



July 2025

WHISTLEBLOWERS

VA Should Assess Data and Monitor Settlement Agreements to Better Ensure Protections

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GAO-25-106780

July 2025

A report to congressional requesters.

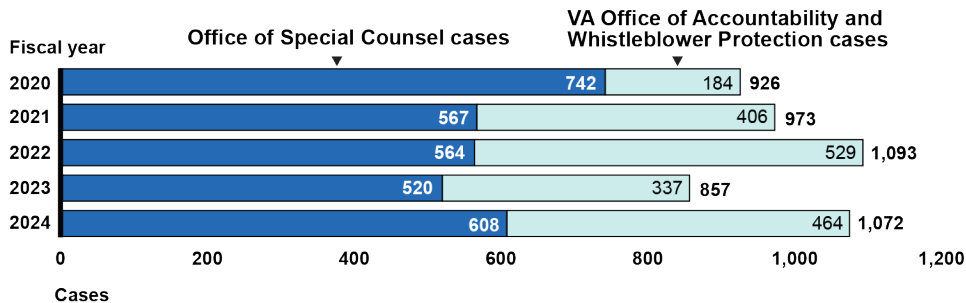
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What GAO Found

The number and length of whistleblower retaliation cases filed by Department of Veterans Affairs (VA) employees have fluctuated since fiscal year 2020 (see figure). GAO analyzed data from the Office of Special Counsel (OSC), an independent agency, and VA’s Office of Accountability and Whistleblower Protection (OAWP), which investigates whistleblower retaliation allegations.

- GAO found that VA is unable to consistently track corrective actions taken in whistleblower cases. These actions can include restored leave or reassignment. VA’s fiscal year 2022–2028 strategic plan calls for the agency to promote accountability by protecting whistleblowers, but officials said that VA data systems were not designed to track corrective actions.
- OSC and OAWP have contradictory data about settled cases. For example, according to GAO’s analysis, OSC’s data show 90 whistleblower retaliation settlement agreements from fiscal years 2019 to 2023, whereas OAWP’s data show 30 OSC settlement agreements. Officials at both agencies told GAO that their data do not include information on case outcomes from outside their own investigative processes unless the other agency voluntarily provides it. Without better coordination and comprehensive data on the outcomes of VA whistleblower retaliation cases, both agencies might miss opportunities to promote accountability for and protection of whistleblowers.

Number of Whistleblower Retaliation Cases Involving Department of Veterans Affairs (VA) Employees, Fiscal Years 2020–2024



Source: GAO analysis of VA and Office of Special Counsel case management system data. | GAO-25-106780

VA settled 71 whistleblower retaliation cases from fiscal years 2019 to 2023. Most settlements agreements provided for payments and personnel actions, according to VA data. VA’s data show that settlement agreements included payments to whistleblowers that ranged between \$1,800 and \$525,000, and that most involved personnel actions, such as reassigning the whistleblower.

While VA reviews copies of settlement agreements, it does not monitor their implementation. VA officials said this is because the Secretary of VA has not delegated the authority for them to do so. However, VA’s current strategic plan states that OAWP is responsible for fostering a safe environment to report wrongdoing. By ensuring that OAWP monitors the implementation of whistleblower retaliation settlement agreements, VA could better support its goal to promote and improve accountability for whistleblower retaliation.

Why GAO Did This Study

Federal employee whistleblowers—individuals who report allegations of wrongdoing such as a violation of law, abuse of authority, or gross mismanagement—can help protect the government from fraud, waste, and abuse. Whistleblowers may experience retaliation such as reassignment, demotion, or termination. VA has implemented administrative reforms to improve protections for whistleblowers.

GAO was asked to review the characteristics of VA whistleblower retaliation investigations, as well as VA’s process for settling whistleblower retaliation claims. This report examines, among other things, 1) the number, length, and outcomes of VA whistleblower retaliation cases; 2) typical components of VA settlement agreements; and 3) whether VA monitors the implementation of settlement agreements. GAO reviewed VA and OSC case management data from fiscal years 2020-2024, the most recent years with reliable data, and data on cases settled from fiscal years 2019-2023. GAO also analyzed responses to non-generalizable surveys GAO administered to 35 whistleblowers and 52 officials VA identified as negotiating settlements.

What GAO Recommends

GAO is making four recommendations, including that VA and OSC coordinate settlement tracking and VA delegate OAWP authority to monitor settlement implementation. VA concurred with three recommendations and OSC disagreed with one, citing added burden among other reasons. GAO maintains the recommendation is warranted and can be implemented with existing coordination mechanisms.

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Abbreviations

ADR	Alternative Dispute Resolution
EEOC	Equal Employment Opportunity Commission
OAWP	Office of Accountability and Whistleblower Protection
OGC	Office of General Counsel
OSC	Office of Special Counsel
PPP	Prohibited Personnel Practice
VA	Department of Veterans Affairs
VBA	Veterans Benefits Administration
VHA	Veterans Health Administration

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July 31, 2025

Congressional Requesters,

Federal employee whistleblowers—individuals who report allegations of wrongdoing such as a violation of law, abuse of authority, or gross mismanagement—can help protect the government from fraud, waste, and abuse. However, whistleblowers often take great risks when they report wrongdoing and may experience retaliation such as reassignment, demotion, or termination for their disclosures.

The Civil Service Reform Act of 1978 provided protections for whistleblower disclosures and created the Office of Special Counsel (OSC), now an independent federal investigative and prosecutorial agency. OSC is responsible for investigating prohibited personnel practices (PPP), including complaints of whistleblower retaliation at VA and other agencies.¹ According to OSC, it receives more cases from VA employees than any other agency.²

The Department of Veterans Affairs (VA) is one of the largest federal agencies, with about 400,000 employees across hundreds of medical facilities, clinics, and benefits offices. In addition to the protections above, VA employees have protections under the Department of Veterans Affairs Accountability and Whistleblower Protection Act of 2017. This law established within VA the Office of Accountability and Whistleblower Protection (OAWP), which receives allegations of senior leader misconduct and whistleblower retaliation from VA employees and refers whistleblower disclosures to relevant VA offices for investigation. Over the last few years, the VA has implemented additional administrative reforms in response to claims and reports of inadequate whistleblower protections within the agency.

You asked us to review outcomes of VA’s whistleblower retaliation investigations as well as its overall whistleblower retaliation settlement

¹On February 7, 2025, the President fired the Special Counsel, the head of OSC. As of May 2025, OSC told us the agency has an Acting Special Counsel, who has designated the agency’s Senior Counsel to run the day-to-day operations at OSC.

²Office of Special Counsel, *Annual Report to Congress for Fiscal Year 2023*, (Washington, D.C: April 29, 2024).

process. This report continues our prior work on this topic.³ It examines: 1) the number, length, and outcomes of whistleblower retaliation cases involving VA employees from fiscal year 2020 through 2024 and how they compare to non-whistleblower allegations, 2) how VA settles allegations of whistleblower retaliation, 3) efforts VA has taken since 2020 to ensure accountability and enhance whistleblower protection, and 4) typical components of whistleblower retaliation settlement agreements and the extent to which VA collects and analyzes data to monitor the settlement process.

For all four objectives, we reviewed relevant federal laws and regulations, agency guidance, and policies, as well as interviewed cognizant agency officials and representatives of three whistleblower advocacy organizations.⁴ Additionally for our first objective, we reviewed data from OSC and VA's case management systems for fiscal years 2020 through 2024.⁵ We selected these years because they were the most recent years for which we could determine the reliability of the agencies' data.⁶ We assessed the reliability of the data collected by reviewing available technical documentation, interviewing knowledgeable agency officials at OSC and OAWP, and performing electronic testing of data for errors. We determined the data were sufficiently reliable for purposes of reporting the number, length, and outcomes of whistleblower retaliation cases.

For our second objective, we reviewed agency policies and guidance regarding the processes VA uses to settle whistleblower retaliation cases. To understand how VA settles allegations of whistleblower retaliation and perspectives of selected VA officials and whistleblowers, we also surveyed those individuals involved in the 71 whistleblower retaliation

³See GAO, *VA Whistleblowers: Resolution Process for Retaliation Claims*, [GAO-23-106111](#) (Washington, D.C.: May 3, 2023) and GAO, *VA Whistleblowers: Retaliation Claim Investigations and Settlement Agreements*, [GAO-24-107090](#) (Washington, D.C.: Nov. 2, 2023).

⁴We identified relevant advocacy organizations from witness statements of recent congressional hearings on the topic. Additionally, we collected names of other advocates in our interviews with these organizations.

⁵Throughout this report, the data on whistleblower retaliation cases refers only to cases that have been closed. Cases that OSC or OAWP are still investigating, which are therefore open, are outside the scope of this report.

⁶OAWP created its case management system in 2019 and fiscal year 2020 was the first year that the agency had complete data. For our analysis of OAWP's whistleblower retaliation settlement agreements, we included settlements from 2019, which was the earliest year for which OAWP had identified relevant agreements in its data.

cases VA identified as settled from fiscal years 2019 to 2023. Specifically, we analyzed the responses of the 17 VA officials and 21 whistleblowers who negotiated settlement agreements and who completed our survey.⁷ Additionally, we interviewed three whistleblowers who were randomly selected from those who completed our survey and volunteered for more in-depth interviews about the settlement process. Results from our surveys and interviews cannot be generalized to all VA whistleblowers or settlement officials who have participated in the VA whistleblower retaliation settlement process.

To address our third objective, we interviewed agency officials and reviewed agency documents regarding efforts since 2020 to enhance whistleblower protection and accountability, including OAWP annual reports, policy memos, internal briefing materials, and hearing statements.

To address our fourth objective, we analyzed the 71 whistleblower retaliation settlement agreements that VA identified as settled from fiscal years 2019 to 2023. To develop a list of the types of provisions relevant to the scope of our review, three analysts reviewed the 71 agreements and agreed on common themes that appeared in multiple agreements, such as the types of payments included in the agreement, requirements of the various parties, and timeframes for executing the provisions.⁸ We then reviewed each agreement to identify the presence of these provisions.

⁷We conducted two web-based surveys. For the first, we sent a web-based survey to the 52 settlement officials whom VA identified as negotiating the 71 whistleblower retaliation settlement agreements completed during fiscal years 2019 through 2023. VA reported that 11 settlement officials settled two or more cases. We received 26 responses to our survey; the responses of five settlement officials were excluded from our analysis as they reported that they did not negotiate a whistleblower retaliation settlement agreement during fiscal years 2019–2023. We excluded another four respondents because they did not provide responses to most of the topics in the survey. We therefore analyzed and report survey results for 17 settlement officials who completed the survey. For the second survey, we sent surveys to 35 whistleblowers whose contact information VA verified for us, and 25 whistleblowers responded to our survey. We excluded four respondents because they did not provide responses to most of the topics in the survey. We therefore analyzed and report survey results for 21 whistleblowers who completed the survey. We did not survey the 36 out of 71 whistleblowers for whom VA had no current contact information. Additional information on both surveys can be found in App. I.

⁸According to VA data, the settlement agreements were signed between fiscal year 2019 and the end of fiscal year 2023. According to VA officials, OAWP's data may undercount whistleblower retaliation settlement agreements from fiscal years 2019 through 2022 because the agency had no process to identify them at that time and added them into its tracking system retroactively. We determined these data to be reliable enough for our analysis of VA's known settlement agreements.

Specifically, two GAO analysts and a GAO attorney reviewed each agreement and reached consensus on whether the agreements included a relevant provision. We further analyzed the results to quantify the frequency of these provisions among the 71 agreements.

We conducted this performance audit from April 2023 to July 2025 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Background

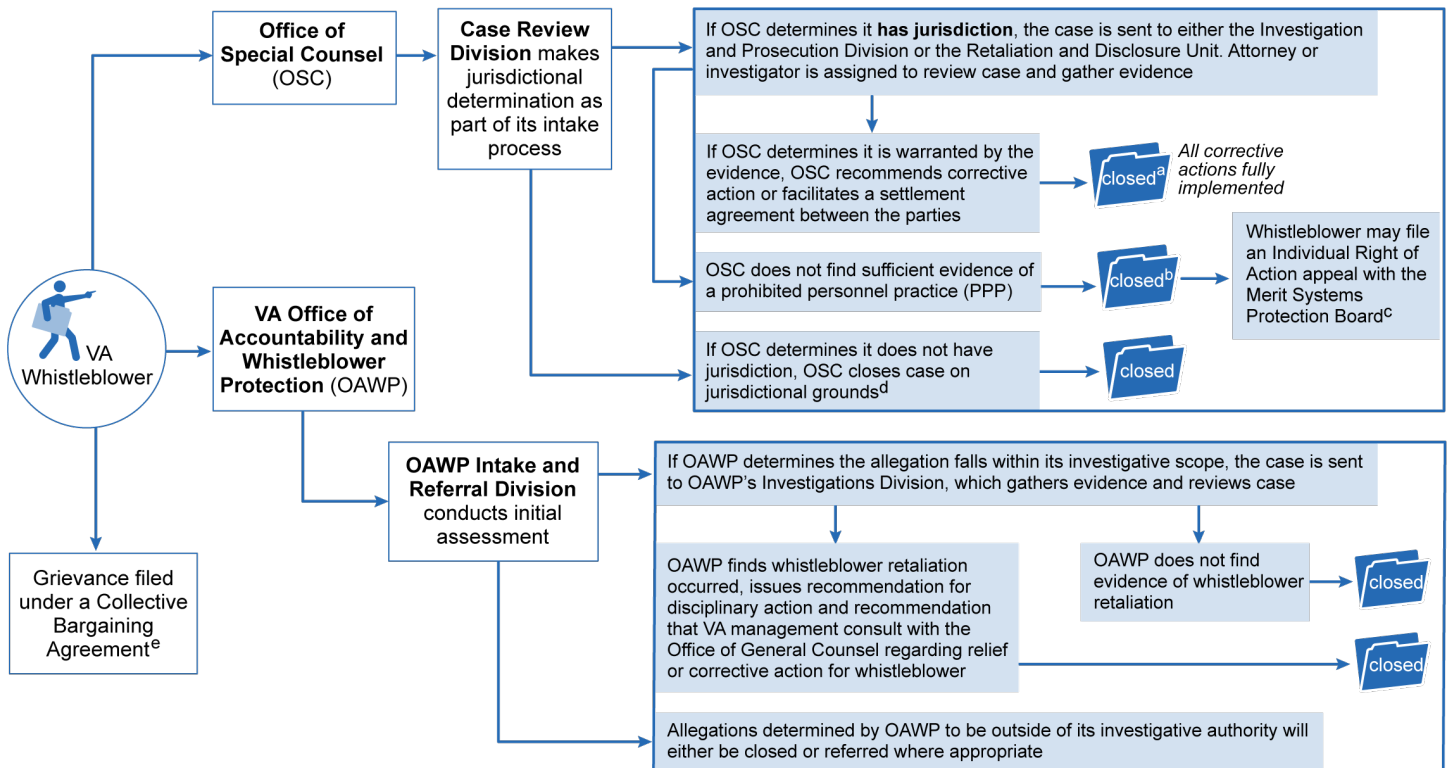
VA Whistleblower Retaliation Settlement Options

