



U.S. OFFICE OF SPECIAL COUNSEL
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The Special Counsel

December 4, 2024

The Honorable Christine Wormuth
Secretary of the Army
101 Army Pentagon
Washington, D.C. 20301

Re: OSC File No. DI-25-000151
Request for Investigation—5 U.S.C. § 1213(c)

Dear Secretary Wormuth:

I am referring to you for investigation whistleblower disclosures concerning employees of the Department of the Army (Army), U.S. Army Installation Management Command, Directorate of Plans, Training, Mobilization and Security (DPTMS) in Fort Johnson, Louisiana. The whistleblower alleged that DPTMS employees have engaged in activity that may constitute a violation of law, rule, or regulation; gross mismanagement; and a substantial and specific danger to public safety. A report of your investigation on these allegations and any related matters is due to the Office of Special Counsel (OSC) by February 3, 2025.

[REDACTED], an Air Traffic Controller at Fort Johnson who consented to the release of her name, disclosed that employees are not properly manning positions at the Fort Johnson Radar Approach Control Facility to ensure the safe and efficient use of Moks Army Airfield airspace in accordance with Army and Federal Aviation Administration requirements. The allegations to be investigated include:

- Air Traffic Controllers are not properly manning their positions;
- Air Traffic Controllers are not performing duties for the required duration of their assigned shift;
- Fort Johnson Radar Approach Control Facility leadership is not properly documenting consolidated or combined positions;
- Allowing one Air Traffic Controller to cover all positions creates a substantial and specific danger to public safety; and
- Any additional, related allegations discovered during the investigation of the foregoing allegations.

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██████████ indicated that DPTMS leadership established required staffing levels for Fort Johnson Radar Approach Control Facility (Facility) to operate within mission requirements and comply with Army Regulation TC 3-04.15, § 1-19. The required staffing level is a minimum of four Air Traffic Controllers during the day and swing shift and a minimum of two Air Traffic Controllers for the midnight shift. ██████████ alleged that complying with the required staffing level is necessary to ensure the safety of Fort Johnson air space operations.

██████████ alleged that although Facility leadership is scheduling the required number of Air Traffic Controllers per shift, they are not requiring the scheduled Air Traffic Controllers to work the full eight hours. Instead, ██████████ alleged that during the day and swing shifts, each Air Traffic Controller works only a two-hour shift and spends the remaining hours resting, playing games, or socializing in the control room. Similarly, during the midnight shift, each Air Traffic Controller works only half of the shift and sleeps for half of the shift.

In addition, ██████████ alleged that all Air Traffic Controllers are signed into positions for the entirety of their eight-hour shift despite not actually working the position. She alleged that from the log records, it will appear that there are four Air Traffic Controllers logged in and working at four separate positions in Facility. However, one controller is manning all four positions while others are playing games, resting, or socializing. ██████████ alleged this violates Federal Aviation Administration Order 7210.3DD, which states that the Air Traffic Controller signed on to a position is responsible for the position, as well as the requirement that management's decision to consolidate or combine positions must be reflected in the log records. ██████████ alleged that one Air Traffic Controller covering all positions is unable to respond to communications necessary for the coordination of personnel, ground vehicles, and aircraft on or near taxiways, runways, and landing areas in a timely manner, which creates a substantial and specific danger to public safety.

Pursuant to my authority under 5 U.S.C. § 1213(c), I have concluded that there is a substantial likelihood that the information provided to OSC discloses a violation of law, rule, or regulation; gross mismanagement; and a substantial and specific danger to public safety. Please note that specific allegations and references to specific violations of law, rule or regulation are not intended to be exclusive. If, in the course of your investigation, you discover additional violations, please include your findings on these additional matters in the report to OSC. As previously noted, your agency must conduct an investigation of these matters and produce a report, which must be reviewed and signed by you. Per statutory requirements, I will review the report for sufficiency and reasonableness before sending copies of the agency report along with the whistleblower's comments and any comments or recommendations I may have, to the President and congressional oversight committees and making these documents publicly available.

Further, in some cases, whistleblowers who have made disclosures to OSC that are referred for investigation or review pursuant to 5 U.S.C. § 1213 also allege retaliation for

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whistleblowing once the agency is on notice of their claims. I urge you to take all appropriate measures to ensure that those reporting wrongdoing and any witnesses interviewed in the course of the review are protected from such retaliation and other prohibited personnel practices.

Additional important requirements and guidance on the agency report are included in the attached Appendix, which can also be accessed at <https://osc.gov/Documents/Public%20Files/1213%20Appendix.pdf>. If your investigators have questions regarding the statutory process or the report required under section 1213, please contact Catherine A. McMullen, Chief, Disclosure Unit, at (202) 804-7088 or cmcmullen@osc.gov for assistance. I am also available for any questions you may have.

Sincerely,

A handwritten signature in cursive script that reads "Hampton Dellinger".

Hampton Dellinger
Special Counsel

Enclosure

APPENDIX

AGENCY REPORTS UNDER 5 U.S.C. § 1213

GUIDANCE ON 1213 REPORT

- OSC requires that your investigators interview the whistleblower at the beginning of the agency investigation when the whistleblower consents to the disclosure of his or her name.
- OSC will consider extension requests in 60-day increments when an agency evidences that it is conducting a good faith investigation that will require more time to complete.
- Identify agency employees by position title in the report and attach a key identifying the employees by both name and position. The key identifying employees will be used by OSC in its review and evaluation of the report. OSC will place the report without the employee identification key in its public file.
- Do not include in the report personally identifiable information, such as social security numbers, home addresses and telephone numbers, personal e-mails, dates and places of birth, and personal financial information.
- Include information about actual or projected financial savings as a result of the investigation as well as any policy changes related to the financial savings.
- Reports previously provided to OSC may be reviewed through OSC's public file, which is available here: <https://osc.gov/Pages/Resources-PublicFiles.aspx>. Please refer to our file number in any correspondence on this matter.

RETALIATION AGAINST WHISTLEBLOWERS

In some cases, whistleblowers who have made disclosures to OSC that are referred for investigation pursuant to 5 U.S.C. § 1213 also allege retaliation for whistleblowing once the agency is on notice of their allegations. The Special Counsel strongly recommends the agency take all appropriate measures to protect individuals from retaliation and other prohibited personnel practices.

EXCEPTIONS TO PUBLIC FILE REQUIREMENT

OSC will place a copy of the agency report in its public file unless it is classified or prohibited from release by law or by Executive Order requiring that information be kept secret in the interest of national defense or the conduct of foreign affairs. 5 U.S.C. § 1219(a).

EVIDENCE OF CRIMINAL CONDUCT

If the agency discovers evidence of a criminal violation during the course of its investigation and refers the evidence to the Attorney General, the agency must notify the Office of Personnel Management and the Office of Management and Budget. 5 U.S.C. § 1213(f). In such cases, the agency must still submit its report to OSC, but OSC must not share the report with the whistleblower or make it publicly available. See 5 U.S.C. §§ 1213(f), 1219(a)(1).