THE SECRETARY OF VETERANS AFFAIRS
WASHINGTON

July 2, 2008

The Honorable Scott J. Bloch
U.S. Office of Special Counsel
1730 M Street, NW, Suite 300
Washington, DC 20036-4505

Dear Mr. Bloch:

Your letter of February 28, 2008, outlines allegations regarding the conduct of employees in the Chicago Heights Veterans Center (CHVC) (Office of Special Counsel File Number DI-08-0446). The specific allegations were made by Varnziel Winfield, a social worker formerly employed by that office. I asked the Under Secretary for Health to review this matter and take any actions deemed necessary under 5 U.S.C. § 1213(d)(5). He, in turn, directed the Readjustment Counseling Service (RCS) National Office to review the allegations. RCS assigned one of their regional administrators, an attorney, to conduct an investigation of the allegations. After interviewing the principals involved, including the complainant, the investigator determined that the allegations are unsubstantiated. The investigation report is enclosed.

During the investigation, irregularities were identified in the documentation of patient treatment. These areas have been discussed with RCS senior management and an action plan is being developed to address the findings.

Sincerely yours,

James B. Peake, M.D.

Enclosure

Date: April 10, 2008

From: Denis McNamara J.D.
H.R. Consultant

Subj: Fact Finding - Chicago

To: Dr. Alfonso Batres
Chief Administrative Officer

1. AUTHORITY: This fact finding assignment was appointed under the authority of Dr. Alfonso Batres, Chief Officer for the Readjustment Counseling Service (RCS). The lone member of the fact finding team is Denis McNamara, Readjustment Counseling Service (RCS) Human Resource Consultant, Mukwonago, Wisconsin who can be reached at 262-424-5606.

2. PURPOSE: The Fact Finder was appointed to investigate allegations made by a former Chicago Heights Vet Center (CHVC) employee, Mr. Varnziel Winfield, to the Office of Special Counsel (OSC) alleging 1) that CHVC Team Leader Lemuel Slaughter "engaged in sexual conduct while at the Vet Center almost every Thursday evening between January and March of 2007" and 2) that Office Manager Connie Vinegar and Counselor Ignacio Ramos, "... watch movies at the Vet Center almost every weekday between 11:30 a.m. and 2:00 p.m. or 3:00 p.m. from April 2006 to April 2007."

3. SCOPE: The scope of the supplemental investigation included: 1) taking of witness testimony and an assessment regarding the veracity of the allegations made by Mr. Winfield; 2) compliance with OSC reporting requirements; and, 3) ~~to make~~ making recommendations to Dr. Batres regarding what, if any, additional actions should be taken with regard to the substance of the OSC complaint.

4. PROCEDURES: The investigation was bifurcated taking testimony from staff persons at the CHVC initially then taking testimony of veteran clients at a separate location. On March 6, 2008, the Fact Finder took testimony from four (4) witnesses. The witnesses included Mr. Lemuel Slaughter, CHVC Team Leader, Connie Vinegar, CHVC Office Manger, Ignacio Ramos, CHVC Counselor and Rene Dicerson a CHVC Counselor. A supplemental inquiry was conducted on March 19, 2008. Six (6) additional statements were taken. The additional witnesses included Mr. Varnziel Winfield, Mr. [redacted] Mr. [redacted] Mr. [redacted] Mr. [redacted] and Mr. [redacted] All ten (10) witness's testimony were tape recorded and the actual tapes are in the custody of Denis McNamara in Mukwonago, Wisconsin. The tapes are available upon request by competent authority.

5. WITNESS TESTIMONY

A. THE TESTIMONY OF LEMUEL SLAUGHTER

Mr. Slaughter has worked for the RCS for approximately ten (10) years. He has been the team leader at the CHVC for approximately three (3) years. Prior to working for the RCS, Mr. Slaughter worked for a group called Human Resources Development Industry (HRDI) in the Chicago area. HRDI apparently does private social work for the local community. Mr. Slaughter states that he continues to work for HRDI on a contractual basis.

Mr. Slaughter holds a Masters Degree focusing of drug and alcohol rehabilitation.

Mr. Slaughter was the Team Leader at the CHVC in February of 2007. He states that in February of 2007 the Vet Center had four full time employees including himself, Ms. Vinegar, Mr. Ramos and Mr. Winfield. There was also a part time counselor from the VAMC named Erica Williams. In April of 2008, the CHVC has four full time employees including Mr. Slaughter, Ms. Vinegar, Mr. Ramos and Ms. Dicerson.

A normal work day at the CHVC in February of 2007, according to Mr. Slaughter was 8 - 4:30 Monday thru Friday. On Mondays and Thursdays, however, the Vet Center was open until approximately 8 p.m. to accommodate group meetings. He stated that his hours are somewhat irregular in that it depends on the needs of the veteran clients.

Mr. Slaughter states that Mr. Winfield was an employee at the CHVC between April of 2006 and April of 2007. He was hired by Mr. Slaughter. Over his tenure with the RCS, Mr. Winfield is said to have lacked an understanding of the functions of the RCS. Mr. Slaughter indicates that Mr. Winfield was excessively tardy and missing work on a regular basis and this caused concern. Mr. Slaughter issued a letter of counseling to Mr. Winfield in July of 2006 regarding his tardiness and inappropriate use of leave. In October of 2006 Mr. Winfield received a second written counseling regarding tardiness for work. Mr. Winfield also received a less that satisfactory evaluation on October of 2006 because of the tardiness and leave use issues.

