

## Protecting the Whistleblower

While we all support solving problems at the lowest level within the supervisory chain of command, we must be careful not to restrict any of our people from reporting allegations of mismanagement or fraud, waste and abuse.

**What is Whistleblower Reprisal?** The taking (or threatening to take) of an "unfavorable" personnel action or the withholding (or threatening to withhold) a favorable personnel action because the member made or was thought to have made a [protected communication](#).

[DoD Directive 7050.6, Military Whistleblower Protection](#), provides that no person shall restrict members of the Armed Forces from making or preparing lawful communications to Members of Congress, an Inspector General (IG), or a member of a DoD audit, inspection, investigation, or law enforcement organization. This is an unconditional right. Additionally, no person may take or threaten to take an unfavorable personnel action or withhold or threaten to withhold a favorable personnel action in reprisal for the military member making such a communication. Violators of this directive are subject to disciplinary or adverse actions.

Military members who feel that they have suffered reprisal should make their allegations directly to the DoD IG. They may contact any IG or Judge Advocate for information concerning the procedures for filing such a complaint. The allegation of reprisal should be made within 60 days after a member becomes aware of the personnel action.

Similar protections are afforded to civilian employees in accordance with:

- Appropriated Fund Employees: 5 U.S.C. 2302(c)
- Non-appropriated Fund Employees: 10 U.S.C. 1587 and [DODD 1401.03](#)
- Defense Contractor Employees: 5 U.S.C. 2409, FAR, Subpart 3.9

Complaints of reprisal against civilian whistleblowers should be filed with the [U.S. Office of Special Counsel](#).

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## Protected Communications

### IF

A lawful communication was made to an IG or a Member of Congress

### THEN

Any lawful communication is protected.

### IF

A lawful communication was made to any of the following:

- DoD audit, inspection, investigation, or law enforcement organization
- Any person or organization in the chain of command

- Any other person or organization designated pursuant to regulations or other established administrative procedures to receive protected communications

**AND**

The member reasonably believes that the communication evidences:

- A violation of law or regulation (including sexual harassment or unlawful discrimination)
- Gross mismanagement or gross waste of funds
- An abuse of authority
- A substantial and specific danger to public health or safety

**THEN**

The communication is protected.