

**Memorandum to the File
Case Closure**

**Alleged Mismanagement and Preferential Treatment,
National Cemetery Administration
VA Central Office, Washington, DC
(2013-03899-IQ-0226)**

The VA Office of Inspector General (OIG) Administrative Investigations Division received allegations that Mr. (b) (7)(C) abused his authority in matters related when NCA employees were hired, promoted, and/or transferred within NCA. These allegations were not investigated because of their ambiguity, based on third party hearsay, lack of evidentiary information, and due to the passage of time since such allegations may have occurred. We received other allegations that were substantiated and will not be discussed in this memorandum.

Federal law states that Federal employees must 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 also prohibits an employee from granting an unauthorized preference or advantage to improve or injure the employment prospects of any particular person. Id., at § 2302(b)(6). The Merit Systems Protection Board website www.mspb.gov/ppp/aprppp.htm states, "It is possible to violate section 2302(b)(6) using legally permissible hiring actions if the intent is to afford preferential treatment to an individual." Further, Federal law prohibits an employee who has authority to take, direct others to take, or recommend personnel actions from taking or failing to take any personnel action if it violates any law, rule, or regulation implementing, or directly concerning, the merit system principles contained in section 2301 of Title 5, United States Code. Id., at § 2302(b)(12).

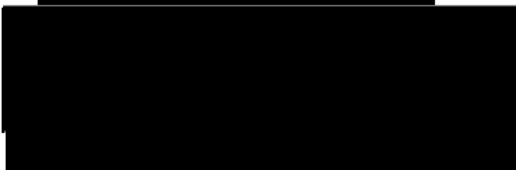
The Standards of Ethical Conduct for Employees of the Executive Branch require that employees act impartially and not give preferential treatment to any individual, put forth an honest effort in the performance of their duties, and to endeavor to avoid any actions creating the appearance that they are violating the law or ethical standards. 5 CFR §§ 2635.101(a)(5), (8), and (14).

We advised the complainant to: provide specific information to us or to the VA OIG Hotline; allegations should not come from a third party; and for the complaint to suggest to those who told him about these allegations to contact the VA OIG Hotline directly.

These allegations are being closed without issuing a formal report or memorandum.

Prepared By: 

9-2-2014
Date

Approved: 

9/2/14
Date