VA whistleblowers can choose to submit complaints of whistleblower retaliation both internally to VA and to external agencies, such as OSC (see fig. 1).⁹ In our previous report, we discussed complaint filing options of VA whistleblowers.¹⁰

⁹Whistleblowers who face retaliation can file an appeal with the Merit Systems Protection Board. In some circumstances, an individual may file an Individual Right of Action claim where they must seek corrective action from OSC before appealing to the Merit Systems Protection Board. There are also some circumstances under which an individual can file an appeal with Merit Systems Protection Board without first filing with OSC. Merit Systems Protection Board, *Whistleblower Protections for Federal Employees* (Washington, D.C.: Sept. 2010). We did not include Merit Systems Protection Board whistleblower retaliation cases in this report because many of those cases are reflected in OSC's data. Further, the Merit Systems Protection Board did not have a quorum from January 2017 to March 2022, which prohibited the agency from issuing certain types of decisions, including whistleblower stays from OSC investigations.

¹⁰[GAO-23-106111](#).

Figure 1: Selected Avenues that Department of Veterans Affairs (VA) Whistleblowers May Choose to File a Claim of Retaliation



Sources: GAO interviews with agency officials and analysis of agency documents; GAO (icons). | GAO-25-106780

^aIf an agency disagrees with OSC's finding of a PPP or corrective action, OSC may file a complaint seeking corrective action directly with the Merit Systems Protection Board.

^bAllegations that are investigated by OSC can close for a variety of reasons, and OSC tracks over 40 closing dispositions. For example, a case may close if the complainant withdraws their complaint or does not provide further information.

^cUnder an Individual Right of Action, an individual must seek corrective action from OSC before appealing to the Merit Systems Protection Board. There are some circumstances under which an individual can file an appeal with the Merit Systems Protection Board, without first filing with OSC, known as "otherwise appealable actions."

^dOSC may refer cases to the Office of Inspector General or other agencies in certain circumstances.

^eIn these circumstances, the relevant union would represent the whistleblower in the grievance process.

Once a complaint has been made, some VA whistleblowers may choose to enter into a negotiated settlement agreement to resolve that complaint. Settlement agreements are voluntary arrangements made between a complainant and the VA. They can resolve employment disputes, including allegations of whistleblower retaliation, with a legally binding resolution, while avoiding lengthy litigation. These agreements can

involve monetary compensation for the complainant, and in return, the complaint may be withdrawn. For example, a whistleblower who filed a complaint with OSC may agree to withdraw that complaint as part of the settlement. According to VA, a whistleblower who files a retaliation complaint with OAWP does not have the option of resolving the complaint through a settlement agreement unless the complainant elected alternative dispute resolution (ADR) through OAWP. However, as of May 2025, ADR has been put on pause for new complainants due to operational needs and concerns over internal and external staffing, according to agency officials.

VA may resolve allegations of whistleblower retaliation through settlement with cooperation between the office where the dispute originated and VA's Office of General Counsel (OGC).¹¹ The VA settlement process includes initiation, negotiation, and implementation phases, according to VA officials (see fig. 2).¹² Settlement can be initiated at any juncture in the complaint process. A VA settlement official, who represents the office where the dispute occurred, is responsible for negotiating and approving the terms of the agreement.¹³ As part of this phase, an attorney from VA's OGC is assigned to the case, determined by the group or geographic district where the complaint arose.¹⁴ VA then discusses settlement terms with the complainant or their representative, if applicable. Following an agreement, the settlement official and the offices identified in the agreement are responsible for monitoring its implementation and ensuring compliance.

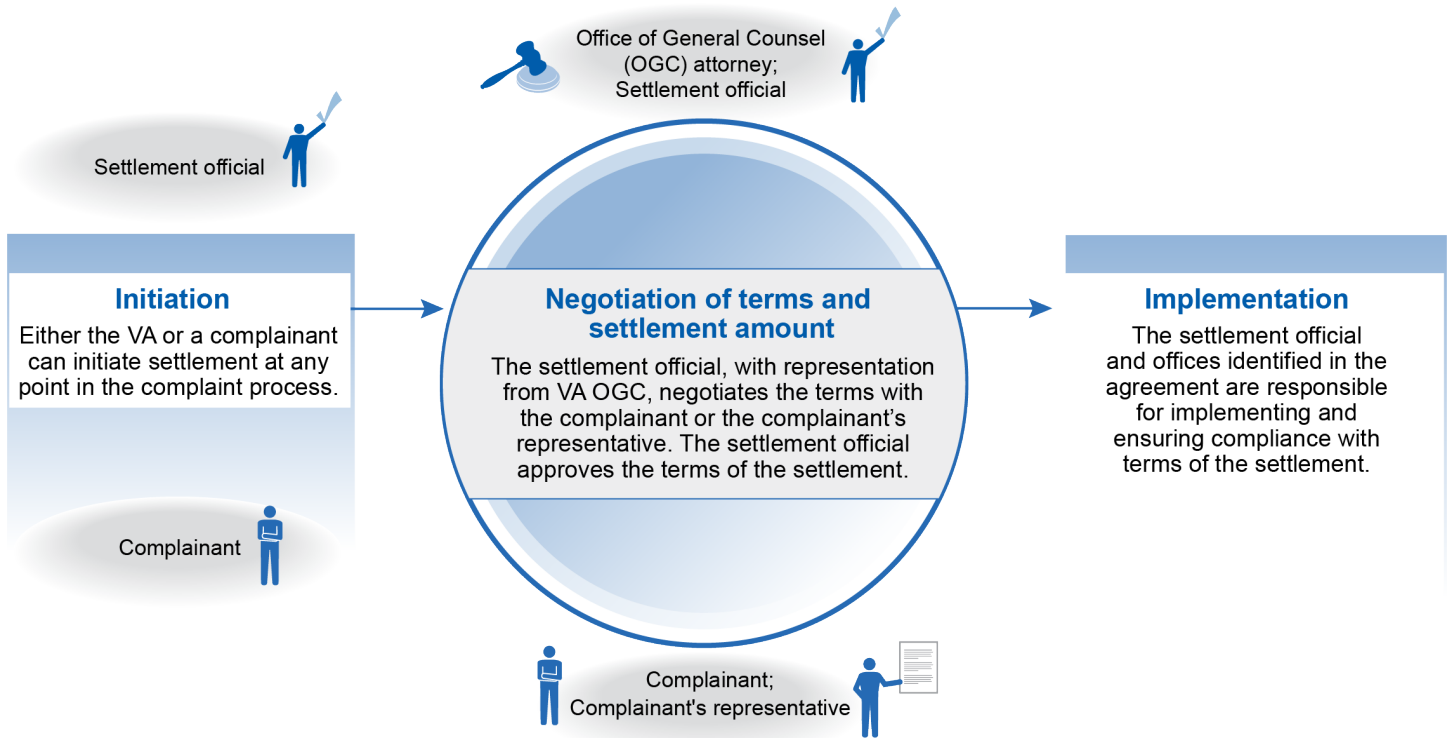
¹¹For the purposes of this report, we generally use the term "office" to refer to any administration or staff office where a whistleblower retaliation complaint is settled.

¹²Discrimination claims at VA are settled differently than whistleblower retaliation claims at VA. For discrimination claims, federal law requires VA to establish an employment discrimination complaint resolution system to encourage timely and fair resolution of concerns and complaints and requires that VA implement that requirement in a manner consistent with procedures applicable under regulations prescribed by the Equal Employment Opportunity Commission (EEOC). EEOC, in turn, has prescribed regulations covering certain aspects of the processes including settlement and sets specific timelines for certain portions of the process.

¹³OAWP investigates allegations of whistleblower retaliation but does not participate in VA's settlement process.

¹⁴As we reported previously, according to VA officials, OGC attorneys are obligated to represent the best interests of the agency. [GAO-24-107090](#).

Figure 2: Department of Veterans Affairs (VA) Process to Settle Complaints of Whistleblower Retaliation



Source: GAO interviews with VA officials; GAO (icons). | GAO-25-106780

Note: According to VA, a whistleblower who files a retaliation complaint with the Office of Accountability and Whistleblower Protection does not have the option of resolving the complaint through a settlement agreement unless the complainant elected alternative dispute resolution. However, as of May 2025, alternative dispute resolution has been put on pause for new complainants due to operational needs and concerns over internal and external staffing, according to agency officials.

Alternative Dispute Resolution

The Administrative Dispute Resolution Act encouraged the increased use of ADR in federal agencies.¹⁵ The Act requires each federal agency to adopt a policy that addresses the use of alternative means of dispute resolution, and the Act authorized using a neutral third party in dispute resolution proceedings.

Mediation is a common ADR technique used in the federal government that may help to reduce conflict, as well as the cost, delay, and unpredictability of litigation. Mediation involves a neutral third party

¹⁵Pub. L. No. 101-552, 104 Stat. 2736 (1990), as amended.

assisting disputing parties in negotiating an agreement. The mediator generally has no independent authority and does not render a decision. Instead, the mediator acts as a facilitator to guide discussion between the disputing parties. Mediators may focus on enabling conversation among the parties, direct the process, provide advice, and give recommendations to resolve the dispute. Mediators use a variety of techniques to manage negotiations, such as listening actively, managing impasse and heightened emotions, and working with parties to create and evaluate settlement proposals, among others. VA and OSC offer ADR programs to provide various options, including settlements, for resolving complaints, including those of whistleblowers.

Since 2020, the Number and Length of Retaliation Cases Have Fluctuated, but VA and OSC Have Incomplete Data on Outcomes

Since 2020, the number and length of retaliation cases have fluctuated. Specifically, the number of whistleblower retaliation cases closed at OSC declined from 2020 until 2024, when cases closed increased. In contrast, the number of closed OAWP cases increased during the COVID-19 pandemic before decreasing in fiscal year 2023. Regarding case length, from 2020 to 2024, the median OSC case length increased, while median OAWP case length declined. In addition, while both OSC and OAWP track data on at least some outcomes of VA whistleblower retaliation cases, VA cannot consistently assess these outcomes, including corrective actions taken, across all cases because of gaps in data at both agencies.

The Number of Whistleblower Retaliation Cases and Non-Whistleblower Retaliation Cases Fluctuated Over the Last 5 Years and Increased Somewhat in 2024

For both OSC and OAWP, the number of VA whistleblower retaliation cases has fluctuated since fiscal year 2020.¹⁶

OSC Whistleblower Retaliation Case Numbers

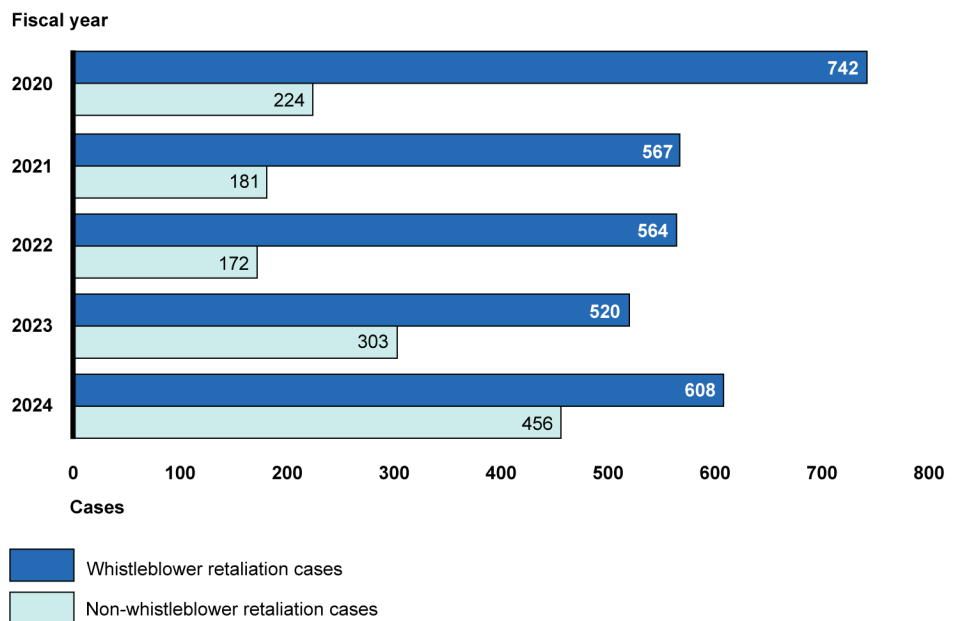
As we reported previously, OSC closed 742 whistleblower retaliation cases involving VA employees in fiscal year 2020.¹⁷ Since then, the number of these cases closed at OSC declined each subsequent year

¹⁶Throughout this report, the data on whistleblower retaliation cases refers only to cases that have been closed. Cases that OSC or OAWP are still investigating, which are therefore open, are outside the scope of this report.

