



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 Special Agent Suffered Reprisal as a Result of Protected Disclosures in Violation of FBI Whistleblower Regulations

The OIG investigated allegations from an FBI Special Agent (SA) that he suffered reprisal for making protected disclosures under the FBI Whistleblower Regulations. Specifically, the SA alleged that a Special Agent-in-Charge (SAC) and an Assistant Special Agent-in-Charge (ASAC) directed that he be given a Performance Appraisal Report (PAR) rating of “Minimally Successful” in retaliation for his disclosure that a Supervisory Special Agent in the same Division was committing time and attendance fraud.

The OIG found that the SA made protected disclosures prior to receiving his PAR, that the SA’s protected disclosures were a contributing factor in the personnel action, and that clear and convincing evidence does not show that the FBI would have taken the same action against the SA in the absence of his protected disclosures. Accordingly, the OIG concluded that there were reasonable grounds to believe that the SA had suffered reprisal as a result of his protected disclosures.

Under the FBI Whistleblower Regulations, the OIG’s finding is not a final determination. The responsibility for adjudicating 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 refers 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 in August 2016.

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