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Counsel's Office, White House

Fielding, Fred - General Files

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W	19	23	2	3	11292	24155	10381	10819

Folder Title:

Binder - Whistleblower Investigation: Guthrie Ambulatory Health Care Clinic, Fort Drum, New York (OSC File Number DI-07-1676), Binder 2 of 2 [1]

Withdrawn/Redacted Material

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DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Letter	Whistleblower Investigation - Guthrie Clinic... [with attachments] - To: Scott Block - From: Ronald James	138	04/03/2008	P6/b6; b7c;

COLLECTION TITLE:

Counsel's Office, White House

SERIES:

Fielding, Fred - General Files

FOLDER TITLE:

Binder - Whistleblower Investigation: Guthrie Ambulatory Health Care Clinic, Fort Drum, New York (OSC File Number DI-07-16

FRC ID:

11292

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
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- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

Whistleblower Investigation:

Guthrie Ambulatory Health Care Clinic
Fort Drum, New York

(OSC File Number DI-07-1676)

Binder 2 of 2 (Tab 8)



U.S. OFFICE OF SPECIAL COUNSEL

1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505
202-254-3600

December 5, 2008

The Honorable Fred F. Fielding
Counsel to the President
The White House
Washington, D.C. 20500

Re: OSC File No. DI-07-1676

Dear Mr. Fielding:

Pursuant to 5 U.S.C. § 1213(e)(3), I am transmitting the enclosed letter, agency report and whistleblower's comments to the President. If I may provide more information concerning this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "William E. Reukauf".

William E. Reukauf
Acting Special Counsel

Enclosures



U.S. OFFICE OF SPECIAL COUNSEL

1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505
202-254-3600

December 5, 2008

The President
The White House
Washington, D.C. 20500

Re: OSC File No. DI-07-1676

Dear Mr. President:

The Office of Special Counsel (OSC) received disclosures from an anonymous whistleblower alleging that a pharmacist at the Department of the Army (Army), Guthrie Clinic, Fort Drum, New York, misused Army resources over a period of nine years in violation of Army regulations when he ordered healthcare services for himself.

OSC required the Honorable Pete Geren, Secretary of the Army, to conduct an investigation into the whistleblower's disclosures pursuant to 5 U.S.C. § 1213(c) and (d). The Secretary delegated his authority to review and sign the agency report to the Army Assistant Secretary of Manpower and Reserve Affairs, who submitted a report to OSC. The whistleblower also provided comments to the agency report. As required by law, 5 U.S.C. § 1213(e)(3), I am now transmitting the report and the whistleblower's comments to you.

The whistleblower provided information demonstrating that Mr. Richard C. Blunden, a pharmacist at the Army's Guthrie Clinic, Fort Drum, used agency resources to have his blood drawn and analyzed despite both a lack of authorization and a lack of eligibility for these services. The blood tests were either analyzed and processed in-house or sent to an outside laboratory at additional agency expense. Mr. Blunden was not a provider or clinical pharmacist within the applicable Army regulation. As such, Mr. Blunden was not authorized to order laboratory analysis of his or any other individual's blood.

The agency report substantiated the whistleblower's allegations. The agency found that from approximately January 1997 to February 2003, Mr. Blunden used unauthorized agency resources to have his blood drawn and analyzed approximately 25 times. Furthermore, Mr. Blunden was not eligible for Army health services because he was not an active duty serviceman and he was not enrolled in the Defense Enrollment Eligibility Reporting System (DEERS). Army Regulation 40-400. The agency also found, however, that because Mr. Blunden was a federal employee, some of the blood tests appeared to have fallen within broad parameters of the Army's Occupational Health Program and, therefore, some blood tests were determined by the agency to be legitimate. Nonetheless, the agency concluded that the

The President

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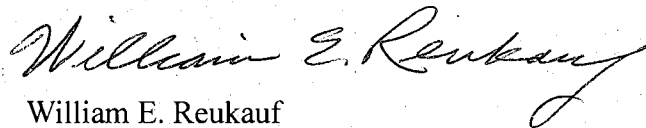
whistleblower's allegations that Mr. Blunden used Army resources improperly were substantiated. Consequently, Mr. Blunden was suspended from duty without pay for 28 days. In addition, the agency has requested repayment of unauthorized and ineligible services from Mr. Blunden. Furthermore, the agency is addressing patient identification processes when ordering laboratory tests to ensure that only authorized persons receive laboratory services in the future.

The whistleblower, upon review of the report, found that the investigation was flawed in three areas. First, the report reflected Mr. Blunden had a valid identification card and that the clinic personnel thought the employee was entitled to benefits. However, the whistleblower asserts that Mr. Blunden only had a valid civilian identification card, not a beneficiary identification card that would have entitled him to medical services. Secondly, the whistleblower questioned Mr. Blunden citing approval from a prior laboratory director, who is now deceased and, obviously, unable to refute oral approval claims. Thirdly, the whistleblower stated that Mr. Blunden had several inconsistencies in his statements to investigators and, only upon pressure, did he admit wrongdoing in that he improperly used government health services.

I have reviewed the original disclosures, the agency report, and the whistleblower's comments. Based on a review of the record, I have determined that the agency report contains all of the information required by statute, and that its findings appear to be reasonable.

As required by § 1213(e)(3), I have sent a copy of the agency report and the whistleblower's comments to the Chairmen of the Senate Committee on the Armed Services and the House Armed Services Committee, and the Committees' respective Ranking Members. We have also filed a copy of the agency's redacted report and the whistleblower's comments in our public file and closed the matter.

Respectfully,



William E. Reukauf
Acting Special Counsel

Enclosures

Withdrawal Marker

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COLLECTION:

Counsel's Office, White House

SERIES:

Fielding, Fred - General Files

FOLDER TITLE:

Binder - Whistleblower Investigation: Guthrie Ambulatory Health Care Clinic, Fort Drum, New York (OSC File Number DI-07-

FRC ID:

11292

OA Num.:

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10381

FOIA ID and Segment:

2014-0210-F

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