

# INSPECTOR GENERAL

*United States Department of Defense*



## SEMIANNUAL REPORT TO THE CONGRESS

APRIL 1, 2014 TO SEPTEMBER 30, 2014

**Retaliation Excerpts  
(Prepared by JPP Staff)**

*Required by Public Law 95-452*

INTEGRITY ★ EFFICIENCY ★ ACCOUNTABILITY ★ EXCELLENCE

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## Mission

*Our mission is to provide independent, relevant, and timely oversight of the Department of Defense that: supports the warfighter; promotes accountability, integrity, and efficiency; advises the Secretary of Defense and Congress; and informs the public.*

## Vision

*Our vision is to be a model oversight organization in the Federal Government by leading change, speaking truth, and promoting excellence—a diverse organization, working together as one professional team, recognized as leaders in our field.*



For more information about whistleblower protection, please see the inside back cover.



## AUDITING

The Office of the Deputy Inspector General for Auditing conducts audits within all facets of DoD operations. The work results in recommendations for reducing costs; eliminating fraud, waste, and abuse of authority; improving performance; strengthening internal controls; and achieving compliance with laws, regulations, and policy.

## INVESTIGATIONS

The Office of the Deputy Inspector General for Investigations leads the Defense Criminal Investigative Service, which conducts highly relevant, objective, professional investigations of matters critical to DoD property, programs, and operations that provide for our national security with emphasis on life, safety, and readiness.

## ADMINISTRATIVE INVESTIGATIONS

The Office of the Deputy Inspector General for Administrative Investigations investigates and oversees investigations of allegations regarding the misconduct of senior DoD officials, both civilian and military; restriction from communicating with an IG or Member of Congress; whistleblower reprisal against service members, defense contractor employees, and DoD civilian employees (appropriated and nonappropriated fund).

## INTELLIGENCE AND SPECIAL PROGRAM ASSESSMENTS

The Office of the Deputy Inspector General for Intelligence and Special Program Assessments provides oversight (audits, evaluations, and inspections) across the full spectrum of programs, policies, procedures, and functions of the intelligence, counterintelligence, nuclear and security enterprises, and other special programs within DoD.

## POLICY AND OVERSIGHT

The Office of the Deputy Inspector General for Policy and Oversight provides oversight and policy for audit and investigative activities, conducts engineering assessments of DoD programs, provides technical advice and support to DoD IG projects, and operates the DoD IG subpoena and contractor disclosure programs.

## SPECIAL PLANS AND OPERATIONS

The Office of the Deputy Inspector General for Special Plans and Operations provides assessment oversight of all facets of DoD programs and operations. Senior DoD leaders and Congress use these assessments to make informed decisions regarding priority national security objectives.

## OVERVIEW

The Inspector General Act of 1978, as amended, states that the Inspector General is responsible for conducting audits, investigations, and inspections and for recommending policies and procedures to promote economical, efficient, and effective use of agency resources and programs that prevent fraud, waste, abuse, and mismanagement. The Act also requires the Inspector General to keep the Department and Congress fully and currently informed about problems and deficiencies in the Department's operations and the need for corrective action.

*“We are dedicated to serving the warfighter and the taxpayer by conducting audits, investigations, and inspections that result in improvements to the Department.”*

During this reporting period, DoD IG continued directing its resources toward those areas of greatest risk to the Department of Defense. We are dedicated to serving the warfighter and the taxpayer by conducting audits, investigations, and inspections that result in improvements to the Department. DoD IG provides guidance and recommendations to the Department and information to Congress. We summarize below the work of each component as of September 30, 2014.

**Auditing** issued 50 reports with more than 300 recommendations identifying potential cost savings and funds that could be put to better use, ensuring the safety of service members; addressing improvements in DoD operations, financial reporting and accountability; ensuring the Department complied with statutory mandates; and improve existing or identifying new efficiencies. Of those reports, 50 percent addressed acquisition processes and contracting issues; 26 percent addressed financial management issues; 8 percent addressed health and safety issues; 4 percent addressed cyber security issues; and 12 percent addressed joint warfighting and readiness issues.

**Investigations-Defense Criminal Investigative Service** opened 300 cases, closed 349 cases and has 1,678 ongoing investigations. Cases resolved in this reporting period primarily addressed criminal allegations of procurement fraud, public corruption, product substitution, illegal transfer of technology and health care fraud.

**Administrative Investigations** received a total of 454 senior official and 670 whistleblower reprisal/restriction complaints in the second half of FY 2014; and closed a total of 409 senior official and 669 whistleblower reprisal/restriction complaints. Effective September 7, 2014, the DoD Hotline was realigned under Administrative Investigations with reporting beginning in the first half of FY2015.

**Intelligence and Special Program Assessments** issued five reports that addressed the intelligence, the nuclear, and the security enterprises.

**Policy and Oversight** issued 15 evaluation reports addressing its oversight of audit and investigative issues in DoD. In particular, we reviewed adult sexual assault investigation policies; child sexual assault investigations; DoD compliance with the Sex Offender Registration and Notification Act; development and implementation of sexual assault evidence and criminal records retention policy; Pratt & Whitney commercial engine cost accounting standards; use of audit results on a \$1 billion Missile Defense Agency contract; and Exoatmospheric Kill Vehicle quality assurance and reliability. Policy and Oversight also issued 4 Department-wide policies, coordinated 135 existing and proposed DoD policy issuances, issued 346 IG subpoenas, and received 108 contractor disclosures.

**Special Plans and Operations** issued 6 assessment reports with 184 recommendations that addressed a range of issues, including inspection of the Armed Forces Retirement Home; development of a sustainable Afghan National Security Force and sustainable Afghan National Police health care; compliance of the DoD Combating Trafficking in Persons program; selection and training of personnel to leadership and cadre positions in Army Warrior Transition Units and Marine Corps Wounded Warrior Battalions; and DoD interaction with State Defense Forces.

## ADMINISTRATIVE INVESTIGATIONS

The DoD IG Office of the Deputy Inspector General for Administrative Investigations (DIG AI) consists of two directorates: Whistleblower Reprisal Investigations (WRI) and Investigations of Senior Officials (ISO). The Office of the Deputy Inspector General for Administrative Investigations completed an organizational transformation to achieve its vision of becoming the model administrative investigations organization in the Federal Government. As noted earlier, effective September 7th, 2014, the DoD Hotline was realigned under Administrative Investigations with reporting beginning 1st half FY2015.

### WHISTLEBLOWER REPRISAL INVESTIGATIONS

The WRI Directorate investigates and conducts oversight reviews of investigations conducted by the Military Services and Defense agency IGs into allegations of whistleblower reprisal made by DoD service members, nonappropriated fund instrumentality employees, and DoD contractor employees under Title 10 of the United States Code (U.S.C.). WRI additionally investigates allegations that military members were restricted from communicating with a member of Congress or an IG. WRI also investigates, on a discretionary basis under the authority of the IG Act, allegations of reprisal filed by DoD appropriated fund civilian employees.

DoD IG is committed to maintaining the Department’s whistleblower protection program as a model for the Federal Government by improving the timeliness and quality of reprisal investigations:

- issued DoD Directive 1401.03, “Nonappropriated Fund Instrumentality Employee Whistleblower Protection” (June 13, 2014).
- initiated formal coordination of DoD Directive 7050.06, “Military Whistleblower Protection.”

