dold-01671-1Q-0084



Department of Veterans Affairs Office of Inspector General

Memorandum to the File Case Closure

Alleged Misuse of Official Time Board of Veterans' Appeals, Washington, DC (2012-01697-IQ-0084)

The VA Office of Inspector General (OIG) Administrative Investigations Division investigated an allegation that (B) (7)(C)

Board of Veterans' Appeals (BVA), misused her official time by being absent without authorization and by failing to document her absences in VA's timekeeping system. We also investigated an allegation that BVA Management knew about (B) (7)(C) is unauthorized absences and failed to take appropriate corrective action. To assess these allegations, we interviewed (B) (7)(C) and other BVA employees. We also reviewed (b) (7)(C) is time and attendance, payroll, and VA email records, as well as relevant Federal laws, regulations, and VA policy. We did not substantiate either allegation.

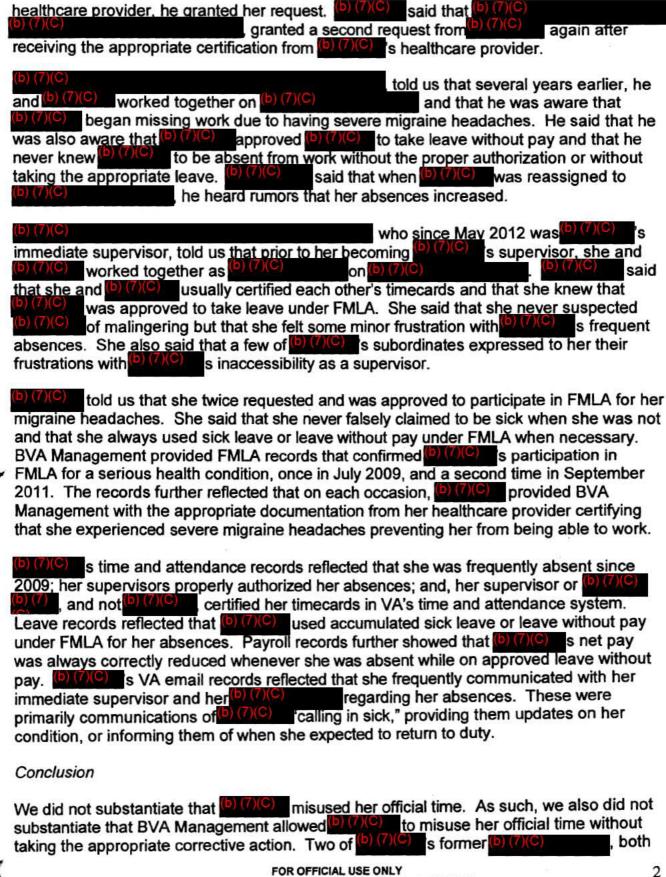
Standards

The Standards of Ethical Conduct for Employees of the Executive Branch require employees to use official time in an honest effort to perform official duties. 5 CFR § 2635.705. VA policy requires employees to be on duty during the full period of their tours of duty unless absent on approved leave. VA Directive 5011, Paragraph 2. VA policy further states that the public interest requires the maintenance of high standards of employee integrity, conduct, effectiveness, and service to the public and that when such standards are not met, it is essential that prompt and just corrective action be taken. The policy of VA is to maintain standards of conduct and efficiency that will promote the best interests of the service. VA Handbook 5021/3, Part I, Chapter 1, Paragraph 3(a), (June 1, 2005). VA policy holds supervisors responsible for gathering and analyzing facts concerning each possible disciplinary or adverse action, documenting these facts, and for initiating appropriate and timely disciplinary or adverse actions. Id., at Paragraph 5(c). The Family and Medical Leave Act (FMLA), as amended, and its implementing regulations, entitle an employee up to 12 weeks of unpaid leave per year for a serious health condition that has been certified by the employee's healthcare provider. 29 USC § 2601, et seq. and 29 CFR Part 825.

Alleged Misuse of Official Time and Failure of Management to Take Corrective Action

headaches that prevented her from coming to work. He said that (b) (7)(C) the began experiencing severe migraine participation in FMLA and that based on the written certification provided by her

FOR OFFICIAL USE ONLY (Public Availability to be Determined Under 5 USC 552)



whom routinely certified (b) (7)(c) as timecards, told us that they never knew (b) (7)(c) to be absent without authorization. FMLA records showed that (b) (7)(c) properly applied for participation in FMLA and that BVA Management properly approved her participation based on the certifications provided by her healthcare provider. In addition, time and attendance and email records showed that (b) (7)(c) appropriately requested, and BVA Management properly approved and accounted for, her absences. Furthermore, payroll records reflected that (b) (7)(c) as net pay was always reduced accordingly, whenever she took leave without pay. Based on the foregoing findings, these allegations are closed without a formal report or memorandum.

(b) (7)(c)

Prepared By:

(b) (7)(c)

Approved:

(c) (7)(c)

Approved: