

Addendum to the Report Regarding W79

A. Background – Investigation

At the outset of OGC’s investigation, OGC leadership determined to delay, or possibly forego, interviewing W79 because of her status as the whistleblower who drafted the OSC Complaint that served as the impetus for the review. As OGC attorneys interviewed witnesses and reviewed documents, it became clear that an interview of W79 was unnecessary given the scope of OGC’s investigation. W79 was not on the ground at March or Travis and was not involved in the planning and execution of the repatriation and quarantine efforts. While W79’s scope of employment included elements of planning and execution of the repatriation and quarantine efforts, W79 forewent that portion of her scope of employment and abdicated her role and responsibility therein as described in OGC’s report. The content of W79’s OSC Complaint was premised on “an indirect report, [from] W9, a program specialist from HHS-Region 9-San Francisco office.”¹ W79 was not a percipient witness to the events that fell within the scope of OGC’s investigation. As such, and given the sensitivities attendant to W79’s whistleblower status, OGC determined not to interview W79 or collect documents from her files.

On September 16, 2020, however, Special Counsel Henry Kerner met with HHS Deputy Secretary Eric Hargan and OGC attorneys regarding a draft letter that the Office of Special Counsel was preparing to send to the President about the March and Travis repatriation missions. During that meeting, Special Counsel Kerner and his team insisted that the OGC team that conducted this investigation interview W79. HHS personnel explained that W79 was not a percipient witness to the events that were the basis of the investigation and that her testimony would therefore be predicated on hearsay that would be inadmissible in a court of law. Despite this explanation, the OSC team persisted in insisting that W79 be interviewed. As such, on September 17, OGC attorneys reached out to Ari Wilkenfeld, the attorney listed as W79’s counsel in media reports that covered W79’s OSC Complaint, to schedule an interview with W79.² Ruth Vinson reached out to OGC attorneys on September 18, explaining that her firm, WilmerHale, represents W79 for purposes of OGC’s investigation. During follow-up conversations between Ms. Vinson and OGC attorneys, Ms. Vinson made it clear that W79 would not be able to sit for an interview with OGC attorneys before October 9 due to a pre-scheduled vacation. The first time that OGC attorneys, W79, and Ms. Vinson could all be

¹ W79 Office of Special Counsel – Complaint of Prohibited Personnel Practice or Other Prohibited Activity, at 9 (OSC Complaint).

² When OGC attorneys reached out to W79’s counsel, the document entitled “Findings of the Immediate Office of the General Counsel’s Investigation into March Air Reserve Base and Travis Air Force Base Deployments” (Report) was largely written based on OGC attorneys’ interviews of 65 percipient witnesses and the review of over 73,000 emails and attachments from thirteen custodians, consisting of team leads and others on the ground or heavily involved in the planning and execution of the March and Travis deployments. Following W79’s disclosure of documents she believed to be relevant to OGC’s investigation and W79’s interview, the Report was amended to include Section IV.D (entitled “ACF Headquarters’ Command and Control Issues Related to March”), as well as this Addendum to the Report. These amendments are predicated on the documents and statements provided by W79.

available for an interview was October 16. W79 sat for a five-hour interview that day, during which she promised to provide the OGC team with additional documentation that was referenced in her Chronology, OSC Complaint, and interview.³ W79 provided that documentation on October 21.

During W79's interview, OGC attorneys confirmed that W79 had little, if any, first-hand knowledge of the facts that were relevant to the underlying investigation. Further, it became clear that W79's lack of involvement in the repatriation missions and inattention to details led to confusion on her part as to the particulars of the concerns that she attempted to bring to the attention of ACF leadership.

B. Background – ORO Leadership Engagement with March/Travis Missions

W79 began to raise concerns about the March and Travis deployments beginning on February 1.⁴ However, W79 knew of the initial deployment of ACF personnel on January 25, when she received an email from W4 providing her with the mission parameters as they were known at the time.⁵ W4W4 noted in her email that there would be “a call with DOS this morning [January 25] on the East Coast to confirm.”⁶ W79 did not request to join the call and instead simply responded, “Thank you for this information, W4. We will standby.”⁷ W79 stated during her interview that “we” meant ORO leadership.⁸ Although W79 was copied on at least twelve more emails that day regarding the upcoming mission, she did not respond to a single one or request more information from W4 or any of the other USG personnel engaged in planning the mission.⁹ W4's initial email notifying W79 and other ACF personnel of the upcoming mission ended with “[o]nce we obtain additional information, we will advise of any need for conference

³ W79 provided OGC attorneys with the Chronology, OSC Complaint and a set of emails in advance of her interview. At the outset of the interview, W79 reaffirmed that she believed that all of the facts contained in her OSC Complaint and Chronology were accurate and explicitly stated that she did not want to recant or correct anything contained therein. WebEx Interview of W79 (Director, ORO, ACF) (Oct. 16, 2020).