## REPRISAL INVESTIGATIONS

During the reporting period, the Department received a total of 670 complaints involving reprisal, restriction from communicating with a Member of Congress/ Inspector General, and procedurally improper mental health evaluation referrals and closed a total of 669 complaints.

Figure 2.1 Total Complaints Received During FY 2014 (2nd Half)

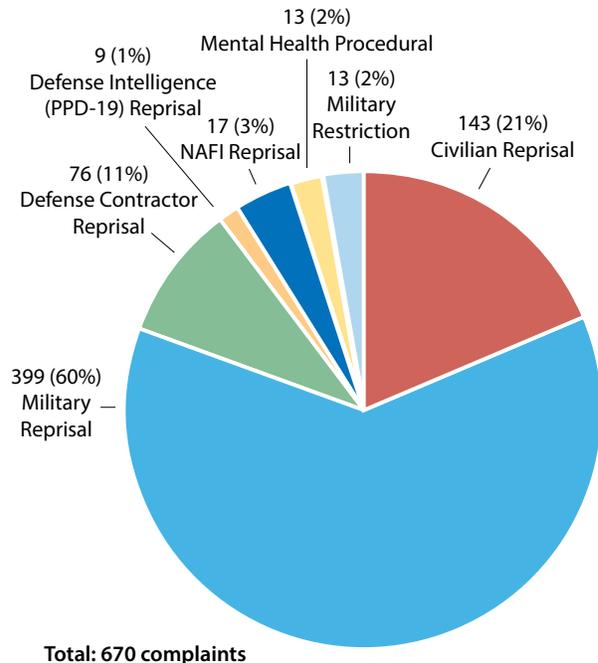


Table 2.1 shows the number and type of complaints closed by DoD IG and the Military Services/Defense agency IGs during FY 2014 (2nd half).

Of the 669 complaints closed this period, 403 were dismissed due to insufficient evidence to warrant an investigation; 48 were withdrawn; and 218 were closed following full investigation. Of the 218 investigations closed, 27 involved procedurally improper mental health evaluation referrals (17 substantiated [63 percent]); 4 involved restriction from communicating with a member of Congress/ Inspector General (1 substantiated [25 percent]); and 187 involved whistleblower reprisal (23 substantiated [12 percent]).

Table 2.1 Complaints Closed During FY 2014 (2nd Half)

## Reprisal, Restriction, and Mental Health Procedural Complaints Closed in FY2014 (2nd Half)

	Total Closed	Dismissed	Withdrawn	Investigated	Substantiated Cases	Substantiation Rate
<b>Type of Complaint</b>	<b>Closed by DoD IG</b>					
Civilian Reprisal	149	144	0	5	1	20%
Defense Intelligence (PPD-19) Reprisal	3	3	0	0	0	0%
Military Reprisal	120	95	11	14	1	7%
Defense Contractor Reprisal	83	72	4	7	1	14%
NAFI Reprisal	32	13	1	18	3	17%
<b>Subtotal FY 14 (2nd Half)</b>	<b>387</b>	<b>327</b>	<b>16</b>	<b>44</b>	<b>6</b>	<b>14%</b>
Military Restriction	2	0	0	2	1	50%
Mental Health Procedural	3	3	0	0	0	0%
<b>Total FY 14 (2nd Half)</b>	<b>392</b>	<b>330</b>	<b>16</b>	<b>46</b>	<b>7</b>	<b>15%</b>
<b>Type Complaint</b>	<b>Closed by Component IG with Oversight Review by DoD IG</b>					
Civilian Reprisal	0	0	0	0	0	0%
Military Reprisal	239	67	29	143	17	12%
<b>Subtotal FY 14 (2nd Half)</b>	<b>239</b>	<b>67</b>	<b>29</b>	<b>143</b>	<b>17</b>	<b>12%</b>
Military Restriction	9	4	3	2	0	0%
Mental Health Procedural	29	2	0	27	17	63%
<b>Total FY 14 (2nd Half)</b>	<b>277</b>	<b>73</b>	<b>32</b>	<b>172</b>	<b>34</b>	<b>20%</b>
<b>Grand Total FY14 (2nd Half)</b>	<b>669</b>	<b>403</b>	<b>48</b>	<b>218</b>	<b>41</b>	<b>19%</b>

### Substantiated Whistleblower Reprisal/ Restriction/Procedurally Improper Mental Health Evaluation Allegations

The following are examples of recent substantiated whistleblower reprisal/restriction/procedurally improper mental health evaluation allegations.

- An Army major general restricted a Navy Reserve lieutenant commander from communicating with a DoD IG team by ordering the lieutenant commander to “stay in his lane” during the DoD IG team inspection of a hospital facility in theater. The major general was issued a Memorandum of Concern.
- Army unit commander gave a soldier three adverse, event-oriented performance counseling statements and a referred (adverse) Officer Evaluation Report in reprisal for that soldier’s protected communications to a law enforcement official, to members of his chain of command, and to the Army Inspector General. Corrective action is pending.
- Command officials improperly referred a Navy petty officer for a mental health evaluation. The investigation also found that the behavioral health clinician improperly conducted the mental health evaluation. Corrective action is pending.
- A Navy officer issued a Navy Reserve commander an unfavorable fitness report in reprisal for making a protected communication to her commanding officer and the Deputy Chief of the Navy Reserve. Corrective action is pending.
- An Air Force Reserve colonel issued a letter of counseling to a subordinate Air Force Reserve major in reprisal for making a protected communication to the Deputy Commander of the Air Force Reserve. Corrective action is pending.
- An Army military police battalion first sergeant directed the issuance of a negative counseling statement and influenced a denied promotion to a soldier for making a protected communication during a unit town hall-type sensing session. The company commander denied the soldier’s promotion in reprisal for making a protected communication. Corrective action is pending.

- Command officials recommended an officer be administratively separated in reprisal for making protected communications to the Marine Corps Inspector General and a U.S. senator. Corrective action is pending.
- A Defense contractor terminated the employment of a senior accountant in reprisal for reporting to the DoD Hotline that the contractor committed fraud, submitted falsified documents to Government agencies, and reprimed against employees. Corrective action is pending.
- A management official at a Naval agency significantly changed an appropriated fund employee's supervisory duties and responsibilities in reprisal for the employee's disclosures to agency officials of fraud, waste, abuse, and violations of Joint Ethics Regulations and the Federal Acquisition Regulation. Corrective action is pending.

for not utilizing the noncommissioned officer support channel. The first sergeant retired prior to command action being taken.

- An Army lieutenant colonel improperly referred a soldier within his unit for a mental health evaluation. The lieutenant colonel received verbal counseling on proper procedures under DoD Instruction 6490.1 and DoD Directive 6490.4.
- An Air Force lieutenant colonel (commander) suspended a civil service employee's security clearance and improperly referred the employee for a mental health evaluation in reprisal for the employee's protected disclosures. The lieutenant colonel received a Letter of Reprimand that was downgraded to a Letter of Counseling after he provided a rebuttal statement to his commander.

