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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

August 13, 2025

VIA ELECTRONIC TRANSMISSION

The Honorable Caroline D. Pham
Acting Commissioner
Commodity Futures Trading Commission

Mr. Christopher Skinner
Inspector General
Commodity Futures Trading Commission

Dear Acting Commissioner Pham and Inspector General Skinner:

I write to you concerning an April 24, 2025, Commodity Futures Trading Commission Office of the Inspector General (CFTC OIG) report titled “Office of Inspector General (OIG) Report of Investigation into Alleged Telework Violations by CFTC Risk Analyst (CFTC-00041).”¹ While the CFTC OIG has only made a summary of this report publicly available, my office has obtained the CFTC’s Report of Investigation.² The report highlights substantial waste, fraud, abuse, and misconduct committed by CFTC Risk Analyst, Malcolm Alexander-Neal, including fraudulently certifying government records, such as time and attendance reports; defrauding taxpayers; lying under oath to the CFTC OIG; subjecting government and CFTC regulated entities’ data to potential national security threats and compromise; and violating the Hatch Act.³ These substantiated allegations require immediate corrective action.

According to the CFTC OIG report, Mr. Alexander-Neal certified his residence of record with the CFTC as an address about seven blocks from the CFTC Regional Office in Chicago, Illinois in November 2020 and again in 2024, as required by the agency’s telework policy.⁴ However, the CFTC OIG found that “Mr. Alexander-Neal resided primarily in Mexico from March 2022 through February 5,

¹ Commodity Futures Trading Commission Office of the Inspector General, *SUMMARY OF INVESTIGATION INTO ALLEGED TELEWORK VIOLATIONS BY CFTC RISK ANALYST*, Investigation No. CFTC-00041 (Apr. 24, 2025), https://www.cftc.gov/media/12051/oig_SROI_042425/download.

² Attached enclosure.

³ *Id.* During this time, Mr. Alexander-Neal also served as the president of a chapter of the National Treasury Employees Union. According to the report, similar allegations were received by the CFTC Human Resources Branch “which opened an administrative investigation after coordinating with the OIG on December 6, 2024.” The Human Resources Branch transferred the matter to CFTC OIG in late January 2024 at the request of Acting Chairman Pham.

⁴ *Id.*

2025, during which time he teleworked frequently as an employee of the CFTC.”⁵ The Chicago address Mr. Alexander-Neal certified as his primary residence was in fact a mailbox located in a UPS store.⁶

The CFTC OIG report provides that Mr. Alexander-Neal’s misconduct was first discovered in November 2024 due to his self-publishing of an autobiography in which he documented his move to Mexico in 2022.⁷ According to the CTFC OIG report, Mr. Alexander-Neal describes in the book how he set up a virtual private network (VPN) so he could work remotely for the CFTC while in Mexico, which is a violation of CFTC policy.⁸ The report also notes that throughout the CFTC OIG investigation, Mr. Alexander-Neal provided false and misleading statements, including while under oath.⁹ The CFTC OIG report states that Mr. Alexander-Neal was placed on administrative leave in December 2024.¹⁰

The CFTC OIG found that, between March 2022 and February 2025, Mr. Alexander-Neal was present in Mexico about 90% of the time, including during the time that he was on administrative leave and should have been within a one-hour drive to the Chicago office, and “teleworked” from about ten different countries.¹¹ The CFTC OIG found that CFTC’s Cyber Security Operations Center (eSOC) notified “Mr. Alexander-Neal on six occasions from March 2022 to October 2023 that eSOC was ‘detecting connections originating from foreign IP addresses.’”¹² However, Mr. Alexander-Neal lied and told eSOC “that these detections were related to his use of a faulty internet router with VPN functionality” and thus “eSOC personnel did not investigate the matter further in 2022 or 2023.”¹³ According to the report, one of the countries Mr. Alexander-Neal teleworked from was Lebanon, which the State Department had classified as a “Level 4: Do Not Travel” country.¹⁴ The State Department has warned that the threat to U.S. government personnel in parts of Lebanon are “serious enough to require them to live and work under strict security,” and Hezbollah, ISIS, and other terrorist organizations maintain a strong presence in the country.¹⁵ Yet, Mr. Alexander-Neal apparently freely traveled to Lebanon with his U.S. government-issued devices and potentially continued to receive sensitive data and information related to the U.S. government and CFTC regulated entities.¹⁶ Given his position at the CFTC, it raises serious questions whether any sensitive information related to the U.S. government or

⁵ *Id.*

⁶ *Id.* On the same day Mr. Alexander-Neal lied to CFTC OIG investigators about his Chicago address during his in-person interview at the Chicago Regional Office, a CFTC OIG investigator travelled the approximately seven blocks to the location. The OIG report says the CFTC OIG investigator interviewed the UPS Store general manager who confirmed that the address was a UPS mailbox and not an apartment. The OIG report said without being asked, the UPS general manager said that “the mailbox has been assigned to Mr. Alexander-Neal for ‘at least a few years’” and he ‘regularly receives mail at this address’ but ‘Mr. Alexander-Neal ‘does not live here.’”

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.* “In addition to Lebanon, Mr. Alexander-Neal traveled to Argentina, Australia, Bali, Chile, Dominican Republic, Mexico, Spain, Uruguay, and ‘possibly New Zealand.’”

¹² *Id.* According to the report, eSOC detected connections from “Mexico (three times), the United Kingdom (two times), and the Netherlands.”

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Department of State, *Lebanon Travel Advisory-Level 4 Do Not Travel*, (Dec. 27, 2024)

<https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/lebanon-travel-advisory.html>; Department of State, *Learn About Your Destination-Lebanon: Safety and Security*, (last updated Mar. 3, 2025) <https://travel.state.gov/content/travel/en/international-travel/International-Travel-Country-Information-Pages/Lebanon.html>.

¹⁶ Attached enclosure.

CFTC regulated entities was compromised due to Mr. Alexander-Neal's travels to and telework from Lebanon and other foreign countries.¹⁷

Instead of performing the duties that taxpayers were paying him to do, the CFTC OIG found that Mr. Alexander-Neal wasn't doing much working while jet-setting on his world tour. The CFTC OIG examined Mr. Alexander-Neal's timekeeping records from the period between March 2024 to December 2024 and estimated that Mr. Alexander-Neal only worked a total of 575 of the 1,419 hours of official time he certified during the 148 days.¹⁸ Notably, Mr. Alexander-Neal's actual hours worked were less than the 575 hours reported by the CFTC OIG. The CFTC OIG credited him with at least one full hour of work for instances when his activity suggested he worked significantly less than an hour, in some instances only for a few minutes.¹⁹ Moreover, the CFTC OIG didn't review Mr. Alexander-Neal's timesheet certifications and network activities beginning in 2022 when he first moved to Mexico, reportedly "due to the significant volume of metadata."²⁰ Meaning, Mr. Alexander-Neal's fraud and substantial waste of taxpayer dollars is likely more substantial than what was identified by the CFTC OIG. The American public deserves to know exactly how much of their taxpayer dollars were wasted due to Mr. Alexander-Neal's fraudulent misconduct. Mr. Alexander-Neal must be held accountable and pay back every taxpayer dollar, *down to the penny*, he stole.²¹

The CFTC OIG's investigation also found that Mr. Alexander-Neal violated the Hatch Act by engaging in partisan political activity.²² According to the CFTC OIG report, Federal Election Commission records show "Mr. Alexander-Neal filed a Form 2 ('Statement of Candidacy'), which is a requirement for any 'individual who is a candidate for federal office.'"²³ The CFTC OIG report states that in this signed form, "Mr. Alexander-Neal stated his candidacy for the 2024 presidential election," while he was employed by the CFTC, which is a clear violation of the Hatch Act.²⁴ The CFTC OIG found that Mr. Alexander-Neal filed these forms to run for president twice, once on November 15, 2022, and again on December 22, 2022.²⁵

The CFTC OIG report says their findings were forwarded to the CFTC for appropriate corrective action, but it's unclear how the CFTC, in particular Mr. Alexander-Neal's supervisors, could have

¹⁷ See *Id.* The CFTC OIG report states that "upon learning that Mr. Alexander-Neal had travelled to and teleworked from Lebanon with a government computer, OIG notified the CFTC Cyber & Physical Security Branch."

¹⁸ *Id.* The CFTC OIG report states that Mr. Alexander-Neal fraudulently certified his timesheet and was paid for 1,419 hours during this period; however, the CFTC OIG determined that during this period Mr. Alexander-Neal logged into his government computer for only approximately 412 hours. While the CFTC OIG determined that Mr. Alexander-Neal performed some routine tasks on his government phone, like replying to emails, "reacting" to Microsoft Teams instant messages, and reviewing documents while not active on his government computer, these actions lasted "typically for less than one hour and often for only a few minutes."

¹⁹ *Id.*

²⁰ *Id.*

²¹ See 18 U.S.C. § 1001 and 43 CFR § 20.510 ("An employees[sic] shall not, in any matter within the jurisdiction of any department or agency of the United States, knowingly or willfully falsify, conceal or cover up by any trick, scheme, or device a material fact, or make any false, fictitious, fraudulent statements or representations, or make or use any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry (18 U.S.C. 1001). ***Special attention is required in the certification of time and attendance reports*** [emphasis added], applications for employment, request for travel reimbursement, and purchase orders and receiving forms").

²² Attached enclosure.

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

missed all of these red flags for so long in the first place.²⁶ In addition, it raises questions about whether this report was also forwarded to the Office of Special Counsel or the Justice Department for their review. While this is an egregious example, it's not an isolated incident of reports finding that CFTC staff provided false and misleading information. On August 22, 2024, I wrote to then-CFTC Chairman Benham about public reports that CFTC staff had provided false, misleading, and incomplete statements in judicial proceedings, and a federal judge admonished the CFTC for withholding information from the court.²⁷ I asked then-Chairman Benham about what processes the CFTC had in place to prevent and hold employees accountable who provide false and misleading statements.²⁸ On September 9, 2024, the CFTC responded that it couldn't comment due to ongoing litigation, and now the CFTC has this situation with Mr. Alexander-Neal.²⁹ Mr. Alexander-Neal's habitual lies, persistent deceptions, fraud, gross abuse of taxpayer dollars, and questionable travel to Lebanon and other foreign countries highlighted in the CFTC OIG report clearly show the CFTC is in need of reforms to stop others from engaging in this type of misconduct in the future.