¹⁷[GAO-23-106111](#).

until fiscal year 2024, when cases closed increased (see fig. 3). The number of non-whistleblower retaliation cases closed at OSC declined from fiscal years 2020 to 2022 and increased in 2023 and 2024.¹⁸

Figure 3: Closed Office of Special Counsel Cases Involving Department of Veterans Affairs Employees, Fiscal Years 2020–2024



Source: GAO analysis of Office of Special Counsel case management system data. | GAO-25-106780

Note: We defined whistleblower retaliation to include allegations of retaliation for disclosures protected under federal law, as well as other protected activities that can be related to whistleblowing, such as exercising an appeal right. Cases can have multiple allegations, and whistleblower retaliation cases are those that include whistleblower retaliation allegations, though these cases could cover other issues as well. For our analysis of Office of Special Counsel data, non-whistleblower retaliation cases include cases that covered prohibited personnel practices other than whistleblower retaliation, such as obstructing competition or nepotism.

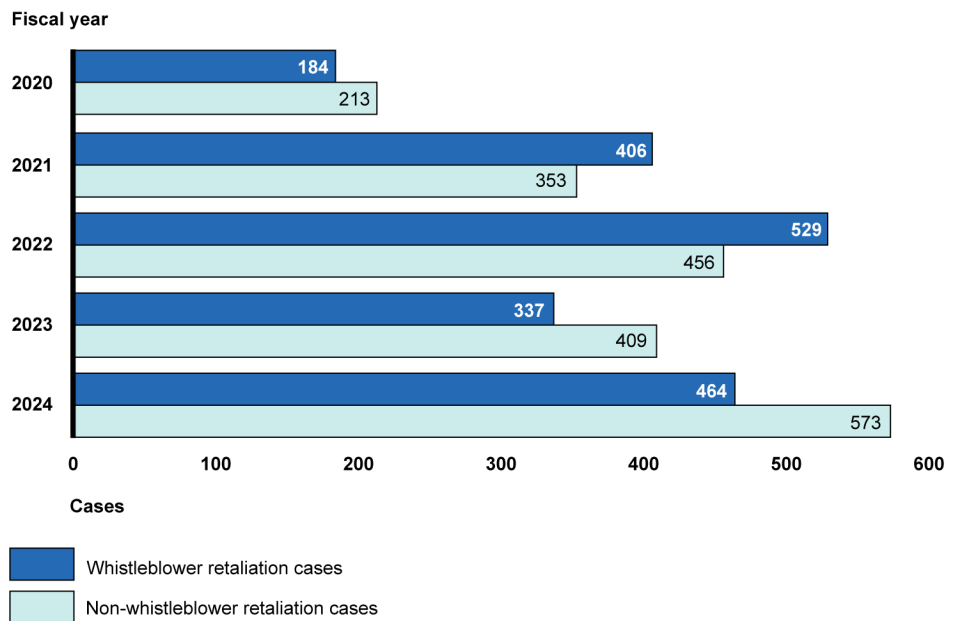
OSC officials told us that the overall decline in cases from 2020 to 2023 was due to the COVID-19 pandemic. Officials also told us that whistleblower retaliation cases as well as non-whistleblower retaliation cases increased significantly since 2023 as more employees have returned to the office.

¹⁸For our analysis of OSC data, non-whistleblower retaliation cases include cases that covered prohibited personnel practices other than whistleblower retaliation, such as obstructing competition or nepotism.

OAWP Whistleblower Retaliation Case Numbers

The number of OAWP whistleblower retaliation cases closed has also fluctuated since fiscal year 2020 (see fig. 4). Unlike the trend in OSC’s case volume, the number of closed OAWP cases increased during the COVID-19 pandemic before decreasing in fiscal year 2023. According to OAWP officials, they have not identified the causes of this fluctuation. Non-whistleblower retaliation cases closed at OAWP showed a similar pattern over these years.¹⁹ Regarding the increase in closed cases between 2023 and 2024, they told us it was likely the result of OAWP’s improving reputation within the agency and increased awareness among employees of their rights.

Figure 4: Closed Office of Accountability and Whistleblower Protection Cases, Fiscal Years 2020–2024



Source: GAO analysis of Office of Accountability and Whistleblower Protection case management system data. | GAO-25-106780

Note: We defined whistleblower retaliation to include allegations of retaliation for disclosures protected under federal law, as well as other protected activities that can be related to whistleblowing, such as exercising an appeal right. For our analysis of OAWP data, non-whistleblower retaliation cases are those that alleged senior leader misconduct or poor performance. OAWP’s data was unable to differentiate senior leader misconduct cases that also included whistleblower retaliation allegations until fiscal year 2024. For that year, we counted 18 senior leader misconduct whistleblower retaliation allegations as whistleblower retaliation allegations.

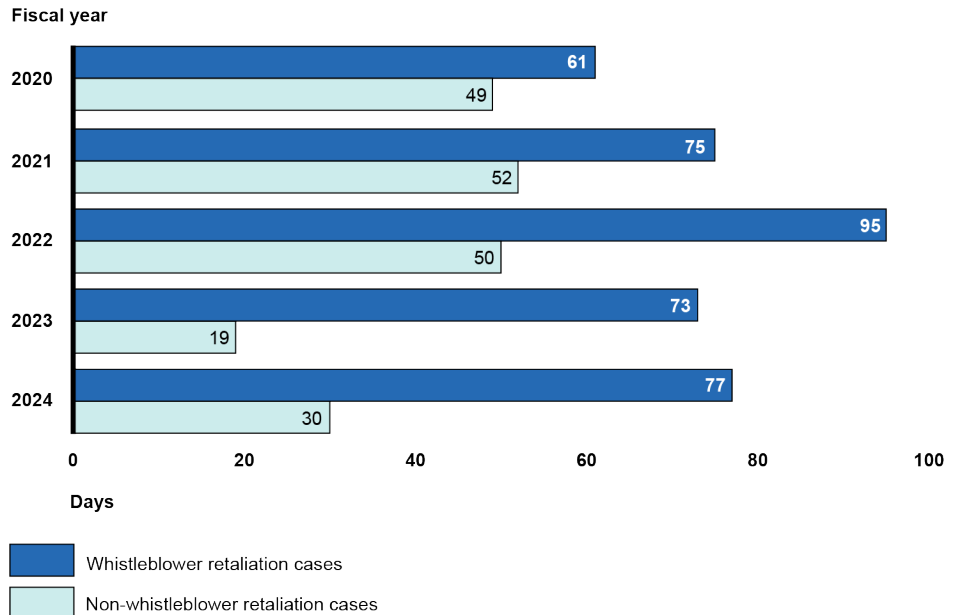
¹⁹For our analysis of OAWP data, non-whistleblower retaliation cases are those that alleged senior leader misconduct or poor performance.

Since 2020, Median OSC Whistleblower Retaliation Case Lengths Have Increased While Median OAWP Case Lengths Have Declined

OSC Whistleblower Retaliation Case Length

The median length of closed OSC whistleblower retaliation cases involving VA employees increased between fiscal years 2020 and 2024.²⁰ Specifically, among the cases closed in each fiscal year, the median whistleblower retaliation case closed after 61 days in fiscal year 2020 and 77 days in fiscal year 2024 after an increase to 95 days in fiscal year 2022 (see fig. 5). Non-whistleblower retaliation cases closed more quickly in 2023 and 2024 compared to 2020.

Figure 5: Median Length of Closed Office of Special Counsel Cases Involving Department of Veterans Affairs Employees, Fiscal Years 2020–2024



Source: GAO analysis of Office of Special Counsel case management system data. | GAO-25-106780

Note: We defined whistleblower retaliation to include allegations of retaliation for disclosures protected under federal law, as well as other protected activities that can be related to whistleblowing, such as exercising an appeal right. Cases can have multiple allegations, and whistleblower retaliation

²⁰Between fiscal years 2020 and 2024, the length of whistleblower retaliation cases closed at OSC ranged from 0 days to 2,714 days.

cases are those that include whistleblower retaliation allegations, though these cases could cover other issues as well. For our analysis of Office of Special Counsel data, non-whistleblower retaliation cases include cases that covered prohibited personnel practices other than whistleblower retaliation, such as obstructing competition or nepotism.

According to OSC officials, the median whistleblower retaliation case length has fluctuated in relationship to the agency's overall workload.²¹ Between fiscal years 2020 and 2022, OSC was able to spend more time investigating and resolving each case because the agency had fewer cases to review, according to officials. By contrast, when cases began increasing in fiscal year 2023, OSC officials told us the agency's resources required officials to quickly determine which cases warrant further investigation, resulting in some cases being closed more quickly. However, whistleblower retaliation case length remained higher relative to non-whistleblower retaliation cases. According to agency officials, this is because whistleblower retaliation investigations typically require more complicated analysis from OSC.

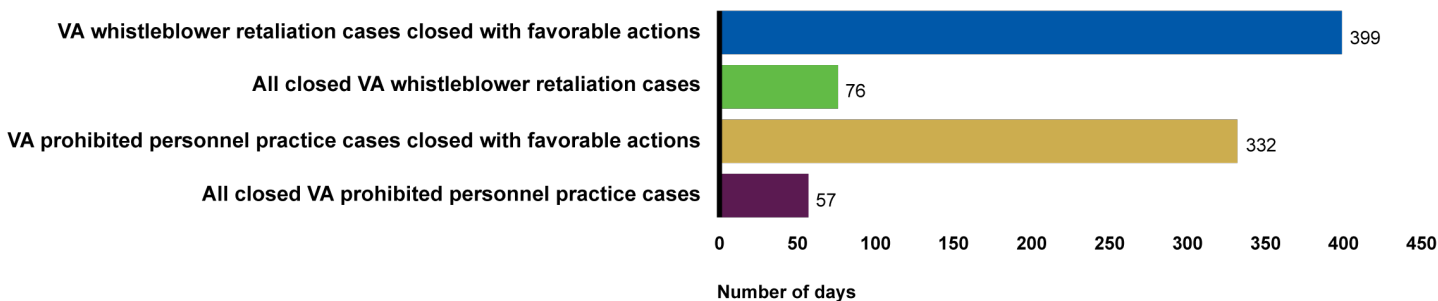
Cases that close following an OSC investigation that result in actions that could benefit the complainant, which OSC calls favorable actions, generally took longer for OSC to close.²² This was true for both whistleblower retaliation cases and non-whistleblower retaliation cases. From fiscal year 2020 through 2024, the median length of whistleblower retaliation cases with favorable actions was 399 days; for non-whistleblower retaliation cases it was 332 days (see fig. 6). According to OSC officials, cases that are more likely to result in a favorable action for the complainant take longer to investigate and resolve. This is because, following the investigation, OSC attorneys are also responsible for resolving those cases through negotiated settlement, mediation, or prosecution, which can add a significant amount of time to a case's overall length. By contrast, cases determined to lack merit often close faster because less investigation is required and because no attempts at resolution are made. OSC officials also told us that OSC's responsibility

²¹According to OSC, overall workload takes into account both number of cases and agency resources. At the beginning of fiscal year 2025, OSC had approximately 128 employees. As of July 2025, OSC has approximately 110 employees who are responsible for all facets of OSC's mission. That work includes processing of retaliation cases, as well as investigating other prohibited personnel practices, facilitating whistleblower disclosures, and work under other laws.

²²Examples of favorable actions that OSC has secured for whistleblowers include compensatory damages, reinstatements, and revised performance ratings, among other actions to redress harm done to the whistleblower.

to investigate, settle, and litigate cases adds length to their cases relative to OAWP, which has different investigative responsibilities.

Figure 6: Outcomes and Median Length of Closed Office of Special Counsel Cases Involving Department of Veterans Affairs Employees, Fiscal Years 2020–2024



Source: GAO analysis of Office of Special Counsel case management system data. | GAO-25-106780

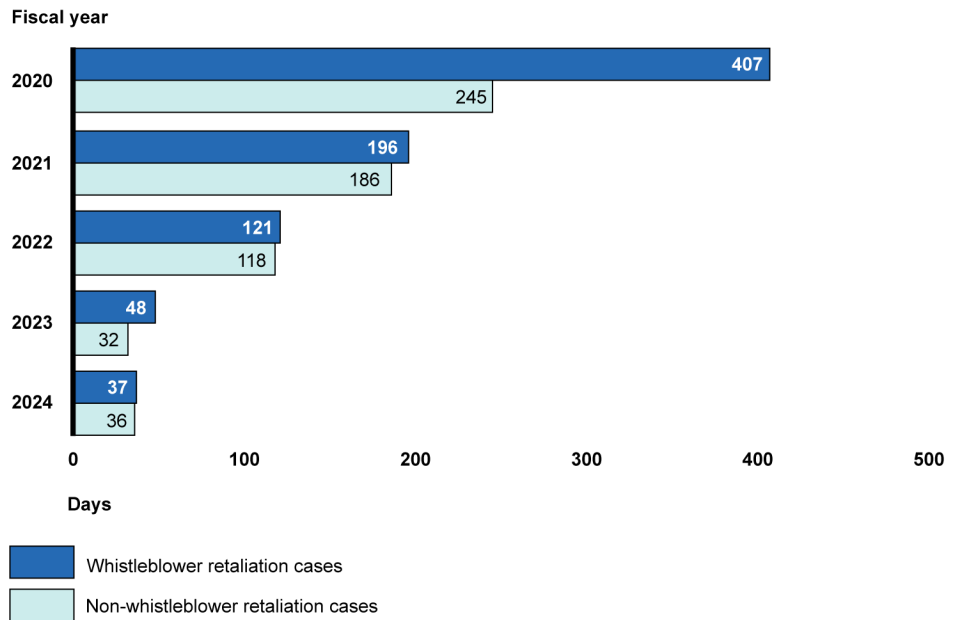
Notes: OSC defines a favorable action as an outcome in a case that could benefit the complainant. For example, OSC may negotiate for compensatory damages, reinstatements, revised performance ratings, and other actions to redress harm done to the whistleblower. We defined whistleblower retaliation to include allegations of retaliation for disclosures protected under federal law, as well as other protected activities that can be related to whistleblowing, such as exercising an appeal right. Cases can have multiple allegations, and whistleblower retaliation cases are those that include whistleblower retaliation allegations, though these cases could cover other issues as well. “VA prohibited personnel practice cases closed with favorable actions” and “All closed VA prohibited personnel practice cases” include cases with whistleblower retaliation allegations.

