

**BIOGRAPHY**

**CASE# 10-5411 VETERANS ADMISTRATION**

**Written by**

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Copywrite 2018

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INT. PATIENT CARE SERVICE OFFICE OF THE VA DAY

NATHAN was in his mid-40's 6'2, slender with a burr haircut, brown hair and eyes sits behind his desk looking at CAROL, who is in her mid-40's, small in stature, 5'2 light brown hair and eyes, both are in formal business attire. NATHAN and CAROL are both friendly and professional with each other.

NATHAN

It is my understanding the unit managers no longer want to be in charge of the medical support assistants. The unit managers do not have time nor have working knowledge to assist them with the various Decentralized Hospital Center Vista Programs (DHCP) that they work in.

CAROL

I see.

NATHAN

You'll be moving to bldg. 16 on the third floor. I have set up a meeting for you to meet your new supervisor on Monday. His name is ED, he will be giving you your new position description and orient you to the service.

CAROL

Thank you.

NATHAN

You're welcome.

Dec.'2002-Jan.'2003

INT. FINANCIAL Management Dept. bldg. 16 3<sup>rd</sup> floor.

ED is bald, in his 50's, 6ft, chunky with a pot belly. ED is formally dressed as he sat glaring at CAROL from behind his desk.

CAROL walks over to ED with her hand out and shakes hands with ED, introducing herself as CAROL T., supervisor of the medical support assistant float-pool. CAROL is pleasant and welcomes the change.

ED

Have a seat. As you are aware the VA is reorganizing, you are now under Financial Health Administrative Service.

(FHAS)

Ed hands Carol her new position description. (PD)

CAROL

Thank you. My understanding is I will be performing the same job duties only under different management and service, FHAS.

ED

Correct. You are supervisor of the medical support assistant floaters and I am now Chief of Ward Administration. Read your position description, as you will be in charge of training all of the medical support assistants, not just the float pool. I also want you to give me an evaluation report on all of the medical support assistants. You will have 2 weeks to give this to me. Any questions?

CAROL gives ED a queer look.

CAROL

ED, I am not aware of how their work is. How do you expect me to write about employees I have not supervised or monitored? The unit managers are aware of their work progress to give you an individualized work history.

ED's eyebrows are slanted, his face turns red as if he was angered.

ED

You do know how to do evaluation reports, don't you?  
CAROL looks at ED a little surprised.

CAROL

Yes, but I am unaware of how the medical support assistants (MSA's) on the units are performing? I wouldn't know what to write about them. The unit managers they were under should be able to give you a report.

ED still appears angered as if CAROL is questioning his motivation or authority.

ED

I want you to do evaluations on all of the medical support assistants within 2 weeks, go over to all of the units and do assessments. Then does an evaluation report on all of the medical support assistants, understand?

CAROL

Alright, but it may take a little longer to complete, there are over 20 medical support assistants and I will need to review each one's work history data.

ED

If you need longer, let me know. By the way, your previous supervisor NATHAN put you in for a performance award.

ED walks CAROL to the door and indicates they'll talk later.

A couple of weeks later ED calls CAROL into his office.

INT. FINANCIAL HEALTH MANAGEMENT SERVICE ED'S OFFICE DAY

ED

Have a seat, I want to talk you about complaints I've been hearing about you. The units are complaining of insufficient coverage and you're not being customer friendly. ED's appears a little angry, his face is flush with his eyebrows slanted.

CAROL

I'm sorry to hear that, I haven't heard of any complaints or problems on the units. I am always customer friendly and assistive to staff.

ED

There are many complaints I've been hearing, you don't seem to be doing your job. You're not covering the units and not customer friendly enough to staff.

CAROL

I am and sorry and surprised to hear there are complaints. Who made the complaints and what exactly were they?  
ED's voice is louder and is angry.

ED

I'm not saying who said what! I want you to go over to the units regularly and report back to me. Apparently, you are

not a good supervisor, with all of these complaints. What exactly have you've been doing? Did you get those medical support assistant assessments done!?

CAROL

I've almost completed them.

ED continues to berate CAROL in his office.

CAROL

May I be excused?

CAROL stands up feeling upset at all of ED's insults and wants to leave. CAROL has never been insulted in such a way at the VA before.

ED's appears very angry.

ED

I'm not finished yet.

With that said CAROL leaves ED's office and heads back to her office. ED follows CAROL like a man on fire.

INT. FINANCIAL HEALTH ADMINISTRATIVE SERVICE CAROL's office

ED

You get back to my office right now.

CAROL

No, I think you made your point.

ED

If you don't get back in there now, I'm writing you up for disobeying a direct order!

CAROL

I'm very offended right now and do not appreciate your tone. Your message was loud and clear. I mean no disrespect, if you don't mind I have work to do.

The following day CAROL goes to ED's supervisor THOMAS and speaks to him about how ED yelled and berated her in his office.

Thomas is in his 50's, short thick black hair, 5'10 wearing glasses and informal attire.

CAROL knocks on THOMAS's door. THOMAS gestures for CAROL to come in his office.

INT. FHAS DAY THOMAS's office

CAROL

THOMAS, Can I speak with you for a few minutes?

THOMAS

Sure.

THOMAS was busy typing on his computer.

CAROL

THOMAS, I met with ED in his office yesterday, where he was berating me. He said there were many complaints on the units about me. Then the conversation escalated when I asked him who made the complaints and what were the specifics?

THOMAS

Really?

CAROL

Yes, ED continued to say I wasn't doing my job and he was yelling. I asked to be excused, but ED didn't want me to leave so I just left because he made me feel very uncomfortable. Then ED followed me to my office like a bat out hell and demanded I return to his office saying he wasn't finished yet.

THOMAS

Alright, I will talk with ED. I have to go to a meeting shortly so I'll speak to you later.

CAROL

Thank you.

CAROL returns to her office.

ED admonishes CAROL up for disobeying his order to return to his office.

The next several weeks consisted of CAROL going on all the units, viewing and assessing the medical support assistants (MSAs) and nursing needs as supervisor ED wanted. CAROL's workload became great, considering all of the ward assignments. Everything appeared to be going very well, as CAROL made sure to go out of her way to be more friendly and outgoing to everyone. CAROL went the extra mile speaking with MSA's, nurses and nurse managers to make sure all of their needs were met. CAROL was sure there wouldn't be any more complaints.



INT. FHAS DAY CAROL's office

CAROL's office door was halfway open, ED opens the door completely and enters.

ED

I need you to give me a daily list of work activities you do every day. Along with how long each activity takes you do. THOMAS wants your position audited.

CAROL

Why? Are there other staff members having their positions audited too?

ED

No, just yours right now. I have to go to a meeting, don't forget to give me your daily work activities at the end of each day to include how long each activity takes you to do.

CAROL

Will do. Thank you.

ED leaves CAROL's office.

INT. FHAS CAROL's office afternoon

ED returns and enters CAROL's office again without knocking, just swings her door completely open.

ED

ED hands CAROL a Proposed suspension that indicated, disobeying an order, disrespectful conduct, failure to assess workloads and failing to call out properly.

CAROL reads the Proposed suspension and has a surprised look on her face.

ED has a very serious firm look on his face.

CAROL

Really, I don't believe this, your writing me up for not calling out properly? When? Assessing workloads? All of this isn't true, Besides, I'm not really supervisor of all the ward MSA's, I'm just supervisor of the MSA Float Pool only, but responsible for all the MSA's training. I will respond.

ED

It is true and you have 30 days to respond.

CAROL

I will be responding.

ED leaves her office. ED periodically goes in and out of CAROL's office checking to see what she's doing.

ED writes a Performance Improvement Plan MEMO up on CAROL and goes into her office and hands it to her.

CAROL reads the PIP memo.

INT. FHAS CAROL'S OFFICE DAY

CAROL

ED this really isn't necessary, everything's been going really well, I'm constantly going over to the units and checking in with all the MSA's, nurses and nurse managers.

ED

It is necessary. I want to meet with you every week for an hour. Does every Friday, at the end of the week at 3pm sound ok with you.

CAROL

This time should be fine.

ED

Fine.

INT. GERIATRIC & EXTENDED CARE 57A NURSING HOME DAY

57ANH MSA Floater COLLEEN sends CAROL an email that she is detailed to Pharmacy and will not be able to provide coverage tomorrow.

COLLEEN is 5'6, bleach blonde, 140lbs., informal attire, has a sweet personality with her head in the clouds mind-

CAROL responds to COLLEEN, asking when she was assigned this detail, who assigned her and how long was the assignment for?

MSA COLLEEN responds in email;

ED worked out the assignment with management and Pharmacy. The assignment is for a year.

CAROL responds in email;

Why wasn't I informed?

MSA COLLEEN- responds in email;

I don't know, I thought you knew. It's not every day, it's just when Pharmacy needs me."

CAROL-responds in email

Ok, Thank you.

CAROL went to see THOMAS, ED's supervisor regarding their meeting 2 weeks prior. CAROL knocks on THOMAS's door, where THOMAS looks up and sees CAROL standing in the hallway. THOMAS gestures CAROL to come in.

INT FHAS THOMAS's OFFICE DAY

THOMAS

How can I assist you?

CAROL

I wanted to know if you had a chance to speak with ED regarding our conversation several weeks ago regarding how ED was loud and inappropriate with me in his office?

THOMAS

Yes, but I don't have time to address these issues, so I put ED under TOM, Chief of Health Administration. You'll have to meet with TOM if you have further concerns with ED and your job duties.

CAROL

Fine

CAROL then left THOMAS's office.

INT. FHAS CAROL's OFFICE APRIL DAY

ED comes into CAROL's office abruptly and hands CAROL the decision of the Proposed suspension as being held in abeyance for a year.

ED

The decision is to have the proposed suspension held in abeyance for a year. I'll talk to you later.

CAROL

Ok, Thanks. Before you go, COLLEEN informs me she is detailed to Pharmacy off and on for a year, why wasn't I included in this discussion as her immediate supervisor?

ED

I don't have to ask your permission. She wanted to do it and I thought it would be good for her to learn from other department areas. I am supervisor of all the medical support assistants.

ED then leaves in a huff as abruptly as he came in.

INT. FHAS CAROL'S OFFICE AFTERNOON

ED

I need to talk to you about a few things concerning the MSA's. ED sits beside CAROL to the left of her desk.

CAROL

What can I help you with?

ED

As you know not all of the MSA's are doing patient registration on the units. Management now wants all of the MSA's on the units to do Patient Registration, so I need you to start patient registration training for all of the other MSA's.

CAROL

That sounds like a great idea, I will start working on this training right away.

ED promptly leave's CAROL's office. Approximately, a half hour later CAROL notices her office keys are not on her desk where they usually all. CAROL searches all over the office, her purse, hallway and office of network printer to no avail. CAROL then goes to the VA police dept./lost and found to report her office keys missing. In the meantime, CAROL received a copy set of her keys to use until she found her office keys.

A week later ED calls CAROL into his office and shows her a set of office keys.

ED

Are these your keys?

CAROL

Yes, where did you find them?

ED

I found them in the room where our Network printer is. Why didn't you tell me you lost your keys?

CAROL

I didn't think it was necessary. I thought I would find them. When I couldn't find them, I went to the police and filed a report with them, which is procedure.

ED

I am your supervisor, you are supposed to tell me. If you would have told me, you would have gotten your keys back sooner. You are careless. This is very serious, we had an employee lose their keys before that could have cost the hospital alot of money to have the buildings re-keyed.

CAROL

ED, thanks for finding my keys, why didn't you give them to the Lost and Found part of the Police department?

ED

I wanted to find the person who lost their keys.

CAROL

Ok, well I have to get back, I'll talk to you later.

ED

Yea Ok. We'll talk later.

CAROL was bothered that ED had her keys for a week without reporting them to the Police, Lost and Found.

INT. FHAS CAROL'S OFFICE DAY MORNING

CAROL sends the updated policy on Medical abbreviations by email to all of the MSA's and ED to review.

ED sends a meeting message to ward administration.

INT. FHAS CONFERENCE ROOM AFTERNOON

CAROL and all of the MSA's were in attendance at the meeting chaired by ED.

When the MSA's and CAROL arrived at the meeting, ED started talking about the medical-abbreviation policy that CAROL sent to all the MSA's. ED had this mad-mean look on his face and looked directly at CAROL and said;

ED

Why did you send all of staff this outdated policy?

CAROL looked at ED in surprise.

CAROL

I sent them the new updated policy.

ED

No, you didn't, and you should have reviewed the policy before you sent it out to everyone. You are very careless. Now you have everyone reviewing an outdated policy. We need to talk later.

Carol was very devastated and embarrassed ED would bring this up at a meeting in front of all staff without talking with her first. After this embarrassing meeting, CAROL reviewed the policy at her office, and it was the updated policy she sent to staff.

INT. FHAS CAROL'S OFFICE AFTERNOON

CAROL re-sent the message to ED on the updated Medical Abbreviated Policy she sent out to all the MSA's and ED

earlier- showing it was the updated policy and not the old outdated one.

CAROL sends ED an email;

Why did you accuse me in front of over 20 staff members of sending an outdated policy to everyone when it wasn't true? You said I should have looked into it further before sending it to all the MSA's? Furthermore, you called me careless, Why?

Ed responded to the email, for whatever reason, when I pulled up the policy the first time, I saw the outdated one and not the new one.

ED accomplished what he wanted. He knew he could make a fool out of CAROL in front of everyone even if what he said at the meeting wasn't true.

PIP meeting on Friday, ED continued to indicate to CAROL her performance is unacceptable.

INT. FHAS ED'S OFFICE PERFORMANCE IMPROVEMENT MEETING

ED

CAROL, I am hearing you are customer unfriendly to staff and not going to the units as much to address unit problems as I instructed. I was also told you told an MSA that the nurses could use one veteran's toiletry supply items for another veteran's use. Before you say anything let me finish. It is illegal to use one patient's items for another patient's use. Furthermore, I will not tolerate this conduct nor your un-customer friendly attitude towards others and not following my instructions.



CAROL

ED, that's not true, I have been following all of your instructions and going over to the units regularly. All I've been hearing are good things. The MSA's and I have been working closely together and it is ludicrous to think I would tell an MSA that it is fine for a nurse to use one veteran's toiletry item for another veteran's use.

ED

Just follow my instructions and continue to monitor the MSA's. We will follow-up next Friday.

INT. FHAS CAROL'S OFFICE DAY MORNING

ED abruptly goes in CAROL's office and hands her a Proposed Suspension.

CAROL reads the proposed suspension.

CAROL

ED all this stuff you're accusing me up isn't true. I have been calling out properly, I didn't authorize illegal use of veteran's funds and why are you writing me up for lost keys that you had?

ED

All that's written on this Proposed Suspension is true, you didn't report out, I was informed by an MSA you authorized the use of veteran supply items on the units to be used by nurses for other veterans use and as for the keys, you could have caused the VA lots of money to rekey the buildings.

ED left CAROL's office.

CAROL responded to the Proposed Suspension to ED and Human Resources (HR).

CAROL's response to the Proposed Suspension to ED thru HR;  
1. When I noticed my keys missing I went looking all over for them at work, including the network/copier room. I went to the police and reported my keys missing which is procedure.

ED had my keys the entire time which is not his authority. Then he asked approximately a week or so later if the keys he had were mine? What gives him the right to hold onto someone's keys? Why would I think ED had them? 2. I have been calling out properly, when I couldn't reach ED, I called ADRIENNE and let her know I was sick and to let ED know because he was not available on his office phone. ADRIENNE indicated this wasn't a problem. 3. To say I am responsible for the illegal use of veteran's supply funds is ridiculous, I never authorized the illegal use of veteran's funds.

CAROL was very upset with being put on a performance improvement plan along with all of ED's false accusations. There was no performance improvement plan, just weekly meetings.

