

**Congress of the United States**  
**House of Representatives**

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074  
MINORITY (202) 225-5051

<http://oversight.house.gov>

July 3, 2018

The Honorable L. Francis Cissna  
Director, U.S. Citizenship and Immigration Services  
Department of Homeland Security  
111 Massachusetts Avenue NW  
Washington, DC 20529

Dear Mr. Cissna:

The Committee is aware of alleged retaliation for protected disclosures of contract mismanagement at the U.S. Citizenship and Immigration Services (USCIS). Specifically, USCIS Mail Management Division Chief Catherine Hitch informed the Committee she is being harassed in the workplace because of protected and mandatory disclosures related to waste, fraud, abuse, and impartiality in the award of a mail metering contract.

In 2017, Ms. Hitch made a disclosure to the Department of Homeland Security Office of Inspector General pertaining to the handling of a contract falling under her office's purview.<sup>1</sup> She alleges she experienced harassment and retaliation as a result of the disclosure. Ms. Hitch reported the alleged retaliation and harassment up her chain of command but received no response.<sup>2</sup> On January 5, 2018, Ms. Hitch received a formal Letter of Reprimand from Michael Gibbs, Chief Administrative Officer, admonishing her for an email she sent to Tracy Renaud, Acting Deputy Director, in which she reported Mr. Gibbs for retaliation and harassment.<sup>3</sup> In November 2017, Ms. Hitch provided a complaint of retaliation and hostile work environment to the USCIS Office of Special Investigations (OSI), naming Mr. Gibbs, Acting Associate Director for Management Kevin Kern, and Ms. Renaud.<sup>4</sup>

Ms. Hitch suffers from several chronic health conditions. In February 2018, Ms. Hitch's physician requested a reasonable accommodation for a change of position on behalf of Ms.

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<sup>1</sup> E-mail from Catherine Hitch, Mail Management Division Chief, U.S. Citizenship and Immigration Services, to Office of the Inspector Gen., U.S. Dep't of Homeland Security (October 9, 2017) (on file with the Committee).

<sup>2</sup> E-mail from Catherine Hitch, Mail Management Division Chief, U.S. Citizenship and Immigration Services, to Michael Gibbs, Chief Administrative Officer (September 29, 2017) (on file with the Committee) (reporting Hitch's first line supervisor, Joanne Jurmu, Deputy Chief Administrative Officer, for creating a hostile work environment) Ms. Hitch then reported retaliation and harassment by Mr. Gibbs to Tracy Renaud, Acting Deputy Director, November 29, 2017, (copy on file with the Committee).

<sup>3</sup> Letter from Michael D. Gibbs, Chief Administrative Officer to Catherine Hitch, January 5, 2018, (copy on file with the Committee).

<sup>4</sup> E-mail from Catherine Hitch to USCIS OSI, September 20, 2017, (copy on file with the Committee).

Hitch, stating her “. . . chronic conditions deteriorated significantly due to the stressful environment she was subjected to at USCIS in 2017 through present.”<sup>5</sup> On April 27, 2018, Joanne Jurmu denied Ms. Hitch’s Disability Accommodation Request for a change of supervisor and for reassignment. On June 21, 2018, Ms. Hitch received a Notice of Proposed Removal from federal service based on an “inability to perform the duties of [her] position . . .” due to her serious medical conditions. Ms. Jurmu signed the notice and the deciding official was Mr. Gibbs, again presenting the appearance of retaliation.

Several actions by USCIS officials—the formal letter of reprimand in January, the denial of the disability accommodation request, the notice of proposed removal, and the involvement of Mr. Gibbs as the deciding official—create an appearance of retaliation. The Committee is concerned about the timing and circumstances of the notice of proposed removal and a request by USCIS that Ms. Hitch globally settle these claims by Monday, July 2, 2018. To that end, we are referring this matter, by way of this letter, to the Office of Special Counsel for further review. In order to assist the Committee in evaluating this matter and the management and award of the mail metering contract, please provide the Committee with the following documents and information:

1. All documents and communications relating or referring to awards, proposals, and evaluations made for USCIS Mail Meter Rental and Maintenance contracts from 2005 to present, including but not limited to Contract No.GS-25F-0010M;
2. All documents and communications relating or referring to the preparation or cancellation of any solicitation for USCIS Mail Meter Rental and Maintenance contracts from 2005 to present, including but not limited to, the legal basis for cancelling the solicitation(s);
3. All documents and communications relating or referring to the departure of Dale Allen, Contracting Officer, from USCIS employment;
4. All documents and communications relating to Ms. Hitch’s Disability Accommodation Request, including but not limited to a list of individuals involved in the decision to deny the request;
5. All documents and communications relating or referring to Ms. Hitch’s Notice of Proposed Removal, including a list of individuals involved in the decision; and
6. All documents and communications relating or referring to Ms. Hitch’s claims of retaliation and hostile work environment made to the USCIS OSI, including but not limited to the determination to close the case without conducting an active investigation.

Provide the requested documents and information as soon as possible, but no later than 5:00 p.m. on July 17, 2018. An attachment to this letter provides additional instructions for responding to the Committee’s request.

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<sup>5</sup>Certification of Health Care Provider for Employee’s Serious Health Condition (Family and Medical Leave Act), copy on file with the Committee.

Please contact Rachel Weaver of the Majority staff on the Committee at (202) 225-5074 with any questions about this request. Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Trey Gowdy', is positioned above the printed name.

Trey Gowdy

Enclosure

cc: The Honorable Elijah E. Cummings

The Honorable Henry Kerner, Special Counsel, U.S. Office of Special Counsel

## Responding to Committee Document Requests

1. In complying with this request, you are required to produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Requested records, documents, data or information should not be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee.
2. In the event that any entity, organization or individual denoted in this request has been, or is also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.
3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.
4. Documents produced in electronic format should also be organized, identified, and indexed electronically.
5. Electronic document productions should be prepared according to the following standards:
  - (a) The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
  - (b) Document numbers in the load file should match document Bates numbers and TIF file names.
  - (c) If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
  - (d) All electronic documents produced to the Committee should include the following fields of metadata specific to each document:  
  
BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH,  
PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE,  
SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM,  
CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE,  
DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,  
INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,  
BEGATTACH.
6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when the request was served.
8. When you produce documents, you should identify the paragraph in the Committee's schedule to which the documents respond.
9. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same documents.
10. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), you should consult with the Committee staff to determine the appropriate format in which to produce the information.
11. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
12. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
13. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.
14. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you are required to produce all documents which would be responsive as if the date or other descriptive detail were correct.
15. Unless otherwise specified, the time period covered by this request is from January 1, 2009 to the present.
16. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date, shall be produced immediately upon subsequent location or discovery.
17. All documents shall be Bates-stamped sequentially and produced sequentially.
18. Two sets of documents shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building.

19. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

### **Definitions**

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, email (desktop or mobile device), text message, instant message, MMS or SMS message, regular mail, telexes, releases, or otherwise.
3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
4. The terms “person” or “persons” mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.

5. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.
6. The term “referring or relating,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.
7. The term “employee” means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, subcontractor, or any other type of service provider.