

**TWO EMPLOYEES PENALIZED FOR HATCH ACT VIOLATIONS  
IN SEPARATE OSC ENFORCEMENT ACTIONS**

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In an action brought by the Office of Special Counsel (OSC), the Merit Systems Protection Board (MSPB) ordered an employee from the National Institutes of Health (NIH) removed from employment for violating the Hatch Act in an order dated May 31, 2011. Administrative law judge Robert Giannasi found that the employee solicited political contributions and invited 63 people, including other NIH employees, to a political fundraiser at her home in Bowie, Maryland. The Hatch Act prohibits federal employees from knowingly soliciting, accepting, or receiving political contributions. Because she engaged in these activities in her office and used her government email account, the judge also found that the employee violated the Act's prohibitions against engaging in political activity while on duty and in the federal workplace. Further, she violated the Act when she made an online political contribution using her government computer while on duty and in her NIH office.

Emphasizing the seriousness of the employee's violations, the administrative law judge stated that the "intent of the Hatch Act is to ensure that federal employees may exercise their right to participate or to refrain from participating in the political processes of the Nation. This right is inhibited if other employees in the federal workforce solicit campaign contributions through the agency's e-mail system or make political contributions using government computers while on duty [or] on government property."

In a second case, administrative law judge Michael Rosas found that an employee of the New Jersey Department of Children and Families violated the Hatch Act by running for Rocky Hill Borough Council in 2008 and for New Jersey General Assembly in 2009. The Hatch Act prohibits state and local employees who have duties in connection with federally financed activities from being candidates in partisan elections. Pursuant to a settlement, the employee agreed to retire from his employment with the New Jersey Department of Children and Families as of May 31, 2011, and be barred from employment with any state or local agency within the State of New Jersey for 15 months.

Special Counsel Lerner stated, "These cases demonstrate OSC's commitment to protecting the merit system and obtaining disciplinary action for unlawful political activities where it is warranted."