

Military Whistleblower Reprisal Investigations

Oversight Issues and
Inspector General Guidance

Government Procedures and Operations



Jesse L. Porter
Editor

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Farrell, 2015-06-18 Whistleblowers play an important role in safeguarding the federal government against waste fraud and abuse However reporting wrongdoing outside the chain of command conflicts with military guidance which emphasizes using the chain of command to resolve problems Whistleblowers who make a report risk reprisal from their unit such as being demoted or separated The Dept of Defense s Office of Inspector Gen DODIG conducts and oversees military whistleblower reprisal investigations This report examines the extent to which 1 DOD met statutory notification and internal timeliness requirements for completing military whistleblower reprisal investigations 2 DODIG s whistleblower case management system supports oversight of reprisal investigations and 3 DOD has processes to ensure oversight of service IG conducted reprisal investigations Tables and figures This is a print on demand report **Whistleblower Protection** United States

Government Accountability Office, 2017-10-05 Whistleblowers play an important role in safeguarding the federal government against waste fraud and abuse However reporting wrongdoing outside the chain of command conflicts with military guidance which emphasizes using the chain of command to resolve problems Whistleblowers who make a report risk reprisal from their unit such as being demoted or separated DODIG is responsible for conducting and overseeing military whistleblower reprisal investigations GAO was asked to examine DOD s oversight of military whistleblower reprisal investigations This report examines the extent to which 1 DOD met statutory notification and internal timeliness requirements for completing military whistleblower reprisal investigations 2 DODIG s whistleblower case management system supports oversight of reprisal investigations and 3 DOD has processes to ensure oversight of service IG conducted reprisal investigations GAO analyzed DODIG and service IG data for cases closed in fiscal years 2013 and 2014 and cases open as of September 30 2014 and reviewed a generalizable random sample of 124 military reprisal cases closed in fiscal year 2013 *Whistleblower Protection* United States Government Accountability, United States Government Accountability Office, 2015-05-22

Whistleblowers play an important role in safeguarding the federal government against waste fraud and abuse However

reporting wrongdoing outside the chain of command conflicts with military guidance which emphasizes using the chain of command to resolve problems. Whistleblowers who make a report risk reprisal from their unit such as being demoted or separated. DODIG is responsible for conducting and overseeing military whistleblower reprisal investigations. GAO was asked to examine DOD's oversight of military whistleblower reprisal investigations. This report examines the extent to which 1 DOD met statutory notification and internal timeliness requirements for completing military whistleblower reprisal investigations, 2 DODIG's whistleblower case management system supports oversight of reprisal investigations, and 3 DOD has processes to ensure oversight of service IG conducted reprisal investigations. GAO analyzed DODIG and service IG data for cases closed in fiscal years 2013 and 2014 and cases open as of September 30, 2014, and reviewed a generalizable random sample of 124 military reprisal cases closed in fiscal year 2013.

Whistleblower Protection, 2016. Whistleblowers play an important role in safeguarding the federal government against waste, fraud, and abuse, and their willingness to come forward can contribute to improvements in government operations. However, whistleblowers also risk reprisal such as demotion, reassignment, and firing. This testimony discusses DODIG's progress in 1 taking actions to track and report on the timeliness of military whistleblower reprisal investigations, and 2 strengthening its oversight of the military services' whistleblower reprisal investigations. GAO's statement is based primarily on information from May 2015 and February 2012 GAO reports on military whistleblower reprisal investigations. For those reports, GAO examined laws, regulations, and DOD guidance, conducted detailed file reviews using representative samples of cases closed in fiscal year 2013 and between January 2009 and March 2011, analyzed DODIG and military service data for cases closed in fiscal years 2013 and 2014, and interviewed DOD officials. GAO also determined what actions DOD had taken through August 2016 in response to recommendations made in the 2015 and 2012 reports.

Preliminary page. Oversight of the Department of Defense Office of Inspector General's military whistleblower reprisal investigations. United States Congress, House, Committee on Oversight and Government Reform, Subcommittee on National Security, 2016. *Oversight of the Department of Defense Office of Inspector General's Military Whistleblower Reprisal Investigations*, Serial No. 114-76, September 7, 2016, 114-2, 2017. Whistleblower Protection. U.S. Government Accountability Office (GAO), U.S. Government Accountability Office, (2013-06). DODIG has taken multiple steps in collaboration with the service IGs in some instances to improve DOD's ability to process military whistleblower reprisal cases in a timely manner. Timeliness is important to ensure the reliability of evidence and appropriate resolution of reprisal allegations. However, DODIG has generally not met statutory requirements to report on investigations within 180 days or to provide alternative notification. DODIG has undertaken efforts to improve timeliness by, for example, eliminating a time-consuming phase of its investigative process. However, DOD's efforts are hampered by unreliable and incomplete data. For instance, GAO found that DODIG has not consistently or accurately recorded key dates to track how long investigations take to complete. Without key timeliness data, DODIG may have difficulty in identifying process areas requiring improvement and

evaluating the impact of reforms Further the absence of this information limits congressional decision makers ability to provide oversight of DOD s whistleblower reprisal investigative program