Mr. Slaughter characterized Mr. Winfield's demeanor at the CHVC as "always angry". Mr. Winfield is said to have wanted an assistant to help him with patient records, filing etc. Mr. Slaughter says Winfield was very disgruntled that he did not have secretarial help. Mr. Winfield's job responsibilities included a group counseling session held in Joliet Illinois every week. Mr. Slaughter indicates that Winfield rarely was on time for the group session and that veterans in the group were extremely unhappy with his service.

Mr. Slaughter indicates that Mr. Ramos and Ms. Vinegar oftentimes watched movies during their lunch break. Their lunch hour was and is between noon and 1p.m. Mr. Ramos is a diabetic and is regimented regarding his lunch period. Mr. Slaughter indicated that Ramos and Vinegar would rarely, if ever, exceed the 1 o'clock hour on their lunch breaks. He indicated that there were times when clients and sometimes client's children would be allowed to watch television or movies – depending on circumstances. Mr. Slaughter testified that Ramos and Vinegar often watched required training videos on their lunch break. He categorically denies the allegations made by Mr. Winfield towards Mr. Ramos and Ms. Vinegar.

Mr. Slaughter furthermore denies that he ever engaged in inappropriate sexual conduct with anyone at the CHVC. He states that he is appalled by Mr. Winfield's allegations. He states that he would stay at the CHVC on Thursdays specifically to monitor Mr. Winfield's conduct with a Thursday night group. Mr. Slaughter states that his usual business practice is to have his door open whenever he is meeting with a female veteran at the CHVC.

Mr. Slaughter states that the only white woman he can think of who would appear at the CHVC on Thursdays is a [redacted] widow of a local veteran. Mr. Slaughter identified the woman as [redacted] She is something of a walk-in but oftentimes would simply call and asked to be seen. This apparently did occur on several Thursday evenings in February of 2007. This woman, according to Slaughter, [redacted]

Mr. Slaughter states that he would see [redacted] Thursdays and that is the only client that he can think would be the person that Mr. Winfield is referring to. He states that [redacted] was a bereavement referral [redacted] Mr. Slaughter stated that he opened a case on [redacted] and then closed it out. He says that he continues, however, to counsel [redacted] The last time he saw [redacted] was in [redacted] Mr. Slaughter volunteered that he had spoken with [redacted] regarding

Mr. Winfield's previous EEO allegations and that she would be happy to talk with me. Mr. Slaughter volunteered [redacted] home telephone number [redacted]

Upon review, Mr. Slaughter indicated that he could find no chart on [redacted] Mr. Slaughter indicates that he would simply respond to [redacted] telephone call and allow her to come to the CHVC on an as needed basis. These quasi-appointments, however, did occur on Thursday evenings. There is nothing in SARS – the RCS internal electronic work record system - regarding the treatment offered to this client. Mr. Slaughter says that he saw [redacted] approximately ten (10) times in 2007.

Mr. Slaughter acknowledges that it is customary to take contemporaneous notes of treatment offered to veterans but says that [redacted] was an exception. He says he was simply offering her "support". Mr. Slaughter says the services he offers [redacted] are secondary to his empathy with veterans and he was offering support but not recording the treatment sessions in SARS or otherwise.

He says there are probably three or four other clients who fall into the same category as [redacted] Other clients include [redacted] a [redacted] a [redacted] and some walk ins. Mr. Slaughter attributes the lack of record, in part, to problems with RCS reporting of service offered to "ineligibles". It is not clear how this applies to [redacted] if she was referred as a bereavement case.

Mr. Slaughter denies the underlying allegations in the case and further denies that he would talk with Mr. Winfield about any personal matter.

B. THE TESTIMONY OF IGNACIO RAMOS

Mr. Ramos is a Readjustment Counseling Therapist with the RCS. He has been employed by RCS for the past twenty years. He counsels veterans on a variety of issues but focuses on veterans suffering from physical disabilities. Mr. Ramos is a paraplegic secondary to a motorcycle accident. He is a veteran of the USMC. He is a Vietnam combat veteran. He characterizes himself as a "grunt" or a "bush" Marine. Mr. Ramos has a total of 32 years of service with the DVA. He worked at the DVB side of the house for the first 12 years with the agency. He has worked at the CHVC since 1995.

Mr. Ramos started with RCS as a part –time file clerk. He then returned to school and obtained a Masters level degree in counseling.

Mr. Ramos worked along side Mr. Winfield but did not have a close rapport with him. He says he tried to assist Mr. Winfield when he first started but Mr. Winfield was somewhat standoffish to Mr. Ramos. He felt that Winfield was arrogant and not amenable to direction from a third party. He stated that despite being a fellow Marine, he (Ramos) didn't associate with generals and officers that Mr. Winfield said that he knew. Mr. Ramos says he is a combat vet and felt no real rapport with Mr. Winfield.

