

# Department of Defense Whistleblower Program

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[Click here to access the newly released "Guide to Investigating Military Whistleblower Reprisal and Restriction Complaints"](#)



Inspectors General need sources. Our investigators, auditors, evaluators and inspectors rely on whistleblowers to provide information as a source of allegations and as original and corroborating evidence. Federal employees within the Executive are required to report **corruption**. When they do so through the Inspector General Act of 1978, the DoD IG can investigate alleged reprisal against those whistleblowers. Whistleblowing is not a 'nice to have' function; it is essential to the national security and defense mission of the Federal government.

Our sources come to us personally; others are interviewees in our investigations, audits, evaluations and inspections. They can be Qui Tam relators under the False Claims Act, reporting to the Congress under the Intelligence Community Whistleblower Protection Act, a participant in the Contractor Disclosure Program or a contact for the Defense Hotline.

To report corruption: [SUBMIT A WHISTLEBLOWING OR REPRISAL COMPLAINT TO THE DOD HOTLINE](#)

To assist potential whistleblowers, the Inspector General has designated a [Whistleblower Protection Ombudsman \(WPO\)](#) for the Department of Defense. The WPO is available to assist both civilian employees and military members, as well as members of the Defense intelligence community seeking protection under the Defense Intelligence Community Whistleblower Program (DICWP).

**Protected whistleblowing is defined as disclosing information which the discloser reasonably believes evidences:**

1. A violation of law, rule, or regulation,
2. Gross mismanagement,
3. Gross waste of funds,
4. An abuse of authority, or
5. A substantial and specific danger to public health or safety.

Whistleblowers are protected by various government statutes and acts that prevent federal employees from taking any personnel action against an employee who has engaged in protected whistleblowing.

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# Enhancements to Military and DoD Nonappropriated Fund

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Amendments to Title 10, United States Code, Section 1034, ♦Protected communications; prohibition of retaliatory personnel actions,♦ and Title 10, United States Code, Section 1587, ♦Employees of nonappropriated fund instrumentalities: reprisal,♦ signed by President Obama on December 26, 2013 took effect on that date for any instance on or after December 26, 2013 where an unfavorable personnel action was allegedly given or threatened or a favorable personnel action was allegedly denied or the denial was threatened in reprisal for a protected communication or disclosure.

## What Do These Enhancements Mean?

### Members of the Armed Forces (10 USC 1034)

All changes listed below are only applicable to instances where the unfavorable personnel action (or denial of a favorable personnel action) occurred on or after December 26, 2013. All instances where the action happened prior to 26 December, 2013 are handled under the procedures in place prior to 26 December, 2013.

- The timeline for a member to file a reprisal complaint under 10 USC 1034 has expanded from 60 days to one year. The timeline begins when an unfavorable personnel action is taken or a favorable personnel action is withheld.
- Members are protected from reprisal for being perceived as making or preparing a protected communication.
- Testimony or a communication made in a court-martial proceeding is now protected.
- Testimony or otherwise participating in or assisting in an investigation or proceeding related to a communication protected under 10 USC 1034 or filing, causing to be filed, participating in, or otherwise assisting in an action brought under 10 USC 1034 is protected.
- Making or threatening to make significant changes to the duties or responsibilities of a member of the armed forces not commensurate with the member's grade is considered an unfavorable personnel action.
- The language in the statute was clarified to ensure communications of rape, sexual assault, or other sexual misconduct in violation of articles 120 through 120c of the UCMJ were protected communications under 10 USC 1034.
- Communications shall not be excluded from the protections of 10 USC 1034 because—
  - the communication was made to a person who participated in an activity that the member reasonably believed to violate a law or regulation;
  - the communication revealed information that had been previously disclosed;
  - of the member's motive for making the communication;
  - the communication was not made in writing;
  - the communication was made while the member was off duty; and
  - the communication was made during the normal course of duties of the member.
- IGs investigating allegations under 10 USC 1034 must be outside the immediate chain of command of both the member submitting the allegation and the individual or individuals alleged to have taken the retaliatory action and/or the IG the must be at least one organizational level higher than the member who submitted the allegation and the individual or individuals alleged to have taken the retaliatory action.
- A copy of the report of investigation will be forwarded to the appropriate Service Secretary (if applicable) within 30 days of completion of the investigation.
- If an allegation of reprisal under 10 USC 1034 is substantiated, the Secretary of the military department concerned shall determine if a violation has occurred. If the Secretary determines a prohibited personnel action has occurred, the Secretary will order such action as is necessary to correct the member's personnel record and will take appropriate disciplinary action against the individual who committed the prohibited personnel action.