OAWP Whistleblower Retaliation Case Length

Case lengths at OAWP decreased from fiscal years 2020 through 2024 for both whistleblower retaliation cases and non-whistleblower retaliation cases. The median length of whistleblower retaliation cases declined from 407 days to 37 days; median case length for non-whistleblower cases declined similarly (see fig. 7).²³

²³Between fiscal years 2020 and 2024, the length of whistleblower retaliation cases closed at OAWP ranged from 1 day to 1,499 days.

Figure 7: Median Length of Closed Office of Accountability and Whistleblower Protection (OAWP) Cases, Fiscal Years 2020–2024



Source: GAO analysis of Office of Accountability and Whistleblower Protection case management system data. | GAO-25-106780

Note: We defined whistleblower retaliation to include allegations of retaliation for disclosures protected under federal law, as well as other protected activities that can be related to whistleblowing, such as exercising an appeal right. For our analysis of OAWP data non-whistleblower retaliation cases are those that alleged senior leader misconduct or poor performance. OAWP’s data was not able to differentiate senior leader misconduct cases that also included whistleblower retaliation allegations until fiscal year 2024. For that year, we counted senior leader misconduct whistleblower retaliation allegations as whistleblower retaliation allegations.

According to OAWP officials, a number of OAWP actions may have helped reduce case length over the last 5 fiscal years, including:

- revising guidance and improving operating procedures for investigations;
- identifying cases earlier that were out of scope or did not have merit;
- reorganizing and increasing staff in OAWP’s investigations division, including a new investigative attorney division;²⁴

²⁴However, more recently, according to VA, OAWP’s staffing levels declined from 146 at the beginning of fiscal year 2025 to 133 in April 2025. This decline was due to attrition, one probationary termination, and voluntary resignations. An additional 10 staff had opted for VA’s Deferred Resignation Program as of April 2025.

- changing policy to limit some investigations where other allegations are being investigated elsewhere, such as through the equal opportunity process; and
- not investigating cases where the underlying event took place more than a year ago.²⁵

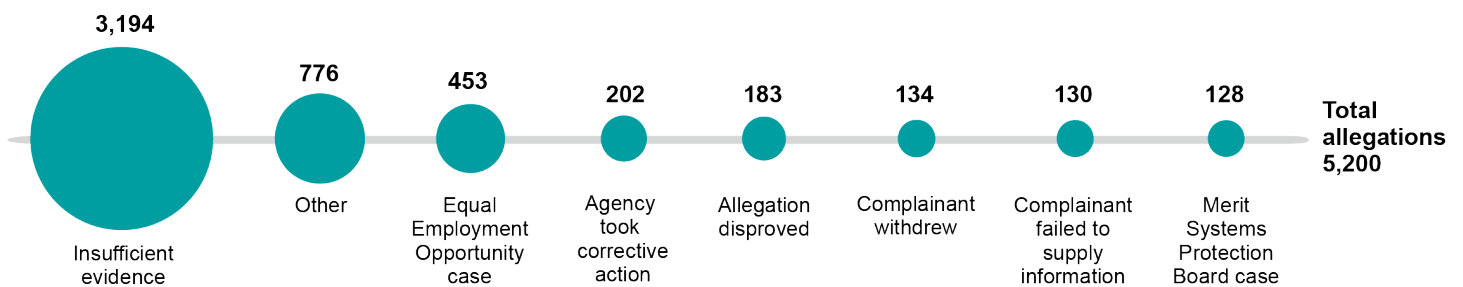
VA Does Not Collect Data on All Whistleblower Case Outcomes, Including Corrective Actions Taken

While both OSC and OAWP track data on at least some outcomes of VA whistleblower retaliation cases, VA cannot consistently assess these outcomes across all cases because of gaps in the data.

OSC Whistleblower Retaliation Allegations Recorded as Closed

From fiscal years 2020 through 2024, most of the whistleblower retaliation allegations involving VA employees that OSC recorded as closed were closed due to insufficient evidence (see fig. 8).²⁶ By comparison, OSC recorded as closed about 14 percent of such allegations because it determined that the allegation should have been or was filed elsewhere (for example, allegations involving equal employment opportunity or cases also filed with the Merit Systems Protection Board), and it recorded as closed about 4 percent because it determined the allegation was disproved.

Figure 8: Reasons Office of Special Counsel Closed Whistleblower Retaliation Allegations Involving Department of Veterans Affairs Employees, Fiscal Years 2020–2024



Source: GAO analysis of Office of Special Counsel case management system data. | GAO-25-106780

²⁵An OAWP memorandum documents exceptions to this 1-year time limit. For example, OAWP may still investigate a retaliation allegation if the Assistant Secretary or their designee deems the allegations sufficiently egregious to warrant investigation despite concerns of timeliness.

²⁶An OSC case can contain multiple allegations, and OSC data tracks how the agency resolves specific allegations within each case. Therefore, we calculated how each whistleblower retaliation allegation closed in OSC's data, rather than each whistleblower retaliation case.

Notes: The “Other” category combines a variety of reasons for closing the allegation, each representing less than 2 percent of whistleblower retaliation allegations, such as instances where the agency was unable to contact the complainant or the complaint was handled by a union grievance process. We defined whistleblower retaliation to include allegations of retaliation for disclosures protected under federal law, as well as other protected activities that can be related to whistleblowing, such as exercising an appeal right.

In fiscal year 2024, OSC recorded as closed more whistleblower retaliation cases with a favorable action than in fiscal year 2020, though the number of such cases fluctuated over the intervening years (see table 1). OSC officials confirmed that their workload changed because of the COVID-19 pandemic, with fewer complaints after 2020 and an increase when employees began returning to the office.

Table 1: Overview of Office of Special Counsel (OSC) Cases with Whistleblower Retaliation Allegations Involving Department of Veterans Affairs Employees, Fiscal Years 2020–2024

Fiscal year	Total number of cases closed	Total number of cases closed with favorable action	Percentage of cases closed with favorable action
2020	742	37	4.99%
2021	567	41	7.23%
2022	564	52	9.22%
2023	520	24	4.62%
2024	608	42	6.91%
Total	3001	196	6.53%

Source: GAO analysis of OSC case management system data. | GAO-25-106780

Notes: A favorable action is an outcome in a case that could result in a specific benefit to the complainant. For example, OSC may negotiate for compensatory damages, reinstatements, revised performance ratings, and other actions to redress harm done to the whistleblower. We defined whistleblower retaliation to include allegations of retaliation for disclosures protected under federal law, as well as other protected activities that can be related to whistleblowing, such as exercising an appeal right. Cases can have multiple allegations, and whistleblower retaliation cases are those that include whistleblower retaliation allegations, though these cases could cover other issues as well.

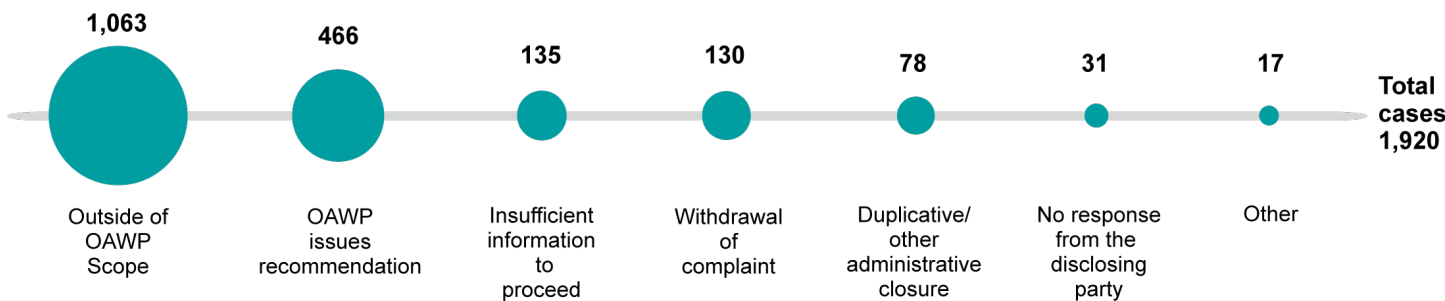
OAWP Tracks Whistleblower Retaliation Cases Recorded as Closed but Does Not Track Corrective Actions

From fiscal years 2020 through 2024, most of the 1,920 whistleblower retaliation cases that OAWP recorded as closed were closed because the agency determined they were out of scope.²⁷ In 466 cases, OAWP issued recommendations to VA (see fig. 9). These recommendations include disciplinary actions against the alleged wrongdoer and non-disciplinary actions to provide restitution to the whistleblower. However, according to

²⁷According to VA, out of scope matters are those matters that are either outside of OAWP’s statutory jurisdiction, or OAWP has determined by policy or mutual agreement, such as with VA’s Office of Inspector General, that another entity is or should be investigating or litigating the matter.

OAWP, these recommendations also sometimes included that the agency take no action. For example, according to agency officials, they may recommend no action in cases where the alleged wrongdoer has left the agency or where the agency has already taken corrective action for the whistleblower.

Figure 9: Reasons Office of Accountability and Whistleblower Protection (OAWP) Closed Whistleblower Retaliation Cases, Fiscal Years 2020–2024



Source: GAO analysis of Office of Accountability and Whistleblower Protection case management system data. | GAO-25-106780

Note: The “Other” category includes a variety of reasons for closing the case, each of which represented less than one percent of the cases in OAWP’s case management system, such as cases referred to the Office of Medical Inspector. “OAWP issues recommendation” includes recommendations for discipline for the alleged wrongdoer, recommendations for non-disciplinary action that provides restitution to the whistleblower and recommendations that the agency take no action. We defined whistleblower retaliation to include allegations of retaliation for disclosures protected under federal law, as well as other protected activities that can be related to whistleblowing, such as exercising an appeal right.

While OAWP tracks most of the outcomes of its investigations, its current processes do not ensure that its case management system consistently tracks VA’s corrective actions taken as a result of those investigations. VA’s fiscal year 2022–2028 strategic plan designates OAWP as a lead office for improving organizational and individual accountability, including ensuring that employees feel safe from retaliation and for holding supervisors accountable when whistleblower retaliation occurs.²⁸ Further, *Standards for Internal Control in the Federal Government* state that management should use quality information to achieve the agency’s objectives.²⁹ However, because VA does not currently require that management officials inform OAWP of corrective actions they take in

²⁸U.S. Department of Veterans Affairs, *Department of Veterans Affairs Fiscal Years 2022–2028 Strategic Plan*, (Washington, D.C.: 2022).

²⁹GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: Sept. 2014).

response to OAWP investigations, OAWP's case management system is not well-situated to comprehensively track these actions.

According to OAWP officials, OAWP's data system was mostly designed for statutorily required reporting, rather than for broader analyses of outcomes. Specifically, VA is required by law to report to Congress if it does not implement or initiate one of OAWP's recommended disciplinary actions within 60 days of receiving OAWP's recommendation.³⁰ Officials noted that this reporting may not fully account for the other actions VA takes, such as restoring leave or reassigning positions in response to whistleblower retaliation allegations. Officials further noted that after some investigations, OAWP issues a recommendation for VA to take no further action because the relevant office has already taken such corrective actions. These corrective actions could include steps like restoring the whistleblower's job. Although investigators record this in a note in the case record, OAWP does not track the number of these actions because, according to VA officials, OAWP is not required by law to report on them. Officials confirmed that it would be feasible for them to track these actions in their case management system.

These gaps in the data leave OAWP with an incomplete picture of the actions VA takes to protect whistleblowers. In turn, it is possible that corrective actions that assist whistleblowers directly are implemented inconsistently, leading to a lack of accountability for the VA officials responsible for implementing the recommended actions. Without consistently collecting information on corrective actions VA takes on behalf of whistleblowers, the agency may also miss opportunities to better target its efforts to improve organizational and individual accountability.

OSC and OAWP Data Are Both Missing Some Whistleblower Retaliation Settlements

Both OSC and OAWP track how many whistleblower retaliation cases have ended in settlement agreements for cases that had been initially filed with OSC. However, the agencies' data conflict. According to our analysis, OSC's data show 90 whistleblower retaliation settlement agreements from fiscal years 2019 through 2023, whereas OAWP's data show 30 OSC settlement agreements over the same timeframe. Both agencies' data included settlement agreements not tracked by the other.

³⁰38 U.S.C. § 323(f)(2).

