



U.S. OFFICE OF SPECIAL COUNSEL

1730 M Street, N.W., Suite 300
Washington, D.C. 20036-4505

The Special Counsel

July 12, 2018

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

VIA ELECTRONIC MAIL

Re: OSC File No. DI-17-4244

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 Hines VA Medical Center (Hines VAMC), Hines, Illinois. I have reviewed the agency report and, in accordance with 5 U.S.C. § 1213(e), provide the following summary of the report and my findings. The whistleblower disclosed that a Hines VAMC police officer abused his authority by arresting her for parking tickets.¹

The VA's Office of Security and Law Enforcement (OS&LE) investigation did not substantiate the whistleblower's allegations. Specifically, the investigation found that the officer did not receive improper education benefits that she questioned, as alleged. Further, OS&LE determined that the officer did not improperly arrest the whistleblower, because she was arrested pursuant to a bench warrant issued by a U.S. Magistrate Judge for failing to appear in federal court.

The report explained that the whistleblower was summoned to appear in the U.S. District Court of Northern Illinois on July 11, 2016 and August 30, 2016, but failed to appear on both dates. On November 30, 2016, a U.S. Magistrate issued a bench warrant for her arrest and directed the facility police to execute the warrant. The officer, as the federal court liaison for the Hines VAMC, executed the warrant, and escorted the whistleblower to the court.² The report found no evidence that the officer had direct

¹ The whistleblower's allegations were referred to former Secretary David J. Shulkin for investigation pursuant to 5 U.S.C. § 1213 (c) and (d). The VA Office of Security and Law Enforcement investigated the allegations. Former Acting Secretary Robert J. Wilkie delegated responsibility to review and sign the report to former Chief of Staff Peter M. O'Rourke, who submitted the report to OSC on May 4, 2018. The whistleblower submitted comments on the agency's report.

² The whistleblower also raised concerns over the manner in which she was arrested. In her initial disclosure and in her comments, she claims that the officer used excessive force in executing the arrest. Both the whistleblower's statements and the agency report indicate that she received ambulatory medical

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contact with the whistleblower prior to her arrest, or that he was retaliating against her when he carried out a court-ordered arrest for her failure to obey two summons.

In her comments, the whistleblower expressed disappointment in the investigation. She disputed many findings in the report; specifically, she asserted that she had previous interactions with the arresting officer and that the basis of her arrest was improper.

While the whistleblower disputes the basis for her arrest, the report sufficiently explains that violations of law on VA property, including unpaid parking tickets, are federal cases that are automatically reported to the VA Central Violations Bureau (Bureau) in San Antonio, Texas. When tickets remain unpaid, the Bureau's processing center forwards these cases to a local federal court for resolution.

I have reviewed the original disclosure and the report, and determined that the report meets all statutory requirements and the findings appear reasonable. As required by 5 U.S.C. § 1213(e)(3), I have 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 redacted 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

care following the arrest, but the report does not substantiate aspects of her account, such as the use of "double-cuffing" when arresting the whistleblower.