

Military Whistleblower Complaint

What is Military Whistleblower protection?

The Military Whistleblower Protection Act, Title 10 U.S.C. 1034, as amended, prohibits interference with a military member's right to make protected communications to members of Congress; Inspectors General; members of DoD audit, inspection, investigation or law enforcement organizations; and other persons or organizations (including the chain of command) designated by regulation or administrative procedures. A protected communication is any lawful communication to a Member of Congress or an IG, as well as any communication made to a person or organization designated under competent regulations to receive such communications, which a member of the Armed Services reasonably believes reports a violation of law or regulation (including sexual harassment, unlawful discrimination, mismanagement, a gross waste of funds or other resources, abuse of authority, or a substantial or specific danger to public health or safety).

What is Reprisal?

When a responsible management official takes (or threatens to take) an adverse personnel action or withholds a favorable personnel action from a service member because he/she made or was thought to have made a protected communication.

What are the four questions that an investigator must examine before conducting a reprisal complaint?

- Protected Communication?
 - Adverse Personnel Action
 - Management Knowledge
 - Reprisal or Independent Basis for Action
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What is a protected communication?

Any lawful communication made to:

- Members of Congress
- Inspectors General

These communications do not have to disclose information concerning wrongdoing.

What is a personnel action?

A personnel action is any action taken on a member of the Armed Forces that affects or has the potential to affect that service member's current position or career.

Examples of personnel actions include:

- Performance evaluations;
- Transfer or reassignment;
- Changes to duties or responsibilities;
- Disciplinary or other corrective actions;
- Denial of reenlistment or separation;
- Decisions concerning awards, promotions or training;
- Decisions concerning pay or benefits; or,
- Referrals for mental health evaluation.

Additional examples of personnel actions are revocation of:

- Access to classified material;
- Authorization to carry weapons;
- Flying status; or,
- Personnel Reliability Program certification (Key: Was the action discretionary?)

What employees are covered?

Members of the Armed Forces of the United States.

Is there a time limit within which a service member must file a complaint?

60 days after the date on which the member becomes aware of the personnel action that is the subject of the allegation.

What are the applicable statutes/regulations/instructions that apply to Military Whistleblower protection?

10 U.S.C. § 1034, Military Whistleblower Act

DoDD 7050.6, Military Whistleblower Act

To whom do I report a complaint if someone has taken an adverse personnel action against me as a result of making a protected communication?

Report violations of the Military Whistleblower Protection Act to the Department of Defense IG:

Inspector General
Department of Defense
400 Army Navy Drive
Arlington, VA 22202-470

Call Toll Free 1-800-424-9098

E-mail: hotline@dodig.osd.mil

Hearing impaired:
Federal relay service
1-800-877-8339
<http://www.gsa.gov/frs>

Via Fax: 703-604-8567
DSN 664-8567

or, the Naval Inspector General:

Office of the Naval Inspector General
1254 Ninth Street S.E.
Washington Navy Yard DC 20374-5006
Call Toll Free
1-800-522-3451