



OFFICE OF
INSPECTOR GENERAL
U.S. DEPARTMENT OF THE INTERIOR

July 11, 2013

Memorandum

To: Secretary

From: Mary L. Kendall
Deputy Inspector General

A handwritten signature in cursive script, appearing to read "Mary L. Kendall".

Subject: Management Advisory- Inaction on Whistleblower Complaints Related to Scientific Integrity Complaints

The Office of Inspector General (OIG) requests that immediate action be taken to address an unreasonable and inappropriate response regarding the discipline of two Fish and Wildlife Service (FWS) supervisors who engaged in scientific misconduct and apparently retaliated against three FWS employees in 2012. The failure to take timely and appropriate management action by FWS senior leadership, to include Director Dan Ashe, damages the credibility and integrity of the Department of the Interior (DOI) and FWS Science Program as well as senior leadership.

Beginning in February 2012 the OIG received three separate reprisal complaints from FWS employees. The complainants allege that they have been subject to reprisal after making credible allegations of scientific integrity violations.

The OIG referred the allegations to the FWS to be addressed and assigned our Associate Inspector General for Whistleblower Protection (AIG-WBP) to monitor and assist in the FWS investigation. In short, the investigation by FWS confirmed that the allegations of scientific misconduct had occurred and that the supervisors had taken improper administrative action against the complainants, to include loss of pay and transfer of duties. These actions appear to have been taken in direct relationship to the complainants raising concern about scientific integrity issues. It is our understanding that action has not been taken to reimburse the employees for the loss of pay and we believe one of the complainants has not been returned to her original assignments and duty station.

As we monitored the investigation and subsequent findings we were generally satisfied with the time and attention provided to the matter. During the entire process, our AIG-WBP has maintained contact with the complainants, the investigating parties, and FWS senior management.

Over a year has passed since the investigation was initiated and over two months have passed since the findings of misconduct and loss of integrity were determined. Months of pointed discussions and stern warnings with Regional Director Benjamin Tuggle, Deputy Director

Changes have been made to the internal memorandum consistent with 5 U.S.C. § 552 (b)(6) of the Freedom of Information Act (FOIA).

Rowan Gould, and Director Dan Ashe by the AIG-WBP have not resulted in any formal and permanent action against the offending supervisors. To date, the whistleblowers have received no relief and, in the public eye appear to have committed wrongdoing. In fact, recent actions taken by FWS management regarding the offending supervisors appear to have elevated their status and do not appear to be disciplinary in nature.

We understand the need for deliberative and careful review, but further delay in addressing the whistleblower complaints exposes the FWS to significant and unnecessary risks. FWS has been aware for approximately one year that the supervisors took significant adverse actions against three FWS employees on the heels of their scientific misconduct disclosures. Those actions appear flawed at the outset in that they violated the DOI's progressive discipline policy. There is strong evidence that but for the science allegations, the personnel actions would not have occurred.

Currently, the complainants feel isolated, under-engaged, and punished for bringing the misconduct to the attention of their supervisors, the OIG and the DOI Bureau Scientific Integrity Officer. The actions taken against the complainants sends a strong and negative message to FWS employees who have a duty to report lack of integrity or misconduct pursuant to the DOI science policy or even to raise issues of concern at the lowest possible level. This case is disturbing in the sense that no one seems to have thanked the biologists for their passion for good science and for the courage it took for them to report misconduct at significant risk to their professional and personal well-being.

Delay in this case places the FWS and DOI at risk for additional costs (to include significant attorney fees, compensatory damages, poor morale, negative impact on the efficiency of the service, and reputation). This case does not improve with age. Due to the findings and seriousness of both the science and whistleblower allegations, I request that you require appropriate action to be taken promptly. The complete record of the adverse actions is maintained by FWS Human Resources or the Office of the Solicitor (ESO-S0000328 and ESO-S0000340 - FWS Region 2 –Oklahoma Ecological Services Field Office). In addition, we would be available to fully brief you, or your designee, on this matter.

We request that a written response to this management advisory be provided to our office within 30 days. If you have any questions or need further information, please do not hesitate to contact me at (202) 208-5745.