

United States Senate

WASHINGTON, DC 20510

March 2, 2016

Chairman Susan Tsui Grundmann
Merit Systems Protection Board
1615 M Street, NW
Washington, DC 20419

Dear Chairman Grundmann,

We are extremely disappointed to learn that two senior Department of Veterans Affairs (VA) officials who manipulated the VA's policies regarding job transfers and abused their authority as senior leaders have had their demotions overturned by the Merit Systems Protection Board (MSPB).

After a scandal in which senior VA employees collected bonuses by hiding the fact that hundreds if not a thousand veterans died while seeking medical care^[1], the MSPB's actions here are especially egregious. The MSPB's decision gives the appearance that VA employees can abuse their authority for financial gain and not face consequence.

Further, this decision and others, such as the MSPB's refusal to acknowledge that the former Director of the Phoenix VA was responsible for hiding and manipulating waitlists of veterans needing medical care in order to obtain bonuses, will discourage the reporting of misconduct in the future and prevent any faith that VA employees are accountable for wrongdoing moving forward. In fact, by overturning personnel actions taken by senior VA officials, the MSPB is violating the Merit System Principles for the federal government listed in 5 USC 2301. Specifically the law requires that "All employees should maintain high standards of integrity, conduct, and concern for the public interest" and that "inadequate performance should be corrected." This clearly did not occur at the MSPB with respect to these two cases.

On behalf of our nation's veterans who deserve better, we request analysis of the principles, laws, and regulations guiding the MSPB decision-making process in these cases. Furthermore, we request details as to what steps the MSPB is taking to ensure that these types of incidents do not happen again.

We appreciate your attention to this request and would appreciate a prompt written response prior to Friday March 11, 2016 as Congress will soon be examining necessary reforms based on MSPB's recent decisions preventing accountability at the VA. We ask that you handle this matter in accordance with all agency rules, regulations, and ethical guidelines.

^[1] Tom Coburn, "An Oversight Report: Death, Delay & Dismay at the VA: Friendly Fire," June 2014, p. 4.
http://www.restoreaccountability.com/sites/restoreacc/uploads/documents/library_docs/Friendly_Fire_-_VA_Report_Final.pdf

Sincerely,



John McCain
United States Senator



Ron Johnson
United States Senator



Jeff Flake
United States Senator



Jerry Moran
United States Senator