Mr. Ramos testified that he is a diabetic. He indicated that his meal schedule is very rigid. He eats between noon and 1 p.m. He says that he oftentimes eats lunch with Ms. Vinegar. He also says that he oftentimes watched old movies during his lunch period. He also says that he and Ms. Vinegar would watch RCS training films at lunch. He is adamant however, that he is Marine trained and when 1 o'clock comes around he finishes his lunch and returns to work. Mr. Ramos does say, however, that periodically veterans and their children watch movies and cartoons at the Vet Center. These instances occurred when a veteran would have appointment at the Vet Center and come too early or when the veteran preferred to leave his kids outside the counselor's room when receiving counseling.

Mr. Ramos adamantly denies that he or Ms. Vinegar would watch movies on "government time". He states that if the television was being used after is lunch period it was for the benefit of veteran clients or their children.

Mr. Ramos has no knowledge of inappropriate sexual conduct at the CHVC. He states that he leaves the CHVC at 4:30 p.m. and is unaware of any improprieties at the CHVC. Mr. Ramos is very complimentary towards Team Leader Slaughter. He states that Slaughter is a very positive influence at the CHVC. Mr. Ramos is bewildered by the allegations made by Mr. Winfield both as they relate to himself and Ms. Vinegar and as to Mr. Slaughter.

Mr. Ramos was hospitalized for much of 2007. He was an in-patient for approximately 3 months between December of 2006 and March of 2007. He was also hospitalized for approximately 1 month in the earlier part of the year.

C. THE TESTIMONY OF CONNIE VINEGAR

Ms. Vinegar is the Office Manger at the CHVC. She has worked with RCS for twenty-one years. She began her career as a file clerk, then to secretary and then to program assistant. She has been the office manger since 2001.

Ms. Vinegar's workday begins at 8:00 a.m. and ends at 4:30 p.m. She takes lunch between noon and one p.m. She usually eats along with Mr. Ramos. Since Mr. Ramos' schedule is so rigid, Mr. Vinegar tends to follow the same hours for lunch as Mr. Ramos. Ms. Vinegar states that she and Mr. Ramos finish lunch just about exactly at one p.m. The only times movies were shown after one p.m. was to veterans and their children. She denies Mr. Winfield's allegation of wasting government time both as to her and Mr. Ramos.

Ms. Vinegar did not have a very good relationship with Mr. Winfield. She felt he was not inclined to be a team player. She felt Winfield was arrogant. She says he is simply a mean and evil person. She says he called her a "little ghetto girl".

As an office manager, Vinegar greets veterans as they enter the CHVC. Veterans seen at the CHVC are not recorded when they first appear at the center. She indicates it he counselor's responsibility to keep treatment notes and SARS reports.

Ms. Vinegar does know [redacted] She describes [redacted] as an older woman with [redacted] She says [redacted] comes in sometimes once a week. [redacted] comes to the CHVC around [redacted] Ms. Vinegar states that [redacted] has regular scheduled appointments. By the time the [redacted] counseling sessions are finished, Ms. Vinegar has usually left the CHVC. Ms. Vinegar says that [redacted] would come in late on Thursdays. Since there is no log in procedure or charts notes regarding this client, it is hard to determine exactly when she appeared at the CHVC. It is clear, however, that she did appear somewhat regularly on Thursday evenings in the early part of 2007. Ms. Vinegar assumed there was a chart on [redacted] She can not offer an explanation why there is no chart on [redacted] She stated, "this woman has been coming here for a long time so there better be a chart on her".

Ms. Vinegar has no insight into the allegation of inappropriate sexual conduct at the CHVC. She knows Mr. Slaughter's wife from a previous work experience. She is

comfortable working at the CHVC. She has not been subjected to inappropriate conduct at the Vet Center.

D. THE TESTIMONY OF RENE DICERSON

Ms. Dicerson is a counselor for the RCS since October of 2007. She holds a Masters Degree in counseling. She counsels veterans in the area of sexual trauma and focuses on women and family related matters. Ms. Dicerson also works with veterans suffering from drug and alcohol dependence. She works from 8 a.m. - 4:30 p.m. regularly but adds hours when necessary. She joined the CHVC after Mr. Winfield left the CHVC. She states that veterans she sees now in Joliet were unhappy with the services offered by Mr. Winfield.

Prior to working for RCS Ms. Dicerson worked for DoD at the Great Lakes Naval Training Center. She has also worked for the State of Illinois in child and family services. She is an Air Force veteran. She enjoys working with veterans due to her previous experiences with the military.

Because she was not working with the RCS in February of 2007, Ms. Dicerson has no first hand knowledge of the allegations made in this case. She does state that as a woman she feels comfortable working at the CHVC. She has no knowledge of any inappropriate sexual behavior at the CHVC. Ms. Dicerson is the person hired to replace Mr. Winfield.

E. THE TESTIMONY OF MR. [redacted] (TELEPHONIC)

On Wednesday, March 19, 2008 @ 9:30 a.m. I telephoned Mr. [redacted] regarding the CHVC matter. [redacted] I left a message asking Mr. [redacted] to return my telephone call. At approximately 9:45 a.m. Mr. [redacted] returned the call. He indicated that he presently lives in the State of Georgia. He indicated that he was a regular member of the Thursday night group meetings at the CHVC in the early part of 2007. He indicates that he rarely missed a meeting while Mr. Winfield was the group leader. [redacted] indicates that he has no knowledge whatsoever of the alleged inappropriate touching that is alleged in Mr. Winfield's complaint to the OSC. [redacted] further states that he never discussed the allegations of inappropriate behavior on the part of Mr. Slaughter with anyone nor did he ever overhear his colleagues discuss the matter. He is somewhat bewildered by the allegations an affirmatively denies any knowledge of the alleged incident.

