



U.S. OFFICE OF SPECIAL COUNSEL  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-254-3600

April 19, 2011

The President  
The White House  
Washington, D.C. 20500

Re: OSC File No. DI-10-1226

Dear Mr. President:

Pursuant to 5 U.S.C. § 1213(e)(3), enclosed please find an agency report based on disclosures made by a whistleblower at the Department of Veterans Affairs (VA), Western Area Fiduciary Hub, Salt Lake City, Utah. Ethel L. Tendell, who consented to the release of her name, is a Field Examiner. Mrs. Tendell disclosed that VA officials failed to inform employees of the existence of a safety recall issued against the government-owned vehicles (GOV) they were assigned. She asserted that the actions of these employees constituted violations of law, rule, or regulation, gross mismanagement, and a substantial and specific danger to public safety.

Mrs. Tendell's allegations were referred to the Honorable Eric K. Shinseki, Secretary, VA, to conduct an investigation pursuant to 5 U.S.C. § 1213(c) and (d). The Secretary delegated the investigation of the matter to the Veterans Benefits Administration (VBA). On December 17, 2010, the Secretary submitted the agency's report to this office. Mrs. Tendell provided comments on the report pursuant to 5 U.S.C. § 1213(e)(1). As required by law, 5 U.S.C. § 1213(e)(3), OSC is now transmitting the report and Mrs. Tendell's comments to you.

As a Field Examiner, Mrs. Tendell travels throughout Wyoming and Colorado in her GOV, a 2009 Pontiac G6. Specifically, Mrs. Tendell disclosed that she was driving the vehicle when it suddenly froze. After inspecting the 2009 Pontiac G6, dealership employees informed Mrs. Tendell that a recall had been issued on the vehicle in March 2009. However, VA employees were not notified about the recall.

Mrs. Tendell's allegations were substantiated in part. In its investigation, VBA concluded that the agency failed to notify Field Examiners about the recall information in a timely manner once the recall information was brought to its attention. It was determined that Mrs. Tendell did inform management officials Thomas Mangum, William Van Berckelaer, and Franko Fritz about the recall, but they failed to inform the employees under their supervision, who also operated the same type of GOV. The VBA investigation also found that the VA did not fail to supply recall information to Mrs. Tendell because the VA never received the recall information from the General Services Administration. The investigation report further noted that VA records indicated that Mrs. Tendell was provided with appropriate information regarding the vehicle

when she was issued the GOV. In addition, the vehicle was not inspected while in Mrs. Tendell's care because the GOV was in her possession for less than one year and it was not due for maintenance.

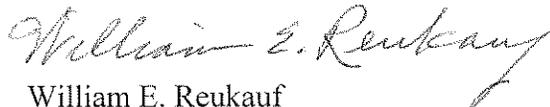
As a result of these determinations, on July 1, 2010, Associate Deputy Under Secretary for Management (ADUSM) Bonnie Miranda provided verbal information regarding the recall to all regional office management, including 57 regional offices, during a national conference call, and instructed Fleet Management Coordinators (FMCs) to immediately obtain the required maintenance for all 2009 Pontiac G6s that had not been addressed. The ADUSM also provided the website address for the National Highway Traffic and Safety Administration and instructed that the site be queried on a quarterly basis by the FMCs to obtain recall information for all vehicles within their fleets. Furthermore, VBA developed a training program on fleet management in order to ensure there is no reoccurrence of these issues. The training program was presented to the FMCs and the Support Service Chiefs, who supervise the FMCs, on September 28 and 29, 2010. The FMCs were further directed to keep appropriate documentation on each vehicle and conduct research on recalls. In addition, Mrs. Tendell's FMC, Mr. Mangum, received verbal counseling from his supervisor.

In her comments, Mrs. Tendell conveyed her concern about the investigation findings. She asserted her belief that additional precautions need to be implemented to ensure that the safety of VA employees is not jeopardized again.

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

As required by 5 U.S.C. § 1213(e)(3), we have sent copies of the agency's report and Mrs. Tendell's comments to the Chairmen and Ranking Members of the Senate Committee on Veterans' Affairs and the House Committee on Veterans' Affairs. We have also filed copies of the report and Mrs. Tendell's comments in our public file, which is now available online at [www.osc.gov](http://www.osc.gov), and closed the matter.

Respectfully,



William E. Reukauf  
Associate Special Counsel

Enclosures