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This delegation shall remain in effect for three years from the date of its execution, unless earlier rescinded in writing by me.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

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U.S. OFFICE OF SPECIAL COUNSEL

1730 M Street, N.W., Suite 300
Washington, D.C. 20036-4505

www.osc.gov

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.

The Honorable Pete Geren
Page 2

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.

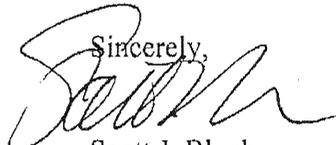
After making the determinations required by 5 U.S.C. § 1213(e)(2), copies of the report, along with any comments on the report from the person making the disclosure and any comments or recommendations by this office, will be sent to the President and the appropriate oversight committees in the Senate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

The Special Counsel

The Honorable Pete Geren
Page 3

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

Enclosure

Requirements of 5 U.S.C. § 1213(d)

Any report required under subsection (c) shall be reviewed and signed by the head of the agency¹ and shall include:

- (1) a summary of the information with respect to which the investigation was initiated;
- (2) a description of the conduct of the investigation;
- (3) a summary of any evidence obtained from the investigation;
- (4) a listing of any violation or apparent violation of law, rule or regulation; and
- (5) a description of any action taken or planned as a result of the investigation, such as:
 - (A) changes in agency rules, regulations or practices;
 - (B) the restoration of any aggrieved employee;
 - (C) disciplinary action against any employee; and
 - (D) referral to the Attorney General of any evidence of criminal violation.

In addition, we are interested in learning of any dollar savings, or projected savings, and management initiatives that may result from this review.

¹ Should you decide to delegate authority to another official to review and sign the report, your delegation must be specifically stated.

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DEPARTMENT OF THE ARMY
OFFICE OF THE GENERAL COUNSEL
104 ARMY PENTAGON
WASHINGTON, DC 20310-0104



REPLY TO
ATTENTION OF

July 16, 2007

[REDACTED]
Chief, Disclosure Unit
U.S. Office of Special Counsel
1730 M Street, N.W., Suite 300
Washington, D.C. 20036-4505

Re: OSC File No. DI-07-1676

Dear [REDACTED]

I respectfully submit the following status report for the above captioned case and request that you grant an extension of time to file the Department of the Army's report required by 5 USC §1213 for this Office of Special Counsel (OSC) case where OSC determined that there was substantial likelihood that information provided by an anonymous whistleblower with first-hand knowledge disclosed that Mr. Richard C. Blunden, a pharmacist at the Army's Guthrie Clinic, Fort Drum, New York, misused Army Resources over a period of nine years in violation of Army regulations. Based on this information, the Special Counsel determined that there was a substantial likelihood that the pharmacist violated a law, rule, or regulation when he ordered [REDACTED] for himself at the Army's Guthrie Clinic.

On May 24 2007, I forwarded to the United States Army Medical Command (MEDCOM) Office of the Staff Judge Advocate (OSJA) the OSC correspondence for appropriate action. I requested that the MEDCOM OSJA take appropriate action, ensure that the matter is investigated, and to prepare a draft report of findings for submission to OSC as required by 5 USC §1213 for the above captioned OSC case. This request for an extension is being made pending the OGC staffing of the recently submitted draft report from the MEDCOM OSJA. To date, the following actions have been taken:

OGC referred the subject case to MEDCOM because the Commanding General, MEDCOM, serves as the Senior Mission Commander for Guthrie Army Clinic, U.S. Army Medical Department Activity (MEDDAC), Fort Drum, New York. In turn, MEDCOM forwarded the allegations to the Commander, Guthrie Army Clinic, U.S. Army MEDDAC, Fort Drum, New York, to initiate an investigation.

On June 4, 2007, [REDACTED] Commander, Guthrie Clinic, US Army MEDDAC, Fort Drum, New York, appointed [REDACTED] as Investigating Officer (IO) under provisions of Army Regulation (AR) 15-6, *Procedures for Investigating Officers and Boards of Officers*, with a mandate to investigate allegations that Mr. Blunden improperly used Army resources to order approximately [REDACTED] [REDACTED] for himself while working as a pharmacist at the clinic from on or about

January 1997 to May 2006. On June 20, 2007, [REDACTED] completed his report of investigation (ROI) and submitted it to the Appointing Authority, [REDACTED]. On June 21, 2007, [REDACTED] Attorney-Advisor, Office of the Staff Judge Advocate, Fort Drum, completed a legal review of the investigation regarding allegations of improper use of medical resources and determined that it was "legally sufficient."

As reflected in the attached correspondence from [REDACTED], Staff Judge Advocate, [REDACTED] forwarded to OGC a request dated July 5, 2007, for an extension of time to allow the OGC to review and comment on its draft report and provide an opportunity for any outstanding issues to be appropriately addressed in the MEDCOM draft report before it is forwarded to my office for review and further processing. In turn, once the draft report is forwarded to my office, the Department of the Army will need additional time to address the issues presented in the draft report and prepare the final report to the OSC in satisfaction of the 5 USC §1213 requirements. This report is currently under review within OGC.

Should you grant this extension, please advise me as to length of the extension. Within that allotted time, I will either provide you another status update on this pending action or be able to submit the final Department of the Army report to the Special Counsel.

I appreciate your assistance in considering the extension request. To advise me if this extension will be granted, you can reach me at 703-614-3500.

