

Since all of the disclosures I've made were lawfully protected and I justified them in the same communications in great detail, the agency can't take an adverse action against me for making them, and (now that they've actually read what I sent them) the lawyers and managers on the other end of this know that. But because none of my whistleblowing attempts to correct these problems to date have succeeded, they don't have any external validation of that to which they can point as the reason why they are not taking adverse action. All of the disclosures I made are still illegal: the whistleblower laws don't change that one bit. So while FEMA can't legally do anything about it, the agency also can't just ignore it without undermining basic norms.

U.S. Department of Homeland Security
Washington, DC 20472



FEMA

So they memorialized it all (plus some unrelated misconduct that came up in the interview, the redacted [not because it's any more embarrassing than anything else in this packet, but because the description itself in combination with public information would disclose other non-public information] paragraph on the next page) in a non-punitive memo.

April 5, 2024

MEMORANDUM FOR: Andrew J. Janca
Management and Program Analyst
National Preparedness Directorate
Resilience

FROM: ---Manager---
Supervisory Emergency Management Specialist
National Preparedness Directorate
Resilience

SUBJECT: Written Counseling

The purpose of this written counseling is to officially counsel you regarding your Failure to Follow Policy. The following is offered to support and explain the significance of this counseling.

On July 4, 2021, you sent at least 32 pages of a draft of the 2015 Strategic National Risk Assessment (SNRA) to 17 media outlets via email. Your release of this information was unauthorized. Your release of nonpublic FEMA documents to the public violated FEMA Directive 123-0-2-1, Personnel Standards of Conduct, Revision 1, dated October 6, 2022, which prohibits FEMA personnel from disclosing official information or nonpublic information without proper authority.

On June 27, 2022, you sent unredacted, nonpublic information regarding the Strategic National Risk Assessment (SNRA) planning tool to approximately 20 media outlets via email. Your release of this information was unauthorized. Your release of nonpublic FEMA documents to the public violated FEMA Directive 123-0-2-1, Personnel Standards of Conduct, Revision 1, dated October 6, 2022, which prohibits FEMA personnel from disclosing official information or nonpublic information without proper authority.

Between September 21, 2022, and April 13, 2023, you sent approximately 350 emails containing attachments or hyperlinks with nonpublic information from your FEMA email account to your personal email account. Your personal use of your FEMA email account violated DHS 4300A, Sensitive Systems Handbook, dated April 28, 2022, which prohibits forwarding government emails to personal email accounts and requires employees to protect sensitive information from disclosure to unauthorized persons or groups.

In or around January 2023, you ----- *IT-related misconduct, since corrected* -----
-----, in violation of FEMA Directive 123-0-2-
1, Personnel Standards of Conduct, Revision 1, dated October 6, 2022, which prohibits -----

Technical details of DHS information systems are generally considered sensitive information inside DHS -- no problem for internal memos like this one, but not for sharing widely. The redacted parts are otherwise unrelated to the problems that the rest of this binder is about (it came up during the investigation). All of it was my fault, and I've since corrected it.

From March 27, 2023, through April 13, 2023, you sent approximately 32 emails to non-FEMA recipients that disclosed nonpublic FEMA documents. Your release of this information was unauthorized. Your release of nonpublic FEMA documents to the public violated FEMA Directive 123-0-2-1, Personnel Standards of Conduct, Revision 1, dated October 6, 2022, which prohibits FEMA personnel from disclosing official information or nonpublic information without proper authority.

As federal employees, we are all public servants. We are required to uphold laws and ethical principles. We are also expected to make an honest effort in the performance of our duties, and to promote a congenial and professional atmosphere in which to work. We must work to avoid dwelling on past decisions and focus on the work required of us today to the best of our ability.

This counseling is not a disciplinary action and will *not* become a matter of official record. It will not be included in your Official Personnel Folder. Rather, this letter is provided as positive, constructive counseling in the sincere hope that you will take the initiative to perform your duties in an acceptable manner in the future. Your continuing success is imperative to the FEMA mission.

I want to take this opportunity to inform you of the Employee Assistance Program (EAP) which is offered to counsel to all employees who may have issues affecting their job performance and/or conduct. EAP can help in a variety of situations. If you believe that EAP could be of assistance, I urge you to contact 1-800-222-0364 or www.FOH4you.com.

I would also like to take this opportunity to inform you of the Alternative Dispute Resolution Program (ADR). ADR was developed to assist employees and managers in recognizing potential concerns or issues and to resolve them at the earliest possible stage. The ADR program is not an appeals process. This program is completely voluntary. If you choose to use this service, contact the ADR office at (202) 646-2835 or FEMA-ADR@fema.dhs.gov.

I encourage you to come to me with any questions about this memo or if you need further clarification regarding my expectations.

Acknowledgement of Receipt:

Please sign the acknowledgement of receipt below. Your signature does not indicate agreement with this decision, and by signing, you do not forfeit any of your rights cited above. Your signature only represents your receipt of this decision on the date signed.

ANDREW J JANCA

 Digitally signed by ANDREW J JANCA
Date: 2024.04.05 14:05:43 -04'00'

Andrew Janca

DATE