



OFFICE OF INSPECTOR GENERAL

DEPARTMENT OF DEFENSE

4800 MARK CENTER DRIVE

ALEXANDRIA, VIRGINIA 22350-1500

January 7, 2026

Ref: DODOIG-2025-000932

SENT VIA EMAIL TO: john@greenewald.com

Mr. John Greenewald, Jr.
The Black Vault, Inc.
27305 W. Live Oak Road, Suite 1203
Castaic, CA 91384

Dear Mr. Greenewald:

This responds to your Freedom of Information Act (FOIA) request for “all Inspector General complaints, reprisal investigations, threat assessments, or disciplinary communications created from January 1, 2021, to present referencing whistleblowers within the Department of Defense or Intelligence Community who reported UAP-related programs or technologies. This includes, but is not limited to, complaints referencing retaliation for disclosures made to Congress or the media.” We received your request on May 1, 2025, and assigned it case number DODOIG-2025-000932.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. 552(c). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

The Administrative Investigations Component, which includes the Department of Defense Hotline, conducted a search and located records responsive to your request. Upon review, we determined that the enclosed 63 pages are appropriate for release in part pursuant to the following FOIA exemptions:

- (b)(3), which pertains to information exempted from release by statute, in this instance 5 U.S.C. § 407, which protects the confidentiality of employee complaints to the Inspector General.
- (b)(5), which pertains to certain inter-and intra-agency communications protected by the attorney-client privilege and the deliberative process privilege.
- (b)(6), which pertains to information, the release of which would constitute a clearly unwarranted invasion of personal privacy.
- (b)(7)(C), which pertains to records or information compiled for law enforcement purposes, the release of which could reasonably be expected to constitute an unwarranted invasion of personal privacy.

- (b)(7)(E), which protects sensitive law enforcement information that could reasonably be expected to risk circumvention of the law.

In coordination with the Office of the Director of National Intelligence (ODNI), we determined that an additional 44 pages are exempt from release in their entirety pursuant to the following FOIA exemptions:

- (b)(3), which pertains to information exempted from release by statute, in this instance:
 - 50 U.S.C. § 3024(i)(1), which mandates the protection of intelligence sources and methods from unauthorized disclosure;
 - 50 U.S.C. § 3024(m), which protects the names and identifying information of ODNI personnel; and
 - 5 U.S.C. § 407, which protects the confidentiality of employee complaints to the Inspector General.
- (b)(5), which pertains to certain inter-and intra-agency communications protected by the deliberative process privilege.
- (b)(6), which pertains to information, the release of which would constitute a clearly unwarranted invasion of personal privacy.
- (b)(7)(C), which pertains to records or information compiled for law enforcement purposes, the release of which could reasonably be expected to constitute an unwarranted invasion of personal privacy.
- (b)(7)(D), which pertains to records or information compiled for law enforcement purposes, the release of which could reasonably be expected to disclose the identity of a confidential source.
- (b)(7)(E), which protects sensitive law enforcement information that could reasonably be expected to risk circumvention of the law.

Our review included consideration of the foreseeable harm standard, as stated in DoDM 5400.07. Under this standard, the content of a particular record should be reviewed and a determination made as to whether the DoD Component reasonably foresees that disclosing it, given its age, content, and character, would harm an interest protected by an applicable exemption.

If you consider this an adverse determination, you may submit an appeal. Your appeal, if any, must be postmarked within 90 days of the date of this letter, clearly identify the determination that you would like to appeal, and reference to the FOIA case number above. Send your appeal via mail to the Department of Defense, Office of Inspector General, ATTN: FOIA Appellate Authority, Suite 10B24, 4800 Mark Center Drive, Alexandria, VA 22350-1500,

via email to foiaappeals@dodig.mil, or via facsimile to 571-372-7498. However, please note that FOIA appeals can only examine adverse determinations concerning the FOIA process. For more information on appellate matters and administrative appeal procedures, please refer to 32 C.F.R. Sec. 286.9(e) and 286.11(a).

If you have any concerns pertaining to ODNI's withholdings, you may contact the ODNI FOIA Public Liaison at ODNI_FOIA_Liaison@odni.gov, or the ODNI Requester Service Center at ODNI_FOIA@odni.gov or 703-275-1313. You may also submit an administrative appeal to the ODNI Chief FOIA Officer, c/o Chief, Information Management Office, Office of the Director of National Intelligence, Washington, DC 20511 or emailed to ODNI_FOIA@odni.gov. The appeal correspondence should be clearly marked "Freedom of Information Act Appeal of Adverse Determination" and must be postmarked or electronically transmitted within 90 days of the date of this letter. Please cite to ODNI tracking number DF-2025-00597 in any correspondence with that office.

You may contact our FOIA Public Liaison at FOIApublicLiaison@dodig.mil, or by calling 703-604-9785, for any further assistance with your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. Their contact information is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road—OGIS, College Park, MD 20740-6001, email at ogis@nara.gov, or telephone at 202-741-5770 (toll free at 1-877-684-6448). However, OGIS does not have the authority to mediate requests made under the Privacy Act of 1974 (request to access one's own records).

If you have any questions regarding this matter, please contact Mr. Samuel Brostuen at 703-604-9775 or via email at foiarequests@dodig.mil.

Sincerely,



Searle Slutzkin
Division Chief
FOIA, Privacy and Civil Liberties Office

Enclosures:
As stated

This document is made available through the declassification efforts
and research of John Greenewald, Jr., creator of:

The Black Vault



The Black Vault is the largest online Freedom of Information Act (FOIA) document clearinghouse in the world. The research efforts here are responsible for the declassification of hundreds of thousands of pages released by the U.S. Government & Military.

Discover the Truth at: <http://www.theblackvault.com>

FROM: (b) (7)(E) @dcatse.mil
SUBJECT: (b) (6), (b) (7)(C) _retaliation_webform
DATE: 08/02/2022 17:04:18

Part 1. Your Current Information	
Receiving Organization	DoD OIG Hotline
I choose to identify myself	Yes
I give permission/consent to release my identity	Yes
Full Name	(b) (3), (b) (6), (b) (7)(C)
Job Title	
Employee Type	DoD Civilian Employee
Employee Status	Defense Civilian Intelligence Personnel System Employee
Assigned to DoD Branch	Defense Agency

~~Controlled by: DoD OIG~~

~~Controlled by: Administrative Investigations, DoD Hotline~~

~~CUI Category: PRIIG//INV//WHISTL~~

~~Distribution/Dissemination Controls: FEDCON~~

~~POC: 1 800 424 9098~~

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Other Agency or Office	
Grade or Rank	(b) (6), (b) (7)(C)
Grade or Rank Title	(b) (6), (b) (7)(C)
Address	(b) (6), (b) (7)(C)
City	(b) (6), (b) (7)(C)
State or APO/FPO	(b) (6), (b) (7)(C)
Zip Code	(b) (6), (b) (7)(C)
Country	US
Email	(b) (3), (b) (6), (b) (7)(C)
Home telephone	Best Contact Time:
Work telephone(Commercial)	(b) (6), (b) (7)(C) Best Contact Time:
Work telephone(DSN)	(b) (6), (b) (7)(C) Best Contact Time:
Mobile telephone	(b) (6), (b) (7)(C) Best Contact Time:

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Interview	Yes
Are you submitting this complaint for someone else?	No
<p>If you are an employee of a DoD contractor, subcontractor, grantee, subgrantee, or personal services contractor, provide the following information, if known:</p>	
Description/type of contract	
Contract number	
SubContract number	
Date of contract award	
Primary contractor	

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Subcontractor	
Responsible Contracting Agent	
Part 2. Retaliation Complaint Details	
Communication or Disclosure	
•	
To whom was the communication/disclosure made?	Inspector General
Date of the communication	(b) (6), (b) (7)(C)
Prefix	(b) (6) (b) (7)(C)
Last Name	(b) (6), (b) (7)(C)
First Name	(b) (6), (b) (7)(C)
Middle Name	
Suffix	

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Job Title	DoD IG, (b) (6), (b) (7)(C) [REDACTED]
Employee Type	DoD Civilian Employee
Assigned to DoD Branch	Defense Agency
Other Agency or Office	
Employee Status	
Grade or Rank	
Grade or Rank Title	
Organization/Unit	
Phone Number	
Describe the communication/disclosure in as much detail as you can.	Please see attached written complaint PDF
•	

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WHO WAS RESPONSIBLE FOR THE ALLEGED RETALIATION, AND WHAT DID THEY DO?

Identify the person(s) that committed the alleged wrongdoing.

Part 2.1 Retaliation Complaint Details (cont)**Complaint Description**

Please see attached written complaint PDF

Part 3. Other Agencies Contacted

Has this whistleblower
retaliation complaint been
filed with any other
organization/agency?

No

Which Organization/Agency?

When did you submit?

What is the status of that
complaint?

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Case Number	
Part 4. Document Uploads	
Reprisal Complaint <u>(b) (3), (b) (6), (b) (7)(C), (b) (5)(D), (b) (7)(C)</u> August 2 2022.pdf	
Do you have additional documents you wish to provide us?	No
Briefly describe the type, content and nature of those documents	Official Reprisal Complaint
Part 5. Certifications	
I certify that all of the statements made in this complaint are true, complete, and correct, to the best of my knowledge. I understand that a false statement or concealment of a material fact is a criminal offense (18 USC § 1001; Inspector General Act of 1978, As Amended, §7).	Yes
I have provided my election concerning my filing status in Part I of this form (Release of Identity, Non-Release of Identity, or Anonymous). If I did not provide my release election, I understand that this will cause a delay in the processing of my complaint. I further understand that if I have elected	Yes

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either confidential or anonymous status, it may impact the ability of the DoD Hotline to either conduct an inquiry, if warranted, and/or to appropriately address my issue(s). I also understand that if I elect anonymity, without providing any contact information, I will be unable to request confirmation of receipt of this complaint to the DoD Hotline, or to receive advisements as to open or closed status.

I understand that if the Inspector General determines the allegation(s) in my complaint cannot be investigated without disclosing my identity on a need-to-know-basis to organizations outside the DoD Hotline, my lack of permission to release my identity may prevent further action from being taken on my complaint. I further understand that even if I elect confidential status, my identity may be disclosed, if required by applicable legal authority, or if the Inspector General determines that such disclosure is otherwise unavoidable.

Yes

~~WARNING. INSPECTOR GENERAL SENSITIVE INFORMATION - CUI. The information contained in this record and any accompanying attachments may contain sensitive information which is protected from mandatory disclosure under the Freedom of Information Act (FOIA), 5 U.S.C. 552. This record, including any attachments, is for the sole use of the intended recipient(s) and should not be released to unauthorized persons. If you are not the intended recipient please contact the sender by e-mail and destroy all copies of the original message and attachments.~~

DEPARTMENT OF DEFENSE
OFFICE OF INSPECTOR GENERAL

IN RE: (b) (3), (b) (6), (b) (7)(C)
Civilian
(b) (6), (b) (7)(C)

Whistleblower Reprisal Complaint
Pursuant to Presidential Policy
Directive 19

WHISTLEBLOWER REPRISAL COMPLAINT

1. We come before you to file this whistleblower reprisal complaint on behalf of (b) (3), (b) (6), (b) (7)(C) against the Department of Defense ("DoD"). (b) (3), (b) (6), (b) (7)(C) is a client of the law firm, and an Authorization and Privacy Waiver, executed by (b) (3), (b) (6), (b) (7)(C) in favor of the firm, is attached herewith at Tab A.

