



**Department of Veterans Affairs
Office of Inspector General**

**Administrative Investigation
Falsification of Employment Record,
Travel Irregularities, and Misuse of
Position, VA Learning University
VA Central Office**

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DEPARTMENT OF VETERANS AFFAIRS
Office of Inspector General
Washington, DC 20420

TO: Dean, VA Learning University

SUBJECT: Administrative Investigation, Falsification of Employment Record, Travel Irregularities, and Misuse of Position, VA Learning University, VA Central Office (2011-04049-IQ-0197)

Summary

We substantiated that Reginald E. Vance, Ph.D., Director of Learning Infrastructure, VA Learning University (VALU), falsified an Optional Form 306 (OF306) as part of his VA employment when he failed to disclose a proposed removal, subsequent mutual agreement, and [REDACTED] associated with his former Federal employment. We made a criminal referral to the U. S. Department of Justice for false statements (18 USC § 1001); however, they declined criminal prosecution in favor of available administrative remedies. We also found that VA management officials failed to follow VA policy when they did not conduct pre-employment checks on Dr. Vance prior to appointing him to a VALU senior leader position requiring VA Secretary's approval. Further, we found that Dr. Vance failed to follow Federal regulations and VA policy related to official travel and that he misused his position when he forwarded the resume of a fraternity brother seeking employment to a VA contractor doing business within Dr. Vance's office.

(b)(7)(c)

Introduction

The VA Office of Inspector General Administrative Investigations Division investigated an allegation that Dr. Vance failed to disclose that he had a settlement agreement with his former Federal employer on the Federal Declaration of Employment form (OF 306) that he completed as part of the VA employment process. We also investigated whether Dr. Vance failed to follow travel policy and whether he misused his position for the personal gain of a friend. To assess these allegations, we interviewed Dr. Vance; Ms. Alice Muellerweiss, Dean of the VALU; Dr. Arthur McMahan, current Deputy Dean of VALU; former Deputy Dean of VALU; Ms. Anita Wood, Director of VALU Policy and Resource Management; and other VA employees. We also reviewed personnel files and email records, as well as applicable Federal laws, regulations, and VA policy.

Background

Personnel records reflected that Dr. Vance was previously employed by the U.S. National Park Service, Department of the Interior (DOI), from December 1, 2003, to July 25, 2008. Records of DOI Office of Inspector General (OIG) reflected that they initiated an investigation on June 29, 2007, in response to a complaint alleging that Dr. Vance misused his Government-issued travel charge card. At that time, Dr. Vance was the Chief of the Office of Business and Finance, Office of the Chief Information Officer (OCIO). On February 1, 2008, DOI OIG issued a report of investigation that substantiated Dr. Vance's misuse of his Government-issued travel charge card as well as other identified improper conduct. The DOI OIG presented their findings to the Department of Justice (DOJ) regarding the theft of official DOI funds (18 USC § 641); however, DOJ declined the case for prosecution pending administrative action by DOI.

Personnel records reflected that on July 25, 2008, Dr. Vance resigned from DOI "for personal reasons." Dr. Vance told us that he resigned after he received a notice of proposed removal as a result of the DOI OIG investigation. A settlement agreement between Dr. Vance and DOI, signed by Dr. Vance on November 14, 2008, reflected that DOI would rescind and expunge the notice of and decision on his proposed removal from his personnel records and future employment inquiries would maintain that Dr. Vance resigned voluntarily and provide a neutral reference. In the settlement, Dr. Vance agreed to not "[REDACTED]" with DOI for [REDACTED] and that the terms and conditions of the agreement, to include all related correspondence and documents, the identity of the parties, and the facts surrounding the settlement, were to be confidential and not to be discussed with anyone except when "required to do so by law."

(b)(7)(c)

Records of the U.S. Merit Systems Protection Board (MSPB), dated September 30, 2010, reflected that Dr. Vance appealed the settlement agreement when he learned that DOI OIG published the results of their investigation in their October 2008 Semiannual Report (SAR) to the Congress. In the MSPB decision, the administrative judge determined that "the parties contemplated and expressly permitted disclosure of the settled adverse action to a third party as required by law" and that DOI OIG was required by law to set forth the results of their investigations in their SAR to the Congress. [REDACTED]

Results

Issue 1: Whether Dr. Vance Falsified an Official Employment Record

Federal law states that whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and

willfully: (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact; (2) makes any materially false, fictitious, or fraudulent statement or representation; or; (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; shall be fined or imprisoned. 18 USC § 1001.

