

GAO Highlights

Highlights of [GAO-16-860T](#), a testimony before the Subcommittee on National Security, Committee on Oversight and Government Reform, House of Representatives

Why GAO Did This Study

Whistleblowers play an important role in safeguarding the federal government against waste, fraud, and abuse, and their willingness to come forward can contribute to improvements in government operations. However, whistleblowers also risk reprisal, such as demotion, reassignment, and firing.

This testimony discusses DODIG's progress in (1) taking actions to track and report on the timeliness of military whistleblower reprisal investigations, and (2) strengthening its oversight of the military services' whistleblower reprisal investigations.

GAO's statement is based primarily on information from May 2015 and February 2012 GAO reports on military whistleblower reprisal investigations. For those reports, GAO examined laws, regulations, and DOD guidance; conducted detailed file reviews using representative samples of cases closed in fiscal year 2013 and between January 2009 and March 2011; analyzed DODIG and military service data for cases closed in fiscal years 2013 and 2014; and interviewed DOD officials. GAO also determined what actions DOD had taken through August 2016 in response to recommendations made in the 2015 and 2012 reports.

What GAO Recommends

DOD implemented 15 of the 18 recommendations GAO made to improve and track investigation timeliness and strengthen oversight of the military services' investigations, and is considering steps to implement the remaining three regarding standardized investigations and reporting to Congress.

View [GAO-16-860T](#). For more information, contact Brenda S. Farrell at (202) 512-3604 or FarrellB@gao.gov, or Lori Atkinson at (404) 679-1852, or AtkinsonL@gao.gov.

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WHISTLEBLOWER PROTECTION

DOD Has Improved Oversight for Reprisal Investigations, but Can Take Additional Actions to Standardize Process and Reporting

What GAO Found

The Department of Defense Office of Inspector General (DODIG) has taken actions to improve its tracking of the timeliness of military whistleblower reprisal investigations in response to recommendations that GAO made in 2012 and 2015. For example, in 2012 and 2015, GAO found that DOD was not meeting its internal requirement to complete whistleblower reprisal investigations within 180 days, with cases closed in fiscal years 2013 and 2014 averaging 526 days. In response, DODIG—which is responsible for both conducting investigations and overseeing investigations conducted by the military services—took steps to better track and analyze timeliness data by developing a guide to help ensure the accurate tracking of case processing time and by updating its case management system in April 2016 to include new investigation milestones. Because these actions were not taken until 2016, it is too early to determine if timeliness has improved since GAO last reported on the status. Similarly, in 2015, GAO found that DOD had not met the statutory requirement to notify servicemembers within 180-days about delays in their investigations for about half of the reprisal investigations closed in fiscal year 2013. In response, DODIG developed an automated tool in its case management system to flag cases approaching 180 days. However, DODIG continues to not regularly report to Congress on the timeliness of military whistleblower reprisal investigations as GAO recommended in 2012. On August 31, 2016, a senior DODIG official stated that DODIG will implement this recommendation by reporting timeliness information to Congress biannually.

DODIG has strengthened its oversight of military service reprisal investigations in response to recommendations GAO made in 2012 and 2015 by establishing processes and developing guidance for overseeing investigations, among other things. For example, in 2015, GAO found that DODIG did not have a process for documenting whether investigations were independent and were conducted by someone outside the military service chain of command. In response, DODIG directed the service IGs to certify investigators' independence for oversight reviews. GAO also found in 2015 that DODIG had provided limited guidance to investigators using its case management system, limiting its utility as a real-time management system, as intended. In response, DODIG issued a system guide and a data entry guide, which provide key information on how to work with and maintain system data. However, in 2015 GAO also found that DODIG and the military service IGs used different terms in their guidance to investigators, hindering DODIG oversight of case completeness. GAO recommended that DOD direct the military service IGs to follow standardized investigation stages and issue related guidance. DODIG officials stated in August 2016 that they are working with the services to standardize investigation stages and that DODIG is willing to work with the Secretary of Defense to issue such direction. Separately, GAO found in 2012 that unreliable data on corrective actions taken in response to substantiated reprisal cases was hampering oversight and recommended that DOD regularly report to Congress on the frequency and type of corrective actions taken in response to substantiated reprisal claims. DODIG reports some corrective actions in its semiannual report to Congress, but does not include all relevant corrective actions or outstanding corrective action recommendations.