

May 25, 2009

Olare Ayeni
U.S. Office of Special Counsel
1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505

Dear Ms. Ayeni,

I am glad I have been asked for my opinion on the "investigation" that was conducted by Dr. Eugene Goldman, Dr. Michael J. Kussman, and the VA system and I look forward for this to be passed on to the agency head, the President, and the appropriate congressional oversight committee. Please note I put quotations around the word investigation because it was not any sort of examination of the facts surrounding the rape of female veteran and the leadership of the Dayton VA, lead by Guy Richardson, reaction to such. I feel it was nothing more than a cover-up and an attempt to discredit any person who supported and advocated for this female who was victimized, which was namely myself and Dr. Florence Coleman, who supported me.

With that said let me start by giving you some accurate, truthful background information on the female victim Ms. [REDACTED]. Ms. [REDACTED] has an IQ of approximately 76 and a Global Assessment Functioning of 25, which is extremely low, and has been diagnosed with Borderline Intellectual Functioning according to the neurophysch conducted by Dr. Stegman at the Dayton VA in February of 2008. Though this information was known by Dr. Goldman, he minimized it to the point where it was virtually withheld by the investigative board, though he presented her as testing "average" to the "expert witness" during the "investigation" in some areas, these tests are meant to taken as a whole. Nobody who is considered average would ever be given a GAF score of 25. The only time it was brought up by him was when he said that because of her IQ she would be easily manipulated by me into making up the allegation of rape, but at the same time she is "average". I am amazed that a person who is even college educated as Dr. Goldman obviously is, would so blatantly ignore the possibility a person with this low of intellectual functioning would even be capable of not only lying for this length of time, but maintain the lie. I would like to point out she has never changed her story. The only issue she has had is in discussing this with VA officials because of the treatment she has received by them. Namely, referring to her as a whore and promiscuous and blowing off any involvement for a month. Not to mention the fact Janine Wert never followed through with her case management and I was the only one left to deal with Ms. [REDACTED]. Also the fact Char Lynch, her counselor, did not want to deal with her either. I will be the first to admit Ms. [REDACTED] was not easy to work with. She was demanding and confrontational, but I felt it was my job to work with all veterans, not just the ones I liked and were easy. I tried to discuss the results of the neurophysch with Ms. Wert and Ms. Lynch but they were not interested, I even included them in the majority of case notes I completed on Ms. [REDACTED] but never received the same professional courtesy back. But then again how many notes will a person have when they refuse to work with a patient. Let me

point out an example of the kind of treatment Ms. [REDACTED] received from Ms. Lynch. If she would show up late she would not see her. Seems fair, however, Ms. [REDACTED] was on pain medications, working an Incentive Therapy job until midnight, and hip problems which caused mobility issues, therefore she had problems getting there on time. I cannot believe the population Ms. Lynch works with and she would be so rigid and unempathic towards a veteran. I would never turn a veteran away because they were late. I was working with people with physical and mental issues and glad would just show up to get the help they need. But that is not a something valued by the Dayton VA. I also was shocked Ms. Lynch told Ms. [REDACTED] to read a book on Borderline Personality Disorder and not to come back until she had read it and could discuss why she thinks she does not have it. I think telling a person with an IQ of 76 and problems reading to read a book is beyond explanation. I would have thought she would want to discuss [REDACTED]'s depression about the issues in her life, i.e. homelessness and unemployment more pressing than reading a book. But, oh yeah I am the one who "neglected my duty". I guess I should have told Ms. [REDACTED] to read a book about finding a job and not come back and see me until she had one. I guess this is the treatment the Dayton VA wants the veterans to have.

I guess we shall address the rape itself. The whole point of the investigation was to discredit Ms. [REDACTED] and get rid of me for advocating for her. Any sort of true investigation would have at the very least wanted to question the assailant. But then again the point of this investigation was to not find the facts but to cover them up. It seems to me speaking to Mr. [REDACTED] would have been vital in determining if a rape did happen and what exactly transpired. But he was never even called, why, I don't know, only Dr. Goldman could answer that question. And I would love to hear his answer. If you are trying to solve a murder would you want to speak to the people who you thought committed the murder? Not if you are trying to cover it up. Now in solving this murder, wouldn't you rather speak to the suspect yourself rather than only people who knew him? Not if you are Dr. Goldman doing an investigation for the VA. Now I could understand if Dr. Goldman only wanted to address the handling of reporting of rape at the Dayton VA, but that wasn't the case. He made the point of stating, like it was fact, the rape never happened. I am sure that was a much easier conclusion to come to rather than the fact it did happen and the Dayton VA took 30 days to respond which compromised the entire thing. I want to point out he made it abundantly clear there was no "physical evidence" a rape occurred. Of course there isn't, after 30 days there wouldn't be any evidence. Seems very convenient to me. After I reported to the patient advocate there was a failure to act, after the management found out there was a failure to act, when I spoke to colleagues, there was a failure to act. Now let's use this against the victim and myself? Dr. Goldman should have investigated all the failure to acts. But again, this would have been admitting some sort of failure on the VA's part and under no circumstances can that ever occur. He tried to say I never said anything and the VA only found out after reviewing my notes. Then Dr. Kussman goes further in saying I never even reported it in the first place. Please read on and let the facts from their own investigation speak for themselves.

