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The Special Counsel

February 7, 2008

The President  
The White House  
Washington, D.C. 20500

Re: OSC File No. DI-07-1524

Dear Mr. President:

I received a disclosure from Ms. Barbara J. Beno, a whistleblower formerly employed as a Finance Section Chief at the Department of Veterans Affairs (VA), Detroit Regional Office, Station 329, Detroit, Michigan. Ms. Beno, who consented to the release of her name, alleged that a VA employee or employees tampered with an official federal document replacing her three-page memorandum of resignation and substituted it with a forged one-sentence memorandum of resignation. The three-page memorandum contained comments critical of her supervisor, Ms. Yvonne M. Fisher, Chief, Support Services.

I required the Honorable R. James Nicholson, then Secretary of Veterans Affairs, to conduct an investigation into the whistleblower's disclosures pursuant to 5 U.S.C. § 1213(c) and (d). The Secretary submitted an agency report completed by the VA's Veterans Benefits Administration. Although the report substantiated the allegation that the three-page memorandum of resignation was improperly substituted with a one-sentence memorandum of resignation, the agency was unable to identify with certainty the wrongdoer. Notwithstanding the failure to identify the wrongdoer, the agency concluded that the VA Detroit Regional Office failed to follow proper procedures in processing Ms. Beno's resignation from federal service.

Specifically, the report revealed that on April 18, 2005, Ms. Beno submitted a three-page memorandum of resignation to Ms. Yvonne Fisher, Chief, Support Services, and Mr. Keith Thompson, Detroit Regional Office Director. When Ms. Beno subsequently requested a copy of her official personnel file (OPF), Ms. Beno discovered that her three-page resignation had been replaced with a forged one-sentence resignation. Soon thereafter, Ms. Beno requested that her original resignation memorandum replace the forged one-sentence resignation and that her Standard Form 50 be changed to reflect that she resigned due to "dissatisfaction with supervisor's management style."

The report reflected that Ms. Beno's one-sentence memorandum of resignation was sent to the Human Resources Center in Baltimore, Maryland, by Mr. Errol V. Clark, Human Resources Assistant, Detroit Regional Office. Mr. Clark testified he could not recall who had given him the one-sentence memorandum of resignation, but that he had given a copy of the

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memorandum to Ms. Michele S. Blunk, Supervisory Human Resources Specialist. Mr. Clark also testified that he never saw the three-page memorandum of resignation, and Ms. Blunk stated that she had never seen the one-sentence memorandum of resignation. Additionally, Ms. Fisher and Mr. Thompson also denied altering Ms. Beno's document. The report, however, concluded that the three-page memorandum of resignation was substituted at the Detroit Regional Office, but the agency could not determine with certainty who was responsible for the wrongdoing.

Despite the agency's inability to identify the wrongdoer, the report cited that on July 3, 2007, the Human Resources Center in Baltimore, Maryland, issued Standard Operating Procedure (SOP) No. 07-01, which clarified the policy and process to be followed when accepting and processing resignations. The agency provided the new SOP to the Detroit Regional Office with a directive that all supervisors were to receive a copy of the SOP and training on this subject.

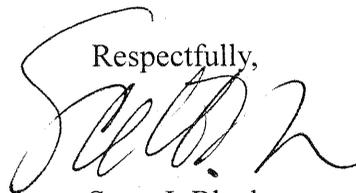
Furthermore, in a supplemental report dated October 9, 2007, the agency confirmed that counseling letters were also issued to Messrs. Clark and Thompson, Ms. Blunk, and Ms. Fisher. Additionally, the agency re-confirmed that these employees received the new SOP regarding processing resignations.

Ms. Beno's comments to the original report and the supplemental report reflected that she was frustrated by the agency's inability to identify the wrongdoer more decisively and that the agency's punishment for the employees was limited to letters of counseling and training. Ms. Beno stated that the reports should have addressed who would benefit most from creating the one-page fraudulent memorandum and she expressed concern that the VA is harboring an employee at the Detroit Regional Office who is responsible for altering a federal document. As required by law, 5 U.S.C. § 1213(e)(3), I am now transmitting the agency's reports and Ms. Beno's comments to you.

I have reviewed the original disclosures, the agency report and supplemental report, and Ms. Beno's comments. Based on that review, I have determined that the agency's reports contain all of the information required by statute, and that its findings appear to be reasonable.

As required by § 1213(e)(3), I have sent copies of the agency report and supplemental report, and Ms. Beno's comments, to the Chairmen of the Senate and House Committees on Veterans' Affairs. I have also filed copies of the agency report and supplemental report, and Ms. Beno's comments, in our public file and closed the matter.

Respectfully,



Scott J. Bloch

Enclosures