

United States Army Inspector General Agency – Assistance Division



Military Whistleblower Protection



Military Whistleblower Protection prohibits the taking (*or threatening to take*) of an unfavorable personnel action, or the withholding (*or threatening to withhold*) of a favorable personnel action, because the member prepared, made, or was thought to have made a protected communication.

Protected Communications:

Soldiers have the right to raise matters of fraud, waste, and abuse or other improprieties within the Army without fear of reprisal.

10 USC 1034, Members of the Armed Forces shall be free to make a protected communication.

All communications with an IG or Member of Congress are protected.

Communications of fraud, waste, gross mismanagement or violations of law, rule, or regulation, including sexual assault or sexual harassment, to a member of the chain of command / supervision, a member of an inspection or audit team, during an investigation or courts martial proceeding or to other agencies authorized to receive that complaint are also protected.

Military Whistleblower complaints must be investigated by an Inspector General (IG) and approved by IG, DoD. Complaints must be submitted in a timely manner – no later than **1 year** after discovery of the alleged personnel action (in reprisal).

The chain of command retains both the authority and responsibility to take any appropriate personnel actions while the investigation is ongoing. However, that action is subject to inquiry and may be appealed.

If the complaint is **substantiated**, the complainant may use the results to appeal an unfavorable personnel action to the Army Board for Correction of Military Records.

Personnel Action:

Any action taken on a member of the Armed Forces that affects, or has the potential to affect, that military member's current position or career. Such actions include a promotion; a disciplinary or other corrective action; a transfer or reassignment; a performance evaluation; a decision on pay, benefits, awards, or training; referral for mental health evaluations; and any other significant change in duties or responsibilities inconsistent with the military member's grade.

Restriction:

Preventing or attempting to prevent members of the Armed Forces from making or preparing to make lawful communications to Members of Congress and / or an IG.

Military Whistleblower Protection is not a “get-out-of-jail-free” card. Service members remain responsible for their own conduct and performance; *however*, military members are protected from reprisal for exercising their right to make a protected communication!