



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 Analyst 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) analyst that the analyst was retaliated against for making protected disclosures under the FBI Whistleblower Regulations about non-compliance with various FBI policies.

We found that the analyst made at least one protected disclosure and that several personnel actions were taken against the analyst after the analyst made the protected disclosure, including two non-selections. We found that, with respect to one non-selection, the analyst's current and former supervisors undercut the competitiveness of the analyst's application by failing to provide the analyst recommendations, which resulted in the analyst being excluded from consideration. We also found that, with respect to another non-selection, the analyst's supervisors undermined the analyst's eligibility to compete for a position the analyst intended to apply for by deferring its posting until after having selected the analyst for a different position, thereby making the analyst ineligible for the original position once it was available for competition.

The OIG did not find clear and convincing evidence that these two non-selections would have been made in the absence of the analyst's protected disclosure. Accordingly, we found reasonable grounds to believe that the analyst suffered reprisals as a result of the analyst's protected disclosure.

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.

Unless otherwise noted, the OIG applies the preponderance of the evidence standard in determining whether Department personnel have committed misconduct.

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