

My Rebuttal Response,

Dated Dec 16th, 2014

I'm an Honorable Federal Employee for over 20+ years, and have no problems in any of my 3 previous Federal Agencies which is 14 years of my 20+ years of service. I have a college Degree in Health Services Management and 23 years of Healthcare Experience in a multitude of fields or departments. This is NOT what any of my college professors called "ethical" .

I would like to start my response by making a statement. Thanks to all of you for this opportunity to address "truthful and factual". The truth is that all of the Investigative team members involved with this investigation "*all*" work for the VA. The fact that this sets an "immediate" stage for "Impartiality" against this Whistleblower or the next Whistleblower against any VA. Basically the VA Policing and Investigating for their own employer to write up a Judgment finding against them is NEVER going to happen. Furthermore, NO current employees that are personally interviewed are going to want their "name" in any report of "Wrong Doing". Thus meaning, that employees will NOT be "Truthful" in the questioning of practices (not polices). Fear of Reprisal is an "instant" safeguard for any employee to refuse truthful testimony, and to provide as little as possible. This is what's called "Unethical". This is also what's wrong with the VA System as a whole. When a Government Agency is policing their own agency, this will only lead to disastrous outcomes for the Agency, and look what's been going on at all the VA's. Throughout my rebuttle to the individual allegations themselves you will see another profound revelation and that will be that this Investigation Team "never" once mentions they conducted any forensics into their investigation efforts even though I told them the hard drive Computers to look into "Emo" my supervisor or any other computers. Furthermore this committee ignored my other calls that I informed them of. Such as: "going to the provider panels, finding out the size of those panels, and how far booked out these providers. Example: If a provider is booked out 6 weeks, it's a clear, logical answer to the "fact" that the desired date needs to be under 15 days. Furthermore, nobody calls the VA and says they want an appointment 6 weeks away. They (patients) "Obviously" want the next available and if that availability exceeds 15 days solely based on the provider being booked out long past the maximum time, then the desired date would NOT be reflected accordingly. It's an easy process to figure out. The Investigative team all have VA Computer access, and had the proper resources to obtain this

information and lacked any experience necessary to be called “Detectives” or “Investigators”. In fact it’s not like the VA is getting a WB complaint filed against them once a month to keep them Experienced in doing such an investigation. I feel this report undermines my Faithful, Dedicated, and Honored service in which I had. It suggest that me being a “Clerk” (the ones that really know the job) is lying. I find it additional painful that this WB is being called a liar. Had this investigation team had the experience “necessary” and “wasn’t” employed with the VA, the efforts and outcomes would have been 100% different. I’m sorry I even tried to address such a serious “factual” problem(s). Had I known the set-up I was willing to address to Congress, was that the VA is protected because they police and investigate their own, I would have never even pursued such a fruitless outcome.

According to Allegation #1.

I never said that there was a “Zero Out Policy”. I simple indicated that “many” PSA’s / MSA’s use this “going all the way out of the computer, and coming date and entering the date of the patients exact date regardless if this was their desired date”. Basically “zeroing out all patients true desired date and making it appear to be “0” days wait time. This is what I call a “Method”, and NOT a policy. If a clerk had to many appointments exceeding 15 days, that, or all those employees in that sector got an email to correct the desired dates. Why must a desired date “ever” have to be corrected? In fact, it’s a law that a desired date can’t be altered. These so-called desired dates are easy to investigate as well and the Investigation teams “failed” to use such means to get the real deal of what I’m saying. So “no manager or supervisor” would have any clerks remove anything. Suggesting such a thing even questionable. The investigation team “failed” to have Emo’s computer analyzed, or any other of VA clerk mentioned in this report as well. This team “ONLY” did a verbal investigation at best. All computers have a code ID number and where that computers location(s) have been assigned to. So even if the Directors or manager had the computers changed around prior to this investigation, the identity of “any” computers prior location . The VA Supervisors conduct monthly inventory list. Finally, this investigation team “never” asked for this employee to show up on a given day and log into his account to provide this “hard” evidence. This employee would have done so in a heartbeat. Again, the lack of clear, experienced, impartial investigation team never thought or wanted to go outside the box and find wrong doing. Nor did this “Investigation Team” take the

time to call me and discuss any additional issues they would like to address. I found out my computer access has been “purposefully” deleted. I firmly believe that the VA Management had my computer access deleted so that I couldn’t provide the “real” proof on my email account.