### Corrective Action Taken During Second Half of FY 2014 on Military Whistleblower Cases Closed in Previous Reporting Periods

The following are examples of actions taken on military whistleblower cases closed in previous reporting periods.

- An Army command sergeant major threatened to remove a master sergeant from her position and unduly influenced her reassignment in reprisal for making a protected communication during an Army administrative investigation. The command sergeant major was issued a General Officer Memorandum of Reprimand that was placed in his local personnel file.
- Two master sergeants recommended/issued a letter of reprimand to a staff sergeant in reprisal for his protected communication to the chain of command. Additionally, an Air Force technical sergeant and staff sergeant threatened to take action against members of the unit if they did not follow the chain of command. The master sergeants and the technical sergeant received Letters of Reprimand and the staff sergeant received a Letter of Admonishment.
- An Army first sergeant threatened to restrict a soldier's protected communication with an IG

## DOD HOTLINE

The mission of the DoD Hotline is to provide a confidential, reliable means to report violations of law, rule or regulation, mismanagement, gross waste of funds, abuse of authority, and classified information leaks involving the Department of Defense; as well as the detection and prevention of threats and danger to the public health and safety of the Department and the Nation.

*“This reporting period the Hotline received 5,995 contacts, initiated 2,949 cases, and closed 3,239 cases. The number of contacts received represents a 60 percent decrease from FY 2013.”*

This reporting period, the Hotline received 5,995 contacts, initiated 2,949 cases, and closed 3,239 cases. The number of contacts received represents a 60 percent decrease from FY 2013. The primary reasons for the decrease were the use of the online complaint Web form as the primary means of reporting fraud, waste, and abuse to the Hotline and restructuring of the Hotline phone tree to provide complainants with guidance on reporting complaints directly to the appropriate DoD Component.

The Hotline intends to become the recognized leader of the Federal Government hotline programs and continues these efforts by hosting quarterly DoD hotline working groups and participating in the Federal Working Group it initiated. These venues provide the opportunity and benefit of sharing best practices and implemented change across Government. In its pursuit to establish a common vision for the Federal hotline community, the Federal Working Group is currently collaborating on identifying and standardizing “core areas” for hotline inclusion in Semiannual Reports to Congress.

Significant accomplishments of the DoD Hotline during the reporting period include:

- Initiated the cradle-to-the-grave assignment of complaints to investigators, which is a more streamlined process of operations that improves efficiency and effectiveness from complaint receipt to closure.
- Implemented the Quality Control Review process. Properly conducted Quality Control Reviews are paramount to preventing the unauthorized disclosure of complainant identity and ensure the tasked organization does not have an impairment to independence.
- The Hotline business decision to no longer accept complaints via email has proven to be very effective in obtaining information necessary to efficiently analyze, refer, and resolve complaints. Free-flow email lacked the level of detail required to take action and caused a significant delay in processing complaints. This change has been in effect for 1 year and is being shared as a best practice with hotline working groups, as most agencies or organizations are experiencing similar challenges with email complaints.
- The Hotline enhanced its method for receiving complaints, including:
  - branding of marketing and communication materials;
  - improving the interactive online complaint Web form as the primary means of reporting information to the Hotline;
  - providing an automated acknowledgement of complaint receipt to complainant; and
  - updating the Hotline website to provide accurate and simple instructions for filing a complaint and to provide information on the complaint process.

DoD IG is committed to maintaining the Department’s Whistleblower Program as a model for the Federal Government. The DoD Hotline directly supports this commitment by continuously analyzing and improving its processes for handling whistleblower complaints.

Figure 3.1 Hotline Poster 2014

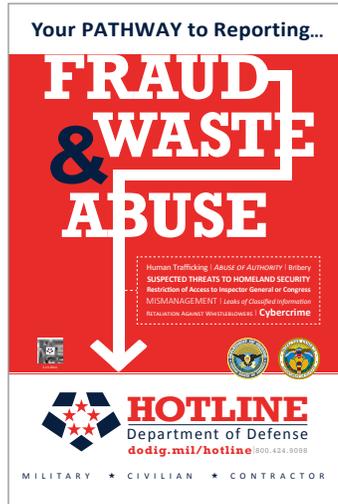


Figure 3.2 Hotline Contractor Poster 2014

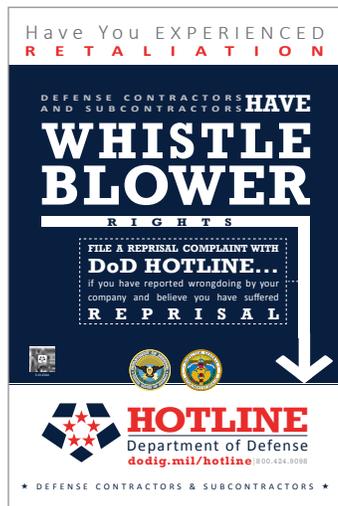
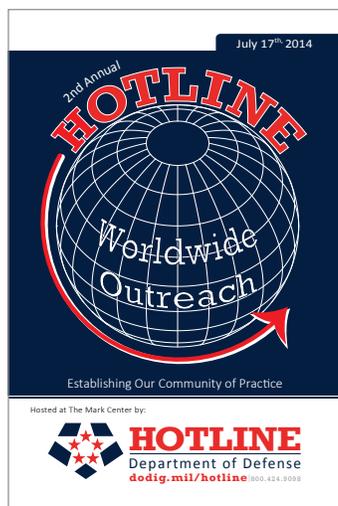


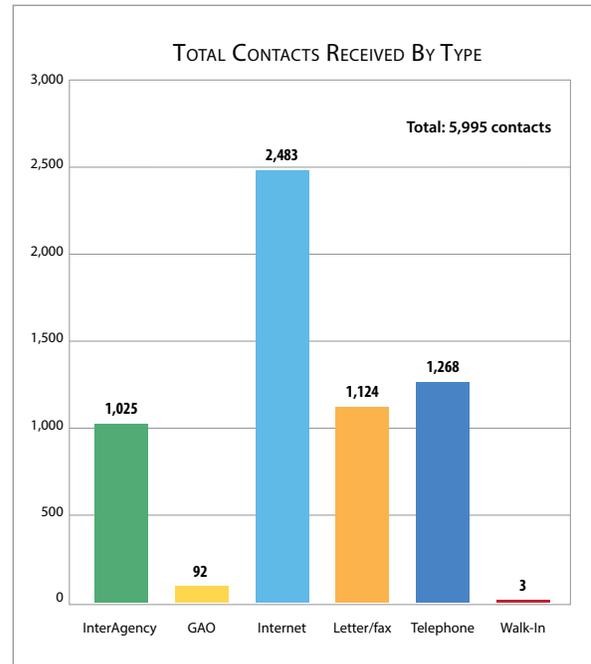
Figure 3.3 Hotline Outreach Poster 2014



## HOTLINE CONTACTS AND CASE INITIATION

During this reporting period the DoD Hotline received 5,995 contacts. The contacts were received in the following ways:

Figure 3.4 Total Contacts Received by Type of Method



## Open Cases

The DoD Hotline initiated 2,949 cases to the following activities:

