



# OFFICE OF THE INSPECTOR GENERAL

## U.S. Department of Justice

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### INVESTIGATIVE SUMMARY

#### **Findings of Reasonable Grounds to Believe that an FBI Technician Suffered Reprisal as a Result of Protected Disclosures in Violation of FBI Whistleblower Regulations**

The OIG investigated allegations from a Federal Bureau of Investigation (FBI) technician that he suffered reprisal for making protected disclosures under the FBI Whistleblower Regulations. Specifically, the technician alleged, among other things, that an Assistant Special Agent-in-Charge (ASAC 1) and a Supervisory Special Agent (SSA) denied his promotion in retaliation for his disclosure that they improperly ordered him to stop going outside the FBI chain of command by making complaints to FBI executive management and threatened him with termination if he continued.

The OIG found that the technician made protected disclosures, and that FBI managers took the following personnel actions against the technician: denied his promotion; denied his request for a temporary duty assignment; twice placed the technician in Absence Without Leave status; and counseled him on performance and leave use. In addition, the OIG found that, although not personnel actions under the FBI Whistleblower Regulations, the managers referred misconduct allegations against the technician to the FBI's Inspection Division and labeled him as an "insider threat." The OIG investigated the misconduct allegations against the technician and found that they were unsubstantiated. The ASAC who made the misconduct allegations retired after his counsel was notified that OIG investigative interviews were imminent and did not respond to requests for a voluntary interview. The OIG does not have the authority to compel testimony from former Justice Department employees.

The OIG concluded that the technician's protected disclosures were a contributing factor in the personnel actions, and that clear and convincing evidence did not show that the FBI would have taken the same actions against the technician in the absence of his protected disclosures. Accordingly, the OIG concluded that there were reasonable grounds to believe that the technician had suffered reprisal as a result of his protected disclosures.

Under the FBI Whistleblower Regulations, the OIG's finding is not a final determination. The responsibility for making a final adjudication of the reprisal claim lies with the Office of Attorney Recruitment and Management (OARM), which may order corrective action as a remedy for the whistleblower. OARM may refer findings that particular officials engaged in

retaliation to the FBI for consideration of whether discipline is warranted. The OIG provided its report of investigation to OARM in July 2017.

*Posted to oig.justice.gov on October 16, 2017<sup>1</sup>*

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<sup>1</sup> The posting of this summary was delayed due to an oversight. The OIG's report was provided to the FBI in July 2017.