



National Personnel Records Center

Military Personnel Records

9700 Page Avenue, St. Louis, Missouri 63132-5100

AUG 16 2004

Deborah Banks
Archives Technician
Reference Core 2, Team A
St. Louis, Missouri

J-6

Dear Ms. Banks:

This is a notice of proposed adverse action issued in accordance with Title 5, Code of Federal Regulations (CFR), Part 752. In order to promote the efficiency of the Service, it is proposed to remove you from the Service, no earlier than 30 calendar days from the date you receive this notice.

This proposed adverse action is based on the following reason:

Reason 1: You released protected information to an unauthorized party.

Specification 1: A customer complaint and a review of a case you completed on June 8, 2004, have revealed that you provided copies from the wrong military record to a requestor. In response to request , you sent copies of documents from the record of to

Such conduct adversely affects the efficiency of the Service. The heart of the mission at the National Personnel Record Center is to provide accurate information to legitimate requestors. Your careless workmanship resulted in the violation of the Privacy Act, delayed customer service, and added expense for the Agency.

In proposing this action, I am taking into account the fact that you received written counseling on June 7, 2004, for sending a veteran the wrong records on four occasions. I am also taking into account the fact that you received a 14-day suspension in March 2004, a 3-day suspension in October 2002, and an official reprimand on July 16, 2002, all for Absence Without Leave (AWOL).

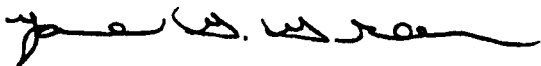
Within 15 calendar days of your receipt of this notice, you may reply in writing, in person, or both, to Mr. Scott Levins, Assistant Director for Military Records, Room 2076, National Personnel Records Center, 9700 Page Avenue, St. Louis, Missouri 63132-5100, telephone (314) 801-0587, setting forth any pertinent facts or extenuating circumstances or other information you desire to submit. You may also submit affidavits in support of your reply and may be represented by an attorney or other representative. In addition, you may designate a Union representative in this matter.

You will be allowed a reasonable amount of official time, if otherwise in a duty status, to prepare your reply, to secure affidavits or other documents, and to review the material supporting the reasons for this proposed removal action. You should contact me to make arrangements for the use of official time. Photocopies of the documents relied upon to support this proposed action are enclosed.

If you do not understand your rights concerning this proposed removal, you may contact Ms. Sherry Valdéz, Human Resources Specialist, Human Resources Service Division, Employee Relations and Benefits Branch, 9700 Page Avenue, St. Louis, Missouri 63132, telephone (314) 801-0894.

A final decision will not be made in this matter until your reply or replies have been received and considered, or if no reply is received, until after the time specified for the replies has passed. Any replies submitted by you will be given full consideration. You will be notified in writing of the final decision. You will be retained in a work status during the advance notice period.

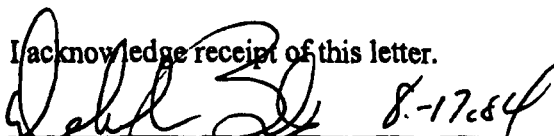
Sincerely,



JANE G. GREEN
Manager, Reference Core 2

Enclosures

I acknowledge receipt of this letter.



Deborah Banks Date 8-17-84

Official: NHHR
Reading: NHHR
Received: NHHR ✓
Cc: NRP, NRPM, NRPM2, NRPM2A

**SUPPORTING DOCUMENTATION FOR
PROPOSED REMOVAL OF DEBORAH BANKS**

1. Service Request All Details #1-140276451 (complaint)
2. Response Letter to Service Request #1-140276451
3. Service Request All Details #1-134233701 (request)
4. Response Letter to Service Request #1-134233701
5. Written counseling dated June 7, 2004
6. Decision Letter, 14-day suspension dated March 11, 2004
7. Decision Letter, 3-day suspension dated September 03, 2002
8. Official Reprimand dated July 16, 2002

SERVICE REQUEST ALL DETAILS

NEPRC

Service

Service Request #: 1-140276451 **Status:** Closed
Request Priority: Medium **Assigned To:** [Redacted]
Source: Routine **Core:** Core 2
Purpose: Benefits **Team:** Team A
Level of Complexity: Others **How Received:** Phone
Description:

