



**U.S. OFFICE OF SPECIAL COUNSEL**

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The Special Counsel

September 29, 2011

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

Re: OSC File No. DI-11-1155

Dear Mr. President:

Pursuant to 5 U.S.C. § 1213(e)(3), enclosed please find an agency report and supplemental report based on disclosures made by a whistleblower at the Department of Veterans Affairs (VA), Edward Hines, Jr. VA Hospital (Hines VAH), Hines, Illinois. The whistleblower, who declined to consent to the disclosure of his or her name, alleged that an employee of the Hines VAH violated the terms of the VA's Transit Benefit Program.

The whistleblower's allegations were referred to the Honorable Eric K. Shinseki, Secretary of the U.S. Department of Veterans Affairs, to conduct an investigation pursuant to 5 U.S.C. § 1213(c) and (d). On June 15, 2011, the Secretary submitted his report that was based on the results of an investigation conducted by an Administrative Investigation Board convened by the Hines VAH Director. The agency submitted a supplemental report on August 5, 2011. The whistleblower declined to comment on either the original agency report or the supplemental report. As required by law, 5 U.S.C. § 1213(e)(3), I am now transmitting the reports to you.

The whistleblower disclosed that Hines VAH Food Service employee Judy Mack improperly requested and received transit vouchers. The whistleblower personally witnessed Ms. Mack receive these vouchers on seven or eight separate occasions over the past three years. These vouchers, according to the whistleblower, are intended to subsidize the employee's daily commute to work via public transportation and are distributed quarterly. The whistleblower estimated that the value of the voucher received by Ms. Mack was at least \$86.00 per month. According to the whistleblower, the value could be higher if Ms. Mack's commute to and from work involved more than a public bus. Despite receiving these vouchers, the whistleblower personally observed Ms. Mack commuting to and from work in her personal vehicle on an almost daily basis.

Pursuant to VA Directive 0633, the "Transit Benefit Program" is available to all qualified VA employees and is specifically "designed to encourage employees to use mass transportation

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in their commute to and from work...." Paragraph 2m of the Directive provides that "VA employees who travel to work in single occupancy vehicles, carpools, or any vehicle other than mass transit are not eligible for the transit benefit." According to the whistleblower, because Ms. Mack commutes to and from the Hines VAH in her personal vehicle rather than by public transportation, she is ineligible to receive transit vouchers.

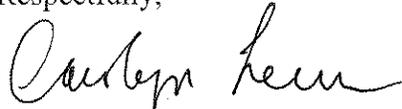
The VA's investigation substantiated the whistleblower's allegations. According to the report, Ms. Mack violated the terms of the VA's Transit Benefit Program by driving her personal vehicle to work and receiving rides to and from work on a regular basis while requesting and receiving transit benefit vouchers from September 22, 2008, through January 15, 2011. The agency report indicated that the value of the vouchers received by Ms. Mack during this time period was \$2,481. The report indicated that, as a result of this investigation, disciplinary action was proposed against Ms. Mack. Further, according to the report, a memorandum will be distributed by the Hines VAH to remind transit benefit recipients of the requirements of the program.

The August 5, 2011, supplemental report was submitted in response to OSC's request for additional detail regarding the disciplinary action proposed against Ms. Mack. According to the supplemental report, the agency proposed Ms. Mack's removal based on the finding that she violated the terms of the Transit Benefit Program.

I have reviewed the original disclosure and the agency's reports. Based on that review, I have determined that the agency's reports contain all of the information required by statute and that the findings appear to be reasonable.

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

Respectfully,



Carolyn N. Lerner  
Special Counsel

Enclosures