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## OSC Investigation Leads to Settlement in Army Hospital Whistleblower Case

**FOR IMMEDIATE RELEASE**

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After a U.S. Office of Special Counsel (OSC) investigation, the Army recently settled a whistleblower retaliation claim filed by Teresa Gilbert, an Army civilian infection control analyst at Womack Army Medical Center in Fort Bragg, North Carolina. Ms. Gilbert disclosed violations of infection control policies and regulations that created a significant threat to the health and safety of patients; her disclosures resulted in improved hospital conditions and significant disciplinary action against senior leaders at Womack.

In January 2014, Ms. Gilbert contacted the Joint Commission, a non-profit that accredits hospitals, to raise concerns about infection control problems at Womack. In March 2014, the Commission found that the hospital was not following required medical protocols in several areas, including infection control.

Before the Commission's review team arrived, Ms. Gilbert's supervisors told her she was not allowed to speak to the team. The supervisors also barred her from attending Womack's Infection Control Section meetings, kept her in the dark about the Commission's findings, and prevented her from helping her coworkers correct the deficiencies that the Commission identified.

In response to the Commission's findings, the Army began an internal investigation into the problems in April 2014. Ms. Gilbert provided information to Army investigators, including the actions taken against her after disclosing problems to the Commission. As a result of the Commission's findings and the Army investigation, operations at the hospital were shut down for over a week, senior leadership were relieved of command, and several other managers were disciplined. Ms. Gilbert's second line supervisor was issued a reprimand. Meanwhile, her first line supervisor reduced Ms. Gilbert's work hours by half, against Ms. Gilbert's wishes.

In May 2014, Ms. Gilbert provided more information about conditions at Womack to the Commission as well as to an Army Surgeon General consultant. That same month, the Army charged Ms. Gilbert for being absent without leave because she had not requested leave for the hours her boss had cut from her schedule. In July, a general issued her a letter of concern asserting she failed to assist her coworkers. After she tried to explain to the general that she was a victim of retaliation, a supervisor issued Ms. Gilbert a reprimand for alleged misconduct during the meeting with the general. She was then removed from her infection control duties and assigned administrative tasks without explanation.

In October 2014, the Army issued Ms. Gilbert a notice of proposed removal for accessing a patient's medical information. OSC found there was no basis for the proposed removal—Ms. Gilbert had valid work reasons for viewing the information, there had been no investigation into the incident, and all of the parties identified as complaining about Ms. Gilbert denied that they had.

The Army and Ms. Gilbert settled her claim of reprisal in late September 2015 with the Army agreeing to pay a monetary settlement, remove negative information from Ms. Gilbert's employment records, and other provisions.

"Ms. Gilbert deserves credit for disclosing the infection control problems at Womack," said Special Counsel Carolyn Lerner. "The Army should have focused on correcting the problems she identified, rather than retaliating against her. However, in the end, the Army did the right thing by settling her claim. Ms. Gilbert's case underscores why whistleblower protections are vital."

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*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](http://www.osc.gov).*