

Whistleblower 101 Oral Testimony

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Introduction

VA Whistleblowers risk the total destruction of their professional reputation for simply telling the truth. During my time at the Phoenix VA I have lost 6 veterans to suicide. Each one is like a punch in the gut. I have walked suicidal veterans to the Phoenix VA ER after hours only to have them not watched and they simply walked away unaccounted for. In October 2014 Phoenix VA social worker Penny Miller admitted to improperly accessing my own HIPAA protected Veteran Medical Records. This was only the start of improper and unlawful behavior that would persist over the following year.

Timeline of Events

December 6, 2014

I came forward to the OSC regarding the unsafe treatment provided to our suicidal veterans, along with my records being improperly accessed.

January 12 & 13, 2015

On January 12 and 13 ABC 15 ran stories regarding my OSC complaints. On the 13th hospital director Glen Grippen held a meeting with leadership of the Phoenix VA and VA legal counsel Shelly Cutts. Grippen proposed to terminate me for being on TV. Cutts advised Grippen that it would be illegal to remove me because of the Whistleblower Protection Act. But then Cutts stated, "Brandon could possibly be removed for unrelated misconduct." The problem with her statement is I had an exceptional employment record to this point.

January 20, 2015

On the 20th I attended a meeting with my section chief psychiatrist. The chief questioned my current "mental health". I said it's highly suspicious he was concerned now with my mental

health especially after Penny Miller had been in my medical records. Later that day I had a social worker accuse me of threatening him. It was simply not true.

January 21, 2015

On the 21st director Grippen requested I meet with him to share my OSC concerns. The director made an eerie comment. He stated, “Brandon, I just want you to know you are not being terminated YET.” He actually used the word “yet.” Director Grippen later admitted to saying this in his EEOC testimony.

January 23, 2015

On the 23rd social work chief David Jacobson held a meeting for 15-20 employees. An employee made an audio recording. An ER social worker stated “5 suicidal vets had simply walked out of the hospital during the past week,” and Jacobson responded “we have been really lucky that nothing bad has happened. It was sheer luck.” This proved that suicidal vets were really walking out of the hospital.

February 2, 2015

On February 2 I was placed on admin leave for allegedly threatening other employees. The letter stated I could receive care as a vet but I had to check in and out with the VA police. I immediately called the OSC to begin a retaliation investigation.

February 3, 2015

On the 3rd Grippen shutdown my highly successful 52 week Motivation for Change treatment program. 71 high risk vets no longer had long-term substance use disorder treatment.

February 4, 2015

On the 4th whistleblower Jared Kinnaman came forward to the OSC stating suicidal veterans were being mishandled.

February 26, 2015

On the 26th I attended a fact finding regarding my placement on admin leave. I was personally escorted by VA police Lt. Robert Mueller. Lt. Mueller ordered me to walk in front of him through the main hospital like I was a criminal. I was told by the fact finders after the meeting I would be cleared of any wrongdoing.

March 6, 2015

On March 6 whistleblower Lisa Tadano came forward to the OSC claiming suicidal veterans were watched by janitors and volunteers. She also learned employee Penny Miller had also accessed her treatment records without reason.

March 12, 2015

On the 12th I met with Secretary McDonald before President Obama came to Phoenix. I said it is highly questionable that I can have a one on one meeting with the most powerful man in the VA, yet if I go to the Phoenix VA for medical care I have to check in and out with VA police. He said he would look into it.

March 16, 2015

On the 16th the VBA said my service connected injuries had improved proposing to reduce my disability benefits by \$300 per month. I have had 9 surgeries on my foot and walk with a cane. The timing was highly suspect.

March 19, 2015

On the 19th I received a letter from Grippen stating that I was no longer required to have a police escort. To date I have never received a letter clearing me of wrongdoing.

April 9, 2015

On April 9th I had a 2nd sensitive patient access report pulled and learned 2 additional coworkers had improperly entered my medical records.

April 14, 2015

On the 14th I was walking through the VA hospital on my way to a 12 step meeting with friend and former Navy Seal Carl Higbee. We were confronted by Grippen. I told Grippen what I was doing and went on my way to attend the meeting open to the public.

April 20, 2015

On the 20th I received a "gag order" from Grippen now forbidding from speaking to any other Phoenix VA employees but saying I could get medical care as a vet. How does a veteran get medical care without being allowed to speak to any employees?

April 24, 2015

By the 24th over a dozen media outlets contacted the hospital forcing Grippen to amend the letter acknowledging my right to free speech.

August 12, 2015

On August 12 I pulled a third SPAR report and learned another administrative officer Troy Briggs has accessed my records. I have not received care since January 2015 yet this employee was in my records on April 20, the same day director Grippen placed a gag order on me. Mr. Briggs is even CC'd to the gag order letter. Why would he be in my record this same date?

In Closing

It is a privilege to work for the VA, not a right. All employees including directors must be held accountable. Today I am calling on the committee to ask for a DOJ Investigation into the improper accessing of my HIPAA-protected veteran treatment records as retaliatory acts and as a

criminal act. I am also asking the committee to call for an investigation into Grippen's retaliation against me, including placing me on admin leave on baseless grounds, and for his attempting to manufacture grounds for my removal from employment His actions violated federal whistleblower law.

I find it sad that the only time congress is able to get an honest answer from the VA is when whistleblowers are asked to testify. There is something deeply disturbing about this fact. Thank you for the allotted time today.