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OFFICE OF SPECIAL COUNSEL FILES COMPLAINT FOR DISCIPLINARY ACTION AGAINST VETERANS AFFAIRS EMPLOYEE FOR VIOLATING THE HATCH ACT

FOR IMMEDIATE RELEASE

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WASHINGTON, DC/June 8, 2011 – On June 1, 2011, the U.S. Office of Special Counsel (OSC) filed a complaint for disciplinary action against an employee of the Department of Veterans Affairs.

OSC's complaint, filed with the U.S. Merit Systems Protection Board (MSPB), charges the employee with violating the Hatch Act by sending eight e-mails to numerous recipients that were directed toward the success or failure of candidates in the 2008 Presidential election. The e-mails were sent while the employee was on duty and in the federal workplace. The employee used her government e-mail account to send the messages, each of which featured her official government title. In addition, one of the employee's e-mails, which she sent to 20 recipients, included a request for financial contributions on behalf of a Presidential campaign. OSC's investigation showed that the employee knew or should have known about the Hatch Act and its restrictions. Therefore, OSC alleges, disciplinary action is warranted.

The Hatch Act restricts the political activity of individuals employed or holding office in the executive branch of the federal government. An employee covered by the Act is prohibited from, among other things, using her official authority or influence to affect the result of an election by, for example, using her official title while engaging in political activity. In addition, a covered employee may not engage in political activity while on duty or in a federal building or knowingly solicit, accept, or receive political contributions. If the MSPB finds that a federal employee violated the Hatch Act, the presumptive penalty is removal from employment. The penalty may be reduced to a suspension of not less than 30 days without pay if mitigating circumstances exist.

OSC is an independent investigative and prosecutorial agency with jurisdiction to enforce the Hatch Act. OSC is authorized to provide advisory opinions on the Hatch Act and enforces the provisions of the Act by investigating allegations of violations and filing petitions for disciplinary action before the MSPB. For more information, please visit our website at www.osc.gov or call 1-800-85-HATCH.