The American public deserves complete transparency into how much of their taxpayer dollars were wasted and if U.S. government or CFTC regulated entities' information was potentially compromised due to Mr. Alexander-Neal's misconduct. Mr. Alexander-Neal must be held accountable and pay back taxpayers for all of the money he fraudulently obtained. The American public must also be assured that the CFTC has adequate oversight mechanisms in place to ensure this and other types of gross misconduct and fraud doesn't occur in the future. Accordingly, so that Congress may conduct oversight, please provide answers to the following no later than August 27, 2025.

1. Why and when did Mr. Alexander-Neal travel to Lebanon? How long and where did he reside and travel while there? Did Mr. Alexander-Neal travel to Lebanon to meet any particular individuals or groups? Explain, in detail, what Mr. Alexander-Neal did while in Lebanon and provide records.³⁰
2. Was any information related to the U.S. government, CFTC regulated entities, or other sensitive information compromised while Mr. Alexander-Neal used and transported his government issued devices abroad? If yes, explain in detail and provide records.
3. Did the CFTC OIG or CFTC refer the investigative report or Mr. Alexander-Neal to the Office of Special Counsel or to the Justice Department? If not, why not? If yes, when?
4. From 2022 to present, broken down by pay period, provide:
 - a. How many hours Mr. Alexander-Neal certified working on his timesheets;
 - b. How many hours or approximate minutes Mr. Alexander-Neal was logged into his government issued computer;

²⁶ *Id.*

²⁷ See Letter from Ranking Member Charles E. Grassley, Sen. Comm. on the Budget to the Honorable Rostin Behnam, Chairman Commodity Futures Trading Commission (Aug. 22, 2024) https://www.grassley.senate.gov/imo/media/doc/grassley_to_cftc_-_staff_accountability.pdf.

²⁸ *Id.*

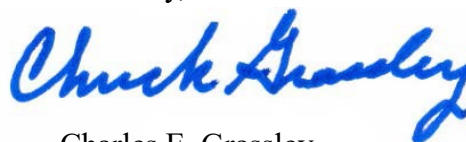
²⁹ Letter from the Honorable Rostin Behnam, Chairman Commodity Futures Trading Commission to Ranking Member Charles E. Grassley, Sen. Comm. on the Budget (Sep. 9, 2024) (on file with Committee staff.).

³⁰ "Records" include any written, recorded, or graphic material of any kind, including letters, memoranda, reports, notes, electronic data (emails, email attachments, and any other electronically created or stored information), calendar entries, inter-office communications, meeting minutes, phone/voice mail or recordings/records of verbal communications, and drafts (whether they resulted in final documents).

- c. How many hours or approximate minutes Mr. Alexander-Neal performed tasks on his government issued mobile device;
 - d. Total amount of hours Mr. Alexander-Neal fraudulently certified on his timesheets; and
 - e. Total amount money Mr. Alexander-Neal was overpaid for the time he fraudulently certified on his timesheets.
5. Has any corrective action been taken to address Mr. Alexander-Neal's substantial waste, fraud, abuse, and misconduct? Does the CFTC OIG or CFTC plan to ensure *all* of the money improperly paid to Mr. Alexander-Neal resulting from his fraudulent certification of his timesheets is returned to taxpayers? If not, why not? If yes, when? Explain in detail.
 6. Were Mr. Alexander-Neal's supervisors aware of or notified that he was working outside the U.S. or failing to log into his computer to perform his duties prior to the CFTC and/or CFTC OIG opening the investigation? If yes, explain when they first became aware and provide all records. If not, why not?
 7. Has there been any investigations into Mr. Alexander-Neal's supervisors' failure to detect his world tour, unacceptable level of work effort, and violation of the administrative leave agreement? If yes, provide all records. If not, why not?
 8. Has any corrective action been taken to address the apparent failure of Mr. Alexander-Neal's supervisors to oversee his performance? If not, why not? If yes, explain in detail.
 9. From 2022 to present, provide Mr. Alexander-Neal's performance reviews or related evaluations.
 10. Did Mr. Alexander-Neal's position as union president influence his supervisors' or CFTC management's decision whether to investigate the multiple red flags exhibited by his misconduct or whether and to what extent to impose disciplinary action, if any? If yes, explain in detail and provide all records.
 11. Did the CFTC accept the CFTC OIG's recommendations? If not, why not? If yes, explain in detail the steps the CFTC has taken to implement the recommendations.
 12. From March 2020 to present, provide each instance and country of origin in which the CFTC's eSOC detected that Mr. Alexander-Neal's connection originated from a foreign IP address. Provide all records related to each occurrence.
 13. From 2020 to present, provide each instance a CFTC employee abused the agency's telework program. Explain, in detail, the violation and the accompanying corrective action.

Thank you for your prompt attention to this matter. Should you have any questions, please contact Brian Randolph of my Committee staff at (202) 224-5225.

Sincerely,



Charles E. Grassley

Chairman

Committee on the Judiciary



U.S. Commodity Futures Trading Commission
OFFICE OF INSPECTOR GENERAL



REPORT OF INVESTIGATION INTO ALLEGED TELEWORK VIOLATIONS BY CFTC RISK ANALYST

Investigation No. CFTC-00041

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APRIL 24, 2025




U.S. Commodity Futures Trading Commission
OFFICE OF INSPECTOR GENERAL

MEMORANDUM



TO: Caroline Pham, Acting Chairman
Kristin Johnson, Commissioner
Christy Goldsmith Romero, Commissioner
Summer Mersinger, Commissioner

FROM: Christopher Skinner, Inspector General 

DATE: April 24, 2025

SUBJ: Office of Inspector General (OIG) Report of Investigation into Alleged Telework Violations by CFTC Risk Analyst (*CFTC-00041*)

Attached is the report of investigation into alleged telework violations by CFTC Risk Analyst, Malcom Alexander-Neal (CT-1101-14). Mr. Alexander-Neal works for the Examinations Branch for the Division of Clearing and Risk (DCR), a position he has held since June 2015 and his official worksite is the Chicago Regional Office. In addition, Mr. Alexander-Neal served as president of the local chapter of the National Treasury Employees Union from October 2021 to December 2024.

The OIG received multiple communications in November and December 2024 alleging that Mr. Alexander-Neal was teleworking overseas in violation of Agency policy. Similar allegations were also received by the CFTC Human Resources Branch (HRB), which opened an administrative investigation after coordinating with the OIG on December 6, 2024. At the request of the Acting Chairman, the matter was transferred from HRB to OIG on or about January 24, 2025.

Specifically, multiple CFTC offices were contacted in November and December 2024 regarding statements in Mr. Alexander-Neal's self-published autobiography, which was released in October 2024. In the initial version of his book, Mr. Alexander-Neal described his relocation from the United States to Mexico in 2022 and how he used a commercial virtual private network (VPN) to "work and live in Mexico" while employed by the CFTC. His account details specific boroughs, neighborhoods, and streets in Mexico City where he resided. After CFTC colleagues confronted him about his overseas telework in early December 2024, Mr. Alexander-Neal revised the book to portray his time in Mexico as a series of frequent visits and omitted all references to using a VPN.

Throughout the course of the investigation, the OIG identified additional emerging issues that were investigated. As a result, the OIG framed and substantiated five allegations against Mr. Alexander-Neal including allegations related to teleworking, timekeeping misconduct, false statements under oath, administrative leave requirements, and prohibited political activity under the Hatch Act. All allegations and findings are as follows:

1. *Whether Mr. Alexander-Neal teleworked from outside the United States while located in Mexico and other overseas locations between March 2022 and December 2024 in violation of the Agency's telework policy (found at Article 11 of the CFTC-NTEU Master Collective Bargaining Agreement, as amended). **Substantiated.***
2. *Whether Mr. Alexander-Neal falsely certified timekeeping records on multiple occasions between March 5, 2024 and December 9, 2024 in violation of federal law. **Substantiated.***
3. *Whether Mr. Alexander-Neal made false statements and/or lacked candor on multiple occasions as follows:*
 - (a) Specification. Whether Mr. Alexander-Neal falsely stated under oath that he did not telework from outside the United States between March 2022 and September 2024. **Substantiated.**
 - (b) Specification. Whether Mr. Alexander-Neal falsely stated under oath and in Agency documentation that he resided at and teleworked from [REDACTED] Chicago, IL. **Substantiated.**
 - (c) Specification. Whether Mr. Alexander-Neal falsely stated under oath that he did not remember traveling outside the United States with his government computer. **Substantiated.**
 - (d) Specification. Whether Mr. Alexander-Neal falsely stated under oath that revisions to his self-published book related to his residence status in Mexico were limited to changing specific phrases (i.e. "the same few words throughout the book") that mistakenly communicated that Mr. Alexander-Neal lived in Mexico from 2022 to 2024. **Substantiated.**
 - (e) Specification. Whether Mr. Alexander-Neal lacked candor in his responses to multiple notifications from the CFTC Cyber Security Operations Center (eSOC) that he was detected accessing the Agency network from overseas. **Substantiated.**
4. *Whether Mr. Alexander-Neal violated the Agency's paid administrative leave requirements when he spent multiple days while on paid administrative leave in Mexico and was not available to "immediately report for duty at a time designated by management." **Substantiated.***
5. *Whether Malcolm Alexander-Neal violated the Hatch Act when he engaged in partisan political activity by filing a Form 2 (Statement of Candidacy) for the 2024 U.S. presidential election with the Federal Election Commission. **Substantiated.***

This report is forwarded for such action as may be appropriate. In addition, the OIG includes three recommendations for corrective action. The Commission retains authority to accept or decline these recommendations, in part or in full, or to delegate action to the appropriate management official.

1. Information Technology Branch should review eSOC standard operating procedures to ensure detections of foreign IP addresses are effectively addressed, particularly when multiple detections are received for the same employee.
2. In compliance with the collective bargaining agreement, Human Resources Branch should update supervisory controls as necessary to ensure compliance with Article 46 of the CFTC-NTEU Master Collective Bargaining Agreement, as amended, and prevent misuse of official time.
3. Human Resources Branch should review language in the standard administrative leave memorandum (“Subj: Place on Administrative Leave”) and update the memorandum to clearly state requirements for employees placed in an administrative leave status.

We appreciate the cooperation and support received from CFTC personnel during the investigation. If you have any further questions, please contact me, Mr. Dennis Phillips, Assistant IG for Investigations or Mr. Samuel Hill, Senior Investigator.

A. BACKGROUND

The Office of Inspector General (OIG) received multiple communications in November and December 2024 alleging that CFTC employee Malcolm Alexander-Neal was teleworking overseas in violation of Agency policy. Similar allegations were also received by the CFTC Human Resources Branch (HRB), which opened an administrative investigation after coordinating with OIG on December 6, 2024. At the request of the Acting Chairman, the matter was transferred from HRB to OIG on or about January 24, 2025.

