



DEPARTMENT OF VETERANS AFFAIRS
OFFICE OF INSPECTOR GENERAL

Office of Investigations

VETERANS HEALTH ADMINISTRATION

Alleged Misuse of
Government-Owned
Vehicles at the Sacramento
VA Medical Center

California



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Summary

The VA Office of Inspector General (OIG) Administrative Investigations Division received an allegation that Mr. David Stockwell (SES), the Director of the Northern California Health Care System (NCHCS), based out of the Sacramento VA Medical Center (VAMC), violated VA policy regarding the use of government-owned vehicles (GOVs) by allowing employees at the Sacramento VAMC to take GOVs home overnight and on weekends. Federal regulations prohibit the use of GOVs and leased vehicles for travel between an employee's home and place of work, with few exceptions. The unauthorized use of a GOV to transport a person between work and home is prohibited and punishable by a suspension of no less than 30 days for the user or the person who authorized such use. Only the head of an agency, in this case the VA Secretary, may authorize home-to-work transportation, and then only under certain conditions prescribed by regulation. A separate exception to the prohibition exists to permit an employee to use a GOV for home-to-work travel when the employee has been authorized to use the vehicle for approved temporary duty (TDY) travel, including no-cost temporary duty travel.¹ Neither of these exceptions applied to the GOV use at issue in this investigation.

The OIG did not substantiate the allegation that Mr. Stockwell established a practice in violation of VA policy regarding the use of GOVs assigned to the NCHCS. He told the OIG that, with one exception, he was unaware that employees drove GOVs between home and work. Mr. Stockwell acknowledged authorizing such use for one employee on two occasions for the benefit of the agency and believed that he was the only person at NCHCS authorized to approve such use. Mr. Stockwell told OIG investigators that he was not aware of other home-to-work use of GOVs. However, the OIG found that Dr. Dawn Erckenbrack (GS-15), the Associate Director of the Sacramento VAMC, improperly authorized the development of a local policy that permitted her to delegate authority for the approval of no-cost travel orders to the Chief of Logistics Management Service. In turn, the Chief of Logistics Management Service used this authority, in part, to allow Sacramento VAMC employees to take GOVs home overnight and on weekends under the provisions applicable to TDY travel with the use of no-cost travel orders. Mr. Stockwell told OIG investigators that he was unaware of this local policy and, upon learning of it from the OIG, immediately rescinded it.

The OIG did not substantiate another allegation that the Sacramento VAMC used rental cars that the fleet manager did not track, negating the need for further discussion in this report.

¹ VA Financial Policy Volume XIV, Chapter 1, states that Form 3036, *Travel Authority for Temporary Duty*, will be issued when travel away from the official station will be required and no travel or per diem expenses will be incurred.

Introduction and Background

To assess the allegations, the OIG interviewed Mr. Stockwell, Dr. Erckenbrack, the Chief of Logistics Management Service (LMS Chief), and other VA employees. The OIG also reviewed emails, GOV motor pool logs for the Sacramento VAMC from January 2016 to July 2017, relevant federal laws and regulations, and VA and Sacramento VAMC policies.

NCHCS has two divisions: the Sacramento Valley Division and the East Bay Division, which together encompass a vast area within California. The Sacramento Valley Division has medical facilities in Sacramento, Chico, and Redding, while the facilities for the East Bay Division are in Fairfield, Vallejo, Martinez, and Oakland. NCHCS is responsible for VA facilities in an area covering 17 counties, more than 40,000 square miles, and serving over 375,000 veterans. The allegation was specific to the Sacramento VAMC, so the OIG focused the investigation on that facility.

