



THE SECRETARY OF VETERANS AFFAIRS
WASHINGTON

The Honorable Charles Grassley
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Senator Grassley:

This is a follow-up to the April 6, 2021, Department of Veterans Affairs (VA) interim response to your April 2, 2021, letter about conflicts and ethical issues among senior officials at the Veterans Benefits Administration (VBA). I appreciate this opportunity to respond.

As stated in the interim response, VA takes this matter very seriously. The free flow of information, especially information that identifies malfeasance, underperformance or abuse is critical to strong agency performance and since arriving at VA, I have taken several opportunities to communicate that to all employees and underscore it to our accountability partners at VA. One such partner is the VA Office of Accountability and Whistleblower Protection (OAWP), which is charged to, among other responsibilities, investigate allegations of VA senior leader misconduct and poor performance.

In this case, not only is this matter the subject of an active investigation by OAWP, it is also being investigated by the VA Office of Inspector General. As for the specific questions raised in your letter, enclosed are enumerated responses to each question, and attached thereto are copies of the documents you requested that are releasable to you under the Freedom of Information Act (FOIA)

Although the President's nominee for head of OAWP will have her hearing later this month, and we eagerly await her confirmation, I want to assure you that if there has been any misconduct by a VA senior official, OAWP and OIG will identify it and, if warranted, the VA senior official will be held appropriately accountable.

In closing, thank you for your patience with the length of time it has taken to respond, and I trust this information is helpful to you.

Sincerely,

Denis McDonough

Enclosure

**Department of Veterans of Affairs (VA) Responses to Questions from
Senator Charles Grassley**

Question 1: Has Acting Undersecretary Tom Murphy ever been recommended for suspension for accepting gifts as prohibited by law?

VA Response:

(b)(5)

(b)(5)

Question 1a: If so, was Mr. Murphy ever suspended?

VA Response:

(b)(5)

(b)(5)

Question 1b: Was a recommendation for suspension ever overturned? If so, why and by who?

VA Response:

(b)(5)

(b)(5)

Question 2: Had former Deputy Undersecretary Robert Reynolds ever been recommended for suspension for accepting gifts as prohibited by law?

VA Response:

(b)(5)

(b)(5)

Question 2a. If so, was Mr. Reynolds ever suspended?

VA Response:

(b)(5)

(b)(5)

(b)(5)

Question 2b. Was a recommendation for suspension ever overturned? If so, why and by who?

VA Response: (b)(5)

Question 3. Had former Principal Undersecretary Jamie Manker ever been recommended for suspension for accepting gifts as prohibited by law?

VA Response: (b)(5)

(b)(5)

Question 3a. If so, was Mr. Manker ever suspended?

VA Response: (b)(5)

(b)(5)

Question 3b. Was a recommendation for suspension ever overturned? If so, why and by who?

VA Response: (b)(5)

Question 4. Please provide all records, communications, and memorandums related to the suspensions, or proposed suspensions, of Tom Murphy, Jamie Manker, and Robert Reynolds.

VA Response: (b)(5)

Question 5: What steps does the VA take to protect retail investors by safeguarding market sensitive information regarding potential enforcement announcements related to publicly-traded companies?

VA Response: (b)(5)

(b)(5)

[Redacted response area]

Question 5a: Is it possible these steps failed in this instance? If so, what will VA do to prevent this from happening again in the future?

VA Response: (b)(5)

(b)(5)

[Redacted response area]

Question 6: If the VA is aware that market sensitive information was potentially leaked, has the VA investigated this leak of information? Please provide the report of investigation.

VA Response: (b)(5)

(b)(5)

[Redacted response area]

Question 7: Did the VA Office of General Counsel ever provide a legal opinion with respect to Mrs. Bogue and her involvement with any of her husband's companies?

VA Response: (b)(5)

(b)(5)

[Redacted response area]

Question 7a: Did the legal opinion recommend Mrs. Bogue recuse herself from any involvement with? If not, why not?

VA Response: (b)(5)

(b)(5)

Question 8: Please provide all records relating to any written ethics opinion by VA attorneys regarding Mrs. Bogue's recusal, whether and when this recusal occurred, and all communications regarding Mrs. Bogue's recusal obligations with respect to her husband's companies.

VA Response: (b)(5)

(b)(5)

Question 9: Did Mrs. Bogue engage in, participate in, or contribute to VA business with her husband's business? If so, why did VA allow Mrs. Bogue to participate?

VA Response: (b)(5)

(b)(5)

Question 10: Under current law and regulation, is Mrs. Bogue required to report financial information of her spouse via a public financial disclosure report? If so, did Mrs. Bogue list her husband?

VA Response: (b)(5)

(b)(5)

Question 10a: If Mrs. Bogue did report her husband on a public financial disclosure form, did she report Mr. Bogue's employer(s)? If not, why not?

VA Response: (b)(5)

(b)(5)

Question 10b: If Mrs. Bogue did report her husband on a public financial disclosure form, did she report Mr. Bogue's salary with respect to his work? If not, why not?

VA Response: (b)(5)

(b)(5)

Question 10c: Please provide Mrs. Bogue's financial reports dating back five (5) years.

VA Response: (b)(5)

(b)(5)

Question 11: If Mrs. Bogue did not report where Mr. Bogue currently works, and if she participated in VA business related to VES, would that constitute a conflict of interest as described by applicable law or regulation? If not, why not?

VA Response: (b)(5)

(b)(5)

Question 12: Why has the VA attempted to block FOIA requests seeking information regarding these matters?

VA Response:

(b)(5)

(b)(5)

[Redacted]

Question 12a: Does the VA plan to comply with FOIA requests in a timely and reasonable manner in order to afford the public greater transparency?

VA Response:

(b)(5)

(b)(5)

[Redacted]

May 2021