Allegation #2

I have never stated that the VA was endangering public health or safety. That’s a determination that obviously would come from someone other than me. Like another VA investigation team. I have no skills, experience, or desires to claim to be an investigator on matters I have no business being part of. It’s “Unethical”, it doesn’t get any simpler than that. This investigation team also had access to data beyond that of a couple of individual months that were provided. Example; The investigation team “failed” to obtain a report showing how many patient appointments were made for a calendar month (vs) the amount of appointments made that “EXCEEDED” 15 days. On one of documents it showed “58” patient scheduling errors (no such thing as an error, can’t change it regardless). I would estimate that mental health at the American Lake facility makes at least 400 appts a day = approx 10,000 months, and “ONLY” 58 appts were scheduled longer than 15 days. That’s an incredible success rate to say the least. Too good to be True, and that in itself draws an instant Red Light. Being a clerk as I am, I can tell you this is easily proven otherwise, by simply going to the provider panel and randomly selecting appts to be investigated into those given dates; Example

You take an appt that was made, doesn’t matter what the date is, and look into the actual computer screen at those appts, you will find out “everything” you want to know about that appointment. The screen will tell you: what date the call came in, the time, when the appointment was actually made, with what provider, and you can go to another screen and find out “how many available” appointments that provider had on the day the appt. was made. The Investigation Team “refused” to investigate at this level. Pretty Juvenile error if you ask me, I see a clear path of Impartiality towards the VA and it continues to show through means

In other words, the Investigation Team can “prove” what facts I have, but this Investigation Team failed to do even the most basic of things to conduct and obtain “HARD DATA”, and Data that can be figured out and obtained easily. To blame

this WB because he “didn’t” provide Hard Data, when I was never asked to show up and do so, nor was I called for suggestive steps to look into. The Investigation Team “refused” to investigate at this level. Pretty Juvenile error if you ask me, I see a clear path of Impartiality towards the VA and it continues to show through means of this report. The Investigation Team appears to have spent more time Investigating the 3 prior assaults that I was the victim of, then the actual WB Complaints and “all” their Resource availability to conduct a rational Investigation supported by facts of entirety not just “verbal” investigations, and taking employees for their word. Common sense is “why” would anyone say a bad thing is going on, if it can, and will affect their job or career ?

Allegation #3

The staffing shortages are paramount everywhere in the VA and at every facility. This facility is NO EXCEPTION. By having a shortage of clinicians also makes the other staff members job more harder to do. If there were MORE providers, we would get more ancillary staff as well. Thus, proving that there was, and currently still is, a provider shortage in many areas, including Mental Health, the service line I worked for. By “NOT” hiring more providers it put a huge burden on others in the work force, thus creating an atmosphere of learning how to do way more will little or no support help. So by this Investigation Team and report suggest that all clinics are being ran an operated accordingly. In other words, fully staffed in all areas ? This was not, and is currently still not the case. Example: I made an appointment for my Upper G.I on November 26th 2014, the next available morning appt was Jan. 27th 2015 @0900am. That’s over 2 months away. My Acupuncture consult has to be resubmitted in January because the wait list is so long. This is “currently” happening. I’m the patient, I know. I also have the e-mails from My Healthy Vet to support these facts, HARD DATA THE Investigation Team never even tried to attempt to get. This is “clearly” factual evidence of a lack of providers, which in turns risk my personal healthcare by having to wait so long. Again, it’s clear this Investigation Team made NO REAL EFFORTS at “critical thinking skills” needed for this investigation. I feel this Whistleblower set up, is set up to protect the Agency, at all cost. If this wasn’t so, Congress should make these investigations “real and impartial”. These are serious complaints to have your own agency investigate is “appalling” at best. Many politicians are Lawyers and know this set-up of investigating WB Complaints is “Unethical “ and undermines

basic common sense. It's a double tragedy when the WB complaint is marginalized to serve the agency instead of the wrong doings.

