

1) Why were MRI and CRI combined into WRI and how will this help whistleblowers?

Response: DoD IG has consolidated its organization of investigations pursuant to four distinct whistleblower protection statutes into a single Directorate, Whistleblower Reprisal Investigations (WRI). This is a part of our ongoing commitment toward creating and maintaining the model whistleblower protection program in the Federal Government. While the four whistleblower protection statutes administered by DoD IG differ in some details, they each require essentially the same inquiry: Did a person make a protected communication for which he or she suffered a retaliatory personnel action? The new WRI Directorate will achieve economies of scale and will increase quality of investigations as well as efficiency of operations by standardizing case processing procedures, training, and information sharing. Ultimately, we will be better able to protect whistleblowers by conducting communications and outreach, formulating and promulgating policy, training our investigators, and analyzing statistics with the overall whistleblower protection program in mind.

2) What has changed at MRI (now within WRI) over the last two years or so that should give military whistleblowers more confidence that they'll get a fair shake by the DoDIG? Similarly, when servicemembers who have suffered reprisals take a look at the Lt. Col. Mike Holmes case or the low substantiation rate of military reprisal complaints or both, why should they think that they will have a good chance of having their case get sufficient scrutiny and investigation?

Response: Over the course of the past two years, MRI has adjusted some of its processes in response to recommendations made by an internal review. For example, in January of this year, the complaint intake process was modified to require that each complainant be contacted, and that any complaint that alleges at least one protected communication and at least one unfavorable personnel action be accepted for further review. More recently, we have begun a comprehensive realignment of the military reprisal investigations program, emphasizing timeliness and thoroughness of investigations, as well as oversight. In addition, our Defense Hotline recently expanded its capabilities to receive classified disclosures over JWICs and the SIPRNET, thereby giving whistleblowers, including those in the intelligence and counterintelligence communities, a secure, classified means of documenting their disclosures.

We take all allegations of reprisal seriously. As an independent entity we are charged with looking into each allegation and making a determination based on the facts and evidence obtained. Every Service member has a right to make protected communications and we are charged to investigate alleged violations of 10 U.S.C. §1034.

3) Is it harder for military whistleblowers to prove reprisal under the Military Whistleblower Protection Act than it is for civilian whistleblowers to prove reprisal under the Whistleblower Protection Act? Specifically, military Services have a lower evidentiary hurdle (preponderance of evidence, or, roughly speaking, greater than 50 percent) in proving they had non-retaliatory motives when taking personnel actions against whistleblowers under the Military Whistleblower Protection Act than those agencies with civilian appropriated-fund civilian employees or applicants in the non-intelligence and counterintelligence fields. Would a change in the Military WPA to match the WPA on this specific point make it easier for military whistleblowers? Are there other changes to the Military WPA that the DoD IG would like to see?

Response: At this time, the DoD IG has not proposed any changes to current whistleblower statutes.

4) What are the results of the Independent Review of MRI Outcomes? Is there a report associated with this Independent Review and, if so, can I be provided with a copy of it?

Response: The Independent Review made recommendations that are currently being considered for implementation. Recommendations from the DOJ review are also being implemented. It is the Inspector General's intent for DoD IG to serve as the model whistleblower protection program in the Federal Government. We are actively working to achieve his goal.

5) What is being done to ensure that military service IGs (AF IG, Army IG, USMC IG, Navy IG) have sufficiently trained investigators in the area of military reprisal investigations? Have there been any changes in the DoD IG's relationship with them since the DOJ IG report?

Response: We have increased our communication with the Service IGs, at every level. The Inspector General has met with his Service counterparts to emphasize the importance of whistleblower reprisal investigations, and WRI has regular meetings to discuss emerging issues and the way forward. WRI will soon be instituting a new training curriculum for its own and the Services' personnel.

6) Are DoD IG WRI investigators going to undertake a greater percentage of military reprisal investigations themselves than in the recent past? In the past, investigators in the military service IGs

have done most of the actual investigations, with MRI in an oversight role. If WRI is doing more investigations, why is that?

Response: It's too early to determine how many more military reprisal investigations WRI will be conducting. We are in the midst of reviewing our current policies and procedures to determine how best to serve the Department and our Soldiers, Sailors, Airmen and Marines.

7) What are the top reasons why military complainants do not have their cases (including the complainants who do not receive a full investigation) substantiated?

Response: Whether complaints are substantiated turns on the facts as revealed through investigations of individual cases.