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July 22, 2009

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

Re: OSC File No. DI-08-2238

Dear Mr. President:

The Office of Special Counsel (OSC) received a disclosure from Monica Roy, a whistleblower formerly employed at the Department of Veterans Affairs (VA), VA Medical Center, Canteen Service (Canteen), Cincinnati, Ohio. Ms. Roy, who consented to the release of her name, alleged that Canteen employees were wrongly required to use annual leave because the Canteen supervisor often closed operations early once a week for personal reasons. She alleged that this constitutes a violation of law, rule, or regulation and an abuse of authority.

I requested the Honorable James B. Peake, former Secretary of the VA, to conduct an investigation into Ms. Roy's disclosure pursuant to 5 U.S.C. § 1213(c) and (d). The Secretary tasked Joseph R. Tober, Chief Operating Officer, Canteen, with conducting an internal investigation into the whistleblower's allegation. The VA submitted a report to this office pursuant to 5 U.S.C. § 1213(e)(1). Ms. Roy declined to provide written comments. As required by law, 5 U.S.C. § 1213(e)(3), I am now transmitting the report to you.

As discussed in the enclosed Analysis of Disclosures, the agency substantiated Ms. Roy's allegation and concluded that Canteen employees failed to follow proper time and attendance and leave procedures. As a result of the investigation, the agency is pursuing disciplinary action against the employees deemed responsible, and is in the process of restoring all "Annual Leave taken as mandated by management for affected employees," including Ms. Roy.

Based on the representations made in the agency report and OSC's review, I have determined that the agency report contains all of the information required by statute and that the findings appear to be reasonable. As required by 5 U.S.C. § 1213(e)(3), I have sent a copy of the agency report to the Chairman and Ranking Member of the Senate Committee on Veterans Affairs, and the Chairman and Ranking Member of the House Committee on Veterans Affairs.

I have also filed copies of the agency's report in our public file and closed the matter. OSC's public file is now available online at www.osc.gov.

Respectfully,

William E. Reukauf
Associate Special Counsel

Enclosures