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OSC Reinstates a Federal Bureau of Prisons Physician in Brooklyn

FOR IMMEDIATE RELEASE

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On Wednesday, the U.S. Office of Special Counsel (OSC) obtained an [order](#) reinstating a federal Bureau of Prisons (BOP) physician to her position for 45 days while OSC investigates her claim of retaliation for whistleblowing. The physician, Dr. Michelle Belgard, made disclosures of substandard care at the Metropolitan Detention Center (MDC) in Brooklyn, New York. The Merit Systems Protection Board (MSPB) granted OSC's request.

Dr. Belgard was one of MDC's two primary care physicians for the facility's nearly 2,000 inmates. Soon after her appointment, she began raising concerns with her supervisors. She detailed the following risks to the MDC's inmates: 1) inmates with chronic conditions were untreated for months and sometimes more than a year; 2) inmates were not provided important medications for chronic conditions; and 3) inmates with language barriers were not seen by MDC health care providers.

A colleague told Dr. Belgard that her disclosures of patient neglect made MDC management defensive and that they caused supervisors to "circle the wagons." After she began making disclosures, a supervisor gave Dr. Belgard a low performance rating and removed some of her duties. The supervisor twice initiated investigations against Dr. Belgard; neither investigation substantiated the alleged misconduct.

In June, the supervisor asked Dr. Belgard to evaluate an inmate who had begun a hunger strike. Dr. Belgard told the supervisor she was uncomfortable with this inmate because he had threatened her and been verbally abusive. The supervisor refused to assign someone else, so Dr. Belgard agreed to perform the examination. Before the evaluation, however, a guard told Dr. Belgard that the inmate had resumed eating. In addition, since fewer than 72 hours had passed since the inmate began his hunger strike— and MDC protocol only requires a medical examination after 72 hours—Dr. Belgard canceled the evaluation. Her supervisor did not ask Dr. Belgard to still evaluate the inmate after the cancellation.

In July, Dr. Belgard received a notice of removal, citing Dr. Belgard's decision not to evaluate the inmate, which the BOP called "unsatisfactory conduct." BOP claimed Dr. Belgard failed to comply with agency standards of conduct that require employees to obey supervisors' orders.

MSPB Board Member Mark A. Robbins wrote in an [order](#), "I find that there are reasonable grounds to believe that the agency removed Dr. Belgard based on her protected disclosures in violation of 5 U.S.C. § 2302(b)(8)," which is a reference to the prohibition on federal whistleblower retaliation.

The U.S. Office of Special Counsel (OSC) is an independent federal investigative and prosecutorial agency. Our basic authorities come from four federal statutes: the Civil Service Reform Act, the Whistleblower Protection Act, the Hatch Act, and the Uniformed Services Employment & Reemployment Rights Act (USERRA). OSC's primary mission is to safeguard the merit system by protecting federal employees and applicants from prohibited personnel practices, especially reprisal for whistleblowing, and to serve as a safe channel for allegations of wrongdoing. For more information, please visit our website at www.osc.gov.