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**U.S. House of Representatives****COMMITTEE ON VETERANS' AFFAIRS**

ONE HUNDRED FOURTEENTH CONGRESS

335 CANNON HOUSE OFFICE BUILDING

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<http://veterans.house.gov>

November 23, 2015

The Honorable Robert A. McDonald  
 Secretary  
 U.S. Department of Veterans Affairs  
 810 Vermont Ave. NW  
 Washington, D.C. 20420

Dear Secretary McDonald:

On Friday, November 20, 2015, the Department of Veterans Affairs (VA) announced its decision to demote both Ms. Kimberly Graves and Ms. Diana Rubens under the authority conferred by the Veterans' Access, Choice and Accountability Act of 2014. I am sorely disappointed in the decision not to remove them from Federal service entirely.

The administrative actions taken against both individuals do not measure up to what their behavior warranted. Specifically, in addition to the decision not to fire them, I am flabbergasted that VA took no meaningful action pursuant to recommendations 9 and 11 of the VA Inspector General (IG) report regarding the issuance of a bill of collection to Ms. Rubens and Ms. Graves for the recoupment of \$274,019 and \$129,468, respectively, paid for moving expenses related to their relocations.

Your staff informed mine that VA's Office of General Counsel determined VA could not pursue the recoupment due to a lack of legal authority. How can it be that the law prohibits recouping benefits paid to, or on behalf of, employees who only received those benefits because they abused their positions of authority? Clearly the IG thought there was some basis for VA to take action or else it would not have made the recommendations it did in the first place. To put it mildly, VA's decision defies common sense. It suggests that either VA applied little rigor to its legal reasoning or that the law must be clarified. If it's the latter I stand ready to work with you to craft and move legislation immediately; if it's the former than I am appalled by the lack of seriousness with which VA handled the matter.

This is not a situation in which VA can have it both ways. In demoting Rubens and Graves, VA has already admitted what they did was wrong. Consequently, the department's failure to recoup the money Rubens' and Graves' unethical behavior enabled them to benefit from defies all logic.

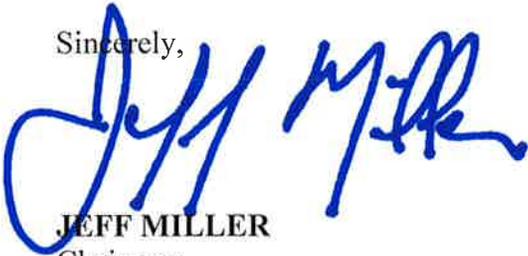
Additionally, VA aggressively pursues the recoupment of overpayment of benefits made to veterans, survivors, and other beneficiaries even when the overpayments are due to VA's own

error. I am sure you appreciate the lunacy of a policy that is stricter on veteran beneficiaries of earned benefits as compared to corrupt government employees who unjustly enrich themselves at taxpayer expense. It must not stand.

As such, I ask that you reconsider VA's legal position on this matter and in the meantime inform the committee as to the department's current reasoned, legal basis for not pursuing the recoupment of these taxpayer funds. Again, I stand ready to clarify the law if necessary, but in the interim I believe VA must show veterans and the American public that it did more than pay lip service in response to the IG's recommendations.

Please respond to this letter no later than close of business November 30, 2015. I thank you for your assistance in this matter and if you have any questions please contact Jon Towers, Staff Director of the House Committee on Veterans' Affairs, at (202) 225-3527.

Sincerely,



**JEFF MILLER**  
Chairman

JM/jt