

# **Service Members**

## **How to File a Whistleblower Reprisal or Restriction Complaint**

Service members who believe they have experienced or been threatened with an unfavorable personnel action or a withholding (or threatening to withhold) a favorable personnel action as a reprisal for making or preparing or being perceived as making or preparing a protected communication or restriction from lawfully communicating with a Member of Congress or a Service Inspector General (IG) may file a whistleblower complaint under section 1034 of title 10 United States Code (10 U.S.C. § 1034), "Protected communications; prohibition of retaliatory personnel actions."

Service members who allege a retaliatory action affecting eligibility for access to classified information may file a complaint under Presidential Policy Directive 19 (PPD-19).

If you believe you have experienced reprisal or restriction in violation of 10 U.S.C § 1034 or PPD-19 read on for more information about how to file a complaint with the DoD Hotline.

### **Instructions**

The online complaint form on the DoD Hotline website at <https://www.dodig.mil/Components/Administrative-Investigations/DoD-Hotline/Hotline-Complaint/> is a secure method of filing a complaint. Alternatively, you may download the PDF form and send the information requested in Part 2, "Complaint Details" to: DoD Hotline, The Pentagon, Washington, DC 20301-1900; or fax to: 703-604-8567, DSN 664-8567.

For classified complaints up to SECRET, you can file on SIPR at <http://www.dodig.smil.mil/hotline>. For TOP SECRET complaints, file via the Joint Worldwide Intelligence Communications System (JWICS) at <http://www.dodig.ic.gov/hotline/index.html>.

If you have any questions, please call the DoD Hotline at 1-800-424-9098.

### **Information You'll Need For Filing A Complaint**

- Provide your full name, rank, duty status (Active, Reserve, Guard); job title, organization, duty location, work and residence telephone numbers, and mailing and email addresses.
- Be prepared to provide a copy of the protected communication (if written) and any reply you received about the matter. If a copy is not available, please provide the following information:
  - The date of the communication or disclosure.
  - To whom the protected communication or disclosure was made (name, title organization and location, and telephone number).
  - The content of the protected communication or disclosure.
  - Whether the matter was investigated, when, and by whom.

- Identify each personnel action taken, withheld, or threatened to be taken or withheld, or if you are filing a PPD-19 Part B complaint, identify each action affecting your eligibility for access to classified information.
- Be prepared to provide documentation for each personnel action or action affecting eligibility. If documentation is not available, please describe the action and the give date of the action.
- Provide to the extent possible the following information for each official responsible for signing, taking, recommending, or influencing the action(s) at issue: full name, rank and/or grade, duty title, duty status, organization, duty location, and commercial or DSN telephone number.
- Explain why and how any responsible official knew of the protected communication or disclosure before taking the personnel action.
- Indicate why you believe there is a connection between your protected communication or disclosure and the action taken against you.
- Identify key witnesses that can provide evidence to support your reprisal or restriction complaint and include their contact information.
- If more than one year has elapsed since a personnel action was taken or withheld, please explain why the complaint was not filed sooner.
- If you previously filed this reprisal or restriction complaint with another agency, be prepared to provide a copy of the complaint and any reply. If the documents are not available, please provide details such as the agency, contract number, and date filed.

## Glossary

The following terms and descriptions may be helpful as you file a whistleblower reprisal or restriction complaint:

Term	Description	Related to
<b>Eligibility for Access to Classified Information</b>	The result of the determination whether an employee (a) is eligible for access to classified information in accordance with Executive Order 12968 (relating to access to classified information), or any successor thereto, and Executive Order 10865 of February 20, 1960, as amended (relating to safeguarding classified information with industry), or any successor thereto; and (b) possesses a need to know under such orders.	PPD-19
<b>Inspectors General (IGs)</b>	The IG DoD; the Military Department IGs (these include the Military Department IGs and IGs assigned or detailed under regulations of the Secretary of the Military Department concerned to serve at any	10 U.S.C. § 1034