Military Services	
Air Force	251
Army	560
U.S. Army Criminal Investigation Command	80
Navy	245
Marine Corps	75
Joint Staff	148

DoD IG	
Investigation of Senior Officials	311
Whistleblower reprisal Investigations	398
Hotline	10
Audits	21
Investigations	120
Administration and Management	2

DoD IG (cont'd)	
Intelligence & Special Program Assessments	78
Office of Professional Responsibility	8
Special Plans & Operations	1
Policy & Oversight	3
Audit Policy & Oversight	189
Investigative Policy & Oversight	22
Office of General Counsel	8

Defense Agencies/DoD Field Activities	
Defense Advanced Research Projects Agency (DARPA)	1
Defense Contract Management Agency (DCMA)	51
Department of Defense Education Activity (DODEA)	20
Defense Contract Audit Agency (DCAA)	39
Defense Commissary Agency (DECA)	12
Defense Finance and Accounting Services (DFAS)	14
Defense Intelligence Agency (DIA)	20
Defense Information Systems Agency (DISA)	9
Defense Logistics Agency (DLA)	30
Defense Media Activity (DMA)	4
Defense Security Service (DSS)	32
Defense Threat Reduction Agency (DTRA)	2
Missile Defense Agency (MDA)	3
National Geospatial Intelligence Agency (NGA)	5
National Reconnaissance Office (NRO)	2
National Security Agency (NSA)	7
Pentagon Force Protection Agency (PFPA)	10
Defense Health Agency/ (DHA)	29
Washington Headquarters Services (WHS)	10

Office of the Secretary of Defense	
AAFES	10
Administration	2
Acquisition, Technology, and Logistics (AT&L)	15
Comptroller	1
Deputy Chief Management Office (DCMO)	2
Health Affairs	1
Intelligence	6
Military Entrance Processing Command (MEPCOM)	5

Office of the Secretary of Defense (cont'd)	
Non-DoD	51
Office of General Counsel (OGC)	3
Personnel and Readiness (P&R)	17
Policy	4
Public Affairs	2

## Closed Cases

The DoD Hotline closed 3,239 cases to the following activities:

Military Services	
Air Force	224
Army	657
U.S. Army Criminal Investigation Command	95
Navy	287
Marine Corps	86
Joint Staff	149

DoD IG	
Investigation of Senior Officials	297
Whistleblower Reprisal Investigations	425
DoD Hotline	91
Audits	15
Investigations	118
Administration and Management	1
Intelligence & Special Program Assessments	78
Office of Professional Responsibility	3
Special Plans & Operations	1
Policy & Oversight	3
Audit Policy & Oversight	177
Investigative Policy & Oversight	20
Office of General Counsel	7

Defense Agencies/DoD Field Activities	
DARPA	2
DCMA	52
DODEA	38
DCAA	66
DECA	15
DFAS	25
DIA	25

Defense Agencies/DoD Field Activities (cont'd)	
DISA	7
DLA	33
DMA	3
DSS	32
DTRA	4
MDA	2
NGA	5
NRO	2
NSA	5
PFPA	12
DHA (TRICARE Mgmt Activity)	31
WHS	6

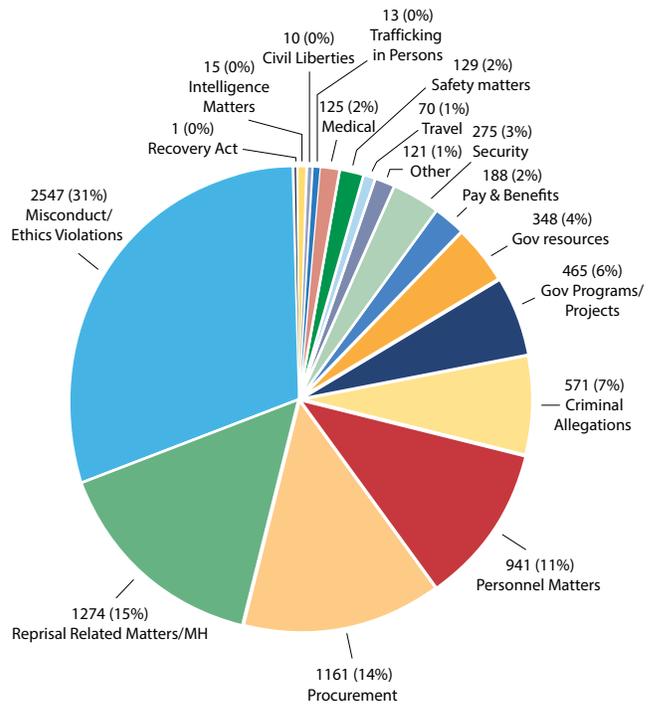
Office of the Secretary of Defense	
AAFES	10
Administration	5
AT&L	10
Comptroller	2
Health Affairs	4
Intelligence	6
MEPCOM	9
Non-DoD	56
OGC	4
Policy	6
Public Affairs	3
P&R	25

## WHISTLEBLOWER PROTECTION OMBUDSMAN

In accordance with the Whistleblower Protection Enhancement Act of 2012, the Inspector General designated a Department of Defense Whistleblower Protection Ombudsman, whose role is to educate agency employees about the prohibitions, rights, and remedies related to retaliation for protected disclosures.

Outreach efforts to inform all Defense Department personnel of their whistleblower rights and protections have produced a sharp increase in contacts received by the DoD Whistleblower Protection Ombudsman so far this year, growing from about 4 to 6 a month as of August 2013 (the date the ombudsman was appointed) to a total of 270 since January 1, 2014.

Figure 3.5 Categories of Hotline Allegations



### Domestic Violence

A spouse alleged misconduct by her active duty spouse, including evading legal financial obligations, and emotional and physical abuse. She also reported the service member's chain of command failed to properly address the issues. The investigation established probable cause to believe the active duty service member committed the offenses of sexual assault, communicating a threat, assault consummated by a battery, and false official statements. He was tried by special court-martial and found guilty of assault and making a false statement. The service member was confined for 3 months and received a bad conduct discharge.

# **Whistleblower Protection**

## **U.S. DEPARTMENT OF DEFENSE**

*The Whistleblower Protection Enhancement Act of 2012 requires the Inspector General to designate a Whistleblower Protection Ombudsman to educate agency employees about prohibitions on retaliation, and rights and remedies against retaliation for protected disclosures. The designated ombudsman is the DoD Hotline Director. For more information on your rights and remedies against retaliation, go to the Whistleblower webpage at [www.dodig.mil/programs/whistleblower](http://www.dodig.mil/programs/whistleblower).*

### **For more information about DoD IG reports or activities, please contact us:**

#### **Congressional Liaison**

Congressional@dodig.mil; 703.604.8324

#### **DoD Hotline**

1.800.424.9098

#### **Media Contact**

Public.Affairs@dodig.mil; 703.604.8324

#### **Monthly Update**

dodigconnect-request@listserve.com

#### **Reports Mailing List**

dodig\_report@listserve.com

#### **Twitter**

twitter.com/DoD\_IG



# INSPECTOR GENERAL

*U.S. Department of Defense*

## Semiannual Report to the Congress

OCTOBER 1, 2013 TO MARCH 31, 2014

**Retaliation Excerpts  
(Prepared by JPP Staff)**

*Required by Public Law 95-452*

INTEGRITY ★ EFFICIENCY ★ ACCOUNTABILITY ★ EXCELLENCE

## ENABLING MISSION AREAS

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### DoD HOTLINE

The DoD Hotline received 5,596 contacts from the public and members of the DoD community during this reporting period. Of those contacts, 1,211 (22 percent) were telephone calls. Based on these contacts, the Hotline opened 3,149 cases and closed 4,368 cases.

