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MESSAGE FROM THE VA UNDER SECRETARY FOR HEALTH

On April 19, I testified before the House Veteran Affairs Committee during a hearing related to delays in Veteran's Access to Healthcare. In the course of that hearing, a member of the Committee said that it was his understanding that the Department of Veterans Affairs refused to fire a VA Caribbean Health Care System employee who was convicted of an armed robbery in Puerto Rico. The member further asked what VA was doing to "take care of the situation." My response to the member was "If I misspeak on this, I will commit I will get back to you by the end of the day, but it is my understanding that person is not currently working at the VA in San Juan."

I have clarified my statement, and will be formally responding to the Committee, but it is equally important to me that I provide the facts and set the record straight for our Veterans, employees and the general public who entrust us with the care of the Nation's Veterans and who expect us to be open and honest with them.

On June 15, 2015, an employee of the VA Caribbean Health Care System was arrested and charged with aggravated robbery. The facility's management took appropriate administrative action during the pendency of the criminal proceedings. The criminal matter was resolved in November 2015 and resulted in a misdemeanor charge and probation only. The employee was not convicted of armed robbery and was subsequently returned to work as a clerk at VACHS following administrative processes and court approval. There was *never* any indication that the employee posed a risk to Veterans or VA property.

When it is learned that an employee has been charged with a criminal offense, VA takes action within the scope of the law and its Federal authority to implement appropriate disciplinary actions. In accordance with Federal law, criminal prosecution or conviction for off-duty misconduct does not automatically disqualify an individual from Federal employment. As is true in private-sector employment, a Federal employee generally cannot be terminated for off-duty misconduct unless there is a clear connection between the misconduct and the individual's employment.

We want to assure the public and the Veterans whom we serve that the Department of Veterans Affairs and its Veterans Health Administration is diligent in its efforts to protect the safety of Veterans, visitors and employees in our facilities – nothing is more important to us.

David J. Shulkin, M.D.

VA Under Secretary for Health

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