

June 5, 2018

The Honorable Peggy E. Gustafson
Inspector General
U.S. Department of Commerce
1401 Constitution Ave NW, HCHB 7898-C
Washington, DC 20230

Dear Inspector General Gustafson,

On May 23, 2018, 31 members of the Congressional Asian Pacific American Caucus (CAPAC) requested your office to conduct a full and independent investigation into the actions taken by the Department of Commerce (DOC) in the case of Xiafen “Sherry” Chen¹, covering the specific areas of fraudulent actions, abuse of authority, and misconduct/mismanagement.

The Sherry Chen Legal Defense Fund received a whistleblower letter which claims to be from a DOC employee with knowledge about Ms. Chen’s case. It alleges abuse of authority and targeting of Ms. Chen and individuals of Asian ancestry in DOC. I would like to turn this letter over to your office and the Office of Special Counsel as part of the investigation requested by CAPAC.

In addition to the CAPAC requests, I write on behalf of the Sherry Chen Legal Defense Fund to add an area of investigation about the economy and efficiency of the adverse actions taken by DOC against Ms. Chen.

Specifically, I request a full and complete accounting of the taxpayer’s dollars and resources that have been spent, categorized by the criminal and administrative investigations; oversight and control; MSPB hearings; promotions, awards, bonuses, and forms of recognition given; and related spending activities, in each of these specific stages of the adverse actions against Ms. Chen:

1. **May 2012 – March 2015.** From the referral of Ms. Deborah Lee’s security report to the dismissal of the criminal charges against Ms. Chen
2. Agency review of Ms. Chen’s case after the criminal charges against her were dropped, if any
3. **March 2015 – March 2016.** From the initiation of adverse disciplinary action to the termination of Ms. Chen’s employment

¹ Congressional Asian Pacific American Caucus. CAPAC Members Demand Independent Investigation Into Case of Sherry Chen, May 23, 2018. <https://capac-chu.house.gov/press-release/capac-members-demand-independent-investigation-case-sherry-chen>.

4. **March 2016 – April 2018.** From the termination of Ms. Chen’s employment to the issuance of the MSPB decision
5. **April 2018 – Present.** From the issuance of the MSPB decision to the present

DOC’s adverse actions and hostile environment over the past six years have devastating impacts on Ms. Chen and her family. As a mid-level federal employee, Ms. Chen was driven into deep financial difficulties when the DOC appeared to misappropriate an enormous amount of public funds despite the presence of exculpatory evidence that did not justify the actions, as the MSPB decision shows. The responsible parties should be held accountable for any misuse or waste of the taxpayers’ dollars. Actions to correct systemic problems, such as the lack of impartial oversight and control, should also be applied to prevent future, similar recurrences to innocent DOC employees.

I respectfully request a written report of your findings and actions upon the completion of your investigation.

I can be reached by email at dfundschen2016@gmail.com. I look forward to hearing from you to proceed with the whistleblower letter and requested investigation.

Very Respectfully,



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CC:

The Honorable Judy Chu, Chair, Congressional Asian Pacific American Caucus
The Honorable Henry Kerner, Special Counsel, Office of Special Counsel