F. THE TESTIMONY OF [redacted] (TELEPHONIC)

On Wednesday, March 19, 2008 at 1:45 p.m. I spoke with Mr. [redacted] on the telephone [redacted] Mr. [redacted] indicates that he was a regular member of the Thursday night group session at the CHVC in early 2007. Mr. [redacted] attendance at the group session was not as regular as other group members but he did attend what he indicates as frequently. Mr. [redacted] denies any knowledge of the allegations made by Mr. Winfield to the OSC. Not only had Mr. [redacted] not seen any inappropriate behavior on the part of Mr. Slaughter, he never heard any member of the group say anything to that affect. He indicated that this is the type of information that – in his view- would be a hot topic of discussion in the group if it actually occurred. He denies, however, any first or second hand knowledge of the allegations. He indicates that he enjoyed his group meetings with Mr. Winfield. He volunteered, though, that he felt Winfield was not a good administrator. He indicated that Mr. Winfield was not a very organized person but was very empathetic to the veterans at the CHVC.

G. THE TESTIMONY OF MR. [redacted] (TELEPHONIC)

On Monday, March 17, 2008 I spoke with the veteran [redacted] regarding on the telephone [redacted] Mr. [redacted] indicated that he was not interested in meeting with me to discuss the matter of the OSC referral. He did indicate that he was a regular member of the Thursday night group meeting at the CHVC headed by Mr. Winfield. He denies any knowledge of any inappropriate conduct on the part of Mr. Slaughter. He further indicates that he is unaware of any discussions among his colleagues regarding any misconduct by Mr. Slaughter. He indicates that he feels that this sort of allegation would be the subject of group chatter if it had occurred. He denies any first or second hand knowledge of the incident alleged by Mr. Winfield.

H. TESTIMONY OF [redacted]

Mr. [redacted] is a veteran of the Amy, [redacted] the USMCR – full time/active duty [redacted] the USN [redacted] the USAFR [redacted] He is a Vietnam combat vet from [redacted] He has one daughter and three grandchildren.

He began attending group sessions the CHVC in 2005/2006. He was referred to the CHVC for employment assistance. He has "mixed' reviews on the CHVC. He enjoyed the group settings

when Mr. Winfield conducted the session. He does not enjoy the group sessions that he presently attends as much as his previous experience at the center. He sees Mr. Ramos and Mr. Slaughter as being more abrupt than Mr. Winfield but understands that different people have different approaches to counseling.

Mr. [redacted] was a regular attendee at the Thursday evening group sessions. He denies knowing anything about Mr. Slaughter's alleged misconduct. He indicates that at various times Slaughter saw clients on Thursday evening. He saw no problem with Mr. Slaughter closing the blinds when he was seeing a client. He denies ever speaking with any of his colleagues regarding the matter. He says this despite the fact that he does not particularly care for Mr. Slaughter. He seems to hold Mr. Slaughter responsible for Mr. Winfield's departure from the CHVC.

Mr. [redacted] did complain about Ms. Vinegar's absence from her position periodically. He indicated, however, that the information he had regarding office management was gleaned from Mr. Winfield.

I. THE TESTIMONY OF [redacted]

Mr. [redacted] was a regular attendee at the CHVC Thursday evening group session in early 2007. He is an US Army veteran. He is a combat veteran being in Vietnam in [redacted] He has two children and one grandchild. He is retired since 2007. He is very complimentary regarding his experience with the Vet Centers. He was referred to the Vet Center due to health problems associated with Agent Orange. He says he suffers from PTSD. He suggests Vet Centers should get more publicity and be recognized for the work that they perform.

Mr. [redacted] states that he thinks highly of Mr. Winfield. He sees him as a colleague in that they are both combat veterans and have mutual empathy regarding their experiences in war. Mr. [redacted] was a regular member of the Thursday night group session in early 2007.

Mr. [redacted] states he has no knowledge of the allegations regarding Vinegar and Ramos. He was not regularly at the CHVC between the hours of one and three in the afternoon.

Mr. [redacted] does states, however, that he does recall one incident that raised his eyebrows. He states this incident was totally unprofessional. He states that on one particular evening Mr. Slaughter came into the group session and indicated that he was

seeing a client and he wanted the blinds closed. The blinds were closed. Mr. [redacted] was seated to the rear of the conference room adjacent to Mr. Slaughter's office. He saw and heard Mr. Slaughter and a Caucasian woman walk by the group session room. He states that he saw the interaction between Slaughter and a client because the blinds that were to his back were partially open. He testified that he saw them embrace and he heard muted noises from them. He says others in the group conference room saw what was going on. He saw them embracing while standing against a desk. He did not see them having sex. He saw them partially. He could not see their heads. He redirected his attention back to the group instead of focusing on the interaction between the parties. He says this encounter was more than a mere greeting. It was clearly a prelude to a sexual encounter. It was embarrassing to him. He says others in the group made similar comments. He saw this one time only. He could not recognize this person. He thinks she was a Caucasian. He says he has heard chatter between and among his colleagues regarding this event. He indicates that this information could have come from Mr. Winfield. He never saw any other interaction between Slaughter and a Caucasian woman. He says this event occurred within 30-60 days prior to Mr. Winfield leaving the Vet Center. Mr. [redacted] says others, including a veteran named [redacted] were present. Mr. [redacted] testified that he saw Slaughter and a Caucasian woman in an overly friendly embrace. Her clothes moved up and down. She was wearing a coat. Slaughter's hands were over her clothes.

