

## Department of Defense Whistleblower, Office of Special Counsel Prompt Fix to Overly Restrictive Army Policy

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WASHINGTON, D.C./Jan. 4, 2018 – A Department of Defense (DoD) whistleblower disclosure to the U.S. Office of Special Counsel (OSC) prompted a DoD investigation and agency action to reverse an impermissibly strict Army policy limiting the eligibility of law enforcement officers to carry concealed firearms off duty. The Secretary of Defense directed the Army to remove its overly restrictive eligibility criteria, and DoD is reviewing the law enforcement concealed firearms carrying policies of all agency components.

The case came to OSC from Shaun Lomax, an Army civilian police officer, who alleged that DoD and the Army implemented policies that appeared to violate federal law by improperly granting departmental components the authority to impose additional criteria on “qualified law enforcement officer” status. The status is a designation explicitly defined by the Amended Law Enforcement Officers Safety Act of 2004 (LEOSA). The law allows a qualified law enforcement officer to carry a concealed firearm, regardless of state or local laws, while off duty for the purpose of personal protection and law enforcement actions in exigent circumstances. Beyond the specific criteria established in the statute, an Army Directive required an individual to “show 6 years of cumulative police experience ...” to qualify for an identification card.

DoD’s investigation substantiated that the additional requirement violated LEOSA. The report noted that the requirement improperly imposed additional restrictions on Army law enforcement officers to obtain “qualified law enforcement officer status.” The whistleblower asserted and the agency confirmed that the statute does not contemplate additional restrictions on eligibility beyond those enumerated in the statute. DoD is taking corrective action as a result of these findings.

“OSC has reviewed the original disclosure, the reports, and Mr. Lomax’s comments,” Special Counsel Henry J. Kerner wrote to President Trump. “While Mr. Lomax had significant concerns about the pendency of revisions to the Directive and associated issues, the agency initiated a significant and substantive policy revision. Accordingly, I have determined that the reports meet all statutory requirements and the findings appear reasonable.”

OSC sent copies of the agency reports, the letter to the President, and the whistleblower’s comments to the Chairmen and Ranking Members of the Senate and House Armed Services Committees. OSC also filed a copy of the letter to the President, the reports, and the whistleblower’s comments in its [public file](#), available at [www.osc.gov](http://www.osc.gov). This matter is now closed.

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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).*