2. (b) (3), (b) (6), (b) (7)(C)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

3. (b) (3), (b) (6), (b) (7)(C)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

4. In [b] (6), [b] (7)(C), [b] (3), [b] (6), [b] (7)(C) confidentially provided UAP-related classified information to the Department of Defense Inspector General (“DoD IG”). At that time, [b] (3), [b] (6), [b] (7)(C) communicated classified information about [b] (6), [b] (7)(C)

[b] (3), [b] (6), [b] (7)(C) believes that his identity and the fact of his UAP-related communication(s) with the DoD IG have been disclosed to individuals and/or entities outside the DoD IG but within DoD, and that he has suffered retaliation and reprisal(s) related thereto.

5. Since his protected disclosure(s) to the DoD IG, [b] (3), [b] (6), [b] (7)(C) has been subjected to numerous adverse security clearance actions. These actions have unfairly and unjustifiably impugned his integrity, character, judgment, professionalism, and [b] (6), [b] (7)(C). While he remains security-cleared by the [b] (6), [b] (7)(C), his compartmented accesses at numerous elements have been – mysteriously and without plausible explanation – suspended, canceled, delayed, denied, and/or improperly obstructed.

6. [b] (3), [b] (6), [b] (7)(C) reasonably believes that the many recent issues with his accesses are directly correlated to his previous UAP-related protected communication(s) with the DoD IG.

7. [b] (3), [b] (6), [b] (7)(C)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

8. Having suffered months of retaliation and reprisals because of his prior UAP-related protected communication(s), [b] (3), [b] (6), [b] (7)(C) is now submitting a reprisal complaint to the DoD IG. A thorough reprisal investigation will establish the actions against [b] (3), [b] (6), [b] (7)(C) were taken in reprisal for his protected disclosures to DoD IG, in violation of 50 U.S.C. § 3341, *Security Clearances*; PPD-19, *Protecting Whistleblowers with Access to Classified Information*; and Intelligence Community Directive 120 (“ICD-120”), *Intelligence Community Whistleblower Protection*.

9. Given the sensitivity of both (b) (3), (b) (6), (b) (7)(C) disclosures and the adverse clearance actions at issue in this matter, a detailed description of both will be provided in a classified setting with a cleared Whistleblower Reprisal Investigator.

10. In accordance with the foregoing, we respectfully request the DoD IG initiate a whistleblower reprisal investigation.

Respectfully submitted,

(b) (6), (b) (7)(C)

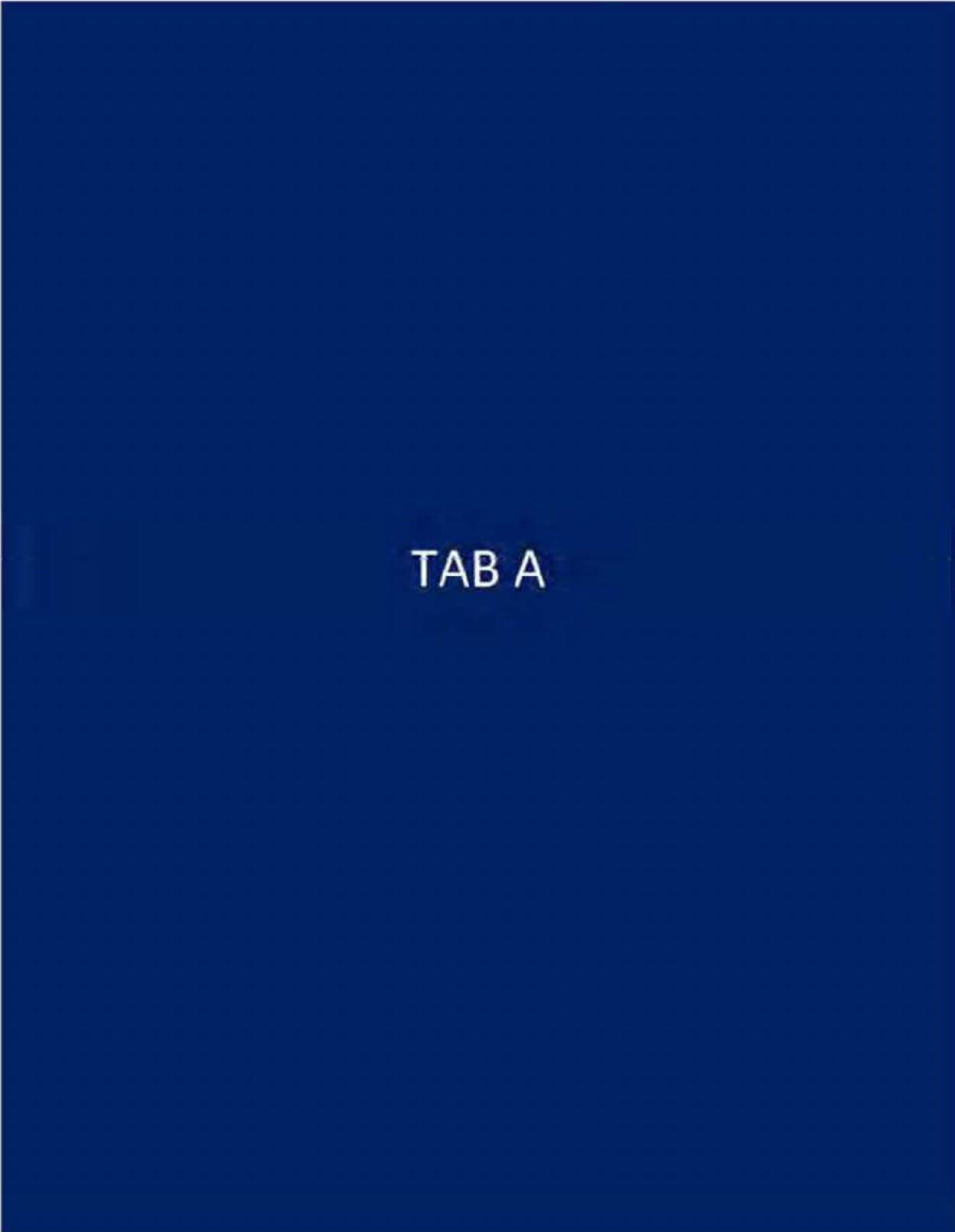
By: _____

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Attorneys for the Complainant



TAB A

WARNING: INSPECTOR GENERAL SENSITIVE INFORMATION – CUI: The information contained in this record and any accompanying attachments may contain sensitive information which is protected from mandatory disclosure under the Freedom of Information Act (FOIA), 5 U.S.C. 552. This record, including any attachments, is for the sole use of the intended recipient(s) and should not be released to unauthorized persons. If you are not the intended recipient, please contact the sender by e-mail and destroy all copies of the original message and attachments.

(b) (3), (b) (6), (b) (7)(C)

4

AUTHORIZATION AND PRIVACY WAIVER

I, (b) (3), (b) (6), (b) (7)(C) declare and say as follows:

1. I was born on (b) (6), (b) (7)(C) in (b) (6), (b) (7)(C)

2. My Social Security Number is XXX-XX-(b) (6), (b) (7)(C) and I am an American citizen.

3. I hereby authorize any agency of the United States Government to release any and all materials concerning my employment or prospective employment, as well as discuss my case, with my designated attorney(s) (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) (and their associates/staff) of (b) (6), (b) (7)(C) ("Firm") whose office is located at (b) (6), (b) (7)(C). The Firm's telephone number is (b) (6), (b) (7)(C). Insofar as release of such materials to the Firm is concerned, I hereby waive any and all rights of privacy that I may have.

4. The subscribed signature is my signature and was signed by me.

I do solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true to the best of my knowledge.

(b) (3), (b) (6), (b) (7)(C)

11 Feb 2022

DATE

FROM: (b) (7)(E) @dcatse.mil
SUBJECT: (b) (6), (b) (7)(C) _retaliation_webform
DATE: 02/17/2023 12:11:37

Part 1. Your Current Information	
Receiving Organization	DoD OIG Hotline
I choose to identify myself	Yes
I give permission/consent to release my identity	Yes
Full Name	(b) (3), (b) (6), (b) (7)(C)
Job Title	(b) (6), (b) (7)(C)
Employee Type	DoD Civilian Employee
Employee Status	Defense Civilian Intelligence Personnel System Employee

~~Controlled by: DoD OIG~~

~~Controlled by: Administrative Investigations, DoD Hotline~~

~~CUI Category: PRIG//INV//WHITI~~

~~Distribution/Dissemination Controls: FEDCON~~

~~POC: 1 800 424 9998~~

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Assigned to DoD Branch	Defense Agency
Other Agency or Office	
Grade or Rank	(b) (6), (b) (7)(C)
Grade or Rank Title	(b) (6), (b) (7)(C)
Address	(b) (6), (b) (7)(C)
City	(b) (6), (b) (7)(C)
State or APO/FPO	(b) (6), (b) (7)
Zip Code	(b) (6), (b) (7)(C)
Country	US
Email	(b) (3), (b) (6), (b) (7)(C)
Home telephone	(b) (6), (b) (7)(C) Best Contact Time: 3:00 PM
Work telephone(Commercial)	(b) (6), (b) (7)(C) Best Contact Time:
Work telephone(DSN)	(b) (6), (b) (7)(C) Best Contact Time:

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Mobile telephone	(b) (6), (b) (7)(C) Best Contact Time:
Interview	Yes
Are you submitting this complaint for someone else?	No
If you are an employee of a DoD contractor, subcontractor, grantee, sub-grantee, or personal services contractor, provide the following information, if known:	
Description/type of contract	
Contract number	
SubContract number	
Date of contract award	
Primary contractor	

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Subcontractor	
Responsible Contracting Agent	
Part 2. Retaliation Complaint Details	
Communication or Disclosure	
WHO WAS RESPONSIBLE FOR THE ALLEGED RETALIATION, AND WHAT DID THEY DO?	
Identify the person(s) that committed the alleged wrongdoing.	
Part 2.1 Retaliation Complaint Details (cont)	
Complaint Description	
Please see attached complaint (PDF file)	
Part 3. Other Agencies Contacted	
Has this whistleblower retaliation complaint been filed with any other organization/agency?	No

~~WARNING. INSPECTOR GENERAL SENSITIVE INFORMATION - COI. The information contained in this record and any accompanying attachments may contain sensitive information which is protected from mandatory disclosure under the Freedom of Information Act (FOIA), 5 U.S.C. 552. This record, including any attachments, is for the sole use of the intended recipient(s) and should not be released to unauthorized persons. If you are not the intended recipient please contact the sender by e-mail and destroy all copies of the original message and attachments.~~

Which Organization/Agency?	
When did you submit?	
What is the status of that complaint?	
Case Number	

Part 4. Document Uploads

(b) (5), (b) (6), (b) (7)(C) _Reprisal_Complaint_DoD_IG_February_17_2023_(b) (5), (b) (7)(C) (1).pdf

Do you have additional documents you wish to provide us?	No
Briefly describe the type, content and nature of those documents	Official Reprisal Complaint

Part 5. Certifications

I certify that all of the statements made in this complaint are true, complete, and correct, to the best of my knowledge. I understand that a false statement or concealment of a material fact is a

Yes

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criminal offense (18 USC § 1001; Inspector General Act of 1978, As Amended, §7).

