



U.S. OFFICE OF SPECIAL COUNSEL

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

The Special Counsel

**Analysis of Disclosures, Agency Investigation and Report,
Whistleblower Comments, and Comments of the Special Counsel**

OSC File No. DI-08-0446

Summary

Varnziel Winfield, former Social Worker, U.S. Department of Veterans Affairs (VA), Chicago Heights Veterans Center (Veterans Center), Chicago Heights, Illinois, disclosed that he observed two employees watching movies for several hours almost every weekday, and another employee engaging in sexual conduct with an unidentified woman while on duty.

The Department of Veterans Affairs' Readjustment Counseling Service (RCS) National Office investigated the whistleblower's allegations pursuant to a delegation by Secretary of Veterans Affairs James B. Peake. OSC received a report dated July 2, 2008. The RCS investigation did not substantiate the allegation that an employee engaged in sexual conduct while on duty. However, the report confirmed that two employees regularly took one hour lunch breaks instead of the permitted 30 minute breaks, and another employee failed to appropriately document patient visits in the RCS database. OSC requested a supplemental report to address the corrective actions taken with regard to these issues, which was received on September 9, 2008. OSC finds that the agency's reports contain all of the information required by statute and that their findings appear to be reasonable.

The Whistleblower's Disclosure

Mr. Winfield alleged that he observed Office Manager Connie Vinegar and Counselor Ignacio Ramos watch movies at the Veterans Center almost every weekday while on duty between 11:30 AM and 2:00 PM or 3:00 PM from April 2006 until his termination in April 2007. The viewings, which occurred on days when both employees were in the office, took place in Mr. Ramos' office and in the conference room using a VA video cassette recorder.

Mr. Winfield also alleged that Team Leader Lemuel Slaughter engaged in sexual conduct while at the Veterans Center. Almost every Thursday evening between January and March 2007, Mr. Slaughter was visited by an unidentified Caucasian female. The woman, whom Mr. Slaughter identified to Mr. Winfield as an employee of the Federal Bureau of Investigation, wore various wigs and sometimes sunglasses when she visited and never spoke to any employee other than Mr. Slaughter. Mr. Slaughter bragged to Mr. Winfield that he engaged in sexual intercourse with the woman. On a Thursday evening sometime in February 2007, Mr. Winfield led a group meeting of veterans in the conference room adjacent to Mr. Slaughter's office. Because the blinds between the conference room and Mr. Slaughter's office were open, the group members saw Mr. Slaughter fondle the unidentified woman in a sexual manner. Upon noticing the individuals in the conference room, Mr. Slaughter proceeded to close the blinds.

Report of the U.S. Department of Veterans Affairs

The agency's July 2, 2008, report includes summaries of interviews with Mr. Slaughter, Ms. Vinegar, Mr. Ramos, Counselor Rene Dicerson, Mr. Winfield, and five veterans identified by Mr. Winfield. The report first addressed Mr. Winfield's allegation that two employees watched movies during extended lunch breaks. In their interviews, Ms. Vinegar and Mr. Ramos denied taking extended lunch breaks. They stated that they take their lunch breaks together between 12:00 PM and 1:00 PM and denied watching movies on government time. Mr. Ramos said that he would watch both old movies and training videos during his lunch break. Mr. Slaughter corroborated this statement. The report concluded that Mr. Ramos and Ms. Vinegar did not watch movies and other television programs at work between December 1, 2006, and March 1, 2007, because Mr. Ramos was hospitalized during this period. However, the report determined that Mr. Ramos and Ms. Vinegar did watch movies during their lunch breaks between 12:00 PM and 1:00 PM prior to December 2006.

The report did not confirm Mr. Winfield's allegation that Mr. Slaughter engaged in sexual conduct with an unidentified Caucasian woman. According to Mr. Winfield, the woman wore disguises, including wigs and sunglasses. Mr. Slaughter denied the allegation, but explained that the woman Mr. Winfield mentioned was likely a bereavement referral whose case was closed. According to Mr. Slaughter, the woman had approximately 10 appointments with him in 2007, and some of these appointments were on Thursday evenings. Mr. Slaughter could not locate the woman's case file, and he admitted that he did not take notes during his sessions with her. Mr. Slaughter stated that not taking notes was an exception to his usual practice. Mr. Ramos, Ms. Vinegar, Ms. Dicerson, and four of the veterans denied any knowledge of the allegation. Ms. Vinegar also said that there should have been a chart for this woman. The fifth veteran recalled an incident in which he saw Mr. Slaughter and an unidentified woman in an overly friendly embrace. The veteran saw this activity through partially open blinds, but he did not observe any sexual conduct. The veteran recalled that this event occurred between 30 and 60 days before Mr. Winfield's separation from the Veterans Center. This veteran was the only person whose statement supported Mr. Winfield's allegation.

Given the information obtained in the investigation, the report concluded that there was insufficient credible evidence to show that Mr. Ramos and Ms. Vinegar improperly extended their lunch break to watch movies or that Mr. Slaughter engaged in inappropriate sexual activity at the Veterans Center. The report cited, in part, Mr. Winfield's suspect credibility and past criminal history. However, the report found the lack of documentation regarding the unidentified woman's treatment "troubling" and recommended appropriate disciplinary action be taken against Mr. Slaughter. The report also recommended that the Veterans Center keep a log of all persons who enter the facility and conduct an internal accounting of veterans' records to ensure completeness and accuracy. In his cover letter accompanying the report, Secretary Peake noted that "an action plan is being developed to address the findings."

The Whistleblower's Comments

Mr. Winfield provided comments on the agency's report. The comments consisted of 31 pages in which Mr. Winfield questioned the report's findings. Mr. Winfield considers the report "grossly inaccurate and replete with distortions, errors, and gross misrepresentations of material facts." He believes Mr. Slaughter, Mr. Ramos, and Ms. Vinegar conspired in their testimony against him. Most of Mr. Winfield's comments addressed subjects unrelated to the two allegations that were the focus of the report. Regarding the allegation of Mr. Ramos and Ms. Vinegar watching movies, Mr. Winfield said that the statements denying this allegation were lies. If Mr. Ramos and Ms. Vinegar watched required training movies during their lunch break, Mr. Winfield questioned why he was never told of any required training videos. Regarding the allegation of Mr. Slaughter's sexual conduct with an unidentified woman at work, Mr. Winfield similarly claimed that Mr. Slaughter's denials were lies. Mr. Winfield questioned whether the unidentified woman was a bereavement referral. In addition, Mr. Winfield commented on his termination from the Veterans Center, which was beyond the scope of the investigation.

Supplemental Report of the U.S. Department of Veterans Affairs

On September 4, 2008, OSC requested a supplemental report addressing the disciplinary and corrective actions taken with regard to Ms. Vinegar and Mr. Ramos' extended lunch breaks and Mr. Slaughter's failure to maintain accurate patient records. The supplemental report, dated September 9, 2008, noted that Ms. Vinegar and Mr. Ramos received letters of counseling for their failure to adhere to the Veterans Center's "hours of duty" policy. The supplemental report also explained that Mr. Slaughter received a written reprimand for his failure to properly document client visits.

The Whistleblower's Supplemental Comments

Mr. Winfield provided comments on the agency's supplemental report. He stated that it gave him a "glimmer of solace" that some of his allegations were validated by the investigation. He believes that if another investigation were to be conducted, it would uncover more corruption and malfeasance at the Veterans Center.

Special Counsel's Findings

Based on my review of the original disclosure, the agency's original and supplemental reports, and the whistleblower's original and supplemental comments, I have determined that the agency's reports contain all of the information required by statute and the findings appear to be reasonable.