### CONGRESSIONAL AFFAIRS

Section 4(a) of the Inspector General Act requires the Inspector General “to review existing and proposed legislation and regulations relating to the programs and operations of [the Department of Defense]” and to make recommendations “concerning the impact of such legislation or regulations on the economy and efficiency in the administration of programs and operations administered or financed by [the Department] or the prevention and detection of fraud and abuse in such programs and operations.” DoD IG provides information to Congress by participating in congressional hearings and briefings.

The Office of Communications and Congressional Liaison (OCCL) supports the DoD IG by serving as the contact for communications to and from Congress. From October 1, 2013, through March 31, 2014, OCCL received 85 new congressional inquiries and closed 126.

### CONGRESSIONAL REQUESTS

DoD IG had six new legislative reporting requirements in the FY 2014 National Defense Authorization Act and Committee report language for the FY 2014 DoD Appropriations bill. These reporting requirements include periodic audits of contracting compliance with section 2533a of title 10, United States Code (the “Berry Amendment”), an assessment of planned testing of the Ground Based Interceptors program, a review of the Permanent Change of Station program efficiencies, and an assessment of the time it takes for Service treatment records to be transmitted from DoD to the Department Veterans Affairs. DoD IG also received requests for reviews directly from Members of Congress and congressional committees.

## ADMINISTRATIVE INVESTIGATIONS

The DoD IG Office of the Deputy Inspector General for Administrative Investigations consists of two directorates: Whistleblower Reprisal Investigations (WRI) and Investigations of Senior Officials (ISO). The graphic, below, depicts our progress toward achieving our vision of being the model administrative investigation organization in the Federal Government:

### ACCOMPLISHMENTS THIS REPORTING PERIOD:

- FY 2014 National Defense Authorization Act amended both Title 10, United States Code, sections 1034 and 1587 to enhance whistleblower protections for military and nonappropriated fund instrumentality employees. DoD IG is incorporating these enhancements in its revisions to DoD Directive 7050.06, "Military Whistleblower Protection," and DoD Directive 1401.03, "DoD Nonappropriated Fund Instrumentality (NAFI) Employee Whistleblower Protection."
- DoD IG is also preparing to staff a DoD directive implementing Presidential Policy Directive 19, "Protecting Whistleblowers with Access to Classified Information" within the Department.

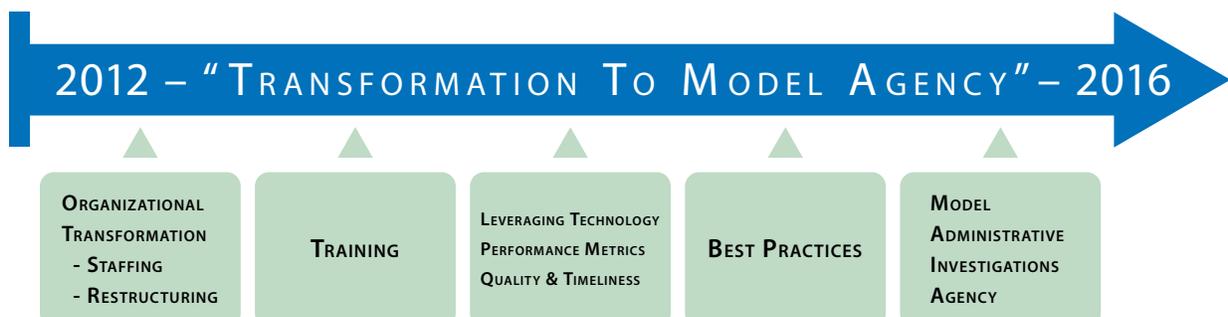
## WHISTLEBLOWER REPRISAL INVESTIGATIONS

The Whistleblower Reprisal Investigations Directorate investigates and conducts oversight reviews of investigations conducted by the Military Services and Defense agency inspectors general (IGs) into allegations of whistleblower reprisal made by DoD military service members, nonappropriated fund instrumentality employees, and DoD contractor employees under Title 10 of the United States Code. WRI investigates allegations that military members were restricted from communicating with a member of Congress or an IG. WRI also investigates, under the authority of the IG Act and on a discretionary basis, allegations of reprisal filed by DoD appropriated fund civilian employees. Finally, WRI investigates, under the authority of Presidential Policy Directive 19, "Protecting Whistleblowers with Access to Classified Information," complaints of reprisal or retaliation by employees serving in Intelligence Community elements and other employees who allege an action was taken in reprisal affecting their eligibility for access to classified information.

DoD IG is committed to maintaining the Department's whistleblower protection program as a model for the Federal Government by improving the timeliness and quality of reprisal investigations. Significant accomplishments during the reporting period include:

- In late March 2014, the Government Accountability Office (GAO) announced a follow-up review (code 351918) of the DoD IG whistleblower protection program scheduled to begin in late April 2014. DoD IG provided updates to GAO regarding recommendations made in the previous review (GAO Report No. GA0-12-362, "WHISTLEBLOWER PROTECTION: Actions Needed to Improve DoD's Military Whistleblower Reprisal Program," February 22, 2012, GAO Code 351599).

Figure 2.1 Transformation to Model Agency

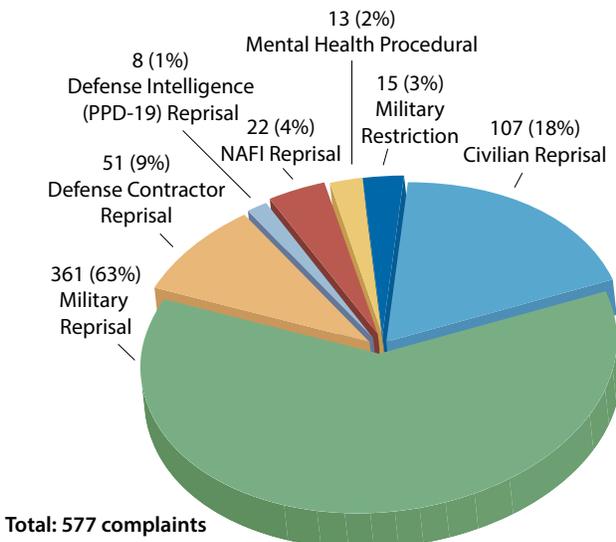


- Completed a Lean Six Sigma review of internal processes and began implementation of recommendations.
- Maintained the DoD IG whistleblower outreach program and provided robust whistleblower protection and reprisal training to DoD IG and Component IG staff.
- Collaborated and shared best practices with other members of DoD IG and Federal whistleblower protection community.
- Implemented process improvements for oversight reviews and increased staffing on the oversight team.
- Sponsored its second Basic Whistleblower Reprisal Investigator Training Course. WRI offered the course to reprisal investigators from the Service Components, Combatant Command IGs, and other Defense agencies. Training topics included Whistleblower statutes, intake processes, interviewing, investigative planning, report writing, report quality assurance processes, DoD IG oversight, and case closure procedures. Supervisory investigators received management training in personnel practices, the Merit Systems Protection Board, performance appraisals, and discipline programs.