Federal regulations state that an employee shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Government. 5 CFR § 735.203. Standards of Ethical Conduct for Employees of the Executive Branch require employees to avoid any action creating the appearance that they are violating the law or ethical standards. 5 CFR § 2635.101(b)(14). Federal regulations state that the Office of Personnel Management (OPM) retains jurisdiction to make final determination and take actions in all suitability cases when there is evidence that there has been a material, intentional false statement, or deception or fraud in examination or appointment and that agencies must refer these cases to OPM for suitability determinations and suitability actions under this authority. 5 CFR § 731.103. VA policy provides penalties for the intentional falsification, or concealment of material fact in connection with employment. VA Handbook 5021, Part 1, Appendix A.

DOI OIG records reflected that Dr. Vance, as OCIO's Chief of the Business and Finance Office and OCIO's Government Credit Card Coordinator, was responsible for reviewing his subordinates' Government credit card usage; oversight of all OCIO expenditures and ensuring the funds were correctly spent; and ensuring the proper credit card review and validation processes were in place in the OCIO and executed properly. Dr. Vance told us that DOI OIG investigated him for allegedly misusing his Government credit card and that as a result of the investigation, he resigned his position. He told us that he subsequently [REDACTED]

(b)(7)(c)

Dr. Vance told us that he recalled completing an OF306, dated February 11, 2009, upon his initial VA employment, effective date of February 15, 2009, and that he read and understood the certification statement prior to signing it. The certification stated:

I certify that to the best of my knowledge and belief, all of the information on and attached to this Declaration for Federal Employment, including any attached application material, is true, correct, complete, and made in good faith. I understand that a false or fraudulent answer to any question or item on any part of this declaration or its attachments may be grounds for not hiring me, or for firing me after I begin work, and may be punishable by fine or imprisonment. I understand that any information I give may be investigated for purpose of determining eligibility for Federal employment as allowed by law or Presidential order. I consent to the release of information about my ability and fitness for Federal employment by employers, schools, law enforcement agencies, and other individuals and organizations to

investigators, personnel specialists, and other authorized employees or representatives of the Federal Government.

Personnel records reflected that on February 11, 2009, Dr. Vance signed and submitted an OF306 as part of his VA employment application. Question 12 on the OF306 asked:

During the last 5 years, have you been fired from any job for any reason, did you quit after being told that you would be fired, did you leave any job by mutual agreement because of specific problems, or were you debarred from Federal employment by the Office of Personnel Management or any other Federal agency?

Dr. Vance marked “no” as his answer to this question. He told us that he answered “no,” because the MSPB judge and his personal lawyer told him that “there was supposed to be a clean record.” He said that he therefore believed that he answered the question truthfully. Dr. Vance initially told us that he resigned his DOI position, after receiving a letter of proposed removal; however, he later told us that he left that employment by mutual agreement. Dr. Vance also told us that the agreement required that he “[REDACTED].” He acknowledged that he was aware that [REDACTED] stated that “the terms and conditions of this Agreement, including all related correspondence and documents, the identity of the parties, and the facts surrounding the settlement of the above captioned complaint are to be deemed confidential and are not to be discussed with anyone” excepted as “required to do so by law.” He also told us that he acknowledged to the MSPB administrative judge in his appeal that the information could be released as required by law.

(b)(7)(c)

In a similar case concerning a Federal employee falsely marking “no” on an OF306, the United States Court of Appeals for the Federal Circuit held that unless there was language restricting disclosure, an otherwise failure to disclose the existence of a settlement agreement with regard to question 12 constituted a material falsification of a Federal employment application. It further held that a change to personnel records did not alter an obligation to respond truthfully to the questions relating to separation by mutual agreement. *Harrison v. U.S. Dept. of Agriculture*, 2010 U.S. App. LEXIS 25537 (Fed. Cir.) (unpublished op.) Under such circumstances, the court held that “materiality is presumed.” *Id.*, at *8.

