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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

KEITH B. ASHDOWN, STAFF DIRECTOR
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September 14, 2015

The Honorable James B. Comey, Jr.
Director
Federal Bureau of Investigation
J. Edgar Hoover Building
935 Pennsylvania Avenue, NW
Washington, DC 20535

Dear Director Comey:

The Committee on Homeland Security and Governmental Affairs is investigating allegations of veteran deaths, drug diversion, opioid over-prescription, retaliations against whistleblowers, and a culture of fear among the employees at the Department of Veterans Affairs Medical Center in Tomah, Wisconsin (Tomah VAMC). In addition, the Committee has been investigating the VA Office of Inspector General's healthcare inspection of the Tomah VAMC, and conducting oversight of the Department of Justice's work relating to allegations concerning the facility. I write to inquire about the Federal Bureau of Investigation's interaction with Jason Simcakoski, a veteran who received treatment at the Tomah VAMC.

In January 2015, the *Center for Investigative Reporting* reported on the alarmingly high opioid prescription practices of doctors at the Tomah VAMC.¹ According to the report, doctors prescribed opioids in such large quantities that the hospital was nicknamed "Candy Land" and the facility's former chief of staff was known by the moniker, "Candy Man."² The article also highlighted the death of Mr. Simcakoski, a 35-year-old Marine Corps veteran who sought treatment at the facility. Mr. Simcakoski died in the Tomah VAMC mental health wing on August 30, 2014. Autopsy results found that at the time of his death, Mr. Simcakoski had 13 different drugs in his system.³ The medical examiner ruled the cause of death as "mixed drug toxicity"⁴ and the VA Office of Inspector General concurred with the finding when it conducted its own investigation into Mr. Simcakoski's care at the Tomah VAMC.⁵

On March 30, 2015, the Committee convened a joint field hearing with the House Committee on Veterans Affairs to examine the allegations surrounding the Tomah VAMC. At

¹ See Aaron Glantz, Opiates Handed Out Like Candy to 'Doped-Up' Veterans at Wisconsin VA, *Reveal* (Jan. 8, 2015) <https://www.revealnews.org/article-legacy/opiates-handed-out-like-candy-to-doped-up-veterans-at-wisconsin-va/>

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ U.S. Dep't of Veterans Affairs, Office of Inspector Gen., Report No. 15-02131-471, Healthcare Inspection Unexpected Death of a Patient During Treatment with Multiple Medications Tomah VA Medical Center Tomah, Wisconsin (2015), available at <http://www.va.gov/oig/pubs/VAOIG-15-02131-471.pdf>.

the hearing, Mr. Simcakoski's widow, Heather Simcakoski, testified that he had contacted the FBI and other law-enforcement entities about potential drug diversion and other illegal activities at the Tomah VAMC.⁶ She noted that she possessed two cell phones containing both text and voicemail messages detailing conversations Jason had with law enforcement before he died. The Committee's subsequent review of the data cited by Mrs. Simcakoski showed that Mr. Simcakoski placed multiple calls to the FBI's field office in La Crosse, Wisconsin in November 2013.⁷ It is unclear, however, what Mr. Simcakoski told the FBI or whether the FBI took any actions in response.

Tragically, nearly ten months after contacting the FBI, Jason Simcakoski died while under the treatment of VA doctors. To understand the circumstances surrounding Jason Simcakoski's call to the FBI and what actions, if any, the FBI took in response to Mr. Simcakowski's calls, I respectfully request your assistance. Please provide responses to the following requests by no later than September 28, 2015:

1. Please provide records of all communications between the FBI offices and Jason Simcakoski, including communications with following phone number: (715) 252-3639.
2. Please explain the subject matter and substance of Jason Simcakoski's communications with the FBI, including the dates of the communications and parties involved.
3. Please explain the actions, if any, that the FBI took in response to the information received from Jason Simcakoski. Please provide descriptions and dates of those efforts.
4. Please explain whether the FBI's La Crosse, Wisconsin, field office shared information obtained from Jason Simcakoski with the FBI's Milwaukee Division?
5. Please explain whether the FBI shared information obtained from Jason Simcakoski with any other federal, state, or local law enforcement entity? If yes, provide the date and law enforcement entity.

The Committee on Homeland Security and Governmental Affairs is authorized by Rule XXV of the Standing Rules of the Senate to investigate "the efficiency, economy, and effectiveness of all agencies and departments of the Government."⁸ Additionally, S. Res. 73 (114th Congress) authorizes the Committee to examine "the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs."⁹ For purposes of this request, please refer to the definitions and instructions in the enclosure.

⁶ Joint Field Hearing: Tomah VAMC: Examining Quality, Access, and a Culture of Overreliance on High-Risk Medications. 114th Cong. (2015). Statement of Heather Simcakoski. March 30, 2015. *Available at* <http://www.hsgac.senate.gov/hearings/joint-field-hearing-tomah-vamc-examining-quality-access-and-a-culture-of-overreliance-on-high-risk-medications>

⁷ The Committee on Homeland Security and Governmental Affairs obtained two phones from the family of Jason Simcakoski and the U.S. Capitol Police retrieved the data off the two phones.


⁸ S. Rule XXV(k); *see also* S. Res. 445, 108th Cong. (2004).

⁹ S. Res. 73 § 12, 114th Cong. (2015).

The Honorable James B. Comey, Jr.
September 14, 2015
Page 3

If you have any questions about this request, please contact Brian Downey or Kyle Brosnan of the Committee staff at (202) 224-4751. Thank you in advance for your assistance in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ron Johnson", with a large, stylized flourish extending from the end of the name.

Ron Johnson
Chairman

cc: The Honorable Thomas R. Carper
Ranking Member

Enclosure