

From: [Hill, Elizabeth A CIV BCNR](#)
To: 5 U.S.C. 552(b)(6)
Subject: FW: (FOUO) Whistleblower / reprisal cases
Date: Monday, August 28, 2017 9:58:09
Attachments: [BCMR Overview for DoDIG Symposium.pptx](#)

Whistle Blower guidance to the staff
V/r
Beth

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-----Original Message-----

From: Thompson, Scott F CIV DON, BCNR
Sent: Friday, May 06, 2016 6:23 AM
To: 5 U.S.C. 552(b)(6)
Cc: 5 U.S.C. 552(b)(6)
Subject: (FOUO) Whistleblower / reprisal cases

5 U.S.C. 552(b)(6)

In reviewing the case of 5 U.S.C. 552(b)(6), I realized there are a couple of points to reemphasize with examiners.

* Substance: Under 10 USC 1034 (Whistleblower statute), BCNR has more authority than under 10 USC 1552 (our chartering statute), because the Board can actually request additional IG inquiry, and even make a recommendation to SECNAV to discipline a perpetrator. The Board didn't find it necessary to exercise these authorities ICO

5 U.S.C. 552(b)(6)

* Process: It is critical to complete review (from application through decision letter) in any case where reprisal has been substantiated. Where petitioner alleges reprisal, and the record does not contain the results of an IG complaint, BCNR must reach out to Navy/MC IG. The IGs also send us (5 U.S.C. 552(b)(6)) their closure letters with findings of their completed reprisal investigations where it appears BCNR action could be requested. Those letters are saved to our shared drive, which should be reviewed when a petitioner has alleged reprisal (folder: "IG Whistleblower letters"). ICO 5 U.S.C. 552(b)(6), the reprisal allegation wasn't substantiated, but only because it the complaint was found to be untimely, and not on substantive grounds. So, it might have been good to have completed review within 180 days. So, we could see this come back on a remand.

Attached is a brief I gave with Army and Air Force to members of the DoD IG last year. Slides 15 & 47 are useful in understanding 10 USC 1034. I hope this helps in training our examiners.

V/r
Scott

Scott F. Thompson
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