Specifically, there were only 19 settlement agreements that appeared in both agencies' data.³¹

Officials at both agencies told us that their data do not include information on case outcomes from outside their own investigative processes because they do not regularly share this data. Our prior work on interagency collaboration found that collaborating agencies should ensure that they have negotiated data and information-sharing arrangements that can be leveraged to help establish goals and monitor progress, among other shared activities.³² Further, *Standards for Internal Control in the Federal Government* state that management should use quality information to achieve the agency's objectives.³³ Although OSC and OAWP confirmed that they meet regularly to coordinate whistleblower retaliation investigation efforts, OSC officials explained that these meetings involve high-level officials and not the investigators working on individual cases or the data pertaining to those cases.

Without coordination between OAWP and OSC to ensure that VA whistleblower retaliation settlement agreements are accurately tracked, VA may continue to miss a significant proportion of the relevant data on the whistleblower retaliation cases that were settled. Consequently, VA may face additional challenges monitoring these settlement agreements, as well as determining the financial costs to the department of payments resulting from these agreements. Likewise, OSC could benefit from improved data to assist how it addresses whistleblower retaliation allegations at VA. In particular, OSC may be under or overcounting favorable actions for VA whistleblowers in the absence of more

³¹OAWP officials said they track whistleblower retaliation settlement agreements involving VA employees, regardless of where the case was initially filed, including those that were filed with OSC. OAWP's data also included 41 whistleblower retaliation settlement agreements from fiscal years 2019 to 2023 that did not involve OSC cases. In total, VA's data counted 71 whistleblower retaliation settlement agreements over that time period. These 71 agreements formed the basis of our analysis for the second and fourth objectives in this report.

³²GAO, *Government Performance Management: Leading Practices to Enhance Interagency Collaboration and Address Crosscutting Challenges*, [GAO-23-105520](#) (Washington, D.C.: May 24, 2023). OSC's strategic plan further emphasizes the importance of accurate case management data, particularly its strategic objective to obtain timely and effective relief in cases depends on case data on the number of settlement agreements and total favorable actions. Office of Special Counsel, *Strategic Plan (FY2022-2026)*, (Washington, D.C.: Mar 28, 2022).

³³[GAO-14-704G](#).

coordination with OAWP on settlement data, which is a key metric the agency uses to evaluate its effectiveness.

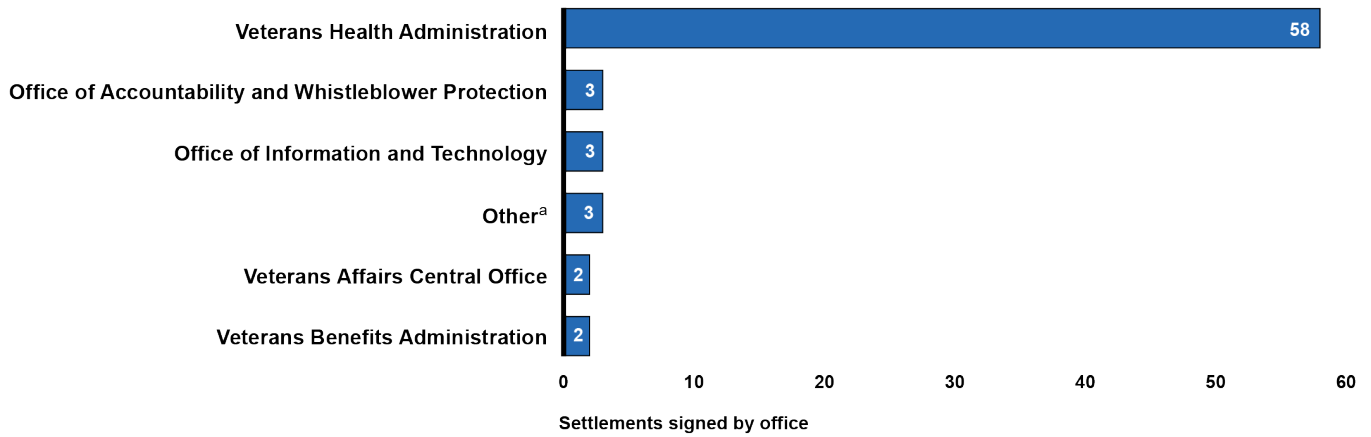
VA Settles Whistleblower Retaliation Cases in the Office Where the Retaliation Claim Originates, and Participants Reported Varying Experiences

VA settles whistleblower retaliation cases in the VA office where the retaliation claim originated regardless of the entity with which the case is filed (see fig. 11).³⁴ That office identifies and assigns a settlement official, based on advice and guidance from VA's Office of Human Resources and Administration and OGC, whose representatives are trained to identify conflicts of interest that would preclude an official from serving in this capacity. According to OAWP officials, VA officials do not serve as a settlement official in a matter where the official is named in the claim. Between 2019 and 2023, VA data identified 58 settlement officials from various VA offices who settled 71 whistleblower retaliation cases in eight offices and generally were charged with ensuring that the settlement agreements were implemented.³⁵ Some settlement officials handled multiple settlement negotiations during that period.

³⁴VA is comprised of three administrations: the Veterans Benefits Administration (VBA), the Veterans Health Administration (VHA), and the National Cemetery Administration, as well as 12 staff offices that support the Department. VBA provides benefits to veterans and their families and has 216 facilities. VHA provides primary care, specialized care and related medical and social support services at its 1507 healthcare facilities, medical centers, and outpatient sites. The National Cemetery Administration provides burial and memorial benefits to veterans and eligible family members at 155 national cemeteries and 35 soldiers' lots and monument sites. For the purposes of this report, we generally use the term office to refer to any administration or staff office where a whistleblower retaliation complaint is settled. The whistleblower retaliation settlement agreements VA identified originated from whistleblower retaliation claims that were filed with the Equal Employment Opportunity Commission, Merit Systems Protection Board, OAWP, Office of Resolution Management, OSC, or federal courts.

³⁵According to VA's OGC, the individual settlement official who signs a settlement agreement and their office are responsible for its implementation unless another official is named in the agreement.

Figure 10: Department of Veterans Affairs (VA) Signed Whistleblower Retaliation Settlement Agreements, Listed by Settling Office within VA, Fiscal Years 2019–2023



Source: GAO analysis of Office of Accountability and Whistleblower Protection’s Matter Tracking System data. | GAO-25-106780

^aOffices in the “other” category include the Office of Acquisition, Logistics, and Construction; Office of Congressional and Legislative Affairs; and Office of Construction and Facilities Management.

The whistleblower retaliation settlement agreements VA identified originated from whistleblower retaliation claims that were filed with the Equal Employment Opportunity Commission, Merit Systems Protection Board, Office of Accountability and Whistleblower Protection, Office of Resolution Management, Office of Special Counsel, or federal courts.

Settlement officials play a central role in the settlement of whistleblower retaliation complaints. Generally, the settlement official may settle a claim up to their level of settlement authority, which is a specific dollar threshold.³⁶ An official may generally seek approval from a higher settlement authority when a claim warrants it. OGC assists settlement officials by providing guidance on legal standards and case law, as well as information regarding the settlement process, potential outcomes, practical impacts, and other relevant information. The office negotiating the settlement agreement uses funds from its budget for monetary payments resulting from a settlement.

Generally, the 17 settlement officials who completed our survey were experienced negotiators with varying training experiences, according to

³⁶Generally, settlement officials’ level of settlement authority is established by VA policy. Disputes culminating in settlement agreements above \$5,000 require clearance by senior VA officials. VA administrations can further delegate this authority. If a matter warrants higher settlement authority, the official must seek approval from a supervising official with the requisite higher settlement authority.

their responses.³⁷ These settlement officials told us they had an average of 8.3 years of experience acting in that role. Six settlement officials said they received VA training on whistleblower protection; however, three said they had not received training prior to negotiating settlement agreements during the period surveyed, and one noted they did not rely on the training for their settlement efforts. One settlement official noted that this training did not specifically address negotiating settlement agreements. Six settlement officials said they received negotiation training externally.

All 17 settlement officials who completed our survey reported that they received assistance from OGC and found the services received generally helpful. One settlement official noted that while legal guidance is important, the choice and terms of the settlement agreement are determined by the settlement official. For additional information on the settlement official survey, see Appendix I.

In contrast to OGC, OAWP does not have a role in negotiating settlement agreements, which was confirmed by the settlement officials who completed our survey.³⁸ Fourteen of these settlement officials told us they typically had no interaction with OAWP regarding the settlement process. Three settlement officials noted they interacted with OAWP, but two of them could not recall the specific reason. The remaining settlement official reported the interaction was limited and concerned whether the matter had been previously referred to OAWP.

Whistleblowers we surveyed reported challenges with the settlement process. Most whistleblowers (16 of 21) reported they received whistleblower training from OAWP prior to filing their complaint. Of the 16 whistleblowers, seven said the training was moderately useful, but nine said the training was not at all useful (see textbox below for examples). Additional information on the whistleblower survey can be found in Appendix I.

³⁷The number of years that they reported negotiating settlements ranged from 1 year to multiple decades.

³⁸See [GAO-23-106111](#).

In the Whistleblowers' Own Words: Selected Experiences with Training

- “The training I received implied that they provided some benefit to the employee, they don't.”
- “The [whistleblower] training only covered basics but not the intricacies of the OAWP whistleblower process.”
- “The training in place now is adequate, but I find what they say is VA policy regarding whistleblower protection is not consistent with what actually happens.”
- “The training we now receive is sufficient.”

Source: Respondents to GAO's survey of VA whistleblowers. | GAO-25-106780

Twelve whistleblowers said they did not find the communications they received easy to understand. Ten said they participated in mediation but eight noted they were very dissatisfied with that process. Another two whistleblowers reported they were neither satisfied nor dissatisfied with the mediation process. Some whistleblowers we surveyed shared challenges they experienced with the settlement process (see the textbox below).

In the Whistleblowers' Own Words: Selected Challenges with the Whistleblower Retaliation Settlement Process

- “They [VA] continued to cancel appointments, drag out negotiations, wait until unemployment benefits had expired, and I had no choice but to accept their offer.”
- “The VA was not willing to negotiate in good faith. VA did not send anyone with authority to negotiate [the] mediation.”
- “Felt alone, did not know what could... be done in the settlement process.”

Source: Respondents to GAO's survey of VA whistleblowers. | GAO-25-106780

Several whistleblowers told us that because of the complexity of the process, one should have an attorney to represent them. Specifically, nine whistleblowers commented on the need for an attorney during the settlement process (see textbox below).

In the Whistleblowers' Own Words: Selected Perspectives on the Need for Representation in the Settlement Process

- “One would have to have taken up law in college to clearly understand the process that took place.”
- “I had legal representation and there is no earthly way I could have gone through the process without it.”
- “We aren't attorneys and [were] expected to act in [that] capacity against well trained individuals in a process we are unfamiliar with. It felt like bullying.”
- “Because you are fighting against a team of trained lawyers. . . the entire process is in place to intimidate the average non legally trained persons.”
- “I did attempt to hire legal counsel but some I could not afford, and others feared challenging the big VA . . .”
- “No actual action until a lawyer was engaged.”

Source: Respondents to GAO's survey of VA whistleblowers. | GAO-25-106780

Additionally, whistleblowers who completed our survey shared their thoughts on the timeliness of their settlement process (see textbox

below). Nine of 21 whistleblowers who completed our survey told us that they had waited between 2 and 6 years before their cases were settled.³⁹ Separately, six said they did not believe VA was interested in settling their cases. Several factors may impact the length of the settlement process, such as agency procedures, timelines, and strategy, as well as some outside the agency's control, such as the complexity of the case and delays by the complainant. Irrespective of the cause, whistleblowers we surveyed noted how a lengthy process may impose legal, professional, and personal costs on the whistleblower and, therefore, deter employees from reporting wrongdoing. Lengthy cases can also impact agency resources.

In the Whistleblowers' Own Words: Selected Perspectives on Timeliness of VA's Settlement Process

- "The timelines are bent in favor of the VA, and the VA can (and does) provide [uncompelling] excuses on why they did not reach certain timelines along the process . . ."
- "Lack of accountability for timely response. Agency dragged out everything."

Source: Respondents to GAO's survey of VA whistleblowers. | GAO-25-106780

In our survey, whistleblowers reported challenges they experienced in the settlement process, such as the cost of or inability to secure legal representation, health issues experienced, forced relocation, and retaliation during the settlement process. One whistleblower we interviewed told us that they felt beaten down and helpless throughout the process and now "just want to be left alone to rot in the corner." As noted earlier, of 10 whistleblowers who said they participated in mediation, eight said they were very dissatisfied and two said they were neither satisfied nor dissatisfied. Nine whistleblowers reported they felt the settlement process favors VA (see textbox below for some whistleblower experiences). Despite reported challenges with the settlement process, two of the three whistleblowers we interviewed after they completed our survey, said they would blow the whistle again if they were in a similar situation in the future.

³⁹These nine whistleblowers told us they waited between 2 to 6 years from when they filed their whistleblower retaliation claim to when they settled their claim. This does not include the time from their initial whistleblower disclosure to the filing of the retaliation claim.

In the Whistleblowers' Own Words: Selected Perspectives on the Fairness of VA's Settlement Process

- "OAWP's process is broken and favors senior leaders."
- ". . . just there to protect the agency."
- "This was never a fair deal. It was set up to be one way and heavily in favor of management. I never felt that I had any real leverage or voice but tried anyway to play along with the system only to get upended in the end."
- "OAWP will just give [management] enough information to let them know who to retaliate against."
- "This process works in favor of the VA not in the favor of the [complainant]."

Source: Respondents to GAO's survey of VA whistleblowers. | GAO-25-106780

Other whistleblowers in the survey reported their personal costs of whistleblowing. These reported costs included negative financial, career, and health effects (see the textboxes below for examples).

