



U.S. OFFICE OF SPECIAL COUNSEL

1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505
202-254-3600

January 26, 2011

The President
1600 Pennsylvania Avenue
Washington, D.C. 20500

Re: OSC File No. DI-10-1486

Dear Mr. President:

The U.S. Office of Special Counsel (OSC) received a disclosure alleging that an employee of the Department of Veterans Affairs (VA), Roseburg VA Medical Center (Roseburg VAMC) provided untruthful information on her application for employment with the Roseburg VAMC in violation of 18 U.S.C. § 1001. The whistleblower, Linda Witbeck, an Addictions Therapist at the Roseburg VAMC, consented to the release of her name.

On July 21, 2010, Ms. Witbeck's allegations were referred to the Honorable Eric K. Shinseki, VA Secretary, to conduct an investigation pursuant to 5 U.S.C. § 1213(c) and (d). Secretary Shinseki submitted his report to OSC on December 1, 2010.

The agency report substantiated Ms. Witbeck's allegations. As detailed in the report, Marie Anderson, currently a Roseburg VAMC Administrative Officer, answered "no" on her October 27, 1993, application for a Nurse position to a question about whether she had "ever had any registration to practice revoked, suspended, denied, restricted, limited or issued/placed on a probational status or voluntarily relinquished." The investigation confirmed that, contrary to her negative response to the question, Ms. Anderson's Oregon nursing license was suspended from January 21, 1982, through August 18, 1982. The license was in a probational status from August 18, 1982, through February 16, 1983, and revoked from February 16, 1983, through February 20, 1985. Ms. Anderson's license was again in a probational status from February 20, 1985, through February 20, 1987.

Despite this finding, the agency declined to take any action, including disciplinary action against Ms. Anderson, in response to this investigation, noting that Ms. Anderson completed the application 16 years ago and has successfully worked as a Nurse, Nurse Manager and Administrative Officer at the Roseburg VAMC since that time. The report further indicated that the agency referred the results of the investigation to the Criminal Investigation Division (CID) of the VA Office of Inspector General. The CID declined prosecution of the matter because the statute of limitations for this offense is five years and expired on October 27, 1998.

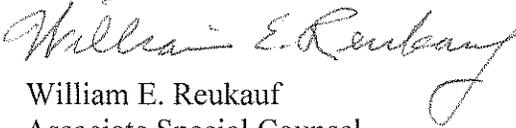
Pursuant to 5 U.S.C. § 1213(e), Ms. Witbeck had the opportunity to review and comment on the agency report. Ms. Witbeck noted that Ms. Anderson's statement that "she was upfront about her impaired license" is contradicted by the fact that she answered "no" to

the question asking whether her license had ever been suspended, revoked or put on probation. In addition, Ms. Witbeck found Ms. Anderson's defense of her answer to the question illogical given that, at the time she answered the question, Ms. Anderson was applying for the job and had not had any contact with management such that she would have had an opportunity to have explained her answer to the question. Finally, Ms. Witbeck objected to the agency's position that disciplinary action was unwarranted in this matter.

OSC has reviewed the original disclosure, the agency's report, and Ms. Witbeck's comments. Based on that review, OSC has determined that the agency's report contains all of the information required by statute and that the findings appear to be reasonable.

As required by law, 5 U.S.C. § 1213(e)(3), we have sent a copy of the agency's report and the whistleblower's comments to the Chairmen and Ranking Members of the House and Senate Committees on Veterans' Affairs. OSC has also filed a copy of the agency's reports and Ms. Witbeck's comments in our public file and closed this matter.

Respectfully,


William E. Reukauf
Associate Special Counsel

Enclosures