



THE UNDER SECRETARY OF VETERANS AFFAIRS FOR BENEFITS
WASHINGTON, D.C. 20420

October 3, 2007

Ms. Catherine A. McMullen
Chief, Disclosure Unit
U.S. Office of Special Counsel
1730 M Street, NW, Suite 218
Washington, DC 20038-4505

Dear Ms. McMullen:

This concerns the complaint filed to the Office of Special Counsel by Barbara Beno, a former employee of the Department of Veterans Affairs. Per your telephone conversation with Michael Walcoff of my staff on September 19, 2007, we have issued counseling letters to the following employees:

Keith Thompson, Director
Yvonne M. Fisher, Chief, Support Services Division
Michele S. Blunk, HR Liaison
Erroll V. Clark, HR Specialist

The employees also received a copy of the organization's policy regarding processing resignations.

If you have any questions regarding this matter, please contact Michael Walcoff, Associate Deputy Under Secretary for Field Operations, at (202) 461-9340.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel L. Cooper", is written over the typed name.

Daniel L. Cooper

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THE SECRETARY OF VETERANS AFFAIRS
WASHINGTON

July 11, 2007

SPECIAL COUNSEL
WASHINGTON
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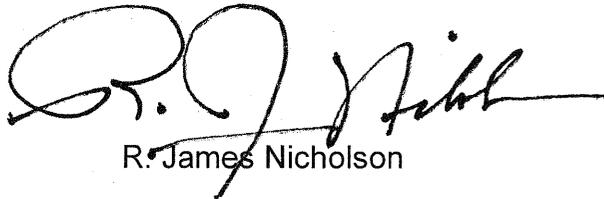
The Honorable Scott J. Bloch
Special Counsel
U.S. Office of Special Counsel
1730 M Street, NW, Suite 218
Washington, DC 20038-4505

Dear Mr. Bloch:

This is to advise you that the Department of Veterans Affairs, Veterans Benefits Administration has concluded its investigation of the whistleblower allegation of a violation of law, rule or regulation by an employee of the Detroit Regional Office (your file number OSC DI-07-1524). A summary of our findings is enclosed.

If you have any questions regarding this matter, please contact Ken Greenberg, Executive Secretary, at (202) 273-4869.

Sincerely yours,

A handwritten signature in black ink, appearing to read "R. James Nicholson", is written over a horizontal line. The signature is stylized and cursive.

R. James Nicholson

Enclosure

Whistleblower Disclosure Administrative Investigation Board

1. Summary of the information with respect to which the investigation was initiated.

Ms. Barbara Beno submitted a three-page memorandum of resignation dated April 18, 2005, resigning from her position at the VA Regional Office in Detroit, Michigan. Ms. Beno left copies of the memorandum in the offices of her supervisor and the Regional Office Director. At a later date, Ms. Beno requested a copy of her Official Personnel File (OPF). When Ms. Beno received a copy of her OPF, the original three-page memorandum of resignation was not in the OPF, but her OPF did contain a one-sentence resignation memorandum. The whistleblower is alleging that a VA employee or employees tampered with an official federal document by altering her three-page memorandum of resignation, deleting the paragraphs critical of her supervisor, Ms. Yvonne M. Fisher, and leaving only a forged one-sentence memorandum of resignation.

2. Description of the conduct of the investigation.

Ms. Joleen Clark, Deputy Chief, VHA Management Support Staff, conducted an Administrative Board of Investigation in June 2007.

3. Summary of any evidence obtained from the investigation.

Ms. Beno submitted a three-page resignation memorandum dated April 18, 2005 to her supervisor, Ms. Yvonne M. Fisher, and Mr. Keith Thompson, Regional Office Director at the time of her resignation. Sometime between April 18, 2005 and May 16, 2005, Ms. Beno received a copy of Standard Form (SF) 50, Notification of Personnel Action, from the Human Resources Center in Baltimore, Maryland, that stated a reason for resignation was not given. Ms. Beno then wrote to the Human Resources Center, stating she had given a reason for her resignation and enclosed a copy of her three-page resignation memorandum dated April 18, 2005. She requested that her last personnel action reflect the reason she left VA, which was dissatisfaction with her supervisor's management style.

