

Statement of Joseph Colon
Committee on Homeland Security and Governmental Affairs
September 22, 2015

Good Morning Members of Congress. My name is Joseph Colon. I am a Credentialing Program Support at the VA Caribbean Healthcare System in San Juan, Puerto Rico. I filed for whistleblower protection in August 2014 and my case settled on July 2015. Despite the above, retaliation against me and others similarly situated continues at that facility.

Before I provide my account of the events that have taken place with me, I would like to thank Senator Ron Johnson, Ranking Member Thomas Carper and the committee for their leadership and for allowing me the opportunity be part of this hearing “Improving VA Accountability: Examining First-Hand Accounts of Department of Veterans Affairs Whistleblowers.” and to explain what happens to a Whistleblower that comes forward.

The Whistleblowers in Puerto Rico really need the help from this committee to ensure that Whistleblower Retaliation does not keep on happening at our facility and that the supervisors are held accountable. Unfortunately, our Resident Commissioner Pedro Pierluisi does not even issue one statement against Whistleblower retaliation that occurs very often at this facility. Without proper oversight from our representative in Congress it makes it even more difficult for us whistleblowers in Puerto Rico.

Issues reported to the House Committee on Veterans Affairs, Office of Special Counsel, Office of the Inspector General and the Senate Committee on Homeland Security and Governmental Affairs:

- Dr. Carlos Rosado who killed a Veteran while doing an authorized procedure that his spouse needed for her residency program.
- Mr. DeWayne Hamlin arrest for Drunk Driving and having a controlled substance without a prescription.
- Director absences.
- Veterans Mental Health issues.
- Chief of Staff salary concerns.
- Anesthesiologist that gave an improper dosage to a Veteran. Ordered the Veterans medical record be documented with incorrect information.
- Physicians practicing with expired Medical licenses and without clinical privileges.
- Legionella found in the Physical Therapy Pool.
- Community Living Center Director, who was the direct supervisor of the area that was not helping elderly Veterans with bathing, using the bathroom, feeding and drinking was promoted to Associate Chief of Staff of Geriatrics and Extended Care
- Registered Sexual Offender that provides disciplinary recommendations to management.
- Unfair hiring practices, and limiting opportunities for Veterans from outside the facility to apply for jobs.
- My immediate supervisor’s fraud with the travel voucher program.

- Mr. Jaime Marrero being selected as Associate Director of the hospital, even though when he was the boss of Facility Management Service, there was an oxygen incident that caused Veterans to die.

The retaliation that I experienced from top levels of management at the VA Caribbean Healthcare System before the Office of Special Counsel settled my retaliation claim at the

- Investigated four different times for the same allegations.
- I was illegally placed on a permanent work detail on two different occasions; once to the Facility Management Service which is located in the basement of the hospital and the other to a confined dark room as a Switchboard Operator for Police Service.
- Issued a proposed removal on two different occasions.
- Received a three day suspension.
- No performance appraisal issued to me for the twenty months when I was on detail.
- Non-Selections when I applied for other positions in the hospital.

The retaliation and harassment that I have experienced after the Office of Special Counsel settled my retaliation claim at the VA Caribbean Healthcare System and returned me to my Credentialing Program Support position:

- Moved the Credentialing and Privileging Department from the Fifth floor of Executive Suite to an office area with no windows on the third floor. The new office is located next to Human Resources and to Mr. Tito Santiago's office, the same areas where I reported numerous concerns and that this medical facility has a registered sexual offender recommending disciplinary actions against employees.
- The afternoon prior to me returning to my position, the Human Resources Manager Mr. Omar Ahmed issued an e-mail warning his personal that share the same lounge with me, to not discuss any Human Resources business in the lounge area.
- No electronic e-mail access for over two weeks.
- No work assignments for three weeks.
- Expired my high blood pressure refill medication without notifying me.
- Not selected for the Clinical Administrative Specialist position, even though I was the most experienced member of the Department. The two panel members that interviewed me, are the same members that I reported wrongdoing about. In addition, the Chairperson for the interview, was interviewed during my fact finding investigation.

Unfortunately at the VA Caribbean Healthcare facility in San Juan, Puerto Rico this is NOT the only incident of retaliation, that has occurred under Mr. DeWayne Hamlin's, Miss Nayda Ramirez, and Dr. Antonio Sanchez leadership. These three individuals are directly responsible for all cases mentioned in my statement.

- Miss Rosayma Lopez, Freedom of Information and Privacy Officer, a mother of three small children was issued a Proposed Removal because she failed to find anything against me and for answering properly the Freedom of Information requests that I had submitted. She was removed from her position as Privacy Officer and placed on detail to

the Logistics Department. But due to the constant harassment of Miss Nayda Ramirez and Mr. Jose Pagan she had to take sick leave for over two months. Upon her return she was placed under the Education Department and right now she is currently home on administrative leave as the Office of Special Counsel resolves her case.

- Dr. Ivan Torres reported to the Chief of Staff that Miss Miriam Marti, who is Compensation and Pension Clinical Supervisor was not complying with her tour of duty and that Compensation & Pension physicians were not complying with their Compressed Time work schedule, it requires them to work ten hours and they were only working five hours. After he disclosed this information to the Chief of Staff he was removed from his position as Chief Operating Officer for the Executive Team. His office was relocated from the Executive Suite to another office with no windows. His case is also pending Office of Special Counsel resolution.

Management here in San Juan, Puerto Rico actually reward people that actually help them build a case to fire a Whistleblower.

- Miss Maritere Acevedo, who conducted the fact finding against me was rewarded as the Quality Management Director, even though she stated in my fact finding “In terms of Mr. Colon going over the Chain of Command and gathering information, this is seen as a pattern that does have an impact on the efficiency and effectiveness of his unit”. She also believes that there is a potential ethical issue for becoming a witness in a discriminatory case.
- Mr. Victor Sanchez was rewarded with a promotion as Medical Administrative Supervisor in Mayaguez even though he sanitized and deleted a portion of the document that was used against me and he could not provide the original document when the investigator asked for it. Also the report states that he might have violated privacy and he should have been investigated but never was.

As you can see in Puerto Rico, that both these people were rewarded with better positions but Miss Rosayma Lopez was issued a termination letter. The difference is because Miss Rosayma Lopez was ethical and failed to do what management wanted to her to do. There is no better example, to show management’s unethical behavior and what levels they will go to fire the Whistleblower. The Secretary of the Veterans Affairs must do the correct thing and place Mr. DeWayne Hamlin, Miss Nayda Ramirez, and Dr. Antonio Sanchez on detail until an accurate investigation is completed regarding their conduct and their behavior towards those who dare to bring into the light abuse and mismanagement.

If the Secretary of the Veterans Affairs fails to do so, he actually is accepting that a WHOLE Executive Team can participate in retaliation and he actually supports it. How many Veterans are being hurt because employees live in fear of retaliation? How can you run a successful organization without accountability?

It's easy to retaliate against someone when that supervisor does not have to pay for attorney's fees, is not held accountable and the American taxpayers foot the bill when compensatory damages are being paid.

I truly believe that since the Secretary of Veterans Affairs has failed to impose discipline to his employees, Congress should give that authority to the Office of Special Counsel to discipline employees who are found to have retaliated against a Whistleblower. It's time to really protect future Whistleblowers and implement a zero tolerance policy in regards to Whistleblower Retaliation.

Thank you again for this opportunity. I welcome your questions on the issues I've noted or any items I've submitted to the committee.