



Department of Veterans Affairs Office of Inspector General

Administrative Investigation Misuse of Official Time and Failure to Properly Supervise VA Health Care System Oklahoma City, Oklahoma

Redacted



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

TO: Director, Oklahoma City VA Health Care System

SUBJECT: Administrative Investigation – Misuse of Official Time and Failure to Properly Supervise, Oklahoma City VA Health Care System (VAHCS) (2017-00253-IQ-0093)

Purpose, Finding, and Impact

The VA Office of Inspector General Administrative Investigations Division received an allegation that [REDACTED], PhD, former (removed effective [REDACTED], 2017) Research Investigator, VAHCS, did not show up for work at VA and was instead working at Johns Hopkins University (JHU) during his official VA duty hours. Further, Philip Comp, MD, PhD, former (retired effective March 4, 2017) Associate Chief of Staff for Research, allegedly improperly approved Dr. [REDACTED] pay for the time he was absent from VA. We found that, between April 2014 and September 2016, Dr. [REDACTED] teleworked without authorization for 157 hours, collected dual compensation from VA and JHU for 1,374 hours, and misused his official time when he received VA pay for 441 hours while traveling and giving lectures during his VA duty hours that were not VA sponsored. We further found that Dr. Comp failed in his supervisory responsibilities by being unaware of Dr. [REDACTED] attendance, yet certifying Dr. [REDACTED] subsidiary timecards as well as VA's electronic time and attendance system (ETA) for hours Dr. [REDACTED] was not present at the facility and/or did not work. We referred the dual compensation matter to the Western District of Oklahoma United States Attorney's Office. They reviewed the evidence, declined to proceed with criminal charges, and advised OIG to proceed with the matter administratively. Dr. [REDACTED] use of unauthorized telework, misuse of official time, dual compensation, and falsely claimed hours created a cost to VA of \$102,542.

Objective, Scope, and Methodology

To assess the allegations, we interviewed Dr. [REDACTED], Dr. Comp, the Research Service Administrative Officer, the Healthcare System Associate Director, the Timekeeper for Research Service, and the Information Security Officer. We reviewed Dr. [REDACTED] personnel, email, and time and attendance records, as well as electronic access logs for VAHCS and JHU research facilities. We also reviewed Dr. [REDACTED] JHU email and pay

records and and Memorandum of Understanding, in addition to Federal laws and regulations and VA policy.

Background

Dr. [REDACTED] began his VA career in April 2014 at VAHCS as a Research Health Scientist Specialist on a part-time (five-eighths) appointment. Dr. [REDACTED] temporary appointment was for the sole purpose of being the Principal Investigator on the VA Merit Award titled, "*Synchronized Intestinal Electrical Stimulation for Obesity.*"

Dr. Comp began his VA career in December 1984, and he was appointed to the position of Associate Chief of Staff for Research and Development in April 1992.

Results

Issue 1: Dr. [REDACTED] made false claims and was dually compensated when he certified and submitted VA subsidiary timecards for hours he worked at JHU.

18 USC § 287, False, Fictitious or Fraudulent Claims, provides: "Whoever makes or presents to any person or officer in the civil, military, or naval service of the United States, or to any department or agency thereof, any claim upon or against the United States, or any department or agency thereof, knowing such claim to be false, fictitious, or fraudulent, shall be imprisoned not more than five years and shall be subject to a fine in the amount provided in this title."

18 USC § 209, Salary of Government Officials and Employees Payable Only by United States, states: "Whoever receives any salary, or any contribution to or supplementation of salary, as compensation for his services as an officer or employee of the executive branch of the United States Government, of any independent agency of the United States, or of the District of Columbia, from any source other than the Government of the United States, except as may be contributed out of the treasury of any State, county, or municipality; or Whoever, whether an individual, partnership, association, corporation, or other organization pays, makes any contribution to, or in any way supplements, the salary of any such officer or employee under circumstances which would make its receipt a violation of this subsection shall be subject to the penalties set forth in section 216 of this title."

Dr. [REDACTED] was accepted into the VA Intramural Program for Non-clinician Scientists in February 2012. The acceptance was valid for 3 years and, as a result, Dr. [REDACTED] was allowed to submit VA Merit Review proposals. The eligibility determination memorandum stated, "Upon funding through Merit Review, Dr. [REDACTED] will be a VA employee and must accept a VA-paid appointment of at least 5/8 time." Dr. [REDACTED] said that he applied for the VA Merit Award while he was working at the University of Texas

Medical Branch. In January of 2014, he became a visiting professor at JHU School of Medicine, Division of Gastroenterology. In April of 2014, while at JHU, Dr. [REDACTED] VA Merit Award application was approved, and as a result of accepting the Merit Award, Dr. [REDACTED] became a 5/8 VA employee. Although a part-time VA employee at VAHCS, he continued to reside in the Baltimore, MD, area.

