

November 1, 2023

VIA ELECTRONIC TRANSMISSION

The Honorable Denis R. McDonough,
Secretary, U.S. Department of Veterans Affairs
Washington, DC 20420

The Honorable Michael J. Missal
Inspector General, U.S. Department of Veterans Affairs
Washington, DC 20420

RE: Follow Up – VA-OIG Report #21-02076-119

Dear Secretary McDonough and Inspector General Missal:

On June 15, 2022, Empower Oversight and Whistleblowers of America sent you a letter regarding ethical violations detailed in a March 24, 2022 U.S. Department of Veterans Affairs (“VA”) Office of Inspector General (“OIG”) report.¹ The report, entitled *Former Education Service Executive Violated Ethics Rules and Her Duty to Cooperate Fully with the OIG*, substantiated information about Charmain Bogue’s failure to recuse herself in matters involving her spouse’s consulting work with Veterans Education Success (“VES”).²

Given the ethics violations found by the OIG, we suggested you take steps to encourage accountability and enhance future cooperation with inspector general investigations.³ The letter specifically recommended:

1. Conducting a comprehensive review and audit of contracts, grants, data sharing, and other agreements that may confer benefits on either those who refused to cooperate with the OIG, or former senior leaders who have been sanctioned by VA;
2. Reassessing whether the VA should continue to allow those individuals and entities to participate in such contracts, grants, data sharing, and other agreements in the future; and
3. Reviewing whether additional testimony could be obtained to address some of the questions the OIG could not resolve, including the conflicts of interest pertaining to Charmain Bogue and her decisions impacting VES.⁴

¹ See Letter from Empower Oversight to VA Secretary McDonough and Inspector General Missal (hereinafter referred to as “Letter from Empower Oversight to VA-OIG”) (June 15, 2022), available at <https://empowr.us/wp-content/uploads/2022/06/2022-06-15-EO-WoA-to-VA-VES.pdf>.

² See *Former Education Service Executive Violated Ethics Rules and Her Duty to Cooperate Fully with the OIG*, VA-OIG Report #21-02076-119, at i (Mar. 24, 2022), available at <https://www.oversight.gov/sites/default/files/oig-reports/VA/VAOIG-21-02076-119.pdf>.

³ See Letter from Empower Oversight to VA-OIG, at p. 3-4.

⁴ *Id.* at p. 4.

We write today to inquire what you have done to address these issues. Given the recent authorization providing the VA OIG with subpoena authority to compel certain witness testimony, the outstanding conflicts of interest that could not be substantiated in 2022 are now prime for resolution.⁵

Thank you for your time and attention to these important issues.

Cordially,

/Tristan Leavitt/
Tristan Leavitt
President
Empower Oversight

/Jacqueline Garrick/
Jacqueline Garrick
President
Whistleblowers of America

⁵ See Congressional Research Service (CRS), *Testimonial Subpoena Authority and Inspectors General* (Feb. 2, 2023), available at <https://crsreports.congress.gov/product/pdf/IN/IN12085> (citing P.L. 117-136, which authorizes the VA-OIG “to issue subpoenas for testimony to support the office’s oversight activities”); see also Eric Katz, “A New Law Will Make It Harder to Escape Investigation By Leaving Federal Service: The measure will allow the Veterans Affairs Department IG to subpoena former feds and contractors,” GOV’T EXECUTIVE (June 7, 2022), available at <https://www.govexec.com/oversight/2022/06/new-law-will-make-it-harder-escape-investigation-leaving-federal-service/367881>.



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RE: Follow Up – VA-OIG Report #21-02076-119

Dear Veterans Education Success Board Members and Supporters:

On June 15, 2022, Empower Oversight and Whistleblowers of America sent you a letter regarding ethical violations detailed in the U.S. Department of Veterans Affairs ("VA") Office of Inspector General's ("OIG") March 24, 2022 report.¹ The OIG's report entitled, *Former Education Service Executive Violated Ethics Rules and Her Duty to Cooperate Fully with the OIG*, substantiated allegations about Charmain Bogue's failure to recuse herself in matters involving her spouse's consulting work with Veterans Education Success ("VES").²

¹ Available at <https://empowr.us/wp-content/uploads/2022/06/2022-06-15-EO-WoA-to-VES-Board-Supporters.pdf>.

² See DOJ OIG, *Former Education Service Executive Violated Ethics Rules and Her Duty to Cooperate Fully with the OIG*, VA-OIG Report #21-02076-119, at i (Mar. 24, 2022), available at <https://www.oversight.gov/sites/default/files/oig-reports/VA/VAOIG-21-02076-119.pdf>.

In our letter, we asked what you have done to:

1. Ensure that VES fully cooperates with nonpartisan, independent oversight efforts by the Veterans Affairs Department's Inspector General; and
2. Ensure that VES refrains from participating in contracting relationships, grants, and agency agreements in ways that create the appearance of conflicts of interest like those outlined in the OIG report.

Given that we have received no response to this letter some 16 months later, we write today to follow up on that letter and inquire what you have done to address these concerns.

Thank you for your time and attention to these important issues.

Cordially,

/Tristan Leavitt/
Tristan Leavitt
President
Empower Oversight

/Jacqueline Garrick/
Jacqueline Garrick
President
Whistleblowers of America