

Veterans Affairs Whistleblower Coalition

PO Box #175
Delmar, New York 12054

The Honorable Michael McNulty
Congress of the United States
21st District New York
O'Brien Federal Building, Room #827
Albany, New York 12207

January 30, 2006

Phone: 518-465-0700

Dear Mr. McNulty,

We are in receipt of your response dated January 24, 2006 (ATTACHMENT-1), which was provided by you in follow-up to our letter of January 23, 2006 (ATTACHMENT-2). Your response is unacceptable and indicates intransigence and indifference regarding important misdeeds affecting veteran safety that have occurred at the Stratton VA Hospital for over a decade.

First and foremost, your letter did not address a single issue from our January 23rd letter. This is consistent with over a dozen previous written replies from your office; in each case you relegated our concerns to another government agency or official without taking personal ownership. Each of your previous response letters has been approximately 2 sentences and are patterned as follows.

“Enclosed is the reply I received from [insert government agency or agency official] in response to my inquiry on your behalf. The letter is, I believe, self-explanatory. If I can be of further assistance, please do not hesitate to contact me.”

Mr. McNulty, we have contacted you, over, and over, and over again. We have in our files written correspondence to and from your office involving patient safety concerns of various healthcare providers and other related issues as outlined in our attached letter dated 1/23/06. Some of these include correspondence to your office dated 5/30/03, 10/31/03, 11/04/03, 11/27/03, 11/30/03, 12/09/03, 12/10/03, 12/11/03, 12/15/03, 12/16/03, 12/18/03, 02/11/04, 02/23/04, 03/09/04, 11/09/04, 11/10/04, 11/30/04, 01/25/05, 01/29/05, 06/02/05, 12/26/05.

In your most recent response letter dated 1/24/06, you state “In light of the seriousness of the allegations, it continues to puzzle me why you resist going directly to those who have prosecutorial power.” Then, you follow by answering your own question, acknowledging that you were in fact part of a meeting in November 2003 with U.S. Attorneys William Paricak and Glenn Suddaby, where Mr. Mariano and Dr. Fudin did in fact present supporting documentation to various allegations. Unless we are mistaken, U.S. Attorneys are in a position to prosecute.

You know full well that letters went to U.S. Attorneys that outlined our concerns of involving the VA Inspector General's office and the Albany FBI field office in any local investigations because of clearly outlined conflicts of interest and previous cover-ups (where supporting documentation was provided) involving the Stratton VA. Contrary to your purported puzzlement, on numerous

occasions we have sought help from prosecutorial entities. We have made you privy to that information and have kept you updated on these matters. As we see it, the very same government agencies that are charged with prosecuting VA officials and medical providers for malfeasance and patient harm respectively, are those that will be providing counsel to the Stratton VA in pending lawsuits by veteran families. That, Mr. McNulty, is a conflict of interest. It would seem that anyone seeking career advancement within the Department of Justice would be reticent to prosecute government employees in these kinds of matters.

So, in closing we will be blunt. We would like you to respond to each separate bullet point, one by one, as outlined in our letter dated January 23, 2006. Most importantly, we want you to request public congressional hearings to thoroughly investigate the Stratton VA for past and current abuses, to determine the prevalence nationwide of activities similar to those discovered at Stratton, and to make a Congressional referral to the Federal Court of Claims to determine the facts of the retaliation against Anthony Mariano and Jeffrey Fudin and what remedies, if any, should be available for their disclosure of wrongdoing.

Respectfully submitted,



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The following VAWBC supporters confirmed their co-signatures electronically:

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