Relevant Legal Authority

The following are legal authorities and VA policies that were reviewed as part of the investigation into the use of GOVs:

- 31 U.S.C. § 1344(a)(1) prohibits the use of a government vehicle for anything other than an official purpose. Transporting any person, other than authorized under subsections (a)(2), (b), and (c),² between the person's residence and place of employment is not considered transportation for an official purpose. Subsection (f) requires that each federal agency "maintain logs or other records necessary to establish the official purpose for Government transportation provided between an individual's residence and such individual's place of employment..."
- 31 U.S.C. § 1349(b) provides 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.
- 41 C.F.R. § 102-5 provides that "[t]hose employees engaged in fieldwork, or faced with a clear and present danger, an emergency, or a compelling operational consideration may be authorized home-to-work transportation as determined by their agency head. No other employees are authorized home-to-work transportation. When making the determination to authorize home-to-work transportation for fieldwork, agencies should consider "(a) The location of the employee's home in proximity to his/her work and to the locations where non-TDY travel is required; and (b) The use of home-to-work transportation for fieldwork should be authorized only to the extent that such transportation will substantially increase the efficiency and economy of the Government." The regulation

² 31 U.S.C. § 1344(a)(2) authorizes the use of a GOV for transporting employees or officers between their residence and other locations for fieldwork, or when essential for safe and efficient performance of intelligence, counterintelligence, protective services, or criminal law enforcement duties. Subsection (b) authorizes GOV use for home-to-work transport for a specified group of senior government officials, such as Cabinet secretaries. Subsection (c) authorizes the use of a government vehicle to transport between the residence and place of work a person whom protection is specifically authorized pursuant to 18 U.S.C. § 3056 or for whom transportation is authorized....

clarifies that the comfort and/or convenience of an employee is not considered sufficient justification to authorize home-to-work transportation.

- 41 C.F.R. § 102-5 requires the agency head, in this case the VA Secretary,³ to make a determination that employees' use of government vehicles for home-to-work transportation is authorized. Such determination authority shall not be delegated. The regulation also requires that determinations made regarding employee use of a government vehicle for home-to-work transportation must be documented and reported to certain congressional committees. According to § 102-5.115, such reporting must be made within 60 calendar days after approval. The regulation also requires that logs regarding home-to-work transportation be maintained by the agency. Such logs and other records must include the "(a) Name and title of employee (or other identification, if confidential) using the passenger carrier; (b) Name and title authorizing use; (c) Passenger carrier identification; (d) Date(s) home-to-work transportation is authorized; (e) Location of residence; (f) Duration; and (g) Circumstances requiring home-to-work transportation.
- VA Directive 0637, section (2)(d)(1), prohibits the unauthorized use of government vehicles. The directive states that the use of all VA motor vehicles is restricted to "official purposes only: uses that further the mission of VA." Any misuse of government-owned or leased vehicles is punishable under 31 U.S.C. § 1349. The directive further states that only the "Secretary of Veterans Affairs has authority to approve written determinations for home-to-work transportation requirements. This authority may not be delegated." The vehicle user is responsible for ensuring the proper authority has given approval prior to using a GOV for home-to-work transportation. There are exceptions for employees:
 1. Employees who are on official travel (TDY)
 2. Employees who are on permanent change of station (PCS) travel
 3. Employees who are essential for the safe and efficient performance of intelligence, counterintelligence, protective services, or criminal law enforcement duties when designated by the Secretary of VA
- VA Travel Administration, Volume XIV, Chapter 1, Appendix C (May 2013) states, "VA Form 3036, Travel Authority for Temporary Duty Travel, will be used to authorize no-cost temporary duty travel." Sacramento VAMC local policy (Local Policy Statement 138-3, December 12, 2012) states that the vehicle is not to be used to travel from home-to-work or work-to-home. An employee who has official orders (VA Form 3036) may drive the government vehicle between work and home provided it is expressly authorized in the official travel orders. Once on travel with official travel orders, travel between lodging, restaurants, stores, and similar places necessary for the sustenance, comfort, or health of the employee is authorized.

³ See 5 C.F.R. § 842.802 (defining "agency head" as "... the head of an executive agency as defined in 5 U.S.C. § 105").

