

# Department of Veterans Affairs

# Memorandum

Date: May 11, 2017

From: Assistant Inspector General for Investigations (51)

Subj: Administrative Investigation – Alleged Misuse of Position, VA Central Office (VACO), Washington, DC (2016-00932-IQ-0001)

To: VA Chief of Staff (00A)

## Purpose

VA's Office of Inspector General Hotline received an allegation that Mr. Hughes Turner, currently the Midwest District Veterans Experience Officer and the former VA Deputy Chief of Staff (COS), misused his position when he participated in the VA relocation program to transfer to a MyVA position located in Chicago, IL, in 2015.

## Objective, Scope, and Methodology

To assess this allegation, we interviewed Mr. Turner; Ms. Carmen Montgomery, Director Compensation and Classification Service; and Ms. Dadrian Brown, Special Assistant, Director of Veterans Employment Office. We also reviewed email and personnel records, Federal laws and regulations, and VA Policy.

Federal regulations state an employee shall not use his public office for his own private gain, for the endorsement of any product, service or enterprise, or for the private gain of friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity. 5 CFR § 2635.702

Federal regulations also state an employee is eligible for relocation expense allowances if he is an employee transferring in the interest of the Government from one agency or duty station to another for permanent duty, and your new duty station is at least 50 miles distant from your old duty station. 41 CFR § 302-1.1.

VA policy states that VA's Human Resources (HR) office will indicate whether relocation allowances are authorized when posting new job announcements. It also states an employee transferring in the interest of the Government from one agency or official duty station to another for permanent duty, and the commuting distance between the new official duty station and permanent residence has increased by 50 miles or greater from the old official duty station and the permanent residence, is eligible for relocation expense allowances. VA Relocation Packages, Volume XIV, Ch. 8, Section 080202 (November 2011).

## Results

### **Mr. Turner Did Not Misuse His Position.**

#### *Mr. Turner's Transfer to Veterans Experience Officer (VEO) Midwest District*

Records reflected that Mr. Turner was engaged in his own potential re-assignment from the position of Deputy COS to VEO. In an August 21, 2015, email, Mr. Turner notified Mr. Thomas Allin, Senior Advisor, and Mr. Robert Snyder, (former) Executive Director, MyVA, (former) VA COS, and current Acting Secretary, about his discussion with Mr. Robert Nabors, then COS. Records showed that Mr. Turner set conditions of employment under which he would accept such re-assignment. In a September 3, 2015, email, Mr. Turner told Mr. Allin that he was “definitely interested in the Mid-West District VE Executive position” with headquarters in Chicago, IL, if he could work as a virtual employee out of his residence in Canton, MI, which would be “economically advantageous for VA,” because he would not request relocation expenses. However, he would request a 3% salary increase.

Mr. Turner told us that his supervisor, Mr. Nabors approached him with the idea of re-assigning him from Deputy COS to the VEO Midwest District Office, Chicago, IL, to help with the MyVA implementation. He said it was the Secretary's priority and “he wanted to get the right people on board as quickly as possible...”

Records showed that after Mr. Turner spoke with Mr. Nabors, he provided guidance and direction to other VA senior leaders on the steps to take regarding his re-assignment. For example, in a September 22, 2015, email, Mr. Turner told Mr. Allin and Ms. Tia Butler, Executive Director, Corporate Senior Executive Management Office (CSEMO), “I think we can certainly talk informally with all about this. However, I recommend we work the formal process through CSEMO on approval by Rob [Mr. Nabors] of my reassignment...” via an action memo. “...I can work with Carmen Montgomery your HR person on how this should be done...” Then, the same day, Mr. Turner forwarded this email to Ms. Montgomery and told her that it was “Self-Explanatory.”

Mr. Turner told us that Mr. Allin and Ms. Butler were fairly new and he wanted to make sure the process was done correctly. He said he learned the correct processes through executive experience at both CSEMO and OPM. Mr. Turner said that usually when senior executives are re-assigned, informal discussions occur first, but nothing is official until a formal re-assignment action gets approved.

Ms. Montgomery forwarded her email conversations with Mr. Turner to Ms. Dadrian Brown, a HR specialist detailed to MyVA. Ms. Brown responded that she would prepare one comprehensive memo to complete the process.

On September 28, 2015, Mr. Turner asked Ms. Brown to send the draft action memo to him for review before it was finalized. Mr. Turner authored his reassignment memo, to include a salary increase for his own personal gain and sent it back to Ms. Brown telling her that “I think the attached memo [was] clear and self-explanatory...”

Ms. Montgomery told us she did not believe Mr. Turner's action on his own behalf was appropriate and that the level of information Mr. Turner added to his re-assignment memo should have come from his manager or CSEMO.

Ms. Brown believed it was inappropriate for Mr. Turner to be involved with his own reassignment and salary increase, and she told us that Administrative Operations leadership wanted Mr. Turner's added language for personal gain removed from the reassignment memo.

Mr. Turner told us that he viewed his request for a salary increase as a "salary negotiation." He said it was an upper management decision whether or not to approve a salary increase and that, in this case, his supervisor, Mr. Nabors, denied his request. It was not unusual for senior executives to ask for a salary increase when they are asked to move from one location to another, and he said that other than the normal increase everyone else got – cost of living adjustment, he "had not had a salary adjustment" since 2011 when he joined VA.