B. SUMMARY

Malcolm Alexander-Neal is a Risk Analyst (CT-1101-14) in the Examinations Branch of Division of Clearing and Risk (DCR), a position he has held since June 2015. In addition to this position, Mr. Alexander-Neal served as president of the local chapter of the National Treasury Employees Union from October 2021 to December 2024. For the entirety of his employment at the Agency, Mr. Alexander-Neal's official worksite has been the Chicago Regional Office.

In November and December 2024, multiple CFTC offices were contacted regarding statements in Mr. Alexander-Neal's self-published autobiography, which was released in October 2024. In the initial version of his book, Mr. Alexander-Neal described his relocation from the United States to Mexico in 2022 and how he used a commercial virtual private network (VPN) to "work and live in Mexico" while employed by the CFTC. His account details specific boroughs, neighborhoods, and streets in Mexico City where he resided, first cohabitating with a romantic partner for about two years, and then with a different romantic partner through September 2024. After CFTC colleagues confronted him about his overseas telework in early December 2024, Mr. Alexander-Neal revised the book to portray his time in Mexico as a series of frequent visits and omitted all references to using a VPN.

During his interview with investigators, Mr. Alexander-Neal falsely stated that his time in Mexico consisted of a series of frequent trips—approximately 8-12 flights per year from early 2022 to present—and that he never resided or teleworked in Mexico.

During the investigation, OIG learned that Mr. Alexander-Neal's residence of record on file with the Agency—located in Chicago—is not in fact a residence, but a mailbox at a local UPS Store. The other residence claimed by Mr. Alexander-Neal—a single-family home in San Diego—was frequently rented out on Airbnb between December 2021 and November 2024.

Records produced by CFTC Cyber Security Operations Center (eSOC) show that eSOC detected Mr. Alexander-Neal's use of a foreign IP address on six occasions between March 2022 and October 2023 and notified him accordingly. In his responses to these notifications, Mr. Alexander-Neal made multiple misleading statements and did not disclose his overseas location.

In subsequent sworn responses to OIG interrogatories, Mr. Alexander-Neal admitted in writing that he did in fact live in Mexico from March 2022 until February 2025 and teleworked from Mexico and numerous other countries while traveling abroad.

Records produced by the Information Technology Branch include logs of Mr. Alexander-Neal's CFTC user account activity, which show when he logged in and logged out of his government computer each day from March 2024 to December 2024. These records also included activity logs for Mr. Alexander-Neal's use of Microsoft applications such as Outlook, Teams, and Sharepoint on both his government computer and government phone for the same time period. Referenced alongside his

timekeeping records for 2024, these logs show that Mr. Alexander-Neal was logged in to his government computer or active on his government phone for less than half of the hours for which he claimed he was in a duty status.

About these topics and others, Mr. Alexander-Neal made multiple false, misleading, or contradictory statements as detailed below. Based on his statements to investigators and CFTC employees, OIG finds that Mr. Alexander-Neal lacks credibility under the standards set forth in *Hillen v. Dep't. of the Army*, 35 M.S.P.R. 453 (1987).¹

Based on a preponderance of the evidence, OIG determined that Mr. Alexander-Neal resided primarily in Mexico from March 2022 through February 5, 2025, during which time he teleworked frequently as an employee of the CFTC. Evidence collected also supports additional allegations, to include timekeeping misconduct, false statements under oath, and prohibited political activity under the Hatch Act. All allegations and findings are as follows:

1. **ALLEGATION.** *Whether Mr. Alexander-Neal teleworked from outside the United States while located in Mexico and other overseas locations between March 2022 and December 2024 in violation of the Agency's telework policy (found at Article 11 of the CFTC-NTEU Master Collective Bargaining Agreement, as amended).*

Finding: Substantiated.

2. **ALLEGATION.** *Whether Mr. Alexander-Neal falsely certified timekeeping records on multiple occasions between March 5, 2024 and December 9, 2024 in violation of federal law.*

Finding: Substantiated.

3. **ALLEGATION.** *Whether Mr. Alexander-Neal made false statements and/or lacked candor on multiple occasions as follows:*

(a) **Specification.** Whether Mr. Alexander-Neal falsely stated under oath that he did not telework from outside the United States between March 2022 and September 2024.

Finding: Substantiated.

(b) **Specification.** Whether Mr. Alexander-Neal falsely stated under oath and in Agency documentation that he resided at and teleworked from [REDACTED] Chicago, IL.

Finding: Substantiated.

(c) **Specification.** Whether Mr. Alexander-Neal falsely stated under oath that he did not remember traveling outside the United States with his government computer.

Finding: Substantiated.

¹ Numerous factors may be considered to determine witness credibility, to include: (1) the witness's opportunity and capacity to observe the event or act in question; (2) the witness's character; (3) any prior inconsistent statement by the witness; (4) a witness's bias, or lack of bias; (5) the contradiction of the witness's version of events by other evidence or its consistency with other evidence; (6) the inherent improbability of the witness's version of events; and (7) the witness's demeanor. *Hillen v. Dep't. of the Army*, 35 M.S.P.R. 453, 458 (1987).

(d) **Specification.** Whether Mr. Alexander-Neal falsely stated under oath that revisions to his self-published book related to his residence status in Mexico were limited to changing specific phrases (i.e. “the same few words throughout the book”) that mistakenly communicated that Mr. Alexander-Neal lived in Mexico from 2022 to 2024.

Finding: Substantiated.

(e) **Specification.** Whether Mr. Alexander-Neal lacked candor in his responses to multiple notifications from the CFTC Cyber Security Operations Center (eSOC) that he was detected accessing the Agency network from overseas.

Finding: Substantiated.

4. **ALLEGATION.** *Whether Mr. Alexander-Neal violated the Agency’s paid administrative leave requirements when he spent multiple days while on paid administrative leave in Mexico and was not available to “immediately report for duty at a time designated by management.”*

Finding: Substantiated.

5. **ALLEGATION.** *Whether Mr. Alexander-Neal violated the Hatch Act when he engaged in partisan political activity by filing a Form 2 (Statement of Candidacy) for the 2024 U.S. presidential election with the Federal Election Commission.*

Finding: Substantiated.

C. STATEMENT OF FACTS

Malcolm Alexander-Neal is a Risk Analyst (CT-1101-14) in the Examinations Branch of Division of Clearing and Risk (DCR), a position he has held since June 2015. Ex. A. His primary responsibilities include examinations of derivatives clearing organizations (DCO) for compliance with Part 39 of the Commodity Exchange Act. Ex. B, at 09:10²; Ex. C. Since 2015, Mr. Alexander-Neal’s first-line supervisor has been [REDACTED], Associate Director, Examinations Branch, DCR, and his second-line supervisor has been Julie Mohr, Deputy Director, Examinations Branch, DCR. Ex. B at 08:10-08:30. At all times during Mr. Alexander-Neal’s employment at the Agency his official worksite has been the Chicago Regional Office. *Id.* at 24:30-25:00; Ex. C.

In addition to his position at DCR, Mr. Alexander-Neal served as president of Chapter 337 of the National Treasury Employees Union, the Agency’s local collective bargaining unit. *Id.* at 15:30-15:50, Ex. D. As detailed further below, he served as chapter president from October 2021 to December 2024. *Id.*

1. *Mr. Alexander-Neal’s Residences & Telework Agreements*

In March 2018, Mr. Alexander-Neal submitted a Telework Agreement and Safety Certification Checklist in which he requested to telework one day per week—on Mondays—and agreed “to only

² Timestamps refer to the cited audio recording.

perform official duties at the alternate worksite while teleworking.”³ Ex. E. He listed one alternate worksite: [REDACTED] Chicago, IL, which was then his residence of record on file with the Agency. *Id.*

In March 2020, shortly after the start of the COVID-19 pandemic, the Agency allowed all telework eligible personnel to telework on a full-time basis, eliminating the requirement to work regularly from the office.⁴ Ex. F. According to CFTC Labor and Employee Relations personnel, this policy remained in effect until November 2024 and allowed eligible employees to live and telework anywhere in the United States with no impact to pay or benefits. *Id.*

In October 2020, Mr. Alexander-Neal purchased a single-family home at [REDACTED] San Diego, CA 92119, and the following month—November 2020—he changed his residence of record on file with the Agency to [REDACTED] Chicago, IL 60661.⁵ Ex. G, H. Mr. Alexander-Neal did not regularly work from his official worksite (Chicago Regional Office) until November 2024, at which point the Agency required employees to report to their official worksite at least one workday per week. Ex. F, I.

In the weeks before this “return to office” policy took effect, the Agency required all employees to resubmit their Telework Agreement and Safety Certification Checklist via an online portal called ServiceNow. Ex. F. On October 24, 2024, the Agency approved Mr. Alexander-Neal’s new telework documentation, in which he provided three alternative worksites: (1) [REDACTED], Chicago, IL 60661 (his residence of record), (2) [REDACTED] San Diego, CA 92119, and (3) [REDACTED] Novi, MI 48374 (his grandparents’ home). Ex. E.

2. Mr. Alexander-Neal’s Self-Published Memoir

On or about October 29, 2024, Mr. Alexander-Neal published a memoir titled *Verses of Life: Through Chapters of Love*, publicized as a “poetic memoir that captures the pivotal moments in Malcolm’s life.” Ex. J (back cover). Mr. Alexander-Neal described the book as “a unique biographical poetry collection...[e]ach poem in this collection is paired with a narrative that provides context and insight into the personal significance behind the verses.” *Id.* at pp. 18-21. The book includes eight chapters that cover consecutive periods in Mr. Alexander-Neal’s adult life. *Id.*

In the later chapters of the book—titled “Nico” and “Rafa”—Mr. Alexander-Neal describes his experience moving from the United States to Mexico and living in Mexico City at least through the book’s completion in September 2024. *Id.* at pp. 503-689. In Spring 2022, he moved to Mexico City and met a person called Nico.⁶ *Id.* at pp. 503-524. When writing about his first days in Mexico City, he describes the challenge of using a virtual private network (VPN) to allow him to work while residing in Mexico. “By day two, [Nico] stayed up all night helping me configure a VPN, so I could continue to work and live in Mexico. *Id.* at pp. 511.

³ The Agency requires employees to submit a Telework Agreement and Safety Certification Checklist as a condition of telework eligibility. See Telework Program at Article 11 of the CFTC-NTEU Master Collective Bargaining Agreement, as amended. In this documentation, the employee identifies one or more “alternative worksites” and agrees to telework only from that location(s). Ex. E.

⁴ The Agency did not direct employees to update their Telework Agreements and/or Safety Certification Checklists in conjunction with this policy change in March 2020. Ex. F. Mr. Alexander-Neal’s telework documentation, dated March 2018, remained unchanged throughout the pandemic until October 2024. Ex. E.

