

# Department of Veterans Affairs

# Memorandum

Date: June 26, 2017

From: Assistant Inspector General for Investigations (51)

Subj: Administrative Investigation – Alleged Misuse of Government-Owned Vehicle, Office of Acquisition, Logistics and Construction, Washington, DC  
Report No. 17-01079-274 (2017-01079-IQ-0096)

To: VA Chief of Staff (00A)

## Purpose

VA OIG Administrative Investigations Division received an allegation that on a daily basis for the past 18 months, Mr. Gregory L. Giddens (SES), Principal Executive Director for the Office of Acquisition, Logistics and Construction (OALC), Washington, DC, parked his privately-owned vehicle at a Government subsidized parking facility located near VA Central Office (VACO), 810 Vermont Avenue, NW, Washington, DC, and proceeded to his fixed VA work location at 425 I Street, NW, Washington, DC, by means of a VA Executive Fleet Vehicle in violation of applicable rules and regulations pertaining to the use of Government-owned vehicles.

## Objective, Scope, and Methodology

To assess the allegation, we interviewed Mr. Giddens; Ms. Shana Love-Holmon (GS-15), OALC Chief of Staff; and a OALC Staff Assistant. We reviewed email, personnel, vehicle fleet, and parking records, as well as Mr. Giddens' calendar. We also reviewed relevant Federal laws and regulations and VA policies.

Federal regulations define "home" as the primary place where an employee resides and from which the employee commutes to his place of work. It also defines "work" as any place within the accepted commuting area as determined by the Federal agency for the locality involved, where an employee performs his official duties. 41 CFR § 102-5.30. Regulations also define the employee's "official station" as an area defined by the agency that includes the location where the employee regularly performs his duties. 41 CFR § 300-3.1. See also Department of Veterans Affairs Financial Policy, Volume XIV, Chapter 1, Travel Administration, 0102 Policies, Section C.3 (February 23, 2017).

VA Policy establishes VA's Vehicle Fleet Management Program. This directive applies to all VA organizations which are managing VA-owned, commercially leased, or General Services Administration (GSA) leased vehicles licensed for on-road use. Section 2d(1), "Official Use," states: "Unauthorized use of government vehicles is prohibited. VA restricts the use of all VA motor vehicles, including those rented or leased, to official purposes only: uses that further the mission of VA. Misuse of Government-owned or

leased vehicle is punishable under Title 31 USC Section 1349.” VA Directive 0637 (May 10, 2013). This is consistent with 41 CFR § 102-34.200m, which defines “official use” of a Government motor vehicle as use of a Government motor vehicle by an employee to perform the agency’s mission(s), as authorized by the agency. Federal Management Regulation Bulletin B-32 defines an Executive Vehicle as a vehicle used primarily to transport Senior Executives. (October 12, 2011).

VA policy permits dedicated executive vehicles for the Secretary of VA, the Deputy Secretary and the Under Secretaries for Health, Benefits, and Memorial Affairs. For other executives, “The Office of Human Resources and Administration’s Executive Motor Pool will serve all Assistant Secretaries and others of similar rank in the Washington, DC area.” VA Directive 0637, Section 2d(2) Executive Vehicles. (May 10, 2013). A March 26, 2012, VA Memorandum titled, “Use of VA Central Office Motor Pool Vehicles Assigned to Office of Administration” provides the order of priority for use of the general motor pool vehicles in Washington, DC, to include Assistant and Deputy Assistant Secretaries and “other VA employees.”

Federal law applicable to Mr. Giddens prohibits the use of Government-owned vehicles for transportation between an individual’s residence and such individual’s place of employment. 31 USC § 1344. Further, an employee who willfully uses or authorizes the use of a passenger motor vehicle owned or leased by the U.S. Government (except for an official purpose authorized by section 1344 or otherwise violates section 1344) shall be suspended without pay by the head of the agency. The employee shall be suspended for at least 1 month and when circumstances warrant, for a longer period or summarily removed from office. 31 USC § 1349.

Finally, VA has specific policies in effect relating to local travel, which provide for reimbursement for expenses within the vicinity of the official duty station, specifically within 50 miles of the employee’s residence or the geographic boundaries as defined by the station, but limits these expenses to those in excess of the employees’ costs for their normal daily commute. VA Financial Policies and Procedures, Local Travel (Volume XIV, Chapter 7, January 2013.)

## **Investigative Results**

Mr. Giddens allegedly misused Government vehicles to complete his commute by taking a fleet or shuttle vehicle between the location where he parks (across the street from the VACO building) and his duty station (425 I Street). We did not substantiate that Mr. Giddens improperly used Government vehicles in this manner.