J. TESTIMONY OF VARNZIEL WINFIELD

Mr. Winfield is retired from the military. Mr. Winfield was in the USMC from 1960 to 1981. He was a combat veteran in Vietnam. 66-67, 72-73.

He holds a MSW from Chicago State University 2005. He also holds a Masters degree in Education bestowed upon him jointly by Howard University in Washington D.C. and National University in Chicago. He received his bachelor's degree from San Diego State in 1975.

Mr. Winfield reports he was a work study student for the San Diego VA District Counsels office in 1981. He says he was hired as an education specialist for the DoD from '83-85. He transferred back to San Diego for DoD until 1988. He returned to Chicago in 1988. He suffered a divorce at that time. He returned to school till 1989. He worked in the private sector for about 1 year. He then worked for HRDI in Chicago for about 18 months. He then lived at home

with his parents. He was helping his family – an injured brother- during 1992-2002. Mr. Winfield provided a resume.

Mr. Winfield began working for the RCS in April of 2006. He had done some internship work with the DVA while in school. He was selected for the position by Mr. L. Slaughter. Mr. Winfield was hired as a counselor. (Series 185 MSW).

From April of 2006 till April of 2007, the clinical team at the CHVC included Slaughter, Ramos, Vinegar and Mr. Winfield. Mr. Winfield had both individual counseling responsibilities and group responsibilities as well. Mr. Winfield worked at the CHVC on Monday, Tuesday, Thursday and Friday. On Wednesday he conducted a group session in Joliet, Illinois and was not present at the CHVC. His typical work hours were 8-4:30 on Monday and Tuesday. On Thursdays he worked from 10 am to 6 p.m. On Friday he worked 8 -4:30 p.m.

Mr. Winfield states that immediately upon being hired Mr. Slaughter told him that he was not his first choice for the job. Mr. Winfield states that Slaughter turned hostile within the first six months of the job. He states Slaughter continually told him that he preferred someone else for the position. He states that Ms. Vinegar just turned nasty and that initially Mr. Ramos tried to be a buffer. Mr. Winfield testified that initially didn't know why there was such hostility. He then reports that over time, Mr. Slaughter would indicate that he had no respect for social workers and he felt they "weren't for shit". He states Slaughter kept harping on him to get his drivers license. Mr. Winfield indicates that his license had been revoked due to a DUI while he lived in Mississippi.

Mr. Winfield testified that he doesn't have a problem with Mr. Ramos. He went on to state, however, that Mr. Ramos would talk to him about Ms. Vinegar being "his wife" and talking about her body. Mr. Winfield says he didn't want to get involved in it. He says he no personal interest in her.

Mr. Winfield believed that since he held advanced degrees that Ms. Vinegar was not in his line of authority. He felt it improper for Mr. Slaughter to refer him to Ms. Vinegar when he had questions about the CHVC. He complains that Ms. Vinegar would not help him with copying material and he is critical of her job performance. Winfield questions why Vinegar moved the copier from behind her desk to the front lobby. He feels this was improper. Mr. Winfield wanted a work study to assist him. He was displeased that Vinegar and Slaughter did not want a work study. He says Vinegar treated

previous work study employees poorly. Winfield believes that Vinegar became simply nasty after he complained of a lack of administrative assistance. He complained to Mr. Slaughter and was upset when Slaughter indicated to him that you have to learn to get along with Ms. Vinegar. Apparently the relationship between Vinegar and Winfield went sour quickly. It became very personal. Mr. Winfield felt Slaughter didn't appropriately intervene in the matter.

Mr. Winfield complains that Ramos and Vinegar would watch movies in Mr. Ramos office. He complained that Vinegar wouldn't cover her position while she was watching the videos. He says this occurred most every day. He stated that this occurred during the three months prior to his removal from the CHVC. He also complained that Mr. Ramos would see people in the common areas and that was a logistical problem for him. He specifically testified that this occurred in January, February and March of 2007. He later recanted that portion of his testimony indicating that this did not occur in the early part of 2007 because Ramos was on sick leave for the last month of 2006 and first two months of 2007. He insisted that a work study person was needed but this request was met with resistance from Mr. Slaughter.

In regard to the allegation against Mr. Slaughter, Mr. Winfield insists that the woman he saw with Mr. Slaughter wore wigs, sunglasses and disguises while at the CHVC. No witness, other than Mr. Winfield, can corroborate seeing a Caucasian woman wearing disguises at the CHVC. One evening in February of 2007, Mr. Winfield states that saw Mr. Slaughter close the blinds to his office while meeting with this unidentified disguised woman. He testified that he could see them making contact. He (Slaughter) started touching her all over her body. Mr. Winfield states that she then told Slaughter that the blinds were partially open and people in the conference room could see them. Slaughter then closed the blinds. Mr. Winfield states the group began carrying on about the matter. He states [redacted] and [redacted] saw the event. He said that [redacted] made several comments regarding the event. Mr. Winfield states that Mr. [redacted] is on to everything. He states [redacted] is precise, intelligent observant. He is sure Mr. [redacted] saw the event. The blinds are said to be open for less than one minute. He says Slaughter bragged of his affair with the woman.