Now let us begin with page two of the VA's response. I did assist Ms. [REDACTED] in her placement at the VFW Hospitality House, which is not a novel idea to place veterans at the House. As demonstrated by the placement of Mr. [REDACTED] at the House while he was receiving treatment due to his

sexual compulsion issues and PTSD, among many other veterans over the years. I would like to point out veterans have been placed at the House since before I was even hired, where do they think I came up with the idea? I would also like to point out Ms. [REDACTED] was allowed to live in the House in exchange for her employment as part of her Incentive Therapy. Hence, the word Incentive. See, it is giving her motivation to work and also show her the benefits of being gainfully employed. Thus, the concept of placing people in this kind of program and the desired outcome of the ability to maintain employment in the community. I do not believe there is any violation of policy in allowing a person who is employed by the Hospitality House to live there. Thus I question how I technically violated Section 2(a) (4) of the VFW's lease agreement which says veterans can't stay at the House but to my understanding there is no mention of employees staying at the House. I merely worked with an organization in obtaining suitable employment/habilitation for a veteran, not placing one there while they received treatment. Now the placement of Mr. [REDACTED] at the House now that seems like a complete disregard for the section. But nothing was even addressed or done to Mr. William Wall for placing a person in an unsupervised setting who had sexual compulsion issues. Let me point out the Investigative Board was made aware of Mr. [REDACTED] leaving treatment in a supervised residential setting at the Cincinnati VA to engage in sexual acts with some woman he met in the community. Mr. Wall knew of this information and still placed him in this unsupervised setting. To me this compromised the safety of the public because it is mostly women who reside in the House. Please read the transcripts of Dr. Fred Peterson for more information, especially page 32 where he tells this to the Board. Dr. Peterson also raises the issue that although he does not see Mr. [REDACTED] as the kind of person who would commit rape, it cannot be ruled out to the violent behaviors brought about by PTSD. Not to mention the fact Mr. [REDACTED] thought himself to be very intelligent and being called "stupid" by Ms. [REDACTED] prior to the rape could have been a trigger. He brought this issue up during the "investigation", but that was edited out by Dr. Goldman and Dr. Kussman. Maybe the HRM Board should not have "reasonably relied on the findings of the Board". Or at the very least read through the transcripts themselves to see what was said.

On to page three. First and foremost, when did I ever have the "opportunity to dispute/address any of the Board's findings"? Did they ask me what I thought of them going through my entire computer trying to find dirt? Did I ever get the chance to ask them why I was the only person who had their computer searched? Did I get to question anybody as to why I was the only person placed on administrative leave for months? Who exactly should I have questioned about why my request for stress leave was denied? Whom should I have directed my questions about why I, a suicidal veteran with military related PTSD was ignored and no intervention was done after I asked for stress leave? I referred myself to the Employee Assistance Program for help during this stressful time. So again, when I raised these issues during the "Investigation" and it was disregarded, when was I given the opportunity to at least dispute the fact all this information was left out? I was never given a chance to dispute anything the Board found. Maybe they are referring to the meeting I was given with Guy Richardson after it was already proposed I be terminated, but doesn't that seem a little late to dispute anything because their minds were already made up? Their minds were already made up before they even began the investigation.

Now let us address the allegations that I failed to follow policy No. 11-41 in reporting this matter immediately to the VA police, so on and so forth. First let us address the mere name of this policy and what it seems to imply. Reporting of Abuse and Neglect. This to me appears a policy which deals with a patient who has been abused or neglected due to negligence of the staff, not a person who says "I was raped last night". I think if the policy addresses rape it should at the very least have the word rape in its title. Secondly, I did not know how to address a rape being reported and I even said in a progress note this should probably be addressed by a mental health worker who would be more versed in crisis intervention. Though I went and saw Ms. Lynch about this, she did nothing. Now this mental health worker which I referred her to did not follow this policy either when she finally met with her on April 11, 2008. Nor did my supervisor, Dr. Florence Coleman, who did not know exactly what to do in dealing with the allegation of rape but at least tried to be an advocate and supportive of her. Then I called the patient advocate, Anna Burney, who also did not know to follow policy No. 11-41 in dealing with a rape victim. It is also suspect Ms. [REDACTED]'s caseworker through the OEF/OIF program, Janine Wert, also did not know to follow this policy. Along with her supervisor, William Wall who admits he was contacted by me on March 25, 2008 about this. Mind you, Mr. Wall is part of the management of the Dayton VA and his response to me is it was a consensual act. That is not for him to decide.

Let us discuss some further inconsistencies of Mr. Wall. He states on page 17 of his transcripts he found out about the sexual encounter Mr. [REDACTED] had with Ms. [REDACTED] while he was "checking out at the end of the day" with Mr. [REDACTED] on March 25, 2008. However when I went to his office and met with both him and Ms. Wert on the morning of March 25, 2008 he was already able to tell me it was consensual to which Ms. Wert concurred. Again, is that really up for them to decide? Secondly, couldn't he have directed me as to what to do with Ms. [REDACTED] at this time since he is in management? Yes he could of, but he didn't. In the end they are the ones who played judge, jury and executioner in this matter. He shut the door to any help Ms. [REDACTED] could have gotten from a legal perspective by withholding how to handle this. Mind you in the transcripts he makes a point of the vast experience he has in the area of sexual assault and false allegations see pages 11 to 13 of his transcripts. Interesting he has such expert knowledge in the area of the reporting of rape and false allegations, he would know exactly how to cover this up.