INT. MENTAL HEALTH SUBSTANCE ABUSE TREATMENT UNIT 39B

CAROL had given 39B MSA MICHELE leave and was busy covering for her unit 39B. It was busy with many physician orders, phone calls and veterans needing assistance. CAROL was supposed to report to ED's office for a performance improvement meeting, but the unit never slowed down so CAROL called ED to cancel their meeting close to the time when they were supposed to meet, but ED didn't answer the

phone so CAROL left him a voicemail message and sent him an email that she was way too busy on 39B assisting veterans to make their meeting.

INT. FHAS ED'S OFFICE DAY

CAROL goes to ED's office, knocking on his door.

ED tells her to come in.

CAROL

ED, I apologize for not making the PIP meeting, I was swamped with work and was very busy assisting the veterans on the unit.

CAROL thought ED should understand; after all veterans do come first.

ED

You should have called me sooner to let me know.

CAROL

ED, I'm really sorry, I couldn't get away, I left you a voicemail message and sent you an email. What more could I do?

ED

I just told you, you should have let me know sooner.

CAROL

Again, I do apologize.

ED

We'll talk later.

INT. CAROL'S office afternoon

ED goes into CAROL's office abruptly and hands her a written warning letter for failing to attend the Performance Improvement Meeting.

CAROL reads the letter.

CAROL

I can't believe you're writing me up for missing the PIP meeting. This really isn't fair.

ED

These meetings are very important. You need to take them more seriously and not miss them." "You should have also let me know earlier.

ED left CAROL's office.

INT. FHAS ED'S OFFICE PERFORMANCE IMPROVEMENT MEETING.

ED

CAROL, our new MSA COLLEEN is doing a great job. I really like her. I want you to think about allowing COLLEEN to attend a smoking cessation conference so she can give them recommendations on how to quit this addiction. COLLEEN has great potential.

ED appears to be glowing and starry-eyed talking about COLLEEN.

CAROL

Why, COLLEEN doesn't smoke?

ED

I know, but she has family members that smoke and she has some good ideas. Please think it over and talk with her about it? I really don't have much of anything else, just

continue doing unit checks and following up with all of the unit's needs.

CAROL

I will, can I be excused now?

ED

Yes, I'll meet with you next week.

INT. FHAS CAROL'S OFFICE DAY

ED's comes into CAROL's office and hands her a memo of resuming the PIP for unacceptable performance.

CAROL reads the memo.

CAROL

I can't believe you're extending the PIP, why?

ED

Well, you were in another department covering for the nursing timekeeper for 2 weeks. We didn't have enough time to complete all of your unit responsibilities.

CAROL

I just think it isn't fair. Timekeeping is part of my responsibilities and should be included. I've been doing a great job covering units and assisting everyone.

CAROL expressed to ED, management and HR, that just because she needed to cover a timekeeper for 2 weeks, shouldn't warrant an extended PIP.

ED was also not following Office of Personnel (OPM) guidelines on Performance Improvement Plans. Oddly enough, ED gave CAROL satisfactory on all of her Performance rating reviews where the PIP never coincided with OPM regulations.

CAROL further expressed to management and HR, PIP meetings are depressing, uneventful and not beneficial. PIP's are only supposed to be for 3 months and the extensions brings the PIP to almost a year.

INT. CAROL'S office morning

ED goes into CAROL'S office and hands CAROL the decision on the proposed suspension to a suspension for 5 days.

ED leaves CAROL'S office.

CAROL is upset the VA would suspend her for 5 days without pay.

1½ months later CAROL is suspended for a week without pay.

INT. FHAS CAROL'S OFFICE MORNING

CAROL goes into her office after a day of annual leave and finds the handset of her phone set ajar/upside down.

CAROL sends ED an email; ED, were you in my office, I found the handset of my phone ajar and upside down?

ED'S email response was, the only thing I did was put your paystub on your desk.

CAROL responded, ED I would appreciate it if you would leave my mail, to include my paystub down where their mailboxes were at ADRIENNE'S office.

ADRIENNE, is 5'3 165lbs. woman who is very pretty in formal attire, gives a friendly appearance but is a less than a trustworthy friend.

ED'S email response; As your supervisor, it is my prerogative where I put your mail.

INT. FHAS CAROL'S OFFICE DAY

CAROL's sends a document requesting an office printer to supervisors through Human Resource for employee privacy reasons.

INT. FHAS ED'S OFFICE DAY

ED responds to CAROL's email printer request document; HR indicates they only have a limited number of printers. Your request for an office printer is denied. We will be getting secure print in the future for our network printers where passwords will be used for privacy concerns.

CAROL's email response; Very well. Thank you.

INT. FHAS CAROL'S OFFICE DAY MORNING

ED goes to CAROL's office and hands her another proposed suspension.

CAROL reads the proposed suspension; 1. Failure to follow instructions. 2. Failure to call out to supervisor. 3. Failure to answer pager.

CAROL

ED, I really don't what you are referring too. I'm following all of your instructions. This is ridiculous.

ED

If you would follow my instructions, there would be no need for the proposed suspension. You have 30 days to respond.

ED leaves CAROL'S office.

INT. FHAS CAROL'S OFFICE AFTERNOON

ED goes into CAROL's office.

ED

I want to see what you're working on.

CAROL

It's the beginning of the month, when several reports are due. I'm currently reviewing unit veteran appointments and annual physicals.

Periodically, ED came into CAROL's office with little odd questions and jobs to give her as if she wasn't busy enough.

ED

I want you to change your files around in this cabinet and move some of them to another drawer with different colored file separators.

CAROL

Ok, sounds like a good idea.

CAROL went to HR and spoke to the assist. Chief and Chief of HR as they were both sitting the office.

CAROL

I'm being harassed by my supervisor, what can I do?

HR CHIEF & ASST. CHIEF

We do not intervene with supervisors and their subordinate employees.

CAROL

ED has no evidence to all of his disciplinary actions he has imposed on me, it's just him saying it happened without merit. He's just making up lies.



## HR CHIEF &amp; ASSISTANT CHIEF

CAROL, you should to write grievances within your supervisory department.

CAROL

Fine, I will file grievances, it's just ridiculous. CAROL filed an informal VA grievance through Chief of HAS TOM, that went unresolved, then a formal VA grievance with Chief of FHAS THOMAS through Human Resources (HR. Grievance included; 1. given more duties and responsibilities of supervising more employees without a promotion. 2. Supervisor harassing, request to be under other supervision.

THOMAS and CAROL met again in response to the formal grievance without resolution. THOMAS refused to put CAROL under another supervisor. HR did an internal investigation and found no evidence to change supervisors or to promote CAROL for all of her additional job responsibilities.

INT. FHAS CAROL'S OFFICE DAY

CAROL would send email notifications to ward administration where the MSA floaters were assigned every day. When MSA COLLEEN was detailed to pharmacy for the day, CAROL would enter COLLEEN as being detailed to pharmacy.

TOM, ED's supervisor sent CAROL an email; CAROL, you don't need to indicate COLLEEN is in PHARMACY for the day and do not enter this detail on COLLEEN's timecard.

CAROL responds to TOM, it's appropriate to indicate where all of the MSA floaters are in the email and on the timecard. If there's unit shortages where I am also covering, it should be noted that one of my staff members

is detailed as the reason for the shortage. This has always been allowed on the timecards and emails where staff are assigned.

That was the end of it.

CAROL wrote 4 grievances in total regarding the same matters as before; 1. Inadequate pay for being held accountable for the supervision of 20 or more MSA's. 2. Supervisor harassing, request to be under another supervisor.

CAROL was again denied the informal and formal grievances.

INT FHAS CAROL'S OFFICE DAY

ED called CAROL on the phone;

ED

Are you busy?

CAROL

Yes.

ED

Okay, I'll talk to you later.

CAROL and ED hung up, and then three minutes later, ED called again.

ED

What are you working on?

CAROL

Unit purchase orders.

ED

Are you going to be working on them all afternoon?

CAROL

No, I need to go over to the nursing home and assist the MSA.

ED

Okay, I'll talk to you later.

CAROL

Okay. Did you need anything?

ED

No, just checking in, I'll talk to you later.

CAROL

Okay, talk to you later. Bye.

Five minutes later, ED called again.

ED

I need a report done. What are you doing?

CAROL

I'm working on the same thing I told you five minutes ago, unit purchase orders.

ED

Tomorrow morning, I need to see you in my office.

Okay, I'll see you in the morning when I come in.

ED

Ok, I'll see you then.

CAROL

Ed, you're not going to call me again, are you?

ED

No. Bye.

CAROL

Bye.

CAROL went back to work hoping there would be no more Interruptions.

CAROL and ED agreed to go through EEO mediation counseling.

INT. BUILDING 26 EEO FHAS MEDIATION CONFERENCE ROOM DAY

CAROL and ED just argued back and forth with mediators.

CAROL would say she listens to all of ED's instructions and ED would say that CAROL doesn't always listen to him. CAROL says she's always busy and believes everything on the units and with staff are going great and ED is always negative and bothersome.

Mediation was over; CAROL agreed to 1. listen to ED better, 2. ED agreed to give CAROL written email instructions. 3. The proposed suspension- suspension would be removed.

ED sends CAROL another memo by email extending the PIP again;

ED's message;

You were given a Warning of Unacceptable Performance - Notice of Opportunity Period as a result of your failure to meet the critical elements Administrative Support, Work Management and Customer Service. Since you were twice assigned to other duties which delayed the opportunity period, you will begin a new opportunity period.

2. Because you have not had the full opportunity to show improvement, you will be given until the end of this new period to demonstrate acceptable performance. I am available to assist you in those areas in which you need to improve. I will meet with you every week on Friday at 3:00

pm in my office to review and discuss your performance. If you are unable to meet with me on any scheduled Friday, you need to notify me in advance.

3. In the event you do not demonstrate acceptable performance during the opportunity period, action to demote or separate you may result. Any questions you may have regarding this notice should be addressed to me.

4. If you have any questions regarding this matter please contact me.

ED

CAROL was ongoingly upset with ED, ED was constantly insulting, negative and unsupportive.

INT. FHAS CAROL'S OFFICE MORNING

ED sent CAROL an email; We need to meet tomorrow at 2pm if you can make yourself available?

CAROL responded back, I can, what's this about?

ED responded, we'll talk about it tomorrow.

CAROL responded, Ok. Thank you.

CAROL went to ED's office at 2pm curious what the meeting was regarding.

CAROL arrives at ED's office and surprised to see her subordinate employee CAROL G. there also.

INT. FHAS ED'S OFFICE DAY

ED started to raise his voice at CAROL in front of her employee, CAROL G.

ED

Did you force Carol G. to work this 3:30 p.m. to mid shift?

CAROL

Of course not, I don't force any staff to do anything?

CAROL thought to herself, ED's the only one that forces employees to do unjustifiable work.

CAROL G.

I believe it's a misunderstanding, I spoke with AMANDA, the other MSA floater. She and I talked about how we were both taking turns. It's really ok now.

CAROL

ED, why would you ask if I forced her? That's really ridiculous! I suppose, more detailed information could have been given. What about COLLEEN, shouldn't she also rotate to this shift to be fair?

ED raises his voice.

ED

No, COLLEEN is working on a special project for me! Just watch how you approach staff!

CAROL G.

If that's all, can we leave, I need to get back to the DOM.

ED

Yes, we'll talk later.

CAROL G. and CAROL both wrote a report of contact up regarding this meeting and sent to ED's supervisor TOM.

CAROL complained that ED was inappropriate and yelled at her in this meeting where there was hostility in front of subordinate employee CAROL G.

CAROL G. wrote- she did not want to be placed in that position again and that ED raised his voice.

TOM sends CAROL a meeting request. CAROL accepts.

CAROL goes to meet with TOM and finds out TOM has an HR representative in the office and was writing disciplinary actions up on her.

TOM is in his 50's, 5'6 bald with some gray around the sides of his head, fat and in formal attire. HR representative is in his 40's, slender with a receding hairline.

INT. HEALTH ADMINISTRATION SERVICE, BLDG.2 TOM'S OFFICE  
AFTERNOON.

TOM sits behind his desk and gives CAROL a stern look with a glare.

TOM

TOM sits behind his desk and gives CAROL a stern look with a glare.

CAROL, you are being written up several times;

1. Admonishment for editing your employee's report of contact and making yourself out in a more favorable light.
2. Ordering and Forcing your employee to write a report of contact.

CAROL

This is ridiculous. You're writing me up twice for my complaint of ED's inappropriateness. ED started this, by calling the meeting, yelling and accusing me in front of my employee CAROL G., if I forced her to work this evening tour? I did not edit CAROL G.'s report of contact.

TOM

That's right, as her supervisor, you may have intimidated her. CAROL, I believe you're overreacting about this meeting. ED didn't raise his voice. My wife thinks I'm yelling at her too when I'm just talking to her.

CAROL

This is Ludacris. CAROL G. was a witness to ED raising his voice at me, making a false allegation. How can you blame me for inappropriateness ED started?

TOM

I don't want to hear anymore, you need to listen to your supervisor!

CAROL

Can I be excused.

TOM

Yes, you and ED need to try to get along.

CAROL went to see CAROL G's with her report of contact.  
CAROL sees CAROL G. on 8A DOM.



CAROL

I apologize, we kind of rushed to write these report of contacts, if you want to add something to your report of contact that is fine.

CAROL G.

Yes, I wanted to add that I thought you were angry also.

CAROL hands CAROL G. her report of contact to add whatever she wanted and asked her to resign it.

CAROL

That's fine, I didn't realize you had more to add.

CAROL G. hands CAROL back her report of contact adding she thought CAROL was angry too.

Thank you, "I'll talk to you soon.

CAROL G.

You're welcome, have a good day.

CAROL

You do the same.

With that CAROL G. waves bye.

CAROL returns to her office, scans CAROL G. completed report of contact and again sends to ED's supervisor TOM to clear these matters where TOM thought CAROL edited her employees report of contact.

TOM calls CAROL to come over to her office.

CAROL goes over to TOM's office.

TOM hands CAROL a Report of Contact.

CAROL reads the Report of Contact.

TOM writes, I told CAROL not to talk to her employee CAROL G. again about this meeting and she disregarded my instructions. CAROL indicates she remembers me telling her not to talk with CAROL G.

CAROL

This is again very ridiculous, you didn't tell me not to talk to CAROL G. again about our meeting with ED nor did I remember you telling me not to talk to her about this meeting. Why aren't you addressing Ed's inappropriateness and writing me up again!?

TOM

You need to start listening to your supervisors and don't talk about this matter anymore.

CAROL left TOM's office and decided to take all of her disciplinary actions to Office of Special Counsel (OSC).

CAROL made EEO complaints of ED's harassing behavior and being under paid for supervising over 20 MSA's with additional assignments ED would give her, along with all of the false disciplinary actions written in her personnel file.

CAROL applied for another position as a Payroll tech where HR responded by mail she was unqualified. CAROL responded by mail she had plenty of experience as a timekeeper and working in other departments. CAROL felt she was blacklisted.

ED sent CAROL an email;

CAROL, I am now going to be doing all of the MSA Float Pool MSA's assignments. You are not to send out any emails to

the MSA's without going through me first. Any document you do, needs to go through me, then I will forward to the MSA's.

CAROL responded to ED's email;

Fine.

ED started doing the MSA assignments and was doing the assignments incorrectly. He was not keeping track who he gave leave too and who was present for unit assignments.

CAROL complained to all of FHAS management and HR that it was inappropriate for ED to start doing her assignments and that he wasn't doing it correctly.

ED and HR violated civil service and OPM rules by not giving proper notice, justification and OPM forms changing employee duties. Additionally, not entering the correct change of employee duty status form and changing position descriptions.

CAROL sent Ward Administration's telephone document by email to ED for him to review and forward as he asked her to do.

After 15 minutes ED took the telephone out of format and forwarded by email to everyone out of format. CAROL was surprised and questioned ED by email but he ignored her.

ED sent CAROL an untruthful email;

I have received 3 calls from 8B Dom unit manager JIM regarding coverage." "You need to get over there in person to assist this unit!

CAROL called JIM/8B to check out if there was a problem or issue.

JIM is in his late 50's with glasses, gray bushy hair, polite and professional in formal attire.

CAROL

Hello JIM

JIM

Hi CAROL, how can I help you?