VA Management Officials Failed to do Proper Employment Verification Checks

In a report to the President and Congress, MSPB stressed the importance that Federal agencies conduct pre-employment reference checks as part of their hiring processes. MSPB Report, *Reference Checking in Federal Hiring: Making the Call*, September 2005.

It is crucially important that our employment selection procedures identify the best applicants to strengthen the Federal workforce with well-qualified and

highly committed employees. Properly conducted reference checks are a key component of a hiring process that will select the best employees from each pool of applicants. In particular, reference checking is a necessary supplement to evaluation of resumes and other descriptions of training and experience. By using reference checks effectively, selecting officials are able to hire applicants with a strong history of performance, rather than those who may have creatively exaggerated less impressive achievements. Reference checking also helps Federal employers identify and exclude applicants with a history of inappropriate workplace behavior.

VA policy states that for all appointments where the applicant has been or is now employed in the Federal government, appointing officials will obtain verification of employment and satisfy themselves that employment of the applicant is consistent with VA requirements. VA Handbook 5005/12, Part II, Chapter 2, Section A, Paragraph 5(d)(2), (April 15, 2002). Policy also requires that documentation of the verification of employment and suitability become a part of the employment investigation records with telephone calls and personal visits summarized for the record. *Id.*, at Paragraph 5(d)(3).

Personnel records reflected that Mr. Vance began working at VA on February 15, 2009, as a Supervisory Program Management Analyst within the Office of Information and Technology (OI&T) Office of Enterprise Development; however, neither personnel nor recruitment files contained evidence that the appointing official, who is no longer employed by VA, conducted the required employment verification checks on Dr. Vance prior to this appointment.

Mr. Maurice Stewart, Associate Deputy Assistant Secretary, Logistic and Supply Chain Management in VA's Office of Acquisition and Logistics (OAL), told us that in mid-2010, Dr. Vance was informally detailed (without an official request for personnel action) to OAL and that it was his (Mr. Stewart's) goal to eventually promote Dr. Vance to a permanent position as the Chief of Working Career Management in OAL. However, Mr. Stewart said that his supervisor, Mr. Jan Frye, Deputy Assistant Secretary for OAL, brought to his attention information discovered on the internet regarding Dr. Vance's past misuse of a Government credit card while employed at DOI. Mr. Stewart said that he believed that some employees who did not like Dr. Vance discovered these issues and told Mr. Frye of them. He also said that OAL could not afford any bad publicity and that he and Mr. Frye determined it was best that Dr. Vance return to his OI&T position. To the contrary, Mr. Frye told us, in an email, that it was Mr. Stewart who told him (Mr. Frye) that Dr. Vance "had previously been involved in some prohibited actions." Mr. Frye said that this "stimulated [his] defensive nature" and that he told Mr. Stewart that he "would not accept [Dr.] Vance as an employee in OAL." Mr. Frye also told us that he believed that he relayed his concerns to OI&T management but that he did not remember OI&T management's reaction to the information.

Personnel records reflected that Dr. Vance was selected from a certificate and appointed to the position of Director of Learning Infrastructure, GS-0343-15, on August 29, 2010. This position was designated as a low risk, non-sensitive position. Ms. Mary Santiago, who is currently the Director of the Veterans Employment Service and formerly the Deputy Dean of VALU, told us that she interviewed Dr. Vance for his position in VALU but that she could not recall if she was the selecting official. Personnel records reflected that she signed the certificate selecting Dr. Vance on July 21, 2010. Ms. Santiago further said that she could not recall if she or anyone else conducted the required employment verification checks with Dr. Vance's previous supervisors but that conducting those checks were a part of VALU's hiring procedures. She said that if she conducted them, it would have been noted in the hiring records. Ms. Muellerweiss told us that Ms. Santiago was responsible for conducting the employment checks on Dr. Vance; however, she said that she did not think they were done. Personnel records contained no evidence that anyone conducted employment checks on Dr. Vance prior to his appointment in VALU.

