



OFFICE OF THE INSPECTOR GENERAL

U.S. Department of Justice

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INVESTIGATIVE SUMMARY

Finding of Reasonable Grounds to Believe that an FBI Supervisory Special Agent Suffered Reprisal as a Result of Protected Disclosures in Violation of FBI Whistleblower Regulations

The OIG investigated allegations from an FBI Supervisory Special Agent (SSA) that she suffered reprisal for protected disclosures in violation of the FBI Whistleblower Regulations. Specifically, the SSA alleged that, after she made a variety of allegations of misconduct by managers of her work unit, the FBI responded by conducting a special inspection of the work unit. The special inspection did not substantiate the SSA's allegations about her managers, but instead made a Loss of Effectiveness determination (LOE) against the SSA.

The OIG found that the SSA made protected disclosures prior to the special inspection and that the LOE determination assessed against her constituted a threatened personnel action. The OIG also found that the SSA's protected disclosures were a contributing factor in the threatened personnel action, and that clear and convincing evidence does not show that the FBI would have taken the same action against the SSA in the absence of her protected disclosures. Accordingly, the OIG concluded that there were reasonable grounds to believe that the SSA had suffered reprisal as a result of her protected disclosures.

Under the FBI Whistleblower Regulations, the OIG's finding is not a final determination. The responsibility for adjudicating 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 February 2016 and OARM closed the matter as settled in May 2016.

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