Personnel records reflected that Mr. Giddens served as the Executive Director of VA’s Office of Policy and Planning (OPP), Enterprise Program Management Office from October 2010 to April 2015. VA’s Office of Public Affairs website reflected that Mr. Giddens was appointed as the Principal Executive Director for OALC in April 2015. OALC’s website reflects that it is a multifunctional organization responsible for directing the acquisition, logistics, construction, and leasing functions within VA. OALC provides direct operational support to VA’s administrations and staff offices through its three

major organizational components: 1) Office of Acquisition and Logistics, 2) Office of Acquisition Operations, and (3) Office of Construction and Facilities Management.

Applicable regulations and VA policy allow the use of an executive fleet vehicle by employees at Mr. Giddens' level for official business. Federal Management Regulation Bulletin B-32; VA Directive 0637, Section 2d(2) Executive Vehicles, (May 10, 2013); March 26, 2012, VA Memorandum titled, "Use of VA Central Office Motor Pool Vehicles Assigned to Office of Administration."

### VA Subsidized Parking

Mr. Giddens used his personal vehicle to commute to work. While assigned as the Executive Director of VA's Office of Policy and Planning (OPP), Enterprise Program Management Office from October 2010 to April 2015, Mr. Giddens received subsidized parking at the VACO at 811 Vermont Avenue, across the street from 810 Vermont Avenue, which was his duty location at the time. When he transitioned to his current role in April 2015, Mr. Giddens did not seek to change his parking location.

History and Cost Analysis documentation from the VA Parking Contracting Officer's Representative reflected that the Office of Administration was responsible for the management of the VACO Parking Program. There were 166 subsidized parking spaces, and the lease agreement at 811 Vermont Avenue, NW, had 69 parking spaces. Each VACO organization was assigned a certain number of subsidized spaces depending on the number of Presidential appointees, Deputy Under Secretaries, Deputy Assistant Secretaries, and Principal Deputy Assistant Secretaries. Traditionally, Presidential appointee positions were assigned two spaces, while the remaining positions received one.

Mr. Giddens told us that he did not know if there was parking available at 425 I Street and that he never asked for a parking spot at that location, since he spent most of his time at VACO. Ms. Love-Holmon told us, and VACO parking records confirmed, that subsidized parking was available at 425 I Street, but since most of Mr. Giddens' meetings occurred at VACO, it made more sense for him to maintain his parking spot at the VACO location. She believed that action had been taken to transfer that parking spot from his prior division to OALC, his current division.

Each administration has different parking requirements and over time the allotment of spaces to organizations changed, due to reorganizations or parking requirements from the Office of the Secretary. Each organization is also responsible for managing and assigning allotted spaces to their employees. If any employee leaves his or her present organization to take a position with another VA organization, that parking space will not transfer; the employee needs to request a parking space from his or her new organization.

Parking records reflected that on October 26, 2010, while assigned to OPP, Mr. Giddens enrolled in the Central Office parking program and was issued a parking sticker for a subsidized parking spot located at 811 Vermont Avenue. Although these

parking records accurately reflected his current position with OALC, we were unable to locate any records indicating Mr. Giddens requested a new parking spot from OALC as his new organization or that such a request was granted. It appeared that his parking spot was informally transferred when he joined OALC without complying with the requirements set forth above. Neither Mr. Giddens nor his staff recalled taking action to transfer the parking spot from his old organization to his new one.

### Duty Location

As referenced in Federal Regulations above, an employee's "official station" is an area defined by the agency that includes the location where the employee regularly performs his duties. Mr. Giddens' Outlook profile reflected his business address as 425 I Street NW, Washington, DC. Documentary evidence and testimony reflected that OALC's executive office was located at 425 I Street, and Mr. Giddens' primary office space was situated at that location, as were some of his administrative staff. However, based on documentary evidence and testimony, Mr. Giddens spent a significant majority of his time performing his duties at the VACO location.

Mr. Giddens told us that about 60–70 percent of his staff were located at 425 I Street and the remaining 30 percent were located at VACO. Because of the nature of his responsibilities, he said that he spent a significant majority of his time in meetings with VA senior leadership and otherwise working at the VACO location, and on many days he exclusively worked at the VACO location. He had office space which he utilized at VACO when he was working there, and most days, he began and completed his work responsibilities at the VACO location. The testimony from two staff personnel and a review of his calendars confirmed Mr. Giddens' testimony.

### Arranging for Mr. Giddens' use of the Fleet and Shuttle services

Scheduling transportation for Mr. Giddens between the two duty locations as described above was the responsibility of Ms. Harrell as Mr. Giddens' Staff Assistant, and she said that she worked out of both offices as well, depending in part on where Mr. Giddens would be spending most of his time or what his activities and needs were on a particular day. She acknowledged that the traveling back and forth was challenging and that she attempted to schedule meetings and calls at 425 I Street. She also said that personnel located at VACO did not generally want to travel to 425 I Street to meet with Mr. Giddens, and video conference calls were not a viable option, as consistently functioning video teleconference equipment was not available to connect 425 I Street with the 810 Vermont Avenue location.

