



**U.S. COMMODITY FUTURES TRADING COMMISSION**

Three Lafayette Centre  
1155 21st Street, NW, Washington, DC 20581  
Telephone: (202) 418-5110

January 14, 2022

**TO:** Rostin Behnam, Chairman  
Dawn Stump, Commissioner  
Rob Schwartz, Acting General Counsel  
Tomeka Gilbert, Acting Executive Director

**FROM:** A Roy Lavik, Inspector General  
Thomas Burnham, Attorney-Advisor /s/  
Stephen Obie, Attorney-Advisor /s/

**SUBJECT:** Results of Investigation, Case No. 2021-I-9

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**Preliminary Statement**

As more fully explained below, we have determined that the below investigation involving an allegation against a current CFTC employee lacks merit, and we accordingly closed the investigation. The allegation did raise a novel issue concerning a device known as a “mouse mover” and, thus, we are circulating the results of our investigation and recommendations to the Commission and certain senior staff. Because the investigation was closed, we decided to redact any identifying information concerning the employee at issue so as to not detrimentally impact that employee’s continued career advancement. If requested, however, we would provide identifying information.

**Background & Summary**

On September 12, 2021, the Office of the Inspector General (“OIG”) received an anonymous allegation through first class mail, postmarked August 30, 2021. The allegation stated that Employee A, a non-supervisory FTE, had been falsely reporting his/ her time worked in his/ her certified Time and Attendance submissions for the last year. Specifically, the allegation stated that Employee A spent time sunbathing, online shopping, taking pets to the park, and going on long luncheons with his/ her spouse instead of working. The allegation also stated that Employee A had purchased a device to manipulate his/ her computer mouse so that the computer would not time out to make it appear that Employee A was working at the computer when s/he was not. During this time, the CFTC has had a maximum telework policy due to the global COVID-19 pandemic.

After reviewing the allegation, OIG opened an investigation in October 2021 pursuant to the OIG’s mission of detecting and deterring fraud, waste, and abuse within the agency.

## **Scope**

The investigation was targeted to one individual, Employee A, and focused on the time period of May 10 through July 2, just prior to the date of the allegation.

## **Methodology**

Through various agency document requests, OIG was able to review the purported work schedule of Employee A, submitted to his/ her supervisor once per pay period; Employee A's certified Time and Attendance submissions from pay periods 9 through 13 of 2021; and his/ her Performance Assessments from years 2018 to 2021. OIG interviewed Employee A's supervisor and also interviewed Employee A in the presence of a union representative. OIG conducted this investigation in accordance with investigative standards adopted by the Council of the Inspectors General on Integrity and Efficiency.

## **Facts**

Due to the global COVID-19 pandemic, the CFTC instituted a maximum telework policy on March 13, 2020, in order to reduce the spread of the virus. During this time to the present, agency employees have had the option of working from home with no requirement to enter the CFTC offices.

Employee A has a maxi-flex work schedule and had a maxi-flex work schedule prior to the pandemic. Maxi-flex schedules allow employees to vary the stop and start time on a daily basis during the established flexible hours. Under maxi-flex schedules, an employee may also vary the length of the workday and the workweek. Prior to the pandemic, Employee A teleworked two days per week as part of his/ her maxi-flex schedule, and during the pandemic, Employee A maintained his/ her maxi-flex work schedule while moving to full-time telework and submitting to his/ her supervisor his/ her work schedule each pay period.

On September 12, 2021, the OIG received an anonymous allegation through first class mail, postmarked August 30, 2021. The letter alleged that instead of working, Employee A spent the workday taking his/ her dog to the park, sunbathing, taking long lunches with his/ her spouse, and online shopping. Moreover, the letter alleged that Employee A bragged to friends and family that s/he had a device that would manipulate his/ her mouse so that the CFTC work computer would not time out and that it would appear s/he was working when s/he was not. The allegation was typed with handwritten addresses on the envelope. Neither the letter nor the envelope contained any identifying information.

OIG attorneys Stephen Obie and Thomas Burnham interviewed Employee A's Supervisor on December 7, 2021. The Supervisor said s/he was surprised by the allegations and that Employee A completes his/ her work in a timely manner and is often the first of the team to respond to assignments. The Supervisor repeatedly stated that the allegations made against Employee A were

“very uncharacteristic.” OIG also interviewed Employee A on December 14, 2021, in the presence of a union representative. Employee A denied each of the allegations and expressed concern over why spurious allegations would be made.

### **Conclusions & Recommendations**

After reviewing requested documentation from the agency and interviewing Employee A and his/ her supervisor, OIG has not uncovered any evidence of wrongdoing on the part of Employee A, and therefore, is closing the investigation.

#### **Administrative Recommendations:**

OIG recommends that supervisors be informed of the proliferation of mouse movers<sup>1</sup> and other methods of giving false impression of being active on the computer and be reminded that while not banned / illegal per se, the use of these methods by a federal employee could provide the public with the wrong impression of the vital work being done remotely during the pandemic. Furthermore, OIG recommends that employees be reminded about the potential for creating a computer security threat whenever unapproved devices of any sort are inserted into CFTC computer equipment.

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<sup>1</sup> Samantha Cole, *Workers Are Using 'Mouse Movers' So They Can Use the Bathroom in Peace*, Vice (December 8, 2021, 2:00 PM), <https://www.vice.com/en/article/88gqgp/mouse-mover-jiggler-app-keep-screen-on-active>.