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 ONE HUNDRED EIGHTEENTH CONGRESS
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<http://veterans.house.gov>

January 2, 2024

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

Dear Secretary McDonough:

This is the seventh letter I have sent regarding the credible allegations of improper relationships and sexual harassment within the U.S. Department of Veterans Affairs (VA) Office of Resolution Management, Diversity, and Inclusion (ORMDI).¹ Disappointingly, you have provided little substantive information related to these allegations, making it difficult for the Committee to further its investigation into the disturbing allegations and to ensure that veterans and VA employees are safe.

Although, you have provided more than 175 documents in response to my letters dated September 29, 2023, and November 2, 2023,² the documents include only 32 pages of information directly relating to the ORMDI allegations. Of the 32 pages, the vast majority contained information already provided to the Committee by brave whistleblowers and employees. Importantly, you provided minimal written correspondence, including email correspondence, which the Committee specifically requested. Your team is either negligently, or purposefully, failing to provide the Committee with the requested documents. This is unacceptable.

Additionally, the recent retirements of those most responsible for the alleged failures, Mr. Johnson and Ms. Grosso, raises further questions about whether the Department is deliberately obstructing the

¹ My previous letters are dated September 29, 2023; November 2, 2023; November 21, 2023; November 30, 2023; December 13, 2023; and December 20, 2023.

² On September 29, 2023, I requested VA answer questions and provide certain documents. The letter directed VA to provide all documentation, including written communications produced since January 1, 2021, on any accusations of sexual harassment, improper interpersonal relationships, or abuse of authority within ORMDI including accusations against Mr. Harvey Johnson, Mr. Archie Davis, and Mr. Gary Richardson. I also requested copies of all documentation, including all written communications produced since January 1, 2021, related to any Administrative Investigation Board, fact finding, or other administrative investigations related to any accusations of sexual harassment or improper relationships within ORMDI and related to travel, which included Mr. Johnson to facility EEO assessments. *See* Letter from Chairman Mike Bost to the Honorable Denis McDonough, Secretary, U.S. Department of Veterans' Affairs (Sept. 29, 2023). When over a month passed without a VA response, I sent a second letter on November 2, 2023, reiterating my September requests. *See* Letter from Chairman Mike Bost to the Honorable Denis McDonough, Secretary, U.S. Department of Veterans' Affairs (Nov. 2, 2023).

Committee's investigation and shielding these individuals from scrutiny and accountability for their roles, actions, and complacency in the allegations of improper relationships and sexual harassment at VA.

Specifically, VA's responses to the Committee's information requests have the following critical deficiencies:

1. The Department's response to the Committee's request for all information related to EEO investigations was insufficient. Although VA provided ORMDI information related to Equal Employment Opportunity (EEO) investigations, most of the information was either about a completed EEO case not directly related to the ORMDI allegations the Committee is investigating or included general EEO information such as the rights and responsibilities of parties to an EEO complaint. The response included minimal VA written communications related to the current EEO cases involving the ORMDI accusations VA is investigating.
2. Regarding the Committee's request for documentation, including written communications, related to any Administrative Investigation Board (AIB), fact finding, or other administrative investigations related to the ORMDI allegations against Mr. Johnson, Mr. Davis, and Mr. Richardson, the Department did not provide substantive information, contrary to the claims in VA's December 22, 2023, letter.³ Instead, the Department only provided the reassignment notices for Mr. Johnson, Mr. Davis, and Mr. Richardson and a copy of the fact-finding initiation and appointment for the allegations against Mr. Davis and Mr. Richardson. The response did not include any substantive information or substantive VA communications regarding the allegations against Mr. Davis and Mr. Richardson, nor did it provide detailed information on how VA is conducting its investigations into the allegations.
3. The Department has failed to provide a single document giving details of VA's investigation into Mr. Johnson. Instead of providing this information, the Department wrote, without legal justification, that VA could not provide details since the Office of Accountability and Whistleblower Protection (OAWP) was conducting an active investigation.⁴
4. The Department has failed to provide any written communications related to Mr. Johnson's travel for facility EEO assessments that was requested in the Committee's letters dated September 29, 2023 and November 2, 2023.

Moreover, VA failed to sufficiently respond to some of the questions contained in my November 21, 2023, letter.⁵ Specifically, the Department failed to identify the specific allegation contained in a

³ See Letter from the Honorable Denis McDonough, Secretary, U.S. Department of Veterans' Affairs to Chairman Mike Bost (December 22, 2023) stating how VA has provided the Committee "extensive documentation about... Administrative Investigative Board investigations."

⁴ See Letter from the Honorable Denis McDonough, Secretary, U.S. Department of Veterans' Affairs to Chairman Mike Bost (November 30, 2023), in its Enclosure, Responses to Questions, stating in its response to question 6, the following: "OAWP has a responsive case, but is unable to provide any related documentation because it is presently part of an active investigation." VA provided the Committee information regarding ongoing investigations which weren't being conducted by OAWP at the time, and provided no explanation why OAWP has any special privilege which allows it to withhold material from the Committee.

