

Congress of the United States
Washington, DC 20515

April 10, 2023

The Honorable Denis McDonough
Secretary
U.S. Department of Veterans Affairs
810 Vermont Avenue, NW
Washington, DC 20420

Dear Secretary McDonough:

Thank you for your recent response to the January 25, 2023, letter requesting all Administrative Investigations Board (AIB) reports regarding a supervisory employee in the Department of Veterans Affairs (VA) Loma Linda Healthcare System. Your response provided an AIB report, dated February 8, 2021, which found the supervisory employee was creating a hostile work environment at VA. The AIB included roughly 4,000 pages of exhibits and investigators conducted 57 hours of transcribed interviews with 36 witnesses over the course of the AIB investigation.

Further, VA indicated in its response that the AIB was one of three investigations Loma Linda conducted, from July 2020 to May 2022, which substantiated that the supervisory employee was creating a hostile work environment. Both the AIB and one of the other investigations recommended the supervisory employee be removed from employment at VA. Unfortunately, despite the investigations' consistent evidence and recommendations, and the massive amount of time, money, and energy spent investigating the supervisory employee over nearly three years, the supervisor remains employed at the VA Loma Linda Healthcare System.

We trust you share our frustration with this untenable situation. Despite medical center leadership doing everything possible within its legal constraints, the supervisory employee is still employed and is repeatedly creating an environment that you claim VA does not tolerate. Consequently, employees are forced to either work in a hostile environment or leave VA.

For these employees, many of whom are veterans, it is passion and purpose that drives them. They want nothing more than to serve their fellow veterans. They are employees we are lucky to have in the VA system and they keep us all focused on delivering high quality, timely health care and benefits to veterans. That is why we are deeply concerned that employees like the supervisory employee are driving away VA's most valued staff.

Congress has provided VA the authority to expeditiously discipline employees for misconduct and poor performance for precisely this reason. Unfortunately, VA has elected to pause the use of that authority beginning April 3, 2023. The painful three-year history of this case vividly demonstrates why this authority is necessary. Failing to quickly discipline employees in situations like this one is a disservice to both their peers and the veterans they

serve. Creating a better work environment and a better VA for veterans must begin with more accountability, not less.

We ask that, no later than April 21, 2023, you review the failed proposed disciplinary actions in this case and provide a written response to the following questions: (1) Does VA have the authority it needs to remove problematic employees like the Loma Linda supervisory employee; and (2) Would you work for this supervisory employee?

Sincerely,



MIKE BOST
Chairman



JAY OBERNOLTE
Member of Congress

Cc: The Honorable Mark Takano, Ranking Member