

**Department of Veterans Affairs
Office of Inspector General**

**Memorandum to the File
Case Closure**

Alleged Misuse of Position and Resources
OI&T (b) (7)(C), Washington, DC
(2013-02287-1Q-0153)

The VA Office of Inspector General Administrative Investigations Division investigated an allegation that Ms. (b) (7)(C) (b) (7)(C) (b) (7)(C) (b) (7)(C) Office of Information & Technology (OI&T), Washington, DC, misused her position and her staff's official time for her private gain. Congressman Mike Coffman, Chairman of the HVAC's Subcommittee on Oversight and Investigations, requested this investigation in an April 1, 2013, letter to OIG, stating that he "reviewed evidence" that Ms. (b) (7)(C) and "other senior leaders in OI&T," engaged in inappropriate actions "in their quest to receive a (b) (7)(C) award." Chairman Coffman said that Ms. (b) (7)(C) allegedly "directed federal employees and contractors from Price Waterhouse Coopers [PWC] to write, edit, and staff her award nomination, as well as the nomination of Mr. (b) (7) (b) (7)(C) Mr. (b) (7)(C) a subordinate of Ms. (b) (7)(C) was the (b) (7)(C) (b) (7). We also investigated whether Mr. (b) (7)(C) misused his position and VA resources to have his own nomination submitted.

To investigate these allegations, we interviewed Ms. (b) (7)(C) Mr. (b) (7)(C) and Ms. (b) (7) (b) (7) (b) (7)(C) (b) (7) We also reviewed email and personnel records, requirements for PWC contract employees, and applicable Federal regulations and VA policy. We requested, but did not receive, the specific evidence that Chairman Coffman reviewed and referred to in his April 1, 2013, letter. We did not substantiate this allegation.

Standards of Ethical Conduct for Employees of the Executive Branch state that an employee shall not use his or her public office for private gain, or permit the use of their Government position or title or any authority associated with their 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 the employee, the employee's friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity. 5 CFR § 2635.702. Further, it states that an employee shall not encourage, direct, coerce, or request a subordinate to use official time to perform activities other than those required in the performance of official duties or authorized in accordance with law or regulation. Id., at § 2635.705 (b). VA policy authorizes officials to participate in externally sponsored honor awards programs which offer the opportunity to further recognize the achievements of VA employees. VA Handbook 5017, Part IV, Paragraph 3a (April 15, 2002).

Nomination of Ms. (b) (7)(C)

Ms. (b) (7)(C) told us that she did not direct VA or contractor employees to work on her nomination for the (b) (7)(C) Award. She said that she did not even know that she was nominated for the award until a (b) (7) representative sent her an email on January 29, 2013, telling her that she was selected for the award. Ms. (b) (7)(C) said that a short time later Ms. (b) (7) told her that she (Ms. (b) (7)) nominated Ms. (b) (7)(C). Email records reflected that on January 29, 2013, a representative of (b) (7)(C) notified Ms. (b) (7)(C) that they selected her to receive the (b) (7)(C) Award. Records further reflected that a few minutes later, Ms. (b) (7)(C) forwarded the notification email to Ms. (b) (7) asking whether she knew anything about the award. Ms. (b) (7) replied in the affirmative, stating, "It was one of the award apps from our 2012 and 2013 strat[egic] plan goals to 'obtain external recognition of (b) (7)'s excellence' and by close association, the excellence of our amazing leader." Ms. (b) (7)(C) told us that during the (b) (7) sponsored awards gala, Mr. (b) (7)(C), founder of (b) (7) Technologies, told her that (b) (7) also nominated her for the award. Ms. (b) (7)(C) said that she never discussed the details of the nomination with Mr. (b) (7)(C) and that she did not know why (b) (7) nominated her.

Ms. (b) (7) told us that no one directed her to nominate Ms. (b) (7)(C) for the award and that she nominated Ms. (b) (7)(C) on her own initiative, since she believed that Ms. (b) (7)(C) was a good leader and it was a way to obtain external recognition for (b) (7) work. Ms. (b) (7) also said that one of (b) (7) strategic plan goals was to obtain more external recognition for (b) (7) accomplishments and that nominating Ms. (b) (7)(C) would be in furtherance of accomplishing that goal. In (b) (7) 2012–2014 Strategic Plan, Goal 2 stated: "Become the recognized leader in Federal IT application development organization." One of the objectives of this goal stated, "Encourage opportunities to incorporate relevant leading-edge development practices into standard practices."