[REDACTED]
[REDACTED]
Associate Deputy General Counsel
(Human Resources)

Enclosure



DEPARTMENT OF THE ARMY
HEADQUARTERS, U.S. ARMY MEDICAL COMMAND
2050 WORTH ROAD
FORT SAM HOUSTON, TEXAS 78234-6000

REPLY TO
ATTENTION OF

MCJA

5 July 2007

MEMORANDUM FOR [REDACTED], Associate Deputy General Counsel (Human Resources), Office of the Army General Counsel, 104 Army Pentagon, Room 3C546, Washington, D.C. 20310

SUBJECT: Extension Request for Report Guthrie Clinic, RE: OSC File No. DI-07-1676

1. I am writing to request an extension for the 5 U.S.C. section 1213 report to the Office of Special Counsel regarding the anonymous whistleblower's allegation of Mr. Richard C. Blunden's misuse of Army resources at the Department of the Army, Guthrie Clinic, Fort Drum, New York.
2. The extension approval is necessary because of the delay in receipt of the Army Regulation 15-6 Investigation documentation, 4th of July holiday, various personnel summer leave schedules, and additional time to provide a detailed and informative report for the Army General Counsel to provide feedback before a final report is submitted to the Office of Special Counsel.

[REDACTED]

COL, JA
Staff Judge Advocate

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DEPARTMENT OF THE ARMY
OFFICE OF THE GENERAL COUNSEL
104 ARMY PENTAGON
WASHINGTON, DC 20310-0104



REPLY TO
ATTENTION OF

September 11, 2007

[REDACTED]
Chief, Disclosure Unit
U.S. Office of Special Counsel
1730 M Street, N.W., Suite 300
Washington, D.C. 20036-4505

Re: OSC File No. DI-07-1676

Dear [REDACTED]

I respectfully submit the following status report for the above captioned case and request that you grant an extension of time to file the Department of the Army's report required by 5 USC §1213 for this Office of Special Counsel (OSC) case where OSC determined that there was substantial likelihood that information provided by an anonymous whistleblower with first-hand knowledge disclosed that Mr. Richard C. Blunden, a pharmacist at the Army's Guthrie Clinic, Fort Drum, New York, misused Army Resources over a period of nine years in violation of Army regulations. Based on this information, the Special Counsel determined that there was a substantial likelihood that the pharmacist violated a law, rule, or regulation when he ordered [REDACTED] for himself at the Army's Guthrie Clinic.

You granted a previous request for an extension for sixty days on July 18, 2007, and had agreed that I would provide a status update on this pending action within sixty days or if the outstanding action had been completed, then the final Department of the Army report would be submitted to the Special Counsel. To date, the following actions have been taken on this case.

On May 24 2007, I forwarded to the United States Army Medical Command (MEDCOM) Office of the Staff Judge Advocate (OSJA) the OSC correspondence for appropriate action. I requested that the MEDCOM OSJA take appropriate action, ensure that the matter is investigated, and to prepare a draft report of findings for submission to OSC as required by 5 USC §1213 for the above captioned OSC case. This request for an extension is being made pending the OGC staffing of the recently submitted draft report from the MEDCOM OSJA. To date, the following actions have been taken:

OGC referred the subject case to MEDCOM because the Commanding General, MEDCOM, serves as the Senior Mission Commander for Guthrie Army Clinic, U.S. Army Medical Department Activity (MEDDAC), Fort Drum, New York. In turn, MEDCOM forwarded the allegations to the Commander, Guthrie Army Clinic, U.S. Army MEDDAC, Fort Drum, New York, to initiate an investigation.

On June 4, 2007, [REDACTED] Commander, Guthrie Clinic, US Army MEDDAC, Fort Drum, New York, appointed [REDACTED] as Investigating Officer (IO) under provisions of Army Regulation (AR) 15-6, *Procedures for Investigating Officers and Boards of Officers*, with a mandate to investigate allegations that Mr. Blunden improperly used Army resources to order [REDACTED] for himself while working as a pharmacist at the clinic from on or about January 1997 to May 2006. On June 20, 2007, [REDACTED] completed his report of investigation (ROI) and submitted it to the Appointing Authority, [REDACTED]. On June 21, 2007, [REDACTED] Attorney-Advisor, Office of the Staff Judge Advocate, Fort Drum, completed a legal review of the investigation regarding allegations of improper use of medical resources and determined that it was "legally sufficient."

[REDACTED] Staff Judge Advocate, [REDACTED] forwarded to OGC a request dated July 5, 2007, for an extension of time to allow the OGC to review and comment on its draft report and provide an opportunity for any outstanding issues to be appropriately addressed in the MEDCOM draft report forwarded to my office for review and further processing. I requested an extension for additional time to complete all outstanding concerns, review the draft report, and staff it within the Department of the Army for final transmission to OSC. You granted that extension request on July 18, 2007.

Based on my review, additional matters needed to be addressed by MEDCOM. Though MEDCOM did adequately address some of those issues, others need to be further developed. They are still in the process of doing so. Therefore, I am requesting that an extension of time be granted to complete that effort so MEDCOM can revise its draft report and forward it to my office for further review and staffing. This will provide the Department of the Army additional time to address the issues presented in the draft report and prepare the final report to the OSC in satisfaction of the 5 USC §1213 requirements.

Should you grant this extension, please advise me as to length of the extension. Within that allotted time, I will either provide you another status update on this pending action or be able to submit the final Department of the Army report to the Special Counsel.

