



U.S. OFFICE OF SPECIAL COUNSEL

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Washington, D.C. 20036-4505

The Special Counsel

September 20, 2012

The President  
The White House  
Washington, D.C. 20500

Re: OSC File No. DI-11-1085

Dear Mr. President:

Pursuant to 5 U.S.C. § 1213(e)(3), enclosed please find the agency report based on disclosures made by a whistleblower at the Department of Veterans Affairs (VA), Pasco County Vet Center (Vet Center), Readjustment Counseling Services, Zephyrhills, Florida. Ms. Leah I. Davis, a Program Support Assistant and former Office Manager, disclosed that a Vet Center employee was engaging in conduct that constituted a violation of law, rule, or regulation, gross mismanagement, and an abuse of authority. Ms. Davis consented to the release of her name.

On March 24, 2011, the Office of Special Counsel (OSC) referred Ms. Davis's allegations to the Honorable Eric K. Shinseki, Secretary of the Department of Veterans Affairs, to conduct an investigation pursuant to 5 U.S.C. § 1213(c) and (d). Due to potential criminal violations, Secretary Shinseki forwarded the case to the VA Office of Inspector General (OIG). Following the OIG investigation, which found no evidence of criminal wrongdoing, the VA's Readjustment Counseling Service conducted an administrative investigation. Ms. Davis declined to comment on the agency report. As required by law, 5 U.S.C. § 1213(e)(3), OSC is now transmitting the agency report to you.

**The agency investigation substantiated Ms. Davis's allegation that a Vet Center employee misused a government vehicle for personal use, but did not substantiate the remainder of the allegations, as discussed below. I have reviewed the original disclosure and the agency's report. Based on that review, I have determined that the agency's report contains all of the information required by statute and that its findings appear to be reasonable.**

Specifically, Ms. Davis alleged that her Vet Center Team Leader, Ms. Renee E. Delgado, misused VA property for her personal benefit, including a large flat-screen television and massage chair, in violation of 5 C.F.R. § 2635.101, 5 C.F.R. § 2635.702, and 5 C.F.R. § 2635.704. Ms. Davis additionally disclosed that Ms. Delgado misrepresented

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herself as holding a Licensed Clinical Social Worker (LCSW) certification, despite only holding a Master of Social Work (MSW) certification. 18 U.S.C. § 1001 creates criminal penalties for members of the executive branch who knowingly and willfully make any materially false, fictitious, or fraudulent statement or representation. Finally, according to Ms. Davis, Ms. Delgado employed VA vehicles for her personal use, in violation of 31 U.S.C. § 1344 and VA VISN 8 "Vehicle Fleet Management Program" policy.

The OIG investigation did not yield evidence of criminal wrongdoing regarding the allegations that Ms. Delgado appropriated government property for her personal use and misrepresented herself as holding a LCSW certification. In addition, the administrative investigation did not substantiate the allegation that Ms. Delgado misused VA property for her personal benefit. The investigation established that the property was stored at both Ms. Davis's and Ms. Delgado's respective homes in 2010 and that Ms. Delgado opened the box containing the television to examine the purchase. However, according to the report, the television and massage chair are now accounted for and in storage and there was no further evidence to show that Ms. Delgado used the merchandise.

The agency investigation did not substantiate the allegation that Ms. Delgado misrepresented her certification. The investigation established that her business cards were printed to bear a LCSW certification, and when Ms. Delgado noticed the clerical error, she immediately informed the Acting Regional Manager. The local human resources department had previously resolved the matter, and the agency did not find it necessary to pursue the claim further.

The agency investigation substantiated, in part, the allegation that Ms. Delgado misused a VA vehicle for her personal use on one occasion. According to the report, Ms. Delgado used a government-owned vehicle to transport a privately-owned trailer to Ms. Davis's home. Based on these findings, and in accordance with both 31 U.S.C. § 1349(b) and VA Handbook 5021, VA management proposed a 30-day suspension for Ms. Delgado on August 14, 2012.

As required by law, 5 U.S.C. § 1213(e)(3), I have sent a copy of the agency report to the Chairmen and Ranking Members of the Senate Committee on Veterans' Affairs and the House Committee on Veterans' Affairs. I have also filed a copy of the report in our public file which is now available at [www.osc.gov](http://www.osc.gov), and closed the matter.

Respectfully,



Carolyn N. Lerner

Enclosure