I have provided my election concerning my filing status in Part I of this form (Release of Identity, Non-Release of Identity, or Anonymous). If I did not provide my release election, I understand that this will cause a delay in the processing of my complaint. I further understand that if I have elected either confidential or anonymous status, it may impact the ability of the DoD Hotline to either conduct an inquiry, if warranted, and/or to appropriately address my issue(s). I also understand that if I elect anonymity, without providing any contact information, I will be unable to request confirmation of receipt of this complaint to the DoD Hotline, or to receive advisements as to open or closed status.

Yes

I understand that if the Inspector General determines the allegation(s) in my complaint cannot be investigated without disclosing my identity on a need-to-know-basis to organizations outside the DoD Hotline, my lack of permission to release my identity may prevent further action from being taken on my complaint. I further understand that even if I elect confidential status, my identity may be disclosed, if required by applicable legal authority, or if the Inspector General determines that such disclosure is otherwise unavoidable.

Yes

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(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Filed online via DoD intake system

Office of Inspector General
United States Department of Defense
4800 Mark Center Drive
Alexandria, VA 22350-1500

ATTN: (b) (6), (b) (7)(C) [REDACTED], Whistleblower Reprisal Investigations Directorate

February 17, 2023

Re: Whistleblower Reprisal Complaint of (b) (3), (b) (6), (b) (7)(C)

Dear (b) (6), (b) (7)(C):

1. We come before you to file this whistleblower reprisal complaint on behalf of (b) (3), (b) (6), (b) (7)(C). (b) (3), (b) (6), (b) (7)(C) is a client of the law firm, and an Authorization and Privacy Waiver, executed by (b) (3), (b) (6), (b) (7)(C) in favor of the firm, is attached herewith.
2. (b) (3), (b) (6), (b) (7)(C)
[REDACTED]
3. (b) (3), (b) (6), (b) (7)(C)
[REDACTED]
4. In (b) (6), (b) (7)(C), (b) (3), (b) (6), (b) (7)(C) confidentially provided UAP-related classified information to the Department of Defense Inspector General ("DoD IG"). At that time, (b) (3), (b) (6), (b) (7)(C) communicated classified information about (b) (6), (b) (7)(C).
5. (b) (3), (b) (6), (b) (7)(C) believes his identity and the fact of UAP-related communications to the DoD IG have been disclosed to individuals and/or entities outside the DoD IG, but within DoD and the IC. (b) (3), (b) (6), (b) (7)(C) is not alleging that his identity or the fact of his communications to DoD IG was improperly disclosed by any member of the DoD IG.

(b) (6), (b) (7)(C)

6. (b) (3), (b) (6), (b) (7)(C)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

7. Since his protected disclosure(s) to DoD IG, (b) (3), (b) (6), (b) (7)(C) has been subjected to numerous adverse security clearance actions. These actions have unfairly and unjustifiably impugned his integrity, character, judgment, professionalism, and (b) (6), (b) (7)(C). While he remains security-cleared by (b) (6), (b) (7)(C), his accesses at numerous elements have been – without plausible explanation – revoked, suspended, canceled, delayed, denied, and/or improperly obstructed. (b) (6), (b) (7)(C)

[REDACTED] (b) (3), (b) (6), (b) (7)(C) reasonably believes that the many recent issues with his accesses are directly correlated to his previous UAP-related protected communication(s) to the DoD IG and (b) (6), (b) (7)(C).

8. Having suffered significant retaliation because of his prior UAP-related protected communication(s), (b) (3), (b) (6), (b) (7)(C) is now submitting a reprisal complaint to the DoD IG. A thorough reprisal investigation will establish the actions against (b) (3), (b) (6), (b) (7)(C) were taken in reprisal for his UAP-related protected disclosures, in violation of 50 U.S.C. § 3341, Security Clearances; PPD-19, Protecting Whistleblowers with Access to Classified Information; and Intelligence Community Directive 120 (“ICD-120”), Intelligence Community Whistleblower Protection.

9. In accordance with the foregoing, we respectfully request the DoD IG initiate a whistleblower reprisal investigation. Given the sensitivity of both (b) (3), (b) (6), (b) (7)(C) disclosures and the adverse clearance actions at issue in this matter, a detailed description of both will be provided in a classified setting with an appropriately cleared Whistleblower Reprisal Investigator.

(b) (6), (b) (7)(C)



Respectfully submitted,

By:

(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)



AUTHORIZATION AND PRIVACY WAIVER

I, (b) (3), (b) (6), (b) (7)(C) [REDACTED], declare and say as follows:

1. I was born on (b) (6), (b) (7)(C) [REDACTED], in (b) (6), (b) (7)(C) [REDACTED].

2. My Social Security Number is XXX-XX-(b) (6), (b) (7)(C) [REDACTED], and I am an American citizen.

3. I hereby authorize any agency of the United States Government to release any and all materials concerning my employment or prospective employment, as well as discuss my case, with my designated attorney(s) (b) (6), (b) (7)(C) [REDACTED]
[REDACTED] (and their associates/staff) of (b) (6), (b) (7)(C) [REDACTED], ("Firm") whose office is located at (b) (6), (b) (7)(C) [REDACTED]. The Firm's telephone number is (b) (6), (b) (7)(C) [REDACTED]. Insofar as release of such materials to the Firm is concerned, I hereby waive any and all rights of privacy that I may have.

4. The subscribed signature is my signature and was signed by me.

I do solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true to the best of my knowledge.

(b) (3), (b) (6), (b) (7)(C) [REDACTED]
[REDACTED]

11 Feb 2022

DATE

CUI



INSPECTOR GENERAL

U.S. Department of Defense

February 25, 2025

WHISTLEBLOWER REPRISAL INVESTIGATION

(b) (3), (b) (6), (b) (7)(C)

Controlled by: DoD OIG
Controlled by: ~~Administrative Investigations, Whistleblower Reprisal Investigations~~
CGI Category: PRIG//INV//WHSTL
Distribution/Dissemination Control: FEDCON
POC:

INDEPENDENCE ★ INTEGRITY ★ EXCELLENCE ★ TRANSPARENCY

**The document contains information that may be exempt from
mandatory disclosure under the Freedom of Information Act.**

CUI



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WHISTLEBLOWER REPRISAL INVESTIGATION

(b) (3), (b) (6), (b) (7)(C)



Executive Summary¹

We conducted this investigation in response to a reprisal complaint alleging that officials at the (b) (6), (b) (7)(C) [REDACTED] revoked (b) (3), (b) (6), (b) (7)(C) (the Complainant) eligibility for access to classified information and refused to grant him access to (b) (6), (b) (7)(C) compartmented programs. The complaint alleged that this was done in reprisal for reporting Unidentified Anomalous Phenomena (UAP)-related matters to the DoD Office of Inspector General (DoD OIG), (b) (6), (b) (7)(C) [REDACTED]



The Complainant made four protected disclosures from (b) (6), (b) (7)(C) through (b) (6), (b) (7)(C) [REDACTED]: one to the DoD OIG, one to (b) (6), (b) (7)(C) [REDACTED], one to (b) (6), (b) (7)(C) [REDACTED], and one to (b) (6), (b) (7)(C) [REDACTED]. After making the first two protected disclosures, the (b) (6), (b) (7)(C) [REDACTED] proposed revoking the Complainant's eligibility for access to classified information, including Sensitive Compartmented Information (SCI), and later revoked his eligibility for access to classified information after reviewing the Complainant's response to the proposed revocation.

The Complainant did not know who at the (b) (6), (b) (7)(C) [REDACTED] was responsible for the decision to revoke his eligibility for access to classified information. We found that the (b) (6), (b) (7)(C) [REDACTED] personnel responsible for making the determination were limited to three people in the (b) (6), (b) (7)(C) [REDACTED] Consolidated Adjudications Facility (CAF) — (b) (6), (b) (7)(C) [REDACTED]



We found that these (b) (6), (b) (7)(C) [REDACTED] CAF personnel did not know of the Complainant's protected disclosures when they proposed the Complainant's revocation, and they acted

¹ This report contains information that has been redacted because it was identified by the DoD Office of Inspector General as Controlled Unclassified Information (CUI) that is not releasable outside the Executive Branch. CUI is Government-created or-owned unclassified information that allows for, or requires, safeguarding and dissemination controls in accordance with laws, regulations, and Government-wide policies.

independently based on (b) (6), (b) (7)(C) [REDACTED]

[REDACTED]. Therefore, we concluded that the Complainant's protected disclosures were not a contributing factor in the (b) (6), (b) (7)(C) CAF's initial intent to revoke the Complainant's eligibility for access to classified information.

We found that after (b) (6), (b) (7)(C) reviewed the Complainant's response to the initial intent to revoke and submitted a final letter of revocation (LOR) to (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) CAF personnel learned that the Complainant was claiming whistleblower status, and (b) (6), (b) (7)(C) therefore could have perceived the Complainant as making protected disclosures before she approved and signed the final LOR. However, clear and convincing evidence established that (b) (6), (b) (7)(C) would have taken the same action absent the Complainant's protected disclosures.

We make no recommendations in this matter.

Background

The Complainant

(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)



² The Complainant's duties entailed:

- (b) (6), (b) (7)(C)
[redacted];
- (b) (6), (b) (7)(C)
[redacted];
- (b) (6), (b) (7)(C)
[redacted] and
[redacted]; and
- (b) (6), (b) (7)(C)
[redacted].

(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)



² GG is a U.S. Government pay grade system. The number "■" indicates the pay grade level.

(b) (6), (b) (7)(C) [REDACTED]
[REDACTED]
[REDACTED]

The Complainant alleged that in retaliation for these disclosures, the (b) (6), (b) (7)(C) refused to allow him access to its Compartmented Access Programs (CAP), and the (b) (6), (b) (7)(C) revoked his eligibility for access to classified information. (b) (6), (b) (7)(C) [REDACTED]
[REDACTED].

We discovered during our investigation that the (b) (6), (b) (7)(C) personnel responsible for revoking the Complainant's eligibility for access to classified information were (b) (6), (b) (7)(C) [REDACTED]
[REDACTED]

Scope

This investigation covered the period from 2020, when the Complainant was assigned to (b) (6), (b) (7)(C) [REDACTED], through (b) (6), (b) (7)(C) [REDACTED]. We interviewed the Complainant, officials responsible for revoking and reinstating the Complainant's eligibility for access to classified information, and relevant witnesses under sworn oath or affirmation. We reviewed documentary evidence about security files and investigations, security records, adjudication records, and contemporaneous notes, as well as departmental and organizational policies, written communications, emails, instant messages, reports of investigation, and qualifying records.