I appreciate your assistance in considering the extension request. To advise me if this extension will be granted, you can reach me at 703-614-3500.

[REDACTED]

Associate Deputy General Counsel
(Human Resources)

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DEPARTMENT OF THE ARMY
OFFICE OF THE GENERAL COUNSEL
104 ARMY PENTAGON
WASHINGTON, DC 20310-0104



REPLY TO
ATTENTION OF

November 14, 2007

[REDACTED]
Chief, Disclosure Unit
U.S. Office of Special Counsel
1730 M Street, N.W., Suite 300
Washington, D.C. 20036-4505

Re: OSC File No. DI-07-1676

Dear [REDACTED]:

I respectfully request the following status report for the above captioned case and request that you grant an extension of time to file the Department of the Army's report required by 5 USC § 1213 for this Office of Special Counsel (OSC) case where OSC determined that there was substantial likelihood that information provided by an anonymous whistleblower with first-hand knowledge disclosed that Mr. Richard C. Blunden, a pharmacist at the Army's Guthrie Clinic, Fort Drum, New York, misused Army Resources over a period of nine years in violation of Army regulations. Based on this information, the Special Counsel determined that there was a substantial likelihood that the pharmacist violated a law, rule, or regulation when he ordered [REDACTED] for himself at the Army's Guthrie Clinic.

You granted a previous request for an extension for sixty days on September 12, 2007, and had agreed that I would provide a status update on this pending action within sixty days or if the outstanding action had been completed, then the final Department of the Army report would be submitted to the Special Counsel. To date, the following actions have been taken on this case.

On May 24 2007, I forwarded to the United States Army Medical Command (MEDCOM) Office of the Staff Judge Advocate (OSJA) the OSC correspondence for appropriate action. I requested that the MEDCOM OSJA take appropriate action, ensure that the matter is investigated, and to prepare a draft report of findings for submission to OSC as required by 5 USC § 1213 for the above captioned OSC case. This request for an extension is being made pending the OGC staffing of the recently submitted draft report from the MEDCOM OSJA. To date, the following actions have been taken:

OGC referred the subject case to MEDCOM because the Commanding General, MEDCOM, serves as the Senior Mission Commander for Guthrie Army Clinic, U.S. Army Medical Department Activity (MEDDAC), Fort Drum, New York. In turn, MEDCOM forwarded the allegations to the Commander, Guthrie Army Clinic, U.S. Army MEDDAC, Fort Drum, New York, to initiate an investigation.

On June 4, 2007, [REDACTED] Commander, Guthrie Clinic, US Army MEDDAC, Fort Drum, New York, appointed [REDACTED] as Investigating Officer (IO) under provisions of Army Regulation (AR) 15-6, *Procedures for Investigating Officers and Boards of Officers*, with a mandate to investigate allegations that Mr. Blunden improperly used Army resources to order [REDACTED] himself while working as a pharmacist at the clinic from on or about January 1997 to May 2006. On June 20, 2007, [REDACTED] completed his report of investigation (ROI) and submitted it to the Appointing Authority, [REDACTED]. On June 21, 2007, [REDACTED] Attorney-Advisor, Office of the Staff Judge Advocate, Fort Drum, completed a legal review of the investigation regarding allegations of improper use of medical resources and determined that it was "legally sufficient."

[REDACTED] Staff Judge Advocate, [REDACTED] forwarded to OGC a request dated July 7, 2007, for an extension of time to allow the OGC to review and comment on its draft report and provide an opportunity for any outstanding issues to be appropriately addressed in the MEDCOM draft report before it is forwarded to my office for review and further processing. I requested an extension for additional time to complete all outstanding concerns, review the draft report, and staff it within the Department of the Army for final transmission to OSC. You granted that extension request on July 18, 2007.

Based on my review, additional matters needed to be addressed by MEDCOM. Though MEDCOM did adequately address some of those issues, others need to be further developed. They completed the supplemental inquiry last week. I am in the process of reviewing that effort. Therefore, I am requesting that an extension of time be granted to complete that effort so MEDCOM can revise its draft report and forward it to my office for further review and staffing. This will provide the Department of the Army additional time to address the issues presented in the draft report and prepare the final report to the OSC in satisfaction of the 5 USC §1213 requirements.

Should you grant this extension, please advise me as to length of the extension. Within that allotted time, I will either provide you another status update on this pending action or be able to submit the final Department of the Army report to the Special Counsel.

I appreciate your assistance in considering the extension request. To advise me if this extension will be granted, you can reach me at 703-614-3500.

[REDACTED]

Associate Deputy General Counsel
(Human Resources)

6



DEPARTMENT OF THE ARMY
OFFICE OF THE GENERAL COUNSEL
104 ARMY PENTAGON
WASHINGTON DC 20310-0104

January 18, 2008

[REDACTED]
Chief, Disclosure Unit
U.S. Office of Special Counsel
1730 M Street, N.W., Suite 300
Washington, D.C. 20036-4505

Re: OSC File No. DI-07-1676

Dear [REDACTED]

I respectfully submit the following status report for the above captioned case and request that you grant an extension of time to file the Department of the Army's report required by 5 USC §1213 for this Office of Special Counsel (OSC) case where OSC determined that there was substantial likelihood that information provided by an anonymous whistleblower with first-hand knowledge disclosed that Mr. Richard C. Blunden, a pharmacist at the Army's Guthrie Clinic, Fort Drum, New York, misused Army Resources over a period of nine years in violation of Army regulations. Based on this information, the Special Counsel determined that there was a substantial likelihood that the pharmacist violated a law, rule, or regulation when he ordered [REDACTED] for himself at the Army's Guthrie Clinic.