Dr. William O'Brien admits to being notified when he returned to work on March 31, 2008 and seeing a point of contact completed by myself. So on page 5, Dr. Kussman's statement "VA staff involved in the patient's care would not have access to the report of contact and would not be aware of the patient's allegations of sexual assault. First, I followed Dr. O'Brien's directions in the completion of the point of contact. Secondly, people can obviously see it because Dr. O'Brien reported he did so, which came as a surprise to Dr. Goldman. I should point out on page 20 of his transcripts he says he is the one who directed me to do a point of contact not an incident report, though Dr. Kussman says I should have done an incident report I was following the directions of management. Please see pages roughly ten to eighteen of Dr. O'Brien's transcripts for dates of when he was notified. Now with the information presented this way does it seem like a failure of individuals, namely myself, or a failure of the management of the VA and policy No. 11-4?

I know I am a "former employee" who is going to be portrayed as having sour grapes, incompetent, unethical and what not, but look at the facts. The only person who knew to follow this policy was the Chief of Staff, Dr. Cohan? But even Ms. Lynch says she was going to contact the Director's office on April 11, 2008. So now we have the Director who was potentially notified on April 11, 2008 but still there is no police intervention until April 25, 2008. Please note they say it was only until after a review of my records they realized it was a rape, but in the same breath they say I never reported it. Clearly this is the same paperwork people report reading being mentioned

throughout this investigation as this is occurring, but it was only until my records were "reviewed". Now it is documented in my transcripts and Dr. O'Brien transcripts and notes I sent that I contacted people about this. But they say I didn't. To me the paper trail indicates I did, but it is much easier for the VA to say they didn't know it was rape. However in the same breath they can say the Mr. [REDACTED] was aggressively seeking a second sexual encounter. Something here does not add up, and it has nothing to do with me. On the one hand all these people admit I contacted them but I neglected to say it was rape. I ask you to decide what is more logical. Again I advise you to read Dr. Bill O'Brien's transcripts. Now as for the retaliation I allege, does it seem strange to you that of all the people who failed to follow the directives in Policy No. 11-41 I am the only one fired? All these people and nothing was ever done to them. Does it seem strange to you that Dr. Coleman, who described me as a "visionary" and "patient advocate" to the Board was disciplined, read her transcripts, she does not have anything bad to say. I think to only discredit her because she was an ally of mine and both of us felt Ms. [REDACTED] was victimized. In the end I was the one complaining and raising issues about how this was being handled.

Let's review page four. They bring up issues with my documentation. I feel the issues were with Mr. [REDACTED] not Ms. [REDACTED]. Should I have documented these issues? Retrospectively, yes but at the time I did not think it would come to this. Let me take this opportunity to point out a major omission by the Board, namely Dr. Goldman. On page 22 of Mr. Wall's transcripts his answer to how he kept track of the conversations and the status he had with Mr. [REDACTED] along with other veterans, is as follows:

"I had some notes that I keep clinically. I mean, just kind of *journals* as far as being able to track, you know, who is doing what. But I wouldn't put something like that in a progress note. In my clinical opinion, A it wasn't an encounter. And B, again to document something like that."

"To document something like that". Wow. I mean how I can even respond to that complete disregard for not only the policy of the VA but of the welfare of the veterans, shall we even touch on the complete disregard for patient confidentiality at this point. All this was told to Dr. Goldman and he didn't he even pursue it. I guess the alarm bells going off fell on deaf ears. There was not even a question as to where this journal was kept. For all we know it was in the nightstand next to Mr. Wall's bed. Then we have Mr. Wall who also said he did not feel it important to document the sexual encounter of Mr. [REDACTED] who by Dr. Fred Peterson's own testimony was at the Dayton VA to deal specifically with sexual compulsion issues. Further his minimization of the issues Mr. [REDACTED] was at the Dayton VA to address is at the very least reprehensible. He portrayed Mr. [REDACTED] was only there to deal with PTSD issues. This is beyond words. I advise you to read his transcripts yourself. How the Board lead by Dr. Goldman took Mr. Wall's explanation of Mr. [REDACTED]'s issues over those of Dr. Peterson who is a psychologist and specifically trained in the area of sexual behavior is unfathomable. Again, another example of how Dr. Goldman used what was only convenient for him to cover this up and retaliate against me. The fact Mr. Wall was negligent not only in his documentation but the care he provided for Mr. [REDACTED] which I think is compounded by the fact he is part of the leadership of the Dayton VA is inexcusable. He even admits he had meetings with the Director regarding this matter in the transcripts? So the Director knew of this behavior and the manner in which he does his job

and did nothing? And I was the only fired. This isn't new found information, this was given to the Board and Dr. Goldman and then examined a second time by Dr. Kussman and his HRM Group, and yet nothing was done. Of course not, what an embarrassment that would have been for the Director. The man he handpicked to be part of his leadership to engage in such gross negligence. Well, they can't have that now can they. Mind you I am the one who was fired for "neglect of duty" and "inappropriate conduct", again this wasn't retaliation or a cover-up?