The Complainant also alleged that various agencies across the Intelligence Community "revoked, suspended, canceled, delayed, denied, or obstructed" his access to special or compartmented programs. Those decisions regarding access to special or compartmented programs do not qualify as actions affecting the Complainant's eligibility for access to classified information. However, we further evaluated those actions and determined that the Complainant did not have those accesses when he was hired by the (b) (6), (b) (7)(C) [REDACTED] and that cognizant (b) (6), (b) (7)(C) [REDACTED] security personnel did not unduly delay processing the access requests. Rather, they were delayed based on (b) (6), (b) (7)(C) [REDACTED]. Further, according to (b) (6), (b) (7)(C), only 20 percent of the Complainant's duties required access to these programs. Therefore, the delay in the decisions to grant special or compartmented accesses did not constitute a significant change in the Complainant's duties, responsibilities, or working conditions.

Protecting Whistleblowers with Access to Classified Information

The DoD OIG conducts whistleblower reprisal investigations involving all employees with access to classified information within the DoD under Presidential Policy Directive 19 (PPD-19), "Protecting Whistleblowers with Access to Classified Information," October 10, 2012, as implemented within the DoD by Directive-type Memorandum (DTM) 13-008, "DoD Implementation of Presidential Policy Directive 19," July 8, 2013 (Incorporating Change 5, Effective April 19, 2021).

Legal Framework

Two-Stage Process

The DoD OIG employs a two-stage process in conducting whistleblower reprisal investigations under PPD-19, as implemented within the DoD by DTM 13-008. The first stage focuses on the alleged protected disclosures, the action(s) affecting eligibility for access to classified information, the subject's knowledge of the protected disclosures, and the timing of the actions. The second stage focuses on whether the subject would have taken or failed to take, or threatened to take or fail to take, the action(s) affecting eligibility against the employee absent the protected disclosures.

Sufficient evidence, based on proof by a preponderance of the evidence, must be available to make three findings.³

1. The complainant made a protected disclosure.
2. The complainant experienced an action affecting eligibility for access to classified information.
3. The protected disclosure was a contributing factor in the action.⁴

If a preponderance of the evidence supports these three findings, the analysis will proceed to the second stage. In the second stage, we weigh together three factors.

1. The strength of the evidence in support of the action affecting eligibility
2. The existence and strength of any motive to retaliate on the part of the subjects who were involved in the decision
3. Any evidence that the subject took similar actions against similarly situated employees who did not make protected disclosures

Once a contributing factor is established, the action(s) affecting eligibility for access to classified information taken by the subject against the complainant are considered reprisal unless clear and convincing evidence demonstrates that the subject would have

³ A preponderance of the evidence is that degree of relevant evidence that a reasonable person, considering the record as a whole, would accept as sufficient to find that a contested fact is more likely to be true than untrue. See Title 5 Code of Federal Regulations section 1201.4(q).

⁴ A contributing factor need not be the sole, or even primary, factor. Rather, a contributing factor means "any factor which, alone or in connection with other factors, tends to affect in any way the outcome of the decision." *Marano v. Dept. of Justice*, 2 F.3d 1137, 1140 (Fed. Cir. 1993). Absent testimonial or documentary evidence of intent, one way to establish whether the disclosure was a contributing factor is through the use of the knowledge/timing test, meaning that the deciding official knew of the disclosure, and the adverse action was initiated within a reasonable time of the disclosure.

taken or failed to take, or threatened to take or fail to take, the action(s) affecting eligibility for access to classified information absent the protected disclosure.⁵

Protected Disclosure

A protected disclosure under PPD-19, as implemented within the DoD by DTM 13-008, is any disclosure of information by an employee that the employee reasonably believes evidences:

- a violation of any law, rule, or regulation;
- gross mismanagement;
- a gross waste of DoD funds;
- an abuse of authority; or
- a substantial and specific danger to public health or safety.⁶

Such disclosures are protected under PPD-19, as implemented within the DoD by DTM 13-008, when the Complainant makes the disclosures to authorized recipients, consisting of:

- a supervisor in the employee's direct chain of command up to and including the head of the employing agency;
- the Inspector General of the employing agency or Intelligence Community Element;
- the Director of National Intelligence;
- the Inspector General of the Intelligence Community; and
- an employee designated by any of the above officials for the purpose of receiving such disclosures.

Protected disclosures also include:

- exercising any appeal, complaint, or grievance with regard to a violation of Section A or B of PPD-19;
- lawfully participating in an investigation or proceeding regarding a violation of Section A or B of PPD-19;

⁵ Clear and convincing evidence is that measure or degree of proof that produces in the mind of the trier of fact a firm belief as to the allegations sought to be established. It is a higher standard than a preponderance of the evidence but a lower standard than beyond a reasonable doubt. See title 5 Code of Federal Regulations section 1209.4(e).

⁶ The test to determine whether the Complainant had a reasonable belief is whether a disinterested observer with knowledge of the essential facts known to and readily ascertainable by the Complainant could reasonably conclude one of the categories of wrongdoing protected by PPD-19 occurred.

- 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; and
- reporting an urgent concern to Congress, via an Inspector General, in accordance with the "Inspector General Act of 1978," as amended (sections 401-424, title 5, United States Code).⁷

Action Affecting Eligibility for Access to Classified Information

PPD-19, as implemented within the DoD by DTM 13-008, prohibits any officer or employee of an Executive Branch agency with authority to take, direct others to take, recommend, or approve any action affecting an employee's eligibility for access to classified information from taking or failing to take, or threatening to take or fail to take, any action affecting an employee's eligibility for access to classified information in reprisal for making a protected disclosure.

DTM 13-008 defines "eligibility for access to classified information" as the result of the determination whether an employee:

- is eligible for access to classified information in accordance with Executive Order 12968, "Access to Classified Information," August 2, 1995, as amended (relating to access to classified information), and Executive Order 10865, "Safeguarding Classified Information within Industry," February 20, 1960, as amended (relating to safeguarding classified information within industry), and
- possesses a need to know under such orders.

⁷ The Inspector General Act of 1978, as amended, defines an urgent concern as a serious or flagrant problem, abuse, violation of law or executive order, or deficiency relating to the funding, administration, or operations of an intelligence activity involving classified information, but it does not include differences of opinions concerning public policy matters. The definition also includes false statements to Congress and actions taken in reprisal for reporting an urgent concern. 5 U.S.C. § 416(a)(2).

Findings of Fact

Events Occurring Before Employment with the [REDACTED] (b) (6), (b) (7)(C)

On October 9, 2020, while the Complainant was working as (b) (6), (b) (7)(C) [REDACTED]

[REDACTED] the (b) (6), (b) (7)(C) Special Access Program Central Office (SAPCO) suspended his Special Access Program (SAP) accesses in response to a potential security violation. The violation involved (b) (6), (b) (7)(C) [REDACTED]

Pending an investigation into the incident, both (b) (6), (b) (7)(C) and the (b) (6), (b) (7)(C) [REDACTED] suspended the Complainant's special accesses.

As the Complainant also had access to (b) (6), (b) (7)(C) programs at the time, the (b) (6), (b) (7)(C) notified the (b) (6), (b) (7)(C) of the Complainant's suspension, and the (b) (6), (b) (7)(C) suspended the Complainant's accesses to (b) (6), (b) (7)(C) SCI on November 5, 2020, until the matter was resolved. On November 18, 2020, (b) (6), (b) (7)(C) [REDACTED] entered an incident report into the Defense Information System for Security acknowledging that (b) (6), (b) (7)(C) [REDACTED] received documentation from the (b) (6), (b) (7)(C) indicating that it was suspending the Complainant's access due to the (b) (6), (b) (7)(C) revoking his eligibility. Additionally, the (b) (6), (b) (7)(C) [REDACTED] entered the Complainant's security incident into the Defense Information System for Security and Scattered Castles.⁸

The (b) (6), (b) (7)(C) investigation concluded that (b) (6), (b) (7)(C) [REDACTED] occurred and that the Complainant failed to comply with security requirements as outlined in DoD Manual (DoDM) 5200.01, Volume 1, "DoD Information Security Program: Overview, Classification, and Declassification," February 24, 2012 (Incorporating Change 2, July 28, 2020). The investigating officer recommended that the Complainant (b) (6), (b) (7)(C) [REDACTED]

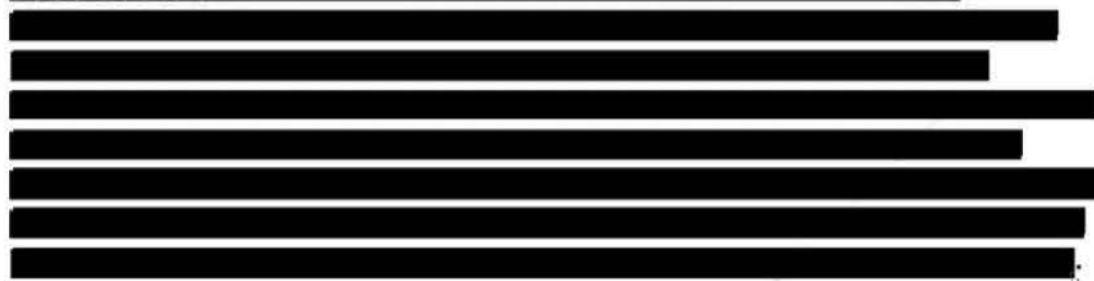
[REDACTED] Additionally, (b) (6), (b) (7)(C) [REDACTED] recommended that the (b) (6), (b) (7)(C) SAPCO notify the (b) (6), (b) (7)(C) SAPCO of the Complainant's security violation. However, after the Complainant answered (b) (6), (b) (7)(C) [REDACTED] questions, (b) (6), (b) (7)(C) [REDACTED] reinstated the Complainant's SCI access, and the (b) (6), (b) (7)(C) [REDACTED] Security Officer notified the (b) (6), (b) (7)(C) CAF on December 17, 2020.

⁸ Scattered Castles is an Intelligence Community personnel security database that verifies personnel security access and visit certifications.

