



MEMORANDUM

SUBJECT: Decision on Proposed Removal

FROM:

TO:

On August 29, 2025, [REDACTED] proposed that you be removed from Federal service for Conduct Unbecoming of a Federal Employee. The purpose of this memorandum is to notify you of my decision regarding your proposed removal.

This action was proposed pursuant to Title 5, United States Code, Chapter 75, and the implementing regulations at Part 752 of Title 5, Code of Federal Regulations (CFR), to promote the efficiency of the Federal service. The specific reasons for the proposed action were outlined in the proposal notice.

I. EMPLOYEE RESPONSE

The August 29, 2025, proposal notice informed you of your right to provide a written and/or oral response. On [REDACTED] 2025, you responded to the proposal in writing with media reference statements and you did not provide an oral response. I have carefully considered your responses in making my decision.

II. DECISION

In consideration of the Notice of Proposed Removal, the materials relied upon file, and your written response, I have decided the following:

As for the charge specified in the proposal notice, I sustain the charge and all specifications. As for the level of discipline proposed, I have decided to implement the proposed removal.

The effective date for this action is [REDACTED]

III. ANALYSIS AND PENALTY CONSIDERATION

In reaching my decision to sustain the charge and specifications in the proposal notice, I carefully considered the August 29, 2025, proposal notice, and thoroughly reviewed the Materials Relied Upon (MRU) file, as well as fully considered your [REDACTED], written response and media reference statements. I concur entirely with [REDACTED] analysis and penalty consideration in Section 3 of the proposal notice and add the following:

In your written reply, you stated “I believe signing the SUFS Letter was within my First Amendment rights as an American Citizen and that punishing me for it violates the First Amendment. Proposing to remove me for the statements in the SUFS Letter also violates the Whistleblower Protection Act.” The issues you raise in your reply do not outweigh the seriousness of your offense. The Agency is not required to tolerate actions from its employees that undermine the Agency’s decisions, interfere with the Agency’s operations and mission, and the efficient fulfillment of the Agency’s responsibilities to the public. As an EPA employee, you are required to maintain proper discipline and refrain from conduct that can adversely affect morale in the workplace, foster disharmony, and ultimately impede the efficiency of the agency.

In your written reply, you also communicated that “I am a [REDACTED] [REDACTED] in a role that periodically interacts with members of the public, namely [REDACTED]. This role does not render my signature on the SUFS Letter particularly damaging to the agency. It did not affect my working relationships or communications with government officials or the public.”

I considered some of the information expressed in the declaration to be directly related to your job functions. As a [REDACTED], you hold a trust-sensitive position that requires sound judgement and alignment with the Agency’s communication strategies. I found it particularly troubling that you signed a declaration stating, “this administration is recklessly undermining the EPA mission” and EPA’s actions “endanger public health and erode scientific progress – not only in America – but around the world.” Yet, you did not provide sufficient empirical or statistical data, or other viable evidence to support the validity of these statements.

In my overall assessment, the MRU file supports the conclusion that you committed the charge in the Notice of Proposed Removal. However, I considered your [REDACTED] of Federal service, most recent Distinguished performance rating, awards, and your lack of disciplinary history. Although I have afforded considerable weight to all these mitigating factors, I find that the serious nature of your misconduct outweighs all mitigating factors. I also considered that you took no responsibility for your conduct, which reflects a lack of acknowledgment of the seriousness of your actions and raises concerns about your ability to exercise sound judgment and undermines your potential for rehabilitation. The absence of accountability on your part, combined with the seriousness of the conduct, leads me to conclude that a lesser penalty would not be sufficient to promote the efficiency of the Federal service. Accordingly, I find that the penalty of removal is reasonable.

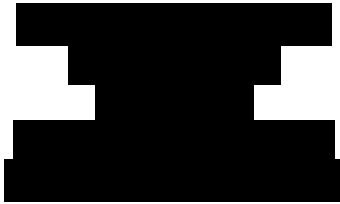
IV. EMPLOYEE RIGHTS

You have the right to appeal the decision as described below:

1. U.S. Merit Systems Protection Board (MSPB)

You may appeal to the MSPB. An appeal to the MSPB must be in writing or submitted electronically and filed no later than thirty (30) calendar days after the effective date of this action, or thirty (30) calendar days after the date of receipt of this decision, whichever is later. The thirty (30) calendar day filing deadline may be extended by an additional thirty (30) days, for a total of sixty (60) calendar days, if you and the Agency agree, in writing, to attempt to resolve this action through an alternative dispute resolution (ADR) process. Please note, however, that such agreement must be reached before the expiration of the initial thirty (30) calendar day appeal filing deadline. If you do not submit an appeal within the thirty (30) calendar day time period, your appeal will be dismissed as untimely filed unless you demonstrate a good reason for the delay. Filing of an appeal must be made by commercial or personal delivery, by facsimile, by mail, or by electronic filing to the following MSPB office:

Merit Systems Protection Board



The MSPB's regulations and instructions for filing an appeal, including the appeal form, may be found at <http://mspb.gov/appeals/appeals.htm>.

If you choose to file an appeal with the MSPB, you must include the following information which identifies the Agency official to whom the MSPB will send a copy of your MSPB appeal, and the Acknowledgment Order issued on your appeal:

Nathanael Nichols
Environmental Protection Agency
Office of General Counsel
1200 Pennsylvania Ave., N.W.
Mail Code 2377A
Washington, DC 20460
nichols.nathanael@epa.gov
(202) 564-2960

2. Equal Employment Opportunity Complaint

If you believe this action is being taken in whole or in part because of discrimination based on race, color, religion, sex, national origin, disability age and/or reprisal, you may include this allegation in a grievance under the administrative grievance procedure or you may file a discrimination complaint with the Agency by contacting an EEO Counselor within forty-five (45) days of the effective date of the

decision. Please note, you must choose between filing a discrimination complaint with the Agency or filing a grievance; you cannot elect to follow more than one of the above two procedures.

3. Whistleblowing Retaliation Allegation

If you believe this action is being taken in whole or in part because of retaliation for engaging in protected whistleblower activity, you may file a complaint directly with the Office of Special Counsel, www.osc.gov.

If you choose to file a complaint with OSC and are subsequently notified OSC is terminating its investigation of your complaint, you will have sixty-five (65) days from the date of the OSC's written notice or sixty (60) days from your receipt of the notice, whichever is later, to file an appeal with the Merit Systems Protection Board. However, under these circumstances, MSPB will not review the merits of this action; it will only decide the issue of whether this personnel action was taken in retaliation for you making a protected whistleblowing disclosure.

Representation: You have the right to retain an attorney or another representative of your choice to assist you in filing a grievance, EEO complaint, or a whistleblower retaliation complaint.

If you or your representative have any questions concerning the process or procedures described above, please contact Notice3@epa.gov.

V. EMPLOYEE ASSISTANCE PROGRAM

EPA provides employees with an Employee Assistance Program, providing confidential counseling and referral services to assist employees in resolving personal or work-related issues. Participation is voluntary and the program is strictly confidential. If you believe these services would be appropriate for your situation or would like more information, call 1-888-635-3202 or access the [Acentra Health website](#) using the Agency's organization ID, usepa.

cc:

[REDACTED]

Notice3@epa.gov