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SECRETARY OF THE ARMY
WASHINGTON

FEB 01 2008

MEMORANDUM FOR ASSISTANT SECRETARY OF THE ARMY
(MANPOWER AND RESERVE AFFAIRS)

SUBJECT: Delegation of Authority Under Title 5, Sections 1213 (c) and (d)

In accordance with Title 10, United States Code, section 3013(f), I hereby delegate to you certain authority conferred upon me as agency head under Title 5, United States Code, section 1213. Specifically you are authorized to review, sign and submit written reports of investigations of information and related matters transmitted to the Department of the Army by The Special Counsel, in accordance with Title 5, United States Code, sections 1213(c) and (d). The authority delegated herein may not be further delegated.

This delegation shall remain in effect for three years from the date of its execution, unless earlier rescinded in writing by me.

A handwritten signature in black ink, appearing to read "Pete Geren", is positioned above the printed name.

Pete Geren

CF: General Counsel



U.S. OFFICE OF SPECIAL COUNSEL

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The Special Counsel

May 17, 2007

The Honorable Pete Geren
Acting Secretary
Department of the Army
1700 Army Pentagon
Washington, D.C., 20310-1700

Re: OSC File No. DI-07-1676

Dear Mr. Acting Secretary:

Pursuant to my responsibilities as Special Counsel, I am referring to you a whistleblower disclosure alleging that a pharmacist at the Department of the Army (Army), Guthrie Clinic, Fort Drum, New York, misused Army resources over a period of nine years in violation of Army regulations. The Office of Special Counsel (OSC) has received these allegations from a whistleblower who has chosen to remain anonymous. I have determined that there is a substantial likelihood that a pharmacist violated a law, rule or regulation when he ordered blood tests for himself at the Army's Guthrie Clinic. Accordingly, I am referring this information to you for an investigation and to issue a report of your findings.

The U.S. Office of Special Counsel (OSC) is authorized by law to receive disclosures of information from federal employees alleging violations of law, rule, or regulation, gross mismanagement, gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety. 5 U.S.C. § 1213(a) and (b). As Special Counsel, if I find, on the basis of the information disclosed, that there is a substantial likelihood that one of these conditions exists, I am required to advise the appropriate agency head of my findings, and the agency head is required to conduct an investigation of the allegations and prepare a report. 5 U.S.C. § 1213(c) and (g).

The whistleblower provided information demonstrating from approximately January 1997 until May 2006, Mr. Richard C. Blunden, a pharmacist at the Army's Guthrie Clinic, used agency resources to have his blood drawn and improperly ordered approximately fifty blood tests for himself despite both a lack of authorization and a lack of eligibility for these services. The blood tests were either processed in-house or sent to an outside laboratory at additional agency expense for analysis. Mr. Blunden is GS-11 pharmacist, not a provider or clinical pharmacist within the meaning of Army Regulation 40-3. As such, he was not authorized to order laboratory analysis of his or any other individual's blood. Second, Mr. Blunden used Army resources, both to obtain the blood samples used for the analysis, and for the analyses themselves.

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Additionally, since Mr. Blunden was not an active duty serviceman and not enrolled in the Defense Enrollment Eligibility Reporting System (DEERS), he was not eligible to avail himself of medical services or blood tests at the Army's Guthrie Clinic. The whistleblower also stated that since the introduction of the Army's new healthcare tracking system called the Armed Forces Health Longitudinal Technology Application (AHLTA) in May 2006, Mr. Blunden has been unable to access the computer system, and thus cannot initiate orders for blood tests. The whistleblower reported that the former, but still operational, healthcare computer system (CHCS) still contains relevant records of Mr. Blunden's laboratory results. Although the immediate problem that allowed Mr. Blunden to circumvent Army procedures and regulations has been corrected, the violation of Army regulations occurred over a significant period of time

Given the whistleblower's first-hand knowledge, I have concluded that there is a substantial likelihood that the information the whistleblower provided discloses a violation of a law, rule or regulation. As previously stated, I am referring this information to you for an investigation of the whistleblower's allegations and a report of your findings within 60 days of your receipt of this letter. By law, the report must be reviewed and signed by you personally. Should you delegate your authority to review and sign the report to the Inspector General, or any other official, the delegation must be specifically stated and must include the authority to take the actions necessary under 5 U.S.C. § 1213(d)(5). Without this information, I would hasten to add that the report may be found deficient. The requirements of the report are set forth at 5 U.S.C. § 1213(c) and (d). A summary of § 1213(d) is enclosed.

In the event it is not possible to report on the matter within the 60-day time limit under the statute, you may request in writing an extension of time not to exceed 60 days. Please be advised that an extension of time is normally not granted automatically, but only upon a showing of good cause. Accordingly, in the written request for an extension of time, please state specifically the reasons the additional time is needed. Any additional requests for an extension of time must be personally approved by me.

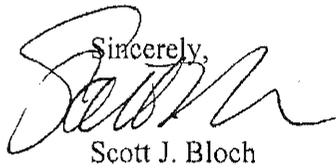
After making the determinations required by 5 U.S.C. § 1213(e)(2), copies of the report, along with any comments on the report from the person making the disclosure and any comments or recommendations by this office, will be sent to the President and the appropriate oversight committees in the Senate and House of Representatives. (5 U.S.C. § 1213(e)(3)).

Unless classified or prohibited from release by law or by Executive order requiring that information be kept secret in the interest of national defense or the conduct of foreign affairs, a copy of the report and any comments will be placed in a public file in accordance with 5 U.S.C. § 1219(a).

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Please refer to our file number in any correspondence on this matter. If you need further information, please contact Catherine A. McMullen, Chief, Disclosure Unit, at (202) 254-3604. I am also available for any questions you may have.

Sincerely,

Scott J. Bloch

Enclosures