(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)

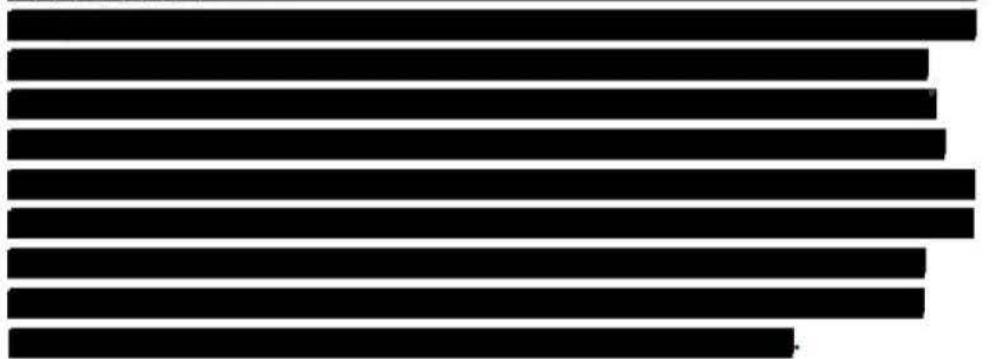


The (b) (6), (b) (7)(C) Security office notified the (b) (6), (b) (7)(C) Office of Personnel Security via a Loss of Jurisdiction memorandum on or about September 1, 2021, that the (b) (6), (b) (7)(C) might have an adjudicative interest in the matter with the Complainant. The memorandum stated that the Complainant had:

- (b) (6), (b) (7)(C)



- (b) (6), (b) (7)(C)



Events Occurring During Employment with the (b) (6), (b) (7)(C)

On (b) (6), (b) (7)(C) [REDACTED], as part of the Complainant's pre-employment with the [REDACTED], (b) (6), (b) (7)(C) reviewed Scattered Castles and noticed that (b) (6), (b) (7)(C) [REDACTED] had removed the Complainant's accesses with its agency. (b) (6), (b) (7)(C) contacted the Defense Counterintelligence and Security Agency, Consolidated Adjudications Services (DCSA CAS), and inquired whether the DCSA CAS had reviewed the (b) (6), (b) (7)(C) information before the DCSA CAS granted the Complainant a favorable DoD eligibility for access to classified information on September 7, 2021. (b) (6), (b) (7)(C) wrote that the (b) (6), (b) (7)(C) was hiring the Complainant as a civilian, but Scattered Castles was "throwing up red flags." *

The DCSA CAS responded to (b) (6), (b) (7)(C) that it had reviewed the (b) (6), (b) (7)(C) information, the issues surrounding the Complainant were mitigated, and the Complainant was no longer (b) (6), (b) (7)(C) . (b) (6), (b) (7)(C) notified the (b) (6), (b) (7)(C) , that the (b) (6), (b) (7)(C) CAF would not be in the business of second-guessing and undermining fellow DoD adjudications decisions, so the (b) (6), (b) (7)(C) CAF agreed to reciprocate the DCSA CAS' favorable adjudication and complete the Complainant's (b) (6), (b) (7)(C) employment package. The Complainant began employment with the (b) (6), (b) (7)(C)

On December 28, 2021, the [§ 87(2)(b), (b)(7)(C)] Continuous Evaluations (CE) program determined that the [§ 87(2)(b), (b)(7)(C)] did not have records regarding the Complainant's [§ 87(2)(b), (b)(7)(C)], stating an interview was required to resolve this. [§ 87(2)(b), (b)(7)(C)]

The Complainant provided the (b) (6), (b) (7)(C) CAF his (b) (6), (b) (7)(C) records from the (b) (6), (b) (7)(C) [REDACTED].

On January 27, 2022, the (b) (6), (b) (7)(C) CE was notified of the Loss of Jurisdiction memorandum from the (b) (6), (b) (7)(C) of the Complainant's possible (b) (6), (b) (7)(C) while employed at the (b) (6), (b) (7)(C). Accordingly, the (b) (6), (b) (7)(C) CE interviewed (b) (6), (b) (7)(C) of the (b) (6), (b) (7)(C), who informed the (b) (6), (b) (7)(C) CE that he knew of the Complainant's prior security incident involving (b) (6), (b) (7)(C)

⁹ The CAF is the sole authority to determine security clearance eligibility of personnel occupying sensitive positions and requiring access to classified material including SCI.

(b) (6), (b) (7)(C) at (b) (6), (b) (7)(C), because the Complainant self-reported the incident to (b) (6), (b) (7)(C).

The (b) (6), (b) (7)(C) CE also interviewed (b) (6), (b) (7)(C), about the Complainant's (b) (6), (b) (7)(C) and personal conduct characteristics. (b) (6), (b) (7)(C) admitted to (b) (6), (b) (7)(C), and he stated that to his knowledge, the Complainant never (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) also told the investigator that he knew of the Complainant's previous incidents involving (b) (6), (b) (7)(C) but told the investigator that he believed that the Complainant was (b) (6), (b) (7)(C) because the Complainant realized (b) (6), (b) (7)(C).

In February 2022, (b) (6), (b) (7)(C), through (b) (6), (b) (7)(C), began submitting the Complainant for SAPs and CAPs. (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C), first learned of the Complainant when he was submitted for (b) (6), (b) (7)(C) CAPs through the Intelligence Community Compartmented Access Request System in early 2022. According to (b) (6), (b) (7)(C), this system is a platform connected to Scattered Castles and processes (b) (6), (b) (7)(C) CAPs by tracking an individual's name, whether the individual has a security clearance eligible for CAPs, and whether the individual has any waivers, deviations, or conditions that would cause any type of concern or any reason to deny the individual access to a particular compartmented program.

(b) (6), (b) (7)(C) told us that when her office received the early 2022 submission for CAP accesses, the Intelligence Community Compartmented Access Request System reflected red flags from Scattered Castles showing that the (b) (6), (b) (7)(C) had removed the Complainant's accesses and SCI eligibility, and he had no special accesses from the (b) (6), (b) (7)(C) and the (b) (6), (b) (7)(C). As a result, (b) (6), (b) (7)(C) office halted the submission for access to (b) (6), (b) (7)(C) CAPs, and the Program Security Office never granted the Complainant access to (b) (6), (b) (7)(C) CAPs due to the prior incidents in the system from the Complainant's previous agencies.

On March 3, 2022, the (b) (6), (b) (7)(C) CAF granted the Complainant a Top Secret/Sensitive Compartmented Information (TS/SCI) favorable eligibility determination based on reciprocity from the DCSA CAS' favorable eligibility determination.

However, on March 9, 2022, the (b) (6), (b) (7)(C), and her (b) (6), (b) (7)(C), reviewed the Defense Central Index of Investigations and learned that the Complainant (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) assigned the (b) (6), (b) (7)(C) to monitor (b) (6), (b) (7)(C) and make a security determination on completion.

On May 25, 2022, the (b) (6), (b) (7)(C) notified the Complainant by email that it denied his request for (b) (6), (b) (7)(C) accesses due to the (b) (6), (b) (7)(C) revoking his (b) (6), (b) (7)(C) access in 2019 and the (b) (6), (b) (7)(C) debriefing him from its accesses in May 2022.

Also on (b) (6), (b) (7)(C), the Complainant filed a UAP-related disclosure, as well as a whistleblower reprisal complaint, to (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) informed him that he would need to submit his reprisal complaint with the DoD OIG. The Complainant described to us (b) (6), (b) (7)(C)

On or about May 27, 2022, (b) (6), (b) (7)(C) contacted (b) (6), (b) (7)(C), and discussed with him whether (b) (5), (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C), wrote a Memorandum For Record on May 27, 2022, after (b) (6), (b) (7)(C) discussed with him (b) (6), (b) (7)(C) conversation with (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) said the gist of the conversation, as relayed to him, was that (b) (5), (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) acknowledged in his Memorandum For Record that the Complainant had recently filed a whistleblower reprisal complaint with (b) (6), (b) (7)(C) on (b) (6), (b) (7)(C), and (b) (6), (b) (7)(C) was concerned that any negative personnel action taken against the Complainant while any (b) (6), (b) (7)(C) investigation was underway would greatly increase the (b) (6), (b) (7)(C) risk of exposure to allegations of cover-up and reprisal. Furthermore, (b) (6), (b) (7)(C) wrote that as the (b) (6), (b) (7)(C), he would have been the one required to initiate any administrative actions, and while he was not opposed to terminating someone for poor performance, (b) (6), (b) (7)(C) thought the Complainant was far from a poor performer, and no one had provided (b) (6), (b) (7)(C) with any credible evidence that the Complainant was a threat to national security.

According to (b) (6), (b) (7)(C), 75 percent of the Complainant's work did not require him to have special accesses, and the Complainant was performing those duties successfully, so

(b) (6), (b) (7)(C) did not see a reason to terminate the Complainant before his probation ended.

(b) (6), (b) (7)(C) also told us that the (b) (6), (b) (7)(C) approached him in "probably" spring or summer 2022 about who (b) (6), (b) (7)(C) thought would be a good candidate to support a position as (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) said that he suggested that the Complainant would be a good candidate, but (b) (6), (b) (7)(C) said she did not want the Complainant to fill that role because he was a new (b) (6), (b) (7)(C) employee; she wanted someone more experienced with (b) (6), (b) (7)(C) processes. Consequently, (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) made (b) (6), (b) (7)(C) the (b) (6), (b) (7)(C) with the Complainant supporting as appropriate.

In anticipation of the Complainant's (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) coordinated with the (b) (6), (b) (7)(C) CAP office to (b) (6), (b) (7)(C). The issue was routed to (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) told us that he granted (b) (6), (b) (7)(C) access to a classified program so that the IG could look into the Complainant's allegations. (b) (6), (b) (7)(C) did not know the specifics of the Complainant's allegations and told us that he assumed that if the Complainant was talking to (b) (6), (b) (7)(C), the Complainant must have felt some improprieties related to the program existed. But (b) (6), (b) (7)(C) had no idea what those improprieties might have been because (b) (6), (b) (7)(C) had no first-hand knowledge of the classified program.

(b) (6), (b) (7)(C) also recalled (b) (6), (b) (7)(C) requesting that the Complainant be granted a one-time waiver to speak about that program. (b) (6), (b) (7)(C) described the situation to us as "goofy," because (b) (6), (b) (7)(C) was asking him to grant the Complainant a clearance for something that the Complainant wanted to talk about but had never been previously cleared for at the (b) (6), (b) (7)(C).

On May 30, 2022, (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) called the (b) (6), (b) (7)(C) CE branch on June 1, 2022, notifying it of (b) (6), (b) (7)(C), and the next day, the (b) (6), (b) (7)(C) CAF suspended the Complainant's access to classified information pending completion of (b) (6), (b) (7)(C).

On or about June 9, 2022, (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) told us that he collected (b) (6), (b) (7)(C) report and reviewed the derogatory information, (b) (6), (b) (7)(C), looking for any pattern of behavior that would trigger potential disqualifiers under the adjudicative guidelines.

According to all the (b) (6), (b) (7)(C) CAF personnel we interviewed, it is normal adjudication protocol to open a case in the case management system when derogatory information is brought to the (b) (6), (b) (7)(C) CAF's attention. (b) (6), (b) (7)(C) CAF personnel assign the case to an adjudicator who reviews the documents and all available information and makes an initial determination. If the initial determination is unfavorable, the (b) (6), (b) (7)(C) CAF drafts a Statement of Reasons (SOR) and sends the SOR to the (b) (6), (b) (7)(C) to review. After review, the (b) (6), (b) (7)(C) sends the SOR to the (b) (6), (b) (7)(C) for final approval.