⁵ Starting in December 2021, Mr. Alexander-Neal regularly leased the property at [REDACTED] on Airbnb.

⁶ Mr. Alexander-Neal stated that “Nico” and “Rafa” are pseudonyms.

The corresponding poem titled "Our Journey in Two Worlds" describes Mr. Alexander-Neal's relationship with Nico and their early experience in Mexico. *Id.* at pp. 513-515.

Our Journey in Two Worlds

I told him straight—"No quiero un compromiso,"
But my actions, claro, told another story.
We talked of past loves, goals for tomorrow,
of open doors and endless roads, no sorrow.

Nico listened, siempre quiet, siempre kind,
while I danced around, contradicting my mind.
He fixed my VPN, made my life a breeze,
then asked softly, "Can I stay the week, por favor, please?"

I said, "Sure," thinking it's just time to share.
He came back with a duffle, ready to care.
We moved to Coyoacán, streets full of life,
walking mercados, parks with no strife.

The talks kept coming, pushing the line
from just two friends to something divine.
The air was thick with love's slow creep.
In Coyoacán's rhythm, we let it steep.

I commuted daily, Coyoacán to Condesa.
But soon, Ensenada felt like mi mesa.
A place I could breathe, walk to my class,
play tennis, live life, let the time pass.

A year on Ensenada, love bloomed and soared.
Through every trip, every memory stored.
Oaxaca, Chiapas, Puebla, Veracruz,
weekend escapes, no way to lose.

Id. at pp. 513-514.

Mr. Alexander-Neal continues to recount his experiences cohabitating with Nico for about two years, living at various locations in Mexico City, ending his relationship with Nico in late 2023, starting a relationship with a person called Rafa in late 2023, and cohabiting with Rafa in Mexico City through at least September 2024. *Id.* at pp. 503-689.

Mr. Alexander-Neal's account identifies specific boroughs, neighborhoods, and streets in Mexico City where he resided. *Id.* at pp. 513-15, 573-74, 654. These locations are in the vicinity of establishments he frequented or visited based on social media posts and/or references in his book—for example, a tennis facility called the Junior Club, a gym called COMMANDO Condesa, and the J.W. Marriott Mexico City Polanco. *Id.* at pp. 573-74, 654, Ex. K. The book also discusses Mr. Alexander-Neal renting at least two properties and having to “evict” Nico from their home after the end of their relationship. *Id.* at pp. 566, 679, 884.

3. *The Subject's Admission to Taking Government-Furnished Equipment Overseas*

In late November 2024, a [REDACTED] in the Office of the [REDACTED] (Witness 1) purchased and read Mr. Alexander-Neal's book after learning that he had dedicated one of the poems to [REDACTED]. Ex. D. Witness 1 was a [REDACTED] and [REDACTED] of [REDACTED], and had regularly [REDACTED] since 2021. *Id.*

After reading sections of the book in which Mr. Alexander-Neal discusses living in Mexico City and using a VPN to “live and work” there, Witness 1 notified the Cyber and Physical Security Branch that Mr. Alexander-Neal may be teleworking from outside the United States and using a commercial VPN. *Id.* Witness 1 also consulted with a [REDACTED] in the [REDACTED] (Witness 2) and the [REDACTED]. *Id.*, Ex. L. They agreed to confront Mr. Alexander-Neal directly in a call via Microsoft Teams on December 2, 2024. *Id.*

During this call with Witness 1 and Witness 2 on December 2, 2024, Mr. Alexander-Neal admitted to being present at that time in Argentina and in possession of his government computer. *Id.* At their request, Mr. Alexander-Neal resigned as president of NTEU Chapter 337 in writing later that day. *Id.*

4. *The Subject's Use of a Commercial Virtual Private Network (VPN) and Misleading Statements to CFTC Cybersecurity Personnel*

In response to receiving the notification from Witness 1 on December 2, 2024, the Chief Information Security Officer forwarded the matter to the Agency's Cyber Security Operations Center (eSOC), which initiated a security incident investigation. Ex. M. The same day, eSOC personnel conducted a review of Mr. Alexander-Neal's recent sign-in IP addresses, which indicated that he routinely used a commercial VPN to mask his location while operating his government computer. Ex. N.

Documentation produced by eSOC showed that cybersecurity personnel had previously notified Mr. Alexander-Neal on six occasions from March 2022 to October 2023 that eSOC was “detecting connections originating from foreign IP addresses,” to include Mexico (three times), the United Kingdom (two times), and the Netherlands. Ex. O. In response to these inquiries, Mr. Alexander-Neal generally asserted that these detections were related to his use of a faulty internet router with VPN functionality:

My VPN/Router seems to not be cooperating. I keep turning off the VPN functionality yet it has switched over multiple times today. [March 22, 2022]

I have already replaced my router. Unless I picked up a neighbor wifi that is running a VPN that is showing UK, I am not sure why this is still happening. [April 5, 2022]

I was actually in the UK for the holiday but I did not take my work computer.... [July 12, 2022]

That is not accurate, I have had this issue in the past with my VPN but believe that it has been fixed. [October 19, 2023]

Id. Based on these assurances from Mr. Alexander-Neal, eSOC personnel did not investigate the matter further in 2022 or 2023. Ex. P. At no time in his responses to eSOC did Mr. Alexander-Neal disclose that he was teleworking regularly from outside the United States. Ex. O.

For purposes of the security incident investigation, eSOC reviewed VPN data from March 2024 through December 2024 for Mr. Alexander-Neal's government computer. Ex. N. Analysis of the logged IP addresses indicated that Mr. Alexander-Neal may have used a commercial VPN service called "TorGuard" and his sign-in IP addresses were linked to numerous locations, including Texas, California, Illinois, Kansas, New York, and the Washington, DC area. *Id.* The VPN also showed one IP address from Mexico City. *Id.* The report concluded that the commercial VPN service was placed on an internet router, which would allow users to mask the location of any device—including laptops and mobile phones—connected to the router. *Id.* The report also concluded that no commercial VPN service was launched directly from Mr. Alexander-Neal's government computer, but that he had been utilizing VPN services via an internet router since at least March 2024. *Id.*

Based on the findings of eSOC security incident investigation, the CFTC deactivated Mr. Alexander-Neal's network user account on December 3, 2024. *Id.*

5. *Placement on Administrative Leave*

The week of December 3, 2024, the Agency directed Mr. Alexander-Neal to report in-person to the Chicago Regional Office. Ex. C. On December 9, 2024 he reported as directed and turned over his personal identity verification (PIV) card, government computer, and government phone. Ex. C. He also signed a memorandum from his immediate supervisor acknowledging the terms of his administrative leave, which included:

3. On every day that you remain on administrative leave, you must call me by **8:00 A.M. each morning and again at 4:30 P.M. each afternoon**. For this daily reporting requirement, you must contact me at [REDACTED] or at [REDACTED]. If I am not available to take your call, you must leave a message with a working telephone number where you can be reached on our voice mail.
4. While on administrative leave, you must be available to be contacted by management at any time, **Monday through Friday, 8:00 A.M. to 4:30 P.M.** You are instructed to provide me with your current address and telephone number prior to your departure today.
5. While on administrative leave, you must be available, during your scheduled work hours to immediately report for duty at a time designated by management. Should you not respond to management's phone call within the hour of management call you [*sic*], your time will be recorded as absent without leave (AWOL) until you contact management.
6. While on administrative leave, if you need time off for matters normally appropriate for annual or sick leave, you are required to request and obtain approval for such leave from me.

Ex. Q (numbering in original).

As directed by paragraph 4, Mr. Alexander-Neal provided a phone number and two current addresses—[REDACTED], Chicago, IL 60661 and [REDACTED] San Diego, CA 92119—both of which were listed as alternate worksites in his most recent Telework Agreement. *Id.*

While on administrative leave, Mr. Alexander-Neal posted numerous photographs and/or videos on public social media—37 posts in total—indicating that he was present in various locations in Mexico, including Mexico City, Oaxaca City, Puerto Escondido, San Miguel de Allende, and the Yucatan Peninsula between December 25, 2024 and February 1, 2025.⁷ Ex. K.

6. Subsequent Revisions to Self-Published Book

After his admission to Witness 1 and Witness 2 on December 2, 2025, Mr. Alexander-Neal made significant revisions to *Verses of Life* to delete or change passages related to his experience in Mexico.⁸ Ex. R. He deleted all references to using a VPN to allow him “to work and live in Mexico,” and revised other sections to recharacterize his time in Mexico as a series of short visits rather than a primary living arrangement. *Id.* The table below includes some of these revisions:

p.	VERSION 1 (purchased 12/3/24)	VERSION 2 (purchased 1/31/25)
507	By day two, [Nico] stayed up all night fixing my VPN, like a techy dream.	By day two, [Nico] stayed up all night fixing my VPN computer , like a techy dream.
510	Moving to Mexico City, I had a plan and a vision of what life would look like—exploring the city, meeting new people, immersing myself in the culture.	Moving to Mexico City, I had a plan and a vision of what life would look like—exploring the city, meeting new people, immersing myself in the culture.
510	When I first arrived in Mexico City, I was eager to dive into everything . . . I went on so many dates that it felt like a whirlwind—exhausting but also a thrilling way to experience the city . . . It was fun, but I was also starting to feel worn out.	When I first arrived in Mexico City for a short visit , I was eager to dive into everything . . . That week I went on so many dates that it felt like a whirlwind—exhausting but also a thrilling way to experience the city . . . It was fun-exciting , but by the end of the week I was also starting to feel worn out.
511	By day two, [Nico] had stayed up all night helping me configure a VPN, so I could continue to work and live in Mexico. This wasn't just a quick fix; it was hours of him staying up, determined to help someone he'd just met.	By day two, [Nico] had stayed up all night helping me configure a VPN, so I could continue to work and live in Mexico resolve a personal computer issue related to my business . This wasn't just a quick fix; it was hours of him staying up, determined to help someone he'd just met.
512	[Nico] helped me feel like I could make Mexico City my home. And so, he won—he secured my place in Mexico, both literally by helping me stay and figuratively by becoming someone important in my life.	He helped me feel like I could make Mexico City my home. And so, he won—he secured my place in Mexico, both literally by helping me stay and figuratively by becoming someone important in my life. [Nico] became someone important in my life, not because I was looking for it, but because of how naturally and generously he showed up.

⁷ During the course of this investigation, OIG notified management that Mr. Alexander-Neal may be outside the United States in violation of the requirements of his paid administrative leave.

⁸ OIG obtained a pre-revision hardcopy of *Verses of Life* purchased on December 3, 2024, along with a post-revision hardcopy purchased on January 31, 2025. See Ex. J and R, respectively.

