



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 Technician 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) technician that he was threatened with reprisal for making a protected disclosure under the FBI Whistleblower Regulations to the Special Agent in Charge (SAC) of an FBI Division where the technician had served a Temporary Duty (TDY) assignment. Specifically, the technician alleged that a supervisor in his home office (SAS 2) prohibited him from sending additional e-mails outside the Division without her prior approval, threatened to give him a lower score on his annual Performance Appraisal Report (PAR), and told him that TDY opportunities “could dry up.”

The OIG found that the technician made a protected disclosure, and that, in direct response, SAS 2 threatened to lower his annual PAR rating and deny future requests for TDY opportunities. The OIG further determined that another supervisor (SAS 1) and the technician’s Administrative Officer (AO) were also responsible for the personnel actions threatened against the technician because they were employees who have authority to direct others to take, recommend, or approve personnel actions, and they actively counseled SAS 2 to advise the technician that his disclosure could adversely affect his PAR ratings, and jeopardize future TDYs. The OIG did not find clear and convincing evidence that these threats would have been made in the absence of the technician’s protected disclosures. Accordingly, the OIG concluded that there were reasonable grounds to believe that the technician had suffered reprisals as a result of his protected disclosures.

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 in March 2018.

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