Date Created: 06/14/2004
Date Received in Center: 06/14/2004
Date Received in Core: 06/24/2004
Date Completed: 06/24/2004
Date Out of Core: 06/24/2004
Date Out of Center: 06/24/2004

Requester Information:

First Name: [Redacted] **Address:** [Redacted]
Last Name: [Redacted]
Company Name: **City:** [Redacted]
Phone: [Redacted] **State:** [Redacted]
Fax: **Zip:** [Redacted]

Veteran Information:

Veteran Last Name: [Redacted] **Date of Birth:** [Redacted]
Veteran First Name: [Redacted] **SSN:** [Redacted]

Notes

prev req# 1-134233701 DBANKS-RECIEVE WRONG VETS INFO-RECIEVE INFO ON [Redacted] WOULD LIKE DD214.
 THANKS

Case: 4:05-cv-01813-CAS Doc. #: 28-3 Filed: 05/24/06 Page: 4 of 16 PageID #: 29



National Personnel Records Center

Military Personnel Records, 9700 Page Avenue St. Louis, Missouri 63132-5100

June 28, 2004



RE: Veteran's Name: [REDACTED]
SSN/SN: [REDACTED]
Request Number: 1-140276451

Thank you for contacting the National Personnel Records Center. We are pleased to respond to your request by providing the enclosed document(s).

Separation documents may include the following information: the type and character of discharge, authority and narrative reason for separation, reenlistment eligibility code, and separation program designator/number. If you require a copy of the separation document that does not contain this information, a "*deleted*" copy must be requested from this Center. A seal has been affixed to the separation document to attest to its authenticity.

We regret any inconvenience or delay caused by our previous reply. Thank you for your patience and cooperation in this matter. If you have questions or comments regarding this response, you may contact us at 314-801-0800 or by mail at the address shown in the letterhead above. If you contact us, please reference the Request Number listed above. If you are a veteran, or a deceased veteran's next of kin, please consider submitting your future requests online by visiting us at <http://vetrecs.archives.gov>.

Sincerely,

[REDACTED]
Archives Specialist (2A)

Enclosure(s)

SERVICE REQUEST ALL DETAILS

NIPRC

Service

Service Request #: 1-134233701 Status: Closed
 Request Priority: Routine Assigned To: DBANKS
 Source: Routine Core: Core 2
 Purpose: Benefits Team: Team A
 Level of Complexity: Separation Doc How Received: Web
 Description:

Date Created: 05/25/2004
 Date Received in Center: 05/25/2004
 Date Received in Core: 06/08/2004
 Date Completed: 06/08/2004
 Date Out of Core: 06/09/2004
 Date Out of Center: 06/09/2004

Requester Information:

First Name: Address:
 Last Name:
 Company Name: City:
 Phone: State:
 Fax: Zip:

Veteran Information:

Veteran Last Name: Date of Birth:
 Veteran First Name: SSN:

Service Details

Army Enlisted 12/1992

Search Requests

1-280BM6 Out of Core A0010225140 AR

Documents Requested

Separation Document UNDELETED Army

Case: 4:05 v 01813 CAS D00# 28-2 Filed: 05/24/06 Page: 6 of 16 PageID #: 293

MAY-25-04 02:22PM FROM-GREENVILLE PARK ES

+7043436943

T-224 P.001/001 F-829

Signature Page

Page 1 of 2

Signature Verification

Tuesday, May 25, 2004

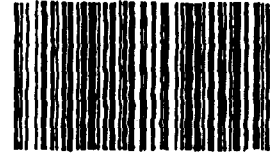
Service Request Number:

National Personnel Records Center

Military Personnel Records

9700 Page Avenue

St. Louis, MO 63132-5100



1-134233701

Attention: NPRC WES

Service Request Number: 1-134233701

I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the information that I provided is true and correct.

