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The Special Counsel

May 3, 2018

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

VIA ELECTRONIC MAIL

Re: OSC File No. DI-16-5859

Dear Mr. President:

Pursuant to 5 U.S.C. § 1213(e)(3), I am forwarding to you a report from the Department of Veterans Affairs (VA) based on disclosures of wrongdoing at the Northport VA Medical Center (Northport VAMC), Northport, New York. The whistleblower, who chose to remain anonymous, disclosed that Northport VAMC Admissions Department (Department) employees improperly erased approximately 1,115 voicemails left by new patients attempting to register for appointments. OSC has reviewed the agency report and, in accordance with 5 U.S.C. § 1213(e), provides the following summary of the report and my findings.¹

The agency did not substantiate the whistleblower's allegations that Department management failed to respond to approximately 1,115 voicemails left by patients seeking care and directed facility Information Technology personnel to erase the voicemails without follow-up. Rather, the agency determined that the facility clinic manager prevented the deletion of voicemails that were scheduled to be deleted as part of a routine quarterly assessment of all voicemail accounts. The clinic manager ensured that all the voicemails were heard and transcribed, and all veterans' requests were resolved before the voicemail account was closed. The clinic manager then implemented an improved process for new patient registration that eliminates the need for additional phone calls or in-person visits.

In comments on the agency's report, the whistleblower expressed doubt about the veracity of the findings in the agency's report. The whistleblower questioned whether management properly handled the voicemails before deleting them, and whether providers received voicemails that contained clinical questions. The whistleblower also asserted that the clinical manager did not prevent deletion of the voicemails as described

¹ The whistleblower's allegations were referred to former Acting Secretary Robert D. Snyder for investigation pursuant to 5 U.S.C. § 1213(c) and (d). The Office of the Medical Inspector investigated the allegations and former Chief of Staff Vivieca Wright Simpson reviewed and signed the report.

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in the report, and asserted that the mishandling of the voicemails compromised veterans' privacy.

I have reviewed the original disclosure, the agency report, and the whistleblower's comments. The whistleblower raised important questions regarding the management of the voicemails as records and as evidence of the agency's response. However, the agency provided sufficient information to support its findings, including reference to its records control schedule, electronic and handwritten lists of veterans who left voicemails, and patient advocate and sentinel event reports. In addition, the facility undertook corrective action to prevent similar situations from arising in the future. Thus, I have determined that the report meets all statutory requirements and the findings appear reasonable. As required by 5 U.S.C. § 1213(e)(3), OSC has sent a copy of this letter, the agency report, and the whistleblower's comments to the Chairmen and Ranking Members of the Senate and House Committees on Veterans' Affairs. I have also filed copies of these documents in our public file, which is available at www.osc.gov. This matter is now closed.

Respectfully,



Henry J. Kerner
Special Counsel

Enclosure