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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

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January 25, 2017

Mr. Robert D. Snyder
Acting Secretary
U.S. Department of Veterans Affairs
810 Vermont Avenue, NW
Washington, DC 20420

Dear Mr. Snyder:

I am writing to request that the Department of Veterans Affairs (VA) cease all retaliatory actions and comply with an order by the Merit Systems Protection Board (MSPB) with respect to the ongoing case involving Dr. Dale Klein of the John J. Pershing Veterans Affairs Medical Center (Poplar Bluff VAMC) in Poplar Bluff, Missouri. Dr. Klein contacted my staff after he raised a number of problems involving the pain management clinic at the Poplar Bluff VAMC. I hope the VA will take swift action to remedy this matter.

Dr. Klein works at the Poplar Bluff VAMC as a pain management physician.¹ During this employment at the facility, Dr. Klein alleges that he raised several concerns to his superiors about the quality of care being given in the pain management clinic, including delays in patient care.² Dr. Klein reported these concerns to the VA Office of Inspector General (VA OIG) on September 19, 2015, and on October 1, 2015.³

Dr. Klein now alleges retaliation by management at the Poplar Bluff VAMC for his disclosures. Dr. Klein alleges that he was first reprimanded by his supervisor on October 19, 2015.⁴ After reporting these concerns to VA management and to the VA OIG, VA terminated his employment effective April 28, 2016.⁵

Dr. Klein alleges that he experienced an increasingly hostile work environment due to his cooperation with the VA OIG, his filing of a police report alleging falsified documents by his management, and his pending complaint with the Office of Special Counsel (OSC).⁶ Medical professionals who treat our veterans deserve the VA's respect and support, not retaliation.

¹ U.S. Off. of Special Counsel, Ex. Rel. Dr. Dale Klein v. U.S. Dep't of Veterans Affairs, No. CB-1208-16-0023-U-1, U.S. Off. of Special Counsel's Motion to Modify the Order Granting Initial Stay Request (June 9, 2016, M.S.P.R.)

² Information provided to Committee Majority staff from Dr. Dale Klein.

³ Information provided to Committee staff by representatives of the U.S. Dep't of Veterans Affairs Off. of Inspector General.

⁴ Information provided to Committee Majority staff from Dr. Dale Klein.

⁵ U.S. Off. of Special Counsel, *supra* note 1.

⁶ Information provided to Committee Majority staff from Dr. Dale Klein.

Mr. Robert D. Snyder

January 24, 2017

Page 2 of 2

On September 13, 2016, MSPB ordered the VA to “assign Dr. Klein to a physician position within his skills and experience to the extent one becomes available within the local commuting area during the pendency of the stay.”⁷ For Dr. Klein to perform any clinical duties at another facility, “Dr. Klein would need to obtain appropriate credentials from these facilities prior to performing any clinical duties.”⁸ However, it is my understanding that, to date, the VA has not permitted Dr. Klein to take the necessary steps to apply for clinical privileges at another VA facility.

Therefore, I respectfully request that you instruct your staff to fully comply with MSPB’s order and allow him to undertake the necessary processes for applying for clinical privileges at another VA facility. Further, my staff has been in contact with OSC regarding Dr. Klein’s allegations and understands that OSC has received a lack of cooperation from the VA in this matter. I ask that you instruct your staff to fully comply with all requests made by OSC relating to Dr. Klein.

Thank you for your attention to this important matter.

Sincerely,



Ron Johnson
Chairman

cc: The Honorable Claire McCaskill
Ranking Member

The Honorable Michael Missal
Inspector General
U.S. Department of Veterans Affairs

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

The Honorable Mark A. Robbins
Member
U.S. Merit Systems Protection Board

⁷ U.S. Off. of Special Counsel, Ex. Rel. Dr. Dale Klein v. U.S. Dep’t of Veterans Affairs, No. CB-1208-16-0023-U-, 1, Order on Stay Request (Sept. 13, 2016, M.S.P.R.).

⁸ *Id.*