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OSC Blocks Termination of Slaughterhouse Whistleblower

FOR IMMEDIATE RELEASE

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Yesterday, the U.S. Office of Special Counsel (OSC) obtained a stay of a proposed termination of a U.S. Department of Agriculture inspector, who disclosed what she believed to be inhumane conditions in a hog slaughterhouse. The Merit Systems Protection Board (MSPB) [granted](#) an OSC request for a stay of USDA's proposed removal of Judy Kachanes, a consumer safety inspector with the USDA's Food Safety and Inspection Service (FSIS). OSC successfully sought the 45 day stay to more thoroughly investigate her complaint of whistleblower retaliation and reinstate Kachanes in her job pending a decision on the merits of her claim.

Kachanes, a 27-year USDA employee with no disciplinary record, disclosed in October 2012 that hogs in a slaughterhouse "were not rendered unconscious by the bolts of electricity that were being used to stun them before their deaths," according to OSC's filing. Electric shocks are used to render the hogs unconscious, so they cannot feel the pain of bleeding to death. Kachanes stated that she saw hogs blinking and other signs of consciousness after being shocked.

After reporting her observations and recommending remedial actions to USDA employees and officials, Kachanes was relieved of her duties in the slaughtering plant. Months later, in February 2013, Kachanes contacted the Secretary of Agriculture and the Government Accountability Project, a non-profit group. Soon afterward, when the plant attempted to demonstrate compliance by slaughtering another hog with Kachanes as a witness, she observed that the hog tried to stand up after being shocked. This led her to believe that the plant still was not properly stunning animals to the point of unconsciousness. She reported this additional information to USDA officials.

Within a month of Kachanes's February 2013 disclosures, "officials placed Kachanes under close supervision and temporarily detailed her to less significant job duties on the heels of her initial reports of inhumane slaughter practices," according to OSC's request. USDA management also detailed Kachanes to what appears to be an unsuitable position. Although later ordered by the USDA's Office of Civil Rights to return Kachanes to her previous position, USDA instead moved to terminate her in September 2013. Due to the stress of the ordeal, Kachanes resigned in December 2013.

USDA officials "may have been motivated to punish Kachanes for her protected disclosures in order to deter others from coming forward," OSC's filing states. Her disclosures came shortly before the USDA Office of Inspector General [reported](#) in May 2013 that FSIS inspectors often do not enforce the Humane Method of Slaughter Act at swine slaughterhouses.

In its [order](#) granting OSC's stay request, the MSPB found "that there are reasonable grounds to believe that the agency indefinitely detailed Ms. Kachanes, proposed her removal, and constructively removed her based on her protected disclosures in violation of 5 U.S.C. § 2302(b)(8)."

OSC's request and the MSPB's order are not factual determinations on Kachanes's disclosures. Nevertheless, OSC "has reasonable grounds to believe that a disinterested observer in Kachanes's shoes could believe that the information she disclosed concerning the inhumane slaughter of market hogs evidenced violations of law, rule or regulation," OSC's filing states.

The U.S. Office of Special Counsel (OSC) is an independent federal investigative and prosecutorial agency. Our basic authorities come from four federal statutes: the Civil Service Reform Act, the Whistleblower Protection Act, the Hatch Act, and the Uniformed Services Employment & Reemployment Rights Act (USERRA). OSC's primary mission is to safeguard the merit system by protecting federal employees and applicants from prohibited personnel practices, especially reprisal for whistleblowing, and to serve as a safe channel for allegations of wrongdoing. For more information, please visit our website at www.osc.gov.