



U.S. OFFICE OF SPECIAL COUNSEL
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September 4, 2019

Mr. Jeff Ruch
Executive Director
Public Employees for Environmental
Responsibility (PEER)
962 Wayne Avenue, Suite 610
Silver Spring, MD 20910

VIA ELECTRONIC MAIL: jruch@peer.org

Re: OSC File No. HA-19-2109

Dear Mr. Ruch:

This letter is in response to a complaint you filed with the U.S. Office of Special Counsel (OSC) alleging that employees of the U.S. Environmental Protection Agency (EPA) Office of Public Affairs (OPA) violated the Hatch Act when they released the resignation letter of Mandy Gunasekara, former EPA Principal Deputy Administrator. The complaint alleged that OPA's release of Ms. Gunasekara's resignation letter constituted prohibited political activity because the letter promoted President Donald Trump's reelection by stating, for example, "Mr. President, you are truly making America great again. Ensuring eight years of your leadership is of utmost importance." As explained below, OSC is closing this matter without further action.

The Hatch Act governs the political activity of federal civilian executive branch employees, including EPA employees.¹ Among other things, the Hatch Act prohibits employees from using their official authority or influence for the purpose of interfering with or affecting the result of an election.²

OSC investigated these allegations and found that OPA followed its standard practice when it released Ms. Gunasekara's resignation letter to the media. OSC learned that OPA will release an official's resignation letter at the request of the media, provided it has permission from the resigning official. Here, OPA obtained such permission from Ms. Gunasekara and released her resignation letter in response to a request from the media. Because OPA followed its standard practice when it released Ms. Gunasekara's resignation letter, OSC has found no evidence to conclude that OPA employees violated the Hatch Act. Therefore, we are closing this matter without further action.

¹ See generally 5 U.S.C. §§ 7321-7326.

² 5 U.S.C. § 7323(a)(1). The Hatch Act also prohibits employees from: knowingly soliciting or discouraging the political activity of any individual with business before their employing office; knowingly soliciting, accepting, or receiving political contributions from any person; being candidates for public office in partisan elections; and engaging in political activity while on duty, in a government building, while wearing an official uniform or insignia, or using an official vehicle. 5 U.S.C. § 7323(a) and § 7324.

U.S. Office of Special Counsel

Page 2

Please contact OSC Hatch Act Unit Attorney Kelley Resendes at (202) 804-7086 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Galindo-Marrone". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Ana Galindo-Marrone
Chief, Hatch Act Unit
The U.S. Office of Special Counsel