



Written by [Raven Clabough](#) on April 11, 2017

VA Whistleblower Reports Retaliation

Whistleblower Kuauhtemoc Rodriguez is facing retribution after complaining that patients at the Phoenix Veterans Affairs hospital are still enduring exceedingly long wait times. In a letter addressed to Rodriguez, who works at the Phoenix hospital, the VA accuses him of violating the administration's "privacy standards" and threatened him with discipline ranging from "reprimand to removal."



The Veterans Hospital in Phoenix was at the center of the VA scandal after it was revealed in 2014 that the facility had been altering its scheduling books and that at least 40 veterans had died while awaiting care. Reports later revealed similar issues with lengthy waiting times in at least 10 states. An investigation into the Veterans Affairs wait-time scandal revealed a number of startling facts, including evidence of fraud and regulatory violations related to scheduling issues at over 50 VA medical facilities.

Last November, Rodriguez made waves when he complained to the VA inspector general that 90 veterans were still waiting more than 400 days and that five had died without having seen a doctor. He filed another complaint in February, claiming that over 4,000 veterans had their appointments canceled by the Phoenix VA after waiting more than 180 days.

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According to Rodriguez, he has undergone retribution ever since. In memos sent to the Office of Special Counsel, which is charged with protecting whistleblowers, Rodriguez states that his desk was moved into a closet away from air conditioning, his promotion was stopped in its tracks, and he was given an increased workload.

A March 30 letter sent to Rodriguez by the VA indicates that he "breached [his] responsibilities as a supervisor" by sending to the media a copy of an e-mail he wrote in which he detailed the harassment he was experiencing following his whistleblowing and included the name of a colleague.

According to the letter, by releasing the e-mail to the media, Rodriguez divulged sensitive information in violation of the administration's "Sensitive Personal Information" (SPI) policy, which includes "education, financial transactions, medical history, criminal or employment history, and information that can be used to distinguish or trace the individual's identity."

Rodriguez asserted that releasing a colleague's name should not constitute a breach of privacy because the staff at the VA are all "government employees" and therefore the names of the employees are public information. "They are trying to twist anything they can to punish me," he stated.

The VA has given Rodriguez until April 13 to respond to its claims. It said in a statement, "The Department of Veterans Affairs is obligated to ensure the confidentiality of its beneficiaries' and employees' personal identifying information, Employees are expected to act in a manner that is consistent with VA's core values of Integrity, Commitment, Advocacy, Respect and Excellence. Leadership should take action to ensure the safety of our patients and staff and preserve the integrity of our mission within applicable laws and regulations."



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Rodriguez is not the first VA whistleblower to have experienced retribution.

Brandon Coleman, a Phoenix counselor, went to the inspector general to report that suicidal veterans were not receiving timely care, and he reportedly experienced harassment at work as a result. Coleman claimed that his own mental health was called into question by his superiors after he publicized the failures of his VA office.

Similar actions were seen at the Pittsburgh VA center, where one whistleblower claimed that her superiors had gone through her records to discredit her by commenting on her psychological care. A report by the *Pittsburgh Tribune-Review* discovered that over 14,000 privacy violations had taken place at that one facility alone.

In a press release issued in July 2014, the U.S. Office of the Special Counsel (OSC) indicated that it has received numerous complaints of retaliation from employees at VA facilities in Puerto Rico, as well as in 18 states — Arkansas, Arizona, California, Colorado, Delaware, Florida, Georgia, Iowa, Kentucky, Michigan, North Carolina, New York, Pennsylvania, South Carolina, Tennessee, Texas, Utah, and Wyoming — but the release did not identify the facilities.

Nick Schwellenbach, a spokesman for the OSC, told NBC News in 2013 that the VA has “one of the highest reprisal case rates in the federal government.” He added, “We’re concerned by what we’re seeing.... The frequency of retaliation complaints has given us a lot of pause.”

Valerie Riviello, a nurse at the Albany Stratton VA Medical Center in New York, had also reported being demoted to a desk job after releasing a sexual assault survivor who had been restrained to a bed for seven consecutive hours.

According to the *Washington Times*, Riviello was “one of more than 50 whistleblowers who say the Veterans Affairs Department retaliated against them for trying to do their jobs.” Riviello believes that the hospital “wanted to intimidate other nurses from speaking up by punishing her,” the article said. Unfortunately, it worked. “The nurses are afraid to complain or report anything,” she said. “They have 100 things they’ve noticed, but they’ve seen what is happening to me so they’re afraid to report anything.”

Whistleblowers in the Los Angeles VA Health Care System were treated particularly harshly, according to Dr. Christian Head, who had reported to Congress about wait time coverups at that hospital. He described the retaliation: “Isolate. Then defame. Moving me to a storage bin makes me feel bad, but they are sending a message. They are trying to suppress [whistleblowers’] willingness to try to make a better life for these veterans.”

The locks to Dr. Head’s office were reportedly changed after his testimony, and he was relocated to a “tiny, dirty, poorly furnished closet-sized office,” and was nearly turned away from an operating room while his patient was under anesthesia, reported the *Washington Post*.

Dr. Head told lawmakers that the retaliation was so blatant that when he took his concerns to his supervisors, they replied, “If you don’t like it, you’re a whistleblower. Take it to Congress.”

Representative Phil Roe (R-Tenn.), chairman of the House Committee on Veterans Affairs, is working to combat this sort of retaliation against whistleblowers and has introduced legislation that would protect whistleblowers from such abuse. The VA Accountability First Act of 2017 would prevent the VA from suspending or terminating the employment of any employee without first receiving permission from the Special Counsel.



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Unfortunately, that may not prove to be helpful to Kuauhtemoc Rodriguez at the Phoenix Veterans Affairs hospital. David Snyder, executive director of the First Amendment Coalition, states that the VA's privacy statute is broad enough that it could be used against its employees for virtually anything.



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