561	These poems come from my complex and evolving situation with Nico and I, [sic] we had been broken up for four months but continued living together, transitioning to a new normal within a friendship and roommate dynamic. This period was marked by several spats and growing pains, bringing the challenges of maintaining a respectful and supportive relationship while cohabitating to light.	These poems come from my complex and evolving situation with Nico and I, we . We had been broken up for four months but continued living together sharing the same space during my visits , transitioning to a new normal within a friendship and roommate dynamic. This period was marked by several spats and growing pains, bringing the challenges of maintaining a respectful and supportive relationship while cohabitating to light navigating this unique dynamic .
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In total, Mr. Alexander-Neal made at least 23 such revisions after being confronted about living and working from Mexico, as described in the earlier version of his book. Ex. S.

7. Statements During Subject Interview

During the site visit to the Chicago Regional Office on March 5 and 6, 2025, OIG investigators conducted a recorded, sworn interview of Mr. Alexander-Neal. Ex. B. Prior to and during the interview, Mr. Alexander-Neal was notified that he was the subject of an OIG investigation into alleged violations of the agency’s telework policy and, provided a Garrity warning⁹, and advised that he may be represented during the interview by counsel. *Id.*

In this interview, Mr. Alexander-Neal asserted that he was aware of the prohibition on overseas telework, and did not live or telework outside the United States as alleged. *Id.* He addressed a number of topics, including his duties as a Risk Analyst and union official, telework arrangement, residences in Chicago and San Diego, use of government-furnished devices and applications, and the publication of *Verses of Life*. *Id.*

(a) Presence in Mexico from 2022 to 2024. Mr. Alexander-Neal maintained that he resided primarily in Chicago and San Diego, and that his time in Mexico from March 2022 through 2024 consisted of a series of frequent trips to Mexico—approximately one trip every one to two months. Ex. B, at 1:00:30-1:06:00.

(b) Teleworking from Outside the United States. Mr. Alexander-Neal stated that he did not telework from outside the United States. Ex. B, 1:26:50-1:30:00. He also stated that he was aware of the CFTC prohibition on overseas telework absent an approved Domestic Employee Teleworking Overseas (DETO) agreement. *Id.*

(c) Residence at [REDACTED]. Mr. Alexander-Neal asserted that he has resided at [REDACTED] since 2019.¹⁰ Ex. B, 32:10-32:30. He stated that his residence at [REDACTED] is a leased apartment, but he spends about 90% of his time while in Chicago at the residence of a friend

⁹ A Garrity warning advises subjects of employment investigations of, inter alia, the subject’s Fifth Amendment right against self-incrimination, that the subject cannot be administratively disciplined solely for refusing to make a statement, and that the subject’s statements may be used for criminal prosecutions. *Garrity v. New Jersey*, 385 U.S. 493 (1967).

¹⁰ When he was initially asked to provide his residential address, he misstated the address as “[REDACTED]” but corrected himself later in the interview.

named [REDACTED]. *Id.* at 33:45-39:20. During the interview, he could not recall the address or street where [REDACTED] residence is located.¹¹ *Id.*

(d) Overseas Possession of Government-Furnished Computer. Mr. Alexander-Neal stated that he had no memory of taking his government computer outside of the United States. Ex. B, 1:24:30-1:25:30.

(e) Revisions to *Verses of Life*. Mr. Alexander-Neal testified that he made multiple updates to *Verses of Life* with the assistance of his editor. Among these edits was changing the book's portrayal of his residential status in Mexico. Ex. B, 1:43:20-1:50:00. Mr. Alexander-Neal stated that the pre-publication draft of the book described him taking "frequent visits" to Mexico between 2022 and 2024, but not living in Mexico. *Id.* However, Mr. Alexander-Neal claimed that his editor changed the draft to reflect that he was a resident of Mexico—not just a visitor—and Mr. Alexander-Neal inadvertently accepted these edits prior to publication. *Id.* After the book was published, Mr. Alexander-Neal learned from readers that the book portrayed him living in Mexico, and in response he directed his editor to revert the description of his residential status back to the original. In general, he claimed this correction consisted of changing "literally the same few words throughout the book"—"visiting" or "frequent visits"—using a "CTRL + F" search or similar method. *Id.*

8. *The Status of the Subject's Residence at [REDACTED]*

On the same day as Mr. Alexander-Neal's in-person interview in Chicago, the OIG investigator travelled to [REDACTED]—Mr. Alexander-Neal's purported residence of record, located about seven blocks from the Chicago Regional Office—and confirmed that the address is not a residence, but rather a United Parcel Service (UPS) Store, Franchise [REDACTED]. Ex. T.

The OIG investigator interviewed the General Manager of the UPS Store franchise, who verified that [REDACTED] is a UPS mailbox and, without prompting, he stated that the mailbox has been assigned to Mr. Alexander-Neal for "at least a few years." *Id.* Mr. Alexander-Neal regularly receives mail at this address and when the mailbox becomes full, a UPS Store employee forwards the mail to an address in California. *Id.*

Without prompting, the General Manager stated that Mr. Alexander-Neal "does not live here," and that the residential apartment building above that UPS Store (called [REDACTED] Apartments) has a [REDACTED] address, not a [REDACTED] address.¹² *Id.*

9. *The Subject's Responses to Written Interrogatories*

After interviewing Mr. Alexander-Neal on March 5, 2025, OIG issued him a written Kalkines warning on March 20, 2025 and directed him to respond to a series of written interrogatories.¹³ Ex. U, V.

¹¹ Public records show that Mr. Alexander-Neal stated in a federal bankruptcy court submission that he lived at [REDACTED] Chicago, IL 60661, and held a residential lease with a landlord located at the same address. Ex. AA.

¹² [REDACTED] Apartments has a mailing address of [REDACTED], and is accessed from a main entrance on [REDACTED], around the corner from UPS Store [REDACTED]. Ex. T.

¹³ A Kalkines warning compels an employee to cooperate in an administrative investigation by granting criminal use immunity for the employee's statement and thereby removing their Fifth Amendment right against self-incrimination. *Kalkines v. U.S.*, 473 F.2d 1391 (1973). If the employee still refuses to cooperate after receiving a Kalkines warning, they may be subject to disciplinary action for that failure. Before administering the Kalkines warning to Mr. Alexander-Neal, OIG coordinated with the Department of Justice, Public Integrity Division.

After obtaining legal representation, Mr. Alexander-Neal admitted in his responses that he resided in Mexico City between March 2022 and February 2025, and was present in Mexico about 90% of the time during that period.¹⁴ Ex. W at ¶ 2. In addition, Mr. Alexander-Neal admitted that he teleworked with government-furnished devices from the following countries: Argentina, Australia, Bali, Chile, Dominican Republic, Lebanon, Mexico, Spain, Uruguay, and “possibly New Zealand.”¹⁵ *Id.* at ¶ 4.

Regarding overseas telework, Mr. Alexander-Neal stated that he “occasionally used ExpressVPN as a supplemental security measure when accessing government devices remotely, particularly while outside the U.S. This was done to maintain a stable and secure internet connection, not to obscure location or avoid oversight.” *Id.* at ¶ 9.

In his written responses, Mr. Alexander-Neal also addressed the status of his purported residence at [REDACTED]: “The address at [REDACTED], Chicago, IL is used solely as a mailing address.” *Id.* at ¶ 13.

10. *The Subject’s Filings with the Federal Election Commission*

In December 2022, Mr. Alexander-Neal filed a Federal Election Commission (FEC) Form 2 (“Statement of Candidacy”), which is a requirement for any “individual who is a candidate for federal office.”¹⁶ Ex. X. In his signed form, Mr. Alexander-Neal stated his candidacy for the 2024 presidential election under the Taxpayers Party. *Id.*

11. *The Subject’s Time and Attendance*

As part of this investigation OIG requested and reviewed Mr. Alexander-Neal’s timekeeping records alongside extensive metadata associated with his network user account, to include logs of his login and logout activity on his government computer and his user account activity (including phone activity) in Microsoft Outlook, Teams, Sharepoint, and OneDrive.¹⁷ Ex. Y.

The OIG investigative team reviewed timekeeping records dating back to 2021. Due to the significant volume of metadata, OIG limited its review of these logs to a sample period of March 2024 to December 2024, totaling 148 days for which Mr. Alexander-Neal claimed official time (not including leave) in the CFTC timekeeping system, including non-regular workdays (i.e., Saturdays) for which he claimed compensatory time or credit hours.¹⁸ *Id.*

¹⁴ Mr. Alexander-Neal identified four locations in Mexico City where he resided between March 2022 and February 2025: [REDACTED]. Ex. W at ¶ 1.

¹⁵ Lebanon is presently designated as “Level 4: Do Not Travel” by the U.S. State Department. Upon learning that Mr. Alexander-Neal had travelled to and teleworked from Lebanon with a government computer, OIG notified the CFTC Cyber & Physical Security Branch.

¹⁶ Mr. Alexander-Neal submitted the FEC Form 2 twice, first on November 15, 2022 and again on December 22, 2022. The information provided in the forms is identical. Ex. X.

¹⁷ The network “login-logout” logs were used to identify when Mr. Alexander-Neal was actively working from his computer. This information was cross-referenced with other logs showing Mr. Alexander-Neal’s activity on Outlook, Teams, and Sharepoint to identify time periods when he performed work on his government phone while not logged into his government computer. Generally, Mr. Alexander-Neal’s work was primarily performed on his government computer. However, when estimating total work performed, both computer and phone activity were included.

¹⁸ For purposes of this report, “official time” means time spent performing official duties. *See e.g.* 5 C.F.R. § 2635.705 (Use of official time). This time may be coded as regular duty, union duty, overtime, compensatory time earned, or credit hours earned, but does not include any form of leave or excused absence. A “workday” means any

Mr. Alexander-Neal was on a fixed “maxiflex” work schedule and routinely claimed 10 hours per workday, four workdays per week. Ex. I. In addition, as president of the local union chapter, Mr. Alexander-Neal was authorized to perform representational activities on official time “for up to 50% of his . . . total work time.” CFTC-NTEU, Master Collective Bargaining Agreement (2019), p. 147. He testified that he performed union duties using his government computer and the same Microsoft applications—“Outlook, Teams, and Excel”—that he uses to perform regular duties. Ex. B, at 17:20-18:30.

Mr. Alexander-Neal testified under oath that he performs the functions of his position using Microsoft Outlook, Teams, Sharepoint, and Excel, along with two external programs, Regulatory Statement Review (RSR) Express System and Teammate. Ex. B, 12:00-15:30. According to CFTC cybersecurity personnel, these applications and programs—all of which utilize single sign-on with a CFTC user account—cannot be accessed on a personal computer absent an exception to policy. Ex. P.

