# Department of Veterans Affairs

## Memorandum

Date: November 8, 2017

From: Assistant Inspector General for Investigations (51)

Subj: Administrative Investigation – Alleged Misuse of Official Time, VA Long Beach

Healthcare System (recently renamed) Tibor Rubin VA Medical Center, Long

Beach, California (2017-03557-IQ-0105)

To: Director, Tibor Rubin VA Medical Center

#### **Purpose**

VA's Office of Inspector General Administrative Investigations Division received a frequently falsified his own complaint alleging that Dr. timecards to work in private practice. The complaint further alleged that he gave preferential treatment to Dr. Dr. and Dr. to arrange their schedules irrespective of veterans' needs, and to work during their VA tours of duty in private sector positions and at the Universities of California Irvine (UCI) and California Los Angeles (UCLA). Dr. also allegedly provided personal medical services to Ms. Veterans Integrated Services Network (VISN) 22, at his private practice during his VA tour of duty, and ordered \$1 million worth of medical equipment that was not compatible with or approved for VA use, which later disappeared. The complainant provided names of witnesses who had firsthand knowledge of these allegations. However, after interviewing these witnesses, we found that the information they relayed to the complainant was heard through second and third hand sources. Additionally, they could provide no evidence to support the allegations.

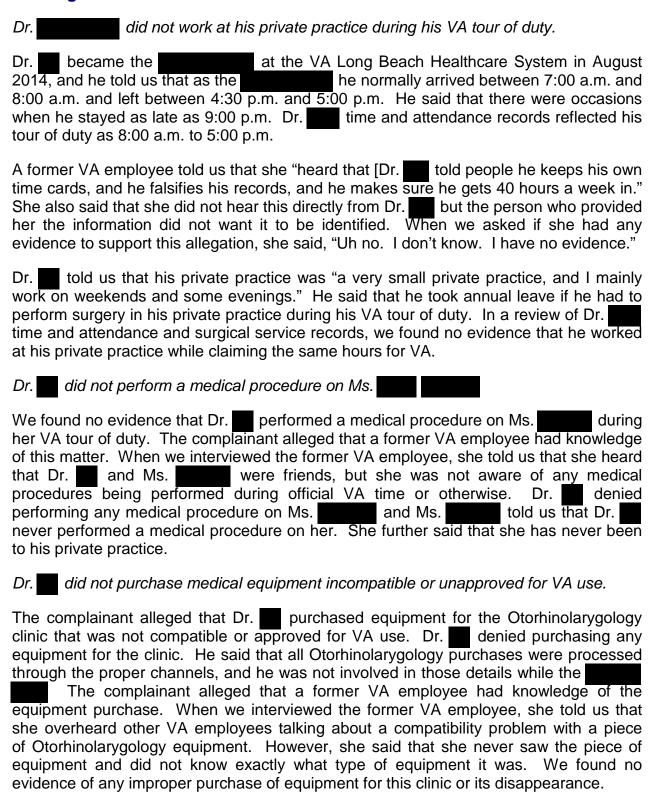
### Objective, Scope, and Methodology

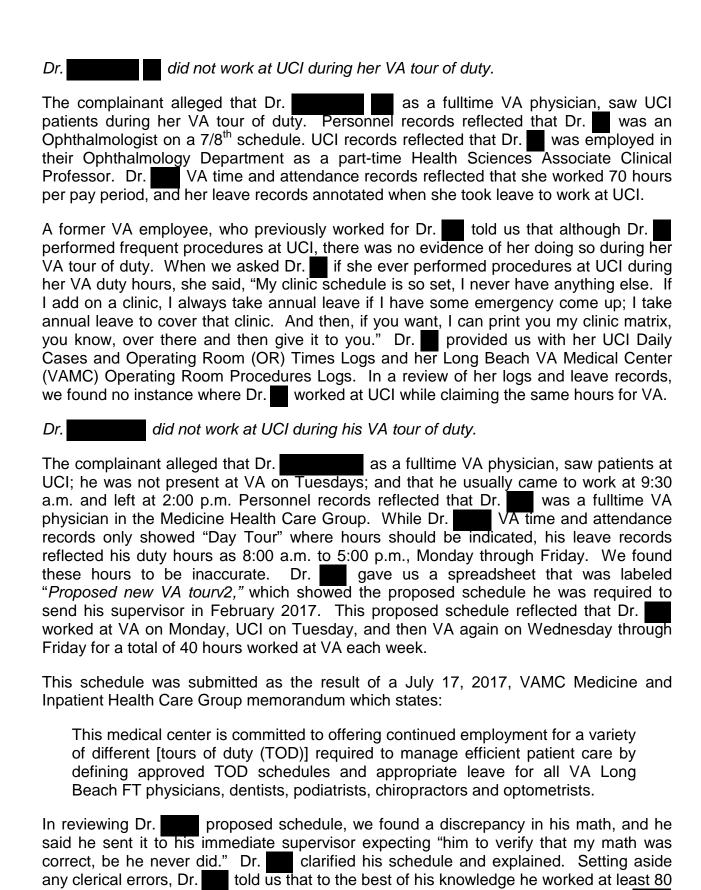
To assess the allegations, we interviewed Dr. Dr. Dr. Dr. Dr. and other current and former VA employees. We reviewed personnel, email, and time and attendance records. We also reviewed UCI and UCLA time and attendance and pay records, as well as Federal laws and regulations and VA policy.

