



Military Whistleblower Protection Act

Title 10,
United States Code,
Section 1034

WBR Standards / References



- 10 USC 1034
- DoD Directive 7050.6
- DoD Directive 1401.3
- AR 20-1, paragraph 8-10
- AR 600-20
- www.dtic.mil/whs/directives

Categories of Employees



- Military Member
Active Duty, Reserve, and National Guard
(Federal interest)
- Non-Appropriated Fund (NAF) Civilian
e.g. AAFES / MWR Employees
- Appropriated Fund Civilian
General Schedule
- Contractor Employee
e.g. Kellogg, Brown, & Root

Military and NAF Civilian



Reprisal Complaints

- Any IG may receive the complaint
- **IG, DoD**, has **oversight** of Service reprisal investigations
- Military member has the right to appeal directly to the Secretary of Defense

Appropriated Fund Civilian



Reprisal Complaints

- Office of Special Counsel (OSC)
- www.osc.gov
- U.S. Office of Special Counsel
1730 M Street, N.W., Suite 201
Washington, D.C. 20036-4505
Tel: (800) 572-2249 or (202) 653-9125

DoD Contractor



Reprisal Complaints

IG, DoD



Timing

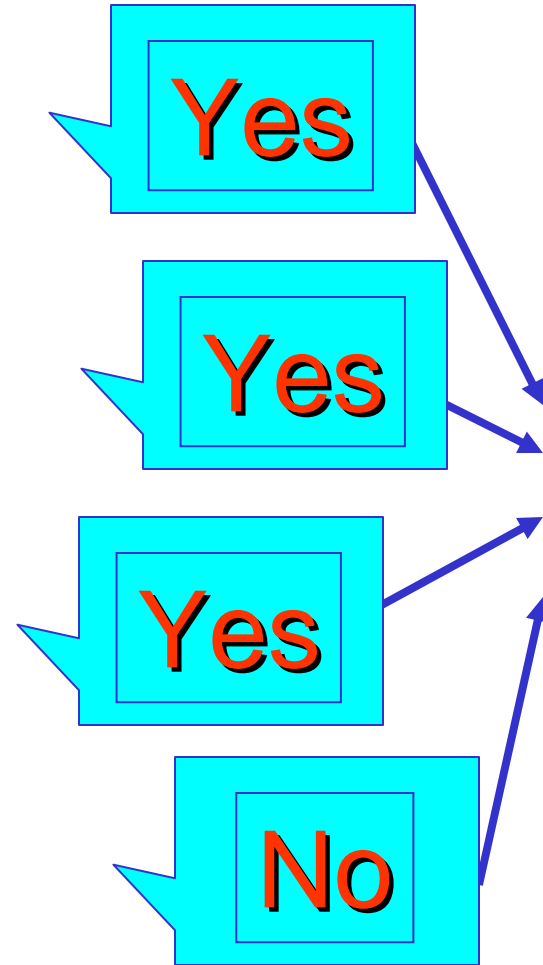


- Complaint must be made within **120 days** after the date the member became **aware of the personnel action**
- **Notify DAIG** (Assistance Division) within **two working days**

The Four Questions



- Protected communication?
- Unfavorable personnel action?
- Management knowledge?
- Independent basis for action?



REPRISAL!

Question # 1



*Did the complainant make or prepare
a communication protected by statute?*

Question # 2



*Was an unfavorable personnel action taken or threatened, or was a favorable personnel action withheld or threatened to be withheld **following** the protected communication?*

Question # 3



Did management officials responsible for taking, withholding, or threatening the unfavorable personnel action know about the protected communication before they took the adverse personnel action?

Question # 4



Does a preponderance of the evidence establish that the unfavorable personnel action would have been taken absent the protected communication(s)?