In the Whistleblowers' Own Words: Selected Perspectives on Financial Costs of Whistleblower Disclosure

- "I had spent \$20,000 in legal fees and lost my home"
- "My costs of litigation was 3 times more than the damages"
- "The payment didn't even cover my legal fees let alone the hundreds of thousands of lost wages and benefits"
- "I was told they would run up my legal fees that I could no longer afford to pay. I settled"
- "\$40,000 legal fees"
- "Agency denied multiple items that would have made me whole."

Source: Respondents to GAO's survey of VA whistleblowers. | GAO-25-106780

In the Whistleblowers' Own Words: Selected Perspectives on the Career Costs of Whistleblower Disclosure

- Even in a best case scenario... you will lose years of your career"
- ". . . nobody likes a tattletale despite being informed we should report fraud, waste and abuse, mismanagement and harassment."
- "They made me relocate and this was a huge burden for me and my family"
- "I was forced out and had to take a position with lower pay as I had to support my family."

Source: Respondents to GAO's survey of VA whistleblowers. | GAO-25-106780

In the Whistleblowers' Own Words: Selected Perspectives on the Health Costs of Whistleblower Disclosure

- "The compensation did not match the level and duration of pain and suffering endured."
- "[My] health, and mental capacity was stressed and tested the entire time due to retaliation and NOT being protected in any way."
- "It . . . is very stressful. My health suffered immensely."

Source: Respondents to GAO's survey of VA whistleblowers. | GAO-25-106780

Some whistleblowers responding to our survey reported that the settlement process did not end the retaliation. Specifically, four whistleblowers said additional incidents of retaliation occurred during and

after the settlement process (see textbox below for what some whistleblowers shared).

In the Whistleblowers' Own Words: Selected Examples of Experiences with Ongoing Retaliation

- “[After mediation] . . . they doubled-down on the retaliation in multiple documented ways.”
- “It didn’t just stop—it was an ongoing battle.”
- “Sadly, they are still retaliating.”
- “. . . every time they kept violating, I kept reporting, and they kept retaliating. It was a vicious cycle.”
- “THREATENING action repeatedly is a significant action in itself. Living like that is untenable. It is an awful way to work. Additionally, allowing this to take place has a chilling effect on other employees—people see it happening, and they take their cue.”

Source: Respondents to GAO’s survey of VA whistleblowers. | GAO-25-106780

VA Has Made Efforts to Ensure Accountability for Whistleblower Retaliation and Enhance Whistleblower Protection

VA has taken a variety of steps to ensure accountability for whistleblower retaliation as well as enhance protection for whistleblowers.⁴⁰ VA’s efforts include:

Updating the online disclosure website. In 2023, OAWP updated the website for whistleblowers to submit their retaliation claims. According to VA, the changes made the disclosure process easier to understand and helped explain whistleblowers’ confidentiality options. The updates also gave whistleblowers a platform to communicate with OAWP staff and to view the status of their claims.

Implementing the Whistleblower Navigator program. In 2023, OAWP developed a Whistleblower Navigator program to help whistleblowers understand OAWP’s functions.⁴¹ Navigators provide whistleblowers with standardized information on how to utilize OAWP’s services and the process for making and investigating disclosures. Navigators can be accessed by phone or email. Additionally, the navigators can provide contact information for other venues where an employee may file

⁴⁰According to VA officials, VA also has a policy whereby agency officials may place holds on certain proposed personnel actions related to whistleblower disclosures or complaints of whistleblower retaliation. Specifically, OAWP officials internally review the disclosure to determine if there is a reason to believe there is sufficient evidence that there may be retaliation that requires further review. OAWP may then request that the relevant office place the action on hold until it can be investigated. These holds prevent the removal, demotion, or suspension of the whistleblower while the investigation is ongoing, according to VA officials. Whistleblowers can also request a voluntary hold upon making a disclosure, according to VA officials.

⁴¹According to VA, a navigator may explain the intake process but does not assist in the development of a complaint.

disputes.⁴² According to VA, as of August 2024, the program had received approximately 800 inquiries.⁴³

Providing additional whistleblower protection training for supervisors and senior leadership. OAWP reported that it instituted an education and outreach program for supervisors and senior leaders in early 2023, which included in-person trainings on protecting whistleblowers and promoting an environment conducive to reporting wrongdoing. At the same time, OAWP began in-person and virtual training presentations for supervisors and for other employees regarding whistleblower rights and protections, as well as how to file complaints with OAWP, according to OAWP officials.

Conducting whistleblower protection reviews. In spring 2023, OAWP began conducting whistleblower protection reviews to evaluate whether the culture of specific offices allows employees to feel safe reporting concerns of wrongdoing. As part of the review, OAWP administers anonymous surveys to all employees of a selected office, performs site visits, interviews leadership, key staff, and union leaders, as well as conducts supervisor and nonsupervisory discussion groups where appropriate. Additionally, OAWP officials interview a random sample of employees and examine whistleblowing reporting guidance displayed in the office(s). Between 2023 and October 2024, OAWP has conducted reviews in four offices (Bay Pines, Loma Linda, Montana, and Tahoma) and made a total of 26 recommendations of which 10 have been fully implemented, five have been partially implemented, and two not implemented, according to OAWP. Seven of the remaining recommendations are pending updates and two are not being tracked.⁴⁴

Within the reviews completed, OAWP officials have found, for example, that some employees felt there was a lack of transparency or follow-up from management concerning issues of wrongdoing. One review also found a lack of awareness among some supervisors of their responsibilities in addressing allegations of whistleblower retaliation.

⁴²This includes OSC and the VA Office of Inspector General.

⁴³About half of the inquiries that the navigators received concerned OAWP processes, according to VA officials. The remaining inquiries were referred to other resources, such as the Office of Inspector General, OSC, and other appropriate agencies.

⁴⁴According to OAWP, the Bay Pines review has seven recommendations pending an action plan, and because the Montana review was the first whistleblower protection review, its two recommendations were not tracked.

OAWP recommendations to these offices have included providing additional in-person training regarding whistleblower rights for all employees and supervisor obligations for handling and addressing reported wrongdoing. It also recommended offices develop mechanisms to ensure reported concerns are addressed and follow-up is provided for transparency. As of April 2024, OAWP found that one office had implemented the additional training, but officials among the offices had not yet fully implemented the recommendation to develop a mechanism to ensure reported concerns are addressed.⁴⁵

Tracking and reviewing settlement agreements. VA began tracking and reviewing the contents of whistleblower retaliation settlement agreements in February 2022. Additionally, VA performs an accountability review on all settlement agreements that include a monetary payment of more than \$5,000 to determine if the underlying conduct that gave rise to the settlement agreement needs to be addressed, according to VA officials. As of August 2024, VA had completed 25 reviews. The results of such reviews may lead to VA referring the case for further investigation and, where appropriate, recommending corrective actions, according to VA officials. VA officials told us they had referred four of these 25 cases for OAWP investigation.

Piloting an Alternative Dispute Resolution program. VA established a pilot ADR program in October 2023 to provide an alternative path to resolve whistleblower retaliation complaints and senior leader misconduct and provide corrective action outside the standard investigative process, according to VA officials. The pilot aimed to successfully resolve complaints whereby the parties agree to a: 1) settlement agreement, 2) request to withdraw the entire complaint, or 3) request to withdraw a portion of a complaint. This pilot, which used mediation as the alternative resolution process, ended on September 30, 2024 and was made

⁴⁵According to OAWP, the recommendations in whistleblower protection reviews are primarily opportunities for leaders to improve employee perceptions in key areas of focus and are not made mandatory by OAWP unless the Secretary directs it after reviewing the report.

From 2019 to 2023, VA Whistleblower Retaliation Settlement Agreements Typically Included Payments and Personnel Actions, but VA Does Not Monitor Implementation

permanent on October 17, 2024, according to VA officials.⁴⁶ However, effective May 2025, ADR has been put on pause for new complainants due to operational prioritization and concerns over internal and external staffing, according to agency officials.

OAWP tracks some of the provisions of whistleblower retaliation settlement agreements, such as provisions relating to cash payments and personnel actions. However, it does not consistently track other provisions, such as those relating to total backpay amounts, or reliably identify the official responsible for the agreement's implementation. Moreover, according to OAWP officials, OAWP does not monitor the implementation of the agreements because the Secretary of VA has not delegated the authority for them to do so.

As we reported previously, VA paid about \$5.2 million as a result of whistleblower retaliation settlement agreements from fiscal years 2019 to 2023.⁴⁷ According to information from OAWP's tracking system, almost all settlement agreements from that period (64 of 71) included a cash payment to the whistleblower, and the amounts of these payments ranged from \$1,800 to \$525,000.

In addition, VA's data shows that the agency frequently committed to personnel actions and other non-monetary provisions in the settlement agreements. According to VA's data, of the 71 settlement agreements:⁴⁸

- 39 included personnel actions, such as replacing a removal with a resignation or reassigning the whistleblower;

⁴⁶In August of 2024, during the course of our review, we identified that VA had partially conducted a lessons learned process for the ADR pilot in advance of the program being made permanent on October 17, 2024. When we brought this to agency officials' attention in December of 2024, they subsequently reported details on how they used our six Key Practices of the Lessons-Learned Process (collect, analyze, validate, document, disseminate, and apply) to incorporate the knowledge and experience acquired during the ADR pilot into the permanent ADR program. The permanent program continues to receive oversight from OAWP's Compliance and Oversight Directorate, which among other things conducts quality assurance reviews and provides root cause analysis, according to VA officials.

⁴⁷[GAO-24-107090](#). For purposes of this report, whistleblower retaliation settlement agreements include settlement agreements that resolved a whistleblower retaliation claim, though such agreements may also resolve many other claims as well. As a result, the dollar figures presented here do not necessarily represent payments specifically to resolve the whistleblower retaliation claims within those agreements.

⁴⁸Some of these settlement agreements contained more than one of these provisions.

-
- 29 included provisions to expunge the records of negative actions, such as a proposed firing or demotion; and
 - 12 included provisions to restore the whistleblower's vacation time or sick leave.

VA's data also shows that some settlement agreements include provisions for paying whistleblowers backpay, though the data is inconsistent. Rather than recording backpay amounts in a dedicated field in the tracking system, OAWP tracks backpay inconsistently across multiple fields. Additionally, the data sometimes show backpay amounts as "to be determined" with no information on when or how the amounts will be determined.

In our analysis of the 71 settlement agreements, we identified additional settlement agreement provisions appearing in two or more agreements, beyond the categories that VA systematically tracks in its system. VA may record some of these provisions in a notes field. For example:

- **Actions of the whistleblower.** Most of the settlement agreements (41 of 71) included a provision specifying that the whistleblower would take actions beyond withdrawing their complaints.⁴⁹ For example, some stated that the whistleblower would submit certain paperwork, such as a letter of resignation, forms that allow the agency to process payments, or documents related to reassignments or trainings.
- **Revisions to Standard Form 50.** Fourteen settlement agreements included a provision stating that VA would revise the whistleblower's Standard Form 50, which documents personnel actions for federal employees.⁵⁰ OAWP's tracking system allows these provisions to be included in a notes field under the personnel actions category.
- **Withdrawing claims of the whistleblower.** Most of the settlement agreements (59 of 71) included a provision specifying that the whistleblower agreed to withdraw all the whistleblower's claims against VA. Twelve agreements did not include such a provision, and in some cases, the agreements noted that certain claims were not being withdrawn.
- **Prohibition or limitation of VA employment.** In ten settlement agreements, the whistleblower agreed to either limit or prohibit further

⁴⁹For purposes of this count, we considered agreements that referenced actions to be taken by the "payee" to be referring to the whistleblower.

⁵⁰Also included in this count are provisions that indicated VA would rescind or destroy an existing Standard Form 50 or issue a new Standard Form 50.

employment at VA. Some of these provisions included agreeing to not work at specific VA facilities, or agreeing to not work at any VA facility or any other entity that would involve providing work at VA. In two of the agreements, the language specified that the whistleblower could or would be automatically fired if they applied for and were rehired later by VA. OAWP's tracking system allows for these provisions to be recorded in a notes field under the personnel action category or the expungement of record category.

- **Training.** Three settlement agreements specified that VA would provide training for various VA employees. OAWP's tracking system allows for these actions to be recorded in a notes field under the accountability provisions category.
- **Confidentiality.** Three settlement agreements included a confidentiality clause, such as a non-disclosure provision.
- **Meetings with VA officials.** Two settlement agreements stated that VA would arrange a meeting between agency officials or senior leaders and the whistleblower. OAWP's tracking system allows for these actions to be recorded in a notes field under the personnel action category.

VA OGC officials told us that the individual settlement official who signs the settlement agreement and their office are responsible for its implementation unless another official is named in the agreement. However, most whistleblower retaliation settlement agreements we reviewed (39 of 71) did not specify who the whistleblower agrees to contact if they suspect a breach of the agreement. In those cases, it may be more difficult for a whistleblower to determine who they should contact if they suspect a breach of the agreement. By contrast, 32 of the agreements specified a point of contact.⁵¹ OAWP officials told us that VA had considered adding an OAWP point of contact to all whistleblower retaliation settlement agreements, but that VA's OGC determined that this would not be appropriate unless the Secretary of VA gave OAWP the authority to monitor implementation.

