

Department of  
Veterans Affairs

0212-02525-IQ-0155  
Memorandum

Date: May 23, 2012

From: Assistant Inspector General for Investigations (51)

Subj: Administrative Investigation, Misuse of Position, VA Central Office  
(2012-02525-IQ-0155)

To: VA Chief of Staff (00A)  
Deputy Assistant Secretary for OHRM (05)

1. While conducting another administrative investigation, the VA Office of Inspector General Administrative Investigations Division discovered a series of emails reflecting that Ms. Debra Walker, Director, Office of Survivors Assistance, Office of the Secretary, and Ms. Jolisa Dudley, Executive Assistant, Office of Human Resources and Management (OHRM), gave preference to and misused their official positions for the private gain of a VA contractor employee's veteran father. To assess this, we reviewed email records and Federal laws and regulations.

2. We substantiated that Ms. Walker and Ms. Dudley misused their positions to give preference to a contractor employee's veteran father as a direct result of his providing support to VA at two 2011 conferences. Federal regulations require employees to act impartially and not give preference to any individual and that they not use their position for private gain. VA has an established appeal process for denied veteran claims, and Ms. Walker and Ms. Dudley should only have briefed the contractor employee on the proper appeal process. We recognize that VA's mission is to serve veterans, and they and their families can contact the offices of VA senior officials for assistance. We also recognize that the contractor employee's father may have already submitted an appeal, but we did not investigate his claim, the merits of it, or VA's processing of it. We concentrated on the activities of Ms. Walker and Ms. Dudley, after the contractor employee asked Ms. Dudley for assistance with his father's denied claim. As a result, they gave the father preference over tens of thousands of other veterans as a direct result of the contractor employee's support of VA at two conferences and in providing free DJ services after-hours at VA social functions. We suggest that Ms. Walker and Ms. Dudley receive refresher ethics training and that they are reminded of their responsibility to follow ethics regulations. We are providing this memorandum to you for your information, official use, and whatever action you deem appropriate. **No response is necessary.**

3. Standards of Ethical Conduct for Employees of the Executive Branch require employees to act impartially and not give preference to any individual and states that employees shall not use their public office for private gain. 5 CFR § 2635.101(b)(7) and (8). VA's 2011 Federal Benefits for Veterans, Dependents and Survivors publication states:

A claimant has one year from the date of the notification of a VA decision to file an appeal. The first step in the appeal process is for a claimant to file a written notice of disagreement with the VA regional office, medical center or NCA office that made the decision. Following receipt of the written notice, VA will furnish the claimant a "Statement of the Case" describing what facts, laws, and regulations were used in deciding the case. To complete the request for appeal, the claimant must file a "Substantive Appeal" within 60 days of the mailing of the Statement of the Case, or within one year from the date VA mailed its decision, whichever period ends later.

The Board of Veterans' Appeals (BVA) pamphlet titled, *How Do I Appeal?*, states that an appeal is a request for BVA to review a local VA office decision on a claim. BVA's fiscal year 2011 report to Congress reflected that they planned to continue to focus on reducing the backlog of cases pending before BVA and that there were 41,005 pending cases at the end of fiscal year 2011.

4. In 2011, VA contracted with the Orlando World Center Marriott to host two VA Human Resources (HR) conferences, with one in July and one in August of that year. In a January 11, 2012, email to Ms. Dudley, Mr. (b) (7)(C), Orlando World Center Marriott, wrote, "Hey there long time no hear...I miss you and Tom...My Dad is a Vietnam vet...He's trying to claim disability...but is being denied. What can I do and who can I talk to who can help me." Ms. Dudley forwarded the email to Ms. Debi Bevins, Executive Staff Director, Office of the Secretary, and wrote, "Can you please assist? This guy did an incredible job providing AV Support for us during this Summer's HR Conferences. He even volunteered his time and energy to DJ a couple of our after hour social activities for free. Would really like to help him and his father." One day later, Ms. Dudley forwarded her January 11 email to Ms. Walker, and wrote, "I just thought about it. This is your area. Can you help please?" Ms. Walker responded, "I will give him a call now."

5. In a January 19, 2012, email to Ms. Walker, Ms. Dudley wrote, "Many, many thanks for your quick response to this email! Received a call from (b) (7) today, and his father has already received his disability check! He was so absolutely overjoyed and humbled, as am I." Ms. Walker replied, "I sent him an email and also called and left a message with his colleague but never heard back from him, which is okay since his father is receiving a check, and that is what counts!!"

6. In a January 19 email to Mr. (b) (7) with a blind copy to Ms. Walker, Ms. Dudley wrote, "Received your VM. So glad to hear the wonderful news about your Father! You went above and beyond to support us during the HR Conference, so this was a no-brainer for me...While I am happy I was able to get the ball rolling, the real credit goes to a very special colleague ... Debra Walker...her email is...if you would like to reach out and personally express your appreciation to her...I will definitely give you a call in the near future to chat and catch up:-)."

7. We substantiated that Ms. Walker and Ms. Dudley misused their positions to give preference to a contractor employee's veteran father as a direct result of his providing

support to VA at two 2011 conferences. Federal regulations require employees to act impartially and not give preference to any individual and that they not use their position for private gain. VA has an established appeal process for denied veteran claims, and Ms. Walker and Ms. Dudley should only have briefed the contractor employee on the proper appeal process. We recognize that VA's mission is to serve veterans, and they and their families can contact the offices of VA senior officials for assistance. We also recognize that the contractor employee's father may have already submitted an appeal, but we did not investigate his claim, the merits of it, or VA's processing of it. We concentrated on the activities of Ms. Walker and Ms. Dudley, after the contractor employee asked Ms. Dudley for assistance with his father's denied claim. As a result, they gave the father preference over tens of thousands of other veterans as a direct result of the contractor employee's support of VA at two conferences and in providing free DJ services afterhours at VA social functions. We suggest that Ms. Walker and Ms. Dudley receive refresher ethics training and that they are reminded of their responsibility to follow ethics regulations.

8. We are providing this memorandum to you for your information and official use and whatever action you deem appropriate. It is subject to the provisions of the Privacy Act of 1974 (5 USC § 552a). You may discuss the contents of this memorandum with Ms. Walker and Ms. Dudley, within the bounds of the Privacy Act; however, it may not be released to them. If you have any questions, please call [REDACTED]

**WARNING**  
**5 U.S.C. §552A, PRIVACY ACT STATEMENT**

**This memorandum contains information subject to the provisions of the Privacy Act of 1974 (5 U.S.C. §552a). Such information may be disclosed only as authorized by this statute. Questions concerning release of this memorandum should be coordinated with the Department of Veterans Affairs, Office of Inspector General. The contents of this memorandum must be safeguarded from unauthorized disclosure and may be shared within the Department of Veterans Affairs on a need-to-know basis only.**