



THE SECRETARY OF VETERANS AFFAIRS
WASHINGTON

July 24, 2024

**MEMORANDUM FOR UNDER SECRETARIES, ASSISTANT SECRETARIES, AND
OTHER KEY OFFICIALS**

SUBJECT: Delegation of Authority to Investigate Allegations of Misconduct, Poor Performance, and Retaliation by Individuals Occupying Certain Positions (VIEWS 1789421)

1. DELEGATION. The Assistant Secretary for Accountability and Whistleblower Protection is delegated the authority to receive, review, and investigate allegations of misconduct, poor performance, and retaliation by individuals occupying the positions identified below. I have determined this responsibility is related to the functions of the Office of Accountability and Whistleblower Protection (OAWP) because the positions identified below have a substantial impact on the Department's operations and determine, advocate for or against, or make policy for the Department.

- a. Senior-level positions described in 5 C.F.R. § 319.102;
- b. Scientific and professional positions described in 5 C.F.R. § 319.103;
- c. Veterans Law Judges (including Chief Veterans Law Judges);
- d. Veterans Health Administration and Veterans Benefits Administration facility directors, associate and assistant directors at General Schedule (GS) grade 14 or above;
- e. National Cemetery Administration cemetery directors and district chiefs of operation at GS grade 14 or above; and
- f. All types of Senior Executive Service appointees, not already within OAWP's scope of authority under 38 U.S.C. § 323(c)(1)(H).

2. AUTHORITIES.

- a. [38 U.S.C § 303](https://uscode.house.gov/view.xhtml?req=(title:38%20section:303%20edition:prelim)%20OR%20(granuleid:USC-prelim-title38-section303)&f=treesort&edition=prelim&num=0&jumpTo=true), Secretary of Veterans Affairs (https://uscode.house.gov/view.xhtml?req=(title:38%20section:303%20edition:prelim)%20OR%20(granuleid:USC-prelim-title38-section303)&f=treesort&edition=prelim&num=0&jumpTo=true).
- b. [38 U.S.C § 323\(b\)\(4\)](https://uscode.house.gov/view.xhtml?req=(title:38%20section:323%20edition:prelim)%20OR%20(granuleid:USC-prelim-title38-section323)&f=treesort&edition=prelim&num=0&jumpTo=true), Office of Accountability and Whistleblower Protection (https://uscode.house.gov/view.xhtml?req=(title:38%20section:323%20edition:prelim)%20OR%20(granuleid:USC-prelim-title38-section323)&f=treesort&edition=prelim&num=0&jumpTo=true).

Subj: Delegation of Authority to Investigate Allegations of Misconduct, Poor Performance, and Retaliation by Individuals Occupying Certain Positions (VIEWS 1789421)

- c. [38 U.S.C § 512\(a\)](https://uscode.house.gov/view.xhtml?req=(title:38%20section:512%20edition:prelim)%20OR%20(granuleid:USC-prelim-title38-section512)&f=treesort&edition=prelim&num=0&jumpTo=true), Delegation of authority; assignment of functions and duties (https://uscode.house.gov/view.xhtml?req=(title:38%20section:512%20edition:prelim)%20OR%20(granuleid:USC-prelim-title38-section512)&f=treesort&edition=prelim&num=0&jumpTo=true).

3. REFERENCES.

- a. [VA Directive 0000](https://vaww.va.gov/vapubs/search_action.cfm?dType=1), Delegations of Authority (https://vaww.va.gov/vapubs/search_action.cfm?dType=1).
- b. [VA Directive 0500](https://vaww.va.gov/vapubs/search_action.cfm?dType=1), Investigation of Whistleblower Disclosures and Allegations Involving Senior Leaders or Whistleblower Retaliation (https://vaww.va.gov/vapubs/search_action.cfm?dType=1).
- c. [5 C.F.R. § 319.102](https://www.ecfr.gov/current/title-5/chapter-I/subchapter-B/part-319), Senior-level positions (https://www.ecfr.gov/current/title-5/chapter-I/subchapter-B/part-319).
- d. [5 C.F.R. § 319.103](https://www.ecfr.gov/current/title-5/chapter-I/subchapter-B/part-319), Scientific and professional positions (https://www.ecfr.gov/current/title-5/chapter-I/subchapter-B/part-319).
- e. [38 U.S.C. § 713\(d\)](https://uscode.house.gov/view.xhtml?hl=false&edition=prelim&req=granuleid%3AUSC-2015-title38-section713&num=0), Senior executives: removal, demotion, or suspension based on performance or misconduct (definition of senior executive) (https://uscode.house.gov/view.xhtml?hl=false&edition=prelim&req=granuleid%3AUSC-2015-title38-section713&num=0).
- f. [38 U.S.C. § 323\(c\)\(1\)\(H\)](https://uscode.house.gov/view.xhtml?req=(title:38%20section:323%20edition:prelim)%20OR%20(granuleid:USC-prelim-title38-section323)&f=treesort&edition=prelim&num=0&jumpTo=true), Office of Accountability and Whistleblower Protection. (statutory scope of investigative authority) (https://uscode.house.gov/view.xhtml?req=(title:38%20section:323%20edition:prelim)%20OR%20(granuleid:USC-prelim-title38-section323)&f=treesort&edition=prelim&num=0&jumpTo=true).

4. RESTRICTIONS. This delegation is to be carried out under the procedures set forth in Department of Veterans Affairs (VA) Directive 0500, Office of Accountability and Whistleblower Protection: Investigation of Whistleblower Disclosures and Allegations Involving Senior Leaders or Whistleblower Retaliation. This delegation is concurrent with the Secretary's authority and does not preclude the Secretary from exercising any of the authorities or otherwise delegating the authorities herein.

Page 3.

Subj: Delegation of Authority to Investigate Allegations of Misconduct, Poor Performance, and Retaliation by Individuals Occupying Certain Positions (VIEWS 1789421)

5. REDELEGATION. The Assistant Secretary for Accountability and Whistleblower Protection may redelegate, in writing, the authorities delegated herein to the Executive Director for Investigations who may redelegate further no lower than to the Director of Investigations level within OAWP.

6. RESCISSION. This delegation rescinds previous Delegations of Authority dated January 8, 2020, and June 17, 2024, "Delegation of Authority to Investigate Allegations of Misconduct, Poor Performance, and Retaliation by Individuals Occupying Certain Positions" (VIEWS 1789421).

7. EFFECTIVE AND EXPIRATION DATE. This delegation is effective upon signature and will remain in effect for 4 years unless otherwise rescinded, modified, or superseded.



Denis McDonough