Mr. Winfield then indicated that he worked on Sundays two weeks per month. He worked from 11 - 3 he was usually at the CHVC. He says he actually saw this same woman at the CHVC on a weekend. He says he can not recall the date because this was not

impacting on me. He never recorded any contemporaneous notes regarding these matters. He never approached the issue with Slaughter. Winfield says this Caucasian woman was sending Slaughter flowers at the CHVC. Winfield insists Slaughter was bragging about his exploits with everyone in the CHVC. He suggests the trio at the CHVC is bizarre. Winfield complains of Slaughter's dress and appearance. He claims Slaughter is a braggadocio. He complained to Slaughter that Vinegar was getting "ghetto" with him.

Winfield states that the affair in question dated back approximately six months prior to his removal from the CHVC. He never shared this information with anyone in the chain of command. He says clinical coordinator at Hines, Mr. Ed Klemma knows of the unequal distribution of work at the CHVC. He says a Mr. Lamowitz (sp) of the HR group suggested that he file an EEO complaint early in his tenure at the CHVC. He did not do so, however. He complains that he was over worked and Slaughter always was unhappy with his work. He says he was afraid for his job.

Oddly, Mr. Winfield testified that Mr. Slaughter paraded around the CHVC with a big pink plastic pig with its genitals hanging out. Mr. Winfield claims he complained to Karen Lanoos regarding the inequitable distribution of work. She is the social worker at the CH CBOC. She now works for Jesse Brown VAMC. He says Lorrie Pettis, a clinical consultant has insight into the problems at the CHVC. Mr. Winfield's testimony at this point was a little skewed.

Mr. Winfield insists that Mr. [redacted] is reliable witness to the event involving Mr. Slaughter. He says Mr. [redacted] is a reliable witness. He says [redacted] is also a reliable witness. He states that Mr. [redacted] would have information regarding the allegation that Vinegar wasted government time by not being at her work station during work hours.

Mr. Winfield indicates that he did not, in his opinion, abuse leave privileges while working at the CHVC. He claims the bus system in the Chicago Heights area caused him to be periodically late for work. He says the bus problem was unpredictable. He says he left home on time but the trains and buses were a problem. He says he always called when the transportation problem occurred. He claims he also has a neuropathy that would periodically not allow him to appear for work.

Superimposed on Mr. Winfield's tenure with the RCS was a suitability inquiry made by the Office of Personnel Management

(OPM). The report is dated March 15, 2007 and outlines five police contacts, interventions or arrests made with Mr. Winfield, an eviction and a negative reference from a previous employer. The OPM suitability referral is customarily sent to the employee's agency within the first year they are employed by the government. In this case, the DVA was asked to investigate the following:

a. Case 6-11-1996, SID-IL37474550, Drug Possession, County #96113247701
b. Case 7-31-1998, SID IL 37474550, Theft/Unauthorized Con, County # 98131768901.
c. Case 3-09-1999, SID IL 37474550, Crim. Aslt/FT
d. Case 11-21-1996, Disorderly Conduct, County 96140733901
e. Case 08-31-2004, Disorderly Conduct, County # 04400953901
f. Eviction #05M-40157
g. Unfavorable reference from previous employer. Unable to perform duties as an outplacement counselor.

Regarding the OPM referral Mr. Winfield states that the allegations are all untrue. He says he was arrested by the police on several occasions but never convicted of the crimes as alleged in the OPM report. He says he was having difficult personal times and ended up living at a Chicago YMCA. He says the police arrested him twice while he lived there. The first arrest was for an allegation of rape and drug possession. He says a street walker wanted to walk along the street with him. The police stopped him and alleged that he had drugs on him. He says the police planted drugs on him in 1996. He says the case was ultimately dismissed. He states he was subsequently arrested for allegations of robbery, rape and possession of drugs. He states the police singled him out.

In regards to the arrest for alleged robbery, Mr. Winfield indicates it was actually a mistake made by the hotel staff on check in. He states the hotel clerk gave him the wrong key to another guest's room and this caused the incident in which he was arrested for burglary.

Mr. Winfield states that he has been convicted of DUI in the state of Mississippi more than twenty years ago. He also states that he was convicted of public urination in 1989 or 1990. He says he has a medical condition that precipitated this incident.

Mr. Winfield was arrested for assault and robbery in 1999. He was arrested for disorderly conduct when he came out of a store a few local teenagers hustled him and the police stopped him and arrested him rather than the street thugs.

Mr. Winfield states that the unfavorable report from a previous employer submitted to OPM was simply in error.