CAROL

JIM, I'm working on your unit's admissions from my office, will everything be ok until I can get over there? ED tells me you called him 3 times for assistance.

JIM

I only called ED 1 time with a question. JIM tells CAROL to hold on for a second and asks the nurses at the nurse's station if anyone called ED with anything?" All the nurses said no.

CAROL no one else called, everything is good. Thank you for checking.

CAROL

You're very welcome, I'll see you soon.

CAROL and JIM hung up and CAROL documented her conversation with JIM.

INT. FHAS ED'S OFFICE MIDMORNING

ED sent CAROL more accusatory emails;

CAROL your emails to staff are not appropriate and you need to go through your proper chain of command for all of your issues.

CAROL responds to ED's email;

That's not true, what emails are you referring to that you say I'm being inappropriate on? I know the proper chain of command, so what are you referring to?

No further response from ED

INT. FHAS CAROL'S OFFICE MIDMORNING

ED sends CAROL an embarrassing email and to staff regarding a document CAROL sent ED and staff regarding Treating Specialties and Hospital Movement Types;

This document is in error because my name needs to be added as an Administrator Officer on Duty (AOD).

CAROL sends ED a separate email;

ED, when did you ever fill in as an AOD? AOD's are required to do Hospital Movement Types and Treating Specialties, you haven't done this before and I do all the training for this?

ED responds;

Just add me as an AOD, I can fill in if need be.

CAROL left her office and on her way to Patient Funds with several Veteran Purchase orders when she walked by ED's office and had to do a double take; CAROL could see in his office where ED and COLLEEN appeared to be sitting close together going over the MSA manual.

INT. CAROL'S OFFICE MIDMORNING

Returning from Patient Funds CAROL received more emails from ED.

ED's email states;

CAROL I am going to be certifying all of the MSA's timecards and doing all the MAS's performance appraisals.

CAROL responded;

ED the MSA's of the Float Pool are my employees and I don't appreciate you not allowing me to perform my job duties.

INT. FHAS CAROL'S OFFICE AFTERNOON

CAROL received an email from statistical clerk JACK;

JACK is in his late 50's, 5'7, chunky, short gray hair, wears glasses and basically not a social type person.

JACK

The new MSA on 1B evening shift made an incorrect transfer." "I had to make numerous corrections to VA logs, Hospital GAINS & LOSSES documentation since it was the day before.

CAROL

JACK, I wasn't informed of a new employee, who is she?

JACK

JACK, her name is ALICE. She needs training!

JACK was very annoyed.

CAROL

CAROL responded, Sorry JACK, as I said this is the first I am hearing of her, I will see that she gets training.

ED

JACK, she said she knew what she was doing.

(CAROL thought regardless of how ED and TOM felt about her, they should still be informing her of new employee's that require training and not cause or create data errors in the VA system)

ED sent an email message to everyone regarding Call out Procedures;

Call outs are only to be made to him or Adrienne, FHAS secretary.

INT. FHAS CAROL'S OFFICE MORNING

MSA floater AMANDA calls CAROL;

AMANDA is 5'3, 165lbs. with short light brown hair. Pleasant cheery personality.

AMANDA

CAROL, it's AMANDA, did you see the email ED sent everyone indicating call outs were to be made to him or ADRIENNE, FHAS secretary only? Are we still allowed to call out to you?

CAROL

Of course, you're allowed to still call out to me, I am your supervisor. It must be some mistake, I will review the email and send a response if necessary. Thank you for letting me know. I'll talk to you later, bye.

CAROL and AMANDA hang up. CAROL searches for the email.

CAROL reviewed ED's email of Call-out Instructions where she was left out in the instructions for her employees to call out to her. CAROL thought, oh, this must be a mistake, ED forgot to include my name on there. Definitely a mistake CAROL thought.

CAROL responds to ED's Call-out email;

I too am available for staff to call out too.

ED responds to CAROL's email;

My instructions have not changed, call-outs are to be made to me or FHAS Secretary only.

MSA's started to respond to the Call-out email;

1. MSA said, so what, you're saying is not to call out to CAROL anymore?
2. Another response, I just called out to CAROL yesterday, was this ok?
3. Another response, I think I'm confused. Yuk, Yuk

ED responded again to the MSAs' email;

Yes, for the last time call-outs are allowed to be made FHAS secretary Adrienne and myself only! Your call-out to CAROL yesterday is ok.

CAROL responds to ED;

ED, is this a new procedure? Are our saying my own employees cannot call out to me?

ED sends CAROL another email;

As you were told numerous times before, I will decide how procedures are followed in Ward Administration. You are not always at your desk because of being assigned to cover 1B or other units. Also, you were told about sending emails out to Ward Administration concerning policy or procedures and were supposed to check with me first. Again, you disregarded my instructions and sent an email countermanding my instructions and now we have the clerks



calling me and asking who they should listen to. The procedure as stated in my email of stands.

INT. FHAS CAROL'S OFFICE AFTERNOON

CAROL received a proposed Reprimand for insubordination and disrespectful conduct;

Proposed Reprimand;

1. You are hereby issued this letter of proposed reprimand for the following reason:

Charge 1: Failure to Follow Instructions.

Specification 1: Edward, your immediate supervisor, sent an email to Ward Administration staff informing them that, when calling to report lateness or sick, employees were, to contact Mr. ED directly or Adrienne; Administrative Support Assistant for Finance and Health Administration Service. Specifically, they were informed, not to leave a voicemail message or call someone other than the above staff (Mr. ED or Ms. ADRIENNE) unless told to do so.

You sent a follow-up message to the Ward Administration staff: I, too am also available if you need to call out late or for the whole day. You did this despite the clear intent of Mr. ED's notice to the staff. Furthermore, you have been notified on several occasions that you are not to send messages without Mr. ED's prior approval. As recently as July, ED sent you an email that stated in part, I specifically gave you a verbal I warning and direct order not to send any emails or other correspondence to anyone in or outside Ward Administration without checking with me first. Later in the message he again ordered you not to

send email without his approval and wrote, I am giving- you a direct order to follow my directions explicitly.

Your conduct in this matter is completely unacceptable. The fact that you have been ordered repeatedly not to send email without Mr. ED's approval and then done so indicates a complete disregard for supervisory instructions.

Additionally, you were admonished in July for failure to follow instructions.

2. You have the right to reply to this notice personally or in writing, or both personally and in writing and to submit affidavits in support of your reply, showing why you feel this notice is inaccurate or any other reasons why your proposed reprimand should not be affected. The evidence on which this notice of proposed action is based will be available for your review in the Human Resources Management Office of this Medical Center. You will be allowed up to eight hours of official duty time for reviewing the evidence relied on to support the reasons in this notice, preparing a written reply, securing affidavits, and for making a personal reply. Arrangements for the use of official time should be made with me.

3. You will be given until the close of business on, September 30, 2004 to reply to these reasons personally or in writing, or both personally and in writing. Any written reply should be submitted to me. I will receive your reply, or I will designate an official or officials to receive it.

If you do not understand the above reason why your reprimand is proposed, contact me or the Chief of Human Resources Management Service, whose office is located on the first floor of Building #16, for further explanation.

4. You have the right to be accompanied, represented and advised by a representative of your own choice, including an attorney. You and your representative, if you have time, are assured of freedom from restraint, interference, coercion, discrimination or reprisal in presenting your case.

5. The final decision to affect the action proposed has not been made. I will make the final decision and will give full and impartial consideration to your reply if a reply is submitted.

6. You will be given a written decision as soon as possible after your reply has had full consideration, or after the close of business September 30, 2004 if you do not reply.

THOMAS Director, Finance & Health Administration Service

CAROL Responded by VA letter;

SUBJ: Proposed Reprimand

To: THOMAS, Chief, FHAS

1. On September 2, 2004, ED, my immediate supervisor sent an email to Ward Administration staff informing them about call out procedures.

2. On September 7, 2004 my employee, AMANDA had questioned me about this email, I had said to Amanda that I would have to review the email and get back to her. As her immediate supervisor, I explained, it is policy for her to contact me.

3. Since September 2, 2004 I have received call-outs from other employees without indication that I was not supposed to. It was September 7, 2004 when I understood the email to

read the Medical Support Assistants were to call out to ED or ADRIENNE. My comprehension of the email was confusing and without clarity.

4. I understand ED wants his employees to call out to him, but the message 9/2/04 he sent out was without clarity leaving an open window for speculation. I believe it is good to have his employees call out to him and can respect his right, but the message he sent was confusing to myself and others when they had been calling throughout the year and until September 7, 2004 without any mention of the new procedure ED was implementing.

5. I believe I should be respected as a supervisor and be able to have my employees call out to me. I have also been sending out messages to the Medical Support Assistants since 1999 without any problems. ED's instructions to check with him prior to sending out emails can be construed as reprisal, for making numerous complaints about him. The order to check with him prior to sending out emails to the Medical Support Assistants is also not fair to my position as a supervisor and how my position description (PD) reads.

INT FHAS CAROL'S OFFICE MORNING

CAROL sent staff an email;

Luncheon/meeting notification." The last MSA meeting she chaired was 6 months before. She sent the email Luncheon/meeting notification in DHCP/Vista and Outlook. CAROL indicated, I will be bringing pizza.

ED responded

This is an unapproved meeting and is cancelled.

CAROL responded to ED

I have always been allowed to conduct meetings as her PD indicates. ED, it is part of my job duties to conduct MSA meetings. I haven't received another PD.

TOM, ED's supervisor responded

CAROL, ED is overall supervisor and it is his decision to cancel this meeting. You need to listen to your supervisor. There were other instances where you didn't listen to me either.

CAROL was ill from ED and TOM's email of how ED was overall supervisor and asked her to stop sending inappropriate emails, being insubordinate and doing what her supervisor says.

INT MENTAL HEALTH 58B ACUTE PSYCHIATRY UNIT AFTERNOON

CAROL was ill from receiving emails from ED and additional message from TOM. (They weren't allowing her to perform her job duties where CAROL felt distressed and physically ill.)

CAROL called TOM;

I'm feeling really ill right now from ED's harassment and taking over my job duties without notice or reason. I'm going to Employee Health.

TOM;

Did you tell ED.

CAROL;

No, I really do not like how he talks to me and find him harassing.

CAROL goes to Employee Health.

INT. PRIMARY CARE EMPLOYEE HEALTH BLDG. 2.

CAROL

I really feel ill due to constant email accusations from supervisor ED along with ED doing my job without merit.

The nurse takes CAROL's blood pressure and temperature. She documents what CAROL indicates and let her go home due to the appearance of illness and stress.

CAROL takes leave and sees a psychiatrist for stress and sleeping problems due to what CAROL believed to be work stress. CAROL returns from leave.

INT. FHAS CAROL's OFFICE MORNING

On return from leave CAROL reads her emails ED sent her while she was home absent sick. 1 email was lengthy;

ED

CAROL you are not allowed to be on station after hours and weekends even if you're not requesting compensation time. (CT) So if you are here after hours or on the weekend, you need to leave right now.

ED

I need a leave request from you for the following dates: 10/4, 10/5, 10/6, 10/7 and 10/8/04. Since you did not wait on Friday, 10/1/04, or notify me that you were going to Employee Health for what you told D. WARD was a work-related illness, DOT could not do anything about your claim. DOT tried calling the home phone numbers FHAS have for you on Monday and found out they were disconnected. I should have been called or paged by you when you felt you needed to go to Employee Health rather than find this but

when I get a call from D. Ward telling me you are there and want to make a claim. Second, once you stated you wanted to put in a claim, I needed to wait a few minutes for me to generate the claim number and form. I completed this within minutes of the telephone call from D. WARD but was told you didn't wait and left the Medical Center. You need to get in touch with DOT when you return to work and make sure I get a copy of your doctor's note and your home telephone number for our records. The procedure again for going to Employee Health is to call or page your immediate supervisor and let him/her know that you need to go Employee Health. Once you notify your supervisor, the supervisor determines whether or not he/she needs to be there with you. In the case of work related claims, your immediate supervisor is supposed to be with you, especially if you are going to file a claim. You know the procedure as you followed it when one of our other employees was hurt and ended up in Employee Health and had you there as the supervisor. I expect you to follow Medical Center and Ward Administration procedures.

CAROL responded to ED's email

This email is not necessary nor true. I am aware of procedures. Thanks.

CAROL responded again in the email

ED it is appropriate to go to your supervisor's supervisor if you feel you are being harassed by your supervisor, additionally, I asked DOROTHY, the Physician Assistant, (PA) to let you know I was ill in Employee Health.

Another email from ED with the subject as a Reminder while she was on leave;

CAROL

1. You are not allowed to work on station off duty to catch/up on work assignments after leave.
2. You need to get with ERIKA on timekeeping errors, there are corrections that need to be completed asap.
3. Do not forget you have to meet with TOM this morning at 9am.

CAROL's email response;

1. Why am I not allowed to work after hours to catch up on work especially after leave? Is this a new procedure or policy?
2. ED, these corrections are from an employee requesting FMLA that were needed prior to my coverage.
3. Since I am now being informed I have a meeting with TOM, I am unlikely to forget. Where's the original email where I was notified before?

INT. FHAS ED'S OFFICE AFTERNOON

ED sends CAROL several emails;

CAROL you were here on VA grounds while you were supposed to sick deleting email messages.

CAROL responds back to ED's email;

No, I wasn't. I don't know what you're talking about.

INT. FHAS ED'S OFFICE NEXT DAY MORNING

ED sends CAROL another email;

CAROL you were here on VA station when you were absent sick, why?



CAROL responded again to ED;

I'm sorry you don't believe me, but I wasn't here during the time I was absent sick.

ED sends CAROL another email;

CAROL, I have emails of you deleting emails during the time you were supposed to be absent sick.

CAROL responds;

ED, that's impossible, I was not here during the time I was absent sick, how many times do I have to say it!

ED sends CAROL another email;

CAROL while making rounds I find out you told 138A unit manager that you were no longer doing her units timecards. You do not have permission to change you position description. (PD) You need to start doing 138A timecards right now.

CAROL responds to ED's email;

ED once again this email is not true, I never said I wouldn't be doing 138A's timecards anymore.

ED sends numerous more emails;

I will be on annual leave from 12:00 noon on 10/1 through 10/21 and will return to work on 10/22. CAROL T. will be covering for me during this time. If you cannot reach CAROL and it is something that needs to be dealt with quickly, you can call TOM at ext. 5001.

Call-outs and coming in late calls are only to be made to x2220, this is the department secretary's number and is

always answered from 8:00 a.m. Adrienne will then let CAROL know if anyone calls out.

INT. FHAS CAROL'S OFFICE DAY

CAROL's subordinate employee, AMANDA sends CAROL a very nice email;

CAROL, I just wanted to thank you for being a wonderful supervisor. You are always kind and helpful to me, every time I needed something or just had a basic question, you were always there for me - always there to lend a helping hand to me. As I move onto my new position and career here at the VA, I will never forget you. I will miss going to your office every morning to see what is in store for me and the day that lies ahead. Every morning, you always talked to me at made me feel confident in the job I was doing. Thank you again.

AMANDA

INT. office hallway Day

ANGELA is 5'3, medium weight, short light brown hair with blonde streaks. ANGELA is professional and customer friendly.

59B MSA ANGELA sees CAROL in the hallway and stops to speak with her. ANGELA has this very serious upset look on her face.

ANGELA

ED told me not to tell you this, but I made a report about COLLEEN." "I believe COLLEEN took money out of my purse when I was off the unit for a while.

CAROL

What makes you believe it was COLLEEN?

ANGELA

I don't have any doubt it was COLLEEN because she was the only one with the key to my office and I told her to lock my office if she needed to go anywhere. I returned to my office and COLLEEN's there and indicated she didn't need to go anywhere, then left to help another unit MSA. Not too long after COLLEEN left I went in my purse and discovered my money was gone. I was frantic, this money was part of my rent! CAROL, I've been working on 59B for a long time and nothing like this has ever happened before. Also, COLLEEN's eyes looked glossy and gazed. I really don't want her on my unit anymore. I made a report to ED a month ago and haven't heard anything back.