Allegation #4

The cases of me being the "Victim" in 3 assaults is appalling at best. The police paperwork and the witnesses statements "clearly" show and support me being the Victim, and to undermine this fact is just another Abusive assertion made by the VA against me. I get abused by this Investigation Team for making a Felony Crime complaint against me, by "declaring" my allegations are NOT substantiated. That's appalling as well. The police paperwork and witness "clearly" supports me being the "Victim". The Hard Data clearly was provided and supports this position. A man dove into my car and started choking me to death with his bare hands, and his wife to pull him out of my car. That's NOT "Substantiated" factual prove ?

I firmly believe that during this "entire investigation and the report itself reporting was conducted Carelessly and with Malice. The Investigation Team and Investigation was compromised the day it was allowed to allow employees of the same agency to "investigate" their own affairs. The Investigation Team made "very little" if any, real efforts to uncover data as they so decried in their report, when the data and access to that data was "right at their own finger tips". Then to blame the Whistleblower in each allegation for his so-called "lack of hard data", data that would have been provided had asked for (the VA Mgt. deleted my Outlook email account, when I'm still an employee, I wonder why?). Data that this Investigation Team had available to them if they would have "asked for it". Instead the Investigation Team submits in their report, data of very minor importance at all. The minor data shows a couple of month history into how many appointments were made in "error", or exceeded the wait time during a 30 day calendar cycle., but investigating those appointments wasn't done by the Investigation Team, Those appts were all changed and modified had this Team looked into the practices and the actual appts themselves they would have found changes with all of them. Appointments never get changed. But this investigation Team "failed" to investigate the Truth. Investigating requires a person or group to "dig" sometimes. This didn't even cross this Investigation Teams mind. In fact, it clearly appears that

this Investigation Team lacked any knowledge base for being assigned to conduct such an investigation. The real important data was “easily” obtainable, and the Investigation Team “failed” to reach any further than they had to. The facts of my complaint are “still” provable if given the chance. In fact, I’ve already gave current, ongoing, facts, that are still going on to support my claims. I strongly feel that NO MATTER WHAT, this WB says, or suggest, to find and discover the truth of my complaints will never get the due attention and efforts that is needed for Justice. Especially if the Impartiality is so apparent at best. Nothing has really changed at all since the National Attention the VA has brought against itself. The appointment availability is still “grave” at best for many service lines. I have already addressed the Clinic areas that are backlogged as of today’s date, in this rebuttal response. Acupuncture, Gastroenterology, are either booked over 2 months out, or the consult must be resubmitted in Jan 2015 because Acupuncture has no idea when they will have more availability, and this Investigation Committee wants to claim there are NO WAIT TIME problems, as well as other problems, even though the “FACTS” are obvious and obtainable? This report was a clear attempt to destroy the credibility of the Whistleblower, when in reality the facts were, and still are “obtainable”.

Attention to:

President Obama, Congressman Jeff Miller of the VA Oversight Committee, VA Secretary McDonald, and other members of Congress.

I find that the Whistleblowing Policy and Procedures is “highly” Unethical at best. Allowing for the Agency in question to have their “own people / employees” investigate Whistleblowing Complaints “undermines” the Impartiality and due attention each case deserves, and the Whistleblower should have. I’m quite sure the U.S. Supreme Court would agree with this conflict of Impartiality being conducted with this set-up, (allowing Federal Agencies to “investigate” themselves). I’m requesting that the law, and funding be changed, or applied to, to conduct “private, impartial investigations” on Whistleblowing Complaints.

I would like to thank all the people involved for their efforts, even those employees that find it a “MUST”, to deny the facts because of Fear of Reprisal. No One wants to put their name of “wrong doings found”, especially if you want to remain employed with them. If the VA employees or Investigation report was so one-sided, then why did the VA request for 2 different 30 day extensions. The lack of real effort and work conducted to support such extensions was not apparent. On Aug 3rd, 2014 the Tacoma News Tribune ran the wait times issue in the paper as well, and I guess they didn’t have Hard Data either?

Finally, the Public should be “outraged” at the contents of this report which contends that this Whistleblower didn’t provide “Hard Data” when all the Investigation Team had to do, was ask for it. Furthermore, the public should be appalled that Congress Allows for serious complaints to be investigated by their own agency.

Kind Regards,

Markus A Overly

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