

**Memorandum to the File
Case Closure**

**Alleged Misuse of Government Resources and Preferential Treatment
VHA Office of Research & Development
(2011-03461-IQ-0195)**

The VA Office of Inspector General Administrative Investigations Division investigated allegations that (b) (7)(C) Office of Research and Development (ORD), misused travel funds and engaged in preferential treatment as a result of a close personal relationship with a subordinate. To assess these allegations, we interviewed (b) (7)(C) (b) (7)(C) and other VA employees. We also reviewed email, personnel, and telephone records, as well as Federal laws, regulations, and VA policy. We investigated and substantiated other issues, and they are addressed in 2011-3461-IQ-0083.

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). The Standards of Ethical Conduct for Employees of the Executive Branch require employees to act impartially and not give preferential treatment to any individual, and to avoid any actions creating the appearance that they are violating the law or ethical standards. 5 CFR 2635.101(b)(8) and (14). Federal Travel Regulations require that a Federal agency pay only those expenses that are essential to the transaction of official business and that employees exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business. 41 CFR § 301-2.2 and -2.3.

Alleged Preferential Treatment and Misuse of Government Resources

An ORD organizational chart reflected that (b) (7)(C) supervised four (b) (7)(C) (b) (7)(C) and that a Deputy Director, GS-14/15, position existed within TTP. (b) (7)(C) told us that the Deputy position was currently unfilled with a permanent employee due to organizational issues. She said that in May 2011, (b) (7)(C) was informally detailed part-time to the (b) (7)(C) through a Memorandum of Understanding (MOU) and that the MOU "stipulated that an Acting Deputy Director would be appointed to assist (b) (7)(C) with her ORD duties." (b) (7)(C) said that she discussed the Acting Deputy Director candidates with (b) (7)(C) and also consulted with (b) (7)(C) (b) (7)(C) and (b) (7)(C) (b) (7) and they all concurred that (b) (7)(C) (b) (7)(C) was the best choice. She further said that "the position was never advertised, no formal appointment was made, and no paperwork processed to make (b) (7)(C) VA policy states that employees may be detailed in 120-day increments to the same or lower grade positions for up to 1 year and that a detail to a higher grade position may be made for up to 1 year during periods of major (7)

reorganization. However, a detail of more than 120 days to a higher graded position or with promotion potential must be made under competitive procedures. VA Handbook 5005, Part 3, Chapter 2, Para. 13 (April 15, 2002)

Travel records reflected that between March 2010 and October 2011, (b) (7)(C) went on official travel nine times, always accompanied by (b) (7)(C). (b) (7)(C) told us that (b) (7)(C) never traveled with him but always traveled with (b) (7)(C). (b) (7)(C) told us that on two separate occasions, (b) (7)(C) asked her to book adjoining hotel rooms for her (b) (7)(C) and (b) (7)(C). (b) (7)(C) told us that during a dinner at a Las Vegas conference, (b) (7)(C) and (b) (7)(C) were "very friendly and touchy...eating from each other's spoons, and patting arms." She said it made her feel so uncomfortable that she excused herself from the table.

Cellular telephone records reflected that between November 12, 2010, and November 9, 2011, (b) (7)(C) using her personal cellular telephone, exchanged 14,477 text messages with (b) (7)(C)'s personal cell phone, some as late as 3:00 a.m. Records also reflected that a majority of the text messages were sent or received between 8:00 p.m. and 12:00 a.m. In a June 13, 2011, email, (b) (7)(C) forwarded a female undergarment order confirmation from a women's intimate apparel website to a personal email address that (b) (7)(C) listed on his official travel records. Email records further reflected photographs of (b) (7)(C) and (b) (7)(C) embracing one another with their faces cheek-to-cheek. Personnel records reflected that (b) (7)(C) resigned her VA position effective February 2, 2012, and that (b) (7)(C) resigned his position effective February 23, 2012.

Conclusion

Based on the resignations of (b) (7)(C) and (b) (7)(C), we did not expend further resources investigating this matter and therefore are closing this investigation without issuing a formal report or memorandum.

Prepared By: (b) (7)(C)

3/13/12
Date

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Approved By: (b) (7)(C)

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Date