⁵ Following the initial September 29, 2023, and November 2, 2023, letters, the Committee received additional evidence from VA employees, including explicit text and Microsoft Teams messages, that confirmed the seriousness of the ORMDI allegations. In response, I sent a third letter to VA on November 21, 2023, requesting VA answer further questions. I specifically requested VA provide information on ORMDI employees Mr. Johnson, Mr. Davis, and Mr. Richardson including information on current investigations into these employees' conduct and information on Ms. Gina Grosso, then Assistant Secretary for Human Resources and Administration/Operations, Security and

complaint naming Ms. Gina Grosso that OAWP received in October 2023. Additionally, the Department provided contradictory information regarding when Ms. Grosso first became aware of the allegations against Mr. Johnson, Mr. Davis, and Mr. Richardson.⁶ Additionally, the Department has yet to respond to the Committee's December 20, 2023 letter and requests for information.

Due to the inadequacy of the Department's responses so far, please provide the following information no later than Wednesday, January 10, 2024, by 10:00 AM. If VA does not provide this information by then, I will recommend the Committee issue a subpoena to obtain the following information:

1. All documents, including **all** written and electronic communications since January 1, 2021, related to any allegations of improper interpersonal relationships within ORMDI, including accusations against Mr. Johnson, Mr. Davis, and Mr. Richardson. Such documents should include, but are not limited to, email communications and Microsoft Teams messages discussing the allegations.
2. All documents, including **all** written and electronic communications, since January 1, 2021, related to any AIB, fact finding, and other administrative investigations related to any accusations of sexual harassment or improper relationships within ORMDI, including accusations against Mr. Johnson, Mr. Davis, and Mr. Richardson. Such documents should include, but are not limited to, email communications and Teams messages discussing the allegations.
3. All documents, including **all** written and electronic communications since January 1, 2021, related to the complaint OAWP received on October 16, 2023 that named Ms. Grosso as a respondent. Such documents should include, but are not limited to, email communications and Teams messages discussing the allegations.
4. All documents, including **all** written and electronic communications since January 1, 2021, related to the EEO complaint submitted on September 18, 2023, to which Ms. Grosso was the responding official.
5. All final annual performance plans for Fiscal Year (FY) 2020-2023, including bonus information, for Ms. Grosso and Mr. Johnson and the previously requested performance evaluations for FY 2020-2023 for Mr. Davis and Mr. Richardson.
6. All email communications between Ms. Gina Grosso, Mr. Jeff Mayo, Mr. Harvey Johnson, Mr. Archie Davis, Mr. Gary Richardson, [REDACTED], Ms. Laura Eskenazi, Mr. Robbie Barham, [REDACTED], [REDACTED], Dr. Anne-Marie Duncan, Ms. Mary Kay Collins, and Ms. Perdita Abercombie since January 1, 2023.
7. The names of each member of the VA leadership (Deputy Assistant Secretary and above) who learned of the allegations against Mr. Johnson, Mr. Davis, and Mr. Richardson related to the aforementioned investigation and the dates that each leader became aware.
8. All documents, including **all** written and electronic communications, related to Mr. Harvey Johnson's decision to retire as of December 29, 2023.

Preparedness. *See* Letter from Chairman Mike Bost to the Honorable Denis McDonough, Secretary, U.S. Department of Veterans' Affairs (Nov. 21, 2023).

⁶In your response, you stated Ms. Grosso first became aware of the misconduct allegations on October 2, 2023, when she received a copy of my September 29, 2023, letter. However, evidence you provided in response to my letters dated September 29, 2023, and November 2, 2023, suggests Ms. Grosso was the responding official to an EEO complaint related to the ORMDI allegations submitted on September 18, 2023. As such, Ms. Grosso should have been aware of the allegations before my letter dated September 29, 2023.

Despite the above outlined deficiencies in VA's response to the Committee's requests for information, I am pleased that the Department has acknowledged the Committee's authority to investigate such serious allegations and has recently committed to providing the results of OAWP investigations to the Committee in January 2024.

To ensure the Committee receives updates in a timely manner, please provide a written commitment no later than Wednesday, January 10, 2024, by 10:00 AM, specifying that you will provide the Committee with the information described below consistent with the timelines suggested in your December 22, 2023 letter. If these timelines are not met, I will recommend the Committee issue a subpoena to obtain needed depositions.

1. Provide a copy of OAWP's completed report no later than January 31, 2024.
2. Provide the complete list of witnesses providing sworn testimony to OAWP no later than January 10, 2023.
3. Provide transcripts of the witness' sworn testimony as the testimony is completed. Please begin providing such transcripts no later than January 12, 2023, with the final transcripts provided before January 31, 2024.
4. Provide the results of OAWP's investigations, including all written and electronic communications, including all emails, texts, and other evidence OAWP has collected by January 31, 2024.
5. Brief Committee staff weekly on OAWP's investigation progress beginning the second week of January 2024. Such briefings should include detailed timelines of OAWPS's review process for all allegations OAWP is investigating.

When producing documents, please do not alter them in any way, including, but not limited to, application of redactions or a watermark. Additionally, digital copies should be provided in a format that enables their printing and copying by the House Committee on Veterans' Affairs. Please do not hesitate to have your staff contact my staff with any questions you may have about this serious matter.

Sincerely,



MIKE BOST
Chairman

Cc: The Honorable Mark Takano, Ranking Member