⁴ Email from W79 to W70 et al. (Feb. 1, 2020).

⁵ Email from W4 to W1 et al. (Jan. 25, 2020).

⁶ *Id.*

⁷ Email from W79 to W4 et al. (Jan. 25, 2020).

⁸ WebEx Interview of W79 (Oct. 16, 2020).

⁹ Email from W4 to W1 et al. (Jan. 25, 2020); Email from W4 to W1 et al. (Jan. 25, 2020); Email from W4 to W1 et al. (Jan. 25, 2020); Email from W1 to W4 et al. (Jan. 25, 2020); Email from W4 to W1 et al. (Jan. 25, 2020); Email from W1 to W4 et al. (Jan. 25, 2020); Email from W4 to W1 et al. (Jan. 25, 2020); Email from W1 to W4 et al. (Jan. 25, 2020); Email from W1 to W4 et al. (Jan. 25, 2020), MARCH-00006578; Email from W1 to W4 et al. (Jan. 25, 2020); Email from W4 to W1 et al. (Jan. 25, 2020); Email from Wendi Ellis (Regional Emergency Management Specialist, Region IX, ACF) to W1 et al. (Jan. 25, 2020); W79 *HHS-ACF's COVID-19 Response Whistleblower Summary* (Feb. 24, 2020).

calls or actions.”¹⁰ W79 did not request any information from W4 regarding future conference calls or actions.¹¹

According to W79, the mission described in W4’s initial email constituted an ESF-8 Public Health and Medical Services mission rather than an ESF-6 Mass Care, Emergency Assistance, Housing and Human Services mission, which falls under the purview of ACF.¹² When interviewed by OGC attorneys, W79 explained that a deployment to a pandemic situation could never be an ESF-6 mission where ACF’s involvement would be appropriate.¹³ According to W79, if ACF personnel are “standing next to CDC and ASPR, they’re running an ESF-8 mission.”¹⁴ Upon further questioning, W79 admitted that a mission performed remotely with eligible repatriates could have been an ESF-6 mission but was adamant that this was not the case with regard to the March and Travis missions.¹⁵ Despite this, W79 did not point out her view of the scope of the ACF mission to any other ACF personnel in response to W4’s initial email or in the ensuing week, during which the first repatriates arrived at March. Instead, W79 simply responded that she and her personnel would “stand by,” thereby ending her engagement with the mission for the next week.¹⁶

W79 also seemed to indicate that partnership with a state or locality comprises a basic requirement of an ESF-6 mission.¹⁷ Therefore, even if W79 did not recognize that the mission described in W4’s initial email described an ESF-8 mission (at least according to W79’s characterization), she became aware of the fact that the mission was an ESF-8 mission (again, according to W79’s characterization) as of January 28, when W1 texted W79 to inform her that the mission would be federalized.¹⁸ Despite this, W79 once again did not lodge any objections with W4, her superior W70, or ACF leadership at this time.¹⁹

¹⁰ Email from W4 to W1 et al. (Jan. 25, 2020).

¹¹ WebEx Interview of W79 (Oct. 16, 2020); W79 *HHS-ACF’s COVID-19 Response Whistleblower Summary* (Feb. 24, 2020).

¹² WebEx Interview of W79 (Oct. 16, 2020).

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ Email from W79 to W4 et al. (Jan. 25, 2020); WebEx Interview of W79 (Oct. 16, 2020).

¹⁷ WebEx Interview of W79 (Oct. 16, 2020).

¹⁸ Text Message from W1 to W79 (Jan. 28, 2020).