CAROL

ED didn't tell me about this, but lately he and TOM have been keeping me out of the loop on what's going on with everyone on the units.

ANGELA

I think there maybe something going on between them 2 because she always going over to ED's office.

CAROL

Yes, I suspect ED has a thing for COLLEEN also, which is another reason why you properly won't hear anything back about your report." "I'll see if can find out anything regarding your report."

ANGELA

Thanks, also, I suspect COLLEEN may have needed the money for drugs since she appeared to look like she was on something. I'm just saying.

CAROL

Right, that's harsh, but very well possible.

CAROL went back to her office and thought, COLLEEN being detailed to pharmacy may not really be such a good idea after all for more than 1 reason.

INT. HUMAN RESOURCE HELENE AFTERNOON

HELENE is 5'5, 140lbs, has light brown hair with blonde streaks. HELENE is always in formal attire with a serious professional attitude.

CAROL

Asst. Chief Helene, ED is not informing me where my employees of the Float Pool are or what's going on with them.

He is not notifying me about giving my employee, COLLEEN annual leave 12/9 until 1pm. 1B-Med did not have MSA ward coverage that am right away, due to not knowing where my staff the Float Pool is and who called-out.

HELENE

Ok, CAROL, I understand. I think I'm starting to understand what's going on here with you and ED.

CAROL

Someone needs to address these issues correctly.

CAROL G, my employee asked me where ED was this am, she could not reach him for an assignment. ED has made this a permanent decision to assign the float pool, which was not part of his job, it is my job! I am not being allowed to perform my job, which is not appropriate, against regulations and is discriminatory."

HELENE

CAROL, I am going to look into this further as I said, I'm starting to understand what your problems are here.

CAROL

I certainly hope so. It is my right as the MSA Float Pool Supervisor to inquire about my job duties. It's not fair my job duties are being changed without good reason. I am being disrespected as a supervisor and as a person.

HELENE

CAROL, go back to your office, I will go through these issues with supervisors.

CAROL goes back to her office floor and runs into the transcriptionist, MARY, who asks CAROL to give ED her tapes for Medical Records. CAROL told MARY, I will make sure ED receives them.

CAROL drops off her physician's note of being absent and tapes from MARY to ADRIENNE's office, where ED's mailbox is.

INT. FHAS ED'S OFFICE MORNING

ED sends CAROL an email

CAROL, you gave ADRIENNE your physician's note and tapes from MARY instead of personally giving them to me. ADRIENNE is not our personal secretary and not to be used to avoid working with me.

CAROL responds to ED's EMAIL

ED, your mailbox is down where her office is. I believe you're harassing and would prefer as little contact with you as possible.

INT. FHAS CAROL'S OFFICE

ED barges into CAROL's office.

ED

I'm in charge of the medical support assistants, not you! Stop being disruptive and do what I instruct! I'm tired of your insubordination and inappropriate behavior. "You are being reported!"

CAROL

Ed, it is my position to assign the Float Pool, not yours and I have been doing everything you have asked me to do.

ED

I am now doing the assignments. I'm still hearing complaints about you.

CAROL

What are the complaints and from who?

ED

I don't have to tell who they are from! You just do what I tell you and remember I'm in charge! I don't want to hear any more complaints or you not following my instructions!

CAROL

How can I defend myself if I don't know what the complaint is or what someone is accusing me of?

Ed snarled with his teeth gritted.

ED

I'll deal with it. You just do what I say.

INT. FHAS CAROL'S OFFICE AFTERNOON

CAROL receives another proposed suspension in Oct.2004 as being upheld as a suspension Dec.'2004.

CAROL sends Office of Special Counsel(OSC) all dates of disciplinary actions in '2002 thru '2004.

Additionally, CAROL sends OSC her position description, email documentation of ED's illegal job interferences, inappropriate PIP and accusatory harassing emails.

OSC replied to CAROL, that EEOC has jurisdiction on discrimination and that she would have to take that complaint to EEOC whereas CAROL addresses with EEOC.

ED sends CAROL an email

CAROL, you need to follow my directions and that CAROL G. is to go to 10-Dom for unit coverage.

CAROL response

ED, you gave CAROL G. off today.

INT. FHAS CAROL'S OFFICE MORNING

CAROL was working in her office early working on veteran purchase orders and timecards. ED abruptly comes into CAROL's office.

ED

CAROL, I need you to go over to 138B nursing home.

CAROL

Ok, I'll give them a call and let them know I will be over shortly. Thank you for letting me know.

ED

Yea, ok.

ED leaves CAROL's office and CAROL calls 138B to let them know she would be over shortly. 138B RN charge nurse indicates this wasn't a problem as they didn't have physician's orders coming through yet.

CAROL receives a call from 1 of the floaters, COLLEEN.

COLLEEN

CAROL, I tried to call ED but he's not answering the phone." I don't need the entire day off as I initially thought and need an assignment.

CAROL

COLLEEN that's great, you can go over to 138B, currently, this is the only unit that needs coverage.

CAROL would try to do the assignments when ED wasn't around.



Approximately, 1½ hours later, ED comes bursting into CAROL's office.

INT CAROL's office Midmorning.

ED

Why are you still here and not on 138B!?

CAROL

COLLEEN called looking for an assignment so I sent her to 138B, she couldn't reach you.

ED's face turned red and was visually upset. CAROL stands up from her office chair as ED walks over towards her and gets close into CAROL's face.

ED

I want you to go over to 138B right now and send COLLEEN back to my office.

CAROL takes a few steps back and felt uncomfortably shaken at ED's approach and hostility he showed towards her.

ED goes over to the Key box hanging in CAROL's office that holds all of the unit keys for the MSA floaters.

ED

You didn't log in the DOM key, I'm taking this Key box, you are not logging the keys in.

CAROL

ED, the key's right here, I just got it back.

ED

You are no longer supervisor of the float pool, I am! I am having this lock box moved to my office, you need to get to 138B!

CAROL and ED left the office. CAROL went over to 138B for coverage.

INT. GERIATRIC & EXTENDED CARE 138B NURSING HOME

COLLEEN

Hey, what are you doing here?

CAROL

COLLEEN, ED wants you to go over to his office.

COLLEEN

Do you know what for?

CAROL

No, he wants me to cover 138B

COLLEEN heads over to ED's office and CAROL covers 138B.

CAROL received a couple letters from Office of Special Counsel (OSC) indicating she may have a right of action for Prohibited Personnel Practices due to management writing her up/admonishing her for asserting her job rights. It is a prohibited personnel practice to discipline an employee for asserting their descriptive job duties.

Supervisor was interfering with CAROL's job duties by doing her employee unit assignments, timecards, performance appraisals, cancelling her normal meeting assignment and not allowing her to email her staff, take call-outs and her usual documents to include the telephone and Treating Specialty documents.

Asst. Chief of HR, HELENE calls CAROL and indicates to CAROL she's seeing what's going on with her and ED.

HELENE

HR is drawing up 2 new position descriptions for ED and you. You will be in charge of all the MSA's and ED will be

transferred and given a new position description as Privacy Officer.

CAROL

He's more of a Privacy Invader, don't ya think?

TOM called CAROL and requested she come see him at his office.

INT. HEALTH ADMINISTRATION SERVICE, BLDG 2 TOM'S OFFICE  
MID-AFTERNOON

TOM

Since, you are now in charge of the MSA's I want you to know COLLEEN is now going to be assisting ED with doing 302 commitments.

CAROL

Why wasn't I considered or told about COLLEEN being ED's backup for commitments? This is another detail assignment for COLLEEN that ED gives COLLEEN without my knowledge. I need her for unit MSA coverage.

TOM

This is how it's going to be and if you take this complaint to the Merit Systems Protection Board (MSPB) without going through management first, you will be considered for removal.

CAROL

TOM, I have always gone through FHAS management first. I just don't appreciate not being informed of details implemented on my employees without my knowledge or

consideration, and why again COLLEEN? Why not another MSA or other clerk?

TOM

This is how it's going to be.

CAROL leaves TOM's office.

A week later TOM gives CAROL a report of contact regarding their meeting indicating CAROL said, she would complain to MSPB without going through management first. This report of contact of CAROL's statement was untrue.

INT. FHAS CAROL's OFFICE DAY

Jan.'2005 Human Resources assigns ED to Administrator Officer on Duty (AOD) position where ED makes numerous hospital movement type errors. ED is then removed as an AOD to acting as the Privacy Officer with different job duties.

CAROL receives an email from the statistical clerk Jack, about errors and that ED the AOD didn't address the hospital movement types or Treating Specialties.

CAROL received calls and email complaints from the Medical Support Assistants on 39A/B regarding patients/veterans not being given indigent status from our Patient Funds Department by phone and email. These complaints went to Patient Funds thru supervisors in Financial Health Administration Services.

THOMAS, Chief of FHAS sent an Outlook message- FHAS implies the veteran's checks regarding Patient Funds Accounts and the supply share draft policy by central office are related when they are not. This is where JOANNE believes the veterans should be entered on a "Check Schedule."

CAROL double checked with Business Manager, DON and he said I saw the message in Outlook by THOMAS and it is incorrect.

Share drafts only relate to supply and not Patient Funds accounts. CAROL relayed this message to JOANNE supervisor of Patient Funds department by email. JOANNE seemed to think the check schedule for supply and veteran fund accounts were related when they weren't.

CAROL sent JOANNE an email message and cc'ed TOM regarding the veteran/patient complaints on the units;

JOANNE is in her late 30's, 5'8, 135lbs. with dark black wavy hair. JOANNE has a can't be bothered appearance but somewhat pleasant.

#### JOANNE

The Medical Support Assistants are telling me they are having difficulty now entering the veterans on their units' indigent status as they are currently without funds. They are telling me that you are now not allowing the veterans to be indigent due to their last year's income status. Is this true? If so, why are we not given any notice to this change? They all have been previously authorized indigent status before, regardless of their last year's income. Why the sudden change without notice?

I am also hearing there is a problem with veterans withdrawing checks out of their patient fund accounts. The Medical Support Assistants have always been able to enter a withdrawal request for veterans to receive money and checks. If this is a problem now, why?

If Patient Funds is going under different procedures, I would appreciate notice so we can be aware of these changes and inform the veterans of the change. Thank you.

TOM responds to the email;

CAROL, please see me.

CAROL received additional complaints from 7A-Dom, 8A-Dom and 8B-Dom Medical Support Assistants, PAT and CAROL G. regarding patient's/veterans not being able to receive a check out of their patient funds account.

Veterans complaints from 39A/B Units per Medical Support Assistant DEB and MICHELLE, veterans not being able to receive their benefits on the unit for their free haircut, toothpaste, toothbrush, comb, shampoo, soap, shaving cream, razors, deodorant and dollar coupon.

MICHELLE is in her late 30's, 5'3 160lbs., brown medium length hair with a friendly, frustrating attitude.

PETER is 5'10, 140lbs., thin, early 30's, light short blonde hair with wrinkled loose jeans and shirt. PETER appears unhappy.

INT. 39A/B MENTAL HEALTH/SUBSTANCE ABUSE TREATMENT (SATU)  
UNIT VETERAN 1 (PETER)

MS, I don't currently have any money, can you give me a haircut slip and put me in for toothpaste, soap and shampoo?

MSA (MICHELLE)

Yes, I will put you on the list to receive incidentals since you currently do not have the money yourself to purchase your essentials.

39A/B SATU UNIT VETERAN 1 (PETER)

I appreciate it. Thank you

The MSA also entered all of the indigent veterans on the indigent list to receive a dollar coupon book weekly to be redeemed at the Canteen Service. The indigent list form was sent to Patient Funds for approval.

A couple days later the MSA received the forms from Patient Funds where there was a list of indigent veteran's names requesting patient essentials such as; shampoo, soap, toothpaste, toothbrush, comb, shaving cream, razors and weekly dollar coupon book.

Across the top of the forms was written NOT INDIGENT.

Veterans one by one was over a period of 4 months were complaining to the MSA's; when am I going to get my haircut slip, shampoo and toothpaste?

MSA's called CAROL and also wrote CAROL emails of veterans coming to their office complaining of not getting their haircut slip, coupon book or toiletry items. This went on for months.

CAMERON is 5'9, 150lbs, early 40's, brown hair with glasses. CAMERON is in jeans and appears depressed.

INT. MENTAL HEALTH 7A-DOM HOMELESS PROGRAM VETERAN#2  
(CAMERON)

PAT, I took the form you gave me to withdrawal my money out of Patient Funds and they said, I couldn't get my money right now and that I had to be put on a check schedule where they would send me my money. I don't have time to

wait, what are they talking about? I have to put money down on an apartment, they're not going to hold this apartment for me. What am I supposed to do?

PAT is in her late 50's, light brown hair in formal attire. PAT is religious, always cheery.

MSA (PAT)

I've never heard of a check schedule. I will get back to you after I find out what's going on, I apologize for the delay. I will let you know when this situation with Patient Funds is fixed.

CAMERON frowns and departs MSA's office.

PAT is upset and calls Patient Funds supervisor JOANNE.

PAT

A couple of veterans came back complaining they were not able to withdrawal money out of their accounts. Why didn't you allow them to receive their money?

JOANNE

The veterans need to be put on a check schedule to receive money out of their accounts. Chief of FHAS THOMAS sent an email about it in Outlook.

PAT

JOANNE, I don't know what a check schedule is?

JOANNE

Call other MSAs that know about it to tell you how to do it. Patient Funds is not a bank.



PAT was annoyed regarding JOANNE's respond because all of the veterans were allowed before to get their funds out with the VA withdrawal form.

PAT sends CAROL an email regarding CAMERON/Veteran's complaint and phone conversations she had with supervisor of Patient Funds, JOANNE and other MSA KAREN who also didn't know about a check schedule and KAREN has been here for years.

Lloyd is in his late 20's, 5'11, 160lbs., brown hair and brown eyes, wearing jeans and a T-shirt. His hair is grown over his ears dirty, and uncombed.

INT. MENTAL HEALTH 39B SUBSTANCE ABUSE TREATMENT UNIT  
39/B-SATU-VETERAN#3 (LLOYD)

MICHELLE, I've been waiting a week for soap, you when are they going to bring some supplies?

MSA (MICHELLE)

I'm sorry, I'm not sure when they will bring them up.

MICHELLE frowns and sighs in frustration.

CHARLES is in his late 30's, dark hair, wearing jeans and a scruffy t-shirt. CHARLES hair is oily and is impatiently depressed by overall appearances.

SATU VETERAN#4 (CHARLES)

MICHELLE, my hair is really dirty, I can't wash it without any shampoo, when will they bring up our supplies?! I was told if you didn't have any money the VA would take care of your bathing supplies. What's the hold-up?

MSA (MICHELLE)

I'm not sure sir, there appears to be a problem in our Patient Funds department. Patient Funds is supposed to enter everyone without money in the VA system as indigent so you are eligible to receive toiletry items. Patient Funds seems to be going by everyone's last year's income and not the present income. As soon as we receive supplies I'll let you know. I apologize for the problem.

MICHELLE frowns and sighs in frustration.

CHARLES departs MSA's office.

JOSEPH is in his mid-30's, 5'6 165lbs, brown hair, brown eyes, wearing jeans and a T-shirt. JOSEPH appears anxious and depressed.

8A-POST TRAUMATIC STRESS DISORDER (PTSD) UNIT VETERAN#4  
(JOSEPH)

MS, Patient funds sent me back to the unit and said I needed to be put on a check schedule. I'm being discharged and need this money for bills and an apartment."

I don't have time to wait for a check to be sent to me, I have to give them my first month's rent today.

CAROL G. is in her early 60's, 5'3, 140lbs in formal attire with a pleasant cheery voice.

INT. MENTAL HEALTH 8A POST TRAMATIC STRESS DISORDER

8A- PTSD MSA (CAROL G.)

I'm sorry, I will check to see what's going on with Patient Funds and get back to you as soon as I can.

JOSEPH departs MSA's office.

CAROL G. appears frustrated and sighs.

