



The Special Counsel

U.S. OFFICE OF SPECIAL COUNSEL
1730 M Street, N.W., Suite 300
Washington, D.C. 20036-4505

May 7, 2025

The President
The White House
Washington, D.C. 20050

Re: OSC File Nos. DI-24-000591, DI-24-000960, DI-24-000988, and DI-24-001051

Dear Mr. President:

I am forwarding to you two reports transmitted to the Office of Special Counsel (OSC) in response to the Special Counsel's referral of disclosures of wrongdoing by [REDACTED] while he served as Acting Chief Medical Director at the U.S. Department of Homeland Security (DHS), Customs and Border Protection (CBP), Office of the Chief Medical Officer (OCMO), in Washington, D.C.¹ OSC has reviewed the disclosure, agency reports, and whistleblower comments and, in accordance with 5 U.S.C. § 1213(e), I have determined that the reports' findings appear reasonable. The following is a summary of the findings and whistleblower comments in response.

The whistleblowers, [REDACTED], [REDACTED], [REDACTED], who consented to the release of his name, as well as three additional whistleblowers who chose to remain confidential, alleged that OCMO's former Acting Chief Medical Officer, [REDACTED], who was responsible for CBP's medical mission, engaged in a broad range of wrongdoing. Specifically, the whistleblowers disclosed that [REDACTED] (1) repeatedly consumed alcohol while in possession of a CBP-issued firearm; (2) improperly created and self-certified an agency-wide narcotics policy; and (3) improperly attempted to replace OCMO's electronic medical records system (EMR). The agency substantiated allegations (1) and (2), and reported that as of December 18, 2024, [REDACTED] no longer occupies the position of Acting Chief Medical Officer.

¹ The whistleblowers' allegations were referred to Homeland Security Secretary Alejandro Mayorkas for investigation pursuant to 5 U.S.C. § 1213(c) and (d). CBP's Office of Professional Responsibility (OPR) conducted the investigation. The authority to review and sign the report was delegated to the Senior Official Performing the Duties of the Commissioner Troy Miller.

The investigation substantiated the allegation that [REDACTED] repeatedly consumed alcohol while in possession of a CBP-issued firearm in violation of CBP's Use of Force Handbook.² Specifically, the agency found that [REDACTED] was carrying his CBP-issued pistol when he consumed alcohol while on a January 2024 business trip to Tucson, Arizona. The investigation further found a "likely" violation of CBP's Use of Force Handbook involving [REDACTED]'s consumption of alcohol while carrying his CBP-issued firearm at a team building event at the Hamilton Hotel Bar in Washington, D.C. in September 2023. While the report substantiated that [REDACTED] improperly created and self-authorized an agency-wide narcotics policy, it did not conclude that [REDACTED]'s intent behind these actions was to procure fentanyl for personal use. Specifically, the agency report stated that "[REDACTED]'s disregard of CBP's normal policymaking procedures led to the improper issuance of this policy both in terms of substance and procedure" because it was not approved by his chain of command and lacked key substantive requirements for such a policy. The policy has been rescinded by CBP. The agency noted that the reports substantiating these allegations were forwarded to the DHS Chief Medical Officer for review and consideration of any action deemed appropriate pending receipt of additional documentation.

The agency did not substantiate the allegation that [REDACTED] improperly attempted to replace OCMO's electronic medical records system. The investigation found that [REDACTED]'s review of the EMR was not conducted on his own initiative; rather, the DHS Chief Medical Officer and Acting Commissioner directed [REDACTED] to carefully review the EMR and potential alternatives during his tenure as Acting CBP Chief Medical Officer. Further, the investigation found that although [REDACTED]'s approach and preferred course of action in evaluating the effectiveness of the current system varied from the preferences of his staff, the difference of opinion regarding the programmatic review did not constitute statutory wrongdoing. The report stated that, to date, it has not committed to procuring a new system and, except for the use of CBP personnel's time and effort in the review of the EMR, agency resources have not been used to alter or replace the current system.

In their comments, the whistleblowers conveyed discontent with the scope of the review of these allegations and dissatisfaction with the agency's lack of disciplinary action against [REDACTED]. The whistleblowers expressed the opinion that the reports contained "significant procedural shortcomings," including the omission of relevant witness testimony, and the use of imprecise language. The whistleblowers disagree with the reports' characterization that [REDACTED]'s attempt to replace CBP's EMR was a reasonable

² U.S. Customs and Border Protection, CBP Use of Force – Administrative Guidelines and Procedures Handbook, January 2021, [CBP Use of Force Policy Handbook](#).

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difference of opinion between colleagues and remain steadfast in their belief that [REDACTED]
[REDACTED]'s efforts constitute gross mismanagement and a gross waste of funds.

I thank the whistleblowers for bringing these allegations to OSC. As required by 5 U.S.C. § 1213(e)(3), I have sent a copy of this letter, the agency reports, and whistleblower comments to the Chairmen and Ranking Members of the Senate Committee on Homeland Security and Governmental Affairs and the House Committee on Homeland Security. I have also filed redacted copies of these documents and the redacted referral letter in OSC's public file, which is available online at www.osc.gov. These matters are now closed.

Respectfully,

A handwritten signature in cursive script that reads "Charles M. Baldis".

Charles N. Baldis
*Senior Counsel and Designee
of Acting Special Counsel Jamieson Greer*

Enclosures