Investigative Results and Recommendations

Finding: Dr. Erckenbrack Authorized the Development of an Improper Local Policy Regarding the Use of Government-Owned Vehicles

The Sacramento VAMC maintains U.S. General Services Administration (GSA) and privately leased and rented vehicles for use by employees. The Sacramento VAMC Transportation Section maintains logs related to the daily use of each assigned vehicle. The logs contained records for over 50 different vehicles. The OIG examined the logs for these vehicles for the period from January 2016 to July 2017. The logs consisted of calendar pages for each vehicle with handwritten notes showing the name of the employee checking out a particular vehicle, the dates the vehicle was taken and returned, the odometer readings at checkout and return in some cases, and a trip ticket number that corresponded with an electronic request for the vehicle for some entries. The logs did not contain the official purpose for the use of the vehicle nor did they indicate whether the driver was authorized to drive or actually drove the vehicle home.

Many entries extended through several days, including weekends and holidays, but there was no indication in the logs as to whether the vehicle was returned to the facility or kept offsite during those extended periods. For example, the logs indicated an employee signed out a Ford Edge on March 16, 2017, and the vehicle remained assigned to this employee until March 28, 2017. There are also instances of employees signing out one vehicle for multiple days, returning the vehicle and signing out a different vehicle for another period of several days. The same employee signed out a vehicle on April 28, 2016, kept the vehicle until May 9, 2016, and then signed out a different vehicle for May 9–21, 2016. There was no record of where the vehicles were driven or parked during this time.

The logs indicated that employees reserved GOVs for periods of more than one day over 510 separate occasions and more than 175 GOV reservations included a weekend. According to the logs, 57 different employees used GOVs for consecutive days on more than one occasion. The logs also contained entries for 17 employees who used a GOV for 10 or more days, two of whom did so on 2 separate occasions.

LMS Chief told the OIG that employees requested vehicles through the Veterans Health Information Systems and Technology Architecture (VistA) system. “VistA is a comprehensive, full featured Health Information System and Electronic Health Record. It supports a range of clinical settings... VistA applications focus on clinically relevant record keeping, which improves patient care by improving clinical and administrative decision making.”⁴ The system also provides administrative functions.

OIG investigators asked LMS Chief by email if VistA notified supervisors when an employee requested a GOV. He replied, “I also confirmed that a system generated notification is sent via email to the employee’s supervisor whenever a request is made.” LMS Chief attached a sample VistA trip ticket, which contained this acknowledgement sent to the employee’s supervisor, “By receipt of this email, you authorize the driver to use this vehicle for official government business, and confirm that the driver has a current driver's license.” The Chief of the Transportation Section told the OIG that employees put the name of their supervisor in the VistA request and

⁴ Veterans Health Administration, Office of Information and Technology, Enterprise Program Management Office & Office of Information & Analytics (https://www.va.gov/VISTA_MONOGRAPH/Vista_Monograph.docx).

that is included in their VistA trip ticket. She acknowledged that there was no way for the motor pool employees to verify a supervisor approved the use of a GOV except by contacting supervisors directly.

No-Cost Travel Orders

Mr. Stockwell recalled authorizing one employee to take a GOV home overnight on two occasions to conduct official business within the NCHCS. He said the employee would have had to pick up a GOV from their duty station in Martinez, California, and then backtrack to report for duty in Sacramento in the early morning. He authorized the employee to take the GOV home overnight in order to ensure the employee arrived in Sacramento in a timely manner and to avoid paying tolls, which the government would be obligated to reimburse, because it was official travel. He added that this use of the GOV was for the benefit of the government.

