



DEPARTMENT OF VETERANS AFFAIRS
OFFICE OF INSPECTOR GENERAL

Office of Investigations

NATIONAL CEMETERY ADMINISTRATION

Alleged Misuse of
Government-Owned
Vehicles within the Long
Island and Calverton
National Cemeteries in
New York

ADMINISTRATIVE
INVESTIGATION

REPORT #18-00884-251

SEPTEMBER 26, 2018



The mission of the Office of Inspector General is to serve veterans and the public by conducting effective oversight of the programs and operations of the Department of Veterans Affairs through independent audits, inspections, reviews, and investigations.

In addition to general privacy laws that govern release of medical information, disclosure of certain veteran health or other private information may be prohibited by various federal statutes including, but not limited to, 38 U.S.C. §§ 5701, 5705, and 7332, absent an exemption or other specified circumstances. As mandated by law, the OIG adheres to privacy and confidentiality laws and regulations protecting veteran health or other private information in this report.

**Report suspected wrongdoing in VA programs and operations
to the VA OIG Hotline:**

www.va.gov/oig/hotline

1-800-488-8244



Introduction and Background

The VA Office of Inspector General (OIG) received an allegation that Employee 1 (SES), Executive Director of the Florida National Cemetery, improperly stored his personally-owned vehicle (POV) in a garage on Long Island National Cemetery property after he transferred to the Florida National Cemetery and instructed subordinates to drive him in government-owned vehicles (GOVs) to and from his residence on the Long Island National Cemetery property to the airport. Employee 2 (SES), Executive Director of the Calverton National Cemetery, also allegedly asked subordinates to drive him in GOVs to and from his residence and the airport. Finally, Employee 1 and Employee 3 (GS-13), Assistant Director of the Calverton National Cemetery, allegedly misused VA resources by taking two GOVs, rather than riding together, from the Long Island National Cemetery to official training in Leesburg, Virginia, and Employee 3 extended his travel to sightsee with his spouse. To assess the allegations, the OIG interviewed Employee 1, Employee 2, Employee 3, and other VA employees. The OIG also reviewed VA personnel records, GOV records from the Long Island and Calverton National Cemeteries, official travel logs, relevant federal laws and regulations, and VA policies. The OIG did not substantiate any of these allegations.

Relevant VA Policy and Legal Authority

Federal law states that “an officer or employee who willfully uses or authorizes the use of a passenger motor vehicle or aircraft owned or leased by the United States Government (except for an official purpose authorized by section 1344 of this title) or otherwise violates section 1344 shall be suspended without pay by the head of the agency. The officer or employee shall be suspended for at least one month and when circumstances warrant, for a longer period or summarily removed from office.”¹ Federal law also states, the “use of a government vehicle for anything other than an official purpose is prohibited. Transporting any person, other than authorized under subsections (a) (2), (b), (c), between the person’s residence and place of employment is not considered transportation for an official purpose.” 31 U.S.C. § 1344(a)(1).

The Comptroller General of the General Accounting Office (GAO), held that “an employee may be transported in a government vehicle from his or her home to a common carrier terminal in conjunction with official travel, subject to the general FTR [Federal Travel Regulation] provisions governing the mode of travel,” (*B-210555.44, Jan 22, 1991, 70 Comp. Gen. 196*). The Comptroller General concluded that an employee is in travel status “when an employee departs from his or her residence and travels to an airport or other common carrier terminal to begin temporary duty travel away from the official station” and “an employee in a travel status could use a government vehicle for purposes that would not be allowed for an employee at his or her

¹ 31 U.S.C. § 1349(b)

permanent duty station (70 Comp. Gen. 196).” The Comptroller General further stated, “Federal agencies are required to select the mode of transportation which will result in the greatest advantage to the government and to consider lost work time in that selection...the actual transportation cost is always a factor to be considered in making this decision.”

Administrative Investigation Summary

While Employee 1 was the Director of the Long Island National Cemetery (LINC), he resided in the Director’s quarters, which was located on cemetery property. Testimony reflected that cemetery employees occasionally transported Employee 1, using a GOV, to and from his residence and the airport, and that due to the distance from the airport along with traffic the cost of taking a taxi to the airport could exceed \$100 one way. Travel records reflected that the cost for Employee 1 to drive his POV and park it at the airport was about \$150 for six days of official travel. If available, transport by an employee using a GOV to and from the airport was the most cost-effective form of transportation for VA.

Testimony also reflected that Employee 1, while the Long Island National Cemetery Director, parked his POV in a garage located behind his residence on cemetery property. This garage also housed golf carts used by staff on cemetery grounds. Testimony reflected that his POV was never in the way, nor did his POV hinder LINC employees’ access to the carts. Employee 1 moved his car from the garage to an open parking lot once he relocated to the Florida National Cemetery and removed the car from LINC property shortly after his move.

Employee 2 said that Calverton National Cemetery employees, using a GOV, drove him to and from his residence and the airport when he went on official travel. Records and testimony reflected that the employee who regularly transported Employee 2 to and from the airport was a GS-5, step 10, employee. A GS-5, step 10, employee in New York was paid \$48,700 per year in base salary and locality pay. A typical work year is 2,080 hours, so a New York employee at that level earned about \$23 per hour in non-overtime pay and about \$35 per hour in overtime pay.