VA policy requires that employees appointed to low risk, non-sensitive positions undergo a National Agency Check with Written Inquiries (NACI) investigation conducted by OPM. VA Handbook 0710, Paragraph 5c (September 10, 2004). It further states that if derogatory information on an individual who occupies a Public Trust position becomes known to the facility's HRM Officer, the HRM Officer will notify the Security and Investigations Center (SIC) in writing; the HRM Officer should be notified in writing of derogatory information from any other individual to include VA management officials or law enforcement officials; and the HRM Officer must ensure a reasonable level of accuracy of derogatory information prior to notifying the SIC, which will review the information to determine the appropriate action. *Id.*, at Paragraph 11. VA policy provides that if there was a current investigation that met or exceeded the requirements for the position, a new investigation would not be conducted, provided: (1) the person had been serving continuously for at least 1 year in a position subject to investigation; (2) there had not been a break in service greater than 2 years; and (3) *there was no new information obtained during the hiring process that called into question the person's suitability under 5 CFR 731.202.* VA Directive 0710, Paragraph 2j (June 4, 2010). (Italics added for emphasis.)

Personnel records further reflected that on May 11, 2010, Ms. Muellerweiss requested the VA SIC initiate a NACI on Dr. Vance; however, we discovered that one was never done. A SIC Security Specialist told us that OPM's investigation database showed that 10 years earlier, in September 2000, a NACI investigation was completed, but never adjudicated, on Dr. Vance and therefore a new investigation was not required. However, Dr. Vance when first hired at VA certified on a Statement of Prior Federal Service that his Federal service began with DOI on December 1, 2003, and not in 2000, or possibly earlier, as indicated in OPM's database. Although it would have been permissible to accept the previous NACI as long as there was no new information questioning Dr. Vance's

suitability, a simple internet search at that time would have disclosed Dr. Vance's prior misconduct and removal from Federal service.

During our investigation, we found several suitability issues concerning Dr. Vance, to include criminal and financial, with the most recent being January 4, 2012. Federal regulations state that an employee shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Government. 5 CFR § 735.203. Standards of Ethical Conduct for Employees of the Executive Branch state that employees shall satisfy in good faith their obligations as citizens, including all just financial obligations. 5 CFR 2635.101b(12)

In a recent OIG administrative investigation, we found and alerted the Department to four VA employees who were either removed, proposed to be removed, or left Federal agencies previously employing them as the result of settlement agreements. We found that within a 4-month time period, all were appointed to VA senior level positions and that pre-employment checks by VA appointing officials were not sufficiently completed or, in some cases, done at all. We also found that two of the employees made false statements when they failed to disclose settlement agreements they had with their former Federal employers on the OF306s they completed as part of their VA employment.

Conclusion

We concluded that Dr. Vance falsified an employment record, OF306, as part of his VA employment. When Dr. Vance signed the OF306 in February 2009, he failed to disclose that he resigned from his DOI position after being notified of their intent to remove him and that just 3 months earlier he signed a mutual agreement that included a [REDACTED]

[REDACTED] In addition, the settlement agreement contained language stating that the terms and conditions of the agreement and the facts surrounding the settlement could be disclosed when required to do so by law. Further, the U. S. Court of Appeals held that unless there was language restricting disclosure, a failure to disclose the existence of a settlement agreement with regard to question 12 on an OF306 constituted a material falsification of a Federal employment application and that a change to personnel records did not alter an individual's obligation to respond truthfully on it. Moreover, Dr. Vance acknowledged to the Judge, in the appeal of his [REDACTED] settlement agreement, that the information could be released as required by law, and he later [REDACTED]

(b)(7)(c)

We further found that VA management officials failed to do their due diligence in conducting employment verification checks for Dr. Vance's initial VA appointment as well as his appointment to VALU. As MSPB noted, employment verification checks are an important part of hiring efforts to determine which applicants have a strong history of performance and to identify and exclude those with a history of inappropriate workplace behavior. This is especially important when hiring an applicant into a senior leadership

position where the individual is held to a higher standard and expected to set the tone for his or her subordinates to follow. A simple internet search at the time of Dr. Vance's initial hire into VA and his subsequent appointment with VALU would have disclosed the DOI OIG investigation and their findings. Further, management officials failed to notify the HRM Officer of the derogatory information concerning Dr. Vance's previous employment. Mr. Frye thought that Dr. Vance's past conduct was serious enough that he did not want him working in his organization and relayed his concerns to OI&T management; and yet, no one notified the SIC so that an updated NACI could be conducted. We also found that VA management's failure to conduct employment checks on Dr. Vance were not isolated to his appointments but that other senior leader positions were filled without conducting the proper checks.