Further, we found disconnects between VA's data identifying the settlement official responsible for a specific whistleblower retaliation settlement agreement and the views of the settlement officials we

⁵¹Of these 32 agreements, 26 stated that the whistleblower would contact that person or entity within 30 days. One agreement stated the whistleblower would reach out within 15 days, and five agreements did not state a timeframe.

surveyed. Five of the 17 settlement officials who completed our survey told us they did not negotiate the settlement agreement VA identified.⁵² An additional five of 17 settlement officials who completed our survey told us that they had negotiated whistleblower retaliation settlement agreements but were unsure if the complainants' settlements identified by VA were the correct settlements.⁵³

OAWP officials also told us they do not monitor the implementation of whistleblower retaliation settlement agreements after the agreements are reached. They explained that they are uncertain of the extent of OAWP's legal authority to do so. VA OGC officials told us that while functions related to whistleblower retaliation settlement agreements are not expressly identified in 38 U.S.C. § 323, the Secretary is permitted by statute to assign additional responsibilities related to the functions of the office, and that federal law also grants OAWP the authority to advise the Secretary on all matters relating to accountability, including retaliation against whistleblowers and such matters that the Secretary considers similar and affect public trust in the Department.⁵⁴ VA's OGC also told us no legal determination has been made regarding whether OAWP has the authority to track whether settlement agreements have been fully implemented, and that VA has not identified this as an issue to address with Congress. VA's OGC also told us they have no ability to determine whether any whistleblowers alleged a breach of the terms of settlement agreement.

Officials told us that OAWP has considered ways to monitor the implementation of settlement agreements but has not implemented more monitoring because of its uncertain legal authority. For example, OAWP officials told us that their data system could store memos about compliance with settlement agreement terms if the Secretary of VA gave OAWP the authority to monitor implementation.

Standards for Internal Control in the Federal Government state that management should establish and operate monitoring activities and

⁵²Another settlement official notified us prior to the survey that they were misidentified as the person responsible for that settlement agreement.

⁵³In addition, VA identified five settlement officials for our survey that reported they did not negotiate a whistleblower retaliation settlement agreement during fiscal years 2019 through 2023; we excluded these officials from our survey.

⁵⁴See 38 U.S.C. § 323(b)(4).

remediate identified deficiencies on a timely basis.⁵⁵ However, inconsistent tracking of settlement agreement data, such as back pay and other provisions and identification of the officials responsible for settlement agreement implementation, make it difficult for VA to ensure that all required corrective actions have been taken. Therefore, VA may be unaware of potential breaches of its obligations.

VA's 2022–2028 Strategic Plan includes the strategic objective to promote and improve organizational and individual accountability and ensure a just culture. Much like OAWP's mission, this includes providing a safe environment to disclose allegations of misconduct or other wrongdoing and for employees to feel protected from whistleblower retaliation. Further, the objective aims to ensure employees feel confident VA will support their ability to speak up and promotes transformational changes at VA to establish a culture of integrity free of reprisals. By delegating to OAWP the authority to monitor whistleblower retaliation settlement agreement implementation, and then ensuring that OAWP does so, VA could better support its goal to promote and improve accountability for whistleblower retaliation.

Conclusions

Whistleblowers play a critical role in ensuring the integrity of government operations. In recent years there have been several reform efforts and VA's own calls for transformational change to support whistleblowers. VA's OAWP is entrusted with protecting employee whistleblowers by promoting accountability for whistleblower retaliation throughout VA. Collecting relevant, comprehensive data on corrective actions VA takes in response to whistleblower retaliation allegations would help VA ensure it is meeting its goal. Furthermore, the disconnect between OSC's and OAWP's data on VA whistleblower settlement agreements that were filed with OSC warrants action. In addition, VA and OSC have opportunities to coordinate to ensure that neither agency overlooks whistleblowers who settle their retaliation claims. Taking action in these areas could help VA accomplish the transformational culture changes it envisions. However, without delegating to OAWP the authority to monitor settlement agreements' implementation, and then ensuring that it does so, VA will likely continue to settle whistleblower retaliation cases without consistent oversight.

⁵⁵[GAO-14-704G](#).

Recommendations for Executive Action

We are making a total of four recommendations, including one to the Special Counsel and four to the Secretary of Veterans Affairs:

The Secretary of Veterans Affairs should ensure that OAWP consistently collects information on corrective actions VA takes on behalf of whistleblowers during the whistleblower retaliation investigation process. (Recommendation 1)

The Special Counsel of the Office of Special Counsel should coordinate with the Secretary of Veterans Affairs to ensure that VA whistleblower retaliation settlement agreements that arise from cases filed with OSC are accurately tracked. (Recommendation 2)

The Secretary of Veterans Affairs should coordinate with the Special Counsel of the Office of Special Counsel to ensure that VA whistleblower retaliation settlement agreements that arise from cases filed with OSC are accurately tracked. (Recommendation 3)

The Secretary of Veterans Affairs should ensure that OAWP is delegated the authority to monitor and then monitors whistleblower retaliation settlement agreement implementation, including tracking of relevant settlement agreement data. (Recommendation 4)

Agency Comments and Our Evaluation

We provided a draft of this report to the Department of Veterans Affairs (VA) and the Office of Special Counsel (OSC) for review and comment. VA concurred with our three recommendations directed to it, and OSC disagreed with the one recommendation directed to it. VA's and OSC's comments are reproduced in appendices II and III. Both agencies also provided technical comments, which we incorporated as appropriate.

VA's response mentioned changes to its processes and data tracking that would enable it to implement our recommendations. Specifically, OAWP plans to modify its tracking system and its standard operating procedures to collect and document any corrective actions taken for the whistleblower before a retaliation investigation is completed. Additionally, VA told us OAWP has drafted a revised directive that would require management to respond to non-disciplinary recommendations and other corrective actions, allowing OAWP to track all corrective actions. The agency also expressed willingness to work with OSC on negotiating a memorandum of agreement to enable secure data sharing about settlements and for its Office of General Counsel and OAWP to prepare appropriate documentation from the Secretary of VA for OAWP to monitor settlement implementation. VA also noted that OAWP has already updated its

tracking to track all relevant settlement agreement data, including both agency and complainant obligations.

In its written comments, OSC emphasized that the range of its responsibilities, including investigating, resolving, settling, and prosecuting complaints of prohibited personnel practices across the federal government is important to any discussion of its workload. OSC particularly noted that any comparison with the timeliness of its case processing with OAWP's, which have a different scope, should be couched in discussion of how the two agencies' responsibilities differ. In response to this and to OSC's technical comments, we added language in our discussion of OSC's timeliness data which explains that OSC both investigates and resolves cases which requires more time. We also revised the wording of two of our recommendations to improve accuracy.

In addition, OSC stated that the responsibility for ensuring the proper tracking of VA settlements resides with VA. OSC disagreed with our recommendation that it coordinate with OAWP to ensure that whistleblower retaliation settlement agreements filed with OSC are accurately tracked. OSC stated that exchanging settlement information with VA would place an administrative burden on its small staff, without clear benefit to the agency's effectiveness in addressing whistleblower retaliation. OSC also noted that it is not a data collection or data management agency. We maintain, however, that OSC could enhance the value of the data it already collects for its regular operations by using existing coordination meetings with VA to incorporate information-sharing on settlement agreement tracking. OSC also expressed concern that adopting our recommendation could lead to broader requests for reciprocal data-sharing across agencies. However, as noted in our report VA accounts for a significant proportion of OSC's caseload. Also as noted in our report, OSC identified 90 relevant VA whistleblower retaliation settlement agreements from fiscal years 2019 through 2023. However, this did not include 11 additional agreements from fiscal years 2019 through 2023 that OAWP identified as settled. This discrepancy underscores the potential benefit of the improved agency collaboration we recommend.

We are sending copies of this report to the appropriate congressional committees, the Secretary of Veterans Affairs, the Special Counsel, and other interested parties. In addition, the report will be made available at no charge on the GAO website at <http://www.gao.gov>.

If you or your staff have any questions about this report, please contact me at costat@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff members who made key contributions to this report are listed in appendix IV.

//SIGNED//

Thomas Costa, Director
Education, Workforce, and Income Security

List of Requesters

The Honorable Jerry Moran
Chairman
The Honorable Richard Blumenthal
Ranking Member
Committee on Veterans' Affairs
United States Senate

The Honorable Mariannette Miller-Meeks
Chairwoman
Subcommittee on Health
Committee on Veterans' Affairs
House of Representatives

The Honorable Jen Kiggans
Chairwoman
The Honorable Delia Ramirez
Ranking Member
Subcommittee on Oversight and Investigations
Committee on Veterans' Affairs
House of Representatives

The Honorable Tracey Mann
House of Representatives

The Honorable Frank J. Mrvan
House of Representatives

The Honorable Chris Pappas
House of Representatives

Appendix I: Surveys Regarding Department of Veterans Affairs (VA) Whistleblower Retaliation Settlement Process

We administered two web-based surveys to collect information from settlement officials and whistleblowers on the process that VA uses for settling whistleblower retaliation cases. For the survey of settlement officials, we sent a survey to the 52 settlement officials whom VA identified as negotiating the 71 whistleblower retaliation settlement agreements completed during fiscal years 2019 through 2023. Eleven settlement officials settled two or more cases. We received 26 responses to our survey; the responses of five settlement officials were excluded from our analysis as they reported that they did not negotiate a whistleblower retaliation settlement agreement during fiscal years 2019 through 2023. We excluded another four respondents because they did not provide responses to most of the topics in the survey. We therefore analyzed and report survey results for 17 settlement officials who completed the survey. For the other survey, we sent surveys to 35 whistleblowers whose contact information VA verified for us, and 25 whistleblowers responded to our survey. We excluded four respondents because they did not provide responses to most of the topics in the survey. We therefore analyzed and report survey results for 21 whistleblowers who completed the survey. We did not survey the 36 out of 71 whistleblowers for whom VA had no current electronic contact information. For the open-ended responses we received to our survey, two GAO analysts conferred to identify which responses addressed themes discussed in our report. For the closed-ended responses in our survey, the questions and the counts of the responses are contained below.¹

VA Settlement Official Survey Responses

The 17 settlement officials who completed our survey included 16 settlement officials who worked within the Veterans Health Administration and one settlement official from another VA office. The settlement officials reported a range of experience negotiating settlement agreements at VA. The number of years that they reported negotiating settlement agreements ranged from one year to multiple decades. Five settlement officials reported a decade or more of experience. Sixteen settlement officials also reported experience negotiating settlement agreements in other employment disputes such as equal employment opportunity claims. The following are the settlement officials' aggregate closed-ended responses.

¹In this appendix, we include results for the main topic questions asked in the survey. To help preserve confidentiality of individual respondents, we do not provide information on responses to background, detailed follow-up, or open-ended questions.

Appendix I: Surveys Regarding Department of Veterans Affairs (VA) Whistleblower Retaliation Settlement Process

1. Did you have the settlement authority to facilitate settling the complaint(s) prior to your first settlement discussion with the whistleblower?

Yes – 14

No – 3

a. [Follow-up question if respondent reported not having settlement authority] After initial settlement discussions with the whistleblower(s) began, what additional settlement authority did you have to secure to facilitate settling the complaint(s)? Please select all that apply.

Authority	Count
Authority to negotiate a settlement amount over \$5,000.	2
Other	1

b. [Follow-up question if respondent reported not having settlement authority] Approximately how long did it take to secure the additional authority?

Time	Count
1 to 6 days	1
1 to 3 weeks	1
Other	1

2. How helpful, if at all, was Office of General Counsel's (OGC) assistance during the settlement negotiation(s)?

Not at all helpful – 0

Somewhat helpful – 5

Very helpful – 12

Not applicable - I did not receive assistance from OGC – 0

3. While you were negotiating the whistleblower retaliation settlement(s), did you have any interaction with the Office of Accountability and

Appendix I: Surveys Regarding Department of Veterans Affairs (VA) Whistleblower Retaliation Settlement Process

Whistleblower Protection (OAWP) regarding the settlement negotiations?

Yes – 3

No – 14

4. During fiscal years 2018 through 2023, which of the following interactions, if any, did you have with OAWP? Select all that apply.

Interaction	Count
Online training regarding whistleblower protection	14
In-person training regarding whistleblower protection	9
Communicated during investigation(s) not related to the whistleblower retaliation settlement(s) I negotiated from 2018–2023	6
None of the above	1
Other	3
Assistance with negotiating a whistleblower retaliation settlement	2

5. Did you receive assistance from anyone other than OGC to resolve any questions or concerns you had during the negotiation process?

Yes – 5

No – 12

a. [Follow-up question if respondent reported receiving assistance outside OGC] Who provided you with assistance to resolve any questions or concerns you had during the negotiation process? Please select all that apply.

Provider	Count
Mentor	0
Colleague	0
Other	5

6. Did you experience any challenges in the settlement negotiations?

Yes – 5

No – 12

Appendix I: Surveys Regarding Department of Veterans Affairs (VA) Whistleblower Retaliation Settlement Process

- a. [Follow-up question if respondent experienced challenges] Did you find any of the conditions listed below to be a challenge in the settlement negotiation(s)?

Challenge	Count
Whistleblower’s attorney/representative	4
Whistleblower’s lack of legal representation	2
Other (other please describe in the space below)	2
Lack of settlement authority	1
Lack of training on the settlement negotiation process	1

7. Did you rely on any prior training or guidance while negotiating any settlement(s) during fiscal years 2018 through 2023? Please select all that apply.

Reliance on Training	Count
Yes, I relied on prior training provided by VA	6
Yes, I relied on prior training provided outside VA, such as dispute resolution organization, university, etc.	6
No, I did not rely on any of the prior training I received.	3
Not applicable – I never received prior training or guidance for negotiating any whistleblower retaliation settlements during fiscal years 2018–2023.	3

8. Approximately how many whistleblower retaliation settlements have you negotiated on behalf of the VA?

Settlements	Count
Approximately 1 to 5 whistleblower retaliation settlements	17
Approximately 6 to 10 whistleblower retaliation settlements	0
More than 10 whistleblower retaliation settlements	0

9. Have you served at VA as a settlement official for employment disputes other than whistleblower retaliation?

Yes – 16

Appendix I: Surveys Regarding Department of Veterans Affairs (VA) Whistleblower Retaliation Settlement Process

No – 1

- a. [Follow-up question if respondent served at VA as a settlement official for employment disputes other than whistleblower retaliation] Approximately how many employment disputes other than whistleblower retaliation have you negotiated on behalf of VA?