Memorandum of Understanding (MOU)

In order for Dr. [REDACTED] to maintain his JHU employment and his VA Merit Award, he composed an MOU to be signed by representatives at JHU and VAHCS. Dr. [REDACTED] told us that he obtained a template of a JHU MOU from the internet and filled in the information to reflect the number of hours per week he would work for JHU and the number of hours he would work for VAHCS. The MOU reflected Dr. [REDACTED] JHU responsibilities would be 40 hours per week; VA responsibilities would be 25 hours per week; with a total of 65 hours per week worked between JHU and VA. In addition, the MOU reflected, “It is further confirmed that Dr. [REDACTED] receives partial salaries from both the Veteran’s Administration and Johns Hopkins University, and there is no dual compensation from these two sources for the same work, nor is there an actual or apparent conflict of interest regarding such work. Further, overall professional responsibilities meet the test of reasonableness.” The VAHCS Research Service Administrative Officer signed the MOU on behalf of Dr. Comp.

JHU records reflected Dr. [REDACTED] JHU duty hours were Monday to Friday 8:30 a.m. to 5:00 p.m. In a comparison of JHU’s records to Dr. [REDACTED] VA time and attendance records, to include his self-certified subsidiary timecards, we found 50 instances in which Dr. [REDACTED] claimed he worked for VA during his JHU duty hours. The MOU stated that there was no dual compensation from the two employers, yet the records reflected that Dr. [REDACTED] claimed, and was dually compensated for 1,374 hours from 2014 to 2016, resulting in a cost to VA in the amount of \$71,452.46. (See table below)

Dr. [REDACTED] Dual Compensation			
YEAR	GS-13/10 PAY	HOURS	COST
2014	51.48/Hour	365	\$18,790.20
2015	51.99/Hour	674	\$35,041.26
2016	52.60/Hour	335	\$17,621.00
	Total	1,374	\$71,452.46

Dr. [REDACTED] told us:

[S]ometimes I was sitting in Hopkins, and I claimed the time for VA here. But I would spend a lot of actual time working for Hopkins. So I would be – I would be wrong if I send the same timecard at the same time. Then I’m getting double pay, okay? But the thing is that at Hopkins, I never signed a

timecard. So I was under impression myself because, you know, I could work other hours.

Issue 2: Dr. [REDACTED] misused his official time by performing non-VA duties on VA time and for teleworking without authorization.

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 that an employee 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. Absence without leave (AWOL) is an unauthorized absence from duty, and an employee receives no pay for the period of time they were absent without authorization. VA Handbook 5011, Part III, Chapter 2, Section 15(a).

Dr. [REDACTED] Improper Telework

When Dr. [REDACTED] began working at VA, he did not have a telework agreement. He first submitted a telework request in August 2014. The request was signed by Dr. Comp and the then VAHCS Chief of Staff in December 2014. After reviewing Dr. [REDACTED] telework request we found the following discrepancies:

1. In Section II – Proposal - He failed to list the name and address of an approved alternative worksite. He only annotated that it would be a non-VA-owned leased space outside the local commuting area of the parent station.
2. In Section IV – Work Schedule and Tour of Duty - He annotated that he would telework for 10 hours on Monday and Tuesday of both weeks of the pay period and work at the official duty station for 10 hours on the first Friday of the pay period. The Research Administrative Officer said they do not have a 10-hour tour.
3. In Section VII – Teleworker Self-Certification Safety Checklist - He checked yes to one question indicating he had an unsafe telework environment.

In reference to the discrepancies on Dr. [REDACTED] telework request, Dr. Comp said, “I obviously didn’t review this form closely before I signed it.”

Evidence reflected that, prior to his telework agreement being approved in December 2014, Dr. [REDACTED] teleworked in the Baltimore area without the knowledge of Dr. Comp. Dr. [REDACTED] timecards were signed by Dr. Comp or the Research Service Administrative

Officer. Dr. Comp said he did not know if the Chief of Staff approved the telework agreement, and he rarely, if ever, went to the lab to see if Dr. [REDACTED] was working onsite.

Misuse of Official Time

After reviewing VA and JHU electronic access logs and email records, we found 149 days in which there was no record of Dr. [REDACTED] being physically located at VAHCS or JHU. The 149 days added up to 924 hours that Dr. [REDACTED] certified on his timecard as hours he worked for VA. When questioned about the 149 days, Dr. [REDACTED] said, “I think that these days probably I was out traveling, giving lectures.” He further said, “In my mind, when I give talks, I thought that it is related to my academic career.”

