



U.S. OFFICE OF SPECIAL COUNSEL
1730 M Street, N.W., Suite 300
Washington, D.C. 20036-4505

September 28, 2017

The President
The White House
Washington, D.C. 20005

Re: OSC File No. DI-16-2845

Dear Mr. President:

Pursuant to 5 U.S.C. § 1213(e)(3), the Office of Special Counsel (OSC) is forwarding a report from the Department of Veterans Affairs (VA), based on disclosures of wrongdoing at the Louis Stokes Cleveland VA Medical Center (Stokes VAMC), Psychiatry Service, Cleveland, Ohio. OSC have reviewed the agency report and, in accordance with 5 U.S.C. § 1213(e), provides the following summary of the report, and OSC's findings.¹ The whistleblower, Paula Leligdon, who consented to the release of her name, alleged that employees were directed by managers to deliberately falsify patient records to satisfy agency performance management measures. Specifically, Ms. Leligdon asserted that social workers in the Stokes VAMC Acute Inpatient Psychiatric Unit were improperly directed by the unit manager to falsify the duration of follow-up telephone calls with discharged patients in agency medical records.

Ms. Leligdon's allegations were referred to former Secretary Robert McDonald for investigation pursuant to 5 U.S.C. § 1213 (c) and (d). The Office of the Medical Inspector investigated the allegations and Chief of Staff Vivieca Wright Simpson was delegated the authority to review and sign the report. On March 8, 2017, Ms. Simpson submitted the agency's report to OSC. Ms. Leligdon provided comments on June 26, 2017, however, Ms. Leligdon's comments included content that did not address the

¹ The Office of Special Counsel (OSC) is authorized by law to receive disclosures of information from federal employees alleging violations of law, rule, or regulation, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health and safety. 5 U.S.C. § 1213(a) and (b). OSC does not have the authority to investigate a whistleblower's disclosure; rather, if the Special Counsel determines that there is a substantial likelihood that one of the aforementioned conditions exists, he is required to advise the appropriate agency head of his determination, and the agency head is required to conduct an investigation of the allegations and submit a written report. 5 U.S.C. § 1213(c). Upon receipt, the Special Counsel reviews the agency report to determine whether it contains all of the information required by statute and that the findings of the head of the agency appear to be reasonable. 5 U.S.C. § 1213(e)(2). The Special Counsel will determine that the agency's investigative findings and conclusions appear reasonable if they are credible, consistent, and complete based upon the facts in the disclosure, the agency report, and the comments offered by the whistleblower under 5 U.S.C. § 1213(e)(1).

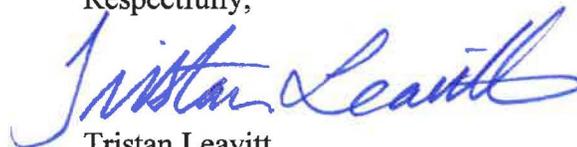
findings and conclusions presented in the agency report. Therefore, OSC will not transmit them to you or the congressional oversight committees, or post them in our public file.

The investigation did not substantiate Ms. Leligdon's allegations. The agency explained that there was no evidence that the unit manager directed any employee to falsify documentation in medical records. It based its conclusion on employee interviews and reviews of the medical records at issue. Medical chart reviews confirmed that employees were appropriately documenting patient interactions, and that patients discharged from the Acute Inpatient Psychiatric Unit received appropriate follow up care that aligned with agency policy.

In comments to the report, Ms. Leligdon objected to these findings. She voiced concerns regarding the conduct of the investigation and asserted that, notwithstanding the findings, an abuse of authority occurred.

OSC has reviewed the original disclosure, the report, and Ms. Leligdon's comments. OSC has determined that the agency's report meets all statutory requirements and that, based on the evidence adduced from its investigation, the findings appear reasonable. As required by 5 U.S.C. § 1213(e)(3), OSC has sent a copy of this letter and an unredacted agency report to the Chairmen and Ranking Members of the Senate and House Committees on Veterans' Affairs. OSC has also filed a copy of the letter to the President and a redacted copy of the report in our public file, which is available at www.osc.gov. This matter is now closed.

Respectfully,



Tristan Leavitt
Acting Special Counsel

Enclosures