Mr. Winfield states there are other issues at the CHVC. He then stated that in addition to the FBI disguised woman, there was a Hispanic male always at the CHVC. This Hispanic male was not a vet but apparently a friend of Slaughter. He says he would meet frequently with Mr. Slaughter. This occurred once or twice a month for the entire year Winfield was at the CHVC. They are said to relate in such a way that something was going on between them. He states Slaughter regularly bragged of being a "GD" – gangster disciple. He states Slaughter had gang affiliations. Winfield says the demeanor between Slaughter and the Hispanic male suggests to him that there was something unorthodox about the relationship. He says there was reference to activities in the park – drugs, homosexual activities, prostitution made by Slaughter. Winfield says that Slaughter indicated to him that sometimes I just go and drive to the park. Mr. Winfield felt this comment suggested that Slaughter was somehow involved in the illicit activities that were taking place in the park.

Mr. Winfield added that Mr. Slaughter has an illicit relationship with a [redacted] Ms. [redacted] is said to be an adjudicator at the DVB Regional Office in Chicago. Mr. Winfield alleges Mr. Slaughter would brag about his relationship with Ms. [redacted] Winfield suggests Slaughter would use his relationship with [redacted] for the benefit of the CHVC clients. He states that adjudicators work behind closed doors. He claims Ms. [redacted] inappropriately pitched real estate to veterans [redacted] He states that Slaughter would tell the guys if you cooperate with me I can assure 100% disability. He states Slaughter and [redacted] would conspire to ensure veterans referred by Slaughter would receive 100% service connected disability payments. He can not say who Slaughter told this to. He then stated a [redacted] was involved with some real estate deals with Ms. [redacted] He describes the relationship as incredible. He states that Slaughter and [redacted] illegally conspire to increase veteran's ratings.

6. <u>FINDINGS</u>

A. The Complainant, Mr. Winfield, was unsuccessful at the RCS and subsequently removed from the CHVC due to his unprofessional conduct, an unfavorable reference from a previous employer and other questionable conduct. The unprofessional conduct included inappropriate use of work time

and of leave. He tended to not join the CHVC team. He was said to be aloof, arrogant, and otherwise not inclined to cooperate with the other members of the CHVC team. Superimposed on his limited tenure with the RCS was a March 15, 2007 OPM inquiry regarding Mr. Winfield's suitability for federal service. The OPM document outlines five separate arrests of Mr. Winfield for which he offers little reasonable explanation. Mr. Winfield's removal from federal employment is in no way connected to his complaint to the OSC. There are clear and sufficient reasons for Mr. Winfield's removal from the federal workforce. The complaint to OSC post dates his removal and the complaint is inconsistent with his other complaints in different venues. Mr. Winfield can not offer a reasonable explanation for the convictions for DUI and public urination and the many arrests for other questionable conduct.

B. In December of 2006 and January, February and March of 2007, Mr. Ramos and Ms. Vinegar did not watch movies and other television programs at the CHVC. Mr. Ramos was hospitalized from December 1, 2006 - March 1, 2007. Mr. Winfield testified that this activity did not occur when Mr. Ramos was absent from work.

C. Mr. Ramos and Ms. Vinegar did watch old movies during their lunch hour at the CHVC prior to December of 2006. This occurred generally between noon and one p.m. Movies and other television programming were provided to veterans and their children after one p.m on various occasions and when appropriate.

D. Mr. Ramos and Ms. Vinegar have a combined fifty years experience with the agency compared to Mr. Winfield less than one year experience with the RCS.

E. There is insufficient credible evidence to indicate that Mr. Ramos, Ms. Vinegar and Mr. Slaughter inappropriately extended their lunch hours to watch movies as alleged by Mr. Winfield.

F. One witness, Mr. [redacted] corroborates the allegations that Mr. Slaughter engaged in inappropriate sexual activity at the CHVC. Mr. [redacted] testimony is quite limited however. He indicates he saw an improper overture made by Mr. Slaughter one evening in February of 2007. He can not offer any testimony regarding any other interaction between this woman and Mr. Slaughter. His testimony is further limited in that he

states that he saw this event through partially closed blinds and the entire event lasted less than one minute. Mr. [redacted] further states that he is a friend of Mr. Winfield and is not sure if conversations regarding this matter included Mr. Winfield or not.

G. There are four witnesses who deny knowledge of Mr. Winfield's allegation of improper sexual conduct on the part of Mr. Slaughter. The witnesses include, Mr. [redacted] Mr. [redacted] Mr. [redacted] and Mr. [redacted] The testimony of Mr. [redacted] is compelling. Mr. Winfield testified that he was quite sure Mr. [redacted] was present during the alleged inappropriate fondling that took place at the CHVC. Mr. Winfield testified that Mr. [redacted] was bright, intelligent, observant and aware of the incident. Mr. [redacted] however, denies any knowledge of the incident. He further states that he had no discussion with colleagues regarding this alleged incident. Mr. [redacted] testified that this is the type of event that would generate "chatter" among his colleagues and would have been an event that would not easily forget. Mr. [redacted] testimony is consistent of that of Mr. [redacted] Mr. [redacted] and Mr. [redacted]

H. There was one Caucasian woman client who was regularly seen at the CHVC on Thursday evenings during the time period between January and March of 2007. Her name is [redacted] While it is clear that Ms. [redacted] did appear at the CHVC there is no documentation of her treatment to the CHVC. Ms. [redacted] has been identified by both Mr. Slaughter and Ms. Vinegar as the [redacted] woman seeking help at the CHVC during the time frame in question. Mr. Slaughter indicates that Ms. [redacted] was a referral from [redacted] as a bereavement case. He says that he does not take notes of her session because she was only there for support. He says he does this with three other veterans. Mr. Slaughter volunteered Ms. [redacted] as a witness and provided what appears to be her home telephone number. [redacted]

I. There is no reasonable explanation offered by Mr. Slaughter to explain the lack of a client chart memorializing Ms. [redacted]'s treatment at the CHVC. The lack of appropriate charting is clearly outside the scope of expected norms for clinicians at the DVA in general and the RCS in particular.

