

AmeriCorps Dismisses Whistleblower Complaint Due to Lack of Evidence

Closed 03/20/25

A former AmeriCorps grantee staff member ("Complainant") alleged that management at the grantee terminated the Complainant's employment after the Complainant made a protected disclosure related to the exiting of two AmeriCorps members for cause, which the Complainant believed was required by AmeriCorps regulations. AmeriCorps OIG deemed the allegation sufficient to constitute a claim of retaliation for engaging in protected whistleblower activity under 41 U.S.C. § 4712, requiring the OIG to investigate the matter.

AmeriCorps OIG reviewed documents and communications obtained from various sources and interviewed current and former grantee employees as well as employees of the relevant state service commission. Management at the grantee claimed that the Complainant was instructed, due to circumstances surrounding the member exits, to allow the state service commission to handle the member exits and to not contact the members. The Complainant repeatedly ignored management's instructions and was subsequently terminated.

While investigating the retaliation allegations, AmeriCorps OIG found that the two members who were exited received early exits with Compelling Personal Circumstances (CPCs) that allowed them to receive partial education awards. AmeriCorps OIG requested documentation from the state service commission to support the CPCs but did not receive such documentation.

AmeriCorps OIG issued a report to AmeriCorps summarizing the evidence obtained during the whistleblower retaliation investigation, along with a separate recommendation to review whether the member CPCs were appropriate and properly supported.

Agency/Administrative Actions

AmeriCorps reviewed the AmeriCorps OIG report and issued a Memorandum and Order that found the Complainant failed to show by a preponderance of evidence that they were a protected whistleblower and failed to state a claim of unlawful retaliation because the grantee demonstrated that it would have terminated the Complainant absent the protected disclosure. AmeriCorps did not substantiate the complaint or order relief.

AmeriCorps found that the state service commission provided acceptable support for the CPC of one member, but had no documentation for giving the second member a CPC exit. As a result, AmeriCorps disallowed that member's education award, totaling \$2,623.83.

Case ID 2023-065