



U.S. OFFICE OF SPECIAL COUNSEL

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February 25, 2010

The President  
The White House  
Washington, D.C. 20500

Re: OSC File No. DI-08-3066

Dear Mr. President:

The Office of Special Counsel (OSC) received disclosures from Jose Castillo, former Auditor, Department of Labor (DOL), Employee Benefits Security Administration (EBSA), New York, New York. Mr. Castillo, who consented to the release of his name, alleged that he was prevented from investigating allegations of prohibited transactions under the Employee Retirement Income Security Act.

Mr. Castillo's allegations were referred on January 9, 2009, to the Honorable Elaine L. Chao, then Secretary of Labor, to conduct an investigation pursuant to 5 U.S.C. § 1213(c) and (d). The Honorable Hilda Solis, Secretary of Labor, delegated the authority to respond to OSC's referral to Mary Ann Wyrsh, Associate Deputy Secretary for Management, DOL. The investigation was conducted by the DOL Office of Inspector General. OSC received the agency's report on September 9, 2009.

As discussed in the enclosed Analysis of Disclosures, the agency's report did substantiate two of Mr. Castillo's allegations but determined that neither of them constituted an abuse of authority. The report concluded that the delays in the investigation were due to managerial inexperience rather than any attempt to purposely impede Mr. Castillo's investigation. Mr. Castillo submitted comments on the agency's report. He believed that EBSA employees covered-up the violations and the investigation was a "cover-up [of] a cover-up."

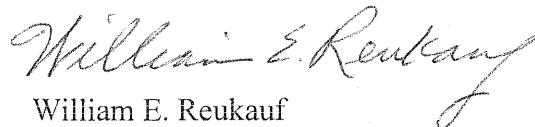
We have reviewed the original disclosures, the agency's report, and the whistleblower's comments. Based on that review, OSC has determined that the agency's report contains all of the information required by statute and its findings appear to be reasonable.

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As required by law, 5 U.S.C. § 1213(e)(3), we have sent copies of the report and the whistleblower's comments to the Chairmen and Ranking Members of the Senate Committee on Health, Education, Labor, and Pensions and the House Committee on Education and Labor. We have also filed a copy of the report and Mr. Castillo's comments in our public file and closed the matter.

Respectfully,

A handwritten signature in cursive script that reads "William E. Reukauf". The signature is written in dark ink and is positioned above the printed name and title.

William E. Reukauf  
Associate Special Counsel

Enclosures