J. Mr. Slaughter has a second job in the private sector for a group called HRDI.

7. CONCLUSIONS

A. There is no merit to Mr. Winfield's allegation of wrong doing on the part of Mr. Ramos and Ms. Vinegar. (See Note 1 below)

B. There is insufficient credible evidence to show that Mr. Slaughter engaged in inappropriate sexual activity at the CHVC every Thursday evening between April of 2006 and April of 2007.

C. Mr. Winfield was appropriately removed from federal employment during his probationary period for cause.

D. While Mr. Winfield has made serious allegations of misconduct in this case, his credibility is suspect. Mr. Winfield testified that he did not contemporaneously share his concerns regarding Slaughter with anyone in the chain of command, in part, because "this was not impacting on me". Furthermore, Mr. Winfield's past criminal history combined with somewhat nonsensical responses to the OPM inquiry further diminishes his credibility.

E. The fact that there is no documentation of Ms. [redacted]s treatment at the CHVC is troubling. Mr. Slaughter's testimony suggesting there may be other client's whose treatment is not being recorded is equally troubling. Mr. Slaughter does not offer a reasonable explanation for the lack of documentation in this matter.

8. RECOMMENDATIONS

A. Complete the OSC review in a timely manner.

B. The CHVC should record and memorialize all persons who enter the Vet Center. There should be some method by which one can memorialize the comings and goings of individuals at the center - if for no other reason than personal safety. The CHVC is in a "rough" neighborhood and reasonable precautions should be taken to ensure staff and client safety.

C. The lack of documentation of Ms. [redacted]s treatment clearly raises concerns. However, it is not clear that the issues raised have a nexus to the claims made by Mr. Winfield. It appears that these are two distinct matters.

Clearly there is something wrong with Mr. Slaughter's failure to document Ms. [redacted]s treatment. There is insufficient credible evidence to suggest the lack of documentation is linked to inappropriate sexual conduct on the part of Slaughter. When balancing the credibility of Mr. Winfield versus the lack of documentation for a particular Vet Center client, one concludes that there is insufficient credible evidence to sustain the charge of sexual misconduct on the part of Slaughter.

D. There should be an internal accounting of veteran's records at the CHVC to ensure that they are complete and accurate. Quality Assurance regarding treatment at the CHVC is, in part, predicated on accurate and complete notes regarding treatment received at the Vet Center. It is troublesome that Mr. Slaughter testified that he fails to keep accurate records on several Vet Center clients. Certainly, the files identified by Slaughter as being undocumented should be evaluated.

E. Appropriate disciplinary action should be taken against Mr. Slaughter for his lack of diligence in keeping accurate records of client's treatment at the CHVC. The nature of the discipline should be conditioned upon the finds of the audit on the CHVC files and consistent with the paradigm for discipline in the federal workforce found in Douglas v Veterans Administration, 5 MSPB 313 (1981).

9. CONCLUSION

The allegations made by Mr. Winfield are serious but are suspect because: 1) the allegations are from an employee who was discharged during his probationary period; 2) the OSC complaint was issued after the complainant was discharged during his probationary period and not contemporaneous to the events in question; 3) multiple complaints filed by Mr. Winfield are inconsistent factually; 4) Mr. Winfield's responses to the OPM referral makes him a less than credible witness; and 5) the inclusion of allegations regarding Mr. Ramos and Ms. Vinegar detract from the claim against Mr. Slaughter.

/s/
DENIS McNAMARA J.D.
HR Consultant

Dated this _____day of April 2008, at Mukwonago, Wisconsin.

NOTE 1:

Mr. Winfield worked at the CHVC for almost one year. In terms of work hours he completed approximately 2000 work hours during his tenure with RCS. A full 20% of the work time did not take place at the CHVC. He was assigned to a group meeting in Joliet, Illinois every Wednesday. Given his relatively few hours actually spent at the CHVC, Mr. Winfield's claim against Ms. Vinegar and Mr. Ramos is suspect. This is particularly so in that Mr. Ramos was on leave for approximately 400 work hours during the year. Ms. Vinegar was also on either sick or annual leave for more than 400 hours during the year. As with all government employees, there were 106 hours of holiday leave during this time period. Mr. Winfield also enjoyed over 250 hours of sick and annual leave and an additional 65 hours of LWOP and/or AA during this time period. Given the time where either he, Mr. Ramos or Ms. Vinegar were out of the office, it is practically impossible for Mr. Winfield to credibly testify that "Office Manager Connie Vinegar and Counselor Ignacio Ramos watch movies almost every weekday between 11:30 a.m. and 2:00 to 3:00 pm from April of 2006 to April of 2007. (See attached ET&A report).