## REPRISAL INVESTIGATIONS

During the reporting period, the Department received a total of 577 complaints involving reprisal, restriction from communicating with a member of Congress/inspector general and procedurally improper mental health evaluation referrals.

Figure 2.2 Total Complaints Received During FY 2014 (1st Half)



The Department closed a total of 495 complaints. Table 2.1 shows the number and type of complaints closed by DoD IG and the Service/Defense agency IGs during first half of FY 2014.

Of the 495 complaints closed this period, 334 were dismissed due to insufficient evidence to warrant an investigation, 20 were withdrawn, and 141 were closed following full investigations. Of the 141 investigations closed, 20 involved procedurally improper mental health evaluation referrals (11 substantiated [55 percent]); 4 involved restriction from communicating with a member of Congress/inspector general (3 substantiated [75 percent]); and 117 involved whistleblower reprisal (11 substantiated [9 percent]).

### Substantiated Whistleblower Reprisal/Restriction/Procedurally Improper Mental Health Evaluation Allegations

- A Military Criminal Investigative Office (MCIO) civilian employee threatened to administer a letter of caution to another MCIO employee in reprisal for that employee's protected disclosures to agency officials. DoD IG recommended management officials take appropriate corrective action against the employee who threatened to administer the letter of caution. Management officials relieved the employee of leadership duties and reassigned him to a nonmanagerial position.
- An active duty Air Force lieutenant colonel locally suspended a Federal civilian employee's access to classified information in reprisal for that employee's protected disclosures to agency officials. DoD IG recommended agency officials restore complainant's access to classified information, and take appropriate corrective action against the colonel. Corrective action is pending.
- A supervisor issued an Air Force sergeant a letter of reprimand in reprisal for reporting that her flight commander engaged in unprofessional conduct. Corrective action is pending.
- A commander took several personnel actions against a Navy chief petty officer (change in duties; suspension of access to classified information; adverse evaluation; and initiation of detachment for cause proceedings) in reprisal

Table 2.1 Complaints Closed During FY 2014 (1st Half)

Reprisal, Restriction, and Mental Health Procedural Complaints  
Closed in FY2014 (1st Half)

	Total Closed	Dismissed	Withdrawn	Investigated	Substantiated Cases	Substantiation Rate
<b>Type of Complaint</b>	<b>Closed by DoD IG</b>					
Civilian Reprisal	105	100	1	4	2	50%
Defense Intelligence (PPD-19) Reprisal	4	4	0	0	0	0%
Military Reprisal	112	104	1	7	0	0%
Defense Contractor Reprisal	53	45	4	4	0	0%
NAFI Reprisal	16	11	1	4	0	0%
<b>Subtotal FY 14 (1st Half)</b>	<b>290</b>	<b>264</b>	<b>7</b>	<b>19</b>	<b>2</b>	<b>11%</b>
Military Restriction	1	1	0	0	0	0%
Mental Health Procedural	2	2	0	0	0	0%
<b>Total FY 14 (1st Half)</b>	<b>293</b>	<b>267</b>	<b>7</b>	<b>19</b>	<b>2</b>	<b>11%</b>
<b>Type Complaint</b>	<b>Closed by Component IG with Oversight Review by DoD IG</b>					
Civilian Reprisal	3	2	0	1	0	0%
Military Reprisal	168	59	12	97	9	9%
<b>Subtotal FY 14 (1st Half)</b>	<b>171</b>	<b>61</b>	<b>12</b>	<b>98</b>	<b>9</b>	<b>9%</b>
Military Restriction	6	1	1	4	3	75%
Mental Health Procedural	25	5	0	20	11	55%
<b>Total FY 14 (1st Half)</b>	<b>202</b>	<b>67</b>	<b>13</b>	<b>122</b>	<b>23</b>	<b>19%</b>
<b>Grand Total FY14 (1st Half)</b>	<b>495</b>	<b>334</b>	<b>20</b>	<b>141</b>	<b>25</b>	<b>18%</b>

Note: Two of the nine military reprisal investigations WRI conducted involved senior officials.

for providing testimony in two IG investigations. The commander received refresher training on prohibitions against reprisal.

- An Army senior rater nonconcurred with a favorable performance evaluation of a sergeant in reprisal for an earlier complaint the sergeant made that resulted in a commander being relieved of duty. The senior rater retired before corrective action could be taken.
- Army officials referred an Army major for a mental health evaluation and removed him from the unit battle roster in reprisal for reporting that soldiers had been consuming alcohol in violation of combatant command orders. Corrective action is pending.

### Corrective Actions Taken during First Half of FY2014 on Whistleblower Cases Closed in Previous Reporting Periods

- An Air Force major general received verbal counseling for threatening to identify and fire four civilian employees who reported potential wrongdoing by another civilian employee to a defense agency inspector general.
- The Army Board for Corrections of Military Records (ABCMR) granted relief to a National Guard noncommissioned officer (NCO). ABCMR concurred with DoD IG that the NCO received a derogatory evaluation report in reprisal for his protected communications. ABCMR declared the rating period as “nonrated” and placed a nonprejudicial statement in the NCO’s official records explaining the nonrated period of service.
- An Army Lieutenant General received a Memorandum of Concern for restricting two subordinate officers from communicating with a DoD IG team.
- An Army Major General received a Memorandum of Concern for restricting a subordinate officer from communicating with a DoD IG team by forwarding an email from his Commander and directing the subordinate officer to comply with the restrictive order contained therein.

## DOD HOTLINE

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The mission of the DoD Hotline is to provide a confidential, reliable means to report violations of Federal law, rule or regulation involving mismanagement, gross waste of funds, abuse of authority, and classified information leaks involving the Department of Defense as well as the detection and prevention of threats and danger to the public health and safety of the Department and our nation.

The Hotline aims to become the recognized leader within the Federal Government on Hotline programs. The Hotline established a number of ambitious steps to achieve this goal to include operating within established metrics.

- Established metrics - Priority 1, 2 and 3 complaint metrics processes for more effective and efficient triage:
  - Priority 1 complaints involve significant and imminent threats to national and public safety, homeland defense, intelligence community, DoD nuclear enterprise, terrorism
    - ◊ Metric: processed same workday (1) as received
  - Priority 2 complaints involve Whistleblower reprisal complaints, misconduct of DoD senior officials, DoD law enforcement and Offices of Inspector General personnel, audit misconduct and complaints, criminal allegations, fraud and GAO Fraudnet complaints.
    - ◊ Metric: processed within 3 days of receipt
  - Priority 3 complaints involve routine allegations/complaints

DoD IG is committed to maintaining the Department's whistleblower protection program as a model for the federal government. DoD Hotline is the primary means for whistleblowers to report wrongdoing within the Department and directly supports this commitment by continuously analyzing and improving its processes for handling whistleblower complaints.

