

GUIDE TO FILING A DOD CIVILIAN APPROPRIATED FUND EMPLOYEE WHISTLEBLOWER REPRISAL COMPLAINT

1. INSTRUCTIONS

- a. There are multiple avenues for filing a complaint with DoD Hotline. The most efficient and secure method is to use the online complaint form on the DoD Hotline website at www.dodig/Hotline/reprisalcomplaints.html. Alternatively, you may send the information requested in Section 2, "Complaint Information," to: Defense Hotline, The Pentagon, Washington, DC 20301-1900; or fax to: 703-604-8567, DSN 664-8567.
- b. If you have any questions, please call the Defense Hotline at 1-800-424-9098 or 1-877-363-3348 (SWA only).
- c. If your complaint is that you have been discriminated against based on your inclusion in a protected class your matter should be filed with your local Equal Employment Opportunity (EEO) Office and not with the IG. Likewise, if your complaint is that you were retaliated against for raising concerns about discrimination or filing a complaint with EEO that is also a matter that should be filed with EEO.
- d. If your complaint alleging reprisal does not involve senior officials, security classifications, matters within the intelligence community, or DoD IG sources (to include audit and DCIS sources), we recommend that you file your complaint with the Office of Special Counsel (OSC) at www.osc.gov. Additionally, for complaints involving termination or suspensions greater than 14 days (i.e., proposed or taken) we recommend that you file with the Merit Systems Protection Board (MSPB) at <https://e-appeal.mspb.gov/default.aspx>.

2. COMPLAINT INFORMATION

- a. If you previously filed this reprisal complaint with another agency (e.g. OSC, MSPB, or OSHA) be prepared to provide a copy of the complaint and any reply. If the documents are not available, provide the details (identify agency, date filed, whether pending or completed).
- b. Provide your full name; current position, title, series, and grade; employment status (applicant, current or former employee); organization and location; residence or mailing address; telephone and fax numbers, and email address.
- c. Be prepared to provide a copy of the protected disclosure (if written) and any reply received about the matter. If a copy of the disclosure is not available, provide the following information:
 - (1) The date of the disclosure.
 - (2) To whom the disclosure was made (name, rank/or grade, title, organization and location, telephone number and e-mail address).
 - (3) The content of the disclosure.
 - (4) Whether the matter was investigated, when, and by whom.
- d. Identify each personnel action taken or withheld, or threatened to be taken or withheld as a result of having made protected disclosure(s).
- e. Be prepared to provide documentation for each personnel action (i.e., performance appraisals, SF-50s, Agency documents for punitive action, etc.). If the documentation is not available, describe each personnel action and the date of the action.
- f. To the extent possible, provide the following information for **each** official responsible for taking, recommending, or approving the action at issue: full name, rank/or grade, duty title, organization and location, commercial or DSN telephone number, and e-mail address.
- g. Indicate why and how any responsible official knew of the protected disclosure before taking the personnel action.
- h. Indicate why you believe there is a connection between your protected disclosure and the personnel action taken against you.
- i. Identify key witnesses that can provide evidence to support your reprisal complaint and provide telephone numbers and e-mail addresses to contact the witnesses.

3. DEFINITIONS (*Reference: Title 5, United States Code, Section 2302*)

- a. **Agency.** The term "agency" includes the Department of Defense, but does not include the DoD Intelligence Components—the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the Reconnaissance Office, and the National Security Agency.
- b. **Personnel Action.** An appointment; a promotion; an action under 5 U.S.C. chapter 75 or other disciplinary or corrective action; a detail, transfer, or reassignment; a reinstatement; a restoration; a reemployment; a decision about pay, benefits, or awards, concerning education or training if the education or training may reasonably be expected to lead to an appointment, promotion, performance evaluation, or other action described in 5 U.S.C. Section 2302(a)(2); a performance evaluation under 5 U.S.C. chapter 43; a decision to order a psychiatric testing or examination; or any other significant changes in duties, responsibilities, or working conditions.
- c. **Prohibited Reprisal.** Any employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or threaten to take any action against any employee or applicant for employment as a reprisal for disclosing information to the Special Counsel or to the Inspector General of an agency or another employee designated by the head of the agency to receive such disclosures of information which the employee, former employee, or applicant reasonably believes evidences - a violation of any law, rule, or regulation; gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; censorship related to research, analysis, or technical information reasonably believed to be (or will cause) any violation of law, rule, or regulation; or gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.