The one-sentence letter of resignation was sent to the Human Resources Center in Baltimore by Mr. Errol Clark, Human Resources Assistant at the Detroit Regional Office. Mr. Clark testified that he could not recall who had given him the one-sentence memorandum of resignation. He stated that he would have given a copy of the resignation memorandum to the Detroit Human Resources Officer, Ms. Michele Blunk. Mr. Clark also testified that he never saw the three-page memorandum of resignation that was submitted by Ms. Beno.

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Ms. Beno's signature on the one-sentence memorandum of resignation is an exact copy of the signature on the three-page memorandum of resignation provided to the investigator by Ms. Fisher. Ms. Fisher testified that the memorandum of resignation she provided to the investigator was the original document submitted to her by Ms. Beno at the time of her resignation.

Ms. Beno's signature on the one-sentence memorandum appears to be a photocopy from the three-page resignation document in the possession of Ms. Fisher and was presumably the same as the copy given to the Regional Office Director, Mr. Keith Thompson. The signature on the three-page resignation memorandum in the possession of Ms. Fisher is an original signature and not a photocopy. Ms. Fisher prepared the SF 52, Request for Personnel Action. She testified that Ms. Blunk called her requesting the reason for Ms. Beno's resignation, to which she responded, "basically she said she did not like my management style." Ms. Fisher testified she had never seen the one-sentence memorandum.

Mr. Thompson testified that he spoke with Ms. Blunk regarding the three-page resignation memorandum and believes he gave his copy to the Human Resources Office in Detroit. Ms. Blunk does not recall Mr. Thompson providing a copy of the three-page memorandum to her, but confirms she had seen the memorandum. Ms. Blunk testified she had never seen the one-sentence memorandum.

The signature on the copy of the three-page resignation memorandum submitted by Ms. Beno to the Office of Special Council and the HRC in Baltimore is different from the signature on the three-page memorandum in the possession of Ms. Fisher.

The investigator concluded that the one-sentence memorandum was substituted at the VA Regional Office in Detroit. The investigator was unable to establish with certainty the individual who actually substituted the one-sentence memorandum. The results of the investigation were determined to be inconclusive.

4. A listing of any violation or apparent violation of any law, rule or regulation.

Office of Personnel Management Guide to Processing Personnel Actions, Chapter 31, dated July 30, 2000.

5. A description of any action taken or planned as a result of the investigation.

On July 3, 2007, VBA's Human Resources Center in Baltimore issued Standard Operating Procedure (SOP) No. 07-01, which clarifies the policy and process to be followed in accepting and submitting resignations (copy attached). This SOP was provided to the Detroit Regional Office on July 5, 2007, with direction that all supervisors were to receive a copy and updated training on this subject.

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The policy clearly identifies that an employee's written resignation documentation must accompany the SF 52 used to process the action. As required by the Office of Personnel Management's regulations, a resignation SF 52 and accompanying employee documentation must be filed as a permanent record in the employee's Official Personnel Folder.

3. PROCEDURES:

a. The HR Center Specialist will quote in full the employee's reason for resigning on the Standard Form 50 as written in Part E of the Standard Form 52 or from the employee's written resignation documentation. If the employee's reason is so lengthy that it will not fit in the space available, the Specialist will summarize it. The entire reason will remain a matter of record, as the Standard Form 52, as well as the written resignation documentation submitted by an employee is a long-term, permanent e-OPF document. In cases of lengthy reasons for resigning, the HR Liaison may assist the HR Center Specialist by submitting a suggested summarized reason in Part F on the Standard Form 52.

b. If an employee, who has appeal rights, submits a resignation after being notified in writing of an agency action, the HR Liaison will advise the HR Center Specialist, who will then document the agency's findings along with the employee's reason for resigning. Agency findings will be documented if the resigning employee was notified of a proposed disciplinary or adverse action, a proposed position change for failure to successfully complete a supervisory/managerial probationary period, action to withhold a within-grade increase, or proposed removal from the Senior Executive Service.

4. REFERENCES: Office of Personnel Management's Guide to Processing Personnel Actions, Chapter 31 dated July 30, 2000; VA Directive 5006 dated May 23, 2003; VBA Letter 20-06-60 dated August 25, 2006; VA Handbook 5007 dated November 4, 2006

5. RESCISSION: None


for DEBORAH A. POINTER
Director, Human Resources Center—Baltimore