

WRITTEN STATEMENT OF DANIEL MARTIN

For submission to

115th U.S. House of Representatives
Committee on Veterans' Affairs
On

Hearing: The VA Accountability and Whistleblower Protection Act: One Year Later

July 17, 2018

Chairman Roe, Ranking Member Walz, and the distinguished members of the Committee:

I would like to respectfully submit for the Committee's consideration this written statement detailing the whistleblower retaliation I have been subjected to, going on 495 days and counting, for reporting & cooperating with an OIG investigation into improper business practices & personal conflicts of interest by senior management officials within the Department of Veterans Affairs.

As a brief introduction, my name is Daniel Martin. I am a service-connected Navy Veteran and I am currently, in name only, the Chief Engineer for the Northern Indiana VA (NIHCS). I have had the honor of serving my fellow Veterans in VA Medical Centers across Indiana, Illinois, and Iowa as either the Chief Engineer, Project Section Chief, or the facility Electrical Engineer. Prior to joining the VA, I was employed in a similar capacity with the Indiana National Guard. I hold a Bachelor of Science degree in Electrical Engineering & Minor in Mathematics from Purdue University, a Master of Business Administration from Indiana Wesleyan, and certifications as a Senior Level - Federal Acquisition Certification in Program and Project Management (FAC-P/PM), a Master Electrician, and a Contracting Officer's Representative Level III (COR III). My whistleblower retaliation story has recently been reported by USA Today¹, NPR's Here & Now², and SOFREP News^{3,4}.

My path to reporting suspected wrongdoing in the VA started in December 2015 when I first had concerns regarding an NLP Aqua water filtration system⁵ which was procured prior to my arrival at NIHCS and was scheduled to be installed at VA facilities in Fort Wayne IN and Marion IN. During my review of the contract and the proposed device submittals, I noted several red flags between the alleged capabilities of the NLP Aqua product and industry best practices. Because of this, in coordination with the Contracting Officer, we placed a Stop Work Order on

¹ <https://www.usatoday.com/story/news/politics/2018/01/17/trumps-new-veterans-affairs-office-moves-help-whistleblowers-draw-early-praise/1038915001/>

² <http://www.wbur.org/hereandnow/2018/04/27/va-employee-contract-fraud-whistleblower-retaliation>

³ <https://sofrep.com/103804/va-employee-is-strong-armed-into-silence-after-voicing-concerns/>

⁴ <https://sofrep.com/100559/va-whistleblowers-look-inside/>

⁵ <http://flintwaterstudy.org/2017/05/ruffalos-water-defense-misleads-flint-residents-supports-over-priced-junk-science-water-conditioners/>

the contract in hopes of cancelling the contract award entirely. Despite my concerns, I was ordered by my chain of command to remove the Stop Work Order and to personally oversee the installation of this suspect product. While I complied with what I felt were lawful orders at the time, I continued to investigate how and why this contract was awarded in the first place.

In April 2016, after reviewing and re-reviewing the procurement life-cycle of the NLP Aqua product, I contacted the VA's OIG because I felt there were substantial irregularities in the actions and decisions by my supervisors and NIHCS senior management in the contract award. Specifically, I felt the entire procurement was improper and did not comply with the Federal Acquisition Regulations (FAR), the Veterans Affairs Acquisition Regulation (VAAR), and industry best practices. Shortly after my disclosure to the OIG, I was interviewed by an OIG Special Agent and I agreed to assist them in their investigation into similar contract awards at VA Medical Centers in Michigan.

After assisting OIG for months in their investigation, I noticed changes in the attitude and behavior of my supervisors towards me. In November 2016, after the election of President Trump and believing in the assurances by the President Elect to clean up the VA, I met with Michael Hershman who was just hired as the Medical Center Director for the NIHCS and shared my involvement with the OIG investigation and requested to be detailed or transferred to another facility pending the outcome of the OIG investigation. While Director Hershman indicated at the time he needed to consult with someone and would follow up with me, he never followed up or honored my request. I later found out after I received a copy of the Office of Accountability and Whistleblower Protection (OAWP) investigation report, that shortly after our meeting Director Hershman told the very same supervisors and VA management officials that I identified to OIG of the details of my conversation with him. Obviously, things went exponentially downhill from there. By March 2017, I was removed as Chief Engineer, by the very same senior VA officials that I identified in my disclosure to OIG & OAWP, pending the outcome of the still ongoing investigation, supervised by the very same senior VA officials I identified in my disclosure to OIG & OAWP, into the same unsubstantiated allegations of misconduct from one (1) year, four (4) months, and eight (8) days ago, which are based on fabricated and manufactured 'evidence' by the very same senior VA officials I identified in my disclosure to OIG & OAWP. With all due respect to the work be conducted by the Special Counsel in the investigation of Russian Interference in the 2016 Presidential Election, the alleged investigation by the same senior VA officials that I identified to OIG into me has gone on sixty-nine (69) days longer than Mr. Mueller's investigation into President Trump. And neither appear to have any end in sight.

Despite the fact that I am one of the original whistleblower cases investigated by OAWP after it was stood up, for the past 495 days and counting, VA leadership and their OGC attorneys have spent hundreds of thousands of taxpayer dollars on numerous repetitive Machiavellian investigations over the same unfounded allegations of me & no one has of yet held the aforementioned senior VA officials accountable in spite of the fact the OAWP's investigative report from last summer stated that they 'lacked candor'. The OAWP was created specifically by Congress and the President to hold bad actors accountable, however for reasons unknown

OAWP have sat on the sideline as senior VA officials and OGC attorneys continue to remain unaccountable to anyone and continue to subject me to just about every prohibited personnel practice (PPP) Congress has passed a law to stop.

