

Report on Research Compliance Volume 15, Number 9. September 30, 2018

Citing Process Issues, Researcher in Precedent- Setting 'Reckless' Case Appeals Debarment

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A former investigator from Wayne State University (WSU) recently debarred by HHS for five years following a precedent-setting ruling that his misconduct was “reckless” has filed an appeal.

Christian Kreipke contends his governmentwide sanction is excessive and that he was not afforded the right to contest the debarment, according to the appeal letter his attorney provided to RRC. The move continues a process begun nearly a decade ago when he was first accused of fabrications.

Whether Kreipke will be successful in reversing the debarment or in receiving a lesser sanction remains to be seen. But regardless of the outcome, the recent historic ruling in his case may yet stand—namely that misconduct can be based solely on the finding that the action or actions at issue were committed “recklessly.”

Secondarily, the case may also give rise to future findings of misconduct against individuals who may have perpetrated the misconduct but weren’t actually proven to have done so. Further implications also flow from the complicated case, which saw an HHS administrative law judge make his own findings after essentially throwing out the arguments mounted by the HHS Office of General Counsel (OGC) on behalf of the Office of Research Integrity (ORI).

The case wound its way to HHS administrative law judge Keith Sickendick seven years after WSU itself found research misconduct in Kreipke’s work, five years after the Veterans Affairs (VA) Department (where he also worked) did and three years after ORI reached the same conclusion.

In between those events, Kreipke filed and lost on procedural grounds a suit against WSU that alleged the misconduct investigation was retaliation for his contention that WSU’s effort reporting system resulted in grant fraud. He won an appeal of VA’s 10-year debarment for misconduct, with a judge finding that it was not shown the sanctions were made irrespective of whistleblowing complaints that Kreipke had also brought against VA.

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