During the 148 workdays since March 5, 2024, Mr. Alexander-Neal claimed and was paid for 1419 hours of official time, including regular duty, union duty, compensatory time, and credit hours. Ex. Y, I. For each of these pay periods, Mr. Alexander-Neal electronically submitted timesheets via the CFTC’s timekeeping system, GovTA. Ex. I. For all but one of the pay periods, Mr. Alexander-Neal electronically attested in GovTA as follows: “I certify that the time worked and leave taken as recorded on this form is true and correct to the best of my knowledge.”¹⁹ Ex. Z.

According to login-logout data for Mr. Alexander-Neal’s user account, during those 148 workdays he was logged into his government computer for approximately 412 hours, averaging just under 3 hours per workday.²⁰ Ex. Y. In addition to the time spent logged into his government computer, Mr. Alexander-Neal performed some routine or minor duties from applications on his government phone—for example, reading or replying to emails, reacting to Teams messages, reviewing documents. *Id.* While the precise duration of these tasks is difficult to ascertain, account logs show that on 84 of the 148 workdays he used Outlook on his government phone while not active on his government computer, and typically for less than one hour. *Id.* Logs also show that on 64 of the 148 workdays he used Teams and/or Sharepoint on his government phone while not active on his government computer, but typically for less than one hour and often for only a few minutes. *Id.*

According to account logs, on 39 of these 148 workdays Mr. Alexander-Neal did not log in to his government computer (see table below). *Id.* On 27 of these 39 days without computer activity, Mr. Alexander-Neal performed some tasks from his government phone—generally no more than an hour a day. *Id.* However, on the remaining 12 days Mr. Alexander-Neal did not log in to his government computer or perform functions on his government phone; for these days he was paid for 85 hours of work.²¹ *Id.*












day on which the employee claimed official time, to include regularly scheduled workdays and any non-regular workdays (e.g. weekends or holidays) for which the employee claimed official time.

¹⁹ One pay period, Pay Period 14 (July 14-27, 2024), Mr. Alexander-Neal electronically entered his time in GovTA but did not validate his timesheet. Ex. I.

²⁰ On 19 non-workdays between March 5, 2024 and December 2, 2024, Mr. Alexander-Neal was active on his government device(s) but did not claim this time in his timekeeping records. These total 41 hours. The log also provided inconclusive login-logout data for four non-workdays (Oct 18, Oct 24, Nov 8, Nov 15). Ex. Y.

²¹ The table below is an excerpt of the larger usage log summary provided at Ex. Y.

MALCOLM ALEXANDER -NEAL
WORKDAYS WITHOUT
COMPUTER LOGIN
Mar. 5, 2024 - Dec. 2, 2024

LEGEND			
Regular Duty		Compliant	
Union Duty		>75% compliant	
Comp/Credit Earned		25-75% compliant	
Leave		0-25% compliant	
Holiday		No login/logout	
Admin Leave			

	TIMESHEET DATA					GOV COMPUTER: LOGIN-LOGOUT DATA			GOV PHONE ACTIVITY		
	DATE	DAY	STATUS	TOTAL HRS	DUTY HRS	FIRST LOGIN	LAST LOGOUT	HRS LOGGED	OUTLOOK	TEAMS	SHAREPOINT
1	7-Mar	Thu		10	10			0	<1	1	0
2	8-Mar	Fri		8	8			0	<1	1	<1
3	18-Mar	Mon		10	10			0	<1	1	0
4	19-Mar	Tue		10	10			0	<3	1	0
5	22-Mar	Fri		8	8			0	<1	<1	<1
6	25-Mar	Mon		10	10			0	<1	0	<1
7	29-Mar	Fri		10	10			0	<1	<1	0
8	1-Apr	Mon		10	10			0	<1	0	0
9	4-Apr	Thu		10	10			0	<1	0	0
10	12-Apr	Fri		10	10			0	<1	<1	0
11	15-Apr	Mon		10	10			0	0	0	0
12	18-Apr	Thu		10	10			0	<1	<1	<1
13	22-Apr	Mon		10	10			0	<1	0	0
14	9-May	Thu		10	10			0	<1	0	0
15	18-May	Sat		10	10			0	0	0	0
16	21-May	Tue		10	10			0	<1	<1	0
17	22-May	Wed		10	10			0	<1	0	0
18	23-May	Thu		10	10			0	<1	0	<1
19	29-May	Wed		10	10			0	0	0	0
20	13-Jun	Thu		10	10			0	<2	<1	0
21	5-Jul	Fri		8	8			0	<2	<1	<1
22	9-Jul	Tue		10	10			0	<1	0	0
23	11-Jul	Thu		10	10			0	<1	0	0
24	12-Jul	Fri		8	8			0	0	0	0
25	1-Aug	Thu		12	12			0	0	0	0
26	2-Aug	Fri		2	2			0	0	0	0
27	6-Sep	Fri		2	2			0	0	0	0
28	7-Sep	Sat		3	3			0	0	0	0
29	17-Sep	Tue		10	6			0	0	0	0
30	26-Sep	Thu		10	10			0	<1	<1	0
31	1-Oct	Tue		10	10			0	<1	0	0
32	3-Oct	Thu		10	10			0	<1	0	<1
33	8-Oct	Tue		10	10			0	<1	<1	0
34	9-Oct	Wed		10	10			0	<1	<1	<1
35	10-Oct	Thu		10	10			0	<1	0	0
36	21-Oct	Mon		10	10			0	<1	<1	<1
37	29-Oct	Tue		10	10			0	0	0	0
38	11-Nov	Mon		10	2			0	0	0	0
39	25-Nov	Mon		10	10			0	0	0	0

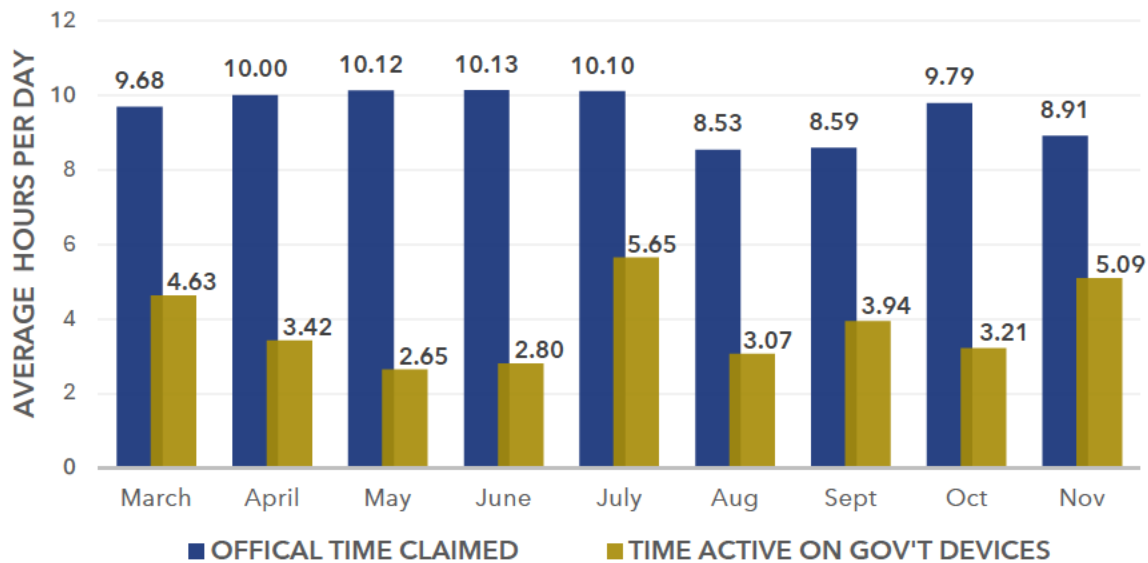
Ex. Y.

Resolving all ambiguities in favor of Mr. Alexander-Neal, OIG estimates that he worked a total of 575 hours of the 1,419 hours of official time he claimed across 148 workdays from March 5, 2024 to December 2, 2024. *Id.* During the nine-month period, Mr. Alexander-Neal actively worked approximately 40% of the hours of official time he claimed in timesheets and worked for an average of about 3.9 hours per workday (see chart below).²² *Id.*

²² This figure includes the approximate duration of time Mr. Alexander-Neal was logged into his computer (412 hours), along with periods of time he actively performed duties on his government phone. Ex. Y. For days when he

DAILY AVERAGE OF OFFICIAL TIME CLAIMED COMPARED TO DAILY AVERAGE OF TIME ACTIVE ON GOVERNMENT DEVICES

(March 5, 2024 - December 2, 2024, monthly)



NOTE: For purposes of this chart, "official time" means time spent performing official duties, to include regular duty, union duty, overtime, compensatory time earned, or credit hours earned, but does not include leave or excused absences. "Time active on government devices" is time actively logged in to an assigned government computer or active on an assigned government phone. Data for "official time claimed" was drawn from Mr. Alexander-Neal's processed timesheets as retained in the CFTC's timekeeping system. Data for "time active on government devices" was drawn from metadata associated with the subject's network user account, to include logs of his login and logout activity on his government computer and his user account activity (including phone activity) in Microsoft Outlook, Teams, Sharepoint, and OneDrive.

D. ANALYSIS

OIG makes the following findings based on the analysis below.

1. **ALLEGATION.** *Whether Mr. Alexander-Neal teleworked from outside the United States while located in Mexico and other overseas locations between March 2022 and December 2024 in violation of the Agency's telework policy (found at Article 11 of the CFTC-NTEU Master Collective Bargaining Agreement (2019), as amended).*

performed duties via Outlook on his government phone while not active on his computer, he was credited with at least one hour of time even when the log suggested this activity lasted less than an hour. *Id.* This accounts for 91 hours. *Id.* Similarly, for days when he performed duties using Teams and/or Sharepoint on his government phone while not active on his computer, he was credited with at least one hour of time even when the logs suggest this Sharepoint/Teams activity lasted less than an hour. *Id.* (Sharepoint and Teams were combined for purposes of this estimate because the logs indicate that these mobile activities generally take less time than mobile Outlook activities). In addition, because OIG does not have Teams data for the first 11 workdays in the time period—Mar 5, 6, 7, 8, 11, 12, 13, 14 15, 18, and 19—OIG resolved the ambiguity by crediting Mr. Alexander-Neal with one extra hour per day. In total, this accounts for 75 hours. *Id.*

Finding: This allegation is substantiated. In his written response to OIG interrogatories, Mr. Alexander-Neal admitted that he “[p]rimarily resided at the Mexican addresses with about 90% of my time spent at each respective address per year, and 10% of the time at other locations including San Diego, Chicago, or Detroit.” He also admitted that he “performed some work while outside the U.S. in the following countries: Australia, Bali, Spain, Lebanon, Mexico, Dominican Republic, Chile, Argentina, Uruguay, and possibly New Zealand. These instances were occasional and occurred primarily while traveling or temporarily residing abroad.”²³ These admissions are corroborated by multiple witness statements, eSOC documentation, and the original and revised versions of *Verses of Life*.

