

Dear Panel Chair and Members:

The applicant is contending he/she is the victim of reprisal in violation of 10 USC 1034, Whistleblower Protection Act. As such, you should know that the Board has some unique responsibilities when it comes to these cases. In addition to making a determination as to whether the applicant was a victim of an error or injustice, and recommending appropriate relief, if any, the Board must also determine if the evidence is sufficient to substantiate the applicant was the victim of reprisal (taking or withholding a personnel action in retaliation for making a protected communication).

In accordance with DoD Directive 7050.06, *Military Whistleblower Protection*, when considering reprisal cases, the BCMR may:

- a. Review the report provided by the IG
- b. Request the DoD or Military Department IG gather further evidence if needed.
- c. Receive oral arguments, examine and cross-examine witnesses, take depositions as necessary, and, if appropriate, conduct a hearing.
- d. If the BCMR determines that a personnel action was taken (or withheld) in reprisal, it may recommend to the Secretary of the Air Force that disciplinary action be taken against the perpetrators.

Reprisal cases are required to be concluded within 180 days.

The BCMR recommendation regarding disciplinary action is considered For Official Use Only (FOUO), is separate and aside from its recommendations regarding relief, and will not be described in the Record of Proceedings (ROP), or conveyed to the applicant by any other means.