Based on an internet search, the driving distance between VACO and 425 I Street is 1.1 miles. Executives have available to them a fleet of vehicles as well as a shuttle service. In addition to the fleet vehicles, VA also runs an hourly shuttle service which transports VACO employees between 810 Vermont Avenue NW, 425 I Street NW, 90 K Street NE, and 1100 First Street NE, Monday through Friday, 7:00 a.m. to 6:00 p.m. The pick-up and drop-off point for 810 Vermont Avenue is directly across the street at 811 Vermont Avenue (Lafayette Building) and in front of each other building. Due to the

timing of Mr. Giddens' meetings and the schedule of the shuttle service, his staff said that this method of traveling between VA locations was not generally feasible on every occasion, but he did utilize it when possible, and Ms. Harrell said that after 4:00 p.m., she tried to have him use the shuttle out of courtesy to the fleet service drivers. This practice would also avoid overtime for the fleet service drivers in some instances.

In May 2016, the group which was responsible for administering and managing the use of fleet service vehicles began using a SharePoint site for scheduling rides. Since that time, members of Mr. Giddens' office staff, primarily Ms. Harrell, scheduled his use of the fleet service vehicle through that site. Records of Mr. Giddens' use of the fleet service did not exist prior to the initiation of this SharePoint site, but we were able to review the data maintained in the SharePoint site from May 25, 2016, through April 3, 2017. We identified every recorded instance when Mr. Giddens' staff requested a ride from the fleet service which was completed, including the dates, times, and locations. Accounting for what appeared to be duplicated entries, we identified 36 instances when Mr. Giddens utilized a fleet vehicle to travel between VACO and 425 I Street.<sup>1</sup> Most of the trips were round trips, beginning at VACO and returning to VACO, although there were instances that appeared to reflect one way trips from VACO to I Street, with no return trip back to VACO noted.<sup>2</sup> The majority of the trips originating at VACO were at or around 8:00 a.m., although the time of the return trips varied widely. The majority of the return trips with specific times recorded took place before 3:00 p.m., and we noted very few instances where Mr. Giddens spent the entire day at the 425 I Street location.

We then attempted to cross-check this data against Mr. Giddens' calendar, and we determined the entries were generally consistent (accounting for last minute changes in plans, etc.). We reviewed 21 weeks of Mr. Giddens' daily Outlook calendar entries maintained by Ms. Harrill, from July 31, 2016 through January 7, 2017. His calendar entries confirmed that he spent the majority of his time at the VACO location on Vermont Avenue, with meetings scheduled at that location. We identified 7 days during this timeframe when he used the fleet service to travel from 810 Vermont Avenue to 425 I Street in the morning without first attending a meeting at 810 Vermont Avenue, although according to Mr. Giddens and his staff, he generally checked in to the office at VACO first, even if he did not have a meeting scheduled. Of those 7 days, only 1 full day was spent at the 425 I Street location. On all the other days, his calendar reflected meetings at VACO after his return that day.

Had Mr. Giddens used his personal vehicle to travel between the two locations to attend meetings in the other building, regardless of his assigned duty station and the location of his parking space, he would be entitled to reimbursement for that travel. He could also seek reimbursement of cab fare. Local travel policy also requires VA employees to first use Government-owned vehicles for local travel whenever an automobile is

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<sup>1</sup> Not counting federal holidays or accounting for leave time, there were 214 work days between May 25, 2016 and April 3, 2017.

<sup>2</sup> This is consistent with Ms. Harrill's statement that she would have Mr. Giddens use the shuttle at the end of the day when possible; shuttle rides are not recorded in the SharePoint site.

required, authorized, and available. Taxi fares may be reimbursed “if the employee does not have a Government-owned vehicle available and/or a Government-provided shuttle, or mass transportation cannot be used for local travel.”<sup>3</sup>

### Conclusion

We did not substantiate that Mr. Giddens inappropriately used a VA Fleet Vehicle or other Government-owned vehicle for the purposes of completing his commute to or from the office. We found that Mr. Giddens used the VA Executive Fleet Vehicle and VACO shuttle service to travel between VACO and 425 I Street, but concluded that his use of these services was appropriate given the fact that he worked from both locations and must travel regularly between these locations for various business meetings. If he parked at the I Street location, where subsidized parking was available, he would have been allowed to use the fleet service to travel between that location and VACO, and based on our review of his calendar, it appeared that this arrangement would have led to more instances of use of the fleet service in order to transport him back and forth to VACO for meetings.

We did not identify any evidence that Mr. Giddens willfully or recklessly misused a Government vehicle for personal use, and his use of such a vehicle was authorized by policy and within the limits of official business. Based on the investigative findings, we are closing this case.



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

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<sup>3</sup> According to the WMATA website, a trip between 810 Vermont and 425 I would take 24 minutes via the DC Circulator Bus or a 24 minute trip via two different metro lines.

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