

Postal Worker Dismissed Over Misuse of Funds, Position

I used a credit card the government issued me to pay for the moving van and other costs of a transfer they gave me," said Arthur Clover,* a Postal Service supervisor who won a requested transfer from Ohio to a town in New Mexico. "When I was late paying the bill, I got the shock of my life when my bosses fired me for the mistake.

"The punishment is way out of proportion to the misstep I made," Clover continued. "Yes, I should have to pay interest and penalties—but, no, I should not be fired for paying a credit card bill late."

"Mr. Clover was not simply a late payer on a credit card bill," said Jim Blodgett, a Postal Service spokesperson. "That was a government-issued credit card, and he signed an agreement to pay it in full within a month—he misused his government job's perks and he misused taxpayer funds by borrowing against them for months."

FACTS: In 1999, Arthur Clover, a Customer Service Supervisor with the Postal Service, won a requested transfer from Toledo, Ohio, to Santa Fe, N.M. The Postal Service authorized a government-issued credit card (GICC) from Citibank to pay for the move.

Clover signed an agreement promising to pay the card off within 25 days of the statement's closing date regardless of when he received his reimbursement check for the move. Instead, he went months without even beginning to pay the bill—running up charges of \$5,308 on reimbursable moving costs and several hundred dollars more on other items.

Specifically, four months passed before Clover belatedly turned in the last of the receipts for reimbursement in early January 2000. The reimbursement check was issued on Feb. 11. Over a month later, his wife mailed Citibank a check covering the bulk of what was owed to the card issuer. But by then the New York-based bank had canceled the account—and notified the Postal Service of its failed efforts to collect on it.

The local Santa Fe postmaster, following procedure, interviewed Clover on Sept. 21, 2000, asking him to justify his use of the card as a loan vehicle without authorization. Clover admitted to "procrastination" in paying off the account, but offered little detail. On Jan. 8, 2001, the postmaster proposed firing him on two charges—abuse of Postal Service funds and using the Postal Service for private gain. Clover fought and lost appeals before the Merit Systems Protection Board (MSPB)—appeals in which he tried to chalk up his tardiness in paying to his employer's lateness in reimbursing him.

MSPB had agreed in part with Clover's argument—the panel judged that he did not "misuse" the bulk of the several thousand dollars he borrowed on the card and waited until April 2000 to pay down. But the board said he misused the final several hundred dollars which he waited even lon-

ger—until September 2000—to pay off. The board fully sustained the second charge of misusing his position "for private gain"—and his firing.

DECISION: Clover made a final appeal to the U.S. Court of Appeals for the Federal Circuit. The appellant again cited the Postal Service's slowness in paying him back for the move, but the postmaster replied that "the agency requires its employees to pay the Citibank account in full regardless of when the employee receives reimbursement." The court accordingly rejected Clover's attempt at deflecting blame for his slow payment, and upheld the charge of misusing government funds.

The court also reconsidered Clover's second charge. Here, the court agreed with the Postal Service and the MSPB that his extremely late payment was a serious offense—noting that, but for Clover's employment with the Postal Service, "he would not have been eligible to receive the government-issued credit card." That fact, along with Clover's failure to uphold his written agreement with Citibank to pay in full within less than a month of each bill's issuance, added up to misuse of his job.

Finally the court wrote, "the penalty of removal is not unconscionably disproportionate to the sustained charges" in this case. Clover's dismissal stands.

(U.S. Court of Appeals for the Federal Circuit, Docket No. 06-3159, 10/20/06)

* Names and dialogue are fictitious, but details are based on a real case.

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