

## **USE OF ALTERNATIVE DISPUTE RESOLUTION TO RESOLVE CONTRACTOR REPRISAL CLAIM**

A former employee of an aerospace contractor filed a whistleblower complaint pursuant to 10 USC 2409. The National Aeronautics and Space Administration, Office of Inspector General (NASA-OIG) obtained relief for the whistleblower using alternative dispute resolution (ADR).

The whistleblower initiated this case after managers at the aerospace company terminated the whistleblower for allegedly texting threatening messages to a fellow employee. The whistleblower claimed the company's explanation for the termination was pretext and that he was terminated because he disclosed issues to NASA constituting "a substantial and specific danger to public health and safety" related to the space program. In addition, due to the nature of the company's allegations, NASA permanently suspended the whistleblower's access to Agency facilities.

NASA-OIG determined that the individual's potential damages were limited since the NASA contract was near its end when the whistleblower was terminated. At NASA-OIG's suggestion, the company and the whistleblower agreed to engage in ADR with the NASA-OIG acting as an intermediary/mediator who shuttled back-and-forth between the parties. As a result of this technique, the company and the whistleblower reached a settlement agreement satisfactory to all and the whistleblower withdrew his claim.