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Washington, D.C. 20036-4505

The Special Counsel

January 17, 2024

The President
The White House
Washington, D.C. 20050

Re: OSC File No. DI-23-000003

Dear Mr. President:

I am forwarding to you a report transmitted to the U.S. Office of Special Counsel (OSC) by the Department of Veterans Affairs (VA) in response to the Special Counsel's referral of a disclosure of wrongdoing at the VA Detroit Healthcare System, John D. Dingell VA Medical Center (Detroit VAMC), Detroit, Michigan. I have reviewed the disclosure, agency report, and whistleblower comments and, in accordance with 5 U.S.C. § 1213(e), have determined that the report contains the information required by statute and the findings appear reasonable.¹ The following is a summary of those findings and comments.

The Allegations

The whistleblower, [REDACTED], an Advanced Medical Support Assistant who consented to the release of her name, disclosed that [REDACTED], Reasonable Accommodations Coordinator, Veterans Integrated Services Network 10 Human Resources, requested money in exchange for processing, advocating for, and providing a favorable outcome to [REDACTED] reasonable accommodation and reassignment requests in violation of the Standards of Ethical Conduct for Employees of the Executive Branch² and other federal laws.

The Agency Report

The agency partially substantiated [REDACTED] allegations, finding conflicting evidence as to whether [REDACTED] solicited the money from [REDACTED] or whether it was provided by [REDACTED] of her own initiative. The agency found that because [REDACTED] did not have a

¹ The allegation was referred to Department of Veterans Affairs (VA) Secretary Denis R. McDonough pursuant to 5 U.S.C. 1213 § (c) and (d). The VA Office of the Inspector General investigated the allegation and Secretary McDonough reviewed and signed the agency report.

² 5 C.F.R. Part 2635, as amended at 81 F.R. 81641 (effective Jan. 1, 2017).

personal relationship with [REDACTED], she should not have accepted the money and may have been in violation of 5 CFR § 2635.302³ in doing so. The agency's report revealed that [REDACTED] retired from federal service effective October 23, 2022. On January 3, 2023, the U.S. Attorney's Office (USAO) in the Eastern District of Michigan declined prosecution. OSC requested an update regarding the status of [REDACTED] reasonable accommodation request and to clarify the declination to prosecute. The agency stated that [REDACTED] withdrew her reasonable accommodation request. Additionally, the agency clarified that the USAO declined prosecution because the loss amount was \$0 due to all funds being returned to [REDACTED].

The Whistleblower's Comments

[REDACTED] disputed that there was insufficient evidence to support her allegations and noted that she does not believe the investigation was conducted in a fair or objective manner. She also disagreed with the findings that she was familiar with [REDACTED] prior to making the request for reasonable accommodation, and that the agency ultimately offered her a reasonable accommodation. [REDACTED] contends that [REDACTED] actions were criminal in nature and is disappointed that the USAO declined to prosecute.

The Special Counsel's Analysis and Findings

I thank [REDACTED] for bringing this allegation forward. I have determined that the report meets all statutory requirements and appears reasonable. As required by 5 U.S.C. § 1213(e)(3), I have sent copies of this letter, agency report, and the whistleblower's comments to the Chairs and Ranking Members of the Senate and House Committees on Veterans' Affairs. I have also placed redacted copies of these documents and the redacted referral letter in our public file, which is available online at www.osc.gov. This matter is now closed.

Respectfully,



Karen Gorman
Acting Special Counsel

Enclosures

³ 5 CFR § 2635.302(b) provides:

(b) *Gifts from employees receiving less pay.* Except as provided in this subpart, an employee may not, directly or indirectly, accept a gift from an employee receiving less pay than himself unless:

- (1) The two employees are not in a subordinate-official superior relationship; and
- (2) There is a personal relationship between the two employees that would justify the gift.