

# United States Senate

WASHINGTON, DC 20510

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April 7, 2022

The Honorable Denis McDonough  
Secretary  
Department of Veterans Affairs  
810 Vermont Avenue, NW  
Washington, DC 20420

Dear Secretary McDonough:

I'd like to follow up with you on the meeting that took place in my office on March 21, 2022. As I expressed during our discussion, I am deeply concerned with the failure of leadership at the Sioux Falls Veterans Affairs Health Care System (SFVA) and the Veterans Integrated Services Network 23 (VISN 23). This failure is causing employees' rights to be violated and quality patient care to suffer. Our veterans have earned and deserve the best health care our country can provide. The SFVA was once known as the "Gem of the Prairie" for the first-class health care it provided to our veterans, but unfortunately those days have disappeared. Veterans now wait days to schedule an appointment and months to see a doctor. According to whistleblowers who have contacted my office, the SFVA medical center is a hostile work environment, where employees are mistreated and veteran care is not a priority.

Quality patient care is at risk because of these leadership issues. Over the past two years, the SFVA Care in the Community (CITC) office has experienced severe turnover, and my staff has recorded that at least 46 employees have left, with more than a dozen departures in just the last several months. This has caused a negative impact on veterans who rely on this office to schedule appointments with community care providers. Furthermore, my office has seen evidence of poor communication from CITC schedulers to veterans, provider faxes being lost and weeks-long gaps between VA provider referrals and appointments in the community. Veterans and SFVA employees are desperate for change.

Last year, I was contacted by multiple whistleblowers who expressed concern of a toxic work environment at the SFVA. Specifically, the whistleblowers made multiple allegations of prohibited personnel practices committed by the SFVA Director, Lisa Simoneau, and others under her direction. In response, I raised these concerns personally with the VISN 23 Director, Robert McDivitt. Mr. McDivitt stated he took these allegations seriously, would conduct an internal investigation and turn over complaints to the VA's Office of Accountability and Whistleblower Protection (OAWP).

According to the whistleblowers who contacted my office, they have faced retaliation by their superiors for coming to my office with concerns about the workplace. They have also been accused of possible Hatch Act violations by speaking to their Member of Congress about these concerns. Petitioning Congress is a protected First Amendment Activity that should be taken seriously. If my constituents don't feel safe in sharing their concerns with me, how can they be expected to trust in the branch of government that is there to represent them?

This type of behavior undermines constituent service and violates the Whistleblower Protection Act as well as other federal statutes. Specifically federal law grants civil service employees the right to petition their Member of Congress, stating: "The right of employees, individually or collectively, to petition Congress or a Member of Congress, or to furnish information to either House of Congress, or to a committee or Member thereof, may not be interfered with or denied." 5 USC 7211. Federal employees have the right to express their concerns to Congress without being accused of violating the Hatch Act. You must make certain the VA training materials properly educate employees and supervisors about how whistleblower complaints are distinct from violations of the Hatch Act.

My office has attempted to provide the VA at the VISN 23 level the opportunity to address these issues. Unfortunately the problems persist, and in many cases, have deteriorated. Mr. Secretary, I have lost faith in the VA's ability to reconcile these issues. Employee rights must be protected in the workplace and veteran care cannot suffer as a result of poor leadership. The men and women who have served our country, and the VA employees charged with supporting them, should not have to endure what's happened at the SFVA. The poor leadership and lack of proper care is unacceptable. Our veterans have risked their lives to protect our country, and the least we can do now is serve them through quality health care delivered in a timely fashion.

I look forward to hearing from you about steps you are taking to address these issues.

Sincerely,



M. Michael Rounds  
United States Senator