## HOTLINE CONTACTS AND CASE INITIATION

During this reporting period the DoD Hotline received 5,596 contacts. The contacts were received in the following methods in Figure 3.1.

### Open Cases

The DoD Hotline initiated and referred 3,149 cases to the following activities:

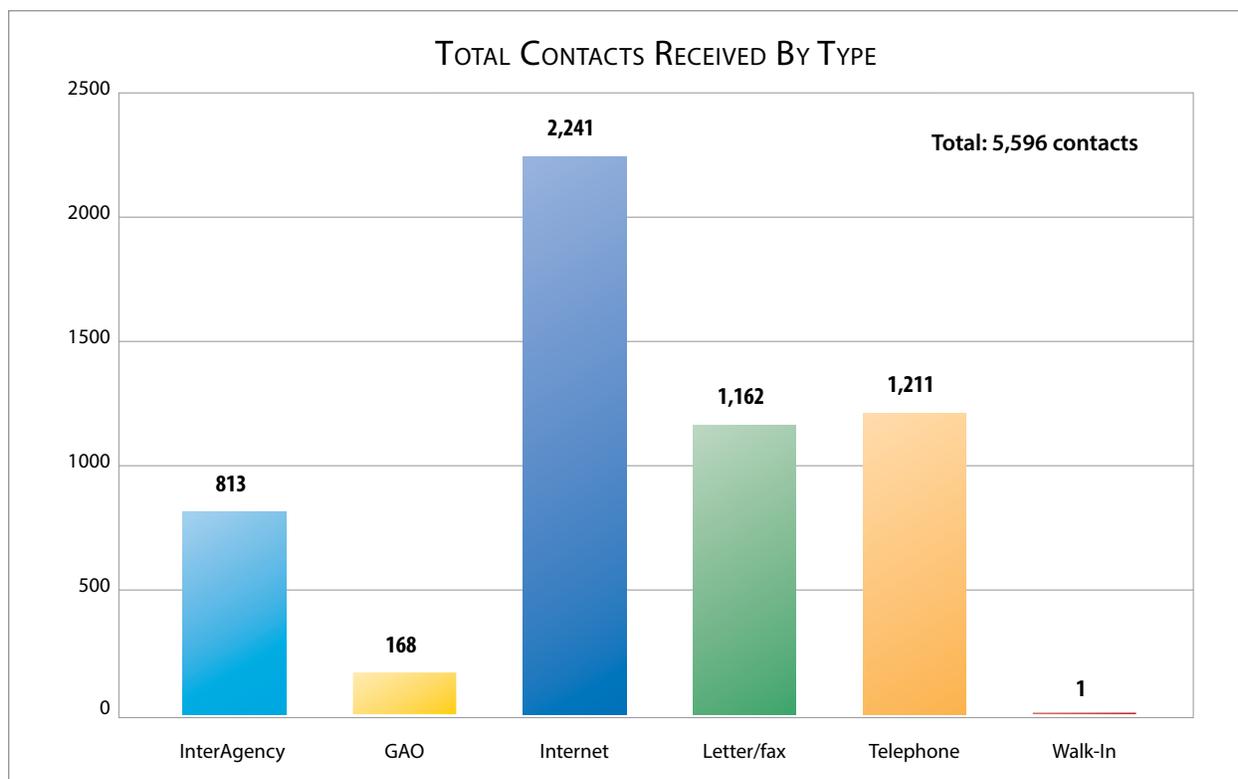
Military Services	
Air Force	326
Army	778
U.S. Army Criminal Investigation Command	114
Navy	329
Marine Corps	102
Joint Staff	80

DoD IG	
Investigation of Senior Officials (ISO)	257
Whistleblower Reprisal Investigations (WRI)	342
Hotline	12
Audits	25

DoD IG (cont.)	
Investigations	154
Administration and Management (A&M)	3
Intelligence & Special Program Assessments (ISPA)	43
Office of Professional Responsibility (OPR)	12
Special Plans & Operations (SPO)	1
Audit Policy and Oversight (APO)	71
Investigative Policy and Oversight (IPO)	21
Office of General Counsel (OGC)	8

Defense Agencies/DoD Field Activities	
Defense Advanced Research Projects Agency (DARPA)	3
Defense Contract Management Agency (DCMA)	59
Department of Defense Education Activity (DODEA)	40
Defense Contract Audit Agency (DCAA)	33
Defense Commissary Agency (DECA)	23
Defense Finance and Accounting Services (DFAS)	34
Defense Intelligence Agency (DIA)	12
Defense Information Systems Agency (DISA)	10

Figure 3.1 Total Contacts Received by Type of Method



# ENABLING MISSION AREAS

Defense Agencies/DoD Field Activities (cont.)	
Defense Logistics Agency (DLA)	38
Defense Media Activity (DMA)	3
Defense Security Service (DSS)	15
Defense Threat Reduction Agency (DTRA)	1
Missile Defense Agency (MDA)	6
National Geospatial Intelligence Agency (NGA)	5
National Security Agency (NSA)	8
Pentagon Force Protection Agency (PFPA)	11
Defense Health Agency (DHA)	35
Washington Headquarters Services (WHS)	15

Office of the Secretary of Defense	
AAFES	6
Administration and Management	1
Acquisition, Technology, and Logistics	10
Comptroller	4
Health Affairs	3
Intelligence	1
Military Entrance Processing Command	15
Non-DoD	24
Office of General Counsel	4
Personnel and Readiness	43
Policy	8
Public Affairs	1

## Closed Cases

The DoD Hotline closed 4,368 cases previously referred to the following activities:

Military Services	
Air Force	271
Army	1,011
Army CID	145
Navy	383
Marine Corps	108
Joint Staff	132

DoD IG	
ISO	421
WRI	876
Hotline	215
Audits	35

DoD IG (cont.)	
Investigations	105
ISPA	50
OPR	3
SPO	2
P&O	3
APO	72
IPO	26
A&M	3
OGC	9

Defense Agencies/DoD Field Activities	
DARPA	2
DCAA	32
DCMA	38
DODEA	24
DECA	30
DFAS	60
DIA	14
DISA	10
DLA	42
DMA	3
DSS	16
DTRA	1
MDA	7
NGA	9
NSA	3
PFPA	10
DHA	32
WHS	12

Office of the Secretary of Defense	
AAFES	14
Administration	1
AT&L	4
Comptroller	2
Health Affairs	2
Intelligence	2
Military Entrance	14

Processing Command	
OGC	5
P&R	34
Policy	7
Special Inspector General for Iraq Reconstruction	2
Non-DoD	64

### Closed Cases with significant results

An anonymous complaint alleged a DoD contractor stored unclassified and classified telecommunications room combinations on his cell phone and digital notebook and passed them to personnel who did not have authorization or access. The violations were reported immediately and corrective action was immediately implemented to change all suspected compromised combinations, which affected 400 classified facilities. The individual responsible for the breach was terminated.

An anonymous complaint to the DoD Hotline alleged a subcontractor submitted fraudulent invoices claiming to have worked more hours than he actually worked. An investigation determined there was probable cause to believe the subcontractor defrauded the Government of \$167,000. The individual was debarred from Government contracting until July 2017. The Department of Army is in the process of recouping monies lost.

