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OSC Helps Protect More VA Whistleblowers

FOR IMMEDIATE RELEASE

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The U.S. Office of Special Counsel (OSC) recently obtained several favorable resolutions in Department of Veterans Affairs (VA) whistleblower retaliation cases, including:

Charles Johnson is a technologist in the radiology department at the VA Medical Center in Columbia, South Carolina. In February 2014, he disclosed that a doctor ordered him to hydrate a patient using a new, unfamiliar method. Due to his concerns about the method, Mr. Johnson consulted with two physicians, neither of whom would verify the method's safety. Mr. Johnson then contacted his union, which suggested he send an email seeking clarification of the method under the VA's "Stop The Line For Patient Safety" policy. In July 2014, Mr. Johnson was issued a proposed five-day suspension by the same doctor whose hydration method Mr. Johnson had questioned. Of the five charges, four of them specifically related to Mr. Johnson's questioning of the hydration method. The VA failed to provide any supporting evidence of the charges. In October 2014, at OSC's request, the VA agreed to stay Mr. Johnson's suspension. In February 2015, Mr. Johnson and the VA settled his case, under which the VA will, among other things, rescind the proposed suspension and evaluate the hydration method.

Phillip Brian Turner is an advanced medical support assistant in a VA behavioral health clinic in San Antonio, Texas. In April 2014, Mr. Turner emailed his supervisor and others about his concerns that the agency did not follow proper scheduling protocols and may have falsified or manipulated patient wait times for appointments. The next day, VA management ordered him to stop emailing about the VA's scheduling practices. Several weeks later, in May 2014, VA management directed Mr. Turner to sign four copies of the VA's media policy, which he refused to do. On May 9, 2014, an article in the San Antonio Express-News—one of the largest newspapers in Texas—quoted a high-level VA official as stating that the agency had conducted an investigation into Mr. Turner's allegations and that Mr. Turner retracted his comments about the improper scheduling practices. Mr. Turner denies making any such retraction. OSC intervened because of the chilling effect the VA's actions could have on whistleblowers' willingness to raise concerns publicly. The case was settled in February 2015, and the VA agreed to several corrective actions.

Debora Casados is a nurse in the VA Eastern Colorado Health Care System. In August 2014, she reported that a coworker sexually assaulted two other VA staff members and made inappropriate sexual comments to her. Human resources told Ms. Casados and the other staff that they were not permitted to discuss the allegations and threatened them with disciplinary action if they did so. In October, human resources removed Ms. Casados from her nursing duties at the clinic and reassigned her to administrative tasks. In January 2015, human resources moved Ms. Casados to a windowless basement office to scan documents. In February, she was denied leave to care for her terminally ill mother. On April 3, 2015, the VA agreed to OSC's request for an informal stay on behalf of Ms. Casados, returning her to nursing duties at another clinic while OSC investigates her whistleblower reprisal claims to determine if additional corrective action and disciplinary action are appropriate.

A VA nurse manager in Florida, who chose to remain anonymous, reported to the VA Office of Inspector General in 2013 that patient coding procedures were not followed and that improper human resources practices at the

complainant's hospital wasted taxpayer money. As a result, the complainant alleged that they faced a hostile work environment and a retaliatory investigation and were denied a bonus and reassigned. The complainant also received a proposed seven-day suspension in May 2014. Later that month, the VA agreed to stay the proposed suspension to allow OSC time to complete its investigation. In February 2015, the complainant and the VA settled the case, under which the VA rescinded the proposed suspension and agreed to take other corrective actions.

In FY 2014 and FY 2015 so far, OSC has secured either full or partial relief for over 45 VA employees who have filed whistleblower retaliation complaints. Some of these cases were detailed in prior OSC press releases. OSC is on track to help nearly twice as many VA employees in FY 2015 as in FY 2014. For some employees, OSC has obtained multiple corrective actions, such as a stay as well as a settlement. These employees have been helped through OSC's normal investigative process, the OSC-VA expedited settlement process, and OSC's Alternative Dispute Resolution program. OSC is currently examining about 110 pending claims of whistleblower retaliation at the VA involving patient health and safety, scheduling, and understaffing issues. These pending claims involve VA facilities in 38 states and D.C.

"Retaliation against whistleblowers is unacceptable. VA employees who bring potential risks to light should be rewarded not shunned," said Special Counsel Carolyn Lerner. "The VA's willingness to protect these employees after the fact is encouraging. In particular, the efforts of VA's leadership have improved OSC's ability to secure relief for whistleblowers. However, more work needs to be done at the facility level to prevent this type of retaliation from occurring in the first place."

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 advance government accountability, integrity and fairness, safeguarding the merit system by protecting federal employees and applicants from prohibited personnel practices, especially reprisal for whistleblowing, and serving as a safe channel for allegations of wrongdoing. For more information, please visit our website at www.osc.gov.