ALBERT is in his late 20's, 5'10, 150lbs., light brown hair with green eyes. He is wearing baggy jeans and a scruffy T-shirt. ALBERT appears sad.

INT. MENTAL HEALTH 39A SUBSTANCE ABUSE TREATMENT UNIT DAY

39A SATU UNIT VETERAN#5 (ALBERT)

MS, I've been told I need to have better hygiene, that I smell. This is very embarrassing; can you please help me get some deodorant?

DEBBIE is in her 40's, 5'3, blonde hair and is in professional informal attire. DEBBIE is pleasant and greets veterans professionally.

39A SATU MSA (DEBBIE)

Yes, I'm trying to get you toiletry supplies through my supervisors and Patient Funds. I'm sorry for the delay.

The veteran looks sad with his head down then leaves the MSA's office.

(DEBBIE looks sad about and sighs)

JOHN is in his late 20's, 5'11, 175lbs. wearing jeans and a clean T-shirt. JOHN appears anxious and a little sad.

INT. MENTAL HEALTH 7A-DOM HOMELESS PROGRAM DAY

Veteran#6 (JOHN)

MS PAT, I just lost my apartment, thanks to not being able to give them my deposit and first month's rent! I'm very upset about this. When are they going to fix this problem, I need my money!

7A-DOM MSA PAT

I'm sorry sir, I don't understand what the problem is with our Patient Funds dept. I'm looking into it through our supervisors to fix this problem, please try to stay calm and see your social worker for more assistance, that's all I can tell you right now.

PAT frowns and sighs out of frustration.

JAMES is in his early 30's, 5'9, 140lbs., wearing jeans and a less than clean T-shirt. JAMES is unshaved, sad and teary eyed.

INT. MENTAL HEALTH 39A/B SUBSTANCE ABUSE TREATMENT UNITS

39A SATU Veteran# 7 (JAMES)

MS, when can I get some shaving cream, I really don't have any money to buy myself and the hairs on my face are itchy.

MSA (DEBBIE)

We're trying to accommodate everyone requesting toiletry supplies, but Patient Funds is holding things up, I'm not sure why there's a delay, but I'll let you know when I hear something or receive the supplies.

DEBBIE looks sad, angry about the situation and sighs.

39A SATU Veteran# 7 (JAMES)

Thank you, I really appreciate it Miss.

JAMES frowns and leaves her office.

PHILLIP is in his mid-30's, light brown hair, blue eyes, wearing jeans, a scuffed T-shirt and is unshaved.

PHILLIP's face has a red small rash and appears unhappy.

39A SATU Veteran# 8 (PHILLIP)

DEBBIE, I've been waiting over a week now for some shaving cream, do you know when the canteen supplies will be up?

39A SATU MSA (DEBBIE)

I'm sorry, we're having a difficult time right now with our Patient Funds dept. They aren't allowing the funds right now, but we're trying to get them to apply your temporary indigent status as soon as possible so these toiletry supplies won't be held up.

39A SATU Veteran# 8 (PHILLIP)

I hope so, with my skin allergies the hair on my face is irritating and my hair is really dirty.

39A SATU MSA (DEBBIE)

We're trying to get your toiletry supplies as soon as we can, I'm sorry you're having to wait this long.

DEBBIE looks sad about the situation and sighs.

LAWRENCE is in his late 30's, 5'9, 160lbs., wearing scruffy jeans and a T-shirt. LAWRENCE has a small beard and mustache with oily hair. LAWRENCE appears concerned and sad.

39B SATU Veteran# 8 (LAWRENCE)

MS, I really can't wait for shampoo, my hair is so dirty, it's itchy. Who else can I go to?

39B SATU MSA (MICHELLE)

Just talk more with the social worker and the Patient Representative. I'll send another email to CAROL. We never had this problem before, I'll let you know when we get our toiletry supplies, I'm really sorry for the delay.

39B SATU Veteran# 8 (LAWRENCE)

Ok, thank you very much.

Michelle appears very sad for the veterans and is also very frustrated. MICHELLE says to herself, if one more veteran comes into my office complaining of needing essentials, I'm going to scream!

MSA's gave several veterans withdrawal forms so they could withdrawal money out of the Patient Funds account and were sent back to the unit indicating the same thing, they needed to be put on a check schedule. This went on for several months.

Veterans were leaving the MSA's office upset, then went to the Patient Funds Advocate to complain in hopes the Advocate could help them.

MSA's sent CAROL emails of veterans on the unit that were still complaining of not being granted their temporary indigent status so they can receive patient essentials/toiletry items and a dollar canteen book weekly.

June 2005-Veteran complaints from 7A,8A, & 8B Domiciliary.

Per MSA's, PAT and CAROL G. The veterans on the Dom's were still complaining of not being able to get their money out of their Patient Funds accounts.

July 2005-Continued Veteran complaints from 7A, 7B,8A, 8B and 39A/B regarding patients/veterans not receiving their indigent status for patient essentials/toiletry items, weekly dollar canteen books and receiving money out of their patient funds accounts.

Patient Funds Supervisor, JOANNE called CAROL on the phone;

JOANNE

Would you tell the MSA's to stop sending the veterans to Patient Funds complaining about not receiving their shampoo or dollar coupon book?

CAROL

The veterans have a right to complain, I would think the MSA' would send them to the Patient Advocate or Representative. I don't think they would send them to Patient Funds.

JOANNE

Oh yes, they are.

CAROL

JOANNE, as I said they have a right to complain. They are in need of essentials and need to be put on Temporary Indigent status as our policy indicates.

JOANNE

The veterans need to see the social worker on their unit.

CAROL

The MSA's are all now doing the patient registration process, entering them indigent, no funds to purchase essential items.

JOANNE

CAROL, they still need to see the social worker.

On that note JOANNE and CAROL said their goodbyes and hung up.

There were lots and lots of ongoing veteran complaints regarding veterans complaining of not being entered in the VA system as indigent so they could get their essentials. It was ridiculous.

CAROL submitted veteran's complaints to Office of Special counsel (OSC).

CAROL was already addressing all of her disciplinary actions to OSC and the Merit Systems Protection Board (MSPB,) She added veterans complaints so FHAS management would be investigated.

It was not reasonable to have a VA Temporary Indigent Status Policy and not allow the veterans their temporary indigent status.

There were veterans that were finally given indigent status after 3½ months. Most likely, they were already discharged from the SATU Unit.

CAROL was covering 58B, acute Psychiatry when a veteran was brought in by a couple of police officers indicating they found him sleeping in the woods. The veteran had money in his pocket where the police put it in an envelope for nursing and the MSA to count and put in his patient funds account. Nursing staff and CAROL counted the money, then CAROL took his money and deposited it in his patient funds account.

When CAROL returned to 58B, she received a couple of nasty emails from the supervisor, JOANNE in the email.

JOANNE, supervisor of Patient funds sends CAROL an email accusing CAROL of depositing money for a veteran that had



feces and urine on it. This was not true in which an unfounded issue was made of it by Supervisor TOM.

TOM continues to address this issue with all of the Medical Support Assistants in the email as if it were true. Police and unit staff on 58B handling this money attested there were no feces or smell of any affect that would indicate urine and feces on this veteran's money.

When unit manager and nurses heard about patient funds supervisor's complaint of urine and feces being deposited with urine and feces on his money, they started to joke about it.

The nurses stood around the nurse's station CAROL, did you take care of all the shit? What crap is JOANNE talking about? She doesn't have to be pissy about it.

CAROL believed TOM addressed this issue very unprofessionally as a GS-12 by sending all of the MSA's an email;

If you receive any money when a veteran is admitted and you feel it is soiled you will handle as with any other funds but you will need to contact Agent Cashier and inform them that this money appears soiled. If needed the Agent Cashier will clean the money as appropriate. By "soiled" I mean it appears to have some type of body excrement on it. I don't mean just dirty. I would also suggest that you wear gloves if not sure.

8/2005-CAROL received numerous calls from the Medical Support Assistants inquiring about the email TOM, Chief of Health Administration Services sent regarding the issue of body excrements on veteran's money. The Medical Support

Assistants were inquiring if they needed to send the money to laundry or hand wash. I indicated there was no validity to the statement of feces and urine being on this veteran's money and should not be continually addressed as if there were. CAROL told them to disregard the email and not to worry about it.

CAROL also sent OSC the email of this complaint regarding the accusation of depositing veterans money that had urine and feces on it along with veterans' complaints regarding not being allowed temporary indigent status as VA policy indicated.

CAROL's not sure how FHAS THOMAS was aware of CAROL's complaint of FHAS management violating veteran benefit rights to OSC through MSPB but they knew and CAROL was called to THOMAS's office regarding this matter. (CAROL speculated OSC was inquiring with management and HR regarding CAROL's veterans complaint documentation.)

INT. FHAS THOMAS'S OFFICE AFTERNOON

CAROL goes to Chief of FHAS's office THOMAS, and is met with THOMAS, TOM and HR representative.

THOMAS

CAROL, have a seat.

CAROL sits down and THOMAS hands her a proposed removal letter for patient privacy violations.

THOMAS

CAROL, you took the training for HIPPA and Patient privacy rights, correct?

CAROL

Yes, what's this about?

THOMAS has this smiling smirk on his face.

THOMAS

You are being charged with violating the patients/veteran's rights, by sending a list of veteran's names with their last four numbers of their soc. sec.# to the Merit Systems Protections Board. You have 30 days to respond.

CAROL leaves THOMAS's office very upset about the proposed removal because she didn't violate the veteran's privacy rights, MSPB was a court, sending their names to OSC through MSPB is a prohibited personnel practice, Whistleblower retaliation claim.

CAROL again submitted the proposed removal to MSPB. CAROL was still waiting for the judge to address all of the previous disciplinary actions FHAS imposed.

CAROL responds to FHAS, Chief THOMAS and Associate Director DON regarding the proposed removal for patient violations of the privacy act, indicating she did not violate their privacy by sending a list of patient names and last four numbers of patients complaining of not receiving their benefits to OSC and MSPB as investigative material. CAROL explained in writing this is an exemption of the privacy act. In fact, if the veterans knew they'd probably be appreciative.

MSPB judge called a telephone conference with HR, VA representative from General Council and CAROL to see if the charges could be resolved.

HR offered CAROL to take a lower grade, transfer to another department, then they would wipe the slate clean and take out all of the disciplinary charges from her files. CAROL did not accept their offer and stayed with the court system.

DON, Associate Director called CAROL to meet with him and discuss the proposed removal regarding privacy violations.

DON is in his mid-50's, 5'8, 170lbs, with grayish hair wearing formal business attire and appears serious minded.

CAROL was a little nervous going to DON's office.

INT. ASSISTANT DIRECTOR'S OFFICE, BLDG.1 DON'S OFFICE

DON

CAROL, please come in and have a seat.

CAROL has a seat at a very large table in DON's office.

DON

I read your response to the proposed removal by THOMAS, Chief of FHAS and find it concerning. Don't you have any remorse at all?

CAROL

No, I didn't violate their privacy, I sent their information to OSC and MSPB as confidential investigative material.

DON

You are not allowed to do that. You could cause other people to get this information and use it wrongfully.”

CAROL

I don't see how, it was sent confidentially. Anyone, that finds or receives information by mistake, then uses their information should be held accountable for privacy violations/criminal charges. I didn't do that.

DON

CAROL you shouldn't send patient information out.

You may go now, I will send you my decision.

Approximately a week later CAROL receives DON's decision on the proposed removal upheld as a demotion charge.

CAROL then receives a detail to FHAS payroll dept., 30 days later CAROL is transferred to Patient Care Services and under previous supervisor NATHAN again.

CAROL goes over to NATHAN's office to meet regarding her new job duties and new PD.

NATHAN

Come on in CAROL, have a seat. I don't care what happened over there in FHAS. You're here now and we will put together another PD.

CAROL

Thank sounds good.

NATHAN

I would like to use you as an administrative floater, where you will work in different departments such as; Pharmacy,

Laboratory, Radiology, Home Base Primary Care, and back up for the primary timekeeper. How does that sound?

CAROL

That sounds fine.

NATHAN

Good, I'll see you on Monday.

CAROL thanked NATHAN and returned to payroll to finish out the day.

CAROL reported Monday to her new position in bldg.1 and was quite upset with being demoted from a GS-7 step 5 to a GS-6 step 10.

CAROL took her disciplinary actions of Suspensions, proposed removal, demotion and transfer to OSC through MSPB to adjudicate.

Approximately, 30 days later the judge sends her final decision upholding the demotion. CAROL was devastated.

CAROL then took the judge's decision to the MSPB board for review. 3 months later the review board upheld the judge's decision.

During this litigation with MSPB CAROL noted a false report of contact by ED she never saw before;

ED indicated; CAROL has made claims of favoritism by me of one of our top performing clerks. She continues to make this claim even though it has been proven false. CAROL falsified a report of contact of another clerk and then intimidated the clerk into signing the incorrect report of contact. CAROL has gone to at least two other clerks that

she does not supervise and asked them to write up emails or memos to her about the float clerk in number two above and she would keep the information confidential even from me. The two clerks refused to do this and informed me of her request. Finally, with the third clerk who reports to her, CAROL against the wishes of the clerk pressured her into putting a workman's comp claim in for a fall and then making her go home, the clerk informed me of these incidents when I gave her a ride to her assignment due to health problems.

CAROL continues to disrupt Ward Administration functioning by trying to undermine my authority and intimidate her floaters as well as other Ward Administration staff which leads to low morale and confusion among staff.

In order to avoid any problems with the performance appraisals for the 3 staff currently ill in the float group. I will be completing all three evaluations with input from CAROL.

CAROL was very upset and couldn't understand how MSPB could uphold the demotion charge where there was no evidence by FHAS management officials.

INT. CAROL'S HOME

CAROL entered computer appeals of MSPB decision to EEOC along with another EEO complaint that was dismissed at the informal level of harassment, unfair salary due to increased job responsibilities to include the supervision of 20 or more MSA's.

In the meantime, CAROL was working all over in different departments.

INT. GERIATRIC & EXTENDED CARE/HOME BASE PRIMARY CARE  
(HBPC) DAY

HBPC needed me to make up over 9 copies of each patient care plan for their weekly treatment team meetings. It varied on how many patient care plans they needed. It would range from 4 to 9 patient care plans that I needed to make approximately 9 copies of each patient care plan for treatment team meetings. Approximately, after 1 ½ months working there, they wanted me to start blacking out all the names on the treatment plans. I asked them, "How are you all going to know who you're talking about in these treatment meetings if the names are all blacked out? HBPC indicated they would know from the different descriptions of each plan. I tried to argue with them that they had a need to know for all the names to be on there as their care providers but they didn't want to hear it and insisted I black out all their names. This made me feel very uncomfortable. I believed blacking out the names could cause more harm than good. ED lectured HBPC about the patient's privacy so now HBPC went to the extreme by having all the names on their care plans blacked out. ED was now Privacy Officer so go figure. Several months into working on HBPC I needed to go to Pharmacy to assist with veteran refills. I was glad to leave HBPC since they were insisting I black out the names on their care plans. How ridiculous!

INT. PHARMACY BLDG.2 DAY

CAROL was covering Pharmacy in Nov.-Dec.'2007.

ERICKA sent CAROL an email, CAROL I need your assistance with some of my T&L's because of the upcoming holiday



nursing timecards for Dec. 25<sup>th</sup> Christmas and Jan.1,'2008 New Year's holiday.

CAROL sent NATHAN and ERICKA an email regarding ERIKA's request for assistance;

CAROL, I need to know what the priority is, assisting the veterans for refills in Pharmacy or assisting ERIKA with her timecards?

NATHAN responded, Timekeeping always comes first.

CAROL had one T&L that included approximately 30 employees and ERICKA's timecard to post. Now, ERICKA wanted CAROL to do 3 of her T&L's that was approximately 90 employees. During the holidays, CAROL assisted ERIKA with her T&L's and coverage additionally when her son was ill.

ERIKA received CTE and OT around the holidays along with CAROL assisting her. CAROL wondered why all the CTE/OT was necessary considering she was assisting her.

