



**U.S. OFFICE OF SPECIAL COUNSEL**  
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**Washington, D.C. 20036-4505**

**The Special Counsel**

August 28, 2025

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

Re: OSC File Nos. DI-24-000289 and DI-24-000743

Dear Mr. President:

I am forwarding to you reports transmitted to the Office of Special Counsel (OSC) by the U.S. Department of Veterans Affairs (VA) in response to the Special Counsel's referral of disclosures of wrongdoing at the Office of the Assistant Secretary for Human Resources Management, Washington, District of Columbia.<sup>1</sup> I have reviewed the disclosures, agency reports, and whistleblower comments, and, in accordance with 5 U.S.C. § 1213(e), I have determined that the reports contain the information required by statute and the findings appear reasonable. The following is a summary of those findings and comments.

The whistleblower, [REDACTED], a Supervisory Equal Employment Opportunity (EEO) Specialist, who consented to the release of her name, alleged<sup>2</sup> that the VA failed to realign 41 of the 57 Veterans Benefit Administration (VBA) Office's EEO Program Managers under the Office of Resolution Management (ORM)<sup>3</sup> as mandated by the Elijah E. Cummings Federal Employee Anti-Discrimination Act of 2020 (the Cummings Act)<sup>4</sup> and the Appropriations Act of 2023 (the Appropriations Act).<sup>5</sup> [REDACTED] further alleged that ORM improperly reports to the Assistant Secretary for HRA/OSP rather than directly to the Secretary or Deputy Secretary as required by the Equal Employment Opportunity Commission's (EEOC) Management Directive 110<sup>6</sup> and the EEOC's Federal

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<sup>1</sup> The whistleblower's allegations were referred to then VA Secretary Denis R. McDonough for investigation who reviewed and signed the report. Secretary McDonough tasked the VA's Office of Human Resources and Administration/Operations, Security and Preparedness (HRA/OSP) with conducting the investigation.

<sup>2</sup> OSC referred the whistleblower's first allegation to the agency on January 22, 2024. On June 20, 2024, OSC transmitted additional allegations to be included as part of its initial referral in this matter.

<sup>3</sup> When the allegations were referred, this office was called the Office of Resolution Management, Diversity, and Inclusion.

<sup>4</sup> Pub. L. No. 116-283, §§ 1131–1138, 134 Stat. 3388 (2020).

<sup>5</sup> Pub. L. No. 117-328, 136 Stat. 4459 (2022).

<sup>6</sup> EEOC, *Management Directive 110* (rev. Aug. 5, 2015) (implementing 29 C.F.R. § 1614).

Sector Equal Employment Opportunity regulations.<sup>7</sup> [REDACTED] also alleged that the VA failed to align its Harassment Prevention Program (HPP) Office under the ORM's Complaint Processing Office in violation of the EEOC's Management Directive 715.<sup>8</sup> Finally, she alleged that the VA does not have a written policy or HPP process for ORM employees to report allegations of sexual harassment.<sup>9</sup>

The VA found that ORM was aligned under the Assistant Secretary for HRA/OSP rather than the Secretary or Deputy Secretary and acknowledged a conflict of laws governing the organizational placement of its EEO program, which sits within ORM. The VA reported that as of August 23, 2024, the VA realigned ORM's EEO Executive Director position so that it reports to the Deputy Secretary of the VA, and as of October 1, 2024, all ORM functions were realigned from HRA/OSP to the EEO Executive Director. Therefore, the realignment of ORM is considered complete. To that end, the report stated that on August 23, 2024, the VA Secretary signed the EEO Function Realignment memorandum which included directions to review and provide recommendations to the VA Operations Board on the realignment of the HPP Office.

The investigation found that the realignment of the VBA EEO Program is complete. The report stated that although there are employees within VBA performing tangential functions related to EEO, there were only six true Program Manager positions,<sup>10</sup> which were realigned in 2017. Employees performing tangential EEO functions are not occupying Program Manager positions, are not classified in the General Schedule 260 series, and therefore are not required by law to be realigned. The agency further confirmed in its supplemental report<sup>11</sup> that as of March 7, 2025, the EEO functions were indeed realigned to ORM. The report also stated that although it is not specific to ORM, there is a VA-wide HPP policy<sup>12</sup> which outlines the agency's HPP processes and applies to ORM employees. While the agency did not substantiate these two allegations, the VA generally acknowledged that work is ongoing to ensure that it has a transparent and properly aligned EEO office.

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<sup>7</sup> 29 C.F.R. § 1614.102(b)(4).

<sup>8</sup> EEOC, *Management Directive 715* (Oct. 1, 2003).

<sup>9</sup> The allegations related to the misalignment under the Assistant Secretary for HRA/OSP and the VA's Harassment Prevention Program were forwarded to the VA as additional matters for investigation following the initial referral.

<sup>10</sup> The VA defines "EEO Program Manager" as those positions engaged full time in the core EEO Program Manager functions. Within VBA, these positions are all classified in the General Schedule 260 series.

<sup>11</sup> In connection with its supplemental report, the agency provided 19 attachments to the Office of Accountability and Whistleblower Protection's January 26, 2024, Report of Investigation (Exhibit E to the agency's initial report). These attachments were provided for OSC's internal review only.

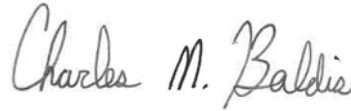
<sup>12</sup> VA Directive 5979, Harassment Prevention Policy; VA Handbook 5979, Harassment Prevention Program Procedures.

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In her comments, [REDACTED] expressed disappointment and disagreement with the findings of the investigation. Specifically, [REDACTED] disagrees with the agency's interpretation of the relevant statutory authorities and remains concerned about internal conflicts of interest associated with the current organizational structure. Finally, [REDACTED] expressed that many statements made in the report are not consistent with her experience working at the agency.

I thank [REDACTED] for bringing these allegations to OSC. The agency's findings reflect that the agency fully investigated the allegations and completed corrective actions to address the issues it uncovered. As required by 5 U.S.C. § 1213(e)(3), I have sent a copy of this letter, the agency reports, and whistleblower comments to the Chairmen and Ranking Members of the Senate and House Committees on Veterans' Affairs. OSC has also filed redacted copies of these documents and the redacted letter referring the matter in our public file, which is available online at [www.osc.gov](http://www.osc.gov). This matter is now closed.

Respectfully,

A handwritten signature in dark ink that reads "Charles M. Baldis". The signature is written in a cursive, slightly stylized font.

Charles N. Baldis  
*Senior Counsel and Designee  
of Acting Special Counsel Jamieson Greer*

Enclosures