A complaint to the Hotline resulted in a service member found guilty of fraud when he claimed to be married and received unauthorized basic allowance for housing, dislocation allowance, and travel pay after his divorce was finalized. The approximate loss to the Government was \$59,000. He was sentenced to eight months confinement, reduced in grade from E4 to E1, and received a bad conduct discharge.

An anonymous complaint to the Hotline alleged the U.S. Marine Corps received motors, in the Multi-Terrain Loader, that were exposed to saltwater and other environmental elements during transit from a plant in Japan from contractor Caterpillar. The complaint claimed the contractor took steps to hide the extent of the damage, which compromised the integrity of the engines, and failed to notify the U.S. Marine Corps.

## WHISTLEBLOWER PROTECTION OMBUDSMAN

In accordance with the Whistleblower Protection Enhancement Act of 2012, the DoD inspector general designated a DoD Whistleblower Protection Ombudsman (WPO), currently the DoD Hotline director. The WPO's role is to educate agency employees about the prohibitions, rights and remedies related to retaliation against protected disclosures.

To ensure the widest dissemination of whistleblower protection information and to facilitate easy access to the WPO, a Whistleblower Protection Ombudsman page is maintained on the DoD IG website providing:

- Training slides for appropriated fund and military personnel.
  - The WPO continues to develop training slides for the remaining categories of DoD employees: non- appropriated fund, intelligence community, and contractors.
- Hyperlinks to the U.S. Office of Special Counsel.
- Direct email contact to the WPO.

The DoD WPO is an active member of the Federal Whistleblower Protection Ombudsman Working Group, established following the enactment of the Whistleblower Protection Enhancement Act of 2012. The group helps ombudsmen implement the Act's requirements to educate Federal employees on prohibitions against retaliation for protected disclosures of fraud, waste, and abuse, and their rights and remedies if retaliation does occur. In this forum, participants share knowledge by addressing common issues and discussing best practices within our community of practice.

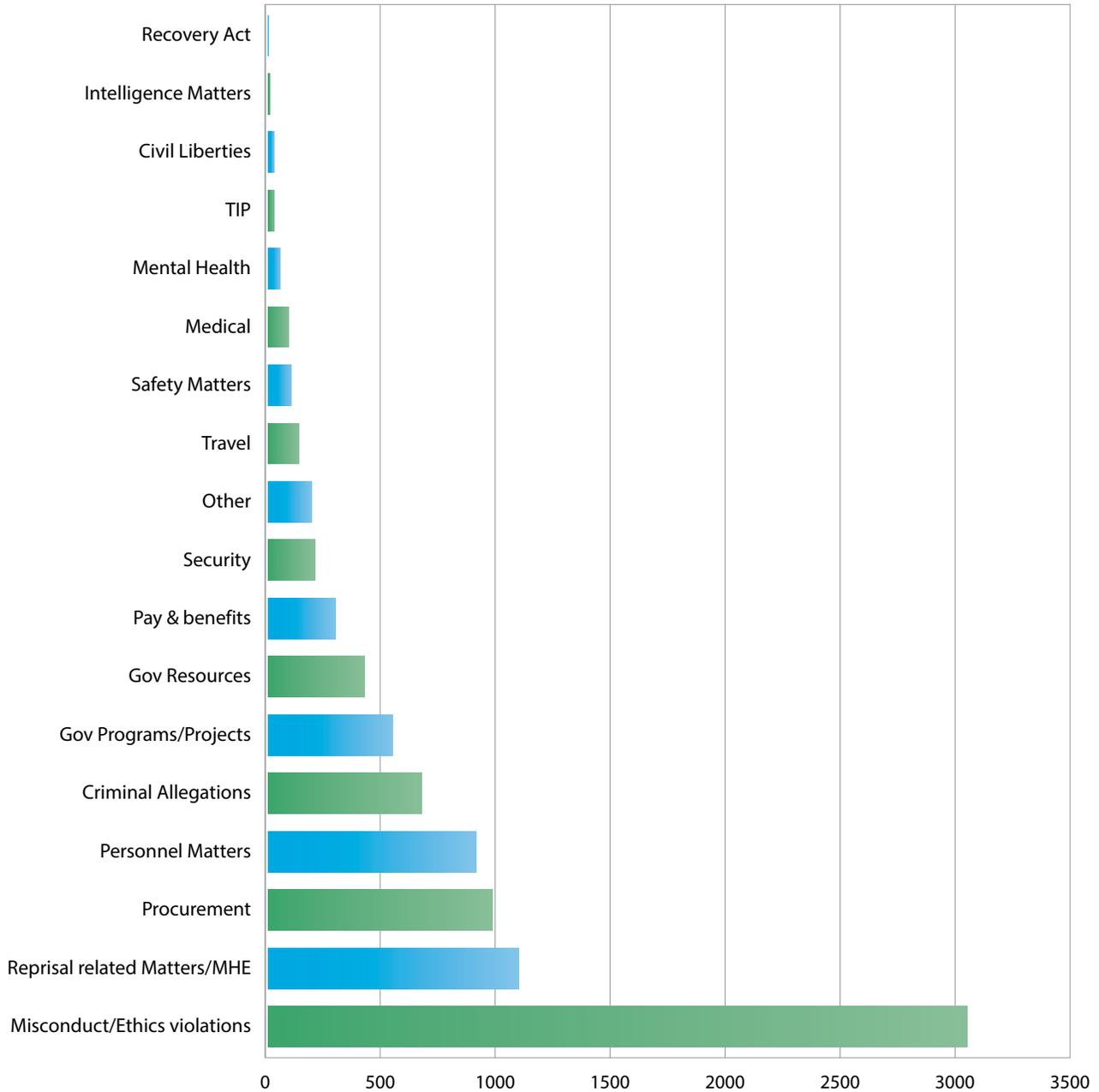
The dual-hatted DoD WPO/Hotline Director takes advantage of an active speaking engagement schedule to address his role as WPO during conferences of Government, contractor, and military personnel. This personal approach in an informative setting proves to be of special benefit to those in attendance.

The WPO is able to quickly address questions posed by potential or actual whistleblowers, via personal contact or email, and provide needed information. The DoD WPO is a popular point of contact for those seeking guidance related to whistleblowing within the DoD. There has been a marked increase of

communications, primarily emails, to the DoD WPO over the last six months. It is anticipated those numbers will continue to increase as the DoD WPO/Hotline Director continues to inform and educate.

Figure 3.2 Categories of Hotline Allegations

## CATEGORIES OF HOTLINE ALLEGATIONS



# **Whistleblower Protection**

## **U.S. DEPARTMENT OF DEFENSE**

*The Whistleblower Protection Enhancement Act of 2012 requires the Inspector General to designate a Whistleblower Protection Ombudsman to educate agency employees about prohibitions on retaliation, and rights and remedies against retaliation for protected disclosures. The designated ombudsman is the DoD Hotline Director. For more information on your rights and remedies against retaliation, go to the Whistleblower webpage at [www.dodig.mil/programs/whistleblower](http://www.dodig.mil/programs/whistleblower).*

### **For more information about DoD IG reports or activities, please contact us:**

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Congressional@dodig.mil; 703.604.8324

**DoD Hotline**

1.800.424.9098

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