You granted a previous request for an extension for sixty days on November 14, July 2007, and had agreed that I would provide a status update on this pending action within sixty days or if the outstanding action had been completed, then the final Department of the Army report would be submitted to the Special Counsel. To date, the following actions have been taken on this case.

On May 24 2007, I forwarded to the United States Army Medical Command (MEDCOM) Office of the Staff Judge Advocate (OSJA) the OSC correspondence for appropriate action. I requested that the MEDCOM OSJA take appropriate action, ensure that the matter is investigated, and to prepare a draft report of findings for submission to OSC as required by 5 USC §1213 for the above captioned OSC case. This request for an extension is being made pending the OGC staffing of the recently submitted draft report from the MEDCOM OSJA. To date, the following actions have been taken:

OGC referred the subject case to MEDCOM because the Commanding General, MEDCOM, serves as the Senior Mission Commander for Guthrie Army Clinic, U.S. Army Medical Department Activity (MEDDAC), Fort Drum, New York. In turn, MEDCOM forwarded the allegations to the Commander, Guthrie Army Clinic, U.S. Army MEDDAC, Fort Drum, New York, to initiate an investigation.

On June 4, 2007, [REDACTED] Commander, Guthrie Clinic, US Army MEDDAC, Fort Drum, New York, appointed [REDACTED] as Investigating Officer (IO) under provisions of Army Regulation (AR) 15-6, *Procedures for Investigating Officers and Boards of Officers*, with a mandate to investigate allegations that Mr. Blunden improperly used Army resources to order [REDACTED] for himself while working as a pharmacist at the clinic from on or about January 1997 to May 2006. On June 20, 2007, MAJ Cabell completed his report of investigation (ROI) and submitted it to the Appointing Authority, [REDACTED]. On June 21, 2007, [REDACTED], Attorney-Advisor, Office of the Staff Judge Advocate, Fort Drum, completed a legal review of the investigation regarding allegations of improper use of medical resources and determined that it was "legally sufficient."

[REDACTED] Staff Judge Advocate, [REDACTED] forwarded to OGC a request dated July 5, 2007, for an extension of time to allow the OGC to review and comment on its draft report and provide an opportunity for any outstanding issues to be appropriately addressed in the MEDCOM draft report before it is forwarded to my office for review and further processing. I requested an extension for additional time to complete all outstanding concerns, review the draft report, and staff it within the Department of the Army for final transmission to OSC. You granted that extension request on July 18, 2007.

Based on my review, additional matters needed to be addressed by MEDCOM. Though MEDCOM did adequately address some of those issues, others need to be further developed. In the process of addressing these matters, some of the additional information gathered during their supplemental inquiry resulted in further inquiries that needed to be conducted. Included in the information that was gathered during that supplemental inquiry was information that had been provided by Mr. Blunden, the subject of the instant OSC referral case, which was relevant to and critical to analyzing the merits of the subject OSC allegations. As a result, MEDCOM is still gathering information that will directly impact on the Army's final report to the OSC. Therefore, I am requesting that an extension of time be granted to complete that effort so MEDCOM can complete its fact gathering efforts, revise its draft report and forward it to my office for further review and staffing. This will provide the Department of the Army additional time to address the issues presented in the draft report and prepare the final report to the OSC in satisfaction of the 5 USC §1213 requirements.

Should you grant this extension, please advise me as to length of the extension. Within that allotted time, I will either provide you another status update on this pending action or be able to submit the final Department of the Army report to the Special Counsel. I appreciate your assistance in considering the extension request. To advise me if this extension will be granted, you can reach me at 703-614-3500.

[REDACTED]
Associate Deputy General Counsel
(Human Resources)

7a



DEPARTMENT OF THE ARMY
OFFICE OF THE GENERAL COUNSEL
104 ARMY PENTAGON
WASHINGTON DC 20310-0104

January 22, 2008

[REDACTED]
Chief, Disclosure Unit
U.S. Office of Special Counsel
1730 M Street, N.W., Suite 300
Washington, D.C. 20036-4505

Re: OSC File No. DI-07-1676

Dear [REDACTED]

As you requested today, this correspondence provides additional information in support of the Department of the Army's extension request dated January 18, 2008. Your specific request was to provide a chronology as to what actions the Army has been taking since the July 2007 extension request had been granted by OSC to address the OSC referred allegations.

As stated in the January 18, 2007 correspondence, on June 4, 2007, [REDACTED] Commander, Guthrie Clinic, US Army MEDDAC, Fort Drum, New York, appointed [REDACTED] as Investigating Officer (IO) under provisions of Army Regulation (AR) 15-6, *Procedures for Investigating Officers and Boards of Officers*, with a mandate to investigate allegations that Mr. Richard Blunden improperly used Army resources to order approximately [REDACTED] for himself while working as a pharmacist at the clinic from on or about January 1997 to May 2006. On June 20, 2007, [REDACTED] completed his report of investigation (ROI) and submitted it to the Appointing Authority, [REDACTED]. On June 21, 2007, [REDACTED] Attorney-Advisor, Office of the Staff Judge Advocate, Fort Drum, completed a legal review of the investigation regarding allegations of improper use of medical resources and determined that it was "legally sufficient."