To use their own words:

"VA policy requires all therapeutic patient-interaction to be recorded in the patient's electronic medical record. It may violate federal Privacy Act laws governing patient information to place patient information, especially sensitive patient information outside of the medical record."

Let me reiterate Mr. Wall did not find it necessary to document Mr. [REDACTED]'s sexual encounter while receiving treatment at the Dayton VA specifically for that issue. Further he did not contact Dr. Peterson with this information which I think is relevant to his treatment. He then goes on to keep this information in a personal journal and is able to recall from this journal, not his case notes, the sexual positions Mr. [REDACTED] says he had with Ms. [REDACTED]. And I was the only one fired while Mr. Wall potentially violated the Federal Privacy laws.

Now I contend I contacted Mr. Wall and Ms. Wert regarding the sexual inappropriateness and harassment of Mr. [REDACTED] to Ms. [REDACTED]. I tell you this fell on deaf ears with these two. They say there is no documentation I even tried to intervene but again why would I keep issues of Mr. [REDACTED] in Ms. [REDACTED]'s file? Placement of Mr. [REDACTED]'s issues in Ms. [REDACTED]'s case notes is inappropriate and once I contacted Ms. Wert and Ms. Wall it became their responsibility. Now knowing the above information, can we trust the VA in their report I never did anything after March 14, 2008 or prior to March 25, 2008? Absolutely not. For all we know Mr. Wall misplaced his journal and can't recall all the times I spoke with him after Mr. [REDACTED]'s placement in the Hospitality House on March 14, 2008. I would also like to say during these discussions about Mr. [REDACTED], Ms. Wert would say Ms. [REDACTED] is a "promiscuous" "liar" and a "whore", I guess she did not feel compelled to document those observations. Now mind you the VA is saying I had inconsistent testimony which indicates they went through everything I said with a fine tooth comb, but things like this are ignored. I guess I am not privileged enough to get the same blind eye treatment the others received during this "investigation". They hear what they want to hear and see what they want to see.

I would also like to address one other point Mr. Wall made in his testimony to the Board. On page 44 he says they "were concerned about what looks like a clinician about to kind of self-destruct". Now let me point out he never contacted my supervisors with this concern, even though he is part of the management of the Dayton VA. Not only that but Ms. Lynch and Ms. Wert who also questioned my competence as a counselor never did anything to try to intervene. No complaints ever made. My direct supervisor, Dr. Coleman, had nothing bad to say about my performance as a vocational counselor. Even Dr. O'Brien, Chief of the Mental Health Line said I may have showed

poor judgment but anything I did was only in the best interest of the veterans. Now I had spoken out that I was stressed due to military related PTSD during this time and was denied stress leave. The Board also uncovered an email to a colleague where I said I would kill myself if it wouldn't make the Dayton VA so happy. So we have management saying there were concerns about my "self-destruction", an email hinting at suicide, and a request for stress leave which was denied, but no intervention was done on my part.

On page five let's address the first bullet:

"Mr. Mancini was asked about this report of contact during testimony in the investigative board, specially why he backdated the report of contact. Mr. Mancini answered, 'Because I was probably trying to get a hold of Dr. Coleman to talk to her about it.' When asked if he did speak with her, Mr. Mancini replied, 'To be honest I-I can't even recall.'"

Let me first say I was on Administrative Leave for well over two months prior to this and I did not have a personal journal to rely on to get my information nor did I lie about things. I also wasn't given an opportunity to review my files or notes prior to this. The only explanation I can give is I honestly can't recall. I know I started working on the point of contact on Friday March 28, 2008 and was not complete with it until Tuesday April 1, 2008. Can I also point out I have a very large caseload so I was working on this and with other veterans at the time. I can only do so much in day. Was this a priority of mine at the time, absolutely, but I could not stop working with the other veterans on my case load because of it.

Second bullet:

"Mr. Mancini was also asked if Ms. [REDACTED] had spoken to him on or about March 24, 2008 about her concerns relative to Mr. [REDACTED] alleged sexually aggressive behavior towards her prior to the alleged assault on March 25, 2008....."

I would like for you to read my transcripts and see how I was being questioned by Dr. Goldman. He was demanding I give him an answer to which I honestly could not remember. Again I was given no opportunity to review any information prior or to prepare myself like the others were. I came across as an incompetent idiot because I couldn't remember exact details of things which occurred three months before. I would also like to point out he had Ms. [REDACTED] provide him with a timeline and used this as gospel. Mind you this came from a person with Borderline Intellectual Functioning so it is possible she did not have the dates exact. I was being badgered and screamed at by Dr. Goldman if it were possible a rape did not occur, yes it is possible, things are possible. But it is not for me to decide if it didn't, nor is it up to any other VA employee to decide if it didn't. We are not there to judge but to help. The only reason I was asked these questions in this manner was to discredit me. In the end it could be possible it didn't happen, do I believe that no. I am the one who saw her crying hysterically in my office and very fearful of Mr. [REDACTED]. I do not even know how to respond to this hyper inflated allegation of my inconsistent testimony when

there are so many other glaring inconsistencies Dr. Goldman ignored. Again, they have cut and pasted things to suit their need without giving you the whole picture.

