



Finding of reprisal costs VA \$10,000 in compensatory damages

Mr. W contacted an EEO counselor on April 10, 2007, and he was interviewed on April 12, 2007. The counselor then interviewed Mr. W's supervisor, Ms. K, on April 20, 2007. Twelve days later, Ms. K confronted complainant about three unspecified patient complaints against him that occurred in the preceding five months, which was later changed by Ms. K to a few months and then to a few weeks.

An EEOC administrative judge found the VA engaged in reprisal against Mr. W. The judge determined that Ms. K's testimony lacked credibility because she was unable to provide specific details about the three alleged patient complaints. The judge further found that Ms. K's testimony was not believable because it was not consistent with her earlier statements as to the time period during which she received the complaints about Mr. K.

The EEOC AJ awarded Mr. W \$10,000 in compensatory damages for the emotional distress he suffered. Mr. W was also awarded attorney's fees and costs.

DID YOU KNOW that by statute, 38 U.S.C. 319(c), the OEDCA Director must report to the VA Secretary or Deputy Secretary any case where a VA employee has been retaliated against because he or she asserted rights under an equal employment opportunity law? OEDCA also reports directly to the VA Secretary or Deputy Secretary any case involving a finding of INTENTIONAL discrimination.