 or 9% of the cases were assigned within 2 business days.

Similarly, in FY 2004, of the 145 D&DE cases issued, 123 or 85% of the cases went from the mailroom to the Executive Secretary's Office and then to the R-Unit within 1 business day. Further, 113 or 78 % of the cases were assigned to counsel within 1 business day, and an additional 17 or 12 % of the cases were assigned within 2 business days.

4. The Report incorrectly states that the Agency created a JCMS-specific SDLC in response to the OIG discussion document for this survey. While the Agency did generate some written materials to be responsive to OIG inquiries, the Rapid Development/prototype SDLC procedures followed in this case are consistent with long-standing practices of the JCMS development team. These procedures were described in specific detail to OIG personnel at the initial phase of the survey. The subsequent written materials were prepared to supplement that presentation.

cc: Board  
General Counsel