Third bullet:

"Mr. William Wall, social worker for Mr. [REDACTED], testified he advised Mr. [REDACTED] not to have any further contact with Ms. [REDACTED] after hearing from Mr. Mancini on March 25, 2008....."

I do not understand how Mr. Wall, if he felt Mr. [REDACTED] did nothing wrong and the whole thing was consensual, would advise him not to have any further contact with Ms. [REDACTED]. It is ironic in the progress notes he never stated he told Mr. [REDACTED] to stay anyway from Ms. [REDACTED] only that he denied the allegations. Again, knowing what you do now about Mr. Wall's credibility do you believe what he says? I wish we could check his case notes regarding this but since he didn't have any I guess we will have to rely on reading his diary.

Fourth bullet:

"Mr. [REDACTED] had disclosed to Mr. Wall that he did have a consensual sexual encounter with Ms. [REDACTED]."

I will not keep repeating myself about Mr. Wall at this point, it has been said. I do raise one question, which Dr. Stegman brought up. With Ms. [REDACTED]'s IQ being as low as it is can she even consent to sex? Secondly, I was the one contending the VA was wrong in the handling of this, not Mr. Wall so of course his actions are to be excusable.

On page seven I would like to address Ms. Lynch's testimony. She electronically signed her alert notification on March 26, 2008 and she said I saw her in the Mental Health Clinic and nonchalantly brought up Ms. [REDACTED]'s issue. I went to the Mental Health Clinic with the specific task to talk to Ms. Lynch about Ms. [REDACTED] so her portrayal of this as lackadaisical on my part is laughable at best. Her excuse rape or sexual assault was never mentioned to her is again laughable. First we have Mr. Wall who maintains it was consensual, why would he make the point of stating it was consensual if I hadn't at first said it wasn't. Secondly, if these are two consenting adults why all the fuss about it and why would I contact all these people. Why are all these people involved if it was just two people enjoying each other's company on a lonely night? Now I am not sure what Ms. Lynch means by saying I told her she got involved with "someone else in the - Hospitality House". I am not aware of Ms. [REDACTED] reporting she was raped by anybody else in the House nor was she sexually involved with anybody else there so this quote is questionable to me. Seems to be another attempt by the VA to label Ms. [REDACTED] as a "sexual deviant", like they did in the paperwork they sent to MSPB Board regarding my termination. The name calling I do not understand, I thought these people were professionals. The other issue I have with Ms. Lynch is why didn't she try to speak to Ms. [REDACTED] after I spoke with her. Why did she wait two weeks and only until management asks her to? Secondly if it was reported to Ms. Lynch on April 11, 2008, not that I didn't ring those alarm

bells on March 25, 2008, it was not consensual, why again the delay with police involvement and the following of policy No. 11-41.

Now I would like to address the issue Dr. Kussman brings up regarding Ms. [REDACTED] and an intern I was supervising, Surponsay Smith. Mr. Smith manipulated Ms. [REDACTED] into getting into a sexual relationship with him in exchange for her to stay at his house, remember she is homeless. Mr. Smith and I had what could be described as a somewhat philosophical discussion about friendships and the patients we counsel. He made the comment to me he could see himself becoming friends with Ms. [REDACTED]. We discussed boundary issues and I told there are to be no "friendships" in the counseling relationship. During another Board Investigation into this, I was asked about this counseling comment and I told them what he and I discussed. At another interview during this Board they ask me if I knew about a friendship or relationship developing between Ms. [REDACTED] and Mr. Smith, and I told them no, absolutely not! This question I took as them asking me if I knew Mr. Smith was having sex with Ms. [REDACTED], and I did not know that was going on. Let me further emphasize this occurred during the December break in the school year and he then took the next quarter off. In the mean time, Ms. [REDACTED] had left the Dayton VA in November and was living in Florida. This relationship took place during December when I had no contact with either of them. It wasn't until Mr. Smith wanted to return for the Spring Quarter that I found out what had happened. At which time I took immediate action and ceased all of Mr. Smith's involvement with the Dayton VA and contacted Wright State University. How I did not handle this appropriately is beyond me, how I have inconsistent testimony is up for debate. In the end it is a second-rate attempt to discredit me.

The best the VA could come up with is I not only should have known about the sexual relationship between two people who I had absolutely no contact with, not only that but to my knowledge Ms. [REDACTED] was in Florida, but I should have seen the relationship building earlier based on the philosophical discussion I had with Mr. Smith and his comment about a friendship with Ms. [REDACTED]. Bear in mind I never witnessed him ask her out or them discuss how they spent the night together. The VA says I should have immediately removed him. In my opinion an internship is suppose to provide hands on experience so the student can learn. Mr. Smith was very competent, probably one of the brightest students I had had in a long time so I had no way of knowing what he was capable of doing. He was a 40 year old graduate student who was engaged and had completed all ethics course work. Not to mention had previous experience working in the human services field. I would have to be a mind reader to know what was going on. They act like he said 'I want to have sex with [REDACTED] is that ok?' and my response was 'absolutely'. I was fired over this, they say I neglected my duty and failed to remove Mr. Smith. I saw no red flags at the time and had no reason to remove him. He did nothing wrong during the internship, he only made a comment to me. Maybe I should not have been so honest with the Board and withheld this information. They fail to take into consideration my swift actions when I did find out.