Article 11 of the CFTC-NTEU Master Collective Bargaining Agreement states: “Except where authorized by DETO Policy, Employee telework sites must be located within the United States including its Territories.” This aligns with language in the required employee telework documentation, which provides that telework eligible employees will “only perform official duties at the alternate worksite while teleworking.” Ex. E. Mr. Alexander-Neal’s interview testimony and other supporting documents show that he was aware of the prohibition on overseas telework. Here, the evidence shows and Mr. Alexander-Neal admitted that he violated the CFTC prohibition on overseas telework. For this reason, the allegation is substantiated.

2. **ALLEGATION.** *Whether Mr. Alexander-Neal falsely certified timekeeping records on multiple occasions between March 5, 2024 and December 9, 2024 in violation of federal law.*

Finding: This allegation is substantiated. User account logs show that Mr. Alexander-Neal worked significantly fewer hours than he claimed and validated on his timesheets between March 2024 and December 2024. This includes 39 workdays when Mr. Alexander-Neal claimed official time—including 61 hours of compensatory time and credit hours—yet did not login into his government computer. On 12 of these 39 workdays Mr. Alexander-Neal did not log in to his government computer or perform duties on his government phone.²⁴ For all pay periods from March 5 to December 2, Mr. Alexander-Neal electronically submitted his timesheet and (with one exception) attested that the “time worked” recorded in his timesheets was correct.

To establish a charge of falsification, an agency must prove by a preponderance of the evidence that the employee knowingly supplied wrong information with the intent of defrauding the agency. *Erb v. Dep’t of the Treasury*, 91 F.4th 1147 (Fed. Cir. 2024), citing *Leatherbury v. Dep’t of Army*, 524 F.3d 1293 (Fed. Cir. 2008); *see also* 18 U.S.C. § 641. The intent element of falsification requires the agency to show that the employee (a) intended to deceive or mislead the agency and (b) intended to defraud the agency for his own private material gain. *Erb*, 91 F.4th at 1153 (internal quotations omitted).

Mr. Alexander-Neal’s timesheets between March 2024 and December 2024 show that he was working (or on approved leave) at least 40 hours per week, but his user account metadata shows that he was actively working (*i.e.*, actively using his government computer or government phone)

²³ Even though this written response revises his earlier false statement, OIG finds that it lacks candor. If Mr. Alexander-Neal resided in Mexico and spent 90% of his time in Mexico, as he stated in his sworn responses, then his telework from Mexico was more than “occasional.”

²⁴ For purposes of this report, OIG does not opine on whether an employee is considered to be in a duty status while using only their government phone for an extended period of time. *See* CFTC Telework Program at Article 11 of the CFTC-NTEU Master Collective Bargaining Agreement (2019), as amended (“Telework must normally be performed using the CFTC-issued laptop.”).

less than half of the hours he claimed to be working. Even when resolving any ambiguities in favor of Mr. Alexander-Neal, there remains an alarming difference—approximately 842 hours across 148 workdays—between the number of hours he was actively working and the number of hours for which he was paid.²⁵

The evidence also shows that Mr. Alexander-Neal intended to deceive or mislead the CFTC because: (1) he repeatedly attested that his “time worked and leave taken” was correctly recorded on his timesheets, (2) he knew how to properly code his time, and (3) there is no other plausible explanation for the significant difference between the number of hours claimed and hours actually worked. Finally, the benefit to Mr. Alexander-Neal is clear: in effect he received full-time pay for less than half-time work. For these reasons, the allegation is substantiated.

3. **ALLEGATION.** *Whether Mr. Alexander-Neal made false statements and/or lacked candor on multiple occasions as detailed below.*

To establish a charge of falsification, an agency must prove by a preponderance of the evidence that the employee knowingly supplied wrong information with the intent of defrauding the agency. *Erb v. Dep’t of the Treasury*, 91 F.4th 1147 (Fed. Cir. 2024), citing *Leatherbury v. Dep’t of Army*, 524 F.3d 1293 (Fed. Cir. 2008). The intent element of falsification requires the agency to show that the employee (a) intended to deceive or mislead the agency and (b) intended to defraud the agency for his own private material gain. *Erb*, 91 F.4th at 1153 (internal quotations omitted). Lack of candor is distinct from falsification, and occurs merely when (1) an employee gives incorrect or incomplete information; and (2) does so knowingly. *Fargnoli v. Dep’t of Commerce*, 123 M.S.P.R. 330, 337-338 (May 6, 2016), citing *Ludlum v. Dep’t of Justice*, 278 F.3d 1280, 1284 (Fed. Cir. 2002).

(a) **Specification.** Whether Mr. Alexander-Neal falsely stated under oath that he did not telework from outside the United States between March 2022 and September 2024.

Finding: This allegation is substantiated. On March 5, 2025, Mr. Alexander-Neal stated under oath that he did not telework from outside the United States at any time. However, in his sworn written responses to OIG interrogatories (dated April 8, 2025), he stated that he has “performed some work while outside the U.S. in the following countries: Australia, Bali, Spain, Lebanon, Mexico, Dominican Republic, Chile, Argentina, Uruguay, and possibly New Zealand. These instances were occasional and occurred primarily while traveling or temporarily residing abroad.”²⁶ Ex. W at ¶ 4.

In short, Mr. Alexander-Neal admits that his sworn statement on March 5, 2025 was false. The evidence shows that he intended to deceive or mislead investigators because (1) he was on clear notice of the CFTC prohibition on overseas telework, (2) he knew he was being interviewed as part of an investigation into allegations that he violated CFTC telework policy, (3) an admission that he had teleworked overseas would result in an adverse finding, and (4) he did not subsequently proffer any plausible explanation for the erroneous statement. The same evidence shows that Mr. Alexander-Neal stood to gain by denying the allegation and thereby avoiding

²⁵ As a matter of practice, CFTC maintains user account metadata locally for one year before placing it in long-term “cold storage” at an off-site server. Once in cold storage, the data can be retrieved in coordination with the supporting IT contractor at a cost to the agency. For this investigation, OIG declined to request account metadata currently in cold storage. However, this older information—which includes logs of Mr. Alexander-Neal’s account activity prior to March 2024—may indicate additional incidents of timekeeping falsification.

²⁶ See fn. 27, *supra*.

adverse consequences, to include disciplinary action. For these reasons, the allegation is substantiated.

(b) **Specification.** Whether Mr. Alexander-Neal falsely stated under oath and in Agency documentation that he resided at and teleworked from [REDACTED], Chicago, IL.

Finding: This allegation is substantiated. On March 5, 2025, Mr. Alexander-Neal stated under oath that he leased an apartment at [REDACTED]. The same day during an in-person site visit, OIG verified that this address is not a residence, but rather a United Parcel Service (UPS) Store. The general manager of the UPS Store confirmed that [REDACTED] is a UPS mailbox and, without prompting, identified Mr. Alexander-Neal as the assignee of the mailbox. Also without prompting, he emphasized: “[Mr. Alexander-Neal] does not live here.” In OIG interrogatories, Mr. Alexander-Neal was later asked to provide “all corresponding residential lease agreements that you have signed for [REDACTED].” In his sworn responses, dated April 8, 2025, Mr. Alexander-Neal stated “The address at [REDACTED], Chicago, IL is used solely as a mailing address.”²⁷

Mr. Alexander-Neal’s written response (dated April 8, 2025) contradicts his sworn statement on March 5, 2025, and additional evidence from the general manager of the UPS Store definitively shows that Mr. Alexander-Neal does not and could not lease an apartment at [REDACTED]. By making this false statement, Mr. Alexander-Neal intended to deceive or mislead the investigator because (1) he was on clear notice of the CFTC prohibition on overseas telework, (2) he knew he was being interviewed as part of an investigation into allegations that he violated CFTC telework policy, (3) an admission that he did not reside in Chicago (coupled with his admission that he did not continuously reside at his home in San Deigo) would lead to an inference that he may have been residing and teleworking in Mexico City, and (4) he did not subsequently proffer any plausible explanation for the erroneous statement. The same evidence shows that Mr. Alexander-Neal stood to gain by denying the allegation and thereby avoiding adverse consequences, to include disciplinary action. For these reasons, the allegation is substantiated.

(c) **Specification.** Whether Mr. Alexander-Neal falsely stated under oath that he did not remember traveling outside the United States with his government computer.

Finding: This allegation is substantiated. On March 5, 2025, Mr. Alexander-Neal stated under oath that he did not remember traveling outside the United States with his government computer. However, in his sworn written responses to OIG interrogatories (dated April 8, 2025), he stated that he was in possession of his government computer while in the following countries: “Australia, Bali, Spain, Lebanon, Mexico, Dominican Republic, Chile, Argentina, Uruguay, and possibly New Zealand.” Ex. W at ¶ 4.

Again, Mr. Alexander-Neal admitted that his prior statement under oath was false. Even though he initially claimed that he could not remember whether he travelled outside the United States with his government computer, OIG finds that this statement was tantamount to a denial, particularly in light of his subsequent admission. Mr. Alexander-Neal intended to deceive or mislead the investigator because (1) he was on clear notice of the CFTC prohibition on overseas telework, (2) he knew he was being interviewed as part of an investigation into allegations that he violated CFTC telework policy, (3) an admission that he had travelled overseas with his

²⁷ Even though this written response revises his earlier false statement, OIG finds that it lacks candor. At no point did Mr. Alexander-Neal correct his false assertion that he leases an apartment at [REDACTED].

government computer would support an adverse finding, and (4) he did not subsequently proffer any plausible explanation for the erroneous statement. The same evidence shows that Mr. Alexander-Neal stood to gain by denying the allegation and thereby avoiding adverse consequences, to include disciplinary action. For these reasons, the allegation is substantiated.

(d) **Specification.** Whether Mr. Alexander-Neal falsely stated under oath that revisions to his self-published book, *Verses of Life* related to his residence status in Mexico were limited to changing specific phrases (i.e. “the same few words throughout the book”) that mistakenly communicated that Mr. Alexander-Neal lived in Mexico from 2022 to 2024.