An online mapping website reflected the distance from the Calverton National Cemetery to Employee 2’s residence and then to John F. Kennedy International Airport (JFK) was 70.5 miles or a drive of about one hour and 45 minutes. The distance from the Calverton National Cemetery to Employee 2’s residence and then to the LaGuardia Airport (LaGuardia) was about 70 miles or a drive of about one hour and 40 minutes. Given the employee’s regular and overtime hourly wage, the total cost for taking Employee 2 to and from the airport was from \$77 to \$123. Employee 2 said he flew out of LaGuardia about 60 percent of the time, and records reflected that the cost of a one-way trip from LaGuardia to his residence using a car service was \$146.

An online mapping website reflected that Employee 2 lived 53 miles or a drive of about one hour and 10 minutes from LaGuardia, and 57 miles or a drive of about one hour and 20 minutes from JFK. Economy parking, also known as long-term parking, cost \$18 per day at JFK and \$15 per day at LaGuardia. According to GSA’s mileage reimbursement rates, Employee 2 would be reimbursed about \$57 for driving his POV to and from his residence and LaGuardia, and about

\$61 for driving his POV to and from JFK. As an example, if Employee 2 drove his POV, the cost of mileage and parking for a five-day trip would be about \$150 at JFK and \$132 at LaGuardia.

In a January 17, 2017, email, the former Secretary to the Calverton National Cemetery Director told Employee 2 that to go to the airport, a one-way ride in a shared van would cost \$65, while a hired car such as a taxi, would cost \$124, so a round trip would cost between \$130 and \$248, respectively, plus tip. Records and testimony reflected that it was more cost effective to have a cemetery employee, even in overtime status, transport Employee 2 between his residence and the airport for official travel.

Travel records and testimony reflected that Employee 3 was on official travel to Leesburg, Virginia, for the FY 2016 SECVA Senior Leaders Annual Meeting from Sunday, September 11, to Friday, September 16, 2016. Employee 3 said that he rode in a GOV with Employee 2 from New York to Virginia, but he returned in his POV. Employee 3 said that his wife drove their POV from New York to Leesburg to join him on Wednesday, September 14, 2016. Employee 3 did not take a separate GOV to the official training location, so there was no additional cost to the government for Employee 3's travel back to New York.

Employee 2 told the OIG that he authorized Employee 3 to use the GOV to travel from his offsite hotel a short distance to the conference location. Records and testimony reflected that Employee 3 was required to stay offsite due to lack of lodging available at the conference location. Employee 2 also confirmed that Employee 3's spouse drove their POV to the conference and picked him up on the conference's final day. Employee 2 stated that he drove the GOV back to Calverton and Employee 3 and his spouse used their POV to return at a later date. Employee 3 said his spouse never rode in the GOV. Travel records reflected no additional cost to VA for Employee 3's spouse lodging with him on his official travel, and there were no charges to VA for Employee 3 extending his stay after the conference ended. Employee 3 returned to duty on Monday, September 19, 2016, so there was no need for him to take any leave.

Conclusion

The OIG did not substantiate the allegations that Employee 1 and Employee 2 violated VA policy or federal regulations when subordinates transported them in GOVs to and from their respective residences and airports for official travel. The Comptroller General's opinion, 70 Comp.Gen.196, allows for the use of GOVs to transport employees to and from their residence and an airport, as long as that is in the best interest of the government. Records reflected that transport by a GOV was the most economical mode of transportation for both Employee 1 and Employee 2. The OIG did not substantiate the allegation that Employee 1 improperly stored his POV on Long Island National Cemetery property. The investigation confirmed that during the period in question, Employee 1 resided in the Director's residence located on the cemetery property; and as such, had a legitimate basis for parking his personal vehicle on cemetery grounds. Testimony also reflected that Employee 1's vehicle did not hinder cemetery employees from completing their daily tasks. Moreover, testimony reflected that

Employee 1 removed his POV from cemetery property shortly after moving to Florida to become the Director of the Florida National Cemetery.

The OIG found that Employee 1 and Employee 3 did not violate VA policy by taking separate GOVs to the same travel location. The OIG also found that Employee 3 did not violate VA policy by having his spouse join him while on official travel. Employee 3's spouse drove their POV to meet him, and his spouse never rode in the GOV. Additionally, there was no added cost to VA for Employee 3's spouse lodging with him, and there were no costs to VA for Employee 3 extending his stay over the weekend. Based on the investigative findings, the OIG is closing these allegations.



JEFFREY G. HUGHES
Assistant Inspector General
for Investigations

OIG Contact and Staff Acknowledgments

Contact	For more information about this report, please contact the Office of Inspector General at (202) 461-4720.
----------------	--

Investigation Team	Linda Fournier, Director Michael Smith, Administrative Investigator
---------------------------	--

Other Contributors	Roy Fredrikson, Attorney Advisor
---------------------------	----------------------------------

Report Distribution

VA Distribution

Office of the Secretary
Veterans Benefits Administration
Veterans Health Administration
National Cemetery Administration
Assistant Secretaries
Office of General Counsel
Office of Acquisition, Logistics, and Construction
Board of Veterans' Appeals
Director of the Hunter Holmes McGuire VA Medical Center

Non-VA Distribution

House Committee on Veterans' Affairs
House Appropriations Subcommittee on Military Construction, Veterans Affairs, and
Related Agencies
House Committee on Oversight and Government Reform
Senate Committee on Veterans' Affairs
Senate Appropriations Subcommittee on Military Construction, Veterans Affairs, and
Related Agencies
Senate Committee on Homeland Security and Governmental Affairs
National Veterans Service Organizations
Government Accountability Office
Office of Management and Budget

OIG reports are available at www.va.gov/oig.