On page eight I am concerned by Dr. Kussman's statement Ms. [REDACTED] delayed the resolution of the allegations of rape. I am not sure how she did that. When the police questioned her on April 25, 2008 she cooperated. The only thing she is guilty of, is by this time she did not trust anybody at

the VA and did not want to talk to them about this. I will say it was awfully noble of Dr. Kussman to admit there wouldn't have been any physical evidence left by April 25, 2008. But again it is awfully convenient for the Dayton VA to have allowed so much time to pass and for Dr. Goldman to use it the lack of physical evidence against her.

On page eight I find this mediocre attempt to say I failed to document laughable if it wasn't so pathetic. I hate to repeat myself again but look at the facts. If I failed to document, then so did Mr. Wall and everybody else I spoke to. I also think it suspect Ms. Lynch obviously didn't do an incident report either and that is never brought up. They bring up the fact I didn't do one, why not her. Then again they left out the point I was told to complete a point of contact, not an incident by Dr. O'Brien, Chief of the Mental Health Line. Secondly, why contact all these people if I didn't say it was rape. And if I didn't document, neither did any of the others I contacted, regardless if this was consensual or not. Nothing was done to them only to me.

Now let's get to the real fictional part of this "investigation", page nine, description of any Action Taken or Planned.

First, the Dayton VA has taken to enforce its lease with the VFW. They failed to mention they kicked Ms. [REDACTED] out but according to her other veterans have been allowed to continue to live in the House. She is the only who the rule has been enforced against. Now let's look at this philosophically. The Dayton VA has made it where the VFW can no longer assist veterans who may need to stay there while they receive treatment at the Center. Now with all the wonderful services the Dayton VA provides according to Dr. Kussman on page one, why take away a service the veterans to utilize if they are visiting from out of state for treatment? That about sums up the mentality of the Dayton VA and its management. The problem was never with the enforcement of the lease, it was with Mr. Wall's placement of a problematic individual there. At this time of year during Memorial Day doesn't it make you proud to know with all the homeless veterans, the Dayton VA took a way an excellent resource for them. They only thing the leadership of the Dayton VA has done is to create a smoke screen to try to make it look like they are being proactive when in fact they aren't. When weighing the issues of rape and failure of the Dayton VA leadership and policy, I am so grateful they are enforcing the lease they have with the VFW and not addressing the real issues.

Now this investigation was completed in September and they have not done anything to Dr. Coleman yet? I don't think they are if they haven't done it yet. Just another game of smoke and mirrors with these people. I would also like to point out, Dr. Goldman, yes Dr. Goldman, not the Board made the decision to fire me back in September but they waited until Christmas to do it. Dr. Goldman during my testimony said he was the final authority in this manner and all decisions were up to him. Why wait until the holidays if they knew what they had to do. Not only is it passive aggressive but what a waste of tax payers money to keep me on for an additional three and half months.

I wish I would say it surprised me to see the VA and Dr. Kussman now say I failed to report the rape. Again, a mediocre attempt to discredit me. Look at the facts I provide from their own investigation. What a defense to say the person who contacted the Office of Special Counsel for retaliation and Whistleblowing for reporting the rape in fact never did report the rape. I challenge you to look into this further and see if it truly makes sense. Just to let you know of the laundry list of reasons they created to terminate me, my documentation was not one of them.

Now here is the part I can't decide if the management of the VA is just that arrogant or stupid in this. "[REDACTED]'s therapeutic employment (and related counseling) and all necessary mental health care was transferred *quickly* to the VA Columbus medical facility." Now I can understand them making up lies about me but to lie to you is just despicable. She has never been transferred anywhere. As a matter of fact she is the Compensated Work Therapy Program at the Dayton VA center, is about to get an apartment on the Dayton VA campus through a partnership the VA has with Dayton Metropolitan Housing Authority. As for her mental health counseling, she was referred to a community based counselor who has no affiliation with the VA system. Unbelievable the audacity these people have. Next it should be pointed out after she kicked out, the Director himself referred to the DMHA Housing on campus, not to any place the Columbus VA has. I would surmise a transfer to the Columbus VA has never even been discussed with Ms. [REDACTED]. Now don't you think since this investigation was completed in September, "quickly" would indicate it would have been done by now? Yeah, me too.

As for the further recommendations of appropriate actions against Ms. Lynch, that never happened nor will it ever. How can they even take this investigation seriously with all the omission and problems that were raised with it? If Dr. Kussman and the HRM Group actually did their job I would have thought they would have wanted a new investigation or least looked further into the problems Dr. Goldman ignored. I also am bemused it is only brought up the staff involved in Ms. [REDACTED]'s case failed to follow procedure in her placement at the House. Nothing is mentioned of Mr. [REDACTED] placement there by other VA staff. Nope, nothing, just me and Dr. Coleman. Again, this isn't a cover up or failure on the VA parts, please note the sarcasm.

