



United States  
Department of  
Agriculture

Forest  
Service

Tongass National  
Forest

648 Mission Street  
Federal Building  
Ketchikan, AK 99901

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7-12

File Code: 6170  
Route To:

Date: July 20, 2007

Subject: Proposed Termination of Employment  
To: Glen Ith, GS-486-9 Wildlife Biologist

By this letter I am proposing to Forest Supervisor Forrest Cole that your employment with the Forest Service be terminated for the following reasons.

**Charge - Improper Conduct**

**Specification 1:** As Wildlife Biologist on the Scott Peak Project, you drafted a "Wildlife and Biological Diversity Resource Report" dated May 2, 2005. This draft report made recommendations as to the effect of proposed land use alternatives, and was intended for use as an internal deliberative document. You admit giving a copy of the draft report to Larry Edwards, an official of Greenpeace and an appellant challenging the agency's actions in the Scott Peak Project. By this unauthorized action you failed to protect government property and allowed its use for other than official purposes in a policy disagreement over which reasonable minds might differ. Standing alone, this specification would warrant termination of your employment.

**Specification 2:** Recently, you admitted that you reviewed, edited, and approved an article published in the Forest Service Employees for Environmental Ethics magazine. In that article you identified yourself by name as a Forest Service employee working on the Tongass National Forest as a manager of wildlife habitat, and you requested monetary contributions to help fund your anticipated litigation against the Forest Service.

Your actions violate ethical restrictions because you used your official position to further fundraising efforts for a personal cause.

**Penalty Selection Factors**

**Seriousness of your misconduct:** Draft documents are deliberative, pre-decisional, and considered internal agency working documents. Draft documents are circulated within the agency for comment. They undergo considerable revision for both substantive and editorial changes.

Agency employees must be free to engage in the deliberative process for which draft materials are circulated within its confines. In releasing your draft report to a member of the public, the contents of which formed the basis of a public member's appeal, you misused your Federal position and without authorization, released information intended for internal review only. Unless and until draft documents are finalized, including approval by line officers, their release is premature, prohibited, and unauthorized for release to the public. Your actions significantly harm the Forest Service's internal deliberative process.

**Loss of trust:** Your failure to safeguard internal draft material entrusted in your care is extremely serious. Worse, you admit to providing your draft to a member of the public who used that information to file an appeal challenging an agency action. I find your acts to be intentional and undermining of the trust I place in a Forest Service employee. Whether you feel justified in failing to protect internal management communications from unauthorized disclosure, the negative effect of that failure is real. Coworkers no longer trust you to keep from public release anything they say or write regarding biological, environment, or land-management use. So



serious was your act of indiscretion that you were detailed from your position with the Tongass National Forest and placed in another position to restrict access to sensitive information and minimize the damage of your failing to protect "inside" information from unauthorized use. Your actions fatally undermine my confidence you will not release draft documents drafted by you or a co-worker that have yet to be finalized for public review and comment. You took intellectual property belonging to the agency and released it to a special interest group without authorization. That group in turn used the information to support its appeal in the Scott Peak project. This offense is particularly problematic given your position in the agency.

**Prior Disciplinary Record:** I have considered your past disciplinary record and find that you have not been previously disciplined. However, I also find that the offenses cited above are so egregious that the lack of prior discipline does not overcome the seriousness of the misconduct and its impact on the service.

**Consistency of the penalty:** I have considered the consistency of the penalty of removal with those imposed upon other employees for the same or similar offenses. I have not witnessed this combination of serious and untenable misconduct from any other employee. Thus, I have reviewed the USDA Table of Penalties and find that the penalty of removal for your cited misconduct is consistent with the provisions contained in the Table. In fact, your knowing and intentional release of deliberative material standing alone warrants your removal.

**Notoriety of conduct:** I have considered the notoriety of your misconduct and its impact upon the reputation of the Agency. Your release of deliberative material is well-known because it was released so publicly. In addition, your solicitation of funds to support your upcoming litigation was published in an employee publication. Therefore, it is essential that management take appropriate action because the offenses are so public.

**Rehabilitation potential:** I see no potential for rehabilitation in your case. You accept no responsibility for wrongdoing, claiming up to this point of the process you have done nothing wrong. In addition, you have previously had ethics training and are, therefore, on notice of your responsibilities to safeguard agency information and property and not to use your Federal position for personal gain.

**Mitigation:** I have also evaluated whether there are any mitigating circumstances surrounding the misconduct charged in this proposal. You are a well-educated and experienced Federal employee, and you have had the benefit of Government-sponsored training. Moreover, you do not deny nor regret your intentional actions. Thus, I find that there are no mitigating circumstances that would justify a reduction in penalty.

**Alternative sanctions:** I have also reviewed the possibility of alternative sanctions to deter such conduct in the future by you or others, and I find that no sanction short of removing you from employment will suffice to correct the actions for which I find you responsible. You have damaged the service by violating the trust of your supervisors and co-workers by chilling the free exchange of information prior to final decision making.

Based on these factors, I conclude that removal from your employment will promote the efficiency of the service.

#### **Reply right**

You are entitled to a complete copy of all the material relied upon to support the reasons given for proposing this action. If you wish to review this material, contact me and I will make arrangements. You may respond to

this proposal letter orally and/or in writing within seven days of your receipt of this letter. You may furnish affidavits and other documentary evidence in support of your response.

Any written response is to be provided to Forrest Cole, Forest Supervisor. If you wish to make an oral response, you should contact Mr. Cole at (907) 228-6200. He will advise you of the details of an appointment with the person he selects to hear your reply. The decision made by Mr. Cole will not be implemented sooner than 30 days after your receipt of this proposal.

Effective immediately I am placing you on administrative leave for the duration of this notice period. During this time you will receive your regular pay, but you are not to report to work nor are you to attempt to access agency property (other than as a member of the public) without specific authorization to do so.

/s/ Olleke E. Rappe-Daniels

OLLEKE E. RAPPE-DANIELS  
Deputy Forest Supervisor

cc: Forest Supervisor

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Glen Ith (receipt received)

\_\_\_\_\_  
Date

I gave Glen Ith this letter  
on Friday, July 20th at  
1635.

Chris Szye