

Department of Veterans Affairs

Memorandum

Date: March 19, 2012

From: Assistant Inspector General for Investigations (51)

Subj: Administrative Investigation, False Statements, VHA Office of Research and Development, Technology Transfer Program, Washington, DC
(2011-03461-1Q-0013)

To: Deputy Chief Research and Development Officer (10P9)

1. The VA Office of Inspector General Administrative Investigations Division, while conducting another investigation, discovered that [REDACTED] Veterans Health Administration (VHA), Office of Research and Development (ORD), Technology Transfer Program (TTP), falsified the Federal Declaration of Employment form (OF306) when initially employed by VA. We made a criminal referral for false statements (18 USC § 1001) to the U.S. Department of Justice; however, they declined criminal prosecution in favor of available administrative remedies. To assess this matter, we interviewed [REDACTED] and reviewed personnel records, relevant Federal laws and regulations, and VA policy.

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2. We concluded that [REDACTED] falsified the OF306 she completed as part of the VA hiring process when she failed to disclose her termination for cause from the State of Maryland Military Department. We suggest that you emphasize to your staff the importance of their due diligence during the hiring process and specifically when conducting applicant and reference interviews. We also suggest that you confer with VA's Office of Human Resources and Office of General Counsel, in conjunction with the Office of Personnel Management (OPM), in accordance with 5 CFR § 731.103(g), to determine the appropriate administrative action to take against [REDACTED]. We are providing this memorandum to you for your information, official use, and whatever action you deem appropriate. **No response is necessary.**

(b) (7)(C)

3. Federal law states that who, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry shall be fined under this title, imprisoned not more than 5 years or imprisoned not more than 8 years, or both. 18 USC § 1001. Federal regulations state that employees will furnish information and testify freely and honestly in cases respecting employment and disciplinary matters. Refusal to testify, concealment of material facts, or willfully inaccurate testimony in connection with an investigation or hearing may be grounds for disciplinary action. 38 CFR § 0.735-12(b). Federal regulations further state that in cases involving material, intentional false statements, or deception or fraud in examination or appointment, where the agency chooses to take action, the agency must notify OPM who retains jurisdiction of such matters. 5 CFR § 731.103(g). VA policy provides penalties of

reprimand to removal for the intentional falsification, misstatement, or concealment of material fact in connection with employment or any investigation, inquiry or proper proceeding. VA Handbook 5021, Part I, Appendix A (April 15, 2002).

4. The State of Maryland Military Department personnel records reflected that [REDACTED] was terminated for cause from her [REDACTED] position. Personnel records contained the following correspondence:

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- In a June [REDACTED] 2001, letter, the [REDACTED] told [REDACTED] that she was terminated from her position as [REDACTED] with the State of Maryland Military Department effective July [REDACTED] 2001.
- In a July [REDACTED] 2001, letter, [REDACTED] appealed her termination to the [REDACTED] [REDACTED] rebutting identified issues, to include time and attendance, ability to work with others, responsiveness, etc.
- In a July [REDACTED] 2001, letter, a Personnel Administrator told [REDACTED] that an appeal hearing on [REDACTED]'s termination was scheduled for August [REDACTED] 2001.
- In an August [REDACTED] 2001, letter, the Fair Practices Officer told [REDACTED] that upon deliberation following her appeal hearing, her removal with the State of Maryland Military Department was upheld effective July [REDACTED] 2001.

5. On an OPM security clearance form dated January [REDACTED] 2003, [REDACTED] answered yes to, "have you been fired from a job and/or left a job by mutual agreement following allegations of unsatisfactory performance within the last 10 years." Security clearance records reflected that she "left following allegations of unsatisfactory performance."

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6. On March [REDACTED] 2005, as part of her VA employment application, [REDACTED] signed and submitted an OF306. Question number 12 on the form asks the applicant:

During the last 5 years, have you been fired from any job for any reason, did you quit after being told that you would be fired, did you leave any job by mutual agreement because of specific problems, or were you debarred from Federal employment by the Office of Personnel Management or any other Federal Agency?

[REDACTED] marked "no" as her answer to question number 12. [REDACTED] told us that too much time has passed since 2005 to remember the details of her filling out the form. However, she said that she did not recall her employment and subsequent termination with the Maryland Military Department when she marked "no" for question 12. She also said that because of the short tenure with the Maryland Military Department, she did not commit the employment to memory. Further, she said that there were several specific personal challenges that occurred in her life that caused her to have a memory lapse from the time she disclosed her termination on a January [REDACTED] 2003, OPM security clearance form and her failure to disclose the termination on the OF306 as part of VA employment.

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7. We concluded that [REDACTED] falsified employment records when she failed to disclose her termination for cause from the State of Maryland Military Department on

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the OF306 she completed as part of the VA employment process. We suggest that you emphasize to your staff the importance of due diligence during the hiring process and specifically when conducting applicant reference checks. We also suggest that you confer with VA's Office of Human Resources and Office of General Counsel, in conjunction with the Office of Personnel Management (OPM), in accordance with 5 CFR § 731.103(g), to determine the appropriate administrative action to take against [REDACTED]

8. We are providing this memorandum to you for your information and official use and whatever action you deem appropriate. It is subject to the provisions of the Privacy Act of 1974 (5 U.S.C. § 552a). You may discuss the contents of this memorandum with [REDACTED] within the bounds of the Privacy Act; however, it may not be released to her. If you have any questions, please call [REDACTED]

[REDACTED]

[REDACTED]

WARNING
5 U.S.C. § 55A, PRIVACY ACT STATEMENT

This memorandum contains information subject to the provisions of the Privacy Act of 1974 (5 U.S.C. § 55a). Such information may be disclosed only as authorized by this statute. Questions concerning release of this memorandum should be coordinated with the Department of Veterans Affairs, Office of Inspector General. The contents of this memorandum must be safeguarded from unauthorized disclosure and may be shared within the Department of Veterans Affairs on a need-to-know basis only.