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## OSC Obtains Discipline Against Fish and Wildlife Service Managers for Whistleblower Retaliation

**FOR IMMEDIATE RELEASE**

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The U.S. Office of Special Counsel (OSC) recently secured disciplinary actions against three Fish and Wildlife Service (FWS) supervisors who retaliated against a whistleblower.

The whistleblower, Michael J. Hames, Jr., a maintenance worker at the Deep Fork National Wildlife Refuge in Oklahoma, disclosed that his second-line supervisor directed his subordinates to drive their government vehicles with government sandbags to his home and to fortify it against flooding in March 2008. FWS gave the second-line supervisor a 30-day suspension for "use of government property for personal use," "using employees in duty status for other than official purposes," and time and attendance violations.

Following the suspension of Mr. Hames's second-line supervisor, Mr. Hames was subjected to a hostile environment and increased scrutiny that led to a proposal to remove Mr. Hames. Prior to his removal, the agency presented Mr. Hames with a last-chance agreement that he could keep his job if he accepted a transfer and agreed to never speak about his disclosure, including waiving his rights to file a complaint with OSC or the Merit Systems Protection Board (MSPB). Mr. Hames refused to sign the agreement and was removed from federal service in 2012. He appealed his removal to the MSPB. An administrative judge found that Mr. Hames's removal was retaliation for whistleblowing. The judge reversed Mr. Hames's removal, put him back in his job, and referred the matter to OSC for potential disciplinary action against FWS officials involved in his removal.

After an OSC inquiry, FWS agreed to issue a 14-day suspension for the second-line supervisor; a 10-day suspension for the first-line supervisor; and a 5-day suspension for the deciding official, the one who enforced the retaliatory last chance agreement that forbade the whistleblower from discussing his disclosure. These employees served their suspensions in May.

In addition to disciplinary action against the involved agency officials, FWS agreed to have OSC conduct training on prohibited personnel practices, including whistleblower retaliation, for all employees at the Deep Fork National Wildlife Refuge and the Sequoyah National Wildlife Refuge, also in Oklahoma.

"Mr. Hames did the right thing when he blew the whistle on wrongdoing. Whistleblowers should never face retaliation for disclosing improper acts," said Special Counsel Carolyn Lerner. "The discipline of these supervisors should help send a signal that retaliation is not tolerated."

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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](http://www.osc.gov).