

# United States Senate

WASHINGTON, DC 20510

February 24, 2020

The Honorable Michael J. Missal  
Inspector General  
Department of Veterans Affairs  
810 Vermont Ave NW  
Washington, DC 20571

Dear Mr. Missal:

We are writing to request a full investigation into Secretary Wilkie and the Department of Veterans Affairs' (VA) handling of a sexual assault reported by a veteran at the Washington, D.C. VA Medical Center (DC VAMC), including the deeply concerning reports that VA officials improperly sought information about the individual's past and mischaracterized the results of your investigation into the assault in order to discredit her.

When the assault took place in September 2019, the individual reported the incident to several VA employees who took no action. VA police were not called until the veteran notified her doctor. As you know, the matter was referred to your office as required by federal regulation and the investigation was closed without bringing criminal charges, apparently due in part to the lack of functioning cameras – which is a deeply concerning failure of the DC VAMC to maintain a safe environment.

On January 15, after your investigation was closed, Secretary Wilkie sent a letter to House Veterans' Affairs Committee Chairman Mark Takano referring to the sexual assault claim as "unsubstantiated," stating that such a claim "could deter our Veterans from seeking the care they need and deserve." We appreciate that your office responded the same day, clarifying that the independent investigation did not find the claims to be "unsubstantiated" and reminding the Secretary that VA leaders had already been warned against mischaracterizing the outcome of the investigation. While that clarification was helpful and appreciated, it cannot reverse the damage done by Secretary Wilkie.

Media reports on a complaint made to the House Veterans' Affairs Committee allege that between October 2019 and January 2020, Secretary Wilkie sought damaging information about the veteran, including attempting to investigate her military record. Additionally, according to media reports, the Secretary discussed the information he had collected with other VA officials and even a member of Congress, and suggested to Department public affairs officials that the information could be used to undermine the veteran's allegations. If these reports are true, such an abuse of power and government resources would be outrageous and inexcusable. If the reports of a member of Congress being involved are true, the matter should be immediately referred to the Ethics Committee for their investigation and disciplinary action.

Secretary Wilkie's decision to cast doubt, paint the individual as dishonest, and discredit her traumatic experience demonstrates VA's continued inability to ensure women veterans are welcomed and supported by the country they have served. Furthermore, this type of toxic

leadership undermines the hardworking, dedicated professional staff at VA, and makes it less likely that women veterans – the largest growing demographic of veterans – will seek the care and benefits from the VA that they have earned through their service. The failure of the DC VAMC to protect and support this veteran at the time of the incident – from the lack of bystander intervention, to a lapse in following protocol – should have been immediately corrected by the Secretary. The Secretary’s failure to take corrective action and, even worse, to retaliate against the veteran, is absolutely unacceptable.

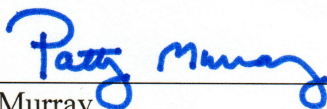
Veterans trust VA to provide them with the highest quality care. When that trust is violated, all veterans suffer, and when individuals who report misconduct are retaliated against, survivors are less likely to report assaults or harassment. In order to restore confidence in VA’s ability to foster a safe environment, we are requesting a full investigation to review any missteps that occurred in this case and recommendations to correct course.

It is important that VA take all forms of sexual violence seriously and that VA employees enforce policies to prevent future incidents from occurring. This investigation should assess the response at every level to review if DC VAMC employees were informed of appropriate sexual assault response and reporting mechanisms, and if they took appropriate action when the sexual assault was reported to them. The investigation should also evaluate the effectiveness of existing policies to prevent and respond to sexual violence at the DC VAMC and agency-wide. Additionally, we ask that you examine the roles that VA officials, including their subordinates and former officials, played throughout the handling of the reported assault, including the agency’s initial response and the Secretary’s January 15, 2020, letter to Chairman Mark Takano. This should include whether any current or former VA official sought information on the individual or directed another employee to do so.

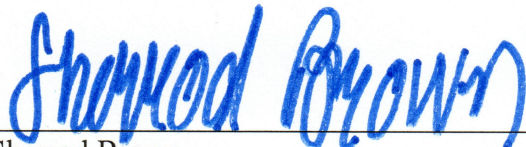
Survivors of sexual assault, including survivors of Military Sexual Trauma and sexual assault at VA facilities, need to know the Department – and the justice system at large – will take their reports seriously and provide them with adequate support. This example must be set at the top, with the Secretary.

The Department of Veterans Affairs is the second largest federal agency and should be a leader in best practices for preventing sexual violence and supporting survivors. We expect your findings will support initiatives to improve VA’s policies on sexual violence. We appreciate your efforts to ensure all veterans can receive the care and support they have earned in a safe, welcoming environment.

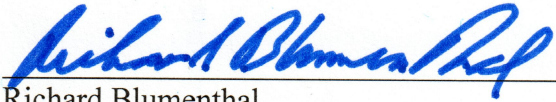
Sincerely,



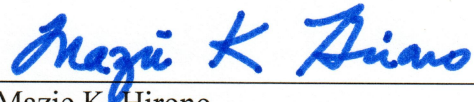
Patty Murray  
United States Senator



Sherrod Brown  
United States Senator



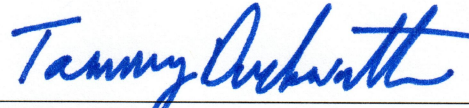
Richard Blumenthal  
United States Senator



Mazie K. Hirono  
United States Senator



Bernard Sanders  
United States Senator



Tammy Duckworth  
United States Senator