¹⁹ WebEx Interview of W79 (Oct. 16, 2020); W79 *HHS-ACF’s COVID-19 Response Whistleblower Summary* (Feb. 24, 2020). In fact, the first reference W79 made in an email to the repatriation missions allegedly being “outside of ACF’s mission set” did not occur until February 13 after all of the repatriates from Wuhan had been evacuated to

According to W79, the “typical protocols” for the type of mission being activated by W4 result in W79 “coordinat[ing] with OHSEPR and ACF Leadership several times a day, making decisions around deployment and content for daily senior leadership briefings.”²⁰ However, in this instance, W79 claims that she was cut out of the loop and was not granted the opportunity to coordinate with W4 and ACF Leadership.²¹ According to W79’s recitation of events, she learned on January 26 that W1 would be deployed in support of the mission.²² W79 noted that she did not receive the typical paperwork for W1’s deployment—thereby, according to W79, violating typical ACF protocols—but W79 claims that she did not feel that she needed to object because she felt that W1 was the proper person to deploy for the mission.²³ At the time, W1 served as Regional Administrator for Region 10 and Acting Regional Administrator for Region 9. In those roles, W1 reported directly to W79.

Similarly, W9 and W140 were deployed without W4 consulting W79 and obtaining her approval, thereby violating typical protocols according to W79.²⁴ However, W79 approved W9’s and W140’s travel for the mission.²⁵ According to W79, she recognized that W4 was not following typical protocols in these early deployments but did not object to those actions—or contact W4 in any way—because this was W4’s first mission and she was therefore affording W4 “grace” in her actions.²⁶ W79 did not reach out to W4 in any way during the first week of the mission.²⁷ Nor did W79 take any concerns to her superior, W70, or any other member of

March and Travis. *See* Email from W79 to W70 et al. (Feb. 13, 2020). This suggests that W79’s “ESF-6 v. ESF-8” characterization, which lies at the heart of her objections to the repatriation missions, constitutes little more than hindsight bias and after-the-fact criticism.

²⁰ W79 HHS-ACF’s *COVID-19 Response Whistleblower Summary* 1 (Feb. 24, 2020); *see also* WebEx Interview of W79 (Oct. 16, 2020).

²¹ WebEx Interview of W79 (Oct. 16, 2020). W79 claims that W4 sent W79 only a single text, which “was the only direct communication [W79] received from her during the entire mission.” W79 HHS-ACF’s *COVID-19 Response Whistleblower Summary* 4 (Feb. 24, 2020). When presented with emails and text messages that belied this claim, W79 did not deny that she not only met with W4 at least once in person during the mission but also received direct emails from W4. WebEx Interview of W79 (Oct. 16, 2020), MARCH-00246730. Although OGC did not collect W79’s emails from the relevant time period out of an abundance of caution given her whistleblower status, the documents that OGC collected from other custodians show that W4 sent W79 at least 13 emails during the March and Travis missions and copied her on an additional 16 emails.

²² WebEx Interview of W79 (Oct. 16, 2020).

²³ *Id.*

²⁴ *Id.* W79 did not specify any particular Agency rule or regulation that were violated, and equivocated on whether their deployment was in fact in violation of protocol. *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

ACF leadership regarding W4's alleged failure to follow typical protocols.²⁸ Apparently, W79 had limited engagement with the mission during the first week of the deployment of personnel under her chain of command.

On January 28, the day before repatriates arrived at March, W4 stopped by W79's office to get a readout of a conference call that W4 had missed but W79 had attended.²⁹ Apparently, the March mission was a topic of conversation as W4 informed W79 that W1 was "doing an awesome job!"³⁰ W79 reported this feedback to W1 and gave her "OHSEPR and ORO kudos!"³¹ During the meeting, however, W79 did not explain to W4 that W4 was not following "typical protocols" nor did W79 explain to W4 that "during an emergency and deployment, [W79] coordinate[s] with OHSEPR and ACF Leadership several times a day, making decisions around deployment and content for daily senior leadership briefings."³² According to W79, the meeting was too short and W79 was continuing to give W4 "grace" given that it was her first mission.³³

The only engagement that W79 had with the mission during this period consisted of text messages to W1 and daily phone calls with W1 to check in on the status of the mission.³⁴ However, W79 stated in her interview that these phone calls were short and contained little in the way of substance. According to W79, W1 would simply report that the mission was "going well," and did not provide any further details.³⁵ W79 did not seek out any details from W1 or ask for information as to the mission and the actions of ACF personnel on the ground at March.³⁶

It was not until February 1, when W79 "fielded several calls from Regional Administrators, REMS, and other staff in my chain of command and they were asking questions and raising concerns that I could not respond to," that she engaged.³⁷ As noted above, W79 could not respond to the questions and concerns because she had neither received nor affirmatively sought information from W4 regarding the mission when that information was not actively

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*; Text Message from W79 to W1 (Jan. 28, 2020).