ERICKA was continually afforded to work from home 3 days a week. She was also allowed to switch her days at home and work days around. ERICKA normally worked Mon., Wed., and Fri. at the VA. Tues. and Thurs. she worked at home. Sometimes ERICKA could request to stay home and come in another day when the weather was bad or her child was ill. Erika would also request to change some of her hours as well to a late evening shift.

NATHAN gave ERICKA anything she requested.

CAROL believed NATHAN was no doubt concerned about ERIKA completing his timecard right so he would be paid correctly.

CAROL sent NATHAN an email "I am requesting 15 minutes of CTE for assisting a veteran on the phone with refills at the end of her shift.

NATHAN rejected CAROL's request by email stating you need to request CTE ahead of time.

CAROL responded with What was I supposed to do?

NATHAN responded in the email, don't answer the phone at the end of your shift.

NATHAN, Administrative Officer GS-11 would have meetings in his office every morning with his secretary, ANN, timekeeper, Erika, Administrative Support Assistant Christine and CAROL.

NATHAN had also said inappropriate statements to his secretary and CAROL that were disregarded, especially since there were no witnesses.

On one occasion in NATHAN's office;

INT. PATIENT CARE SERVICES DAY, BLDG. 1

NATHAN

You know I am from Germany and am German, what is your nationality?

CAROL

I am Irish, my father is Irish and my mother is Irish and a little French. My grandfather on my mother's side was adopted and from Belgium so I'm not sure what else I may be. I would say mostly Irish.

NATHAN

So, you're is you're a mutt.

CAROL

No, I'm Irish

NATHAN was laughing and CAROL was shocked and offended at NATHAN calling her a mutt.

CAROL was at loss for words and didn't want to be disrespectful to NATHAN so she just left his office feeling very annoyed at his remark and disposition.

There was another occasion when CAROL was informed to get ahold of an employee name DEB for training needs by email from NATHAN.

CAROL thought NATHAN meant another DEB for training which made NATHAN angry. (NATHAN was angry and cross).

NATHAN

Why did you get with DEB R. instead of DEB. M.?

NATHAN asked with a mean stern cross look on his face.

CAROL

I initially thought of DEB. R. because she mostly handles all of our training input for our dept. Then, I realized you meant, DEB M. because she handles scheduling training in Primary Care.

CAROL was perplexed as to why NATHAN would be so angry at a minor understandable mistake and left his office. It didn't take much to annoy NATHAN.

Then one morning in one of NATHAN's meetings; NATHAN thought CAROL wasn't paying attention and started in on CAROL, telling her to pay attention and to clean the wax

out of her ears. CAROL indicated she was paying attention even though he thought she wasn't.

NATHAN asked CAROL what they were talking about and CAROL told him part of what they were talking about. NATHAN indicated there was more to the conversation and still insisted CAROL wasn't paying attention.

CAROL and NATHAN were in a heated argument in front of NATHAN's other employees. NATHAN was saying over and over again CAROL wasn't paying attention and CAROL was assuring she was paying attention even though it appeared she wasn't.

NATHAN became so angry. He ended the meeting, excused everyone except CAROL, he told CAROL to "stand fast."

CAROL was then alone with NATHAN in his office further disagreeing with NATHAN about whether or not she was paying attention.

CAROL felt embarrassed how NATHAN accused her of not paying attention in front of everyone further yelling and telling her to clean the wax out of her ears.

NATHAN and CAROL just argued in his office until NATHAN allowed her to be excused.

CAROL filed a grievance with NATHAN's supervisor, Associate Nursing Director Deputy, RENE. RENE called a meeting with CAROL and NATHAN.

INT. PATIENT CARE SERVICE'S DEPUTY NURSE MANAGER RENE'S OFFICE AFTERNOON.

CAROL and NATHAN met in RENE's office.

RENEE is brown skin, in her 50's, 5'6, 160lbs., pleasant and serious minded.

RENEE

CAROL, I read your complaint that NATHAN was disrespectful and yelling at you in one of his morning meetings, do you want to tell me what happened?

CAROL

Yes, while meeting with NATHAN, MARSHA, ERICKA and ANN, NATHAN accused me of not paying attention in the meeting. It turned into an argument between the two of us, going back a forth. NATHAN said, I wasn't paying attention and to clean the wax out of my ears. I responded to NATHAN, it may have appeared that I wasn't paying attention, but I was.

RENE

NATHAN, what do you say happened.

NATHAN

What she said is what happened but I think I told her something like she should keep her hears washed out. Something like that.

RENE

CAROL what do you what out of this complaint?

CAROL

I would prefer to be under different supervision because I do not want to be subject to further accusations in front of co-workers.

RENE

NATHAN, can you apologize to CAROL for raising your voice at her and for telling to clean the wax out of her ears?

NATHAN

Yes, I apologize for saying to CAROL that she needs to wash her ears out.

RENE

CAROL, I'm not going to put you under another supervisor. Can we resolve this complaint with NATHAN's apology?

CAROL

Yes, but if it continues to happen, I will file an EEO complaint of harassment.

RENE

I'm sure NATHAN will not offend you again. Right, NATHAN?

NATHAN

I don't mean to offend anyone.

RENE

Good, now we can say this complaint is now taken care of, ok CAROL?

CAROL

Ok, I'm just concerned it may happen again.

RENE

Alright, thank you both for coming, have a good day.

NATHAN and CAROL went back to their office.

CAROL was hoping everything would be good this day forward. Four months later, performance appraisals were due. NATHAN scheduled a meeting with CAROL to discuss her annual performance. CAROL goes to meet NATHAN at his office.

INT. PATIENT CARE SERVICES NATHAN'S OFFICE DAY

NATHAN

Sit down.

CAROL sits down in front of NATHAN's desk, NATHAN hands CAROL her performance appraisal. CAROL feels tension in the air. She reviews her performance appraisal.

NATHAN writes, CAROL needs to take more of a tactful stand when dealing with others. NATHAN gave CAROL a couple of Outstanding's and fully successful on her job duties. NATHAN didn't appear to be in a good mood so CAROL just signed the performance appraisal and gave it back to NATHAN. It didn't seem worth the argument to address with NATHAN and CAROL was a little fearful of losing her job.

CAROL left NATHAN's office and went back to work.

ERICKA was in her late 30's, 5'7, 150lbs. with brown hair, brown eyes and wore semi-business attire. ERICKA appeared pleasant and slow at doing work.

INT. PATIENT CARE SERVICES TIMEKEEPER'S OFFICE, BLDG. 1.

While covering for ERICKA, CAROL needed to open all the mail that had "Timekeeper" on the envelope in order to receive timekeeping documentation for all of the T&L's.

One day while working, CAROL opened mail that had timekeeper on it that actually had a copy of ERICKA's award documentation as part of her performance appraisal.

ERICKA received Outstanding performance, which means she received exceptional in all areas of her critical elements. CAROL thought how is this possible? ERICKA was far from Outstanding. CAROL then filed an EEO complaint of discrimination due to unfair and impartial treatment of a supervisor to subordinate employee by giving ERICKA an outstanding and everyone else highly successful.

During the EEO complaint process, CAROL received EEO's file of the complaint and saw ERICKA's performance appraisals of 2006 and 2007. CAROL was shocked to see not only did ERICKA receive Outstanding in 2007 but she also received outstanding in 2006. ERICKA was no more outstanding in 2007 than 2006.

The most offensive part of ERICKA's performance appraisal of 2007 was what NATHAN wrote in her performance evaluation;

"Despite the fact that an alternate continued the timekeeping duties while ERICKA was out for health reasons from mid-March until the end of May'07, the timekeeping process did not run smoothly under somebody else's watch, and it wasn't until ERICKA returned that the timekeeping process went back to normal within a very short time."

This was a blatant untruth!

Why was CAROL's timekeeping coverage entered into ERICKA's performance appraisal?



Why was CAROL's performance entered into ERICKA's performance appraisal on a negative note?

If CAROL's performance coverage for co-worker, ERICKA was not very good. Why wasn't this presented to CAROL during her performance appraisal meeting?

ANN, NATHAN's secretary wrote a letter on CAROL's behalf as a witness to NATHAN's inappropriate behavior.

Seldom do employees like to write on behalf of their co-workers for fear of reprisal.

ANNE wrote;

To Whom It May Concern:

On June 4, 2007 during our weekly Nursing Support staff meeting, I recall NATHAN, our supervisor, make an uncalled-for remark to CAROL. He said something to the effect for her to keep her ears washed out. Comments such as this by a supervisor are uncalled for and create animosity among workers under his supervision. I, too, have endured similar incidents.

ANN was 60, 5'3, 145lbs, with brown hair. ANN wore formal business attire was always pleasant.

ANN

Another co-worker also wrote a letter regarding the unfairness of ERICKA's work position as timekeeper working from home;

CHRISTINE was in her late 30's, 5'5, 170lbs. with wavy long brown hair and brown eyes. CHRISTINE wore informal and formal business attire on different occasions with her hair up or down.

To Whom It May Concern:

On occasion I have witnessed the Nursing Timekeeper (NT) coming in late to work.

I don't see fairness in:

A) Why NT (nursing timekeeper) doesn't have to answer their work phone line on the days NT works from home; as there are employees that call regarding timekeeping issues (phone goes unanswered for approx. 3 days).

B) How is NT allowed to change days working on site and working from home so NT can be working from home when child is sick (doesn't have to request leave when others do).

I WISH TO REMAIN ANONYMOUS DUE TO REPRISAL.

CHRISTINE

INT. HOME WEEKEND DAY

CAROL finally heard back from EEOC regarding her MSPB appeal that upheld the VA demotion's charge. The EEOC indicated due to clerical error that were now just addressing this appeal.

EEOC dismissed CAROL's MSPB demotion complaint and indicated her appeal rights to have her case reviewed or addressed with Philadelphia Eastern District Court.

CAROL put several white 2-inch legal binders together that contained all of her documentation of false FHAS managerial statements, accusatory email evidence of supervisor's harassment and job interferences along with all of FHAS disciplinary actions of report of contacts, admonishments, inappropriate PIP, Proposed removal, detail, transfer and demotion from GS-7 step 5 to GS-6 step 10.

CAROL organized the binders to show all of her evidence of FHAS illegal activities that were VA/OPM/OSC violations; taking an employee's job/interfering with an employee's job without justification or with HR notice along with proper HR/OPM procedural forms to include VA FORM 52- employee actions and the inappropriate Performance Improvement Plan where there were no appropriate forms to address an improvement plan, or unsatisfactory performance documentation in CAROL's rating nor any offers of training.

CAROL was given satisfactory on all of her performance appraisals. How can you rate an employee satisfactory and then put the employee on a Performance Improvement Plan where there is no plan, just weekly meetings?

CAROL indicated to court the Performance Improvement Plan is supposed to coincide with the Performance ratings according to VA HR/OPM regulations.

Additionally, FHAS Managerial staff and HR, were guilty of false statements in disciplinary actions along with Fraud in ED's descriptive position description;

The VA showed ED's Position Description where all of ED's descriptive job duties was a fabrication;

FHAS management and HR indicated ED was portraying a high level of Computer Technical duties such as a Computer Programmer and that he gave employee access to VISTA Employee security entry codes, ED claimed to be in charge of Congressional affairs, Blood Donation Coordinator, High Educational Management Duties, Engineering duties; insuring and ordering equipment, in charge of 302 commitments, ED could fill in as an AOD (Administrative Officer of the Day). This was all fraudulent, one big lie to allow ED to keep a GS-11 grade pay.

Additionally, violations of veteran's benefits; Prohibited Personnel Practices/Whistleblower action. THOMAS, Chief of FHAS was guilty of violating veteran's benefits by not allowing them their VA patient essentials/temporary indigent status and money timely withdrawals out of their Patient Funds accounts that they themselves deposited and saved.

THOMAS, Chief of FHAS was accusing CAROL of violating patient privacy because she disclosed the unit veteran complaints to OSC and MSPB.

ED was harassing CAROL for 2 years while he had a fraudulent position description. God only knows what duties ED was actually doing.

CAROL believes ED just did what he felt like doing, he wasn't held accountable to any job duties from '2002 to '2005 before the VA made him a new position description as Privacy Officer.

Then in the new PD they took out all the fraudulent descriptive job duties from his previous PD that he wasn't

really doing, because of my complaint and them realizing the PD wasn't truthful and couldn't be validated.

Additionally, HR gave ED some of my old duties that they said I no longer needed to do and gave them to ED in his new PD; such as; MAS unit appointments report and unit veteran physical reports. This was just to support his grade level and has no relationship with a Privacy Officer.

MSA unit appointment reports and veteran annual physical reports relate with an MSA supervisor position. ED and HR were full of it.

CAROL laughed when she heard from VA appointment schedulers that ED was going around their desks digging in their trash cans looking for patient information being thrown away. Taxpayer dollars at work.

CAROL took all of her VA evidence in a book binder to the Philadelphia Eastern District Courthouse in Philadelphia and completed the Court forms.

CAROL asked the court clerk to make sure the assigned judge receive her book of case evidence. The court clerk indicated the judge would receive her book binder complaint that showed evidence of VA/OPM/OSC violations.

CAROL sent a duplicate binder to the VA state opposing party.

A week later CAROL was approached by the assigned judge and VA attorney. After phone conversations, it was agreed CAROL would try to locate an attorney to assist with litigation.

CAROL gathered and copied more of her documentation and put together more binders for potential attorneys.

Although, CAROL reached out to several attorneys, they really didn't show too much interest in her case. This was because it was a federal case where VA officials had immunity from prosecution.

The judge than entered CAROL into an attorney assistance program where his secretary would assist in finding attorneys that would be interested in taking her case.

Honorable Judge JAN DUBOIS is in his 70's, 5'7, 140lbs. with white hair, very serious minded.

EPSTEIN, A. in his 60's, tall, 6'2, blue eyes, white hair- a little bald in the center of his head with short white hair to the back of his head, professional business attire, pleasant and very serious minded.

MCCALL, P. in his 30's, tall, 6'2, short brown hair, brown eyes with glasses, professional business attire with a studious pleasant manner.

Several months later A. EPSTEIN, Esq. agreed to take the case.

CAROL met with A. EPSTEIN on several occasions in discussions of her case. Then attorney/intern by the name of P. McCall joined in on assisting with her case.

Several years CAROL was in litigation with the VA. On her complaint.

After EEOC dismissed CAROL's second complaint of unfair performance award and retaliation of supervisor NATHAN.

CAROL took that complaint and appeal also to the Philadelphia Eastern District Court where the Judge joined

the 2 discriminatory-whistleblower Retaliation complaints together as Case#10-5411/11-4340.

The EEOC Judge reiterated "Why even bring up another employee's coverage on a performance appraisal?"

CAROL received several complimentary letters from managers to whom she worked with doing their timecards.

CAROL included all the letters in support of how well she performed her timekeeping duties to dispute NATHAN's claim of not covering ERICKA well.

NATHAN had no actual knowledge of ERICKA's performance because he had no timekeeping data to review and Payroll never addressed with him the timekeeper duties or errors.

CAROL had VA timekeeping data evidence of ERICKA's exceptions she always had to clear along with coverage documentation where ERICKA always asked for her assistance and other email documentation.

CAROL received several complimentary letters from managers to whom she worked with doing their timecards.

CAROL included all the letters in support of how well she performed her timekeeping duties.

CAROL had VA data evidence of ERICKA's exceptions she always had to clear along with timekeeping coverage documentation where ERICKA always asked for her assistance and other email documentation from Payroll indicating ERICKA's exceptions that needed corrections.

How fair was it that ERICKA always needed help to do her job and wasn't held accountable? Instead is given

Outstanding and has the nerve to complain about someone who is always helping her.

ERICKA was allowed to work from home, make her own hours save her time and leave, plus receive outstanding performances every year which she didn't deserve. If she were so outstanding she wouldn't need any assistance.

Outstanding means to go over and beyond. Clearly ERICKA didn't go over and beyond and defamed CAROL by criticizing CAROL's coverage to NATHAN. This was in accordance to NATHAN and in his court deposition.