[REDACTED] Staff Judge Advocate, United States Army Medical Command (MEDCOM), forwarded to OGC a request dated July 5, 2007, for an extension of time to allow the OGC to review and comment on its draft report and provide an opportunity for any outstanding issues to be appropriately addressed in the MEDCOM draft report before it was forwarded to my office for review and further processing. On July 6, 2007, the MEDCOM SJA, [REDACTED] forwarded the draft Army report to OGC for review. On July 10, 2007, the MEDCOM SJA forwarded the draft AR 15-6 investigative report for review.

On July 16, 2007, I requested an extension for additional time to complete all outstanding concerns, review the draft Army report, and staff it within the Department of the Army for final transmission to OSC. You granted that extension request on July 18, 2007, until September 17, 2007.

Based on my review, additional matters needed to be addressed by MEDCOM. Though MEDCOM did adequately address some of those issues, others need to be further developed. On August 7, 2008, OGC provided extensive comments back to the MEDCOM SJA to address numerous concerns and deficiencies with the draft Army report and the AR 15-6 investigation. The IO had conducted a rather cursory investigation into the allegations and a number of conclusionary statements needed to be further developed to provide perspective and support for what was stated. In effect, the conclusions were too general and not factually supported.

On August 31, 2007, Fort Drum proposed Mr. Blunden's removal based on the evidence gathered during the Army's AR 15-6 investigation.

On August 30, 2007, the MEDCOM SJA Office provided their initial response to my concerns. Because this response was not sufficiently detailed, on September 14, 2007, OGC initiated a conference call with the MEDCOM and Fort Drum attorneys as well as with the IO to discuss the outstanding matters. During the conference call, OGC requested that the IO conduct further inquiries including additional witness interviews. The IO requested additional time to conduct the interviews because of an impending accreditation evaluation at Fort Drum. On September 11, 2007, OGC requested an extension request from OSC which was granted on September 12, 2007, until November 19, 2007.

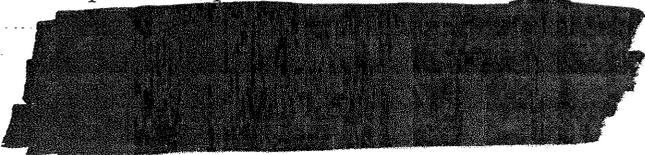
On October 30, 2007, another conference call was held with the MEDCOM and Fort Drum attorneys for a status report. They advised that the draft supplemental AR 15-6 report conducted by the IO was before the Fort Drum Commander awaiting his signature. They advised that they would be sending to OGC an advance copy of the final supplemental pending the approval and signature of the Fort Drum commander, as well as a revised draft Army report. On November 6, 2007, OGC received the draft supplemental AR 15-6 without the accompanying exhibits. The exhibits were received by OGC on November 16, 2007. On November 20, 2007, OSC granted an extension request, until January 22, 2008.

On November 30, 2007, OGC received the revised draft Army report from the MEDCOM SJA along with Mr. Blunden's reply to his proposed removal action. On December 11, 2007, OGC requested additional information from the MEDCOM SJA regarding the details and documents referenced in Mr. Blunden's reply. During the week of December 17, 2007, OGC received the final approved AR 15-6 investigation.

On January 8, 2008, OGC received a response from its December 11, 2007 request for additional information and documents. A review of those documents along with the attached exhibits to the completed AR 15-6 investigation revealed errors and inconsistencies between the IO's findings and conclusions and the available evidence. These matters require resolution. As a result, OGC requested an extension on January 18, 2008. This request is currently pending before the OSC. In the interim, OGC is in the

process of scheduling another teleconference, to be held within the next few days, with the MEDCOM and Fort Drum attorneys as well as the IO and the Deputy Commander of the Clinical Services at Fort Drum. In addition, OGC intends to seek advice from the subject matter experts from the Army's Office of The Surgeon General (OTSG) regarding specific matters related to this case including the Army's Occupational Health program. When the final draft Army report is prepared, OGC will also be staffing that report with the OTSG AS well.

I trust that the chronology of events outlined above provides sufficient details in support of the Army's latest extension request. At this point in time, OGC needs to make a final assessment as to the best way to bring its investigative effort to closure and prepare the final Army report. Granting the extension request will provide the additional time to accomplish this assessment and determine the way ahead. As you are aware, the Army takes the OSC referred cases seriously and strives to provide you with complete and well analyzed reports that address the OSC concerns and provide appropriate corrective actions as well, in satisfaction of its requirements under 5 USC § 1213. To that end, if you have any further questions, please do not hesitate to call me at 703-614-3500.



Associate Deputy General Counsel
(Human Resources)

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DEPARTMENT OF THE ARMY
OFFICE OF THE GENERAL COUNSEL
104 ARMY PENTAGON
WASHINGTON DC 20310-0104

March 21, 2008

[REDACTED]
Chief, Disclosure Unit
U.S. Office of Special Counsel
1730 M Street, N.W., Suite 300
Washington, D.C. 20036-4505

Re: OSC File No. DI-07-1676

Dear [REDACTED]

I respectfully submit the following status report for the above captioned case and request that you grant an extension of time to file the Department of the Army's report required by 5 USC §1213 for this Office of Special Counsel (OSC) case where OSC determined that there was substantial likelihood that information provided by an anonymous whistleblower with first-hand knowledge disclosed that Mr. Richard C. Blunden, a pharmacist at the Army's Guthrie Clinic, Fort Drum, New York, misused Army Resources over a period of nine years in violation of Army regulations. Based on this information, the Special Counsel determined that there was a substantial likelihood that the pharmacist violated a law, rule, or regulation when he ordered [REDACTED] for himself at the Army's Guthrie Clinic.

