



NATIONAL SCIENCE FOUNDATION
OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

CLOSEOUT MEMORANDUM

Case Number: I-12-08-0056

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We received an allegation that Complainant's¹ College² had terminated his employment in retaliation for his claims that the College mismanaged the handling of Davis-Bacon Act (DBA) certification requirements on an American Recovery and Reinvestment Act (ARRA) funded NSF award³.

Pursuant to ARRA's prohibition against retaliation, our office conducted an investigation of the reprisal claim and issued a Report of our findings to NSF. We determined that the College did not know about the Complainant's claims when it terminated him for preexisting performance issues, and that consequently the disclosure could not have affected the decision to terminate. The lack of knowledge occurred because the Complainant commingled the disclosure with an administrative task in such a way that the disclosure was not evident as such. Furthermore, the Complainant did not independently discover the DBA issue, but instead learned of it through his exposure to the College's preexisting review of the issue, which it conducted in response to an inquiry from NSF.

Based on our Report, NSF issued a Final Decision that the awardee presented clear and convincing evidence that it would have terminated Complainant's employment notwithstanding his allegation that the College mismanaged DBA certification requirements.

As part of our investigation of the alleged reprisal, we evaluated the merits of the DBA issue. We did not find evidence to support the allegation that the College mismanaged the DBA certification requirements.

Accordingly, this case is closed with no further action taken.

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