Recommendation 1. We recommend that the Dean, VALU, confer with the Offices of Human Resources (OHR) and General Counsel (OGC), as well as OPM to determine the appropriate administrative action and suitability action to take against Dr. Vance and ensure that action is taken.

Recommendation 2. We recommend that the Dean, VALU, confer with OHR and the SIC to ensure that an updated NACI is conducted on Dr. Vance.

Recommendation 3. We recommend that the Dean, VALU, ensure that management officials are reminded of their responsibility to conduct proper employment verification checks as well as to report derogatory information in writing to the HRM Officer.

Issue 2: Whether Dr. Vance Engaged in Travel Irregularities

Federal travel regulations require agencies to pay only travel expenses that are essential to official business, employees to exercise prudence when incurring expenses on official travel, and prohibit the payment of excess costs resulting from circuitous routes or services unnecessary in the performance of official business. 41 CFR § 301-2.2, -2.3, and -2.4. Regulations state that the agency must determine that use of a rental vehicle is advantageous to the Government and must specifically authorize such use and may pay the fees pertaining to the first checked bag, paying for subsequent bags when the agency determines those expenses are necessary and in the interest of the Government. *Id.*, at § 301-10.450 and 301-12.2. They also state that employees must provide receipts for lodging and any other expense costing over \$75. *Id.*, at § 301-52.4.

VA policy states that a misuse of the contractor-issued charge card and account delinquency are considered misconduct and subject the cardholder to disciplinary actions ranging from a reprimand to removal. VA Handbook 0631.1, Paragraph 18, (August 14, 2003). It further states that the contractor bills charges directly to the individual employee each month and that these charges must be paid in full by the billing due date. Partial payment is not permitted. *Id.*, at Paragraph 19. The U.S. Bank cardholder guide provides the agreement between the individually billed travel cardholder and U.S. Bank.

It states that by activating, signing or using the Travel Card or the Account established in connection with it, the cardholder agrees to the terms and if the cardholder did not, they were to cut the Travel Card in half and return the pieces to U.S. Bank. It further states that the amount on the billing statement was due upon receipt and must be paid in full each billing cycle. *Agreement Between Individually Billed Travel Cardholder and U.S. Bank*, Paragraphs 2 and 8. Federal travel regulations state that employees are required to pay their Government contractor-issued travel charge card bill in accordance with their cardholder agreement. 41 CFR 301-52.24.

Dr. Vance's travel records from August 31, 2010, to August 25, 2011, reflected numerous discrepancies. We also found that between March 23, 2010, and March 23, 2011, U. S. Bank sent Dr. Vance two 30-day past due notices and that he failed to pay the full amount on statements for eight billing cycles. Further, we found instances of incomplete, inconsistent, or no receipts. On seven occasions, he did not provide receipts for his air transportation; however, he was later able to provide us three of the missing receipts. In checking them against his travel vouchers, we found that in one instance, his expense report reflected an airfare cost of \$994.10 and the receipt reflected \$744.40. We found no evidence that Dr. Vance benefited from this discrepancy or that VA paid more than the quoted price of \$744.40 for the airline ticket. After we reminded Dr. Vance that he was required to submit airline receipts with his expense reports, the next one that he completed included a receipt, but it reflected that it was for a previous travel and not for the period of travel as reflected on the expense report.

We also found times when Dr. Vance did not exercise prudence while on official travel.

