



U.S. Office of Special Counsel
1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505

OSC Blocks the Removal of a TSA Inspector in South Carolina

FOR IMMEDIATE RELEASE

CONTACT: Nick Schwellenbach, (202) 254-3631; nschwellenbach@osc.gov

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Yesterday, the U.S. Office of Special Counsel (OSC) obtained an [order](#) from the Merit Systems Protection Board (MSPB) blocking the removal of a Transportation Security Administration (TSA) inspector for 45 days while OSC investigates her claim of retaliation for whistleblowing. The inspector, Ms. Kimberly Barnett, is one of three Explosive Detection Canine Handlers at the Charleston International Airport in South Carolina. She alleges that her supervisor violated agency safety rules and inaccurately recorded the time he worked.

Ms. Barnett began disclosing this information to TSA management in October 2013. A TSA management official allegedly told Ms. Barnett that she was not “being a team player” and was throwing her supervisor “under the bus,” according to Ms. Barnett. Frustrated by the lack of management response, Ms. Barnett then reported this misconduct to OSC in June 2014.

After her disclosure to OSC, she was involved in a minor car accident in August when a bus struck her parked car, which she promptly reported to her supervisor. During a meeting with the TSA management official (who made the alleged statements above) about the accident, the official accused Ms. Barnett of cursing on the telephone to her supervisor when she reported the accident. Ms. Barnett said she did not recall doing this. She reiterated this in another meeting with two TSA investigators.

Based on the bus incident and her statements to TSA officials about the incident, TSA proposed to fire Ms. Barnett on October 31, 2014, for inappropriate conduct. The proposal also accused Ms. Barnett of lacking candor in her statements to TSA officials when she asserted that she could not recall having cursed following the accident.

On November 26, 2014, the day before Thanksgiving, TSA issued Ms. Barnett a Notice of Removal effective that day. The agency removed her for allegedly cursing and failing to admit that she cursed when questioned by agency officials. OSC filed its stay request on December 12, 2014.

MSPB Board Member Mark A. Robbins wrote in an [order](#), “I find that there are reasonable grounds to believe that TSA proposed Ms. Barnett’s removal based on her protected disclosure” in retaliation for making disclosures of wrongdoing.

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.