Requester is: Veteran

Relationship: Not Applicable

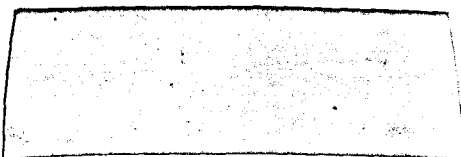




National Personnel Records Center

Military Personnel Records, 9700 Page Avenue St. Louis, Missouri 63132-5100

June 8, 2004



RE: **Veteran's Name:** [REDACTED]
SSN/SN: [REDACTED]
Request Number: 1-134233701

Dear Requester:

Thank you for contacting the National Personnel Records Center. We are responding to your request for separation/discharge papers by attaching one of the following documents: Undeleted separation document (DD Form 214, *Report of Separation*, was not used until January 1, 1950) or NA Form 13038, *Certification of Military Service*, (in cases where there was no separation document in file). Information shown on the NA Form 13038 has been extracted from records on file at the Center. A seal has been affixed to the enclosed documents to attest to their authenticity. The documents provided may be used to apply for benefits.

If you have questions or comments regarding this response, you may contact us at 314-801-0800 or by mail at the address shown in the letterhead above. If you contact us, please reference the Request Number listed above. If you are a veteran, or a deceased veteran's next of kin, please consider submitting your future requests online by visiting us at <http://vetrecs.archives.gov>.

Sincerely,

Deborah Banks
Archives Technician
Core 2, Team A

Enclosure(s)



National Personnel Records Center

Military Personnel Records 9700 Page Avenue St. Louis, Missouri 63132-5100

07 JUN 2004

Ms. Deborah Banks
Archives Technician
Team A, Reference Core 2

DIDN'T SIGN
CERTIFY I RECEIVED THE ORIGINAL COPY OF
THIS LETTER ON 07 JUN 2004

Dear Ms. Banks:

This letter is to make you aware of serious mistakes you recently made. We received telephone calls from several veterans who indicated they received the wrong documents.

Request number 1-130877669 received the separation documents of

Request number 1-132024551 received the separation documents of

Request number 1-126620201 requested the separation documents for
She received the documents for

In addition, mail was returned from stating that he received his separation document and multiple 214's that belonged to Both records were pulled and the record belonging to also contained the 214's of As the person who actually releases information to the requester, it is your responsibility to make sure the correct response is being provided to the correct individual.

Furnishing a document or data from a military personnel record, without the written consent of the individual whose record is involved, is a violation of the Privacy Act. Careless disregard for the privacy of our veterans cannot be tolerated. The first thing you do before answering each and every request is to make sure you have the correct record.

Item 9 of the NARA Penalty Guide defines "neglect of duty" as "careless workmanship resulting in waste or delay." Sending out the wrong documents is negligence that can result in a warning, suspension or removal.

NARA employees are expected to protect the privacy of the veterans whose records we maintain by following the requirements of the Privacy Act. I know that you would never intentionally violate the Privacy Act; however, you must always verify that you have the correct record and that all documents being sent out relate to only 1 veteran.

This warning is intended to prevent any future incidents of this nature and to advise you of the possible consequences of further instances. Sending out the wrong documents is negligence that can result in a warning, suspension or removal. I am confident that you will make sure this does not happen again. Please see me if you have any questions.

Sincerely,


PATRICIA GALLI

Coach, Team A, Reference Core 2

cc: NHHR

March 11, 2004

Ms. Deborah Banks
Archives Aid
Core 2

Dear Ms. Banks:

The letter of February 17, 2004, from Ms. Jane Green, Manager, Reference Core 2, notified you of a proposal to suspend you for a period of 14 calendar days from your position of Archives Aid, GS-1421-3, for your absence without leave (AWOL) on December 22, 2003, and January 28, 2004.

The reasons supporting the proposal were set forth in that notice. You responded to the February 17, 2004, proposal letter with an oral response meeting (summary enclosed) with me on March 4, 2004. Ms. Marsha Pointer accompanied you as your AFGE representative.

I have considered all relevant factors (including your response), and find that the specified instance of misconduct cited in the letter of February 17, 2004, is fully supported by the evidence.

Specifically, you did not have approval from your Coach/Supervisor, Ms. Patricia Galli, when you arrived late on December 22, 2003, and January 28, 2004. Your absences were unauthorized and properly recorded as AWOL.