Mr. Stockwell said it was his understanding that only he could authorize overnight GOV use. However, the OIG found a memorandum, “Subject: Delegation of Authority Memo for No Cost Travel Orders and Issuance,” dated January 21, 2016, from Dr. Erckenbrack to LMS Chief that delegated authority to LMS Chief for approving no-cost travel orders and issuances of GOVs. The memo stated the travel must be in the best interest of the government and approval would be verified through a completed GSA Form 87, a copy of an approved Conference or Travel Request Approval Process travel request (CTRAP), and/or a copy of approved travel orders from Concur Government Edition (Concur), which is VA’s official electronic travel system. Mr. Stockwell told the OIG that he was unaware of the January 21, 2016, memo from Dr. Erckenbrack to LMS Chief authorizing the no-cost travel procedures. He said, “I have no knowledge of us permitting our employees to take a car home overnight. My understanding was you can’t do it.”

LMS Chief told the OIG that employees could only take home a GOV if they had an approved CTRAP or a GSA Form 87. CTRAPs included, among other information, the traveler’s name, the event location, dates for the event, and the purpose of the travel request. CTRAPs also included cost estimates and requests for GOVs, if needed. CTRAPs were used if the government was responsible for covering some or all of the costs for employee travel, such as lodging and per diem. CTRAPs were approved by Mr. Stockwell.

LMS Chief was the authorizing official for all GSA Form 87 requests. LMS Chief told the OIG that no-cost travel orders authorized by the January 21, 2016, memorandum were used by employees to request permission to take a GOV home overnight and on weekends. To request no-cost travel orders, employees were required to submit a GSA Form 87, Official TDY Travel Authorization, containing the employee’s name, home address, a brief description of the reason for the travel, and additional information related to the requested travel. Employees signed the form to certify its contents, but a supervisor’s approval was not required on the form. LMS Chief was the only authorizing official on the form. LMS Chief told the OIG that he would only approve a GOV to be taken home overnight if the reason listed on the form was in the best interest of the government. He said employees were not authorized to take GOVs home overnight for their own convenience. The Chief of the Transportation Section told the OIG that they did not keep or have use for CTRAPs or completed GSA Form 87s after trip completion. Dr. Erckenbrack also told the OIG that authorizing certain employees to take GOVs home was done for the best interest of the government. She stressed her belief that the GOV was parked at the employee’s residence and left unused unless they were on official duty. Dr. Erckenbrack

stated that she was not aware of employees taking GOVs home over the weekend, but two physicians acknowledged having permission to do so.

The Chief of the Transportation Section told the OIG, “[in] new employee orientation, the employee is briefed on what the policy is of checking out government vehicles.” She also said, “We pulled one page from 138-3, and it's actually sitting on the counter, taped. It's laminated and taped on the counter in the office.” The reference to 138-3 was to the Sacramento VAMC’s local policy for GOV use. Testimony confirmed that there was an orientation briefing related to GOV use, but all interviewees agreed there was no ongoing training at the Sacramento VAMC related to GOV use.

Mr. Stockwell told the OIG that he was not aware of any training offered by the facility related to GOV policies. With respect to training and other issues with the GOV program at the facility, he said, “We’re going to have to evaluate our whole program...we’re going to have to train people.”

During OIG’s interview with Mr. Stockwell, he assured the OIG that he would take steps to fix the GOV program at the Sacramento VAMC. He said that he would immediately rescind the memorandum authorizing no-cost travel orders and overnight GOV use. He said that he would evaluate the best course of action to train and educate the employees on the proper use of a GOV.

On October 3, 2017, Mr. Stockwell sent the OIG by email his plan to bring the facility into compliance with VA policy:

I immediately rescinded the no-cost travel order memo after our meeting concluded. All requests for taking a government vehicle home for the night must be approved by me. I met with my associate director and asked that we include government vehicle use expectations and a trip ticket with each car checked out from the motor pool effective immediately. I met with chief of logistics and discussed compliance expectations and approval process for checking out government cars, completing trip tickets, and general program oversight.

In a follow-up email, Mr. Stockwell assured the OIG that his guidance applied to all the facilities within the NCHCS.

