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## OSC Obtains Relief for More VA Whistleblowers

FOR IMMEDIATE RELEASE

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The U.S. Office of Special Counsel (OSC) is continuing to investigate and obtain relief for Department of Veterans Affairs (VA) whistleblowers with retaliation complaints. Since last April – when whistleblower concerns at the VA garnered widespread national attention and OSC’s VA caseload surged – OSC has obtained over 25 corrective actions for whistleblowers who have disclosed wrongdoing at the VA.

The following are recent examples of cases in which OSC has obtained relief:

**Mark Tello** – Mr. Tello was a nursing assistant with the VA Medical Center (VAMC) in Saginaw, Michigan. In August 2013, he told his supervisor that management was not properly staffing the VAMC and that this could result in serious patient care lapses. The VAMC then issued a proposed removal, which was later reduced to a 5-day suspension that Mr. Tello served in January 2014. The VA again proposed his removal in June 2014. OSC facilitated a settlement where the VA agreed, among other things, to place Mr. Tello in a new position at the VA under different management, to rescind his suspension, and to award him appropriate back pay.

**Richard Hill** – Dr. Hill was a primary care physician at the Fort Detrick, Community Based Outpatient Clinic (CBOC) in Frederick, Maryland, which is part of the Martinsburg, West Virginia VAMC. In March 2014, Dr. Hill made disclosures to VA officials, the VA Office of Inspector General, and others regarding an improper diversion of funds that resulted in harm to patients. Specifically, Dr. Hill expressed serious concerns about the lack of clerical staff assigned to his primary care unit, which he believes led to significant errors in patient care and scheduling problems. In early May 2014, the VA issued Dr. Hill a reprimand. Dr. Hill retired in July 2014. As part of the settlement agreement between Dr. Hill and the VA, the VA has agreed to, among other provisions, expunge Dr. Hill’s record of any negative personnel actions.

**Rachael Hogan** – Ms. Hogan is a registered nurse with the VAMC in Syracuse, New York. She disclosed to a superior a patient’s rape accusation against a VA employee and, when the superior delayed reporting the accusations to the police, warned the superior about the risks of not timely reporting the accusations. Later, she complained that a nurse fell asleep twice while assigned to watch a suicidal patient and that another superior engaged in sexual harassment. In April 2014, those two superiors informed Ms. Hogan that they were considering seeking a review board to have her terminated because of her “lack of collegiality” and that she was not a good fit for the unit. After this meeting, Ms. Hogan disclosed a number of allegations to her compliance officer involving the two superiors. In May, the superiors informed Ms. Hogan that the review board would go forward and gave her an unsatisfactory proficiency report. The VA agreed to stay the review board for the duration of the investigation. The VA agreed to place Ms. Hogan in a new position at the Syracuse VAMC under different supervision and a revise her performance rating. The Syracuse VAMC will also pay for an OSC representative to conduct whistleblower protection training for managers at the facility, including the two referenced in Ms. Hogan’s case.

**Coleen Elmers** – Ms. Elmers is a nurse manager at the VAMC in Spokane, Washington. In July 2014, she filed a complaint with the VA Office of Inspector General about a fraudulently altered performance evaluation of one of her subordinates, which Ms. Elmers previously refused to change. In October 2014, the supervisor rated Ms. Elmers’ performance as unsatisfactory, charging her with a lack of candor, failure to follow instructions, and inappropriate behavior for a

management official. The supervisor proposed Ms. Elmers' termination. In December, the Merit Systems Protection Board [granted](#) OSC's request to stay the termination while OSC investigates.

"OSC will continue to work with the VA to obtain relief for VA whistleblowers with meritorious reprisal claims," said Special Counsel Carolyn Lerner. "We appreciate the VA leadership's cooperation with OSC in assisting many VA whistleblowers."

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*The U.S. Office of Special Counsel (OSC) is an independent federal investigative and prosecutorial agency. Our basic authorities come from four federal statutes: the Civil Service Reform Act, the Whistleblower Protection Act, the Hatch Act, and the Uniformed Services Employment & Reemployment Rights Act (USERRA). OSC's primary mission is to safeguard the merit system by protecting federal employees and applicants from prohibited personnel practices, especially reprisal for whistleblowing, and to serve as a safe channel for allegations of wrongdoing. For more information, please visit our website at [www.osc.gov](http://www.osc.gov).*