You granted a previous request for an extension for sixty days on January 24, 2008, and had agreed that I would provide a status update on this pending action within sixty days or if the outstanding action had been completed, then the final Department of the Army report would be submitted to the Special Counsel. This request for an extension of time is being made to allow the Office of the Army General Counsel (OGC) to complete the drafting and staffing of the final Army report to the OSC before the report is forwarded to OSC in satisfaction of the § 1213 requirement. To date, the following actions have been taken on this case.

On May 24 2007, I forwarded to the United States Army Medical Command (MEDCOM) Office of the Staff Judge Advocate (OSJA) the OSC correspondence for appropriate action. I requested that the MEDCOM OSJA take appropriate action, ensure that the matter is investigated, and to prepare a draft report of findings for submission to OSC as required by 5 USC §1213 for the above captioned OSC case. OGC referred the subject case to MEDCOM because the Commanding General, MEDCOM, serves as the Senior Mission Commander for Guthrie Army Clinic, U.S. Army Medical Department Activity (MEDDAC), Fort Drum, New York. In turn, MEDCOM forwarded the allegations to the Commander, Guthrie Army Clinic, U.S. Army MEDDAC, Fort Drum, New York, to initiate an investigation.

On June 4, 2007, [REDACTED], Commander, Guthrie Clinic, US Army MEDDAC, Fort Drum, New York, appointed [REDACTED] as Investigating Officer (IO) under provisions of Army Regulation (AR) 15-6, *Procedures for Investigating Officers and Boards of Officers*, with a mandate to investigate allegations that Mr. Richard Blunden improperly used Army resources to order [REDACTED] for himself while working as a pharmacist at the clinic from on or about January 1997 to May 2006. When the report of investigation (ROI) and draft Army report was completed by Fort Drum, it was forwarded to MEDCOM for its review and comments prior to being sent forward to OGC for further staffing. On July 6, 2007, the MEDCOM SJA, [REDACTED] forwarded the draft Army report to OGC for review. On July 10, 2007, the MEDCOM SJA forwarded the draft AR 15-6 investigative report for review.

On July 16, 2007, I requested an extension for additional time to complete all outstanding concerns, review the draft Army report, and staff it within the Department of the Army for final transmission to OSC. You granted that extension request on July 18, 2007, until September 17, 2007.

Based on my review, additional matters needed to be addressed by MEDCOM. Though MEDCOM did adequately address some of those issues, others need to be further developed. On August 7, 2008, OGC provided extensive comments back to the MEDCOM SJA to address numerous concerns and deficiencies with the draft Army report and the AR 15-6 investigation. The IO had conducted a rather cursory investigation into the allegations and a number of conclusionary statements needed to be further developed to provide perspective and support for what was stated. In effect, the conclusions were too general and not factually supported.

On August 31, 2007, Fort Drum proposed Mr. Blunden's removal based on the evidence gathered during the Army's AR 15-6 investigation.

On August 30, 2007, the MEDCOM SJA Office provided their initial response to my concerns. Because this response was not sufficiently detailed, on September 14, 2007, OGC initiated a conference call with the MEDCOM and Fort Drum attorneys as well as with the IO to discuss the outstanding matters. During the conference call, OGC requested that the IO conduct further inquiries including additional witness interviews. The IO requested additional time to conduct the interviews because of an impending accreditation evaluation at Fort Drum. On September 11, 2007, OGC requested an extension request from OSC which was granted on September 12, 2007, until November 19, 2007.

On October 30, 2007, another conference call was held with the MEDCOM and Fort Drum attorneys for a status report. They advised that the draft supplemental AR 15-6 report conducted by the IO was before the Fort Drum Commander awaiting his signature. They advised that they would be sending to OGC an advance copy of the final supplemental pending the approval and signature of the Fort Drum commander, as well as a revised draft Army report. On November 6, 2007, OGC received the draft

supplemental AR 15-6 without the accompanying exhibits. The exhibits were received by OGC on November 16, 2007. On November 20, 2007, OSC granted an extension request, until January 22, 2008.

On November 30, 2007, OGC received the revised draft Army report from the MEDCOM SJA along with Mr. Blunden's reply to his proposed removal action. Also, in November 30, 2007, Fort Drum management amended Mr. Blunden's Notice of Proposed Removal to include additional charges. On December 14, 2008 Mr. Blunden provided a written response to the Amended Notice and an oral reply on December 27, 2008. On December 11, 2007, OGC requested additional information from the MEDCOM SJA regarding the details and documents referenced in the Amended Notice. During the week of December 17, 2007, OGC received the final approved AR 15-6 investigation.

On January 8, 2008, OGC received a response to its December 11, 2007 request for additional information and documents. A review of those documents along with the attached exhibits to the completed AR 15-6 investigation revealed errors and inconsistencies between the IO's findings and conclusions and the available evidence, including the information provided by Mr. Blunden in his oral and written replies. Those matters required resolution. As a result, OGC requested an extension on January 18, 2008. At OSC's request, OGC provided in a subsequent correspondence a detailed chronology as to what actions the Army had been taking since the July 2007 extension request had been granted by OSC to address the OSC referred allegations.

