

VHA VISN 7 Employee Issue
Summary Notes
June 30, 2011

Attendees:

In person: Lisa Thomas (VHA, 10B), John Davis (VHA, 10A2A), John Hale (VHA, 10B2), Tom McKeever (OGC), Katherine Seto (OGC), Joe Sixeas (OCLA), and Jennifer Hesch (VHA, 10B).

By phone: Ken Carroll (Staff Attorney, OGC Region 13), Buzz Gray (VHA, VISN 16), LaWanda Parks (VHA, VISN 16), Candace Hull (Atlanta OPIA), and Susan Poff (10B2).

Overview:

The group discussed updates based on the review by Workforce Management & Consulting (WM&C) and General Counsel, and determined next steps.

WM&C Review

- The selecting official, Dorothy Buckman, Chief, Augusta VAMC Centralized Accounting Office, was aware that the employee was involved in an accident in Dallas because the employee was a former employee of the facility where she worked. She knew that it was a "personal tragedy," but was not aware of the details or circumstances of the accident. She knew that an accident occurred, and a person was killed.
- After the position was announced, the selecting official asked the HR office if the employee was eligible to apply for the position (the current position he holds). The selecting official was told that he was eligible to apply.
- A panel interviewed the candidates, and the employee was the best qualified out of the three best qualified candidates.
- The selecting official went back to HR to double check the background investigation on the employee, which did not identify any concerns.
- The selecting official also conducted a special agreement check, which only showed the arrest resulting from this incident. Then, the selecting official contacted the city attorney in Addison, who provided information that there were no criminal charges in his record (also received written verification).
- The 2008 DWI and 2009 disorderly conduct charges (convictions) were not provided to the selecting official because there was not a nexus between the offenses and the job for which the employee was applying.
- References were contacted (Ms. Wiley, Augusta VAMC Director, and the Jackson CFO). All provided positive references. The Director in Jackson was not contacted as a reference since she had retired.
- The selecting official was aware of the employee's previous resignation, but did not ask the employee why the employee resigned because she was not on the interview panel.

- On the employee's application, he did not answer affirmatively to the question regarding whether he resigned in lieu of removal or by mutual consent due to unfavorable circumstances.

Office of General Counsel's Review

- The employee showed a lack of candor by certifying that he had a valid driver's license when he rented a car while on official government travel. In fact, he did not have a valid license, and when completing the form to use the government vehicle, he wrote that his driver's license expired a year after it actually did. (Note: his license was expired, not suspended).
- The employee violated government use policy – misuse of a vehicle.
- There was no adequate proof the employee's blood alcohol content at the time of the accident.
- Update on tort claim: The survivors are suing the bar and VA.
- **Possible Disciplinary Actions:**
 - **Long suspension or demotion**
 - Misuse of vehicle – minimum of 30 days suspension.
 - Because of the fact that the employee took the female employee to Dallas, who was not on official duty, and took her out bar hopping the night of the incident, 60 days suspension would be reasonable.
 - **Removal** – would have difficulty sustaining removal, but do have a case for serious disciplinary action (could take action now).
 - This is a network decision for VISN 7 (Acting Deputy Network Director to propose actions; Acting Network Director to be the deciding official).
 - HR/WMC will look at the situation and prepare draft charges.

Action Items:

1. WMC/HR will review the situation and prepare proposed charges. After being discussed within VHA, they will be submitted to OGC for review.
2. If congressional inquiries are received, they will be sent to the distribution list for information. When sending information to the group, please include "do not redistribute" in the subject line of the email.