

Opening Statement of Chairman Ron Johnson
“Improving VA Accountability: Examining First-Hand Accounts of
Department of Veterans Affairs Whistleblowers”
Tuesday, September 22, 2015

As submitted for the record:

Good morning and welcome.

Today’s hearing is our committee’s second discussion of the hardships that federal employees face when they take the courageous step of coming forward to expose wrongdoing. This hearing will focus on whistleblowers from the Department of Veterans Affairs. VA employees who come forward play a unique role in the whistleblower community. Not only do VA whistleblowers expose waste, fraud and abuse in the federal government, they also expose wrongdoing that compromises the care of our nation’s veterans. It is crucial that Congress and the VA embrace whistleblower protections to reduce misconduct and ensure that the finest among us receive the high-quality care they deserve.

As the events at the Tomah Veterans Affairs Medical Center in my state of Wisconsin have illustrated, when VA whistleblowers are punished for reporting wrongdoing, it can have drastic effects on veteran care. Three separate whistleblowers—Dr. Noelle Johnson, Ryan Honl and Dr. Chris Kirkpatrick, whose brother Sean is testifying today—brought their concerns to management about overmedication at the facility. In each instance, their concerns were ignored and they were punished for reporting the wrongdoing.

Whistleblower retaliation and abuse of authority by management at the Tomah VAMC created a culture of fear among the staff that compromised veteran care. Had the facility and the VA Office of Inspector General listened to these whistleblowers, Jason Simcakoski may have not been prescribed the lethal cocktail of 13 different medications that killed him last August.

Whistleblower retaliation within the VA is by no means isolated to Tomah. In fact, from accounts we will hear today, the VA has a cultural problem with whistleblower retaliation. The Office of Special Counsel is the independent investigator of whistleblower claims brought by federal employees and handles cases involving both the disclosure of wrongdoing as well as whistleblower retaliation. In 2014, the OSC received more retaliation complaints from VA employees than from Department of Defense employees, even though the DOD has twice as many civilian employees as the VA. For 2015, the OSC projects that it will investigate more than 1,400 retaliation complaints from VA employees alone. VA cases are estimated to make up 35 percent of the OSC’s entire retaliation caseload. In June, Special Counsel Carolyn Lerner described the influx of complaints coming from the VA as “overwhelming.”

The purpose of today’s hearing is two-fold. First, we will hear the stories of four VA employees who raised concerns about wrongdoing that they witnessed in VA facilities across the country. The stories these individuals tell illustrate the wide variety of challenges and hardships that whistleblowers face when they come forward to report wrongdoing. In addition, the accounts from our whistleblowers will

show that when a VA whistleblower suffers retaliation, not only does it harm the whistleblower, it ultimately compromises veteran health care.

The second goal of today's hearing is to look for solutions that not only enhance whistleblower protections but also address the apparent cultural problem the VA has in regard to whistleblowers. Congress—especially this committee—and the VA have a shared responsibility to ensure that there will be zero tolerance for whistleblower retaliation. I look forward to working with the VA, the VA Office of Inspector General, and the OSC to craft solutions that foster a culture within the VA that encourages employees to report wrongdoing without fear of retaliation and reprisal.

As a founding member of the Senate Whistleblower Caucus, I have made it a priority to raise awareness about the need for adequate protections against whistleblower retaliation. I have created an email address, whistleblower@ronjohnson.senate.gov, to provide federal employees, including VA employees, a venue in which they can confidentially and safely report wrongdoing to Congress.

The touchstone quality that makes any organization successful is accountability. Moving forward, it is vital that we work to ensure that there will be zero tolerance for whistleblower retaliation within the VA and that all wrongdoers are held accountable for their actions. I thank the witnesses, especially the courageous whistleblowers, for testifying before the committee today, and I look forward to working with my colleagues in continuing our bipartisan efforts to enhance whistleblower protections.

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