³¹ *Id.*

³² WebEx Interview of W79 (Oct. 16, 2020); W79 *HHS-ACF's COVID-19 Response Whistleblower Summary* 1 (Feb. 24, 2020).

³³ WebEx Interview of W79 (Oct. 16, 2020).

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ W79 *HHS-ACF's COVID-19 Response Whistleblower Summary* 5 (Feb. 24, 2020).

provided to her. Despite the fact that she claimed to be cut out from the mission beginning January 25, it was not until February 1 that it “it became clear [to W79] that coordination and communication had broken down significantly.”³⁸ Apparently, W79 did not become concerned until a confluence of events occurred: (1) she received calls expressing concerns from her personnel in the field (with whom she had no contact during the first week) and (2) she received an email from W70 authorizing W4 “*to utilize W141* (note: my Associate Director of State Relations based in DC) *and W142* (note: my contracted Executive Assistant).”³⁹ Given that W79 accepted the deployment of other ACF personnel under her command without protest earlier in the week, it appears that the close, personal nature of her relationships with W141 and W142 provided the impetus for her to finally object to deployments that were outside of “typical protocol.” Further, according to W79, at least W141 strenuously objected to his potential deployment⁴⁰ and, according to W79, quit ACF service due to the threat of deployment.⁴¹ By the time these events occurred, however, the first plane of repatriates had landed at March.

C. W79’s Factual Inaccuracies and Inattention to Detail

A February 13, 2020 email sent by W79 to W27, W70, W28, and W4 serves as a primary example of this lack of precision. In this email, W79 forwarded an ASPR Open Media Report that contained the following statement: “Today, the CDC confirmed 2 new infections with COVID-19 in the US. One patient is in California and the other is at JBSA-Lackland in Texas. Both are among a group of people under a federal quarantine order because of their recent return to the U.S. on a State Department-chartered flight that arrived on February 7, 2020.”⁴² In forwarding the Open Media Report, W79 stated that she had “significant questions and concerns. For example, it appears there are two new cases at Travis and March. Below, it appears that confirmed cases were on the planes on the hangar and on the bases where our team members were sent into quarantine areas, outside ACF’s mission set.”⁴³ However, a cursory reading of the Open Media Report shows that W79’s “significant questions and concerns” were misplaced.

³⁸ W79 HHS-ACF’s COVID-19 Response Whistleblower Summary 5 (Feb. 24, 2020); *see also* WebEx Interview of W79 (Oct. 16, 2020).

³⁹ W79 HHS-ACF’s COVID-19 Response Whistleblower Summary 5 (Feb. 24, 2020), (emphasis in original). W73, the PIO in the field at March, recommended the deployment of W141. Telephone Interview of W1 (Feb. 29 and Mar. 3, 2020).

⁴⁰ W141 did not deploy to any of the repatriation missions. Email from W4 to W141 et al. (Feb. 3, 2020).

⁴¹ WebEx Interview of W79 (Oct. 16, 2020); W79 HHS-ACF’s COVID-19 Response Whistleblower Summary 5 (Feb. 24, 2020). OGC was unable to find any evidence in the documents it collected or interviews it conducted to support W79’s assertion that potential deployment was the reason for W141’s resignation from ACF. W79 stated that W141’s resignation letter explicitly stated that he was resigning because of the potential deployment. But W79 stated that she would not provide the resignation letter for OGC’s review. WebEx Interview of W79 (Oct. 16, 2020).

⁴² Email from W79 to W27, et al. (Feb. 14, 2020).

⁴³ *Id.*

First, the Open Media Report states that one of the COVID-19-positive cases in the report “is at JBSA-Lackland in Texas,” i.e., not at Travis and March as W79 asserted.⁴⁴ Further, the Open Media Report states that both of the patients, including the one “in California,” arrived on February 7, 2020.⁴⁵ No flights arrived at March or Travis on February 7, 2020. Thus, the factual predicate for W79’s “significant questions and concerns” was incorrect, something that she could have discovered by reading her own materials more carefully.