We gave Dr. [REDACTED] a list of the 149 days, and we allowed him sufficient time to produce any documentation to reflect he was conducting official VA business during his VA duty hours. Dr. [REDACTED] told us that on some of the days when he was not present at JHU or VAHCS, yet claimed VA hours, he was traveling to give lectures related to his work. This travel was both international and domestic, was not approved by VA, but he said was in furtherance of his academic career. After reviewing Dr. [REDACTED] response to his activities for the 149 unaccounted days, we found that he was traveling or giving lectures that were not VA-sponsored on 66 of those days. In reference to this travel, Dr. Comp told us that he was unaware of Dr. [REDACTED] travel, most of which was overseas. These 66 days of travel accounted for 441 hours Dr. [REDACTED] certified on his timecard that he conducted official VA business during his VA duty hours, but in fact, he was not. These hours amounted to a cost to VA of \$23,006.95. (See table below)

Unauthorized Travel			
YEAR	GS-13/10 PAY	HOURS	COST
2014	51.48/Hour	86	\$4,427.28
2015	51.99/Hour	153	\$7,954.47
2016	52.60/Hour	202	\$10,625.20
	Total	441	\$23,006.95

Of the remaining 83 days of the 149 days of unaccountability, Dr. [REDACTED] only provided documentation that he worked at VAHCS for 3 days. For the remaining 80 days, Dr. [REDACTED] claimed to be teleworking in the Baltimore area; however, his testimony did not support that he was completing work for VA for a portion of those days. In total, the evidence showed that Dr. [REDACTED] teleworked without an approved telework agreement for a total of 29 days which accounted for 157 hours at a cost to VA of \$8,082.36. (See table below)

Unauthorized Telework			
YEAR	GS-13/10 PAY	HOURS	COST
2014	51.48/Hour	157	\$8,082.36

Issue 3: Dr. [REDACTED] frequently travelled to participate in non-VA sanctioned events while claiming VA hours on his timecard.

Standards of Ethical Conduct for Employees of the Executive Branch state an employee shall not receive compensation from any source other than the Government for teaching, speaking or writing that relates to the employee's official duties. 5 CFR § 2635.807.

Dr. [REDACTED] traveled frequently, both domestically and internationally, and claimed the time as time spent working for VA. (Refer to Issue 2 above.) However, there is no evidence to support this travel was sanctioned by VA. In his testimony, Dr. [REDACTED] stated that he did not seek approval before taking this travel, and Dr. Comp, Dr. [REDACTED] supervisor, and the Research Administrative Officer, whose office is responsible for arranging travel, were unaware of any approved VA travel for Dr. [REDACTED]. (See table below)

Dr. [REDACTED] Non-VA Sanctioned Travel on Official VA Time			
Dates	Location	Who Paid for Travel	Other Compensation
May 3-6, 2014	Chicago, IL	Dr. [REDACTED]	None
June 18-July 2, 2014	China	Wuhan Intl. Forum on Gastrointestinal Motility	None
December 4-5, 2014	China	Dr. [REDACTED]	None
June 8-10, 2014	Canada	Intl. Neuromodulation Society	Local travel paid by local hospitals
June 18-July 2, 2015	China	Wuhan Intl. Forum of Gastrointestinal Motility	None
September 8-20, 2015	China	Chinese Neuromodulation Society	Local travel paid by local hospitals
October 6-7, 2015	Park City, CO	JHU Grant	None
November 7-8, 2015	China	First Intl. Forum on Pelvic Floor Disorders	None

December 3-4, 2015	Taiwan	Organizer of Asian Pacific Digestive Disease Week	None
April 12-13, 2016	China	Guangzhou First Provincial Hospital	None
April 19-21, 2016	China	Unknown	Unknown
April 26-27, 2106	Durham, NC	DARPA Grant from JHU	None
May 19, 2016	Long Island, NY	Feinstein Institute	\$300 Honorarium from Feinstein Institute
May 20-24, 2016	San Diego, CA	Organizer of Digestive Diseases Week meeting	None
May 25-27, 2016	San Francisco, CA	Organizer of Neuromodulation: The Science Conference	None
June 14-26, 2016	China	Organizer of Wuhan Intl. Forum on Functional Gastrointestinal Diseases	None
August 23-31, 2016	China	Intl. Neuromodulation Society	Local travel paid by local hospitals