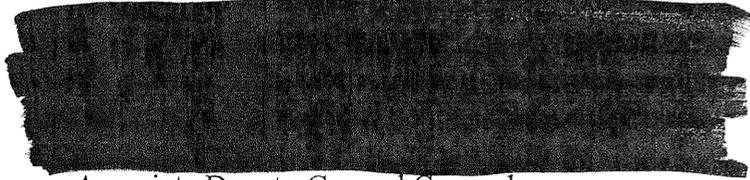
To address the remaining outstanding issues, OGC conducted another teleconference on February 4, 2008, with the MEDCOM and Fort Drum attorneys as well as the IO and the Deputy Commander of the Clinical Services at Fort Drum. As a result of that teleconference, the MEDCOM and Fort Drum team proceeded in the following weeks to provide the additional clarifying information and documentation requested by OGC. In the meantime, OGC continued to prepare the final Army report.

This request for additional time to forward the final Army report is necessitated because OGC is in the final stages of preparing that report based on an almost daily receipt of the remaining clarifying information and supplemental documentation from the MEDCOM and Fort Drum team. Additionally, OGC just received a few days ago the final decision in the proposed removal/disciplinary action against Mr. Blunden and is the process of amending its report to reflect that matter as part of its discussion of corrective actions. Lastly, OGC is in the process of staffing the final report with the subject matter expert on health affairs in the Office of the Assistant Secretary of the Army (Manpower and Reserve Affairs) (ASA (M&RA)). The Secretary of the Army has delegated to the ASA (M&RA), the authority to review and submit the Army's final report to OSC in satisfaction of the § 1213 report requirement.

I trust that the chronology of events outlined above provides sufficient details in support of the Army's latest extension request. I respectfully request that you grant the Army an extension until April 4, 2008, in order to complete the drafting and staffing of its final report to OSC.

Should you grant this extension, please advise me as to length of the extension. Within that allotted time, I will either provide you another status update on this pending action or be able to submit the final Department of the Army report to the Special Counsel.

I appreciate your assistance in considering the extension request. To advise me if this extension will be granted, you can reach me at 703-614-3500.



Associate Deputy General Counsel
(Human Resources)

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DEPARTMENT OF THE ARMY
U. S. ARMY MEDICAL DEPARTMENT ACTIVITY
FORT DRUM, NEW YORK 13602-5004

REPLY TO
ATTENTION OF
MCID-PHARM

31 August 2007

MEMORANDUM FOR Mr. Richard Blunden, US Army Medical Department Activity,
Pharmacy Services, Fort Drum, New York

SUBJECT: Notice of Proposed Removal

1. This is notice that I propose to remove you from your position as Pharmacist, GS-0660-11, and the Federal Service, for (1) violating an administrative regulation and (2) making a false statement during an official investigation. This action is proposed in accordance with the requirements of 5 CFR, Part 752 (Adverse Actions), and Army Regulation (AR) 690-700, Chapter 751, (Discipline), and AR 40-68, Chap 7. The effective date can be no earlier than 30 calendar days from the date you receive this memorandum.
2. The facts supporting this proposed removal are as follows:
 - a. On 4 June 2007 a formal investigation under AR 15-6 was conducted by [REDACTED] who was appointed investigating officer by [REDACTED] Commander, US Army MEDDAC. [REDACTED] was charged with investigating your alleged misuse of Army resources over a period of nine years. The investigating officer found that you entered orders for laboratory tests where you were listed as the patient and the ordering health care provider. This is in violation of AR 40-3 paragraph 14-9a2, which identifies individuals who are authorized to order laboratory tests in a Military Medical Treatment Facility (MTF). This section states that only clinical pharmacists are authorized to perform this function. AR 40-68, Chap 7 defines a clinical pharmacist as a licensed pharmacist with complex clinical skills and capabilities acquired through advanced education and practical experience. In order to practice as a clinical pharmacist you must be credentialed as having clinical privileges. You are not credentialed in the MTF in that capacity. Moreover, in your sworn statement dated 15 June 2007, you stated that your current position is staff pharmacist. As a staff pharmacist, you do not meet any of the other definitions of those authorized to order laboratory tests. Nonetheless, the healthcare computer system (CHCS 1) shows that you ordered laboratory tests for yourself on one or more of the following dates: 20 Feb 03, 24 Feb 03, 21 Aug 02, 7 Jun 02, 8 Oct 98, 23 Jun 98, 29 May 97, 8 Apr 97, 30 Nov 01, 1 Dec 00.

