

Albany attorney represents St. Louis VA whistleblower

Claire Hughes

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Lawyer, Ariel Solomon, talks in her office about her some of her clients who work in the Veterans Administration system, during an interview on Thursday, July 17, 2014, in Albany, N.Y. (Paul Buckowski / Times Union)

Paul Buckowski

Guilderland

A young Capital Region lawyer was among participants at congressional hearings last week on the Veterans Health Administration's treatment of employees who speak out about inadequate care.

Ariel Solomon, who represents the former chief of psychiatry at the VA St. Louis Health Care System, specializes in representing federal and state employees from her offices in Guilderland and Washington, D.C.

"I created my own niche," said Solomon, an Albany Law School graduate who left a larger law firm to start her practice eight years ago, when she was in her 20s.

Dr. Jose Mathews of the VA St. Louis Health Care System found her on Super Lawyers, an Internet site, after becoming frustrated with being represented by a St. Louis attorney with limited knowledge of the VA health system, he said.

The House Veterans' Affairs Committee heard testimony on July 8 from Mathews and three other VA whistleblowers, detailing the repercussions they said they have faced for speaking up. An official from a federal investigative agency told the committee it was examining 67 claims of retaliation by VA supervisors against employees who filed whistleblower complaints — including 25 complaints filed since June 1, after a growing health care scandal involving long patient waits and falsified records at VA hospitals and clinics became public.

Locally, nurse manager Val Riviello of the Albany Stratton VA Medical Center also has a complaint being reviewed. She claims she was demoted after reporting the improper restraint of a psychiatric patient there. Like Riviello, Mathews claims he faced retaliation after several incidents where he worked to make improvements or tell the truth about problems.

Officials at VA facilities in Albany and St. Louis have not commented on specific allegations, but said they take the complaints seriously.

As the new head of the St. Louis VA's psychiatric unit in 2012, Mathews became alarmed about the lack of access to care for patients in need of regular mental health

supervision. Mathews examined schedules and found that providers saw patients for a total of three of four hours of care each day. He created a schedule intended to double providers' patient load. The move angered many of the providers, he said.

He also pushed for an internal investigation into two avoidable deaths at the facility, he said, but those probes never occurred. Later, Mathews tried to fire a psychiatrist who had been on staff just six weeks, after that doctor lied about examining a veteran who attempted suicide while he was a patient at the facility. St. Louis VA managers stonewalled Mathews' attempt to fire the doctor, who resigned on his own, Mathews said.

Shortly after that incident, Mathews went on a six-week paternity leave, in the summer of 2013. When he returned, supervisors told him there had been a "mutiny" among his staff. They had to investigate Mathews for creating a hostile work environment, Mathews said.

He was transferred to a job reviewing veterans' applications for benefits. He's also spoken up about deficiencies he's found in that job, which block access to care, Solomon said.

Next week, Mathews will be transferred to another job — treating patients in the psychiatric unit, in one of the the provider positions he formerly supervised.

"The whole thing is retaliation. It's without merit," Mathews said. "It's designed to drive me out of the VA."

Solomon made her own recommendations to the House Veterans' Affairs Committee last week, including that penalties for institutions that retaliate against whistleblowers be increased enough to be genuine deterrents.

People who testify before Congress do not need to have lawyers represent them. But Mathews may move forward with a lawsuit against the health system, so Solomon was there to advise him on his testimony.

chughes@timesunion.com • 454-5417 • @hughesclaire. [The Associated Press](#) contributed to this report.