

Re: OSC File No. D1-15-2365

I understand I now have this opportunity to respond to the VA OIG report dated January 8, 2016 and the comments of the VARO Oakland as well as the Interim Chief of Staff, Robert D. Snyder.

It seems to be the position of the Chief of Staff, that the existence of the list outlining 13,184 informal claims, was never established. There are several specific references of the exact number 13, 184. First the OIG report of February 18, 2015 substantiated the existence of these claims as did the email from then IPC Coach Tina Motrum dated November 27, 2012 and distributed to all members of the team including myself as well as the training coach, Rashetta Luster.

The Interim Chief of Staff, Robert D. Snyder believes as written in his letter, that he does not believe that any malfeasance or intent to do harm by any supervisors or employee existed. Then I would like to know how come these claims, prior to Nov. 2012, were being kept in a 4 drawer later cabinet not 8 feet from the then Acting Service Center Manager, Rachel Pennington. She knew what was in this cabinet and she knew, we knew. This file cabinet was located there, near her office, for years. These old informal claims were broken down by month and year so it was pretty obvious that had been very methodically placed there under the eye of management.

On July 14, 2014 then Under Secretary Allison Hickey testified that a lot of these claims had been brokered out and the remanding ones, help teams from other areas had been brought in to assist us. This help team was comprised of Gary Moore, VBA Denver and David Luzi from VBA Phoenix.

On March 4, 2015 then Under Secretary Allison Hickey replied to Congresswoman Barbara Lee that these claims in Oakland were just copies and that she (Ms. Hickey) would like to tell the rest of the story. She testified that these claims were done not once, but twice by the hard working employees at Oakland. She said every one of the 13,184 had come in and made their claims formal and that no Veteran waited. She testified that they did not misplace any of the 13,184. Yet, the OIG report of January 8, 2016 claims because of poor record keeping, the list could not be found therefore how does the VA prove they did them all?

The OIG report stated that they could not substantiate that the 537 informal claims, that had not been stored properly, were actually part of the original 13,184. When these 537 claims were found it was no surprise. Rumors of them being moved around the building, had been heard for a long time. When I looked at the claims on the cart (the picture presented during hearings), the very first claim I pulled out had my initials and the date 11-2012. These were part of the original 13,184 and management had them piled on a cart trying to hide.

I saw with my own eyes these claims. That I reviewed day after day and questioned to my superiors, over and over until we were removed from the project.

The recommendation from the OIG to simply provide training to staff on proper informal claims processing procedures, is extremely misleading of the competency of this team. The five of us had actually above average team members and the ones who were chosen to work harder projects. They had actually come up with the name, "the fab five", for us because of the amount of work we were doing in comparison to some other IPC members.

The most ironic part is that the five of us had been promoted to VSR and sent to San Diego for 8 weeks REQUIRED training. After only 3 ½ weeks, the five of us were returned to Oakland to work a special informal project. I have been told during depositions, that the request came from Central Office aka DC.

We were not allowed to do these claims as we normally would. Processing of informal claims was very easy for us; we KNEW what to do. We just weren't allowed to do the right thing.

The OIG recommendation to the Oakland VARO Director to provide training to staff on proper informal claims processing, was more insulting than ridiculous.

We (the Fab Five) had plenty of supervision as reports were given to our managers on a daily basis to show what we had found and how many we had worked. The oldest claim, I personally saw was 1996. These claims had NEVER been reviewed and by the time we got to them, the veteran had already passed away. We questioned our supervisors as to why we were not doing these claims appropriately, and we got taken off the team. We were led to believe that another team was coming in behind us, to work the claims. That didn't happen. They had 1 person, Roz Tolliver, working them by herself. Mind you, these were thousands of claims.

Now in looking back the only people that ever worked these claims were from the training team. While you work the training team, the specific info on the claim is not kept as they count the whole day as deductible time; which accounts for what we did those days. Normally, you would be required to acknowledge each and every claim with PIV information. Management didn't want these claims written down anywhere that's why the Training Teams worked.

And I would point out that the OIG report and the letter from Robert Snyder, Interim Chief of Staff, concentrated on the actual "list" which could not be found because they were being done by the training team.

Nowhere in the OIG report does it even mention the claims that were hand carried up to the OIG office in Oakland. This was done per Congressman Lamalfa's request because the regional office was doing desk searches and would find what we had uncovered. I personally handed over more than 125 claims that have never been mentioned or acknowledged. Myself and 2 other employees handed these claims over to OIG so they would be protected from management. These claims had actions that needed to be done. I remember that one claim, the veteran was due more than \$30,000 and yet no mention of these. Were they handed over to management to do what they had been doing....hiding them?

Also, why no mention of the VBA Oakland manager that manhandled Congressman Doug Lamalfa when he came to Oakland to get more information about these 13,184 claims? The

manager, Coach Dan Oehlrichs, called the congressman a liar in front of IPC employees while the congressman stood right in front of the cart that was covered with these old claims. The same cart shown during testimony on the House floor in May 2014.

I know that during the time that this information was coming out of Oakland, the regional office had the IPC team do a mass 400 claim project with no letters. They were taking the old informals, creating a 400 claim, then closing the claim without sending any letters. Then sending the claim to the folder / scan site where they were not tracked, again.

I believe that the VBA Oakland consciously hid these claims and that they continue to cover up the truth. So many veterans were let down by the actions of these managers. How can this not be considered, at minimum, conditions for termination? How can this not be considered a crime? And why has no one been held accountable?

I continue to have nightmares about these veterans and dependents that the VA let down. My PTSD is so affected by the work VBA Oakland failed to do. I want these nightmares to go away but, I fear they never will. I made a promise to those 13,184 on the day that I testified, that I would do everything in my power to get justice for them. My fear is justice will never happen.

Rusty or Brown  
April 10, 2014