Conclusion

The OIG concluded that Dr. Erckenbrack exceeded her authority when empowering LMS Chief to issue no-cost travel orders in a January 21, 2016, memorandum. LMS Chief, in turn, improperly approved Sacramento VAMC employees to take GOVs home overnight and on the weekends. While VistA trip tickets included the supervisor’s name and notified the supervisor when a GOV was requested, LMS Chief was the sole authorizing official on GSA Form 87, which was used to approve no-cost travel orders. Further, VA policy requires the use of a VA Form 3036 to authorize no-cost temporary duty travel. The Sacramento VAMC’s no-cost travel orders were inconsistent with federal regulations and VA policy concerning the use of GOVs.

Recommendations 1–3

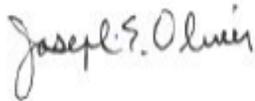
1. The VA Sierra Pacific Network Director confers with the Offices of General Counsel, Human Resources, and Accountability and Whistleblower Protection to determine the appropriate administrative action to take, if any, against Dr. Erckenbrack.
2. The VA Sierra Pacific Network Director confers with the Offices of General Counsel, Human Resources, and Accountability and Whistleblower Protection to determine the appropriate administrative action to take, if any, against the Chief of Logistics Management Service.
3. The VA Sierra Pacific Network Director confers with the Office of General Counsel and the Director of the VA Northern California Health Care System to ensure that controls are in place to oversee proper implementation by the Health Care System of federal law, regulations, and VA policy regarding the use of government-owned vehicles.

Management Comments

The Acting Director of the Sierra Pacific Network was responsive, and her comments are in the Appendix.

OIG Response

Based on the Sierra Pacific Network Acting Director's response, the OIG's recommendations can be closed with no need for OIG follow up.



JOSEPH E. OLIVER
Acting Assistant Inspector General
for Investigations

Appendix: Sierra Pacific Network Director Comments⁵

Department of
Veterans Affairs

Memorandum

Date: June 25, 2018

From: Acting Director, Sierra Pacific Network (10N21)

Subj: Administrative Investigation of Alleged Misuse of Government-Owned at the Sacramento VAMC

To: Director, Administrative Investigations Division
Director, Management Review Service (VHA 10E1D MRS Action)

Thank you for the opportunity to review the draft report from the Northern California Health Care System regarding the subject above. Below are the responses to each recommendation;

Recommendation 1- The VA Sierra Pacific Network Director confers with the Offices of General Counsel, Human Resources, and Accountability and Whistleblower Protection to determine the appropriate administrative action to take, if any against Dr. Erckenbrack.

Response: Dr. Erckenbrack no longer works for the Department of Veterans Affairs, so no action is recommended.

Recommendation 2- The VA Sierra Pacific Network Director confers with the Offices of General Counsel, Human Resources, and Accountability and Whistleblower Protection to determine the appropriate administrative action to take, if any, against [REDACTED].

Response: [REDACTED] was following the direction of his supervisor, Dr. Erckenbrack, and a long-standing practice at the site. He is now aware of the VA policy and no disciplinary action will be taken, given the context of the situation. The OAWP Triage Director was contacted and declined the review or a report from us.

Recommendation 3- The VA Sierra Pacific Network Director confers with the Office of General Counsel and the Director of the VA Northern California Health Care System to ensure that controls are in place to

⁵ VA OIG redacted one name after balancing public and privacy interests.

oversee proper implementation by the Health Care System of federal law, regulations, and VA policy regarding the use of government-owned vehicles.

Response: The Northern California Health Care System's Policy Statement 90-50, Motor Vehicle Management Program, was revised in December 2017 to ensure compliance with laws, rules and regulations. The policy clearly identifies who is appropriate to use the government vehicles and under what conditions; vehicles are not be used to travel from home to work or work to home; identifies the request process to include signature of driver and supervisor for all requests; identifies key control requirements for before and after hour vehicle usage; requires the use of trip logs; and documents expectations and control requirements of Service Managed vehicles. No overnight usage of cars has been authorized since this issue surfaced and any requests must be approved by the Facility Director. Biannually reports on compliance of this program will be provided to the Executive Management Board.



Lisa Howard

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