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U.S. House of Representatives**COMMITTEE ON VETERANS' AFFAIRS**

ONE HUNDRED FOURTEENTH CONGRESS

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WASHINGTON, DC 20515

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October 26, 2015

The Honorable Robert A. McDonald
 Secretary
 U.S. Department of Veterans Affairs
 810 Vermont Avenue, NW
 Washington, DC 20420

Dear Secretary McDonald,

A fair and efficient climate of accountability is essential to the transformation of the Department of Veterans Affairs. Unless VA disciplines the employees who are contributing to the "corrosive culture" and "lack of accountability across all grade levels" VA Chief of Staff Rob Nabors described in his June 27, 2014, report to the president, it is illogical to think the department's performance – and veteran experiences – will improve in any meaningful way.

Since becoming VA secretary, you've repeatedly stressed your commitment to employee accountability. I appreciate your efforts in that regard, and respectfully ask for an update regarding the following situations:

- Phoenix VA Health Care System employees Brad Curry and Lance Robinson have been on paid leave since May 1, 2014. Please explain why Robinson and Curry are still on paid leave and outline when you expect this situation to be resolved. I would note that the committee has been inquiring about the status of Curry and Robinson since July of 2015. Additionally, please provide a by-name list of every Phoenix VAMC employee who has been successfully disciplined for manipulating wait times, to include what disciplinary actions were proposed and taken. If no such actions occurred, please explain why.
- In September of 2014, the Office of Special Counsel announced that VA had reached whistleblower retaliation settlements with employees Dr. Katherine Mitchell, Paula Pedene and Damian Reese. Please provide a by-name list of the specific VA employees who have been successfully disciplined for retaliating against Mitchell, Pedene and Reese, to include what disciplinary actions were proposed and taken. If no disciplinary actions have been taken, please explain why.
- Philadelphia VA Regional office employees Lucy Filipov and Gary Hodge have been on paid leave since June of 2015. Please explain why Filipov and Hodge are still on paid leave and outline when you expect this situation to be resolved. Additionally, in July, the department announced it had notified eight Philadelphia VARO employees of plans to fire or suspend them. Please provide an update regarding the status of these actions, to

include what disciplinary actions were proposed and taken. For any disciplinary actions that have not been completed, please explain why. Also, please provide a complete and un-redacted copy of the June 2015 administrative investigation board report regarding the Philadelphia VARO, which our committee has asked for repeatedly.

- In July of 2014, VA employee Dr. Jose Mathews testified to our committee that he had endured a number a retaliatory actions after voicing concerns regarding inadequate patient care at the St. Louis VA Health Care System. Please provide an update as to the status of VA's investigation into this matter and Mathews' employment status and current role with VA. Please also provide a by-name list of the specific VA employees who have been disciplined for retaliating against Mathews, to include what disciplinary actions were proposed and taken. If no disciplinary actions have been taken, please explain why.
- In April 2015, VA whistleblowers Dr. Christian Head and Richard Tremaine testified at a House Committee on Veterans' Affairs hearing about retaliatory actions they and fellow VA employee Dr. Sheila Meuse had endured. Please provide an update regarding the status of VA's investigation into these matters and the employment status and current roles of the employees in question. Please also provide a by-name list of the specific VA employees who have been disciplined for retaliating against these employees, to include what disciplinary actions were proposed and taken. If no accountability actions have been taken, please explain why.
- At the same April 2015 hearing, VA employee Dr. Maryann Hooker testified that at least 11 Wilmington VA Medical Center doctors, nurses and other professionals had been detailed away from their regular duties while they were being investigated, and in some cases after they were investigated. Please provide an update on this situation, to include a by-name list of these employees, their duty status and the nature of the investigation along with an estimate of when they can expect to return to normal duty status.
- In December of 2013, VA employee Frederick Kevin Harris was charged with manslaughter in the death of a patient at the Alexandria, La., VA Medical Center. Please provide an update regarding Harris' employment status with VA. If he remains an employee, please outline what his job duties and responsibilities are.
- Please provide an update regarding the status of VA's investigation into the construction of the Denver replacement hospital to include a complete and un-redacted copy of VA's administrative investigation board regarding the incident. Previously, the committee had asked for a copy of this report on Oct. 9, 2015. Additionally, please provide a by-name list of specific VA employees who have been disciplined in connection with the project's failures, to include what disciplinary actions were proposed and taken. If no disciplinary actions have been taken, please explain why.
- In October of 2014, news reports indicated that VA had reached a settlement in a retaliation lawsuit that required VA to pay nearly \$1 million to eight current and former C.W. Bill Young VA Medical Center employees. Please provide a by-name list of specific VA employees who have been disciplined in connection with the retaliatory