In your oral response you submitted that you were not required to provide medical documentation for late arrivals when you worked in Records Retrieval Branch. You have been reassigned to Core 2 since May 4, 2003. You have been on formal leave restriction letters since February 2002. The letters have all included the requirement that you must justify all emergency absences with acceptable documentation. That requirement is not new and stated in both the leave restriction letters of September 15, 2003 and February 12, 2004 from Ms. Galli.

Moreover, this is not your first offense. I have considered that you were issued an official Reprimand on July 16, 2002, for AWOL. You were suspended for three (3) days in October 2002, for AWOL. You have been on a formal leave restriction since February 19, 2002.

Consequently, I find that the suspension is warranted. Accordingly, it is my decision that, to promote the efficiency of the Service, you be suspended for 14 calendar days to be served in two periods.

Namely, you will be suspended March 14, to 20, 2004, (7 calendar days) and April 4, to 10, 2004, (7 calendar days) for total of 14 calendar days.

A suspension is a serious disciplinary action. A further instance of misconduct could result in more severe disciplinary action, including removal from the Federal Service.

You may contest the propriety of this action by filing a grievance in accordance with the NARA-AFGE Labor-Management Agreement. You may be represented by the Union or you may represent yourself. If you have any questions regarding your rights, you may request additional information from Mr. Richard Ruecker, Human Resources Services Division, Employee Relations and Benefits Branch, 9700 Page Avenue, St. Louis, MO 63132, telephone (314) 801-0894.

Sincerely,

Scott A. Levins

SCOTT A. LEVINS
Assistant Director
for Military Records

Enclosures

cc:
Reading:NRPM
Information:NRP, NRPM2
Receipt:NHHO
Official:NHHO ✓
NHHO:RRuecker:mb:3/10/2004
Filename:DBsusp.doc

SEP 3 11 2002

Ms. Deborah Banks
Records Retrieval Branch
Organizational Records Section

Dear Ms. Banks:

The letter of September 3, 2002, from Ms. Linda Kirksey, Chief, Records Retrieval Branch, notified you of a proposal to suspend you for a period of three (3) calendar days from your position of Archives Aid, GS-1421-3, for your absence without leave (AWOL) on July 18, August 1, and 21, 2002.

The reasons supporting the proposal were set forth in that notice. You responded to the September 3, 2002, proposal letter with a written reply (enclosed) and oral response meeting with me (summary enclosed) on September 12, 2002. Ms. Marsha Pointer accompanied you as your AFGE representative.

I have considered all relevant factors (including your response), and find that the specified instance of misconduct cited in the letter of September 3, 2002, is fully supported by the evidence. Specifically, you did not have approval from Ms. Kirksey to report to work on your normal off day (Friday, July 19, 2002). You reported on the 19th assuming you could work that day in lieu of Thursday, August 18, 2002. While Ms. Kirksey allowed you to work July 19, 2002, she did not authorize your absence on July 18, 2002. Your absence on July 18, 2002, was unauthorized and recorded as AWOL.

The Standard Form (SF) 71, Request for Leave or Approved Absence, (enclosure 11 in the proposal letter) is clearly marked ("x") in the box disapproving your request for leave on August 5, 2002. Your signature runs into the approval box. Your request for leave on August 5, 2002, was denied and the SF-71 was always and only marked as "disapproved." Ms. Kirksey did not alter the form or change her decision. Your absence on August 5, 2002, was properly recorded as AWOL.

You told me that you would share documentation which established you were incapacitated and hospitalized on August 21, 2002. You did not provide any additional information. However, Ms. Kirksey shared a medical slip (enclosed) that you submitted to Ms. Kirksey. The 8/12/02, medical form states, "Ms. Deborah Banks was admitted to DePaul Hospital from 8/6/02 to 8/10/02. She may return to work on 8/14/02." Your absence on August 21, 2002 was not justified by the medical documentation on the record. Ms. Kirksey denied your request for leave and you were properly recorded as AWOL on August 21, 2002.

