

**Memorandum to the File
Case Closure**

**Alleged Preferential Treatment and Prohibited Personnel Practices
Overton Brooks VA Medical Center, Shreveport, Louisiana
(2011-02766-IQ-0113)**

VA OIG Administrative Investigations Division investigated allegations that (b) (7)(C) (b) (7)(C) Overton Brooks VA Medical Center (VAMC), engaged in prohibited personnel practices and preferential treatment when he hired (b) (7)(C) (b) (7)(C). To assess these allegations, we interviewed (b) (7)(C) (b) (7)(C) and other VA employees. We also reviewed personnel records, Federal regulations, and VA policy. We substantiated another allegation, which we addressed it in a separate memorandum.

Federal law requires that Federal employees be selected and advanced solely on the basis of relative ability, knowledge, and skills, and unless otherwise exempted by law, after fair and open competition. 5 USC § 2301(b)(1). It further states that any employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority discriminate for or against any employee or applicant for employment or grant any preference or advantage not authorized by law, rule, or regulation to any employee or applicant for employment for the purpose of improving or injuring the prospects of any particular person for employment. *Id.*, at § 2302(b)(1) and (6).

Standards of Ethical Conduct for Employees of the Executive Branch require employees to act impartially and not give preferential treatment to any individual. 5 CFR § 2635.101(b)(8). It also prohibits an employee from using his public office for the private gain of friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity and an employee from using his Government position or title or any authority associated with his public office in a manner that is intended to coerce or induce another person, including a subordinate, to provide any benefit, financial or otherwise, to themselves or to friends, relatives, or persons with whom the employee is affiliated with in a nongovernmental capacity. *Id.*, at § 2635.702. VA policy states that the primary consideration in making appointments of dentists under 38 U.S.C., chapter 73 or 74, will be VHA's professional needs. Consistent with this policy, however, veterans will be given preference when qualifications of candidates are approximately equal. VA Handbook 5005/47, Part II, Chapter 3, Section 3(a).

Personnel records reflected that in July 2009 VA issued an announcement for a dentist position to be located in Shreveport, LA. Records reflected that the Chief of Human Resources issued a memorandum titled Certificate for Dentist, dated August 26, 2009, and it contained six names, non-ranked, to include (b) (7)(C). Records further reflected that one applicant was veteran preference eligible and that on September 17, (b) (7)(C) selected (b) (7)(C) for the position. She was appointed to an Excepted Service dental position with an effective date of December 6, 2009.

(b) (7)(C) told us that she learned of VA after getting married and moving to Shreveport, LA. She said that her husband suggested that she work for either VA or the military, because they did not require a Louisiana license. She said that a retiring dentist's wife told her about a possible VA opening and she found the announcement on USAJOBS.gov. (b) (7)(B), (b) (7)(C) told us that she met (b) (7)(C) during one or two clinic visits prior to her appointment at the VA. (b) (7)(C) told us that other dentists who were interested in working at VA also visited his clinic. He said, "I explained things, and then I gave them a tour of the clinic. That's it." (b) (7)(C) said that (b) (7)(C) did not promise her a job and her husband did not speak with (b) (7)(C) regarding her employment.

(b) (7)(C) told us that he did not select the applicant with veterans preference because the applicant "...was real arrogant on his interview, and he said he had trouble with dental assistants and dental hygienists." He said that when he called references for the applicants, a reference for the veteran preference applicant told him that the applicant liked to move every 2-3 years. (b) (7)(C) told us that he was "looking for people who are going to stay here." He further said that when the applicant was told he did not get the position the applicant was "really, really rude to [the administrative officer]."

(b) (7)(C) told us that the announcement was not created for (b) (7)(C) but that it was to fill a vacant position. He said that he did not have a conversation with either (b) (7)(C) or her husband regarding her employment and that he did not select her because he is a (b) (7)(C). He said that he reviewed the applications, interviewed all the applicants, and called their references. (b) (7)(C) also said that he discussed selecting (b) (7)(C) with the former Chief of Staff, because he wanted to make sure that she did not have a problem with his selection or see a conflict of interest since (b) (7)(C) was married to another dentist in the community. He said that the former Chief of Staff told him that it was not a problem, because they had several staff physicians who were married to physicians in the private community.

We did not substantiate the allegation that (b) (7)(C) engaged in prohibited personnel practices and gave preference in hiring to (b) (7)(C). (b) (7)(C) applied for the position through USAJOBS.gov, and personnel records reflected that (b) (7)(C) properly selected her. We are therefore closing this investigation without issuing a formal report or memorandum.

Prepared By:

(b) (7)(C)

10-15-12
Date

Approved By:

(b) (7)(C)

10/15/12
Date