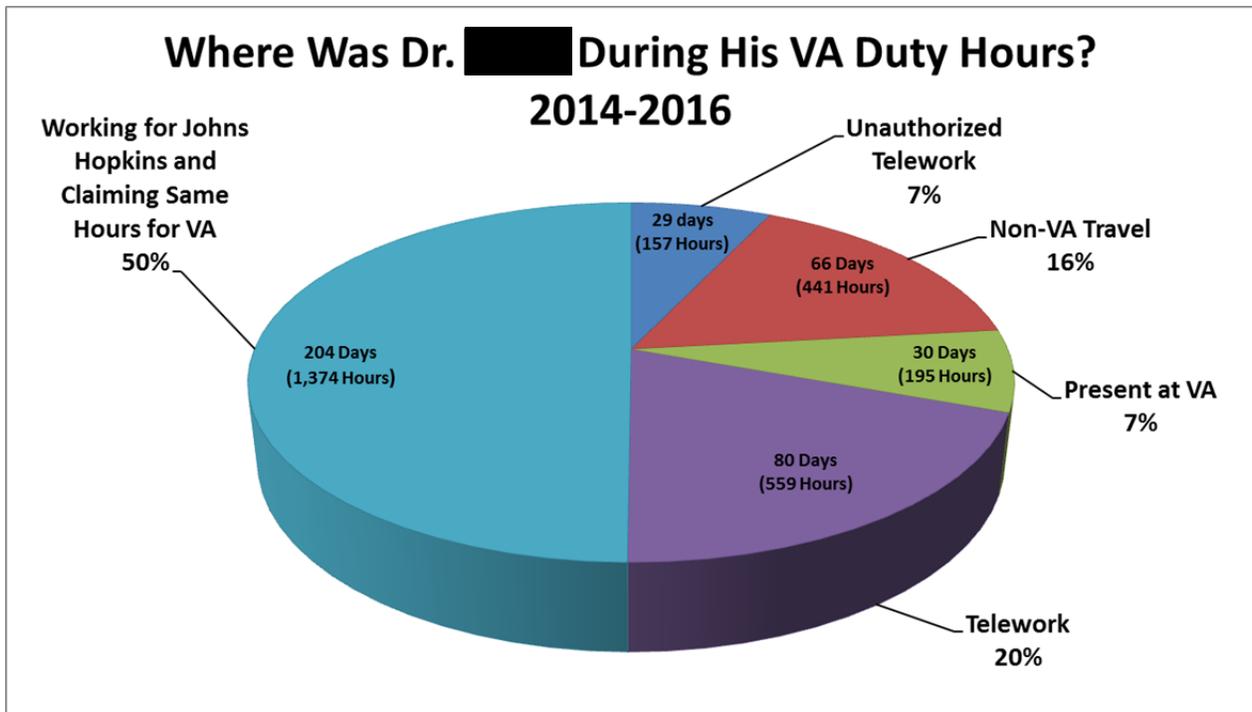
Issue 4: Dr. Comp failed to properly supervise Dr. [REDACTED] and certified his timecards without verifying Dr. [REDACTED] worked the hours for VA.

VA policy states supervisors have the responsibility of maintaining control over attendance, leave and excused absence of employees under his or her control. It also states that supervisors are responsible for assuring certification of time and attendance is correct in all respects VA Handbook 5011, Part III, Chapter 1, Section 2b(4) and (5) (January 2013).

Access logs reflected that Dr. [REDACTED] was present at VAHCS for only 30 days out of 409 workdays for the period between April 7, 2014, and September 15, 2016, leaving 379 workdays in which he was not present yet submitted timecards certifying he was. Dr. [REDACTED] submitted these timecards to his supervisor, Dr. Comp, who signed and certified Dr. [REDACTED] time and attendance for input into VA's ETA System. Of the 59 timecards submitted, 50 conflicted with JHU's records for Dr. [REDACTED].

When asked if Dr. [REDACTED] was working at VAHCS for the hours reflected on his timecard, Dr. Comp said, "I'm assuming he's putting in those hours in research. Again, this is a hard question, obviously. I didn't assume he was here. I assumed he was working those hours...I assumed he was here. I didn't know the exact hours he was here." When asked why he would certify Dr. [REDACTED] timecards, if he was not sure of Dr. [REDACTED] location, Dr. Comp said, "That's my mistake."