Now let me add a few things to this. My daughter, Candice Pickrel, spoke to Ms. [REDACTED] on the phone in February 2008 about motorcycles. Candice has purchased two and obtained her motorcycle endorsement. Ms. [REDACTED] did not seem to have the faintest idea about what goes into obtaining a license and purchasing a motorcycle. I gave Ms. [REDACTED] my daughter's cell phone number for her to call, if she wanted to, to get more education on motorcycles. I did this because I felt it more appropriate for her to speak to a female who has no incentives in this. Ms. [REDACTED] enjoyed talking to her and was impressed she used to be a probation officer because Ms. [REDACTED] has a strong interest in law enforcement. After her rape she called my daughter for direction as to how to deal with this. I knew nothing about this. Well, in the end Candice became an advocate for her. She helped her file grievances with the licensing boards of those Ms. [REDACTED] felt hurt her. She also helped her write letters to various congressmen. The thing that pissed the VA off the most was the article which was on the front page of the Dayton Daily News. I would like to point out the VA lied to the newspaper also, not just you. Ms. [REDACTED] and Candice asked for an outside, unbiased investigation

into the rape and were told that is what they were going to get. They had Dr. Goldman call and present he was completely outside VISN 10 and was leading this investigation. He even went so far as to tell Candice who she was did not matter, though they were surprised she was my daughter, the issues raised were more of a concern. Then in another conversation he told her to back off so he could his job, what kind of veiled threat is that? Telling a person who is an advocate to stop. Now read the transcripts of the computer person interviewed, Dr. Goldman himself admitted he has conducted many other investigations in Ohio, not only that, the rest of the Board was composed of people from within VISN 10 some from the Cincinnati VA who are probably colleagues of those involved in the care of Mr. [REDACTED]. Not exactly outside the box if you ask me. So please ask Guy Richardson if he was aware when he told the paper the investigation was outside and unbiased if he knew it wasn't true. In the end they wanted to make an example out of me for people to keep their mouths shut. This obviously wasn't a trivial issue if it made the front page.

Now let's discuss the "expert witness" used in this "investigation". Please don't let the term expert fool you, yes she is educated but in no way shape or form should she ever had been used as an expert for anything in this case. It is stated in her transcripts she signed off on case notes of Mr. [REDACTED]'s while he was at the Cincinnati VA, though they try to say she only signed off, the mere fact she had involvement in any way compromises her ability to be objective. Don't you think she would want to protect herself and her employer, the Cincinnati VA, from any sort of liability in this issue? First, she says Ms. [REDACTED] is not his type, he prefers older women with large breasts. Now I am no expert but I thought rape was about power, not necessarily sexual attraction. Secondly she makes a point of saying how being aggressive is out of his "MO" because it is not something he would do because he was sexually abused as a child. Also because Ms. [REDACTED] called him stupid, he would have just went away and stopped trying to pursue anything. I also find it suspect Dr. Goldman and this women go out of their way to portray [REDACTED] as liar and sexual deviant. At this point is there a point in even determining if a rape occurred. You can't conjecture these things when you are dealing with emotionally unstable people as Mr. [REDACTED] obviously is. Also for them to say he did not demonstrate any "inappropriate behavior" while at the Cincinnati VA, I guess leaving inpatient treatment to have sex with a random woman is appropriate behavior.

Dr. Peterson's testimony is the only one who leaves the door open that Mr. [REDACTED] could have raped her. He is the only who brings up the violent behaviors a person with PTSD can demonstrate. He is the only one objective enough to say it could have happened. And it should be noted he worked with both of these people, not like the others who only know Mr. [REDACTED]. Please read his transcripts.

Another way Dr. Goldman and his goonies tried to character assassinate me was having Barry Romsberg testify. He is a person who the VA forced to resign because he was sending confidential patient files to his home computer and to the former supervisor who did not like this patient and had many issues with him because of his reports of patient abuse. Mr. Romsberg holds me personally responsible for the fact he had to resign. So of course he is going to have nothing but inappropriate things to say about me. I wish I could have had a person go in on my behalf to counter his slanderous accusations but I was not. Now I would also like to hear the rational for not

only allowing a former employee with a grunge to testify, but to send his transcripts to the MSPB. The only thing I can think of is to give people a false impression of who I am. Not to mention the fact they called Ms. [REDACTED] a sexual deviant in this paperwork too. Now here is another reason why I allege retaliation. Though it was very obvious Mr. Romsberg had violated VA policy on documentation, VA policy on computer use, not to mention the Federal Privacy laws he was never placed on any Administrative Leave. Yes a person who violated patient confidentiality is allowed to continue to work, have patient contact, and access to their files. Then he is only asked to resign and given a glowing recommendation letter by the management of the VA despite the fact he violated major policies of not only the Dayton VA, but the federal laws. Though they say they searched his computer I wonder if it was with the same scrutiny they did with mine. Now realize this is a person who obviously used his computer in an inappropriate way but yet he is not given the same cordial treatment (note sarcasm) I was privileged to. At this point can it even be logical to say this isn't a case of retaliation due to my whistleblowing activities?

In closing I would like to include what I feel is evidence of Whistleblowing.

Disciplinary Action

I was terminated, though others who engaged in the same behavior were not. It should be noted the issues I brought up did make it to the media.