When asked about the factual inaccuracies contained in her email to W27, W70, W28, and W4, W79 insisted that it was not her responsibility to ensure that statements made to her superiors were factually correct.⁴⁶ She explained that she had no responsibility to ensure accuracy when raising concerns to her superiors, claiming instead that speed was more important than accuracy in this context.⁴⁷ Even when presented with the fact that the data she forwarded disputed her own statement, W79 continued to insist that it is her understanding that there were COVID-positive repatriates at March and Travis when she sent her email to W27, W70, W28 and W4.⁴⁸ However, none of the repatriates at March tested positive for COVID-19.⁴⁹ And all of the repatriates from Wuhan at Travis, i.e., all of the repatriates at Travis on the date of W79’s email, tested negative.⁵⁰ W79 could provide no details to support her claim during her interview, but promised to forward documentary evidence to support her claim.⁵¹ None of the documents W79 subsequently provided to OGC support her assertion that there were positive COVID-19

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ WebEx Interview of W79 (Oct. 16, 2020).

⁴⁷ WebEx Interview of W79 (Oct. 16, 2020).

⁴⁸ WebEx Interview of W79 (Oct. 16, 2020). On October 21, W79’s attorney, Ruth Vinson, emailed the OGC attorneys that conducted W79’s interview. In that email, Ms. Vinson stated that W79 “believes that she misread the senior leadership briefing—which she also provided in the email to ACF leadership.” Email from Ruth Vinson to Kevin Lake (Attorney, NCLID, OGC) (Oct. 21, 2020). Ms. Vinson then claimed that “W79 received information that there may have been a confirmed case at Travis, where ACF personnel had come into contact with evacuees” and attempted to present arguments and evidence to support W79’s claim *Id.* None of the arguments and evidence mention March. *Id.* The arguments and evidence that mention Travis do not support the proposition that there was a positive case at Travis, as alleged in W79’s email to W27, W70, W28, and W4. Email from W79 to W27, et al. (Feb. 14, 2020).

⁴⁹ Email from W37 to IMT3 Information Management (ASPR) (Feb. 3, 2020) (updating for the first time that, as of February 2, 2020, “All oropharyngeal samples have been tested at CDC HQ and results are all negative. Thus, we now have final negative results for all nasopharyngeal and all oropharyngeal samples received”); CDC, *Media Talking Points: 2019 Novel Coronavirus* (Feb. 10, 2020).

⁵⁰ Telephone Interview of W101 (Feb. 28, 2020).

⁵¹ WebEx Interview of W79 (Oct. 16, 2020).

cases at March and Travis.⁵² Thus, W79 sent an alarmist email to her superiors that her superiors knew at the time to be factually incorrect⁵³ and then complained to W143 (and OSC) that her concerns were not being taken seriously.⁵⁴

D. Conclusion

Throughout W79's Chronology and her interview, it became clear that W79 had (and still has) an inability to distinguish between the March and Travis missions,⁵⁵ became confused as to details regarding what occurred on the ground at both bases,⁵⁶ exaggerated accusations due to apparent biases,⁵⁷ and overly relied on two sources (at most) and did little, if anything, to

⁵² See Email and attachments from Ruth Vinson to Kevin Lake (Attorney, NCLID, OGC) (Oct. 21, 2020).

⁵³ W4 responded to W79 on February 14, 2020, attempting to address W79's concerns. Among other responses, W4 also pointed out that W79's information regarding the incubation period was incorrect and did not align with CDC guidance, which had been "validated" to W4 "by CDC DGMQ (W19) and W144." Email from W4 to W79, et al. (Feb. 14, 2020). During her interview, W79 confirmed that she was not suggesting that ACF should ignore CDC guidelines but was, instead, just raising concerns—once again without verifying the factual bases for those concerns. WebEx Interview of W79 (Oct. 16, 2020).

⁵⁴ Email from W79 to W143 (Feb. 10, 2020).

⁵⁵ For example, W79 claims that "[a]t March, they were ordered to go to the hangar without PPE or safety protocol training . . ." W79 HHS-ACF's COVID-19 Response Whistleblower Summary, at 6 (Feb. 24, 2020). This is a serious allegation that W79 claimed to have drawn from W9's recitation of her experiences. When presented during her interview with W9's report, which explicitly states that "ACF personnel at March ARB did not meet the repatriates on the flight line" (W9, ACF First Wave Wuhan Mission – Ontario International Airport and March Air Reserve Base (Mar. 9, 2020), W79 dismissed as unimportant her conflation of the two bases and the events that occurred at each. WebEx Interview of W79 (Oct. 16, 2020).

