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

ONE HUNDRED THIRTEENTH CONGRESS

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May 1, 2014

The Honorable Eric K. Shinseki  
 Secretary  
 U.S. Department of Veterans Affairs  
 810 Vermont Ave. NW  
 Washington, D.C. 20420

Dear Mr. Secretary:

Media reports regarding allegations of wait time manipulation and deaths within the Phoenix VA Health Care System have cited "multiple sources" who allege that under direction of management a "secret" electronic wait list was created and that paper evidence of when patients first went to the Phoenix VA for care was "shredded." I write to request information on two topics possibly related to these allegations.

First, at a briefing for Congressional staff on April 24, 2014, Dr. Thomas Lynch, VA's Assistant Deputy Under Secretary for Health for Clinical Operations within the Veterans Health Administration, referenced an "interim list" on an Excel spreadsheet that was created at the Phoenix VA Medical Center (VAMC). According to multiple sources at that meeting, which was attended by Democrat and Republican staff members from the House and Senate Veterans' Affairs and Appropriations Committees, Dr. Lynch speculated that this "interim list" may, in fact, be the "secret" list that media and whistleblowers allege was used by the hospital to manipulate wait time data. Dr. Lynch further relayed that this "interim list" was destroyed. When asked why this document was destroyed, Dr. Lynch responded that there was no legal requirement to preserve it. Since that briefing, my staff has made multiple attempts with VA Congressional Affairs staff to learn more about this "interim list," in particular, the date or date range of its destruction. We have received nothing to date. Accordingly, I ask that you immediately provide information about the "interim list" referenced by Dr. Lynch, what it is, why it was created, when it was destroyed, who authorized its destruction, and the legal basis for not preserving it.

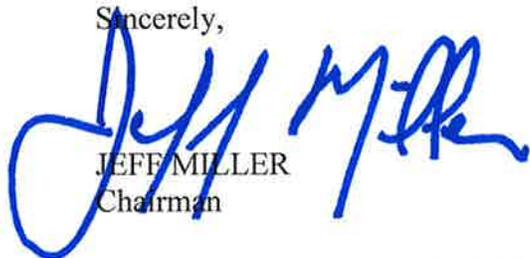
Second, at the Committee's April 9, 2014, hearing I asked VA to issue a preservation order to safeguard all documents at the Phoenix VAMC so that the Committee and the VA's Office of Inspector General could fully investigate the allegations of secret wait lists, data manipulation, and possible deaths of veterans who were waiting for care. My request was put in writing to you following that hearing and personally handed to VA's witness that day, Dr. Lynch. I was, therefore, surprised to learn that VA's "litigation hold memo" requesting that documents be

preserved was not issued by VA's General Counsel until April 17, 2014, a full 8 days after my request to you. In media interviews, Phoenix VAMC Director Sharon Helman asserted that she first learned of allegations of data manipulation and unofficial wait lists from the Committee's April 9 hearing. It is extraordinarily disconcerting that more than a week was allowed to pass before any directive was issued to Director Helman and her staff to preserve all potential electronic and paper evidence. I would like to know why it took so long to issue the directive given my public request at a Congressional hearing, the formal request letter to you, and most importantly, the explosive nature of the allegations regarding the deaths of veterans while waiting for care.

If VA does not immediately and fully respond to my requests by Wednesday, May 7, 2014, I will not hesitate to convene an emergency meeting of the Committee to formally subpoena all requested information.

Thank you for your prompt consideration of my request.

Sincerely,



JEFF MILLER  
Chairman

Cc: Ranking Member Michael Michaud

JM/jt