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b. You admitted in your sworn statement taken by the investigating officer on 15 June 2007 that you had accessed laboratory services for purposes other than the Occupational Health screening. In accordance with AR 40-400 (Patient Administration), you would be authorized to receive such care at a MTF only under very limited circumstances. You have never been a beneficiary entitled to care, you did not have an on the job injury, which would have entitled you to care, and you were not participating in an occupational health surveillance program, which would have entitled you to services. Therefore you violated AR 40-400 by receiving care which you were not authorized to receive at the MTF. Specifically, the healthcare computer system (CHCS 1) shows that you accessed laboratory services for yourself on one or more of the following dates: 5 Aug 05, 8 Jan 97, 8 Apr 97, 26 Feb 97, 8 Apr 97, 29 May 97, 23 Jan 98, 21 Oct 97, 8 Oct 98, 23 Jan 98, 9 Mar 00, 15 May 00, 9 Mar 00, 21 Aug 02, 7 Jun 02, 4 Jan 02, 20 Feb 03, 24 Nov 03, 23 Jul 04, 22 Dec 03, 1 Dec 03, 8 May 06, 5 Aug 05.

c. You stated in your sworn statement that your labs were drawn for the startup of a Lipid Clinic. There was never a lipid clinic. If there were plans for a lipid clinic the proper method to test the system would have been to put through 'test patient' as it is done in pharmacy, and only after a clinic had been set up and approved by various Committees and officials. Labs requested for a lipid clinic would include HDL, Cholesterol, Triglyceride's, LDL and VLDL. It would not include in depth [REDACTED] you requested rior tests such as [REDACTED] levels you also requested. Therefore, I find your statement regarding the lipid clinic to be false.

3. Your repeated violation of Army regulations over a period of nine (9) years and your false statement demonstrate your lack of ethics and professionalism. As your supervisor I can not allow this type of misconduct to continue. I considered the following factors in determining the appropriate and reasonable penalty to propose

a. I find your conduct to be highly inappropriate. Your repeated use of services of which you are not entitled is a violation of an Army Regulation. Your action of placing electronic lab orders for yourself as a provider could possibly be viewed as a professional misconduct in New York State defined in the NYS Pharmacy Handbook subarticle 3, section 6509, 2. I find this type of conduct to be very serious in nature. As a healthcare professional I hold you to a higher level of ethical behavior. I can not condone this type of behavior from a professional employee in my department.

b. As a GS-11 Staff Pharmacist in a permanent, professional position with the federal government you are expected to set the example for other employees to follow, I expect employees to follow the rules and abide by the regulations. Your actions have forced me to question your honesty and your ability to be loyal to this organization.

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c. Your actions have made it impossible for me to trust you in the future. I lack the confidence that you will not violate the regulation again and I have grave concerns about your access in the MTF, especially in the pharmacy.

d. This is the same action I would propose against any other similarly situated employee for like or similar offenses.

e. In accordance with Appendix A to Army Regulation 690-750, Chapter 751, any civilian employee found to have engaged in intentionally dishonest conduct will be considered for removal and any lesser penalty will require justifiable mitigating circumstances. Your act of making a false statement during an official investigation constitutes intentional dishonesty since I am satisfied that you made this false statement knowingly and purposefully. Therefore, the proposed penalty is consistent with the applicable Army regulation and table of penalties.

f. I have also considered the excellent performance appraisals and numerous awards you have received during your thirteen years of service, as well as the fact that this is the first formal disciplinary action proposed against you. However, these mitigating factors are insufficient to offset the aggravated nature of your misconduct.

Therefore, after considering the factors that I consider relevant in this case, I have determined that removal is reasonable and necessary in order to promote the efficiency of the Federal Service.

4. You have fifteen (15) calendar days from receipt of this memorandum to reply orally or in writing, or both, as to why you believe this proposed removal should not be effected. You may furnish affidavits or other documentary evidence in support of your answer. Consideration will be given to extending the time limit for your reply if you provide reasons in writing for a request for extension to the Deciding Official. Your oral and/or written reply should be addressed to the Deciding Official, who is [REDACTED] Deputy Commander for Clinical Services, USA MEDDAC, Fort Drum, New York. You may make arrangements to see [REDACTED] by calling (315) 772-4024. Any reply you make should be made within the allowed time. Your reply will be given full and careful consideration before a decision is made. After expiration of the reply period, [REDACTED] will issue his written decision to you.

5. You are entitled to be represented in this matter by an attorney or other representative of your choice at your own expense. You are a member of a bargaining unit represented by Local 400, American Federation of Government Employees (AFGE). You may contact the President, [REDACTED] at 772-3039, Building T-148. If you choose someone to represent you, that person's name and address must

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be submitted in writing to [redacted] and to [redacted] [redacted] is located in the Civilian Personnel Advisory Center, Building P-10720 (Clark Hall), Room B2-36, Fort Drum, NY 13602.

6. Your designation of representative is authorization for your representative to have access to official records personal to you and relevant to this proposed action. You should contact [redacted] at (315) 772-9424 to make arrangements to receive the material relied upon to support this proposed action against you. [redacted] is available to answer questions concerning your rights and the procedures for this proposal; however, he cannot act as your representative. Your representative, if a Federal employee may be granted a reasonable amount of official time from his or her supervisor for representational activities.

7. Effective immediately you are being placed on administrative leave until you are notified otherwise in writing. You are expected to be available for this organization to contact you during your regular duty hours of 0700 hours to 1600 hours (not including lunch) Monday through Friday unless you are on approved leave. Under no circumstances are you to come to the MTF without the express prior approval of myself or [redacted]. Any questions regarding these instructions should be addressed to myself or [redacted].

8. Please sign and date this memorandum to indicate that you have received it and return the signed and dated copy to me. You are advised, however, that your failure to sign does not affect the validity of the action taken.

[redacted signature]

Chief, Pharmacy Services

RECEIPT ACKNOWLEDGED

[Handwritten signature]

RICHARD BLUNDEN

8/31/07

Date