



NATIONAL SCIENCE FOUNDATION
OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

CLOSEOUT MEMORANDUM

Case Number: I-16-0036-O

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We received an allegation that the Principal Investigator (PI) on an NSF Small Business Innovation Research (SBIR) award self-disclosed that, despite statements and certifications to the contrary, he violated the 51% SBIR primary employment requirement for a PI. In addition, it was alleged that the PI may not have been eligible to work for the grantee, due to his J-1 Visa status.

We interviewed relevant individuals, consulted a subject matter expert, reviewed internal NSF documents, and subpoenaed and reviewed records from the grantee and the PI's J-1 Visa sponsor.

We did not substantiate the allegation regarding the PI's J-1 Visa status and eligibility to work for the grantee. We did find, however, that, despite his certifications and statements to the contrary, for the first 26 days of the award the PI was not employed by the grantee and for a portion of the award thereafter, the PI was only 50% employed by grantee. We referred this matter to the Department of Justice, which declined to prosecute. We recommended that NSF withhold the final payment on the award and debar both the grantee and the PI. NSF permanently withheld the final payment but declined to debar either subject of the investigation.

This case is closed with no further action taken.