



March 8, 2018

MEMORANDUM FOR JAMILA FRONE
DIRECTOR
OFFICE OF ATTORNEY RECRUITMENT AND
MANAGEMENT

FROM: DANIEL C. BECKHARD
ASSISTANT INSPECTOR GENERAL

SUBJECT: Report of Investigation of Alleged Retaliation
Against FBI Technician

The Office of the Inspector General (OIG) has completed its report of investigation into allegations from a Federal Bureau of Investigation (FBI) technician that he was threatened with reprisal for making a protected disclosure under the FBI Whistleblower Regulations to the Special Agent in Charge (SAC) of an FBI Division where the technician had served a Temporary Duty (TDY) assignment. Specifically, the technician alleged that a supervisor in his home office (Supervisor 2) prohibited him from sending additional e-mails outside the Division without her prior approval, threatened to give him a lower score on his annual Performance Appraisal Report (PAR), and told him that TDY opportunities “could dry up.”

The OIG found that the technician made a protected disclosure, and that, in direct response, the supervisor threatened to lower his annual PAR rating and deny future requests for TDY opportunities. The OIG further determined that another supervisor (Supervisor 1) and the technician’s Administrative Officer (AO) were also responsible for the personnel actions threatened against the technician because they were employees who have authority to direct others to take, recommend, or approve personnel actions, and they actively counseled Supervisor 2 to advise the technician that his disclosure could adversely affect his PAR ratings and jeopardize future TDYs. The OIG did not find clear and convincing evidence that these threats would have been made in the absence of the technician’s protected disclosures. Accordingly, the OIG concluded that there were reasonable grounds to believe that the technician had suffered reprisals as a result of his protected disclosures.

In order to place the technician in the position he would have been in had the reprisals not taken place, we recommend that OARM order corrective action that includes instructing the FBI to formally withdraw or otherwise eliminate the threats by the technician's supervisors and the AO to downgrade the technician's PAR or deprive him of TDY opportunities.

If you have any questions, please contact me or Investigative Counsel Stacey H. Myers at (202) 616-0645.

Attachment

cc: Hilary Delaney