- For an August 2011 4-day trip to New Orleans, LA, Dr. Vance sought reimbursement for valet parking, adding an extra \$32 to his travel costs, when the hotel provided a less expensive rate for self-parking. He also sought reimbursement for additional baggage fees without the proper justification. The fee for the first piece of luggage was \$25, and Dr. Vance paid \$60 each way. He also requested reimbursement of \$173.38 for a rental car; his travel card reflected a rental charge of \$144.48, a difference of \$28.90; yet he provided no receipt.
- For a February 2011 trip to Charlottesville, VA, Dr. Vance sought daily incidental payments for the weekend days that he was at home during an extended temporary duty training assignment, adding an extra \$10 to his travel costs.
- For an August 2010 trip to Falling Waters, WV, Dr. Vance rented an upgraded car with inadequate justification and kept the car for an extra day after completing his travel, adding an extra \$57.84 to the travel costs. Dr. Vance told us that he was uncertain about what time he got home from Falling Waters. However, his travel records reflected that he kept the car the extra day, because he returned to the area after the rental office closed. A rental company representative told us that they had an after-hours drop off for rental cars at that location.

- For a May 2011 trip to Flintstone, MD, Dr. Vance traveled a day early to a conference held at the Rocky Gap Lodge & Golf Resort, adding an extra \$105.50 for lodging and per diem to his travel costs. Dr. Vance told us that he needed the extra day, due to the 4-hour drive to the conference site. However, travel records reflected that Dr. Vance began his travel from his home; an online mapping website reflected that the distance from Dr. Vance's home to the conference site was 148 miles; and conference records reflected that the first meeting began at 1:00 p.m. the day after his arrival. Moreover, travel records reflected the eight other HRA employees attending the conference arrived the day after Dr. Vance. Dr. Vance should therefore have driven to the site the morning of the conference or, if he chose to go the night before, not charged the Government for the additional expenses incurred solely because of his personal convenience.

Dr. Vance told us that the discrepancies with his travel records were due to being "extremely busy;" someone else filling out his travel and expense reports; and not reviewing them as closely as he should. He acknowledged that he should pay closer attention to ensure that he correctly documented his travel requests and expense reports.

Travel and Expense Claims Processing

Federal travel regulations state that the travel authorizing/approving official or his/her designee (e.g., supervisor of the traveler) must review and sign travel claims to confirm the authorized travel. 41 CFR § 301-71.200. Regulations also state that the reviewing official must have full knowledge of the employee's activities and must ensure: (a) the claim is properly prepared in accordance with the pertinent regulations and agency procedures; (b) a copy of authorization for travel is provided; (c) the types of expenses claimed are authorized and allowable expenses; (d) the amounts claimed are accurate; and (e) the electronic travel claim includes electronic images of receipts, statements, justifications, etc. *Id.*, at § 301-71.201

A Staff Assistant, who works for Dr. Vance, told us that she completed his travel and expense claims. She said that Dr. Vance told her where he wanted to travel; she booked the travel; and after each trip, he provided her receipts to complete his expense claim. She also said that if there was a receipt missing, she would ask him for it and that "he usually [found] it." She said that once she put everything into the electronic travel system (ETS), she placed it on hold for Dr. Vance to review and submit. The Staff Assistant also told us that she never received any training for ETS and that she did not know what was required to submit in regards to travel receipts for payment.

Ms. Anita Wood, Director of VALU Policy and Resource Management, told us that there was a policy within VALU that employees must submit receipts for all expenses incurred during travel. She said that although she was not Dr. Vance's supervisor she approved his travel and expense claims, since his first and second level supervisors were "much more busier" than she. She further said that Dr. McMahan, Dr. Vance's supervisor, did

not get involved in the approval process and that no one delegated the approval authority to her (Ms. Wood). Dr. McMahan told us that although he directed Dr. Vance on his travel, he did not approve it “inside the system,” nor did he approve Dr. Vance’s expense claims. He said that employees were required to submit and verify their own travel expense claims and then Ms. Wood’s directorate either approved them or returned them to the employee for additional information.

Conclusion

We concluded that Dr. Vance failed to follow Federal travel regulations and VA travel policy when he rented upgraded vehicles and paid additional baggage fees without obtaining the proper authorization, when he failed to pay the balances on his travel charge card in full each month, failed to provide relevant travel receipts, submitted discrepant travel claims, and failed to exercise prudence while on official travel. Dr. Vance told us that the discrepancies were due to someone else completing his travel claims and his not closely reviewing them; however, his assertions did not justify things such as his opting for valet parking, keeping a rental car an extra day, or traveling to a conference site at a golf resort a day early, all at Government expense. These were for his convenience and a total disregard for prudent travel practices.