Below is a partial list of prohibited personnel practices (PPP) committed against me over the past year:

- I have been denied opportunities for Chief Engineer details to several other VA facilities across the nation;
- For no justifiable reason, my repeated requests & pleas to volunteer as part of the federal response and help restore the power grid for my fellow Americans down in Puerto Rico were denied and/or ignored;
- Though I was vetting and selected by the VA's National Diversity Internship Program (NDIIP) to mentor a minority engineering student who ironically came from the same low-income neighborhood I did in Chicago, without NDIP approval senior VA officials at the NIHCS assigned another mentor and prohibited me leaving my assigned area.
- Senior VA officials and attorneys with VA's Office of General Counsel Midwest Division have openly referred to me as 'damaged goods' across the VA in order to disparage my reputation inside and outside of the VA.
- Senior VA officials and OGC attorneys have knowingly left me alone & isolated in an out of the way office for a majority of past year, even though the VA's own research have found that loneliness in Veterans 'was tied to the highest levels of depression and suicide ideation, or thoughts of committing suicide'⁶
- I have been restricted & denied by same aforementioned senior VA officials from access to VA facilities were I had received medical care for my service connected injuries.
- Though I have service connected degenerative arthritis in my back, I have basically been required to sit all day for 16 months in an office with no assigned duties and restricted from entering the medical center by the same aforementioned senior VA officials, a whistleblower retaliation decision which was supported by OGC attorneys.
- Because I have complied with directions under this detail, I was recently diagnosed with scoliosis by my Choice Act doctors who have directly attributed the cause to my current assigned working conditions.
- After my Choice Act primary care physician & the sports medicine doctor made this diagnosis, they immediately referred me for pain and physical therapy, shockingly the same aforementioned senior VA officials for no justifiable medical or administrative reason denied the referral for 3 months until Senator Todd Young and Senator Joe Donnelly intervened on my behalf.

⁶ Teo, A. R., Marsh, H. E., Forsberg, C. W., Nicolaidis, C., Chen, J. I., Newsom, J., . . . Dobscha, S. K. (2018). Loneliness is closely associated with depression outcomes and suicidal ideation among military veterans in primary care. *Journal of Affective Disorders, 230*, 42-49. doi:10.1016/j.jad.2018.01.003

- During the past 495 days, I have experienced temperatures in the office that I have been required to report to as low as 35° F in the winter and 95° F in the summer.
- And recently I discovered that senior VA officials and OGC attorneys knew back in April 2018 of the possibility that VA employees and patients may be exposed to silica and asbestos as part of a major renovation project, however even though they were advised by the facility Safety Department to relocate personnel in the affected area, senior VA officials knowingly assigned me to an office immedicably adjacent to the project in question from May 29, 2018 to July 3, 2018. This decision was supported by OGC attorneys. I respectfully submit that I reasonable belief the decision to intentionally expose me to harmful environmental conditions was a best recklessly retaliatory. And at worse, criminally premeditated.

Based upon the experiences and evidence that myself and other similarly situated whistleblowers have gathered over the past year; there is substantial proof that senior VA officials, OGC attorneys, and even investigators with OAWP have lacked candor in the justification of their decisions and, most troublingly, have intentionally slow-rolled their cooperation with both the OSC and OIG in order to obstruct and frustrate OSC and OIG investigators. This pattern of obstruction includes inquires from this very Committee and the Senate Veterans Affairs Committee.

Speaking specifically to the VA Accountability and Whistleblower Protection Act, in my opinion the distinguished members of Congress and the President have already given VA leadership all the tools and mechanisms it needs for any dedicated and honest leader to complete the mission to care for our nation's Veterans. I equally believe the existing federal procurement laws are sufficient when they are enforced and both federal employees and outside contractors comply with them. Unfortunately, until the VA purges the embedded corrupt bureaucracy that are infecting the ranks of Human Resources, Medical Center and VISN leadership, OGC, and even the OAWP, I respectfully submit that this Committee can plan on scheduling this hearing every year and will never see the implementation of VA Accountability and Whistleblower Protection Act as Congress and the President have intended.

In closing, despite all of the malicious actions taken against me by unethical and corrupt VA officials and their VA attorneys, I still believe in the VA. Because it's not their VA, its mine. It's yours. It belongs our nation's Veterans. It belongs to the incredibly dedicated and hardworking VA employees who represent a majority of the VA's workforce. Up until recently, I have received fantastic medical care for years from the VAs across country and I credit the incredibly dedicated medical professionals at the VA and the VA's Vocational Rehabilitation Program⁷ for maturing me into the servant leader I strive to be. I hope the distinguished members of this Committee agree that I have seen the best and, unfortunately, the worst of the VA. I have borne witness to President Lincoln's promise with every great experience I have enjoyed as patient & an employee of the VA. I strongly believe I have a pretty good idea of the untapped

⁷ <https://www.benefits.va.gov/VOCREHAB/martin.asp>

potential of the VA if it is allowed to evolve. And with all due respect to the VA leadership testifying before the Committee today, I believe I've earned the right, given my recent experiences, to say with a great degree of confidence that once myself and other likeminded individuals are finally given the chance to be the stewards of the mission and we are allowed to do our jobs without fear of reprisal, this Committee will be happily surprised at how quickly the VA transforms into the model of health care best practices for future generations of Veterans.

Thank you for the opportunity to present this statement for the Committee's consideration. I would also like to acknowledge and thank Senator Todd Young and his staff for their help and assistance in trying to get my medical care back on track and for engaging the Office of Special Counsel and OIG on my behalf.

V/r,

Daniel Martin