NATHAN, supervisor takes the word of the primary timekeeper and additionally defames CAROL's work in ERICKA's Performance Appraisal by implying CAROL's coverage wasn't good.

Why dislike and be angry with people so much, that you're willing to ruin their career by saying and writing things that aren't true about them? Why not put your anger aside and be honest about what's really going on and have integrity to do your job right?

The unit manager complimentary letters received and enclosed as court evidence were;

December 30, 2008

To Whom It May Concern:

Carol Mulhern has years of experience doing various Timekeeping T&L's. She is Sue E's alternate and has done an excellent job covering for Ms. ERICKA E. in her absences.



She has assisted new timekeepers with Timekeeping duties. For a long period of time, she was responsible for the Pathology and Laboratory service time cards and we have many tours and weekend rotations and she did an excellent job.

KARIE

From: SONDRA M.

Subj: Reference

To Whom It May Concern:

CAROL MULHERN has years of experience doing various Timekeeping T&L's. She is ERICKA's alternate and has done excellent job covering for ERICKA in her absences.

Additionally, Ms. MULHERN has assisted ERICKA all year and around the holiday even though ERICKA was present. Thank you.

SONDRA

Payroll Tech.

Date: December 31, 2008

To Whom It May Concern:

In my former position as a civilian pay technician, I worked with CAROL (TALLEY) MULHERN on many occasions in her position as an alternate timekeeper in nursing support (providing support in ERICKA's absence). I found CAROL experienced in timecard procedures and diligent in her

accuracy of daily posting and follow up with corrected time card signatures.

ANN A. Administrative Support Assistant

December 30, 2008 In Reply Refer To: 542/115

To Whom It May Concern:

CAROL MULHERN has years of experience doing various Timekeeping T&L's (056,057,066 and 069) for Geriatrics & Extended Care Services. She does well maintaining her primary timecards. As ERICKA's alternate, she has always completed all nursing timecards in a prompt manner. Additionally, Ms. MULHERN has relieved ERICKA when requested.

Sincerely,

SUSAN R.N., M.S.N., M.B.A., Director for Geriatrics & Extended Care Services

Date: December 31,2008

From: CHERYL, RN 58A/B

Subj: CAROL MULHERN Timekeeping Duties

To Whom It May Concern:

As Charge nurse on 58A/B, I have worked with CAROL (TALLEY) MULHERN many times regarding 58A/B Mental Health timecards. Ms. Mulhern has always taken good care of our timecards and makes adjustments very efficiently and timely.

CHERYL RN Charge Nurse

December 30, 2008

To Whom It May Concern:

I would just like to express my appreciation for the job well done with our timecards. Ms. CAROL MULHERN has spent many years doing various Timekeeping T&L's. I am aware that she is ERICKA's alternate and has done a tremendous job covering for her with the multiple T & L's that she services.

Ms. MULHERN has assisted new timekeepers with timekeeping duties for my department and others. She has been responsible for the Radiology and Laboratory time cards for many years. Our timecards are often challenging even for our present timekeeper, who previously worked in payroll. She has been able to do an excellent job posting the various shifts, tours, and exceptions to our cards. She should be commended for a job well done in timekeeping.

MICHELE

Radiology Supervisor

EPSTEIN held depositions and requested all documentation from the Coatesville VAMC regarding FHAS management disciplinary actions.

INT. DAY EPSTEIN'S OFFICE  
DEPOSITION of ED;

EPSTEIN

Q. When you first came to the VA, what did you, do sir?

ED

A. I was a file clerk.

EPSTEIN

Q. And how long did you remain a file clerk at the VA?

ED

A. A year.

EPSTEIN

Q. When did you become that privacy officer? Was that 2006, '07?

ED

A. I think it's been about 10, 11 years.

EPSTEIN

Q. What do you do as privacy officer?

ED

A. I make sure that everybody knows what the privacy regulations are for the government and how to protect patient and employee and patient family and employee family confidential information. I make privacy rounds daily to make sure that people aren't leaving their doors open or their computer is not locked or things, you know, laying on the desk that people can see. I also make sure that anybody in the hallway if they're talking, that they're not sharing patient information and stuff like that. And then I'm required once every quarter to show up at night on weekends and on the weekend just to make sure that people follow the regulations 24 hours a day.

EPSTEIN

Q. What do you do as privacy officer?

ED

A. I make sure that everybody knows what the privacy regulations are for the government and how to protect patient and employee and patient family and employee family confidential information. I make privacy rounds daily to make sure that people aren't leaving their doors open or their computer is not locked or things, you know, laying on the desk that people can see. I also make sure that anybody in the hallway if they're talking, that they're not sharing patient information and stuff like that. And then I'm required once every quarter to show up at night on weekends and on the weekend just to make sure that people follow the regulations 24 hours a day.

EPSTEIN

Q. Now, sir, I'm giving you what is a portion of the VA handbook and it's been marked as Plaintiffs Exhibit No.6 if you see the small letters at the bottom and it's from the April 15th, 2002, handbook. Can you take a look at what has been marked on here as VA506? It's the ninth page down, I believe. It's the second from the back. Now, the nature of the offense has been labeled here as part of the handbook as 1 through a total of 50 names, offenses, through number 50, ranging 10 days to removal for the second. These are ranges, are they not, sir?

ED

A. Yeah.

EPSTEIN

Q. Do you know if there have been any substantial changes in these that you're aware of?

ED

A. Not that I'm aware of.

EPSTEIN

Q. When did you first meet Carol Mulhern?

ED

A. I would think that, you know, I saw her around, but I never really interacted with her until I became her supervisor.

EPSTEIN

Q. And do you remember what year that was that you became a supervisor?

ED

A. Not offhand. It's a long time ago.

EPSTEIN

Q. If I would state to you that it was in 2002 that she became a medical support assistant supervisor in the float pool, would that refresh your recollection?

ED

A. That sounds reasonable.

EPSTEIN

Q. Now, when you first became her supervisor, was she exclusively working for you or was she working for other people as well?

ED

A. I think she may still have had something like doing helping with timecards as a backup or something, you know.

EPSTEIN

Q. And who was she working for at that time, do you recall?

ED

A. Well, I think she was working for me. She may have been the timekeeper prior to becoming a ward clerk and then they asked her to be the backup if the time clerk was out or overwhelmed, you know, could she help out with the timecards.

EPSTEIN

Q. I'm just trying to pin this down as much as I can timewise. I'm going to show you what has been marked as Plaintiffs Exhibit No.1. Ed I'm showing you a document that's been produced by the VA regarding your employment and it shows a reassignment from your position as management and program analyst to a position of medical administrative specialist. Is that when you became the head of the medical clerks?

ED

A. No, I think it was before I became the ADPAC I was in charge of the medical clerks.

EPSTEIN

Q. Most of the events that we've seen in this case evolve out of 2003 to 2005. The time that you had been supervising Carol as the float supervisor, was that during that period of time?

ED

A. Sounds like.

EPSTEIN

Q. After your ADPAC or was it before?

ED

A. From what I can remember, I'm pretty sure it was before I became ADPAC and then once they, you know, decided to move me to another position, then that's when the ADPAC came up.

EPSTEIN

Q. Now, without getting into any of the specifics, Mr. ED, first, are you aware that Carol Mulhern has brought an action against the VA, specifically against the VA secretary in accordance with the rules, alleging that she had been discriminated against and retaliated against?

ED

A. No. The only thing I heard was that she filed something and she didn't get what she wanted and then she went higher up. That was all.

EPSTEIN

Q. Sir, did you ever see or were you ever shown a copy of the Amended Complaint that she filed against the agency?

ED

A. Not that I remember.

EPSTEIN

Q. Were you ever told that she accused you in several filings that she had brought complaints against the agency? Did either she tell you that or did somebody else tell you that?

ED

A. She didn't tell me anything and I don't remember offhand if Human Resources said, oh, I just want to give you a



heads up that you may be called for in for something with this or whatever.

EPSTEIN

Q. Were you ever called for any of the EEO complaints, that the EEO officer at the VA mentioned that you needed to be aware of that Carol had filed something.

ED

I don't remember anything else with that or, you know, meeting her or whatever.

EPSTEIN

Q. Did the EEO officer give you any advice or provide you with any advice regarding the issue of retaliation against Carol for having filed something?

ED

A. Again, not that I remember. She may have, but it's been a while.

EPSTEIN

Q. How about did anybody inform you that Carol had filed charges against the agency due to her interaction with you with the MSPB?

ED

A. Again, I don't remember, you know, anybody coming to me or notifying me of that, whatever.

EPSTEIN

Q. Did anybody tell you that Carol was complaining that she was subjected to retaliation for anything like whistle

blowing or subject to anything because of her gender or her age?

ED

A. (Witness shakes head.)

EPSTEIN

Q. Now, I noticed in the document that we just looked at that you were being described as chief ward administration/ADPAC. When you were the chief, when you were made chief after just the analyst, did you hold both positions? Were you over both the people who did your prior work as well as the ward administration?

ED

A. I was over ward administration and there was nobody else. ADPAC is an independent position. They don't supervise anybody and nobody else works for them. They just get the information they need.

EPSTEIN

Q. Sir, you were named in this last email as ward administration, ADPAC, slash ADPAC?

ED

A. Right.

EPSTEIN

Q. Did you have charge of ADPAC people when you were head of ward administration?

ED

A. No.

EPSTEIN

Q. Do you recall after that having received a document where Carol was planning on having a meeting with the persons that she supervised, the floaters?

ED

A. Yes.

EPSTEIN

Q. And did you object to that, sir?

ED

A. Yes.

EPSTEIN

Q. Why?

ED

A. First of all, she didn't inform me that she was scheduling the meeting. Second of all, there were situations between her and the clerks she supervised and when she scheduled a meeting, if I remember correctly, I found out from the clerks and they didn't want to go and they were wondering if they had to go.

EPSTEIN

Q. Sir, did you make any report of contact with those clerks about them not wanting to go?

ED

A. No.

EPSTEIN

Q. Did you make any notes about that?

ED

A. No.

EPSTEIN

Q. Can you tell me which clerks it is that didn't want to go?

ED

A. No.

EPSTEIN

Q. Do you remember what clerks said they didn't want to go?

ED

A. Nope.

EPSTEIN

Q. When she came to you and asked you if she could hold that meeting? Do you remember her asking?

ED

A. I don't remember her asking, no.

EPSTEIN

Q. And that was your basis for canceling her meeting, correct?

ED

A. Right.

EPSTEIN

Q. That she hadn't asked you first?

ED

A. Right.

EPSTEIN

Q. I'd like you to take a look at what has been marked P-118. Could you read the first four sentences there?

ED

A. "Carol came to my office on 3/30/04 to get approval to hold a section staff meeting."

EPSTEIN

Q. Does that refresh your recollection that she actually asked you? Following that circumstance of your cancelling her meeting that she had planned, did she file a grievance?

ED

A. I don't know if it was a grievance, but she made a complaint that she had a right to do that meeting without me, you know, okaying it and stuff.

EPSTEIN

Q. Is there any writing that you know of that says you have to approve her meeting with her clerks?

ED

A. There is probably some email I sent to her.

EPSTEIN

Q. Did Carol complain you were not allowing her to meet with her employees?

ED

A. Yeah. She complained that I was not letting her do her job.

EPSTEIN

Q. And that was the basis of her grievance proceeding, was it not?

ED

A. Yeah.

EPSTEIN

Q. And as a result of that, she again went to Mr. Robinson and asked again to be changed from your supervision, did she not?

ED

A. Yeah.

EPSTEIN

Q. After filing that informal grievance when she talked to you did she complain, sir, after that date, March 31st, 2004, that you were usurping her function, that you were doing her job and that you shouldn't be interfering as to whether or not she would meet with her people?

ED

A. Yeah. She complained that I was not letting her do her job.

EPSTEIN

Q. And that was the basis of her grievance proceeding, was it not?

ED

A. Yeah.

EPSTEIN

Q. And as a result of that, she again went to Mr. Robinson and asked again to be changed from your supervision, did she not?

ED

A. Yeah.

EPSTEIN

Q. She filed a formal grievance with Mr. Robinson, did she file a formal grievance against you because you were not permitting her to do her job?

ED

A. I can't be specific, but it sounds like that's what she did.

EPSTEIN

Q. I'm going to show you a document marked as P-123. Do you recall her filing this grievance?

ED

A. To a point, yes.

EPSTEIN

Q. And in that grievance, she was again asking for somebody else to supervise her other than you?

ED

A. Right.

EPSTEIN

Q. That same time that she was filing the grievance on about the same time, did you have another chance to write up Carol as a part of a report for contact regarding uncovering units and missing keys?

ED

A. Probably.

EPSTEIN

Q. And that was at a time when there was a formal grievance proceeding out there, correct?

ED

A. Yeah.

EPSTEIN

Q. I'm showing you a document marked as P-125 which is a report of contact?

ED

A. Yes.

EPSTEIN

Q. And after this period or during this same period of time in April of 2004, did you do the reports of contact regarding actions by Carol?

ED

A. Probably.



EPSTEIN

Q. Do you recall whether or not you did the same kind of intensive reporting by way of filling out reports of contact for other people?

ED

A. What do you mean by "other people"?

EPSTEIN

Q. Other people under your supervision, did you do as many reports of contact for other people as you did for Carol?

ED

A. I only do reports of contact if I feel that there is a justification for one or that I may need documentation in the future to support the actions I'm taking.

EPSTEIN

Q. Well, isn't it correct that those things only occurred with Carol as opposed to other people?

ED

A. No, I've written reports of contact on other situations.

EPSTEIN

Q. Have you done as many as five in one month for other people?

ED

A. No, because I can't remember another person acting like this and not getting their job done.

EPSTEIN

Q. You had just told her that she was getting off of a performance review. You also told her that she was meeting fully her expectations of the job, correct?

ED

A. She was fully satisfactory.

EPSTEIN

Q. Why was it in May of 2004, that in April and May of 2004 you needed to do so many matters where reports of contact were necessary?

ED

A. Because she wasn't performing -- she wasn't unsatisfactory in her performance, but she wasn't performing to the requirements or the level that she should have been.

EPSTEIN

Q. But at the same time you removed her, in May of 2004 you removed her from the performance improvement plan, did you not?

ED

A. Yes.

EPSTEIN

Q. But you still felt it necessary to do all these reports of again, asking or filing an informal grievance?

ED

A. Yes.

EPSTEIN

Q. During that same period of time, did Ms. Talley or now Ms. Mulhern file another complaint of employment discrimination against you?

ED

A. I remember probably.

EPSTEIN

Q. About things that occurred in March, April and May of 2004?

ED

A. Yeah, I would say, yes.

EPSTEIN showing ED another Grievance letter.

ED

A. I don't remember seeing one.

EPSTEIN

Q. But you were aware that she had filed one?

ED

A. Yes.

EPSTEIN

Q. Were you asked by Ms. Simmons to respond to that charge of discrimination?

ED

A. I can't remember exactly how I responded, but, yes, she always asked for a response and I don't remember if I responded to her or I responded to Carol.

EPSTEIN

Q. And after that did you admonish Ms. Talley about not following your instructions and not Checking with you regarding distribution of emails or discussions with staff?

ED

A. I wouldn't say I admonished her. I explained to her the procedure in how things are supposed to work.

EPSTEIN

Q. By the way, Mr. ED, during your term as the chief of ward administration, other than Carol did you ever suspend anybody?

ED

A. No.

EPSTEIN

Q. Did you give anybody else that you could recall a letter of admonishment?

ED

A. Not that I'm aware of. You know, they're a pretty good group of people so I'm not aware of right now.

EPSTEIN

Q. When you started having problems with Carol almost right off the bat the same year she started working for you, did you go back to the people she worked with before and asked whether or not they had the same problems?

ED

A. I think I probably did.

EPSTEIN

Q. I didn't ask probably. I'm asking whether you recall actually doing it, I'm asking whether you received admonishments of any kind or suspensions or other discipline when you started having problems with her in November of 2002 or even in October of 2002?

