

ATTACKED BY OBAMA - VA Whistleblowers

VA culture of reprisals against whistleblowers remains strong after scandal

Federal Diary

By [Joe Davidson](#) | Columnist

It's been about 17 months since revelations over the cover-up of long patient wait times at Department of Veterans Affairs (VA) facilities exploded.

It's been about 16 months since former VA secretary Eric K. Shinseki resigned as the scandal reached a boil.

It's been about 14 months since the Senate confirmed Robert McDonald to replace Shinseki.

It's about time things changed.



A visitor leaves the Sacramento Veterans Affairs Medical Center in Rancho Cordova, Calif., on April 2, 2015. (AP Photo/Rich Pedroncelli, File)

But testimony at a Senate hearing Tuesday demonstrated that despite vigorous efforts from the new VA leadership, the

department remains a dangerous place for whistleblowers who report wrong doing.

“The VA has a culture problem with whistleblower retaliation,” said Sen. Ron Johnson (R-Wis.), chairman of the Homeland Security and Governmental Affairs Committee.

[\[After the VA scandal, veterans were told their wait for care would get shorter. But it's actually getting worse.\]](#)

The “culture of fear” Johnson spoke of is evident in the number of VA cases handled by the Office of Special Counsel (OSC), an independent body that deals with whistleblower retaliation among other things. Special Counsel Carolyn Lerner said her small staff is “truly overwhelmed” by the number of cases it gets from the VA.

VA whistleblower reprisal cases received by OSC has been rising quickly, from 405 in fiscal 2013 to a projected 712 for fiscal 2015 - a 75 percent jump.

Lerner expects approximately 35 percent of the possible 4,000 prohibited personnel practice cases filed from across government this year to be from VA employees. “In 2014, for the first time,” she said, “the VA surpassed the Department of Defense in the total number of cases filed with OSC, even though the Defense Department has twice the number of civilian employees as the VA.”

An important part of that problem, senators complained, is the relative scarcity of discipline against those who retaliate against whistleblowers. Since 2014, the VA has proposed discipline for just nine employees for whistleblower retaliation, according to the VA. Four were suspended, one was fired, two were reprimanded and the other two cases are pending. Over 20 cases are under investigation.

Carolyn Clancy, the chief medical officer of the VA health administration, admitted the department must do better.

“The Department has had problems ensuring that whistleblower disclosures receive prompt and effective attention, and that whistleblowers themselves are protected from retaliation,” she told senators. “I acknowledge today

that VA is still working toward the full culture change we must achieve to ensure that all employees feel safe disclosing problems, and that all supervisors who engage in retaliatory behavior are held promptly and meaningfully accountable.”

Christopher Kirkpatrick was a VA psychologist and whistleblower who complained about over-medication of patients at the Tomah VA Medical Center in Wisconsin when he committed suicide in 2009. His brother, Sean Kirkpatrick, spoke for him at the hearing.

“Our brother felt helpless and hopeless with the obstacles he encountered at the Tomah VA Medical Center,” Sean Kirkpatrick told the hearing. “He wanted to improve the quality of care for our nation’s veterans through holistic options and continuously questioned the over-medication practices which hindered his ability to treat his patients. He felt his personal safety disregarded when his life was threatened by a patient who was never dismissed from the medical center. Even after expressing concerns with his complex case load, it appears that no assistance was given, his concerns were disregarded.”

Johnson was livid at the response from the VA’s Office of Inspector General (OIG) to Kirkpatrick’s suicide.

A July 2015 report from the OIG “strongly recommended” reviewing a sheriff department report that suggested Christopher Kirkpatrick may have been involved in distributing illegal substances.

“That sounds like reprisal, to me, to a dead person,” said an angry Johnson, waving the document in his hands. “I was upset coming in here and I’ve become more upset.”

Committee members on both sides of the partisan divide also are upset with President Obama for allowing the VA to go without a permanent inspector general since Dec. 31, 2013. “It is unacceptable that this important office has been without permanent leadership for close to two years,” said Sen. Tom Carper (D-Del.), the top Democrat on the panel.

Another issue disturbing Johnson was testimony from witnesses that VA managers had inappropriately looked at

the medical records of agency whistleblowers who are veterans.

After Christopher Shea Wilkes of Shreveport, La., complained about unethical VA hiring practices, "I found numerous persons that had illegally accessed my personal (medical) information," he said. "The hospital conducted an investigation but claimed that they had found nothing."

The Washington Post

Johnson called the excuse that the VA would need to check medical records to get employee addresses "a lie."

[\[He blew the whistle on the VA — and then was almost sacked for eating stale sandwiches\]](#)

Lerner complained to Obama in a Sept. 17 letter about the lack of discipline for VA managers found to have done wrong. After listing cases where managers were not disciplined, or only lightly so, for infractions, Lerner wrote: "The lack of accountability in these cases stands in stark contrast to disciplinary actions taken against VA whistleblowers. The VA has attempted to fire or suspend whistleblowers for minor indiscretions and, often, for activity directly related to the employee's whistleblowing."

McDonald makes it a point of showing VA whistleblowers that they are appreciated. That's important leadership. But the senate testimony shows the entrenched culture remains more powerful than he is.