



## INVESTIGATIVE SUMMARY | DoD OIG

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### Summary Report of Whistleblower Restriction Investigation – Special Operations Command Pacific, Camp H.M. Smith, Hawaii

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The DoD Office of Inspector General (DoD OIG) completed an investigation into allegations that an Air Force Colonel restricted the Complainant (an Army Major) from lawfully communicating with an Inspector General and Congress.

The DoD OIG found that soon after the Complainant returned from a period of military leave during which they publicly met with Members of Congress to discuss the effects of the Red Hill fuel leak on family members, the Complainant met with the Colonel to discuss the perceived negative actions that other command members had taken against the Complainant. During the meeting, the Colonel told the Complainant that they had “brought it on [themselves]” by talking to Congress, was acting like a “self-professed superhero,” and should just drop their kids off at day care and return to work.

The DoD OIG found, by a preponderance of the evidence, that the Colonel’s words would have restricted a reasonable Service member from continuing to communicate with Congress to prevent any future negative actions. Given the Colonel’s reference to the Complainant’s engagements with Congress as being part of the basis for the perceived negative actions they had experienced, we determined that would have caused a reasonable Service member to infer that the perceived negative actions would end if the Complainant went back to work and ceased reporting matters to Congress. We found that the Colonel’s rank and position of authority coupled with the Colonel’s display of a dismissive attitude and demeanor towards the Complainant’s concerns contributed to the likelihood that the Colonel’s conduct would restrict a reasonable Service member from continuing to lawfully communicate with a Member of Congress or an Inspector General.

While the DoD OIG found no evidence that the Colonel’s statements actually restricted the Complainant’s access to a Member of Congress, a member of the Armed Forces does not actually need to be deterred from lawfully communicating

with a Member of Congress or an Inspector General for a violation of section 1034, title 10, United States Code, "Protected Communications; Prohibition of Retaliatory Personnel Actions" (10 U.S.C. § 1034), to occur. Therefore, the DoD OIG found that the Colonel restricted the Complainant from lawfully speaking to a Member of Congress or an Inspector General, in violation of 10 U.S.C. § 1034.



The DoD OIG recommended that the Air Force take appropriate action against the Air Force Colonel.