(b) (6), (b) (7)(C) told us that after he reviewed (b) (6), (b) (7)(C) information and the past security incidents in which the Complainant was involved, he believed a recommendation to revoke the Complainant's eligibility for access to classified information was appropriate. This was based on (b) (6), (b) (7)(C) findings and a pattern of previous behaviors that indicated disqualifiers under the adjudicative guidelines. (b) (6), (b) (7)(C) then drafted an SOR and a Letter of Intent (LOI) to revoke the Complainant's eligibility for access to classified information and routed his recommendation to (b) (6), (b) (7)(C) for final approval. (b) (6), (b) (7)(C), who was (b) (6), (b) (7)(C), told us that (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) told us that the first time he ever heard of the Complainant was when he was asked to review the Defense Central Index of Investigations database on (b) (6), (b) (7)(C) [REDACTED]. (b) (6), (b) (7)(C) said that no one directed him to make a recommendation to revoke; (b) (6), (b) (7)(C) asked him to review the Complainant's case file and make a recommendation, and it was solely his decision to make the recommendation to revoke. (b) (6), (b) (7)(C) [REDACTED], and he estimated that during his tenure, he has personally recommended a revocation in approximately two dozen cases. Of those cases, (b) (6), (b) (7)(C) recalled instances of (b) (6), (b) (7)(C) [REDACTED], and other disqualifiers under the adjudicative guidelines, and he said that nothing about the Complainant's case was unusual to him.

(b) (6), (b) (7)(C) estimated that during her tenure, the three teams in the (b) (6), (b) (7)(C) CAF recommended probably 30 or more revocations each year, and she estimated that seven of those were from her team. (b) (6), (b) (7)(C) said that the (b) (6), (b) (7)(C) CAF has recommended revocations in "multitudes" of other cases for similar concerns of personal conduct and (b) (6), (b) (7)(C) [REDACTED], as in the Complainant's case.

(b) (6), (b) (7)(C) also told us that she did not know the Complainant, other than his name, before his case came across her desk. (b) (6), (b) (7)(C) also testified under oath that no one outside of the (b) (6), (b) (7)(C) CAF recommended or influenced the (b) (6), (b) (7)(C) CAF's decision to revoke the Complainant's eligibility for access to classified information. (b) (6), (b) (7)(C) said that the

decision was made by the (b) (6), (b) (7)(C) CAF and that (b) (6), (b) (7)(C) was ultimately responsible for making the decision and signing the letter of revocation.

(b) (6), (b) (7)(C) told us that when her office received (b) (6), (b) (7)(C) report indicating new derogatory information that was disqualifying, coupled with the previous issues identified in the system, the (b) (6), (b) (7)(C) CAF decided to issue the Complainant an SOR based on the information and the "whole person concept," which reflected different areas of adjudicative guidelines reflecting a pattern of behavior issues.

(b) (6), (b) (7)(C) told us that her office processes "many" revocation proposals each year for similar personal conduct issues relating to (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), and she classified the Complainant's case as "typical."

(b) (6), (b) (7)(C)
[REDACTED]
[REDACTED]

On August 2, 2022, the Complainant filed a reprisal complaint with the DoD Hotline alleging that (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) and that he was subjected to numerous adverse security clearance actions. Specifically, he alleged that while his eligibility for access to classified information was currently intact with the (b) (6), (b) (7)(C) at the TS/SCI level, his compartmented accesses at numerous elements were "mysteriously and without plausible explanation—suspended, canceled, delayed, denied, and/or improperly obstructed."¹⁰

(b) (5)
[REDACTED].

On August 29, 2022, the (b) (6), (b) (7)(C) CAF sent the LOI and SOR to the Complainant notifying him that a review of his eligibility for a security clearance was made according to DoDM 5200.02 and that the (b) (6), (b) (7)(C) CAF found that it was "clearly inconsistent with the National interest" to initiate or continue his access to classified information, including SCI, based on his failure to meet the minimum standards of Guideline E: Personal Conduct.¹¹

¹⁰ Because no action had been taken at that time affecting the Complainant's eligibility for access to classified information, the DoD OIG deferred its review of the Complainant's reprisal allegation (D-CATSe(b) (6), (b) (7)(C) -CASE-02) pending completion of the adjudication process and notified the Complainant that he could re-file his reprisal complaint with the DoD Hotline once that process was completed.

¹¹ DoDM 5200.02, "Procedures for the DoD Personnel Security Program (PSP)," April 3, 2017 (Change 1, October 29, 2020).

The SOR continued that the Complainant (b) (6), (b) (7)(C) [REDACTED]

[REDACTED]. Additionally, the SOR stated that the (b) (6), (b) (7)(C) had suspended his access to SCI in August 2021 for (b) (6), (b) (7)(C) [REDACTED]

[REDACTED]. Furthermore, the Complainant was (b) (6), (b) (7)(C) [REDACTED]

[REDACTED].

Finally, the SOR concluded: "A whole person assessment of your behavior as identified under these concerns, reflects questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations raising questions about your reliability, trustworthiness, and ability to protect classified or sensitive information."

As detailed in Executive Order 12968, "Access to Classified Information," August 2, 1995, as amended, the concerns for "Personal Conduct" involve questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations.

Furthermore, (b) (6), (b) (7)(C) [REDACTED]

[REDACTED] will normally result in an unfavorable clearance action or administrative termination of further processing for clearance eligibility. (b) (6), (b) (7)(C) [REDACTED]

[REDACTED] raises a security concern and may be disqualifying.

According to DoDM 5200.02, whenever derogatory information about an individual with national security eligibility becomes available that is relevant to the adjudicative guidelines, it will be referred to the commander or the security professional of the organization to which the person is assigned. The adjudication facility will evaluate the credible information it receives within 15 days and make an initial determination of whether the person's eligibility is clearly consistent with the interests of the national security.

After (b) (6), (b) (7)(C) CAF personnel made the initial determination to revoke the Complainant's eligibility for access to classified information, (b) (6), (b) (7)(C) [REDACTED]

[REDACTED], debriefed the Complainant, collected all his access badges, and walked him out of the building. According to the Complainant, he was scheduled to (b) (6), (b) (7)(C) [REDACTED]

[REDACTED], and because of the revocation, he had to cancel his travel.

The (b) (6), (b) (7)(C) CAF provided the Complainant 30 days to submit a response and any mitigating information before the (b) (6), (b) (7)(C) CAF made a final decision on revoking his

eligibility for access to classified information. The Complainant submitted his response to the SOR on September 23, 2022. (b) (6), (b) (7)(C) reviewed the Complainant's response to the SOR and submitted a final Letter of Revocation (LOR) for review on September 28, 2022.

(b) (6), (b) (7)(C) told us that after reviewing the Complainant's response to the SOR, he did not feel that the Complainant mitigated the concerns, so he drafted the final revocation letter and routed it to (b) (6), (b) (7)(C) for approval.

On the Complainant's response to item 1 of the SOR (b) (6), (b) (7)(C) [REDACTED], the Complainant responded that (b) (6), (b) (7)(C) [REDACTED] [REDACTED]. (b) (6), (b) (7)(C) told us that there was a reasonable belief that the Complainant (b) (6), (b) (7)(C) [REDACTED], because the Complainant also admitted to (b) (6), (b) (7)(C) [REDACTED], and (b) (6), (b) (7)(C) said that he would have considered mitigation had the Complainant (b) (6), (b) (7)(C) [REDACTED] [REDACTED].

On the Complainant's response to item 2 of the SOR (b) (6), (b) (7)(C) [REDACTED], the Complainant responded that he (b) (6), (b) (7)(C) [REDACTED] [REDACTED] [REDACTED] (b) (6), (b) (7)(C) told us that (b) (6), (b) (7)(C) [REDACTED], and he would have considered mitigation if the Complainant (b) (6), (b) (7)(C) [REDACTED] [REDACTED].

On the Complainant's response to item 3 of the SOR (b) (6), (b) (7)(C) [REDACTED] [REDACTED] [REDACTED], the Complainant responded that he (b) (6), (b) (7)(C) [REDACTED] [REDACTED] (b) (6), (b) (7)(C) told us that he reviewed (b) (6), (b) (7)(C) report, and (b) (6), (b) (7)(C) [REDACTED]. Therefore, he would have considered mitigation if the Complainant (b) (6), (b) (7)(C) [REDACTED] [REDACTED].

(b) (6), (b) (7)(C) said that she did not review the Complainant's response but that (b) (6), (b) (7)(C) reviewed (b) (6), (b) (7)(C) recommendation to revoke and the Complainant's response, and

(b) (6), (b) (7)(C) agreed with the recommendation and made the final decision to revoke because the Complainant's response did not mitigate the concerns.

(b) (6), (b) (7)(C), along with our review of the (b) (6), (b) (7)(C) CAF case notes, confirmed that she reviewed the Complainant's response and sent the final LOR to the (b) (6), (b) (7)(C) Office of General Counsel on November 8, 2022, (b) (5)

(b) (6), (b) (7)(C) told us that ultimately, she agreed with (b) (6), (b) (7)(C) recommendation to revoke the Complainant's security clearance. (b) (6), (b) (7)(C) said that the new derogatory information from (b) (6), (b) (7)(C) report was another behavior issue that led to the personal conduct concerns for a pattern of behavior. These concerns included the Complainant's (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

On December 12, 2022, (b) (6), (b) (7)(C) signed the Complainant's final LOR and notified (b) (6), (b) (7)(C) for his awareness.

On December 13, 2022, (b) (6), (b) (7)(C) sent the Complainant the final LOR notifying the Complainant that the (b) (6), (b) (7)(C) CAF had reviewed the Complainant's response to the August 29, 2022 SOR and determined that revocation was warranted. The letter continued, stating that the information the Complainant provided failed to mitigate the concerns outlined in the SOR.

On January 9, 2023, after the (b) (6), (b) (7)(C) CAF revoked his clearance, the Complainant appeared before an (b) (6), (b) (7)(C) Personnel Security Appeals Board (PSAB) and presented his appeal to the revocation. On January 10, 2023, (b) (6), (b) (7)(C)

, notified the Complainant's attorney via letter that the PSAB overturned the original (b) (6), (b) (7)(C) determination to revoke his eligibility for access to SCI, and that his TS/SCI was reinstated this date. (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) told us that during the PSAB hearing, the Complainant explained the circumstance regarding (b) (6), (b) (7)(C) findings that he had (b) (6), (b) (7)(C) [REDACTED]. (b) (6), (b) (7)(C) said that (b) (6), (b) (7)(C) [REDACTED]

and in the end, (b) (6), (b) (7)(C) thought the issue was more of a mistake rather than something "nefarious."

Additionally, (b) (6), (b) (7)(C) said that the Complainant provided compelling information on each of the other factors outlined in the SOR, which the board felt mitigated the security concerns. As a result, the board, which consisted of (b) (6), (b) (7)(C) [REDACTED], and (b) (6), (b) (7)(C) [REDACTED], voted unanimously to restore the Complainant's security clearance.