Finding: This allegation is substantiated. On March 5, 2025, Mr. Alexander-Neal stated under oath that he revised *Verses of Life* after publication to reflect that he was only a visitor to Mexico—not a resident—and that this correction consisted of changing “literally the same few words throughout the book”—“visiting” or “frequent visits”—using a “CTRL + F” search or similar method. Ex. X, 1:43:20-1:50:00. According to Mr. Alexander-Neal, the problem arose when his editor changed the pre-publication draft to incorrectly portray Mr. Alexander-Neal living in Mexico, not just visiting. Mr. Alexander-Neal says he “was just accepting edits” and did not realize the change had been made. He says that only after publication did “people” start “telling” him that the book described him living in Mexico, and so he directed the editor to revert that part of the story back to the original.

In essence, Mr. Alexander-Neal contends that his editor altered an integral part of Mr. Alexander-Neal’s memoir—i.e., his residence for a two and a half year period—without Mr. Alexander-Neal noticing. OIG finds this inherently improbable and contradicted by other evidence. *See Hillen v. Department of the Army*, 35 M.S.P.R. 453 (1987) (among the factors used in making credibility findings are the inherent improbability of the witness’s version of events and whether that version is contradicted by other evidence). A close review of the revised version of *Verses of Life* shows that this revision was much more extensive than Mr. Alexander-Neal described and included full deletion of all references to his use of a VPN, his cohabitation with romantic partners, and his relocations to certain neighborhoods or streets in Mexico.

Furthermore, Mr. Alexander-Neal’s statement is contradicted by his subsequent admission that he did in fact reside in Mexico between March 2022 and February 2025. This strongly suggests that he was responsible for the original version, which truthfully described him living in Mexico, but he revised this version sometime after being confronted by CFTC colleagues on December 2, 2024.

A side-by-side comparison of the pre-revision version of *Verses of Life* and the post-revision version shows that Mr. Alexander-Neal grossly misrepresented the nature of the revisions. Mr. Alexander-Neal intended to deceive or mislead the investigator because (1) he was on clear notice of the CFTC prohibition on overseas telework, (2) he knew he was being interviewed as part of an investigation into allegations that he violated CFTC telework policy, (3) a correct description of his book revision would support an adverse finding, and (4) he did not subsequently proffer any plausible explanation for the erroneous statement. The same evidence shows that Mr. Alexander-Neal stood to gain by denying the allegation and thereby avoiding adverse consequences, to include disciplinary action. For these reasons, the allegation is substantiated.

(e) **Specification.** Whether Mr. Alexander-Neal lacked candor in his responses to multiple notifications from the CFTC Cyber Security Operations Center (eSOC) that he was detected accessing the Agency network from overseas.

Finding: This allegation is substantiated. In March 2022, Mr. Alexander-Neal's first month in Mexico, he was notified by eSOC three times in a one week period (March 15-22, 2022) that eSOC was detecting foreign IP addresses originating from his government computer. The first of these notifications was sent on March 15, 2022 and identified Mr. Alexander-Neal's location as Coyoacán, the borough of Mexico City where Mr. Alexander-Neal lived when he first moved to Mexico City. Ex. O. In response to these notifications, Mr. Alexander-Neal blamed the issue on a faulty router: "My VPN/Router seems to not be cooperating. I keep turning off the VPN functionality yet it has switched over multiple times today. I have looked into a replacement for my network that does not have this imbedded functionality so there will not continue to be issues. It should arrive by this weekend." *Id.*

As discussed above, lack of candor occurs when (1) an employee gives incorrect or incomplete information; and (2) does so knowingly. *Fargnoli v. Dep't of Commerce*, 123 M.S.P.R. 330, 337-338 (May 6, 2016), *citing Ludlum v. Dep't of Justice*, 278 F.3d 1280, 1284 (Fed. Cir. 2002).

Here, Mr. Alexander-Neal's statement to eSOC omits critical information—namely his geographic location—and gives the false impression that eSOC's detection of a foreign IP address was a false positive caused by a faulty internet router. Furthermore, Mr. Alexander-Neal was aware that he was violating the CFTC telework policy, and that revealing his actual location would subject him to adverse consequences to include potential disciplinary action. For these reasons, this allegation is substantiated.

4. **ALLEGATION.** *Whether Mr. Alexander-Neal violated the Agency's paid administrative leave requirements when he spent multiple days while on paid administrative leave in Mexico and was not available to "immediately report for duty at a time designated by management."*

Finding: This allegation is substantiated. In his sworn written responses to OIG interrogatories (dated April 8, 2025), Mr. Alexander-Neal stated that he was "primarily in Mexico" between December 9, 2024 and February 3, 2025.

The requirements for placement on paid administrative leave were provided to Mr. Alexander-Neal on December 9, 2025. Among them was the requirement to be "available, during your scheduled work hours to immediately report for duty at a time designated by management." Ex. Q. And further: "While on administrative leave, if you need time off for matters normally appropriate for annual or sick leave, you are required to request and obtain approval for such leave from me." *Id.* Mr. Alexander-Neal acknowledged the requirements by signing upon receipt.

By his own admission, he then proceeded to return to Mexico where he stayed for the following two months. However, as evidenced by the very fact that he was placed on administrative leave pending an investigation, vacationing or otherwise staying in Mexico is a "matter normally appropriate for annual leave." *Id.* Mr. Alexander-Neal was aware of this based on how he responded to the requirement to "provide [your supervisor] with your current address and telephone number prior to your departure today." *Id.* Rather than providing his supervisor with his actual location in Mexico, Mr. Alexander-Neal stated he would be located at either [REDACTED] in Chicago (*i.e.*, his UPS Store mailbox) or his home in San Diego. For these reasons, the allegation is substantiated.

5. **ALLEGATION.** *Whether Mr. Alexander-Neal violated the Hatch Act when he engaged in partisan political activity by filing a Form 2 (Statement of Candidacy) for the 2024 U.S. presidential election with the Federal Election Commission.*

Finding: This allegation is substantiated. Public documentation from the Federal Election Commission (FEC) shows that in December 2022 Mr. Alexander-Neal filed a Form 2 (“Statement of Candidacy”), which is a requirement for any “individual who is a candidate for federal office.” In his signed form, Mr. Alexander-Neal stated his candidacy for the 2024 presidential election under the Taxpayers Party.

Employees of the CFTC are covered by the Hatch Act, 5 U.S.C. §§ 7321-7326. The Hatch Act generally permits federal employees to actively participate in partisan political management and partisan political campaigns. 5 U.S.C. § 7323. However, covered employees are prohibited from being candidates in a partisan election, meaning any election in which any candidate represents a political party. 5 U.S.C. § 7323(a)(3).

The Hatch Act’s prohibition against candidacy “extends not merely to the formal announcement of candidacy but also to the preliminaries leading to such announcement and to canvassing or soliciting support or doing or permitting to be done any act in furtherance of candidacy.” *C.S.C. v. Letter Carriers*, 413 U.S. 548, 573, 581 (1973) (Supreme Court adopting and appending Civil Service Commission Form 1236 to its decision, and explaining that Congress intended this form to serve as its definition of the general proscription against partisan activities).²⁸

The submission of an FEC Form 2 is one of the “preliminaries leading to [a formal announcement of candidacy]” and is thus prohibited by the Hatch Act. For these reasons, the allegation is substantiated.

E. RECOMMENDATIONS

This report is forwarded for such action as may be appropriate with regard to Mr. Alexander-Neal. In addition, the OIG includes three recommendations for corrective action.²⁹ The Commission retains authority to accept or decline these recommendations, in part or in full, or to delegate action to the appropriate management official.

1. Information Technology Branch should review CFTC Cyber Security Operations Center (eSOC) standard operating procedures to ensure detections of foreign IP addresses are effectively resolved, particularly when multiple detections are received for the same employee.

2. In compliance with the collective bargaining agreement, Human Resources Branch should update supervisory controls as necessary to ensure compliance with Article 46 of the CFTC-NTEU Master Collective Bargaining Agreement, as amended, and prevent misuse of official time.

3. Human Resources Branch should review language in the standard administrative leave memorandum (“Subj: Place on Administrative Leave”) and update the memorandum to clearly state requirements for employees placed in an administrative leave status.

²⁸ See also the advisory opinion issued by Office of Special Counsel, dated June 17, 2009, at <https://osc.gov/Documents/Hatch%20Act/Advisory%20Opinions/Federal/When%20Candidacy%20Begins.pdf>.

²⁹ These recommendations are subject to the procedural requirements of 5 U.S.C. § 404(e), to include publication of a report summary within three (3) days of submission in final form.

EXHIBITS³⁰

- A. Alexander-Neal, SF-50s (2015-25)
- B. Interview Testimony of Malcolm Alexander-Neal (5 Mar 25)
- C. Interview Testimony of [REDACTED] (5-6 Mar 25)
- D. Interview Testimony of Witness 1 (11 MAR 25)
- E. Alexander-Neal, Telework Agreement & Safety Checklist for Subject (2018-24)
- F. Interview Testimony of Witness 3 (27 Feb 25)
- G. Property Report for [REDACTED].
- H. Alexander Neal, Summary of Residences of Record (7 Feb 25)
- I. Alexander-Neal, Timesheets (2022-24)
- J. Alexander-Neal, *Verses of Life* (purchased Dec 2024)
- K. Alexander-Neal, Social Media Posts (Dec 2024 - Feb 2025)
- L. Interview Testimony of Witness 2 (4 Mar 25)
- M. Sworn Testimony of Witness 4 (11 Mar 25)
- N. eSOC Incident Report (2 Dec 24)
- O. eSOC Notifications to MAN (2022-23)
- P. Sworn Testimony of Witness 5 (13 Mar 25)
- Q. Alexander-Neal, Administrative Leave Memorandum (9 Dec 24)
- R. Alexander-Neal, *Verses of Life* (revised) (purchased Jan 2025)
- S. Revision Spreadsheet, *Verses of Life* (revised)
- T. Summary of Site Visit to [REDACTED] (5 Mar 25)
- U. Alexander-Neal, Kalkines Warning (20 Mar 25)
- V. Alexander-Neal, OIG Request for Information (20 Mar 25)
- W. Alexander-Neal, Responses to OIG Request for Information (20 Mar 25)

³⁰ Some of the listed exhibits consist of summaries or excerpts of larger documents. Full documentation is available upon request to OIG.

X. Alexander-Neal, FEC Filings (Nov-Dec 2022)

Y. Alexander-Neal, User Account Log Summary (Workdays) (Mar-Dec 2024)

Z. GovTA Guidance on Attestation (2025)

AA. Alexander-Neal, Bankruptcy Petition Forms, Case No. 24-08039 (2024-25)



The Commodity Futures Trading Commission (CFTC) Office of the Inspector General (OIG) receives complaints through the OIG Hotline Portal at www.cftc.gov/OIG.

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