Significant Changes in Duty

Of all the issues which arose in the investigation of further patient abuse and gross mismanagement, I was the only one placed on administrative leave and then to be returned but removed from working with patients. I do not understand the logic of this given what was discovered in the investigation. Why was I given such "special" treatment by the VA and the behaviors of others ignored?

Gross Mismanagement

No other issues were addressed after the investigation despite it becoming obvious others participated in patient abuse, patient confidentiality violation, and violated the same policies the appellant did but did not receive any sort of disciplinary action. The transfer of [REDACTED] to the Columbus VA was never done, though the VA reported it was done so "quickly". Though there is evidence of many individuals failing to know how to report a rape appropriately, I was the only one blamed for such. It should be noted this lack of action extended all the way to the Director himself. The other issue which now arises is why did Dr. Kussman ignore these facts?

Gross Waste of Funds

Though termination was recommended in September I was not actually terminated until four months later at the end of December, during this time I received full pay and benefits. This is not the first time I have been placed on extended amounts of Administrative Leave, and please note I do not have any other disciplinary action on my record. The last time I was placed on Administrative Leave is when I threatened to tell the CARF Accreditation Board of the habitual violations of patient confidentiality, that one lasted over three months and I wasn't returned until after CARF had

completed their inspection. It should also be pointed out very rarely are other employees, despite their neglect of duty, placed on Administrative Leave. Further, no disciplinary action has been taken against other employees despite the further recommendations of Dr. Kussman. The inaction of the VA to fix these problems, reporting of rape, patient confidentiality violations, further violation of the Federal Privacy laws could potentially set them up for Federal Tort Claims or even a class action lawsuit since this is a problem they have habitually overlooked.

Abuse of Authority

Though other VA employees neglected their duty more severely than I ever could have done, no action was taken against them. Further the retaliation I have received is and of itself an abuse of authority. Those in the management of the VA used their power not address the issues and concerns raised during the Board of Investigation, but to go above and beyond to terminate me and protect others.

Danger to Public Health

The placement of a veteran with documented sexual compulsion issues, which were compounded by PTSD, in an unsupervised setting, compromised the safety of the other women staying at the VFW Hospitality House. This was done knowing the veteran had left supervised residential treatment at the Cincinnati VA and engaged in sexual acts with a female in the community. Despite being made aware of the limitations of Policy No. 11-41 and the reporting of rape by employees, nothing has been done to address this issue. At the very least some sort of in-service given to the Dayton VA employees would have been adequate in introducing them to this policy, since not only myself but many others appear ignorant of it. However, more effective would have been the creation of a new policy to address rape and assault specifically and create a generalized mechanism to report such.

I would like to say I am happy this is going to become public record, it needs to be. I wonder how many people were fired at the Miami VA in Florida before it finally came to light they were re-using dirty colonoscopy tubes without cleaning them. How many employees were scapegoats like I was? I wonder if Dr. Goldman also led investigations on those people. He strikes me as the kind of person the VA calls when they want to cover something up and get out of taking responsibility. The bottom line is the VA system is broken and the leadership wants to keep it that way. They do not want to help veterans and severely punish those who try to help them. For this being one of the three oldest VA facilities in the nation for over 140 years, shouldn't they have learned how to get this right by now? Or is it they have cover-ups and retaliation down to a science. They had the chance to be the example for other VA's in fixing this issue in their system but choose not to. I was fired because I rang the alarm bells that this should have been handled better, something was broken and needs fixed. If my words of condemnation of the VA's handling of the rape didn't enrage the VA enough, the newspaper article had to. I find it ironic Dr. Goldman made the point of asking Candice if she had been contacted by any other media outlets during her testimony, it shows were his priorities lie.

I challenge you to do what is right and not what is easy in handling this matter. I doubt it will be done because I have lost all faith in the system. The VA made up lies and got me fired, now I have to find a job in this economy with a termination. All because I helped a low functioning female veteran after she was raped. I have been there almost 20 years with nothing on my record and they fire me for the first thing to come up. Not only that, I could live with had being terminated if they would treat everybody else in this matter the same way. Then to pour salt on the wound they wait until the holidays to actually fire me when they knew this recommendation back in September. They have gone above and beyond to get back at me. They have to make me out to be some villainous, incompetent monster so nobody will believe what I say. I challenge you to believe me over them. I gained nothing out of advocating for Ms. [REDACTED], where the VA has much to gain in keeping their tarnished reputation clean. First we had the cover-up of veteran suicides a number of years ago in the VA system, now we have disease ridden colonoscopy tubes being reused which exposed these veterans to Hepatitis, HIV, among other pathogens. Next we are going to have rapes in the VA system, do they really think with the issue of rape in the military system now, these people are going to come into the VA system and all of a sudden stop? No, instead of being proactive in this they are going to wait until many other female veterans are raped until they do something. By then it will be too late, these women will already have been hurt. When this does come out to the public, I hope to God this letter is given to the people of the United States so they know one person tried to help but he was cut off at the knees and demonized. It amazes me these soldiers survived Vietnam, the Golf War, the unrest in Somalia, Operation Iraqi Freedom, Operation Enduring Freedom, and the chaos in Afghanistan and Iraqi, but God help them if they can survive the Veteran Affairs System of the United States, I know I didn't.

Sincerely,

Mario G. Mancini