Standards of Ethical Conduct for Employees of the Executive Branch state that an employee shall put forth an honest effort in the performance of their duties and shall use official time in an honest effort to perform official duties. 5 CFR §§ 2635.101(b)(5) and 2635.705.

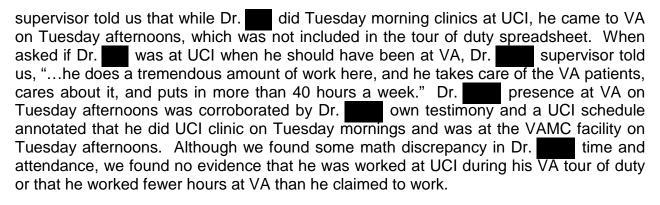
VA policy states that all employees are expected to be on duty during the full period of their tours of duty unless absent on approved leave and to observe the opening and closing of hours established for their tours of duty. VA Handbook 5011, Part II, Chapter 2, Section 1(a), Paragraph 7.

#### **Investigative Results**





hours each pay period and took leave to account for any hours fewer than 80. Dr.



Dr. did not work at UCLA during his VA tour of duty.

The complainant alleged that Dr. worked at UCLA during his VA tour of duty. Personnel records reflected that Dr. was a fulltime VA physician attached to the VA Greater Los Angeles Healthcare System. While Dr. personnel records were kept at the Los Angeles facility, he splits his time between the Los Angeles and Long Beach facilities. His time and attendance records only list "Day Tour" for his tours of duty. Dr. told us he usually started his day at 8:00 a.m. with patients' treatments and finish treatments at 3:00 or 4:00 p.m. He said that "for most of the time" he stayed beyond 5:00 p.m. and sometimes to 7:00 p.m. Further, he said that sometimes he was "the last one left in the parking lot."

A former VA employee, who previously worked for Dr. told us that Dr. was responsible for oversight of VA's Los Angeles and Long Beach radiation oncology department. She said that Dr. continued working with UCLA, but she had no evidence that he worked at UCLA during his VA tour of duty. Dr. told us that over the past 2 years he spent 3 days a week in Long Beach and 2 days in Los Angeles. As far as his work at UCLA, Dr. said that he gives a 1½ hour lecture to third-year UCLA medical students about radiation therapy every 2 months, and he participates in a teleconference once a month for 15 minutes. Additionally, Dr. told us that he oversaw "most of the radiation therapy trial that's coming from Department of Radiation Oncology at UCLA." He said that he went through UCLA reports associated with this responsibility at home and on his own time. In a review of Dr. UCLA payroll records and his VA personnel and time and attendance records, we found no evidence that Dr. worked at UCLA during his VA tour of duty.

#### Conclusion

We did not substantiate allegations that Dr. Dr. Dr. Dr. or Dr. misused official time by working at a VA affiliate or private practice while on VA time. Records showed no discrepancy in any of their time and attendance. Furthermore, we did not substantiate that Dr. misused his position to purchase unauthorized equipment or that he performed a personal procedure for the VISN director at his private practice on official time. The testimony provided during this investigation indicates that these allegations were based on rumors and speculation. Based on the investigative findings, we are closing these allegations.

JEFFREY HUGHES
Assistant Inspector General for
Investigations

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