behavior that led to this settlement, to include what disciplinary actions were proposed and taken. If no disciplinary actions have been taken, please explain why VA decided to pay out such a large amount of money to settle the lawsuit.

- According to media reports, VA union representative Bill Preston delivered a report to you in July 2015 alleging misconduct among a number of VA central office executives. Please provide an update regarding the status of VA's investigation into the allegations contained in the report, to include when the investigation started and when you expect it to be complete. The committee initially asked VA for an unredacted copy of this report July 26, 2015. I am renewing that request now.
- In June 2015, VA announced it had proposed to fire three Pittsburgh VA Healthcare System employees and discipline four others in connection with harassment of another employee. Please provide a by-name list of specific VA employees who have been disciplined in connection with this incident, to include what disciplinary actions were proposed and taken. If no disciplinary actions have been completed, please explain why.
- Please provide a by-name list of every VA employee since July 29, 2014, who has been successfully disciplined for whistleblower retaliation, to include what disciplinary actions were proposed and taken. If no such actions have occurred, please explain why.
- Since April 2014, the Office of Special Counsel has obtained corrective actions for more than 25 whistleblowers who exposed wrongdoing at VA. Please provide a by-name list of every employee who benefited from corrective action, to include what the corrective actions were as well as the circumstances surrounding each action. Additionally, please provide a by-name list of employees who were disciplined in connection with these actions, to include what disciplinary actions were proposed and taken. If no such actions occurred, please explain why.
- According to a June 2015 VA accountability fact sheet, since June of 2014, 91 percent of VA medical facilities have new leaders or leadership teams. Please provide a by-name list of those leaders to include their new and immediate previous job titles and duty locations. Please also include whether the employees these leaders replaced still work for VA along with their names, job titles and duty locations.
- In a media interview that aired October 20, 2015, Deputy Secretary Sloan Gibson said "more than 50 percent of our senior leaders in VHA have turned over in the last 24 months." Please provide a by-name list of those leaders to include their new and immediate previous job titles and duty locations. Please also include whether the employees these leaders replaced still work for VA along with their names, job titles and duty locations.

Additionally, please provide a by-name list of every VA employee currently on administrative leave longer than 14 consecutive days, to include duty location, job title, grade level, the reason the employee is on administrative leave and the date the leave started. Please also provide the total amount of money VA has spent on administrative leave for each of the last three fiscal

years. The committee has been asking VA for information regarding administrative leave since July 28, 2014. Also, please provide an un-redacted copy of every settlement agreement VA has made with departing employees since July 29, 2014.

Finally, in light of the fact that VA has successfully removed just three employees for wait time manipulation in the wake of the biggest scandal in VA history, which centered on appointment wait times, please answer the following questions,:

- Does VA have every authority it needs to swiftly hold employees accountable?
- Is there anything in current law inhibiting you from expeditiously and adequately holding employees accountable?

Please provide this information and documentation to the Committee by no later than close of business on Friday, November 13, 2015. In doing so, regardless of whether it is stated above, all documents should be provided free of redactions or water marks. Do not produce the documents in a way that disables printing. Note that the deliverables opened by this request will not be closed until the Committee is sufficiently satisfied with the responses provided, including whether VA has adhered to the formatting instructions. If you have any questions, please contact Mr. Jon Towers, Majority Staff Director of the House Committee on Veterans' Affairs, at (202) 225-3527.

Sincerely,



JEFF MILLER
Chairman

Cc: Corrine Brown, Ranking Member

JM/jt