

# United States Senate

WASHINGTON, DC 20510

March 25, 2021

## VIA ELECTRONIC TRANSMISSION

The Honorable Denis McDonough  
Secretary  
Department of Veterans Affairs

Dear Secretary McDonough:

Recent press reports have renewed concerns about instances of alleged whistleblower retaliation involving the Department of Veterans Affairs' Office of Accountability and Whistleblower Protection (OAWP).<sup>1</sup> According to these reports, last year, a whistleblower who reported concerns to the OAWP was subsequently demoted by one of the officials who had been named in his complaint.<sup>2</sup> While the official denied knowledge of the whistleblower complaint itself, reports indicate that the official also inquired on multiple occasions with then-Assistant Secretary for Accountability and Whistleblower Protection Tamara Bonzanto regarding pending investigations and the names of employees who had made disclosures to the OAWP. Furthermore, according to reports, this case is just "one in a long list of alleged reprisals against employees who reported misconduct to the [OAWP]."<sup>3</sup> In 2019, the Department of Veterans Affairs Office of Inspector General (VA OIG) investigated the performance of the OAWP and found "significant deficiencies" in the management and operations of the office.<sup>4</sup> Among other concerns, the OIG highlighted numerous instances where the OAWP failed to provide "procedurally sound, accurate, thorough, and unbiased investigations" and failed to "fully protect whistleblowers from retaliation."<sup>5</sup>

We have long expressed concerns regarding cases of retaliation involving Department of Veterans Affairs (VA) whistleblowers. For example, in 2016, Senator Grassley raised serious concerns about retaliation against U.S. Marine veteran and former VA whistleblower Brandon Coleman.<sup>6</sup> Mr. Coleman, who raised concerns in 2015 about the care being provided to suicidal veterans in Phoenix, Arizona, faced retaliation because of his disclosures and was later reassigned to work in the OAWP.<sup>7</sup> Last year, we requested that the Department of Veterans Affairs Office of Inspector General (VA OIG) and Office of Special Counsel (OSC) brief the

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<sup>1</sup> Lisa Rein, "Biden's new VA chief inherits oversight office from Trump viewed as abetting corruption" The Washington Post (February 18, 2021), available at [https://www.washingtonpost.com/politics/biden-mcdonough-va-whistleblower-trump-/2021/02/16/072bab0e-5ced-11eb-b8bd-ee36b1cd18bf\\_story.html](https://www.washingtonpost.com/politics/biden-mcdonough-va-whistleblower-trump-/2021/02/16/072bab0e-5ced-11eb-b8bd-ee36b1cd18bf_story.html).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> U.S. Department of Veterans Affairs Office of Inspector General, "Failures Implementing Aspects of the VA Accountability and Whistleblower Protection Act of 2017" (October 24, 2019), available at <https://www.va.gov/oig/pubs/VAOIG-18-04968-249.pdf>.

<sup>5</sup> *Id.* at iii-iv.

<sup>6</sup> Ron Johnson, Chairman, Senate Committee on Homeland Security and Governmental Affairs, and Hon. Charles E. Grassley, Chairman, U.S. Senate Committee on the Judiciary, to Hon. Robert A. McDonald, Secretary, U.S. Department of Veterans Affairs (February 16, 2016), available at [https://www.grassley.senate.gov/sites/default/files/constituents/2016-02-16%20RHJ%20%2B%20CEG%20to%20VA%20%28Brandon%20Coleman%29\\_0.pdf](https://www.grassley.senate.gov/sites/default/files/constituents/2016-02-16%20RHJ%20%2B%20CEG%20to%20VA%20%28Brandon%20Coleman%29_0.pdf).

<sup>7</sup> Dennis Wagner, "Phoenix VA whistleblower assigned to new national accountability office" The Republic (August 5, 2017), available at <https://www.azcentral.com/story/news/local/arizona-investigations/2017/08/05/phoenix-va-whistleblower-brandon-coleman-assigned-national-accountability-office/536968001/>.

Senate Whistleblower Protection Caucus on matters relating to the VA OIG's report and handling of claims relating to VA whistleblowers generally. In February 2020, Inspector General Michael Missal and Special Counsel Henry Kerner participated in a forum for Senate staff to discuss the challenges facing the VA whistleblower program.

As the newly confirmed Secretary of Veterans Affairs, it's imperative that you address the challenges faced by the OAWP and whistleblowers working at the VA. As you do so, it is important for senators and their oversight and policy staff to understand the institutional and organizational challenges that you are working to address. Every Senator represents brave veterans who have served their country at great personal cost and who depend on the VA to capably serve their needs. A strong whistleblower program is essential to improving the VA, since whistleblowers play a critical role in bringing attention to problems of waste, fraud, abuse, and mismanagement that require the attention of senior management.

Accordingly, we ask that you contact our staff to schedule a briefing for the staff of the Senate Whistleblower Protection Caucus to discuss these issues at your earliest convenience.

Sincerely,



Charles E. Grassley  
U.S. Senator  
Chairman  
Whistleblower Protection Caucus



Ron Wyden  
U.S. Senator  
Vice Chairman  
Whistleblower Protection Caucus