(b) (6), (b) (7)(C) estimated that (b) (6), (b) (7)(C) about one PSAB per month and that it was not unusual for the board to overturn a revocation; he estimated that they overturn revocations one third of the time. (b) (6), (b) (7)(C) stated he did not consider anything unusual about the Complainant's case, other than the fact that, unlike most employees going through the revocation appeal process, the Complainant did not use the full amount of time allotted to take advantage of being on paid administrative leave.

The Complainant's Return to Work

(b) (6), (b) (7)(C) told us that after the Complainant returned to work with his restored security clearance, he resubmitted the Complainant for (b) (6), (b) (7)(C) compartmented accesses on February 1, 2023. According to (b) (6), (b) (7)(C), no action was taken on the submissions, which led to (b) (6), (b) (7)(C) [REDACTED]. (b) (6), (b) (7)(C), however, told us that after the Complainant returned to work in January 2023, he tried to integrate the Complainant back into meaningful work, but (b) (6), (b) (7)(C) informed (b) (6), (b) (7)(C) that the Complainant was (b) (6), (b) (7)(C) [REDACTED].

(b) (6), (b) (7)(C) in the (b) (6), (b) (7)(C) Program Security office confirmed that (b) (6), (b) (7)(C) resubmitted to her office on February 1, 2023, a request for the Complainant to gain (b) (6), (b) (7)(C) compartmented accesses. According to (b) (6), (b) (7)(C), the internal notes on the request reflected nothing other than the request was cancelled (b) (6), (b) (7)(C) [REDACTED].

(b) (6), (b) (7)(C) debriefed the Complainant on his security clearance on March 22, 2023, and the Complainant (b) (6), (b) (7)(C) [REDACTED].

Responsible Officials' Knowledge of the Protected Disclosures

(b) (6), (b) (7)(C) told us that he did not know that the Complainant had previously spoken to (b) (6), (b) (7)(C) or that the Complainant had spoken to (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) acknowledged that he learned at some point that after he reviewed the Complainant's response to the LOI and submitted the final LOR, the Complainant needed to have some of his special accesses reinstated so that he could speak to (b) (6), (b) (7)(C) about something. (b) (6), (b) (7)(C) said that he never heard anyone express any hostility toward the Complainant for speaking to (b) (6), (b) (7)(C), and he denied that anyone ever communicated an intent to revoke the Complainant's clearance to keep him from (b) (6), (b) (7)(C).

(b) (6), (b) (7)(C) told us that she did not know the Complainant had previously spoken to (b) (6), (b) (7)(C), that the Complainant had spoken to (b) (6), (b) (7)(C), or that he was scheduled to speak to (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) did say that after the (b) (6), (b) (7)(C) CAF made the decision to revoke the Complainant's clearance and drafted the final revocation letter, she heard that the Complainant was claiming "whistleblower" status, but (b) (6), (b) (7)(C) could not recall where she heard it. Furthermore, she did not know what grounds the Complainant was claiming that status for because she was not involved in any of those programs the Complainant was read into.

We reviewed instant messages between (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C), which supported their testimonies that they did not know of the Complainant's disclosures. On September 29, 2022, after (b) (6), (b) (7)(C) submitted the final LOR, (b) (6), (b) (7)(C) wrote (b) (6), (b) (7)(C) and asked, "On what grounds does [the Complainant] have for a whistleblower case. He didn't blow any whistle or bring to light any info. What's his grounds?" (b) (6), (b) (7)(C) responded, "I have no idea. I have no information about any of that." (b) (6), (b) (7)(C) wrote, "[W]here is whistle blowing!!!! [...] [I]s there more out there we just don't know about[?]" (b) (6), (b) (7)(C) responded, "Maybe, but I'm just going on what we have."

(b) (6), (b) (7)(C) told us that he recalled (b) (6), (b) (7)(C) informing him to "stand down" on the issuance of the LOR because the Complainant was going to (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) reiterated that he had no idea what was going on, and he said his understanding of the situation was that the Complainant had to be briefed back into SCI specifically so he could (b) (6), (b) (7)(C), and they did not want to make it seem like they were trying to retaliate or prevent him from doing that.

On November 17, 2022, (b) (6), (b) (7)(C) wrote (b) (6), (b) (7)(C), "... [A]m I sending [the Complainant] his LOR or is that something for you and/or [(b) (6), (b) (7)(C)]?" (b) (6), (b) (7)(C) instructed (b) (6), (b) (7)(C) to hold off sending the Complainant his LOR, stating, "[W]e haven't gotten the OK from (b) (6), (b) (7)(C) to do that [...] [...] [H]e's claiming whistleblower status and having an [sic] meeting with (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) doesn't want the optics to be terrible[.]

(b) (6), (b) (7)(C) told us that she did not know that the Complainant had previously spoken to the DoD OIG (b) (6), (b) (7)(C) [REDACTED]. She also said that she did not know that the Complainant spoke to (b) (6), (b) (7)(C) [REDACTED], that he was scheduled to speak to (b) (6), (b) (7)(C) [REDACTED] earlier that year, or that he was in the middle of speaking to (b) (6), (b) (7)(C) [REDACTED] when she signed the final LOR. (b) (6), (b) (7)(C) acknowledged that she heard that the Complainant was claiming whistleblower status, but said that she did not know any specifics.

(b) (6), (b) (7)(C) arrived at the (b) (6), (b) (7)(C) [REDACTED] before the Complainant arrived. Before coming to the (b) (6), (b) (7)(C) [REDACTED], she worked in (b) (6), (b) (7)(C) [REDACTED]. (b) (6), (b) (7)(C) also told us that throughout the (b) (6), (b) (7)(C) [REDACTED] CAF's adjudication of the Complainant's eligibility determination, she did not discuss the Complainant with anyone outside of the Personnel Security Division, and she denied the existence of any outside influences on her decision to revoke the Complainant's eligibility for access to classified information.¹²

About the delay in sending the final LOR, (b) (6), (b) (7)(C) recalled wanting to make sure that the (b) (6), (b) (7)(C) [REDACTED] had done everything legally before sending it and that there was not an optic that the Complainant's security action, which was initiated based on (b) (6), (b) (7)(C) [REDACTED] report, was being influenced unfairly by any actions the Complainant (b) (6), (b) (7)(C) [REDACTED]. (b) (6), (b) (7)(C) said that his intent was to ensure that the Complainant was fairly treated in the security process, no impression indicated that the (b) (6), (b) (7)(C) [REDACTED] was targeting him, and no implication suggested the adjudication process had anything to do with what the Complainant might be doing as a whistleblower.

(b) (6), (b) (7)(C) told us that he was confident that his Adjudications Branch personnel, who were responsible for revoking the Complainant's security clearance, did not know of the whistleblower issue. Additionally, (b) (6), (b) (7)(C) said that the Adjudications Branch had a "validated" (b) (6), (b) (7)(C) [REDACTED] report stating the Complainant had (b) (6), (b) (7)(C) [REDACTED], so at that point the Adjudications Branch really did not have much choice other than to suspend the Complainant's clearance and find out what was going on. According to (b) (6), (b) (7)(C), when the Complainant provided his response to the SOR, his response was nothing more than "I don't remember doing that," which the Adjudications personnel did not consider sufficient to mitigate the security concerns.

(b) (6), (b) (7)(C) told us that from his perspective as the (b) (6), (b) (7)(C) [REDACTED], no one from Security went after the Complainant or reprised against him because he was a whistleblower. (b) (6), (b) (7)(C) said that the Adjudications Branch based its decision to revoke on what they believed were concerns relative to the Complainant's ability to hold a national security clearance, which included previous reports of (b) (6), (b) (7)(C) [REDACTED].

¹² The Personnel Security Division comprises the Investigations branch, the Continuous Evaluations branch, and the Adjudications branch.

(b) (6), (b) (7)(C) [REDACTED]. The Complainant went through the adjudication process. It came to (b) (6), (b) (7)(C) level as the (b) (6), (b) (7)(C) [REDACTED] and the PSAB overturned the revocation.

Analysis

As described in more detail in the “[Legal Framework](#)” section of this report, the Complainant must first establish that he made a protected disclosure; that, after the disclosure, he experienced an action affecting eligibility for access to classified information; and that the disclosure was a contributing factor in the action taken against him. The strength of the evidence, motive, and disparate treatment are then weighed together to determine whether the subject has shown that she would have taken the same action absent the protected disclosure. If the evidence does not establish that the subject would have taken or failed to take, or threatened to take or fail to take, the action absent the protected disclosure, the complaint is substantiated. Conversely, if the evidence establishes that the subject would have taken or failed to take, or threatened to take or failed to take, the action absent the protected disclosure, then the complaint is not substantiated. Below, we analyze each of the elements.

Protected Disclosures

We determined, by a preponderance of the evidence, that the Complainant made four protected disclosures under PPD-19.

Disclosure 1: (b) (6), (b) (7)(C) Report to (b) (6), (b) (7)(C)

During an interview with (b) (6), (b) (7)(C), the Complainant reported to the IG that (b) (6), (b) (7)(C)

[REDACTED]
[REDACTED]
[REDACTED], is protected under PPD-19.

Disclosure 2: (b) (6), (b) (7)(C) Report to (b) (6), (b) (7)(C)

The Complainant reported to (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C)

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

(b) (6), (b) (7)(C)
[REDACTED]
[REDACTED]
[REDACTED]

Reporting a violation of law to (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) [REDACTED] is protected under PPD-19.

Disclosures 3 and 4: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) [REDACTED]

(b) (6), (b) (7)(C) [REDACTED]

Accordingly, the Complainant's (b) (6), (b) (7)(C) [REDACTED]

[REDACTED] and was therefore protected under PPD-19.

Actions Affecting Eligibility for Access to Classified Information

We determined, by a preponderance of the evidence, that the Complainant experienced two actions affecting his eligibility for access to classified information.

Action 1: August 2022 Intent to Revoke with Statement of Reasons

On August 29, 2022, the (b) (6), (b) (7)(C) CAF provided the Complainant an LOI and an SOR notifying him that it intended to revoke his eligibility for access to classified information, pending the Complainant's opportunity to provide a response to the SOR with any mitigating factors. The notice also removed the Complainant's access to classified systems and facilities and required him to relinquish his access badges and be placed on paid administrative leave pending the adjudication process.

The August 29, 2022 intent to revoke was an action taken or threatened affecting the Complainant's eligibility for access to classified information.

Action 2: December 2022 Final Letter of Revocation

On December 12, 2022, (b) (6), (b) (7)(C) signed the final letter of revocation, and on December 13, 2022, emailed the letter to the Complainant notifying him that the (b) (6), (b) (7)(C) CAF revoked his eligibility for access to classified information.

The December 12, 2022 final decision to revoke was an action taken affecting the Complainant's eligibility for access to classified information.

Contributing Factor

We determined that the Complainant's protected disclosures were not a contributing factor in the (b) (6), (b) (7)(C) CAF's intent to revoke the Complainant's eligibility for access to classified information. However, (b) (6), (b) (7)(C) likely perceived the Complainant as making protected disclosures before she made the final decision to revoke the Complainant's eligibility for access to classified information.

