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High-Profile Marine Corps Whistleblower Settles Case through Mediation

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Today, Franz Gayl, a U.S. Marine Corps civilian scientist, and the United States Marine Corps successfully resolved Mr. Gayl’s Whistleblower Protection Act complaints through the U.S. Office of Special Counsel’s (OSC) mediation program. Mr. Gayl had publicly raised concerns about the speed of the military’s procurement of blast-resistant trucks known as Mine Resistant Ambush Protected vehicles (MRAPs) and claimed he was retaliated against for his whistleblowing.

“I commend Franz Gayl and the Marine Corps for their hard work and willingness to negotiate in good faith towards a settlement that is satisfactory to both parties,” said Special Counsel Carolyn Lerner.

In connection with these efforts, the Marine Corps has agreed to create an operational planning team, which will develop guidelines to help individual Marine Corps members and employees meet their Marine Corps’ obligations and responsibilities consistent with their whistleblower rights. Due to his whistleblower experience, the Marine Corps will appoint Mr. Gayl to serve as a member of this team.

“Mr. Gayl’s experiences as a whistleblower as well as being a former uniformed Marine and current civilian employee will make him an important contributor to the new team’s work,” said Special Counsel Lerner.

Under Special Counsel Lerner, OSC expanded its Alternative Dispute Resolution program and is actively mediating dozens of cases involving whistleblower retaliation. Mediation, a type of alternative dispute resolution, is an informal process in which a neutral third party – in this case an independent OSC mediator – assists the opposing parties in reaching a voluntary, negotiated resolution. Under OSC’s mediation program, all mediation communications are confidential.

OSC’s mediation program has proven popular with many complainants and agencies and often leads to favorable resolutions. In fiscal year 2014, OSC’s mediation program achieved a 78 percent settlement rate.

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.