

Summary: Unsubstantiated Allegation of Retaliation Against an Indian Affairs Senior Official

Report Date: September 20, 2021

Report Number: 19-0325

The OIG investigated an allegation that a then senior official in the Office of the Assistant Secretary – Indian Affairs retaliated against a Bureau of Indian Affairs (BIA) official by issuing a letter of counseling after this employee testified before a grand jury about the actions of a senior U.S. Department of the Interior (DOI) official. The BIA official claimed that the testimony was a protected disclosure under the Whistleblower Protection Act of 1989 (WPA) and that the senior official's issuance of the letter of counseling violated the provisions of the WPA.

Although we determined that the BIA official's grand jury testimony constituted a protected disclosure and that the senior official had knowledge of the disclosure at the time the official issued the letter of counseling, the evidence did not support a finding of retaliation because the letter of counseling was not a personnel action under the WPA.

We provided this report to the Chief of Staff for the Office of the Secretary.