*Mr. Turner's Transfer from Deputy COS to Senior Advisor, VEO Implementation, MyVA*

On October 2, 2015, Ms. Butler submitted a memo to Mr. Nabors to obtain "formal approval to establish and reassign Mr. Turner to the position of Senior Advisor, VEO (Implementation), MyVA VEO, Washington, DC." In her memo, Ms. Butler stated that Mr. Turner would not receive a salary increase for this position, and his salary would be \$176,270, which was the same salary he received as Deputy COS, as reflected in his personal records. The memo also reflected that the new position was within the MyVA initiative located in Washington, DC, not in Chicago as Mr. Turner, Mr. Nabors, Mr. Snyder, and Mr. Allin first discussed. Records reflected that Mr. Nabors approved Mr. Turner's re-assignment memo on October 2, 2015.

On October 5, 2015, Ms. Butler formally informed Mr. Turner that the COS decided to re-assign him from his "current position of Deputy Chief of Staff, OSVA, ES-0301 (Pay Band 1) Washington, DC, to the position of Senior Advisor, Veterans Experience Office (VEO) (Implementation), MyVA VEO, ES-0301 (Pay Band 2), Washington, DC." Ms. Butler also informed Mr. Turner that in the event he did not accept the reassignment, [he was] "subject to removal from the Federal service under adverse action procedures." On the same day, Mr. Turner signed his re-assignment accepting the position of Senior Advisor, VEO, MyVA, Washington, DC.

Personnel records reflected that on October 18, 2015, Mr. Turner was re-assigned to the position mentioned above with an annual salary of \$176,270. Additionally, Ms. Jeannette Jones, Human Resources Specialist, CSEMO told us that "no incentives were approved as part of this [Mr. Turner's] reassignment." Further, Desiree Ybarra, Supervisor Permanent Change of Station (PCS) Counseling, told us that as of April 21, 2016, "The PCS Division has not received any request to begin the relocation process for a Mr. Hughes Turner."

Personnel records reflected that Mr. Turner was transferred from VA Deputy COS to the VEO (Implementation) MyVA, Washington, DC. Mr. Turner told us that these two positions were intended to be the same position. He said that a PCS was not required, because the position was still operating out of Washington, DC. He said it would continue to do so until VA found physical space in the area to which the position was to be transferred. He said he expected to eventually receive PCS orders to get to the final destination. Mr. Turner also said that he did not receive any incentive when he transferred to the position in MyVA.

*Mr. Turner's Transfer from VEO Implementation, MyVA, to Director, Veterans Benefits Administration (VBA).*

Mr. Turner told us that he accepted the VBA position after Mr. Danny Pummill, former (retired) Acting Under Secretary for VBA, and Mr. Snyder, while VA COS both urged him to accept it, for the good of the organization.

Personnel records reflected that on August 31, 2016, Mr. Thomas Murphy, Principal Deputy Under Secretary for VBA, signed a memo requesting that Mr. Turner be re-assigned "from Veterans Experience Officer (Midwest) to Director, Chicago VA Regional Office." Records reflected that on September 9, 2016, Mr. Snyder approved Mr. Murphy's request to re-assign Mr. Turner to Director (SES), VBA Regional Office in Chicago, IL.

Mr. Turner told us that Mr. Murphy replaced Mr. Pummill as the Acting Under Secretary for VBA when Mr. Pummill left VA. Mr. Turner also told us that he did not request PCS incentive when he accepted the re-assignment to Director, VBA Regional Office in Chicago, IL. He said that upper management included PCS in his relocation package and as part of this package, he received the Buyer Value Option Program (BVOP).

Under VA policy, two programs are available to candidates accepting positions where relocation benefits have been approved. First, under the Appraised Value Offer Program (AVOP), relocating employees are offered a buy-out provision, wherein the Federal government agrees to buy the employee's house at an agreed-at price. Second, under the Buyer Value Option Program (BVOP), relocating employees agree to use a specified governmental contractor to sell their house to a third party. In return, the governmental contractor bears the burden of paying the real estate commission and closing costs which would otherwise be the employee's responsibility. While the granting of AVOP in such cases is discretionary, employees who are not granted the AVOP automatically qualify for BVOP or Direct Reimbursement, at the employee's option. VA Relocation Packages, Volume XIV – Chapter 8, (November 2011).

## Conclusion

We did not substantiate that Mr. Turner misused VA's relocation expense program. However, we found that Mr. Turner exercised poor judgement when he added language to his reassignment memo which would have resulted in his personal financial gain. Mr. Turner's effort to financially benefit himself was thwarted when his supervisor denied his request for a salary increase. Personnel records reflected that Mr. Turner was re-assigned from Deputy COS to the VEO position without a salary increase. Additionally, CSEMO and PCD Division personnel attested that Mr. Turner did not receive any incentives when he was re-assigned to the new position within the MyVA initiative. We are therefore closing this investigation with this memorandum.



**JEFFREY G. HUGHES**  
**Acting Assistant Inspector General for**  
**Investigations**

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