

# Fired priest to be rehired as chaplain

WASHINGTON – A Jesuit priest is to be reinstated as a chaplain at the National Institutes of Health Clinical Center after a federal board ruled that he was fired because of religious discrimination.

Father Henry Heffernan, 76, was ordered to be reinstated at the NIH clinic in Bethesda, Md., by the Merit Systems Protection Board, a federal agency that hears personnel disputes. The Equal Employment Opportunity Commission ruled in January that Father Heffernan was wrongly suspended and fired in 2004. The merit systems board, a quasi-judicial entity, upheld the decision in a Feb. 23 order.

The EEOC found that Father Heffernan was suspended and fired because of concerns he raised with the way the spiritual ministry director at the center insisted upon a multifaith chaplaincy that Father Heffernan believed did not accommodate the spiritual concerns of Catholic patients.

Among Father Heffernan's objections to the multifaith approach advocated by the office were that non-Catholic chaplains would not approach topics such as death and dying from a Catholic perspective and that they could not immediately provide sacraments to patients.

In a phone interview with Catholic News Service March 2, Father Heffernan said non-Catholic chaplains "do an excellent job of interacting with Catholic patients, however their service cannot provide the same sort of religious care that a Catholic priest can provide," specifically the sacraments.

Also, according to EEOC filings, the priest said he found the requirement to minister to non-Catholics to be an inappropriate form of proselytizing which would ultimately impair his ability to adequately minister to Catholic patients by reducing the time he had available to them.

Father Heffernan's supervisor at the clinic, the Rev. O. Ray Fitzgerald, a Methodist minister, suspended the priest twice before firing him on the grounds that he had

failed to comply with a requirement to attend an entry-level chaplaincy training program.

At the time, Father Heffernan had been a priest for 40 years, much of that time serving as a chaplain in health care institutions. In lieu of the mandated entry-level course work, he had been pursuing an alternative course of study more appropriate to his years of service.

Rev. Fitzgerald also cited as a reason for the disciplinary actions Father Heffernan's decision to come to the clinic on his day off to celebrate Mass after he had been told not to do so, according to the EEOC filing.

The EEOC order also included reports from other chaplain service employees that Rev. Fitzgerald said he had imposed the education requirement "to get rid of Father Heffernan," and that he intentionally was trying to provoke the priest in order to remove him from the staff.

The EEOC found that Rev. Fitzgerald's actions were "motivated by discriminatory and retaliatory animus." NIH was ordered to reinstate Father Heffernan and give him back pay.

When he returns to work, the chaplain's office was also ordered to accommodate Father Heffernan's objections to multifaith chaplaincy, saying his objection to that type of program "is squarely grounded in a bona fide religious belief."

While his appeal has been in process, Father Heffernan has been working as a volunteer chaplain at Sibley Memorial Hospital in Washington. He said he expected to be back at work at NIH within a month.

Rev. Fitzgerald no longer heads the spiritual ministry department at the NIH clinic, according to NIH spokesman Don Ralbovsky.