



U.S. OFFICE OF SPECIAL COUNSEL

1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505
202-254-3600

December 29, 2009

The President
The White House
Washington, D.C. 20500

Re: OSC File No. DI-08-2766

Dear Mr. President:

The Office of Special Counsel (OSC) received a disclosure from Sandy R. Gonzales, a whistleblower formerly employed at the Department of Veterans Affairs (VA), West Texas Healthcare System (WTHS), Big Spring, Texas. Mrs. Gonzales alleged that her supervisor improperly disclosed her medical information to WTHS employees. She asserted that the actions of her supervisor constituted a violation of law, rule, or regulation and an abuse of authority.

Mrs. Gonzales' allegation was referred to the Honorable Eric K. Shinseki, Secretary of the VA, to conduct an investigation pursuant to 5 U.S.C. § 1213(c) and (d). The VA submitted a report to this office on June 29, 2009. A supplemental report was received on October 2, 2009. Mrs. Gonzales was provided an opportunity to review and comment on the reports pursuant to 5 U.S.C. § 1213(e)(1), but declined to comment. As required by law, 5 U.S.C. § 1213(e)(3), OSC is now transmitting the reports to you.

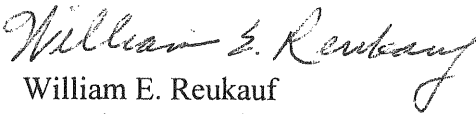
The VA formed a fact finding team in order to investigate this matter. The team found that the accounts provided by Mrs. Gonzales and the witnesses were not consistent and were unable to be reconciled based upon the information provided. Consequently, Mrs. Gonzales' allegation was not substantiated by the agency and it was concluded that there was no violation of the Privacy Act, 5 U.S.C. § 552a, or any other law, rule or regulation. Currently, WTHS employees participate in mandatory agency-wide training courses regarding the Privacy Act and supervisors are trained in these matters when they are appointed to their positions. As a result of the investigation, all employees in the Fee Basis section where Mrs. Gonzales was employed were provided with information on the Employee Assistance Program and offered team building training.

OSC has reviewed the original disclosure and the agency reports. Based on that review, OSC has determined that the agency's reports contain all of the information required by statute and the findings appear to be reasonable. As required by 5 U.S.C. § 1213(e)(3), OSC has sent a copy of the agency reports to the Chairman and Ranking Member of the Senate Committee on

The President
Page 2

Veterans Affairs, and the Chairman and Ranking Member of the House Committee on Veterans Affairs. OSC has also filed copies of the agency's reports in our public file and closed the matter.

Respectfully,


William E. Reukauf
Associate Special Counsel

Enclosures