

**House Committee on Veterans' Affairs
Subcommittee on Oversight and Investigations
“Learning from Whistleblowers at the Department of Veterans' Affairs”**

**Written Testimony by Dr. Christian Head
Head and Neck Surgeon—VA Greater Los Angeles Healthcare System**

Tuesday, June 25, 2019 at 10:00 a.m.

Introduction

Chairperson, Hon. Chris Pappas
Ranking Member, Hon. Jack Bergman

As the Associate Chief of Staff at the Greater Los Angeles VA and a staff surgeon, I have previously given congressional testimony regarding VA whistleblower retaliation, made substantial disclosures to the House Committee on Veterans' Affairs and the media, and worked in close cooperation with the House Committee on Veterans' Affairs Subcommittee on Oversight and Investigations to provide data on serious health and safety issues occurring within the VA.

Since 2014, the VA's onslaught of continuous retaliation against me has been staggering and indicates the astonishing degree to which VA leadership will go to silence whistleblowers. Although I have tried several avenues to stop the retaliation, current whistleblower protection avenues have been grossly ineffective.

I received an invitation to submit written testimony for the June 25, 2019 hearing. Additionally, I believe my oral testimony could be valuable to committee members who seek not only to fully understand the many issues whistleblowers still routinely face within the VA system, but also to evaluate the adequacy of federal agencies that purportedly provide relief for whistleblowers.

The remainder of this testimony will briefly outline my whistleblower background, VA retaliation, and avenues through which I have sought relief. The details indicate the depth and breadth of experience I have in whistleblower issues.

My Whistleblower Background

I became a well-known VA whistleblower through my extensive activities with the House Committee on Veterans' Affairs. A few of those activities include:

- July 2014: I testified at the House Committee on Veterans' Affairs hearing “VA Whistleblowers: Exposing Inadequate Service Provided to Veterans and Ensuring Appropriate Accountability.” I disclosed extensive information on poor quality care at the Greater Los Angeles VA, as well as a general environment of retaliation within the VA.
- December 2014: I had closed-door meetings with the House Committee on Veterans' Affairs staff and provided extensive data regarding prolonged patient wait times of greater than 90

days at the Greater Los Angeles VA Health Care System (GLAHCS) and illegal actions of administrators there related to wait time manipulations.

- April 2015: I testified at the House Committee on Veterans' Affairs Subcommittee on Oversight and Investigations hearing "Addressing Continued Whistleblower Retaliation Within VA." I made disclosures about ongoing retaliation against whistleblowers. I also disclosed dangerous, mass deletions of 140,000 VA healthcare consults within GLAHCS and the manner by which those deletions contributed to Veteran deaths.
- Various dates in 2016: I disclosed to the House Committee on Veterans' Affairs staff and an Office of Special Counsel attorney the existence of "death lists" within VISN 22 whereby leadership was tracking the number of deaths related to deleted consults.
- January 2018: I made multiple disclosures to the Office of Medical Inspector regarding recurrent fly infestations, contaminated sewage water leaking into operating rooms, and human feces and rotting rats in the interstitial spaces of operating room areas.
- April 2018: I discussed the operating room fly infestation during a news story aired by a CBS news affiliate.

VA Retaliation against Me

As a prominent VA whistleblower, for the last five years I have been subjected to ongoing, relentless VA retaliation for my public disclosures. That retaliation has taken many forms, including, but not limited to:

- Systematically stripping me of my leadership duties as Associate Director, Chief of Staff, Legal and Quality Assurance.
- Orchestrating a sham Administrative Investigative Board using allegations that were clearly fabricated. (Those allegations were dismissed after I discredited the evidence.)
- Falsely accusing me of conduct unbecoming a federal employee shortly after I gave an extensive interview to the Office of Medical Inspector about unsanitary conditions in the GLAHCS operating room area. (Those allegations were easily proven to be false.)
- Deliberately keeping my pay artificially low by declining to perform mandatory pay panel reviews for several years and lowering my ratings on my annual proficiencies.
- Falsely accusing me of low clinical productivity, even though I single-handedly handle more patient care appointments/surgeries than all other GLAHCS head & neck surgeons combined. (Those accusations were easily proven to be false by using VA data.)
- Jeopardizing Veteran safety by instructing surgical residents not to respond to after-hours emergencies on my hospitalized patients, even though those residents provide such coverage for all other head & neck surgeons in my department.

- Systematically isolating me from colleagues by transferring me out of the Executive Suite to an old storage room before ultimately assigning me a cubicle.

My Formal Attempts to Address Retaliation

Over the last five years, I have tried many avenues to fight the retaliation, but none of those avenues have yet been able to stop the retaliation against me. The agencies/federal arenas which I have accessed include:

- Office of Accountability & Whistleblower Protection (OAWP): In 2017, the request to open a case for me was forwarded to the OAWP by Dr. David Shulkin during the time he was the Secretary of the VA. I also contacted the OAWP by phone to file a complaint. Despite these requests, I never received any subsequent contact from the OAWP.
- Office of Special Counsel (OSC): I submitted a complaint with extensive updates. The OSC inadvertently overlooked the updates. The complaint was incorrectly referred to the Merit Systems Protection Board after the OSC relied upon factual errors submitted by the VA.
- Merit Systems Protection Board (MSPB): In approximately 2017, I filed a MSPB petition, but the MSPB stated it lacked jurisdiction.

The last five years of ongoing retaliation have been extraordinarily devastating to me on both a personal and professional basis. I am hoping that providing my testimony to the House Committee on Veterans' Affairs will help the committee make informed decisions about the best methods to address VA retaliation and strengthen the federal safety net for whistleblowers.

Dated: July 23, 2019

By: _____
Christian Head, M.D.

For additional information, you may contact me through my attorneys:

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