⁵⁶ See, e.g., *id.*

⁵⁷ W79's Chronology claims on February 10, 2020, "RA Frank sen[t] email [to W79] regarding staff and safety concerns and said 'the decision was made for ACF to assist in the hangar' [at Travis] and that she received orders from W4 and W50at ASPR." W79 HHS-ACF's COVID-19 Response Whistleblower Summary, at 7 (Feb. 24, 2020). W79 confirmed that this meant that two individuals ordered W1 to send ACF staff into the hangar at Travis: (1) W4 and (2) ASPR FHCO Captain Scott Lee. WebEx Interview of W79 (Oct. 16, 2020). When presented with the email referenced in her Chronology, which *does not* state that W4 ordered W1 to send ACF staff into the hangar at Travis (*see* email from W1 to W79 (Feb. 10, 2020)), W79 claimed that other evidence supported her statement. WebEx Interview of W79 (Oct. 16, 2020). OGC attorneys requested that W79 provide this evidence.

W79's attorney, Ruth Vinson, provided documents that allegedly support W79's contention. However, a review of those documents belie the proposition—they show that W1 informed W79 and other ACF personnel that the decision to send ACF staff into the hangar at Travis was *W1's* decision pursuant to instructions from W50 of ASPR and that W1 gave case managers the option of going or not going into the hangar. Email from W1 to W4 (Feb. 3, 2020). Personnel who did choose to go into the hangar had PPE and had received PPE training. Email from W4 to W1 (Feb. 3, 2020). In addition, contemporary evidence shows that W4's priority was the safety of her people, not responding to ASPR as ██████ accused her of in her Chronology. *Id.* Further, Ms. Vinson stated that it is W79's "opinion [] that W4 did not actually order W1 to have ACF assist in the hangar. . . ." Email from Ruth Vinson to Kevin Lake (Attorney, NCLID, OGC) (Oct. 21, 2020). Neither Ms. Vinson nor W79 provided an explanation why W79 would include allegations in her Chronology, which she reaffirmed in her interview that she believed to be false. Based on the Chronology and statements made during W79's interview, it appears that W79 harbors a bias against W4 and

confirm them.⁵⁸ At one point, W79 even questioned why OGC attorneys would be concerned with such details such as what date a particular event occurred and objected to going day-by-day through her recollection of the events of the first week of the March mission.⁵⁹ During her interview, whenever OGC attorneys would present W79 with evidence that her Chronology contained factual errors or false statements, W79 would point to other evidence that she allegedly had in her possession to support her claims.⁶⁰ OGC attorneys asked W79 to provide all relevant documents and evidence to support her claims.⁶¹ W79 provided documents for review and none of the documents support her factual errors or false statements.⁶²

Given W79's lack of first-hand knowledge and the factual errors and false statements contained in her recitation of events, OGC attorneys have been forced to discount many of the accusations made by W79 against various ACF personnel as inconsistent with the facts. Rather, W79's recitation of events is notable for what it does not say, i.e., that W79 fulfilled her role as ORO Director during the first week of the repatriation mission. When questioned about this, W79's response, in substance, was that she was not obligated to do more.⁶³ The veracity of that claim does not fall within the purview of OGC's investigation.

sought, as much as possible, to paint W4 in a bad light, even to the extent of making material misrepresentations in recounting alleged facts.

⁵⁸ During her interview and in an email providing certain documents to OGC, W9 advised OGC that one of the reasons she wrote her memorandum entitled "ACF Second Wave Wuhan Mission – Travis Air Force Base" was to "document why I was no longer willing to report to RA Frank" and because of "W4's and RA Frank's dismissal of my concerns about the change in ACF's mission at Travis." In other words, W9 admitted that a certain level of bias on her part against W1 and W4 animated the memorandum. Because of this, OGC attempted in every instance possible to obtain secondary evidence to ascertain the veracity of any claim that W9 included in the memorandum before relying upon it for or in support of a fact or proposition. In contrast, based on OGC's interview of W79 and review of the relevant documents W79 provided, it does not appear that W79 took any steps to verify the claims in W9's memorandum and instead appears to have simply assumed the truth of the statements in the memorandum and relied almost exclusively upon those statements to support her recitation of facts. It also appears that W79 then further compounded this approach by adding her own biases on top of those of W9 with regard to her recitation of W4's actions during the mission.

⁵⁹ WebEx Interview of W79 (Oct. 16, 2020).

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² See Email and attachments from Ruth Vinson to Kevin Lake (Attorney, NCLID, OGC) (Oct. 21, 2020).

⁶³ WebEx Interview of W79 (Oct. 16, 2020).