Employment disputes negotiations	Count
Approximately 1 to 10 employment disputes other than whistleblower retaliation	5
Approximately 11 to 20 employment disputes other than whistleblower retaliation	5
Approximately 21 to 30 employment disputes other than whistleblower retaliation	2
More than 30 employment disputes other than whistleblower retaliation.	3
[Did not answer this question]	1

- b. [Follow-up question if respondent served at VA as a settlement official for employment disputes other than whistleblower retaliation] Which of the following types of employment disputes have you negotiated as a settlement official for VA?

Type of employment dispute	Count
[Discrimination on the basis of] sex	13
[Discrimination on the basis of] race	12
Retaliation for Equal Employment Opportunity activity	11
[Discrimination on the basis of] color	10
[Discrimination on the basis of] age	9
[Discrimination on the basis of] physical or mental disability	7
[Discrimination on the basis of] national origin	6
sexual harassment	6
Whistleblower disclosure (non-retaliation claims)	5
[Discrimination on the basis of] gender identity	3
[Discrimination on the basis of] sexual orientation	3
Other	2
[Discrimination on the basis of] genetic information	0

Whistleblower Survey Responses

The 21 whistleblowers who completed our survey reported filing claims in various forums, such as OAWP, OSC, the Merit Systems Protection Board, and the Equal Employment Opportunity Commission. Some reported filing in multiple forums. Six reported filing with OSC which was the forum mentioned the most often. Whistleblowers reported the time from filing their whistleblower retaliation claim to settlement of the whistleblower retaliation claim to be from 1 to 6 years. Of those who responded to this question, 11 reported waiting a year or less while nine reported waiting 2 to 6 years for a settlement.²

Regarding demographics, 11 whistleblowers reported having no prior military experience, while nine had military experience.³ Fifteen whistleblowers were healthcare professionals and six were nonhealthcare employees. Of those that responded, the gender of the whistleblowers was evenly split among males (10) and females (10). Sixteen reported their race as white and four reported other racial categories. One whistleblower did not answer any demographic questions other than their prior military experience and occupational category. The following are the whistleblowers aggregate closed-ended responses.

1. Were you provided with a point of contact to assist you with your complaint?
Yes – 13
No – 8
2. Were the communications you received about the settlement process easy to understand?
Yes – 9
No – 12

²One whistleblower who completed our survey did not answer the questions about the years they filed and settled their claim.

³To maintain the confidentiality of individual respondents, we merged some categories in our survey that could identify respondents. Specifically, for categories in our survey where the responses could be used to identify fewer than five respondents, we aggregated the respondents' answers into a single category for reporting purposes. For example, less than five respondents reported that their race was other than white, and so we combined all of their answers to that demographic question as one group.

Appendix I: Surveys Regarding Department of Veterans Affairs (VA) Whistleblower Retaliation Settlement Process

3. Approximately when were you first contacted regarding settling your complaint?

Time frame	Count
Within weeks after filing your complaint of whistleblower retaliation	6
Within months after filing your complaint of whistleblower retaliation	4
Other time frame	10
Don't recall	1

4. Who contacted you to propose a whistleblower retaliation settlement?

Contact	Count
Senior Leader, such as a VISN/Programming Office Director or other senior executive employed in a policy-making position (includes political appointees)	2
Supervisor other than a Senior Leader, such as an employee with the authority to assign work to or discipline other employees.	2
Not sure of their title	1
Other	16

5. Did you participate in a mediation with a third-party?

Yes – 10

No – 11

a. If yes, how satisfied or dissatisfied were you with the mediation process?

Satisfaction	Count
Very satisfied	0
Somewhat satisfied	0
Neither satisfied nor dissatisfied	2
Somewhat dissatisfied	0
Very dissatisfied	8

Appendix I: Surveys Regarding Department of Veterans Affairs (VA) Whistleblower Retaliation Settlement Process

6. Did you have any interaction with the Office of Accountability and Whistleblower Protection (OAWP)?

Yes – 9

No – 9

No response – 3

a. If yes, how satisfied or dissatisfied were you with your interactions with OAWP?

Satisfaction	Count
Very satisfied	0
Somewhat satisfied	0
Neither satisfied nor dissatisfied	3
Somewhat dissatisfied	1
Very dissatisfied	5

7. Did an attorney file your whistleblower retaliation complaint?

Yes – 7

No – 13

No response – 1

a. If no, did you hire an attorney at any time after filing your complaint of whistleblower retaliation?

Yes – 7

No – 6

8. Did you receive all the remedies agreed to and included in your whistleblower retaliation settlement?

Yes – 19

No – 1

Not sure – 1

**Appendix I: Surveys Regarding Department of
Veterans Affairs (VA) Whistleblower Retaliation
Settlement Process**

9. How difficult was it for you or your representative to negotiate the remedies included in your whistleblower retaliation settlement?

Difficulty of negotiating	Count
Not at all difficult	2
Somewhat difficult	2
Very difficult	17

10. Did you receive whistleblower training prior to filing your complaint?

Yes – 16

No – 3

Don't recall – 2

a. If yes, how useful, if at all, was your prior whistleblower training for filing your complaint?

Usefulness	Count
Very Useful	0
Moderately useful	7
Not at all useful	9

Appendix II: Comments from the Department of Veterans Affairs



DEPARTMENT OF VETERANS AFFAIRS
WASHINGTON

July 3, 2025

Mr. Thomas Costa
Director
Education, Workforce, and Income Security Issues
U.S. Government Accountability Office
441 G Street, NW
Washington, DC 20548

Dear Mr. Costa:

The Department of Veterans Affairs (VA) has reviewed the Government Accountability Office (GAO) draft report: ***Whistleblowers: VA Should Assess Data and Monitor Settlement Agreements to Better Ensure Protections*** (GAO-25-106780).

The enclosure contains technical comments and the action plan to implement the draft report recommendations. VA appreciates the opportunity to comment on your draft report.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Syrek".

Christopher D. Syrek
Chief of Staff

Enclosure

Enclosure

Department of Veterans Affairs (VA) Response to
the Government Accountability Office (GAO) Draft Report
***Whistleblowers: VA Should Assess Data and Monitor Settlement Agreements to
Better Ensure Protections***
(GAO-25-106780)

Recommendation 1: The Secretary of Veterans Affairs should ensure that OAWP consistently collects information on corrective actions VA takes on behalf of whistleblowers during the whistleblower retaliation investigation process.

VA Response: Concur. The Department of Veterans Affairs (VA) acknowledges the importance of consistently tracking and collecting information on all corrective actions taken on behalf of whistleblowers both during and after the retaliation investigation process. The Office of Accountability and Whistleblower Protection (OAWP) will modify its Matter Tracking System and its Standard Operating Procedures to specifically collect and document any corrective actions taken for the whistleblower before the investigation is completed. The current VA directive governing OAWP's investigations requires VA management officials to respond to each disciplinary recommendation OAWP makes. OAWP has submitted for concurrence a revised directive that includes the requirement for management to respond to non-disciplinary recommendations and other corrective actions, allowing OAWP to track all corrective action taken by VA to ensure better protection for whistleblowers.

Target Completion Date: October 31, 2025

Recommendation 3: The Secretary of Veterans Affairs should coordinate with the Special Counsel of the Office of Special Counsel to ensure that VA whistleblower retaliation settlement agreements filed with OSC are accurately tracked.

VA Response: Concur. The Secretary or his designee will work with the Office of Special Counsel (OSC) to try to negotiate a Memorandum of Agreement for confidential sharing of information regarding whistleblower retaliation settlement agreements filed with OSC.

Target Completion Date: December 31, 2025

Recommendation 4: The Secretary of Veterans Affairs should ensure that OAWP is delegated the authority to monitor and then monitors whistleblower retaliation settlement agreement implementation, including tracking of relevant settlement agreement data.

VA Response: Concur. The Office of General Counsel will work with OAWP to prepare appropriate documentation from the Secretary for OAWP to monitor implementation of whistleblower retaliation settlement agreements and regularly report such results to the Secretary. OAWP has already updated its Matter Tracking System to track all relevant settlement agreement data, including both agency and complainant obligations.

**Appendix II: Comments from the Department
of Veterans Affairs**

Enclosure

Department of Veterans Affairs (VA) Response to
the Government Accountability Office (GAO) Draft Report
***Whistleblowers: VA Should Assess Data and Monitor Settlement Agreements to
Better Ensure Protections***
(GAO-25-106780)

Target Completion Date: September 30, 2025

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Appendix III: Comments from the Office of Special Counsel



The Special Counsel

U.S. OFFICE OF SPECIAL COUNSEL
1730 M Street, N.W., Suite 300
Washington, D.C. 20036-4505

June 20, 2025

Tom Costa
Director
Education, Workforce, and Income Security
U.S. Government Accountability Office
441 G St., NW
Washington, D.C. 20226
VIA Electronic Mail: costat@gao.gov

Re: GAO Draft Report 25-106780

Dear Mr. Costa,

As the agency primarily responsible for federal government whistleblower protection, the Office of Special Counsel (OSC) welcomes analysis and findings that serve to underscore and strengthen protections for whistleblowers. Accordingly, I thank the Government Accountability Office (GAO) team for their hard work analyzing the data provided by OSC and the Department of Veterans Affairs (VA) Office of Accountability and Whistleblower Protection (OAWP).

GAO's report rightly recognizes that there are similarities between the work of OSC and OAWP. However, because the report compares the two organizations in terms of certain case processing metrics—e.g., the time taken to resolve a whistleblower claim—OSC believes it is important to provide context in the sections where those comparisons occur by noting the distinctions in function and responsibility between our offices. Specifically, OSC is responsible for investigating, resolving, settling, and prosecuting complaints of prohibited personnel practices across nearly all Executive Branch agencies, including but not limited to the VA. OSC's small staff resolved approximately 14,000 prohibited personnel practice cases between Fiscal Years 2020-24; of those, 9,000 included a claim of retaliation.

By contrast, OAWP only investigates and makes recommendations for appropriate action in the retaliation claims it receives, among its other responsibilities. It does not play a significant role in settling and/or prosecuting meritorious retaliation cases, which in OSC's experience is often at least as time-consuming as the investigation itself.¹ GAO's draft report dedicates multiple pages to a discussion of OSC and OAWP's median case lengths without referencing this notable difference in the work of our respective offices. Any comparison of OSC and OAWP's complaint processing timeliness without a corresponding description of differences in our work, i.e., OSC's settlement and litigation roles, risks

¹ Indeed, GAO's draft report (p. 22) notes that, upon completion of OAWP investigations, VA took between 2-6 years to settle some cases.

**Appendix III: Comments from the Office of
Special Counsel**


understating OSC's efficiency.

Additionally, regarding Recommendation 2, OSC respectfully requests that the recommendation be clarified to note that the responsibility for ensuring the proper tracking of VA settlements resides with the VA, not with OSC. While OSC appreciates the importance of reliable data,² we believe recommending the exchange of settlement information would place an administrative burden on OSC's small staff without contributing to OSC's effectiveness in addressing whistleblower retaliation. OSC is not authorized, equipped, or funded to operate as a data collection or data management agency.³ Indeed, the personnel within OSC who perform the small number of data-related functions for the agency do so in addition to their regular duties, meaning that each additional such burden subtracts from OSC's ability to fulfill its core mission. OSC settlements of cases from VA employees alleging retaliation necessarily include the VA as a party to the agreement, thus OSC would be providing information that is already in the possession of the VA.⁴ In OSC's view, a better recommendation would be for the VA to consolidate its own settlement data, drawn from VA OGC, OAWP, and other components of the department, to ensure a complete picture of VA's case resolutions.

Nevertheless, OSC appreciates the important and difficult task that GAO has undertaken in reviewing the intersection between these two complaint processes. Furthermore, we agree that thoughtful, strategic cooperation with OAWP can improve VA whistleblower outcomes. Indeed, as GAO's report indicates, OSC already has regular meetings with OAWP staff. In those discussions, we look forward to exploring further opportunities for improved whistleblower protection.

Please feel free to contact me if you need any additional information or clarification in this matter.

Kind regards,



Charles Baldis
Senior Counsel
U.S. Office of Special Counsel

² OSC works constantly to enhance the reliability of our data collection. In 2019, we implemented a new electronic case management system and continue to make improvements to that system – some even prompted by this GAO data request – that ensure the accuracy of our information.

³ At the beginning of the fiscal year, OSC had approximately 128 employees. As of July 2025, OSC will have approximately 110 employees, who are responsible for all facets of OSC's mission. That work includes the above-referenced processing of retaliation cases, as well as investigating other prohibited personnel practices, facilitating whistleblower disclosures, enforcing the Hatch Act, and pursuing certain USERRA complaints.

⁴ VA is presumably not unique among federal agencies in tracking retaliation complaints filed by its employees. Although OSC stands ready to consult with any office seeking to improve its whistleblower protection efforts, we do not have sufficient resources to participate in regular, reciprocal reporting on retaliation complaints from each of these agencies, which may be prompted by the report's recommendation.

Appendix IV: GAO Contact and Staff Acknowledgements

GAO Contact

Thomas Costa, Costat@gao.gov

Staff Acknowledgments

In addition to the contact named above, Amber Yancey-Carroll (Assistant Director), Lucas Alvarez (Analyst in Charge), Steven Flint, Alex Galuten, Vincent Patierno-Beavers, and Shelia Thorpe made key contributions to this report. Other contributors to this report were Peter DelToro, Serena Lo, Mimi Nguyen, Jessica Orr, and Adam Wendel.

GAO's Mission

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