In our analysis of evidence, including timecards, access logs, and testimony, we found that over the course of 2 years, Dr. [REDACTED] devoted the majority of his VA duty hours to JHU and other non-VA-related activities, yet he self-certified timecards as work performed for VA. In total, Dr. [REDACTED] could not account for 1,972 hours of paid salary at a cost to VA of \$102,542. (See pie chart below)



Conclusion

The evidence developed during the course of the investigation reflected that Dr. [REDACTED] knowingly certified timecards for his VA duty hours in which, simultaneously, he was working at JHU. He consistently teleworked without approval and failed to notify his supervisor of the location from where he was working. For most of those telework days, he could not provide evidence to show that he conducted VA business during his VA duty hours. On numerous occasions, Dr. [REDACTED] traveled to give lectures and attend conferences across the United States and overseas without VA approval or sponsorship,

self-certifying his VA timecards as hours he worked at VAHCS. He told us that these conferences were to benefit his academic career.

We found no evidence that VA information or systems were compromised while he was on travel. Dr. [REDACTED] only used his personally-owned laptop for his work, and a search of VA network logs reflected no access to VA's networks by Dr. [REDACTED]. In addition, he conducted his research using animal subjects, and he did not have access to personally identifiable information on veterans.

We also found that Dr. Comp failed to properly perform his supervisory duties. He had no knowledge of Dr. [REDACTED] whereabouts on any given day. He told us that he infrequently visited the research facility, and he mistakenly certified Dr. [REDACTED] timecards without actually knowing the number of hours Dr. [REDACTED] was present for duty.

Recommendation 1. We recommend that the VAHCS Director confer with the Offices of General Counsel and Human Resources to ensure a bill of collection is issued to Dr. [REDACTED] for VA hours he claimed and certified but did not work.

Recommendation 2. We recommend that the VAHCS Director confer with the Offices of General Counsel and Human Resources to determine the appropriate administrative action to take, if any, against Dr. [REDACTED].

Recommendation 3. We recommend that the VA Designated Agency Ethics Official review Dr. [REDACTED] non-VA sanctioned travel to determine if there are any potential violations of the Standards of Ethical Conduct.

Recommendation 4. We recommend that the VAHCS Director confer with the Offices of General Counsel and Human Resources to determine the appropriate administrative action to take, if any, against Dr. Comp.

Comments

The Director, Oklahoma City VA Health Care System, was responsive. His comments are in Appendix A. We will follow up to ensure the recommendations are fully implemented.



JEFFERY G. HUGHES
Assistant Inspector General for
Investigations

Director's Comments

**Department of
Veterans Affairs**

Memorandum

Date: May 13, 2017

From: Director, Oklahoma City VA Health Care System

**Subject: Administrative Investigation – Misuse of Official Time
and Failure to Properly Supervise, Oklahoma City
VAHCS**

To: Assistant Inspector General for Investigations (51)

I have reviewed the findings within the report of the Administrative Investigation Misuse of Official Time and Failure to Properly Supervise, VA Health Care System, Oklahoma City, OK. I am in agreement with the findings of the review.

The plan of corrective actions has been established.



Wade Vlosich
Medical Center Director

Director's Comments to Office of Inspector General's Report

The following Director's comments are submitted in response to the recommendation(s) in the Office of Inspector General's Report:

Recommendation 1. We recommend that the VAHCS Director confer with the Offices of General Counsel and Human Resources to ensure a bill of collection is issued to Dr. [REDACTED] for VA hours he claimed and certified but did not work.

Comment: Oklahoma HCS Leadership, Fiscal Services and Human Resources, have conferred with the Office of Regional Counsel and are initiating a bill of collections for hours claimed and paid by VA and were found to lack evidence of VA work performed.

Recommendation 2. We recommend that the VAHCS Director confer with the Offices of General Counsel and Human Resources to determine the appropriate administrative action to take, if any, against Dr. [REDACTED].

Comment: Oklahoma HCS, after consultation with Human Resources and Regional Counsel, issued a letter of termination of Dr. [REDACTED] employment effective [REDACTED], 2017.

Recommendation 3. We recommend that the VA Designated Agency Ethics Official review Dr. [REDACTED] non-VA sanctioned travel to determine any potential violation of the Code of Ethics

Comment: Oklahoma HCS has requested an ethics official review of Dr. [REDACTED] non-VA sanctioned travel for potential Code of Ethics violations. Further action will be taken based on results of the review.

Recommendation 4. We recommend that the VAHCS Director confer with the Offices of General Counsel and Human Resources to determine the appropriate administrative action to take, if any, against Dr. Comp.

Comment: Oklahoma HCS received, and after consultation with Human Resources and Regional Counsel, accepted Dr. Comp's voluntary separation from service effective March 4, 2017, which occurred pending the outcome of the on-going investigation.

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	Linda Fournier, Director Jacob Lay, Administrative Investigator Jason James, Administrative Investigator Roy Fredrikson, Deputy Counsel Christopher Dong, Attorney Advisor Sarah Lanks, Attorney Advisor

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