We also found that a Staff Assistant who works for Dr. Vance completed his travel and expense claims; she was not trained on ETS; and she did not know what was required to submit in regards to travel receipts for payment. Further, we found that, although the authority was not delegated to her, Ms. Wood and not Dr. Vance’s supervisor authorized his travel and expenses. Federal regulations require that the reviewing official must have full knowledge of the employee’s activities and the travel authorizing/approving official or his/her designee must review and sign travel claims to confirm the authorized travel.

Recommendation 4. We recommend that the Dean, VALU, confer with OHR and OGC to determine the appropriate administrative action to take against Dr. Vance and ensure that action is taken.

Recommendation 5. We recommend that the Dean, VALU, ensure that VALU employees receive training on the proper use of ETS, Federal travel regulations, and VA travel policy; they comply with these when completing travel claims; and the appropriate authorizing/approving officials or designees review and approve travel claims.

Issue 3: Whether Dr. Vance Misused His Position

The Standards of Ethical Conduct for Employees of the Executive Branch require employees to act impartially and not give preferential treatment to any individual, and to avoid any actions creating the appearance that they are violating the law or ethical standards. 5 CFR § 2635.101(b)(8) and (14). They further state that an employee shall not use his public office for the private gain of friends or persons with whom the

employee is affiliated in a nongovernmental capacity and shall not use or permit the use of his Government position or title or any authority associated with his public office in a manner that is intended to coerce or induce another person to provide any benefit, financial or otherwise, to friends or persons with whom the employee is affiliated in a nongovernmental capacity. *Id.*, at .702.

Email records reflected that Dr. Vance received numerous requests from individuals, some he identified as fraternity brothers, asking for his assistance in seeking employment. For example:

- In an April 3, 2011, email sent to Dr. Vance's VA-assigned account, an individual addressed Dr. Vance as "Brother Reginald" and said, "I have attached my resume for your review and dissemination, thank you for any assistance you can provide." Dr. Vance replied, "Got it...I will review and follow up..." The individual responded, "Sounds great good brother, I appreciate everything!"
- In a May 11, 2011, email sent to Dr. Vance's VA-assigned and personal email accounts, an individual addressed Dr. Vance as "Brother Vance" and said, "I really appreciate you reaching out. Please find attached several versions of my resume..." Dr. Vance replied 10 days later from his VA-assigned email account, addressing the individual as "[REDACTED]" and said, "Your resume has been submitted to MITRE for consideration. I will keep you posted." The individual responded, "Thanks Brother Vance! I went to frat meeting today. Had a nice cook out!" Dr. Vance replied, "Good deal." (b)(7)(c)
- In a July 11, 2011, email, an individual told Dr. Vance that her brother-in-law, who played golf with Dr. Vance, told her to contact Dr. Vance so that he could review her resume for possible employment. In turn, Dr. Vance replied to her, "I reviewed your resume and left a vm for you. I am sharing the document with my Business Manager...Please feel free to give me a call at your convenience."

In reference to the May 11, 2011, email, Dr. Vance told us that he sent the fraternity brother's resume to an employee of MITRE Corporation for potential employment on a VA contact that MITRE had with VALU and that he did not think that it was improper to do so. He said that he was familiar with the rules and regulations regarding contracting, as he was previously a contracting officer's technical representative (COTR). Training records reflected that he completed COTR training on July 9, 2009. Dr. Vance said that it was not unusual for fraternity brothers to send him their resumes and that he would forward them based on particular positions. He also said that they could use him as a reference "if they were worthy," meaning they had the credentials and qualifications for the position they were seeking.

The MITRE employee, to whom Dr. Vance sent the resume, told us that he was a project lead in support of a MITRE contract with VALU. He said that he knew Dr. Vance was

one of the directors in the VALU program and has known him since October 2010. The employee told us that his team provided system engineering support to Dr. Vance's team. He said that he spoke with Dr. Vance on a weekly basis and in one of their conversations Dr. Vance told him that he knew of "an individual who had recently been laid off and was looking for a job," and he asked if MITRE was hiring. The employee told us that he told Dr. Vance that they were and asked Dr. Vance about the individual's skills. The MITRE employee recalled that Dr. Vance said that the individual "was a security guy, something like that, or a network guy." The employee told us that he asked Dr. Vance to send him the individual's resume, and once received, the employee said that he believed that he then made some calls to determine the best place to refer the resume. He said that he did not give Dr. Vance any feedback as to the status of the resume or whether the individual was hired. The MITRE employee also said that Dr. Vance did not forward any other resumes to him for consideration. We could not determine whether MITRE hired Dr. Vance's fraternity brother.

