

Veterans Affairs Whistleblower Resigns, Citing Retaliation



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DENVER — A Department of Veterans Affairs employee who told Congress the agency was using unauthorized wait lists for [mental health care](#) in Colorado has resigned, saying he was subjected to retaliation for speaking out.

Brian Smothers told The Associated Press Wednesday the VA had opened two separate inquiries into his actions and tried to get him to sign a statement saying he had broken VA rules. He said he refused.

Smothers also said the VA reassigned him to an office with no computer access, no significant duties and no social contact.

He called the VA's actions punitive and his working conditions intolerable. He said he resigned as of Tuesday.

VA officials had no immediate comment on Smothers' claim that he was punished for speaking up but said the agency does not tolerate retaliation. They said previously they take any allegation about unauthorized wait lists seriously and were cooperating with an inquiry.

Smothers alleges that [Colorado VA facilities in Denver and suburban Golden used unauthorized wait lists](#) for mental health services from 2012 until last September. He said the lists hid how long it takes for veterans to get treatment and made the demand for mental health care appear lower than it really was.

He said the longer that veterans have to wait for mental health care, the less likely they are to use it when it becomes available.

"It was totally unacceptable to me," Smothers said.

He added: "It's my hope that the incoming administration (of president-elect Donald Trump) goes and fires people."

Smothers estimated the lists contained 3,500 entries but did not know how many individual veterans were on them because some names appeared multiple times. It was not immediately clear how long veterans on the lists had to wait for care.

Unofficial wait lists have been used by VA health care facilities elsewhere. The discovery of the lists created a nationwide scandal in 2014 when 40 veterans [died while waiting for appointments at a Phoenix VA hospital](#).

Smothers was a peer support specialist on the VA's post-traumatic stress disorder clinical support team in Denver. He said he started the job in April 2015.

Smothers went to Republican Sens. Ron Johnson of Wisconsin and Cory Gardner of Colorado in September, saying he had uncovered the unauthorized lists on spreadsheets in the VA computer system. He also said a veteran had taken his own life while waiting for [PTSD](#) treatment at a Colorado Springs VA clinic.

At Johnson and Gardner's request, the VA inspector general's office — the agency's internal watchdog — opened an inquiry into Smothers' claims. A spokesman for the inspector general did not immediately respond Wednesday to a telephone message seeking comment.

Gardner said in a written statement that he was troubled by the circumstances of Smothers' resignation.

"This employee's communication with my office is protected by federal law," he said. Gardner said he has asked the inspector general to look into whether the VA retaliated against Smothers.

Johnson said he too is concerned about Smothers' case.

"My office will continue to work with the U.S. Office of Special Counsel to ensure that federal employees who blow the whistle do not suffer any retaliation," he said in an email.

The Office of Special Counsel is an independent federal agency that protects whistleblowers.

Smother's told the AP he had emailed copies of the spreadsheets to himself so he could provide them as evidence. The VA later warned 2,100 veterans that their personal information may have been compromised by that, although the agency did not identify Smother's as the person involved.

Smother's told the AP he also offered copies of the spreadsheets — with the veterans' identifying information removed — through Amazon.com's self-publishing book service in order to preserve them in a public format. Smother's said two copies of the list have sold through Amazon: He bought one, and the inspector general's office bought the other.

Smother's also provided redacted versions of the spreadsheets to the AP that do not contain the identifying information.

Smother's said that after he contacted the senators, the VA investigated whether his actions had violated agency rules and concluded they had not. He said the VA opened a second inquiry after discovering he had offered the lists on Amazon. That inquiry was still underway when he resigned, he said.

Smother's said the VA learned the lists were on Amazon by looking at his social media posts. He said that demonstrated the VA was monitoring him even after clearing him in its first inquiry.

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