Whether protected disclosures were a "contributing factor" may be established when:

- the subject had knowledge, actual or inferred, of the Complainant's disclosures, and
- the actions affecting eligibility took place within a period of time after the disclosures,

such that a reasonable person could conclude that the disclosures were a contributing factor in the decision to take the actions.

Knowledge

Disclosure 1: (b) (6), (b) (7)(C) Report to (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) CAF personnel all told us that they did not know who the Complainant was or that he had spoken to the DoD OIG (b) (6), (b) (7)(C) [REDACTED], and that no one influenced their decision to revoke the Complainant's eligibility for access to classified information.

The Complainant made this disclosure (b) (6), (b) (7)(C) [REDACTED]. (b) (6), (b) (7)(C) [REDACTED] confirmed that they did not discuss the Complainant's report to them with anyone as (b) (6), (b) (7)(C) [REDACTED].

Disclosure 2: (b) (6), (b) (7)(C) Report to (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) CAF personnel told us that they did not know that the Complainant spoke to (b) (6), (b) (7)(C) [REDACTED] [REDACTED]. (b) (6), (b) (7)(C) confirmed that he never spoke to (b) (6), (b) (7)(C) CAF personnel about (b) (6), (b) (7) [REDACTED] contacting him to get read-in to programs so that it could investigate the Complainant's allegations. (b) (6), (b) (7)(C) also did not know what the Complainant's allegations were because he was not involved in those programs.

Disclosures 3 and 4: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) both told us that they did not know that the Complainant spoke to (b) (6), (b) (7)(C), and that no one influenced their decision to revoke the Complainant's eligibility for access to classified information.

Emails, instant messages, and internal case notes we reviewed supported (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) testimonies that they did not know of the Complainant's protected disclosures or learn that he was claiming to be a whistleblower before they proposed the Complainant's revocation, reviewed his response to the SOR, and drafted the final LOR for (b) (6), (b) (7)(C).

Perceived Disclosure

(b) (6), (b) (7)(C) acknowledged hearing that the Complainant was claiming whistleblower status, but she did not know of his protected disclosures and had no idea why he was claiming that status. (b) (6), (b) (7)(C) instructed (b) (6), (b) (7)(C) to wait to send the final LOR to the Complainant because the Complainant was going to (b) (6), (b) (7)(C). Therefore, (b) (6), (b) (7)(C) could have perceived the Complainant as being a whistleblower before she approved and signed the submitted final LOR.

Timing of Actions Affecting Eligibility for Access to Classified Information**Action 1: August 2022 Intent to Revoke with Statement of Reasons**

(b) (6), (b) (7)(C), (b) (6), (b) (7)(C), and (b) (6), (b) (7)(C) proposed the Complainant's revocation and provided him with an SOR on August 29, 2022, (b) (6), (b) (7)(C) after the Complainant made a disclosure to the DoD OIG and (b) (6), (b) (7)(C) after the Complainant made a disclosure to (b) (6), (b) (7)(C). However, the evidence did not establish that any of the (b) (6), (b) (7)(C) CAF personnel knew of or perceived that the Complainant had made a protected disclosure before they took this action.

Based on the subjects' lack of knowledge of the protected disclosures before initiating the intent to revoke, a preponderance of the evidence established that the protected disclosures could not have been a contributing factor in the action taken affecting his eligibility for access to classified information.

Action 2: December 2022 Final Letter of Revocation

(b) (6), (b) (7)(C) reviewed the Complainant's response to the SOR and submitted the LOR to (b) (6), (b) (7)(C) on September 28, 2022, before learning that the Complainant was claiming to be a whistleblower. (b) (6), (b) (7)(C) and did not review the final LOR before it

was submitted to (b) (6), (b) (7)(C). Therefore, a preponderance of the evidence established that the Complainant's protected disclosures could not have been a contributing factor in (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C) submission of the LOR.

(b) (6), (b) (7)(C), however, learned before approving and signing the LOR that the Complainant was claiming to be a whistleblower. Therefore, based on (b) (6), (b) (7)(C) knowledge of the Complainant's claim to whistleblower status and the close timing between the protected disclosure and the action affecting eligibility for access to classified information, a preponderance of the evidence established that the protected disclosures were a contributing factor in the action affecting eligibility for access to classified information.

Because the Complainant has successfully established the elements of a *prima facie* allegation by a preponderance of the evidence, the question then becomes whether clear and convincing evidence demonstrates that (b) (6), (b) (7)(C) would have taken the same action even absent the protected disclosures.¹³ In so doing, we considered the following factors.

Strength of the Evidence

Stated Reasons for Proposing and Revoking the Complainant's Eligibility for Access to Classified Information

Despite the documented past security incidents that the Complainant was involved in before coming to the (b) (6), (b) (7)(C) CAF did its due diligence to have the Investigations and Continuous Evaluations branches investigate those incidents before the (b) (6), (b) (7)(C) CAF made an eligibility determination. (b) (6), (b) (7)(C) spoke to the DCSA CAS to ensure that it had reviewed the (b) (6), (b) (7)(C) information before it adjudicated the Complainant's DoD eligibility for access to classified information. The Continuous Evaluations branch interviewed the Complainant, who then acknowledged (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C). They also interviewed witnesses about the (b) (6), (b) (7)(C) investigation, which substantiated that the Complainant (b) (6), (b) (7)(C). Ultimately, the (b) (6), (b) (7)(C) CAF granted the Complainant eligibility for access to classified information based on reciprocity from the DCSA CAS' decision to grant him a favorable eligibility.

Soon after, (b) (6), (b) (7)(C) notified the (b) (6), (b) (7)(C) CAF that it substantiated findings against the Complainant (b) (6), (b) (7)(C). On receiving (b) (6), (b) (7)(C) findings, (b) (6), (b) (7)(C) reviewed the derogatory information, as well as the Complainant's history, and felt a revocation was warranted in accordance with DoDM 5200.02. This was based on a pattern of misconduct, including the Complainant's (b) (6), (b) (7)(C)

¹³ Black's Law Dictionary defines a *prima facie* case as one that is "established by sufficient evidence, and can be overthrown only by rebutting evidence adduced on [offered by] the other side."

(b) (6), (b) (7)(C)

██████████ and the report from the (b) (6), (b) (7)(C) that the Complainant had (b) (6), (b) (7)(C) ██████████. (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) agreed with (b) (6), (b) (7)(C) recommendation to initiate an LOI with an SOR. (b) (5), (b) (6), (b) (7)(C) ██████████
██████████.

After reviewing the Complainant's response to the SOR, (b) (6), (b) (7)(C) ██████████
██████████
██████████

(b) (6), (b) (7)(C) submitted a final LOR to (b) (6), (b) (7)(C).

It was after these actions occurred that (b) (6), (b) (7)(C) CAF personnel learned that the Complainant was claiming to be a whistleblower.

Motive to Retaliate

We found no evidence to indicate that any of the (b) (6), (b) (7)(C) CAF personnel had a motive to reprise against the Complainant. (b) (6), (b) (7)(C) CAF personnel told us that they did not know the Complainant before his case came to their attention and that they did not know of his protected disclosures; we found no evidence to the contrary. Additionally, no one from outside the (b) (6), (b) (7)(C) CAF who may have known of the Complainant's protected disclosures influenced their decision. Furthermore, the Complainant's disclosures did not implicate (b) (6), (b) (7)(C) CAF personnel in any wrongdoing and no evidence indicated that their adjudication process was influenced by any other (b) (6), (b) (7)(C) personnel. Therefore, the evidence did not establish a retaliatory motive on the part of (b) (6), (b) (7)(C) CAF personnel.

Disparate Treatment of the Complainant

We found no indication that (b) (6), (b) (7)(C) CAF personnel treated the Complainant disparately during their review and adjudication. Testimonies from (b) (6), (b) (7)(C) CAF personnel and the (b) (6), (b) (7)(C) ██████████ indicated that nothing was unusual about the Complainant's case or that he was treated disparately from any other (b) (6), (b) (7)(C) employee who was not a whistleblower. Additionally, the (b) (6), (b) (7)(C) CAF processed numerous revocation proposals each year involving questionable personal conduct concerns similar to the Complainant's substantiated misconduct and his (b) (6), (b) (7)(C) ██████████
██████████.

Totality of the Evidence

(b) (6), (b) (7)(C)



[REDACTED]. After reviewing the Complainant's response to the SOR, which failed to provide detailed and credible responses to the listed concerns, (b) (6), (b) (7)(C) CAF personnel all agreed that the Complainant did not mitigate the concerns and drafted a final revocation letter.

These events occurred before (b) (6), (b) (7)(C) CAF personnel learned that the Complainant was claiming whistleblower status, the nature of which was unknown. (b) (6), (b) (7)(C) CAF personnel followed appropriate procedures in accordance with the adjudicative guidelines as outlined in Executive Order 12968 and DoDM 5200.02.

(b) (6), (b) (7)(C) CAF personnel lacked a motive to reprise against the Complainant, and no evidence existed that (b) (6), (b) (7)(C) CAF personnel treated the Complainant disparately from other non-whistleblowers who were involved in similar concerns of personal conduct under the adjudicative guidelines.

Conclusion

Clear and convincing evidence establishes that (b) (6), (b) (7)(C) CAF personnel would have revoked the Complainant's eligibility for access to classified information absent any protected disclosure. Accordingly, (b) (6), (b) (7)(C) CAF personnel did not take, or threaten to take, an action affecting the Complainant's eligibility for access to classified information in reprisal for his protected disclosures.

Complainant's Response to Preliminary Conclusion

We provided a preliminary report of investigation to the Complainant and his counsel on February 13, 2025, and gave them the opportunity to respond to our preliminary conclusion. The Complainant responded via email through counsel on February 20, 2025, nonconcurring with our conclusion, but he did not provide any additional information.

Overall Conclusion

Absent any response from the Complainant to our preliminary report of investigation, our conclusion remains unchanged. We conclude that (b) (6), (b) (7)(C) CAF personnel did not take, or threaten to take, an action affecting the Complainant's eligibility for access to classified information in reprisal for his protected disclosures.

Acronyms and Abbreviations

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

CAP Compartmented Access Programs

CE Continuous Evaluations office

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

DCSA CAS Defense Counterintelligence and Security Agency, Consolidated Adjudications Services

DoDM DoD Manual

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

DTM Directive-type Memorandum

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

LOI Letter of Intent

MFR Memorandum For Record

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

PPD-19 Presidential Policy Directive 19

PSAB Personnel Security Appeals Board

SAP Special Access Program

SAPCO Special Access Program Central Office

SCI Sensitive Compartmented Information

SIC Secure Integration Cloud

SOR Statement of Reasons

(b) (6), (b) (7)(C)

T5/SCI Top Secret/Sensitive Compartmented Information

UAP Unidentified Anomalous Phenomena

Whistleblower Protection

U.S. DEPARTMENT OF DEFENSE

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