Conclusion

We concluded that Dr. Vance misused his position when he sent a fraternity brother's resume to a VA contractor providing support to Dr. Vance and VALU. He not only referred the resume, he told the fraternity brother that "it was submitted to MITRE for consideration" and that he would "keep [him] posted." We recognize that referring qualified employees to various VA directorates is an accepted recruiting method; however, engaging a contractor who is doing business with VA, and especially within one's directorate, in a discussion to review and consider an individual with whom the VA employee has a relationship in a non-VA capacity, can infer an obligation by the contractor to hire the individual.

Recommendation 6. We recommend that the Dean, VALU, confer with OHR and OGC to determine the appropriate administrative action to take against Dr. Vance and ensure that action is taken.

Comments

The Dean, VALU, was responsive, and her comments are in Appendix A. We will follow up to ensure that the recommendations are fully implemented.



JAMES J. O'NEILL
Assistant Inspector General for
Investigations

Dean Comments

**Department of
Veterans Affairs**

Memorandum

Date: June 11, 2012

From: Dean, VA Learning University (006V)

Subject: **Administrative Investigation, Falsification of Employment Record, Travel Irregularities, and Misuse of Position, VA Learning University, VA Central Office**

To: Office of inspector General (50)

The following Dean's comments are submitted in response to the recommendations in the Office of Inspector General's Report:

Recommendation 1. We recommend that the Dean, VALU, confer with OHR and OGC, as well as OPM to determine the appropriate administrative action and suitability action to take against Dr. Vance and ensure that action is taken.

Comments: The Dean, VALU, will consult with the OHRM and OGC to determine whether administrative action is appropriate. The Dean will request that OHRM consult with OPM with respect to suitability issues pertaining to Dr. Vance.

Recommendation 2. We recommend that the Dean, VALU, confer with OHR and the SIC to ensure that an updated NACI is conducted on Dr. Vance.

Comments: The Dean, VALU, will consult with OSP to ensure an updated NACI is conducted on Dr. Vance as required.

Recommendation 3. We recommend that the Dean, VALU, ensure that management officials are reminded of their responsibility to conduct proper employment verification checks as well as to report derogatory information in writing to the HRM Officer.

Comments: The Dean, VALU, will notify VALU hiring officials to conduct employment verification checks to include, but not limited to, contacting former supervisors and references. The Dean, VALU, will further consult with OHRM as appropriate.

Recommendation 4. We recommend that the Dean, VALU, confer with the OHR and OGC to determine the appropriate administrative action to take against Dr. Vance and ensure that action is taken.

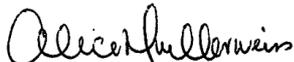
Comments: The Dean, VALU, will consult with OHRM and OGC to determine whether administrative action is appropriate.

Recommendation 5. We recommend that the Dean, VALU, ensure that VALU employees receive training on the proper use of ETS, Federal travel regulations, and VA travel policy; they comply with these when completing travel claims; and the appropriate authorizing/approving officials or designees review and approve travel claims.

Comments: The Dean, VALU, will ensure that employees receive training of ETS, Federal travel regulations and VA travel policy. The Dean will further ensure that employees comply with the aforementioned regulations, policies and procedures.

Recommendation 6. We recommend that the Dean, VALU, confer with OHR and OGC to determine the appropriate administrative action to take against Dr. Vance and ensure that action is taken.

Comments: The Dean, VALU, will consult with OHRM and OGC to determine whether administrative action is appropriate.


Alice Muellerweiss

OIG Contact and Staff Acknowledgments

| | |
|-----------------|-----------------------------------------------------------------------------------------------------------|
| OIG Contact | For more information about this report, please contact the Office of Inspector General at (202) 461-4720. |
| Acknowledgments | Alexander Carlisle Linda Fournier |

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