Term	Description	Related to
	command level in one of the Military Services); Defense IGs (as defined in DoD Directive 5106.04); an IG appointed under Appendix of Title 5.	
<b>Member of Congress</b>	A U.S. Senator or Representative, delegate or resident Commissioner to the U.S. Congress, or a staff member of a Senator, Representative, or congressional committee, delegate, or resident Commissioner.	10 U.S.C. § 1034
<b>Personnel Action</b>	<p>Any action taken on a Service member that affects, or has the potential to affect, that member's military pay, benefits, or career. Such actions include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Threatening to take any unfavorable action.</li> <li>• Withholding, or threatening to withhold, any favorable action.</li> <li>• Making, or threatening to make, a significant change in the duties or responsibilities of a Service member not commensurate with the member's grade.</li> <li>• Failure of a superior to respond to any retaliatory action or harassment (of which the superior had actual knowledge) taken by one or more subordinates against a member.</li> <li>• Conducting a retaliatory investigation of a Service member.</li> <li>• Referral for mental health evaluation in accordance with DoD Instruction 6490.04.</li> </ul> <p>Personnel actions may be either favorable or unfavorable.</p> <ul style="list-style-type: none"> <li>• Favorable personnel actions are those that are reasonably expected to result in a positive impact on the Service member's military pay, benefits, or career. They do not include inconsequential matters.</li> <li>• Unfavorable personnel actions are those that are reasonably expected to result in an adverse impact on the Service member's military pay, benefits, or career. They do not include inconsequential matters.</li> </ul>	10 U.S.C. § 1034

Term	Description	Related to
<b>Protected Communication</b>	<ul style="list-style-type: none"> <li>• Any lawful communication to a Member of Congress or an IG.</li> <li>• A communication in which a Service member information that he or she reasonably believes evidence reasonably believes evidences a violation of law or regulation, including a law or regulation prohibiting rape, sexual assault, other sexual misconduct in violation of sections 920 through 920c of the UCMJ, sexual harassment, or unlawful discrimination; gross mismanagement, gross waste, or an abuse of authority; a substantial and specific danger to public health or safety, or a threat that indicates a member's or federal employee's determination or intent to kill or cause serious bodily injury to members or civilians or damage to military, federal, or civilian property when such communication is made to any of the following: <ul style="list-style-type: none"> <li>○ A Member of Congress, an IG, or a member of a DoD audit, inspection, investigation, or law enforcement organization.</li> <li>○ Any person or organization in the chain of command; a court-martial proceeding; or any other person or organization designated pursuant to regulations or other established administrative procedures to receive such communications.</li> </ul> </li> <li>• Testimony or otherwise participating in or assisting in an investigation or proceeding related to a communication as described above; filing, or causing to be filed, participating in, or otherwise assisting in a military whistleblower reprisal action.</li> </ul>	10 U.S.C. § 1034
<b>Protected Disclosure</b>	<ul style="list-style-type: none"> <li>• A disclosure of information by the employee to a supervisor in the employee's direct chain of command up to and including the head of the employing agency, to the Inspector General of the employing agency or Intelligence Community Element, to the Director of National Intelligence, to the Inspector General of the Intelligence Community, or to an employee designated by any</li> </ul>	PPD-19

Term	Description	Related to
	<p>of the above officials for the purpose of receiving such disclosures, that the employee reasonably believes evidences (i) a violation of any law, rule, or regulation; or (ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;</p> <ul style="list-style-type: none"> <li>• (Any communication described by and that complies with subsection (a)(1), (d), or (h) of section 8H of the Inspector General Act of 1978; subsection (d)(5)(A) of section 17 of the Central Intelligence Agency Act of 1949; or subsection (k)(5)(A), (D), or (G), of section 103H of the National Security Act of 1947;</li> <li>• The exercise of any appeal, complaint, or grievance with regard to the violation of Section A or B of PPD-19 that does not disclose classified information or other information contrary to law;</li> <li>• Lawfully participating in an investigation or proceeding regarding a violation of Section A or B of PPD-19 that does not disclose classified information or other information contrary to law; or</li> <li>• Cooperating with or disclosing information to an Inspector General, in accordance with applicable provisions of law in connection with an audit, inspection, or investigation conducted by the Inspector General that does not disclose classified information or other information contrary to law.</li> </ul>	
<b>Reprisal</b>	Taking or threatening to take an unfavorable personnel action, or withholding or threatening to withhold a favorable personnel action, for making, preparing to make, or being perceived as making or preparing to make, a protected communication.	10 U.S.C. § 1034
<b>Restriction</b>	Preventing or attempting to prevent a Service member from making or preparing to make a lawful communication to a Member of Congress or an IG.	10 U.S.C. § 1034