Ms. (b) (7) told us that her communications team, including one VA and seven PWC contractor employees, worked on Ms. (b) (7)(C) nomination, and she estimated that it took a total of 13.5 hours to write, edit, and submit the nomination. Ms. (b) (7) said that the work performed by the PWC contractor employees was within the scope of their contract, and she provided excerpts from the contract that stated:

The Contractor shall provide IT program analysis support on a continuing basis to (b) (7) Executive Office in developing programmatic improvements to the Product Development documentation, policies, governance, processes, plans, risks, quality controls, best practices, performance measurements, and communications. (b) (7) Communications Facilitation and Action Tracking, T4-0068, FirstView Federal (subcontractor: PriceWaterhouse Coopers); 5.2 Operational IT Program Analysis.

In addition, personnel records reflected that Ms. (b) (7) independent decision to nominate Ms. (b) (7)(C) was within the scope and authority of her position as the Director of

(b) (7)(C). Ms. (b) (7) performance appraisal lists the following critical element as the first of her performance standards:

Support of VA Mission and Goals: Devise and implement innovative communication programs, campaigns, and products that accurately and effectively communicate (b) (7) activities to a wide variety of audiences, including employees, VA management, Congress, and the public.

Whether or not this performance measure for external recognition was an appropriate performance standard was beyond the scope of this review.

Nomination of Mr. (b) (7)(C)

Ms. (b) (7)(C) and Ms. (b) (7) both told us that they were not involved with Mr. (b) (7)(C) nomination for the (b) (7) Federal 100 Award and that they did not know anything about it. Mr. (b) (7)(C) told us that he did not nominate himself nor did he cause himself to be nominated by directing VA or contractor employees to work on his nomination. He said that he believed a friend and mentor, Mr. (b) (7)(C), who had no VA affiliation, nominated him. Mr. (b) (7)(C) said in early November 2012, about the same time that (b) (7) announced that they were accepting nominations, Mr. (b) (7) asked him for his biographical information and mentioned the (b) (7)(C) Award Program. Mr. (b) (7)(C) said that he did not know for sure that he was nominated until an unrecalled individual with (b) (7) notified him of his selection. Email records reflected that on January 29, 2013, Ms. (b) (7)(C) and Mr. (b) (7)(C) whom Ms. (b) (7)(C) also said was a private friend and mentor, discussed Mr. (b) (7)(C) selection for the award. In this email, Mr. (b) (7) told Ms. (b) (7)(C) "I'm 2 for 2", indicating he was involved in some way with Mr. (b) (7)(C) nomination and/or selection.

Conclusion

We did not substantiate the allegation that Ms. (b) (7)(C) misused her position, her subordinates official time, or VA contractor employees to obtain the (b) (7) (b) (7)(C) Award. Ms. (b) (7)(C) told us and email records corroborated that she had no prior knowledge of hers or Mr. (b) (7)(C) nominations before the award recipients were announced by (b) (7) on (b) (7)(C). Further, Ms. (b) (7)(C) first learned of her nomination and selection after-the-fact from Ms. (b) (7) and Mr. (b) (7)(C). Further, Ms. (b) (7) told us that she was not directed by anyone to nominate Ms. (b) (7)(C) for the award but did so on her own initiative and authority because she believed Ms. (b) (7)(C) was a good leader and as a way to provide external exposure to (b) (7) accomplishments. The (b) (7) strategic plan and email records corroborated Ms. (b) (7) testimony, and personnel records reflected that Ms. (b) (7) independent action to nominate Ms. (b) (7)(C) was within the scope and authority of her position. Ms. (b) (7) utilization of VA and contractor resources to prepare the nomination was reasonable and appropriate. Ms. (b) (7) communications team was comprised mostly of contractor employees and their participation in the writing and editing of the nomination was consistent with the requirements of the contract under which they worked.

We also found nothing improper with Mr. (b) (7)(C) nomination for the (b) (7) (b) (7)(C) Award, nor did we find that he misused his position or VA resources to obtain the award for himself. Mr. (b) (7)(C) had no involvement and gave no direction to staff concerning his nomination, and email records suggested that it was more than likely that Mr. (b) (7) was responsible for his nomination. Lastly, VA policy authorizes officials to use external award programs, such as the Federal 100 Awards, to recognize employee accomplishments.

Based on the foregoing and that Chairman Coffman's office did not provide any relevant evidence, these allegations are closed without a formal report or memorandum.

Prepared By (b) (7)(C) 6/26/13
Approved: 6/26/13
Date