ED

A. I looked into her file, but I can't definitely say whether I found that she had suspensions or what in there.

EPSTEIN

Q. Now, during this same period of time in addition to her responsibilities with you, did CAROL continue to have coverage responsibilities for nursing support?

ED

A. In the beginning she did, but as I said in the one statement, I needed her more for the clerks so gradually from what I remember she became full time with me and that was it.

EPSTEIN

Q. When did that happen?

ED

A. I don't remember.

EPSTEIN

Q. Was it in 2002, 2003?

ED

A. Probably in 2002. It wasn't that long after she started supervising.

EPSTEIN

Q. Well, did she continue to have some responsibilities in nursing support even at the end of December of 2002?

ED

A. I remember if she did it probably would have been with helping with the timecards or something.

EPSTEIN

Q. Do you remember when she stopped doing the timecards?

ED

A. No.

EPSTEIN

Q. I'm showing you an exhibit marked as Plaintiff's Exhibit No. 24. Do you recall proposing suspension of Carol in Dec. of 2002?

ED

A. Did you say do I remember this?

EPSTEIN

Q. Yes.

ED

A. Yes

EPSTEIN

Q. Again, this is a two-page document, sir. How long did it take you to prepare this document, to put all this together? Did you prepare this document for Thomas?

ED

A. Yes

EPSTEIN

Q. How long did it take you to do that?

ED

A. Probably an hour because I was reviewing this stuff before. I just didn't go sit there and type up something.

EPSTEIN

Q. In your years at the VA is Ms. Talley, now Mulhern, the first one to make complaints of discrimination/harassment against you and didn't want to work with you?

ED

A. She had a whole list of complaints about that. She felt she was doing her job and she didn't deserve it.

EPSTEIN

Q. Do you remember any other interaction she had in terms of being proposed for suspension?

ED

A. No.

EPSTEIN

Q. I'm showing you a document marked as P-25, sir. It is a one-page letter of suspension. Did Carol actually get suspended for the five days?

ED

A. From what comes to mind, it seems that supposedly she got a proposed -- or she got a seven-day paid suspension.

EPSTEIN

Q. Is that like a timeout?

ED

A. Yeah. From what seems to come back into mind was, she didn't lose any money for it, but she was suspended from the job she was doing and that showed up in her record that she had a suspension with pay.

EPSTEIN

Q. Let me ask you, Mr. ED. You served in the military and there certainly were chains of command there. Is the VA considering a paramilitary organization?

States Attorney: Objection.

EPSTEIN

Q. To your mind.

ED

A. I wouldn't say paramilitary, but I would say that there are routes that you need to take. You need to go through your supervisor for different things. So, it's like I guess it could it's not like I'm telling you, this is the final



decision, you don't question it. In the VA you have to go through your supervisor if you want to go up to the top and all, but there are discussions, and if your supervisor says to you, I don't agree with what you're saying, that doesn't stop you from going above, but where in the military it may -- you may get a direct order not to go above your commander and that's where it stays.

EPSTEIN

Q. SO the VA is not like the military in that if your supervisor gives you that order, you can still go above?

ED

A. Yes, from what I understand you can still go above. The only thing is that you have to go to your supervisor first.

EPSTEIN

Q. Well, how about if the supervisor is the person that you're complaining about, who do you go to?

ED

A. Then you go to their supervisor. I think that there might

EPSTEIN

Q. Well, if you had complaints that somebody was engaged in harassing illegally like because of your age or your sex, would you have to go to your supervisor first if he was the one harassing you?

ED

A. No, not if he was the one harassing you. You would go to either his supervisor or you would go to - I can't think of the department now where you can go. Well, you can go to

patient advocate and ask for their, recommendations or whatever.

EPSTEIN

Q. Who would have the final word on suspensions and things like that?

ED

A. The director of the medical center.

EPSTEIN

Q. And at that time who was that?

ED

A. Mr. Devansky.

EPSTEIN

Q. When did Mr. Means become the director?

ED

A. He wasn't the director. He was the associate director.

EPSTEIN

Q. Would he also be a person who would address on these things?

ED

A. Yes.

EPSTEIN

Q. Does this refresh your recollection that she received a five-day suspension with pay and benefits?

ED

A. Yeah. I guess the previous statement I made about seven days, maybe that was the proposed and then it actually happened with five, but I do remember that she got a suspension with pay.

EPSTEIN

Q. It also states that it would remain in her official personnel folder for a period of two years and then may be removed. Whose decision is it to remove these things? Is it yours or somebody above you, somebody in HR?

ED

A. No. I'm not sure if the policy comes from central office or is it up to the discretion of the medical center director.

EPSTEIN

Q. Do you have any knowledge as to why this particular timeout for five days with pay and benefits remained in her folder for years after it was affected?

ED

No

Attorney concluded the deposition of ED.

DEPOSITION OF SUPERVISOR OF PATIENT FUNDS;

EPSTEIN

How long have were you the supervisory agent cashier?

JOANNE

A. Since 2003.

EPSTEIN

Q. What does the agent cashier's office handle?

JOANNE

A. We handle collections of patients' bills and also, we pay any kind of cash out to veterans or employees and we also collect all the incoming bills that any veteran owes, I think I just said that, and we also check any kind of checks that come into the hospital. Any check that comes into the hospital comes to our office.

EPSTEIN

Q. In a particular case that occurred in 2005, there was an issue about money coming in with a person who was being brought into the hospital.

JOANNE

A. Mm-hmm.

EPSTEIN

Q. Is that also a part of your job to take care of Veterans money?

JOANNE

A. Yes

EPSTEIN

Q. At the hospital how long have you known Carol Talley or Carol Mulhern? Was that the first time that you had any dealings with her, in 2005?

JOANNE

A. I don't believe so, but I don't know how long before that. Honestly, I don't know.

EPSTEIN

Q. How about Ed, how long have you known Mr. Ed?

JOANNE

A. Probably around 2003.

EPSTEIN

Q. How did you come to know him?

JOANNE

A. I do know we were in a supervisory class together back when I became a supervisor. I believe that's when I first actually came in contact with him.

EPSTEIN

Q. And since that time have you had any other contacts with him?

JOANNE

A. Yeah. I mean, he comes in, like he does the inspections for -- I forget what the inspection is called when they come into the office. It's I think a group that comes in and inspects and just checks things in the office and I honestly don't know what the group of people are called that come into the office.

EPSTEIN

Q. Have you had any discussions with Mr. Ed about Carol Talley at any time?

JOANNE

A. Not that I can recall.

EPSTEIN

Q. Did you have any conversations with either CAROL or Mr. ED or anyone else about CAROL's charges other than setting up this deposition?

JOANNE

A. No, because I didn't even know there was anything going on until I just got the email last month or the month before.

EPSTEIN

Q. I'm showing you a document that's been pre-marked as Plaintiff's Exhibit No. 221. And do you recall sending this email to Carol Talley in 2005?

JOANNE

A. I don't recall sending the e-mail, but I recall the situation that happened at the time.

EPSTEIN

Q. Well, would you look at the e-mail and tell me whether or not it is an email that you did in fact send to her?

JOANNE

A. Yes, it is, Yes.

EPSTEIN

Q. Am I correct in stating that you had known CAROL before 2005?

JOANNE

A. I -- honestly, I can't remember. I don't know. I probably did. I don't know when I or how long I knew her before that. I honestly don't know.

EPSTEIN

Q. Not how long, but that you knew her before that.

JOANNE

A. I did, yeah.

EPSTEIN

Q. Tell me where is your office located?

JOANNE

A. In Building 9 In the basement.

EPSTEIN

Q. And do you know whether or not CAROL actually brought the funds to your office, Agent Cashier?

JOANNE

A. Yes, she did.

EPSTEIN

Q. Is it a window?

JOANNE

A. Yes.

EPSTEIN

Q. Did you accept those bills?

JOANNE

A. No, Cashier, LINDA accepted the bills.

EPSTEIN

Q. How soon after were you advised of the existence of these funds?

JOANNE

A. Soon after LINDA counted the money.

EPSTEIN

Q. So, LINDA counted the money. Do you give a receipt for the money deposited in the patient's account?

JOANNE

A. Yes, we do.

EPSTEIN

Q. Did you see the condition of the money?

JOANNE

A. Yes, it looked brown and had a foul odor to it.

EPSTEIN

Q. After receipt of the money, you then sent CAROL an email was generated to Tom H. Why did you go to Tom H with this?



JOANNE

A. Tom H, I believe was CAROL's supervisor at the time.

EPSTEIN

Q. Before addressing Mr. TOM H, did you look into whether or not anybody else felt that the money had fecal matter or anything on it?

JOANNE

A. Actually the girl that took the money, LINDA, was the one that initially thought that it was.

EPSTEIN

Q. Did you talk to anybody else besides Linda before going to Tom H?

JOANNE

A. I know I talked to my supervisor and infection control nurse Janice B. because of the email chain.

EPSTEIN

Q. Why didn't you go to your supervisor first before going to Tom T.

JOANNE

A. I may have called him. I can't remember that far back. know. I don't know.

EPSTEIN

Q. I'm showing you a document that's been marked as Plaintiff's Exhibit No. 225. It's an e-mail chain between you and your supervisor Mr. O'Leary. Do you recall having e-mail communication with Mr. O'Leary about this incident?

JOANNE

A. I mean, this freshens my memory, but I don't remember this email.

EPSTEIN

Q. Attached to it is a note with the name of J. K. on it. Do you know who wrote that note in handwriting?

JOANNE

A. It's my writing because it has my initials.

EPSTEIN

Q. And this was the receipt of the deposit?

JOANNE

A. Correct, yes.

EPSTEIN

Q. Did you have any conversations with Ms. TALLEY at any time during this email exchange?

JOANNE

A. Honestly, I don't remember.

EPSTEIN

Q. I'm showing you a document marked as Plaintiff's Exhibit No. 226. It appears to be a message to you from TOM H. Do you recall receiving this?

JOANNE

A. I mean, looking at it, it' addressed to me so I don't recall receiving it, but I don't know to answer that because I don't recall it.

EPSTEIN

Q. You don't recall the email?

JOANNE

A. I don't recall receiving it, but I mean reading it I do remember seeing this email.

EPSTEIN

Q. I'd like to go back to the one I gave you just before that which was marked P-225. The third page is a receipt by CAROL TALLEY. It states that in the receipt that it is J.K Did you understand the message that came from Tom H. as to what should be done if soiled money comes in? Did you understand Mr. Tom H. was telling you that the agent cashier who accepted the money would be responsibility for cleaning it?

JOANNE

A. He wasn't telling me. He was telling everybody on this email and I'm included in that email.

EPSTEIN

Q. Right, but the email is sent to then to everybody else. But, again, did you understand that he was saying that it was the responsibility of the agent cashier to clean the money?

JOANNE

A. Well I understand what he said but I don't agree with it.

EPSTEIN

Q. Were you ever shown the documentation from the police as to the condition of that money when it came in at any time?

JOANNE

A. No

EPSTEIN

I'm showing you a document marked as Plaintiff's Exhibit No. 227, a handwritten statement from MARY S., memorandum. It says here she's an LPN on 58B. Do you know Mary S.? Did anybody ever show you this document to say that there was no sign of fecal matter or urine or anything on the bills?

JOANNE

A. Nope

EPSTEIN

Lastly, this has been marked as Plaintiff's Exhibit No. 228. And when I say lastly, lastly is about this subject matter. It is a document dated August 5th, 2005, from Gerald B., captain, police service, sent to Chief of Police W. H that he witnessed no fecal matter nor smell of any effect of feces or urine, did you see this document?

JOANNE

A. No.

EPSTEIN

Q. Do you remember a having a dialogue with CAROL TALLEY about patient's indigency status?

JOANNE

A. It is possible because I believe she was a supervisor of the ward clerks and I was a supervisor of patient funds that's handles the Veterans indigent status.

EPSTEIN

Do you see what CAROL is trying to say in this email regarding giving the veterans "Temporary Indigent Status as the VA current policy indicates?

JOANNE

Yes, but we still have to go by the hinqs that we pull up on the veterans' income when they're admitted.

Although JOANNE further indicated Patient Funds needed to go by Veteran Hinqs regarding Veterans earning status upon admission, it was unfair for the veterans not to be given Temporary Indigent Status upon admission as VA policy stated if in fact the Veteran claimed to no longer have any money or income. The fact there was so many veteran complaints because Patient Funds wanted to hold off giving them their indigent status until they would receive further verification from the social workers for all of their entitled benefits was ludicrous.

There were numerous depositions taken of VA officials.

All attorneys and Judge waited for the VA's defense to CAROL's court complaint of discrimination-Retaliation-Whistleblower complaint where the VA charged her with numerous disciplinary actions to include the demotion charge from a GS-7 step 5 to a GS-6 step 10. The VA essentially took CAROL's chance of advancement away and ruined her service record.

The only defense the VA had was that CAROL violated VA Patient Privacy policy by sending patient's names and last four numbers of the patients alleged social security numbers to MSPB. According to VA regulations, the Douglas factors, 1<sup>st</sup> offense of violation of patient's privacy is a written warning or proposed suspension not a demotion charge.

Additionally, although CAROL had numerous disciplinary actions in her VA record all but the demotion action should have already been removed according to their regulations of maintaining disciplinary actions 1-2 years in the employee's record.

Months and years went by and the VA had no evidence to support any of their actions.

FHAS management were malicious on all of their charges to CAROL without merit.

Philadelphia Eastern District Court Honorable Judge JAN DuBois was the assigned judge.

A. EPSTEIN received more documentation he requested from the Coatesville VA regarding FHAS management's actions against their client CAROL. A. EPSTEIN received documentation from malicious supervisor ED and didn't repeat what he received from ED, instead he just make a loud remark;

A. EPSTEIN remarked to attorney P. MCCALL and CAROL;

He's writing her up every day!!!

P. MCCALL added "Look how long, the years it's taken the VA to settle this case!!"

There were still problems with CAROL and management during this time. The judge ordered an Injunction against the VA until this case was resolved.

A. EPSTEIN, P. MCCALL & CAROL attended several litigation conferences in Philadelphia with a Business Judge to arbitrate.

On the first conference the VA offered \$7 to possibly \$10,000 dollars.

Of course, the VA's offer was declined. CAROL was told the Philadelphia Eastern District Court Judge Honorable JAN DUBOIS told the VA to try harder.

Approximately, a month later another conference was scheduled. Again, attorney A. EPSTEIN, esq., P. MCCALL, esq. and CAROL were in attendance waiting to hear the next VA proposal.

As the plaintiff and attorneys waited, they noticed a women representative from General Council walk into the courtroom wearing a mini skirt and jacket.

The attorneys' and CAROL all looked at each other at the same time when they saw her enter the room.

EPSTEIN replied, Perfect courtroom attire. MCCALL, said, yes real professional looking, a mini shirt in court." CAROL said, not professional at all.

Needless to say, the VA had no better offer than they did the last conference.

The business judge tried to them settle but attorneys and CAROL all shook their heads no way. Business judge said, it's not really discrimination, the supervisor is just stupid!

Attorneys and CAROL once again shook their heads no. No EPSTEIN and CAROL stated it was an unacceptable offer and left the courthouse.

Several days later EPSTEIN called CAROL and told her the VA finally made an acceptable offer.

EPSTEIN thought it was acceptable, CAROL didn't really agree it was an acceptable offer but agreed to accept to end all the litigation and to be put back to her GS-7 grade level.

Supreme Court Justice wrote causation element of retaliation claim is satisfied if there is credible direct evidence that retaliation was motive for the challenged action, regardless of whether there is also evidence as to a legitimate motive.

Retaliation is, by definition, an intentional act. It is a form of discrimination because the complainant is being subject to differential treatment. Moreover, retaliation is discrimination on the basis of treating someone intentionally different.

On alleged privacy-violation accusations, the fact the veterans' identities are known to MSPB court does not lessen the veteran's privacy interests and shows retaliation by the employer. Additionally, as Veteran complaints were sent to Office of Special Counsel as investigative material, it constituted Whistleblower retaliation.

FADE OUT.

CAROL MULHERN