U.S. Office of Special Counsel
1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505

OSC Facilitates Settlement for Federal LGBT Employee in Discrimination Case

FOR IMMEDIATE RELEASE CONTACT: Nick Schwellenbach, (202) 254-3631; nschwellenbach@osc.gov

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The U.S. Office of Special Counsel (OSC) recently facilitated a settlement agreement by a Department of Veterans Affairs (VA) psychiatrist with a sexual orientation discrimination complaint against managers at the facility where she previously worked.

The psychiatrist, Dr. Patricia Kinne, was threatened with removal after patients complained that she had disclosed she was a lesbian or referred to her wife. The patients cited her sexual orientation as a basis for discontinuing their treatment with her. VA management at the Louisville VA Medical Center (VAMC) in Kentucky stated that Dr. Kinne's disclosure of "personal information" was harmful to the doctor-patient relationship and warned she might be terminated if she did not significantly improve.

OSC investigated and found that while there were several hundred change-of-provider requests from patients against psychiatrists during the relevant time period, only two requests related to Dr. Kinne's sexual orientation were treated as potential corrective or disciplinary issues. In their OSC interviews, VA management officials were unable to distinguish their treatment of Dr. Kinne's conduct from others who had received complaints, and provided inconsistent reasoning to support their actions. Dr. Kinne is a well-regarded psychiatrist with no other reported performance or conduct issues, and was complimented by the VA in 2013 for having relatively few patient complaints.

In addition to providing full relief to Dr. Kinne, the VA agreed to provide training to managers and human resources staff at the Louisville VAMC and to notify staff that they are not required to conceal their sexual orientation.

"These protections exist to ensure we have a federal workforce based on merit and free of discrimination. Enforcement of these protections ensures that the federal government is welcoming to LGBT employees," said Special Counsel Carolyn Lerner. "The VA deserves credit for taking positive steps to address the concerns raised by this case. All agencies should be mindful that federal managers cannot create arbitrary distinctions that lead to discriminatory treatment of their employees."

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The U.S. Office of Special Counsel (OSC) is an independent federal investigative and prosecutorial agency. Our basic authorities come from four federal statutes: the Civil Service Reform Act, the Whistleblower Protection Act, the Hatch Act, and the Uniformed Services Employment & Reemployment Rights Act (USERRA). OSC's primary mission is to safeguard the merit system by protecting federal employees and applicants from prohibited personnel practices, especially reprisal for whistleblowing, and to serve as a safe channel for allegations of wrongdoing. For more information, please visit our website at www.osc.gov.