

United States Senate
WASHINGTON, DC 20510

September 19, 2016

The Honorable Michael J. Missal
Inspector General
Department of Veterans Affairs
801 I Street, NW
Washington, DC 20001

Dear Inspector General Missal:

We write with a request that the Department of Veterans Affairs Office of Inspector General (VA OIG) open an inquiry into an apparently serious issue at the Eastern Colorado Health Care System, Department of Veterans Affairs Medical Center in Denver, Colorado (Denver VAMC). We appreciate your prompt attention to this request.

In early September 2016, our offices received information from a whistleblower connected with the Denver VAMC. The whistleblower expressed concern about the existence of “wait lists” involving patients at the Denver VAMC, as well as the Colorado Springs, Colorado, and Golden, Colorado, VA facilities. The whistleblower raised concerns about a specific situation in which a 26-year old Army Ranger committed suicide while waiting for Post-Traumatic Stress Disorder (PTSD) care from the Colorado Springs facility. This whistleblower believes the Colorado Springs facility may have falsified documents after the suicide.

Shortly after the whistleblower contacted Senator Johnson’s office, Senator Johnson’s staff contacted VA Congressional Affairs and the Denver VAMC leadership to seek more information about these allegations. At this time, we understand that the VA is in the process of responding to this request. Further, we understand this whistleblower contacted the VA OIG around September 2, 2016.

Senator Johnson’s staff also contacted the U.S. Office of Special Counsel (OSC), due to concern from the whistleblower of potential retaliatory actions by the Denver VAMC. We understand that the whistleblower has contacted OSC, and OSC is pursuing the case.

Disturbingly, on September 13, the whistleblower received a VA Memorandum, demanding that the whistleblower’s appearance for a “Fact-Finding Interview” about “an alleged privacy violation.” In an effort to ensure the VA OIG is fully aware of these issues concerning the Denver VAMC, and based on the whistleblower’s agreement, our staffs are prepared to provide the VA OIG with information received from the whistleblower to allow the VA OIG to aggressively pursue this serious issue.

Finally, we have heard concern from VA employees about their ability to speak with Congress due to the fear of retaliation. It should be clear that all VA employees have a right to speak with Congress. Specifically, federal law states: "The right of employees, individually or collectively, to petition Congress or a Member of Congress, or to furnish information to either House of Congress, or to a committee or Member thereof, may not be interfered or denied."¹ If the VA OIG finds during its inquiry any retaliation due to this whistleblower's contact with Congress, we would request that you notify us promptly.

We ask that you will open an inquiry into possible existence of wait lists at the Denver VAMC as well as related claims about document falsification and potential whistleblower retaliation. If you have any questions about this request, please ask your staff to contact Brian Downey or Kyle Brosnan of Chairman Johnson's staff at (202) 224-4751 or Alison Toal of Senator Gardner's office at (202) 224-5941. Thank you for your attention to this matter.

Sincerely,



Ron Johnson
Chairman
U.S. Committee on Homeland Security
and Governmental Affairs



Cory Gardner
U.S. Senator

cc: The Honorable Thomas R. Carper
Ranking Member

The Honorable Robert A. McDonald
Secretary
U.S. Department of Veterans Affairs

The Honorable Carolyn N. Lerner
Special Counsel
U.S. Office of Special Counsel

¹ 5 U.S.C. § 7211.