

January 10, 2011

Office of Special Counsel

Attn: Lynn Alexander

1730 M. Street Suite 218

Washington D.C. 20036-4505

RE: OSC File No. DI-10-1486

Dear Ms. Alexander

I have the following comments concerning the report from the Secretary of Veterans Affairs concerning my allegation that Marie Anderson falsified her employment application with the VA.

1. Ms. Anderson's statement that she was upfront about her license cannot not be believed.

First of all it needs to be noted that Ms. Anderson was not responding to questions posed by HR, the employment application was a document she wrote and submitted to the VA before she was hired or even interviewed.

- Question 18 on the application asked whether she had ever had her license suspended, revoked or put on probation. Ms. Anderson checked the "no" box.
- Question 30 asked whether there had ever been proceedings concerning her license and she also checked the no box. If Ms. Anderson was being upfront she would have answered the questions yes.
- In addition to the above she stated she had left her job at Mercy hospital to stay home with her children when in fact her employment at the Hospital ended at the same time her license was revoked.

Marie Anderson was clearly not being upfront and I believe that is likely she wouldn't have been hired if she had been upfront.

2. The Agency's statement that there had been no issues with Ms. Anderson's performance is false.

Ms. Anderson has had many EEO complaints filed against her and has lost most of them. She has been caught lying on numerous occasions and in fact gave false testimony to the VA concerning my EEO complaint and on other issues related to the EEO complaint.

3. **The Agency's (Ken Plumarta's) statement that I filed an EEO complaint in 2009 is false.**

The fact of the matter is that I filed an EEO complaint against my immediate supervisor and Ms. Anderson in 2007. In 2009, Mr. Ken Plumarta, who is representing Ms. Anderson and Ms. O'Brien in my EEO complaint filed a motion with the EEO administrative judge to have my EEO complaint dismissed because there was no dispute of material facts and because there were no issues of credibility. I challenged both my supervisor's and Ms. Anderson's credibility on the basis that both had lied to the VA but the Judge ruled against me at about the same time the VA became aware of this complaint.

4. **Regional Counsel Ken Plumarta should not have participated in the investigation and his participation in the process amounts to misconduct on the part of Mr. Plumarta and the VA.**

Mr. Plumarta's testimony concerning my EEO case was not relevant to the investigation concerning Ms. Anderson's falsification of government documents and it appears he representing Ms. Anderson in the investigation. Since this was an internal investigation Ms. Anderson is not entitled to Agency Representation and since the VA made a decision on my EEO complaint that there were no issues of credibility at the same time they became aware of this complaint it would appear that Mr. Plumarta was attempting to conceal the fact that there were credibility issues with Ms. Anderson and that Ms. Anderson and my supervisor did retaliate against me in violation of EEO law. *At a minimum the VA and Mr. Plumarta should have advised the EEO Commission that there were credibility issues and allowed me a hearing on my complaint.* Instead the Agency continued to oppose my appeal when in fact there is irrefutable evidence that I was retaliated against by the VA and that the agency was made aware of the retaliation when it occurred.

Sincerely



Linda Witbeck
Addictions Therapist