



U.S. Office of Special Counsel
1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505

OSC Resolves an Atlanta VA Whistleblower Retaliation Case

FOR IMMEDIATE RELEASE

CONTACT: Nick Schwellenbach, (202) 254-3631; nschwellenbach@osc.gov

WASHINGTON, D.C./October 19, 2016 –

The U.S. Office of Special Counsel (OSC) recently resolved a Department of Veterans Affairs (VA) whistleblower retaliation complaint made by an employee at the Atlanta VA Medical Center (VAMC). OSC facilitated a settlement between the Atlanta VAMC and Greg Kendall, a public affairs officer (PAO) at the VAMC.

In 2013, Mr. Kendall raised concerns about the Atlanta VAMC's plan to donate \$35,000 of taxpayer funds to a local charity for a fundraiser gala, which Atlanta VAMC officials planned to attend. Mr. Kendall was asked to coordinate a publicity campaign for the gala. He raised concerns about this expenditure, especially during a time when the VAMC was receiving negative press about the underfunding of its mental health unit.

While Mr. Kendall's concerns prompted the Atlanta VAMC to seek advice about the planned participation in the fundraiser from the regional VA leadership and other offices within the VA, the Atlanta VAMC decided to push forward and committed to the gala even though it had not received a final decision on the questions involved.

In August 2013, a reporter published a critical story on the Atlanta VAMC's plan to sponsor the gala. After the news story, regional VA leadership discovered that the Atlanta VAMC did not receive proper approval for the gala participation and directed the Atlanta VAMC to cancel its sponsorship.

Based on Mr. Kendall's relationship with the reporter who broke the story, as well as his earlier objections to the sponsorship, Atlanta VAMC officials assumed that he was the reporter's source. Soon after, the Atlanta VAMC initiated a series of actions against Mr. Kendall, such as stripping him of his duties, moving his office, changing his supervisors, and altering his job performance standards. Within months of receiving his new standards, the Atlanta VAMC told Mr. Kendall he was failing them and placed him on a Performance Improvement Plan.

Mr. Kendall also filed a complaint with Congressman David Scott. The Atlanta VAMC obtained the complaint and disapproved of Mr. Kendall's reaching out to Congress. One Atlanta VAMC official wrote, "I still don't know who our mole is and... I need you [referring to another employee] to make sure PAO's our [sic] not in [our] email group!"

In early 2015, the Atlanta VAMC was preparing to demote Mr. Kendall. OSC negotiated a stay of this demotion while investigating Mr. Kendall's retaliation claim. The settlement agreement reached by Mr. Kendall and the VA rescinds several personnel actions made against Mr. Kendall. The agreement, which was signed last month, also alters Mr. Kendall's chain of command and provides him compensatory damages.

"Mr. Kendall did the right thing by raising concerns about an inappropriate expenditure of taxpayer dollars, but the Atlanta VA hospital failed to heed his warnings and instead targeted Mr. Kendall," said Special Counsel Carolyn Lerner. "While the VA has now appropriately resolved Mr. Kendall's claims, the VA must continue working to make its culture more welcoming to whistleblowers in all of its facilities."

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.