Moreover, this is not your first offense. I have considered that you were issued an Official Reprimand on July 16, 2002, for AWOL. Consequently, I find that the suspension is warranted. Accordingly, it is my decision that, to promote the efficiency of the Service, you be suspended for three (3) calendar days effective October 7, 2002, through October 9, 2002. You will be expected to return to work on October 10, 2002. A suspension is a serious disciplinary action. A further instance of misconduct could result in more severe disciplinary action, including removal from the Federal Service.

2

You may contest the propriety of this action by filing a grievance in accordance with the NARA-AFGE Labor-Management Agreement. You may be represented by the Union or you may represent yourself. If you have any questions regarding your rights, you may request additional information from Mr. Richard Ruecker, Human Resources Services Division, Employee Relations and Benefits Branch, 9700 Page Ave., St. Louis, MO 63132, telephone (314) 538-4198.

Sincerely,

(signed) Scott A. Levins

SCOTT A. LEVINS
Assistant Director
for Military Records

Enclosures

cc:

Official:NHHR

Receipt:NHHR

Reading:NHHR

Reading:NRPM

Information:NRP, NRPMZ, NRPMZ-O

NHHR:RRuecker:mb:9/26/02 Ext. 4198



National Personnel Records Center

Military Personnel Records

9700 Page Avenue St. Louis, Missouri 63132-5100

JUL 16 2002

Ms. Deborah Banks
Records Retrieval Branch
Organizational Records Unit

Refuse to sign
CERTIFY I RECEIVED THE ORIGINAL COPY OF
THIS LETTER ON 7-16-02

Dear Ms. Banks:

You are hereby reprimanded for the following reasons:

INSTANCE OF MISCONDUCT: Absence Without Leave (AWOL)

Since February 2002 you have been under a leave restriction letter issued to you by your immediate supervisor, Ms. Pearlene Foster. Ms. Foster and I have repeatedly reminded you about the requirements to call to request leave from the supervisor and to provide acceptable documentation for any unscheduled/emergency absence.

On June 13, 2002 you called Ms. Foster to say you were too sleepy due to medication. Ms. Foster reminded you that your absence was unauthorized (absence without leave - AWOL) until you provided her acceptable documentation to justify your incapacitation preventing you from reporting for duty on June 13. You have offered a letter from you to Ms. Foster and me saying you had "heartburn" on June 13 and that you were advised to avoid stressful situations. Ms. Foster did not accept your reasons (drowsiness or heartburn) as justification for your absence on June 13, 2002. You were recorded as AWOL for 10 hours on June 13, 2002.

On July 3, 2002 you called Ms. Foster to again tell her you were drowsy because of medication. Ms. Foster again told you that you were AWOL and approval of your absence was contingent upon providing her with acceptable documentation. You were recorded as AWOL for 10 hours on July 3, 2002.

You have provided no supportive documentation to explain your medical incapacitation to justify your absences on June 13 or July 3, 2002. Your absences were not authorized and you were carried as AWOL for 20 hours. AWOL is the basis for this Reprimand.

I have taken into consideration that you were issued a formal leave restriction letter from Ms. Foster on February 19, 2002 that thoroughly explained the requirement that any unscheduled absence needed adequate documentation/justification or your absence would be unauthorized (AWOL).

A continuation of such misconduct will not be tolerated, because it adversely affects the efficiency of the Federal Service.

You may review the documentary evidence that was relied upon to support this disciplinary action. This information is in my possession.

A copy of this reprimand will be placed in your Official Personnel Folder and will be withdrawn within three years after the original issuance. However, with your good conduct over a sustained period of time, I may consider removing the reprimand earlier.

You may protest the propriety of this penalty through the NARA/AFGE Labor-Management Agreement, and you may designate a union representative. For further information, you may contact Mr. Richard Ruecker, Human Resources Services Division, Employee Relations and Benefits Branch, 9700 Page Avenue, St. Louis, MO 63132, telephone (314) 538-4198.

An official reprimand is a serious disciplinary action. A further violation of this nature could result in more severe disciplinary action, including removal from the Federal Service.

Nevertheless, you should note this action is not a matter of permanent record. By good conduct in the future, you have the opportunity to attain a clear record.

Sincerely,



LINDA J. KIRKSEY
Chief, Records Retrieval Branch