Oversight of the Department of Defense Office of Inspector General's Military Whistleblower Reprisal Investigations United States. Congress. House. Committee on Oversight and Government Reform. Subcommittee on National Security,2016 *Whistleblower Protection* United States. Government Accountability Office,2012 Whistleblowers help guard the federal government against waste fraud and abuse The Military Whistleblower Protection Act provides servicemembers with a means to seek relief from reprisals and to hold subjects accountable GAO was asked to determine the extent to which the Department of Defense DOD has 1 satisfied statutory timeliness requirements for processing military whistleblower reprisal cases 2 established and implemented oversight mechanisms for its process and 3 taken corrective action in cases where the DOD Inspector General DODIG substantiated reprisal claims GAO also analyzed case characteristics GAO examined laws regulations and guidance documents interviewed officials from DODIG service IGs service Boards for the Correction of Military Records BCMRs and the Office of the Undersecretary of Defense for Personnel and Readiness and collected and analyzed case data GAO also conducted a detailed file review using a representative sample of cases closed between January 1 2009 and March 31 2011 GAO recommends that DOD implement procedures to track and report data on its case processing timeliness take actions to improve oversight of its investigative process and develop processes to ensure appropriate corrective actions are taken in substantiated cases DOD concurred with all of GAO s recommendations *Whistleblower Protection* United States Government Accountability Office,2018-05-12 WHISTLEBLOWER PROTECTION DOD Has Improved Oversight for Reprisal Investigations but Can Take Additional Actions to Standardize Process and Reporting **Whistleblower Protection** U.s. Government Accountability Office,2017-08-04 Whistleblowers help guard the federal government against waste fraud and abuse The Military Whistleblower Protection Act provides servicemembers with a means to seek relief from reprisals and to hold subjects accountable GAO was asked to determine the extent to which the Department of Defense DOD has 1 satisfied statutory timeliness requirements for processing military whistleblower reprisal cases 2 established and implemented oversight mechanisms for its process and 3 taken corrective action in cases where the DOD Inspector General DODIG substantiated reprisal claims GAO also analyzed case characteristics GAO examined laws regulations and guidance documents interviewed officials from DODIG service IGs service Boards for the Correction of Military Records BCMRs and the Office of the Undersecretary of Defense for Personnel and Readiness and collected and analyzed case data GAO also conducted a detailed file review using a representative sample of cases closed between January 1 2009 and March 31 2011

Whistleblower Protection United States. General Accounting Office,1992 Whistleblower Protection U S Government Accountability Office (G,U. S. Government Accountability Office (,2013-06 Whistleblower Protection Act which prohibits supervisors from taking retaliatory actions against service members who make certain disclosures to the DOD Inspector

General IG a service IG or a member of Congress GAO found that 1 the act protects persons disclosing information to IG or a member of Congress but does not protect persons making disclosures to investigative units that are not part of the IG component 2 whistleblowers typically direct reprisal grievances to service IG and are unaware that they must direct a reprisal grievance to DOD IG for further consideration 3 DOD has informally adopted a reprisal investigation approach that determines the whistleblower's protection under the act the unfavorable nature of the personnel action the official's awareness that the whistleblower made a protected disclosure and the possibility of the action's occurrence if the whistleblower had not made the disclosure 4 unlike the generally more detailed and comprehensive law protecting civilian whistleblowers the military law does not require standards of proof that reprisal occurred corrective actions or convincing evidence that adverse actions are not reprisals 5 DOD IG has emphasized the importance of familiarizing service IG with the provisions but has not told whistleblowers that they can request reviews by a service Board for Correction of Military Records and by the Secretary of Defense and 6 a review of DOD IG and service IG whistleblower reprisal cases found that all 15 DOD IG cases were generally complete while 8 of 35 service IG cases failed to investigate for reprisal the connection between the adverse action and the disclosure and threats of adverse actions

Whistleblower Protection United States Government Accountability Office, 2018-01-05 WHISTLEBLOWER PROTECTION Actions Needed to Improve DOD's Military Whistleblower Reprisal Program Expanded Military Whistleblower Protection Eleanor Hill, Inspector general Dept. of defense arlington va, 1998 This directive type memorandum assigns responsibilities and prescribes procedures to implement recent amendments to Title 10 United States Code Section 1034 10 U S C 1034 Military Whistleblower Protection Act as implemented by DoD Directive 7050 6 Military Whistleblower Protection Section 933 of the Strom Thurmond National Defense Authorization Act for FY 1999 effective October 16 1998 amends 10 U S C 1034 to improve the timeliness of investigations conducted under the Statute and reduce associated administrative burdens Most significantly the amendment expands the coverage of the Statute to include allegations of whistleblower reprisal made by members of the Armed Forces to Inspectors General within the Military Departments The amendment also imposes reporting requirements to the Inspector General of the Department of Defense in connection with the expanded statutory coverage The Military Department Inspectors General the Inspector General of the Army the Naval Inspector General the Inspector General of the Air Force and the Deputy Naval Inspector General for Marine Corps Maffers shall establish internal procedures for receiving reporting and investigating allegations of whistleblower reprisal under 10 U S C 1034 The following procedures are established to comply with subsection c 5 of 10 U S C 1034 which provides the Inspector General of the Department of Defense shall ensure the independence of the investigation of reprisal allegations under the Statute and to minimize any duplication of investigative effort

Whistleblower Protection Us Government Accountability Office, 2013-08-12 The Military Whistleblower Protection Act of 1988 as amended and its implementing directive Department of Defense Directive 7050 06 11 establish the

basic concepts and framework for the investigative process and establish the roles and responsibilities of the various affected organizations Learning from Whistleblowers at the Department of Veterans Affairs United States. Congress. House. Committee on Veterans' Affairs. Subcommittee on Oversight and Investigations,2021 *Whistleblowers at Department of Energy Facilities* United States. Congress. House. Committee on Commerce. Subcommittee on Oversight and Investigations,2000 **Whistleblower Reprisal and Management Failures at the U.S. Chemical Safety Board :.** United States. Congress. House. Committee on Oversight and Government Reform,2014

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