



THE SECRETARY OF VETERANS AFFAIRS
WASHINGTON

November 30, 2010

Mr. William E. Reukauf
Associate Special Counsel
U.S. Office of Special Counsel
1730 M. Street, NW Suite 218
Washington, DC 20036-4505

Dear Mr. Reukauf:

Enclosed is the Department of Veterans Affairs' (VA) report in response to your request of July 21, 2010, to investigate allegations that an employee at the VA Medical Center in Roseburg, Oregon, failed to provide truthful information on her 1993 application for employment (OSC File No. DI-10-1486).

VA conducted a telephonic investigation into this allegation. The investigation established that the employee responded incorrectly when asked whether her license to practice nursing had ever been suspended, revoked, or placed on probation. However, based on the mitigating circumstances explained in the attached report, no action has been recommended regarding this matter.

I have reviewed the report and concur with the findings and conclusions. Thank you for the opportunity to respond to this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric K. Shinseki", written in a cursive style.

Eric K. Shinseki

Enclosure

OSC Roseburg-DI-10-1486 Report

The Secretary of Veterans Affairs (VA) asked the Veterans Health Administration (VHA) to review a complaint lodged with the Office of Special Counsel (OSC) by Linda Witbeck, an Addiction Therapist at the Roseburg VA Medical Center (VAMC). Ms. Witbeck alleged that an employee at the Roseburg VAMC, Marie Anderson, currently employed as an Administrative Officer, provided untruthful information on her application for employment at the Roseburg VAMC when she applied for a Nurse position in 1993.

1. Specifically, Ms. Witbeck alleged:

a. On Ms. Anderson's VA Form 10-2850A, Application for Nurse and Nurse Anesthetist (Application for Federal Employment), when asked whether she had pending or had she ever had any registration to practice revoked, suspended, denied, restricted, limited, or issued/placed on probational status or voluntarily relinquished, Ms. Anderson answered, "No."

b. The Oregon State Board of nursing Web site indicates that Ms. Anderson's Oregon nursing license was suspended from January 21, 1982, through August 18, 1982. The license was in a probationary status from August 18, 1982, through February 16, 1983, and revoked from February 16, 1983, through February 20, 1985. Ms. Anderson's license was in a probationary status again from February 20, 1985, through February 20, 1987.

2. The investigation was conducted by a Human Resources Consultant of the Veterans Health Administration under the authority of the Chief Consultant, VHA Human Resources Management, Workforce Management and Consulting Group. The investigation was conducted via telephone as an onsite visit was deemed unnecessary and imprudent given the cost of travel and the nature of the allegations.

3. Below is a summary of evidence obtained during the investigation:

a. The following witnesses were interviewed between August 6 and August 16, 2010, via telephone:

- Linda Witbeck, Addiction Therapist
- Marie Anderson, Administrative Officer, Mental Health
- Ken Piumarta, General Attorney

b. Copies of the following documents were obtained:

- 18 U.S.C. § 1001
- Standard Form (SF) 50, Within Grade Increase, Marie Anderson, Administrative Officer, GS-341-13/6, dated 5/9/10

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- SF 50, Conversion to Career Conditional Appointment, Marie Anderson, from Nurse/Head Nurse, VN-610-III to Administrative Officer, GS-341-13/3, dated 5/15/05
- VA Form 10-2850A, Application for Nurse and Nurse Anesthetist, Marie A. Anderson, signed and dated 10/27/83
- Oregon State Board of Nursing Verification Details for Anderson, Marie A., dated 8/17/10
- Memorandum, entitled "VetPro Credentialing of Marie Anderson," from Acting Assistant Human Resources Manager Rosalena P. Grenz

4. Below is the listing of the alleged violation of law regarding this matter, as stated in the July 21, 2010, letter to the Agency:

Pursuant to 18 U.S.C. § 1001, it is a criminal offense for a person in any matter within the jurisdiction of the executive branch, to knowingly and willfully make a materially false, fictitious, or fraudulent statement or representation, or to make or use any false writing or document knowing the document contains any materially false, fictitious, or fraudulent statement. A person found guilty of violating this statute is subject to a fine and/or imprisonment of not more than 5 years.

5. Interviews were conducted with Ms. Linda Witbeck, Ms. Marie Anderson, and Mr. Ken Piumarta. Ms. Witbeck filed an EEO complaint against her first-level supervisor and Ms. Anderson, her second-level supervisor, in 2009. Ms. Witbeck stated that she became aware of the discrepancy in Ms. Anderson's application for a Nurse position after reviewing over 300 documents that she received in July 2009 in response to a discovery request in this EEO case. Among the documents she received was a redacted copy of Ms. Anderson's application. Several months after receiving these discovery documents, Ms. Witbeck researched Ms. Anderson's license on the Oregon State Board of Nursing Web site and found that Ms. Anderson's license had been previously suspended, revoked, and placed on probation. She then provided this information to the Office of Special Counsel. Mr. Piumarta verified that Ms. Witbeck was provided, among other documents in a discovery request, a redacted copy of Ms. Anderson's application. When questioned, Ms. Anderson stated that she did not recall responding in the negative to the question regarding her license, as she knew she had previously had an impaired license. She further stated that she was upfront about her impaired license at the time she applied for the job in 1993. She indicated that management was fully aware of her license history; in fact, management requested that Ms. Anderson give instruction during a training session concerning impaired licenses. Ms. Anderson gave the training and discussed her personal experiences with impaired

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licenses. At the time that Ms. Anderson was hired, VetPro, the VA's system of credentialing and license verification, was not implemented.

6. None of the management officials involved in the selection and hiring of Ms. Anderson are currently employed with the agency. This incident occurred 16 years ago. During that time, Ms. Anderson has performed as a Nurse, Nurse Manager, and currently as an Administrative Officer. There have been no issues with her performance or conduct during this time. Ms. Anderson admits that she had an impaired license and also that her failure to answer the question regarding her license status was a mistake. For these reasons, no disciplinary action against Ms. Anderson has been recommended.

7. Actions taken or planned as a result of this investigation:

a. Change in agency rules, regulations or practices – None

b. Restoration of any aggrieved employee – None – No employees were aggrieved.

c. Disciplinary action against any employee – None recommended

d. Referral to the Criminal Investigation Division of the VA Office of Inspector General (OIG) - Completed. On August 24, 2010, the Criminal Investigation Division declined to investigate this matter because the statute of limitations for this offense is 5 years. Accordingly, the statute of limitations for this offense expired on October 27, 1998.

e. Referral to the Attorney General of any evidence of criminal violation – None required

f. No dollar savings or projected dollar savings or management initiatives have resulted from this review.