

# United States Senate

COMMITTEE ON  
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS  
WASHINGTON, DC 20510-6250

CHRISTOPHER R. HIXON, STAFF DIRECTOR  
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August 15, 2016

The Honorable Carolyn Colvin  
Acting Commissioner  
U.S. Social Security Administration  
1100 West High Rise  
6501 Security Boulevard  
Baltimore, MD 21235

Dear Acting Commissioner Colvin:

I write with concern about possible whistleblower retaliation and intimidation within the Madison hearing office of the Social Security Administration's (SSA) Office of Disability Adjudication and Review (ODAR). My staff has received reports from whistleblowers that the Madison hearing office's Chief Administrative Law Judge is attempting to prevent employees from providing information to Congress and attempting to intimidate employees who may have provided information to Congress.

SSA employees in the Madison hearing office have come forward to Congress with allegations that Administrative Law Judge (ALJ) John H. Pleuss made inappropriate sexual and racial comments about claimants.<sup>1</sup> Since then, it appears that the leadership in the Madison office has attempted to prevent further disclosures and identify employees who may be sharing information with Congress or the Office of Inspector General. After communicating with my staff about the alleged misconduct in the Madison office, a whistleblower in the office received the following email from Chief ALJ Debra Meachum:

At our Madison management meeting on Tuesday, we had a discussion about Judge Pleuss and his cases, and I requested that the information be kept confidential and only shared among us. **Since our meeting on August 9<sup>th</sup>, did any of you share any of this information with someone outside the Madison management team?** Again, I am talking specifically about the discussion we had last Tuesday afternoon about Judge Pleuss and his cases. **Please respond immediately – yes or no.**<sup>2</sup>

The next day, SSA management placed the whistleblower on administrative leave and escorted her out of the office by two armed guards. Chief ALJ Meachum reportedly told the whistleblower: "I can't always trust in your ability to keep sensitive information confidential."<sup>3</sup>

<sup>1</sup> See Haley Henschel, *Official Described Disability Claimants in Sexual, Racial Terms*, Milwaukee J. Sentinel (July 2, 2016).

<sup>2</sup> E-mail from Debra Meachum, Hearing Office Chief Admin. Law Judge, SSA ODAR, to SSA ODAR Mgmt. (Aug. 11, 2016, 8:27 AM) (emphasis added).

<sup>3</sup> M.D. Kittle, *Whistleblower walked out of troubled Social Security office*, Wisconsin Watchdog (Aug. 12, 2016).

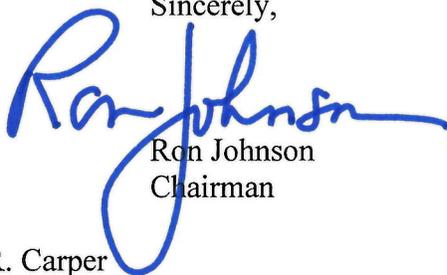
Federal law protects the right of all Federal employees to provide information to Congress. Specifically, the law states that “[t]he right of employees, individually or collectively, to petition Congress or a Member of Congress, or to furnish information to either House of Congress, or to a committee or Member thereof, may not be interfered with or denied.”<sup>4</sup> SSA employees have the right to talk to Congress and to provide Congress with information without fear of retaliation or questions about their communications.

This apparent attempt to identify and possibly prevent employees from communicating with Congress is unacceptable and is particularly alarming, given your assurances to the Committee—as recently as last week—that SSA does not tolerate whistleblower retaliation. In an August 9, 2016 letter, you wrote: “We take claims of whistleblower retaliation very seriously. I can assure you that our agency strives to maintain a work environment free from retaliation. We do not tolerate employees who engage in retaliation against whistleblowers or perceived whistleblowers and we take appropriate personnel actions when warranted.”<sup>5</sup> Yet, contrary to your pronouncement, it appears that whistleblower retaliation persists as a problem in the Madison hearing office.

I ask that you immediately direct all SSA officials in the leadership chain of command for the Madison ODAR hearing office to cease all attempts to identify officials who may be providing information to Congress or the Office of Inspector General, as well as any other potential retaliatory actions. The Committee will not tolerate any efforts to silence or retaliate against SSA whistleblowers. In addition, please produce all documents and communications concerning the administrative leave and other personnel actions taken against managers in the ODAR Madison hearing office on or about August 12, 2016.

Please contact Committee staff at (202) 224-4751 with any questions about this issue. Thank you for your prompt attention to this serious matter.

Sincerely,



Ron Johnson  
Chairman

cc: The Honorable Thomas R. Carper  
Ranking Member

Ms. Gale Stallworth Stone  
Acting Inspector General

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<sup>4</sup> 5 U.S.C. § 7211.

<sup>5</sup> Letter from Hon. Carolyn Colvin, Acting Comm’r, SSA, to Hon. Ron Johnson, Chairman, S. Comm. on Homeland Sec. & Governmental Affairs (Aug. 9, 2016).