

YOUR RIGHTS, THEIR WRONGS

## *Petition to the United States Congress*

- I. To recommend oversight of the Office of Special Counsel (OSC) and the Merit System Protection Board (MSPB), regarding compliance of their non-discretionary duties to protect federal employees from prohibited personnel practices.
- II. To recommend the creation of an independent panel to investigate the causes of OSC's and MSPB's non-compliance of their statutory duties, and to determine the impact on the merit principles of the civil service and the federal employees directly affected.
- III. To allow the independent panel to make recommendations to Congress in order to ensure OSC and MSPB comply with their statutory duties, and to provide some measure of justice and restoration to all federal employees that have been negatively affected.

**We the undersigned hereby petition Congress** to discharge its oversight authority of OSC's compliance with aspects of its statutory duties to protect federal employees from prohibited personnel practices (PPP's), in particular, agency whistleblower retaliation against employees and OSC's non-compliance with its statutory obligations to report the results of investigations it conducts in accordance with 5 U.S.C. § 1216.

Additionally, we recommend that Congress conduct needed oversight of MSPB, including its statutory duty to conduct studies of OSC's performance in protecting federal employees from PPP's, and the MSPB's duty to determine and report to Congress and the President "as to whether the public interest in a civil service free of PPP's is being adequately protected."

We contend that OSC has failed to comply with its fundamental statutory duty to 10,000 or more federal employees, who filed approximately 25,000 PPP complaints since 1989. In the vast majority of those complaints, OSC has failed to make and appropriately report its determination "whether there are reasonable grounds to believe a PPP has occurred, exists, or is to be taken."

We contend that OSC has failed to comply with its lawful duties to protect federal employees from PPP's, and as a result, has significantly harmed the merit principles of the federal civil service, and has contributed to the continual occurrence of significant fraud, waste, and abuse in the federal government.

We contend that OSC has failed to protect federal whistleblowers from reprisal, indirectly at least, and has likely contributed to national disasters such as 9/11, the failure of the levees in New Orleans, the inept FEMA response to hurricane Katrina, the loss of space shuttle Columbia, as well as other instances of federal incompetence and malfeasance.

We are concerned that OSC's non-compliance with its statutory obligations to protect federal employees from PPP's contributes, at least indirectly, to an increased and unnecessary risk of a nuclear 9/11, other catastrophic terrorist attacks, and many other issues that compromise the safety and welfare of American citizens.

We believe that 10,000 or more loyal, patriotic, federal employees, who filed PPP complaints with OSC since 1989, have been negatively impacted by OSC's failure to comply with its statutory duties to protect them — particularly the 3000 or more federal employees who filed whistleblower appeals at MSPB after seeking, and failing to obtain OSC's protection.

This petition is largely about OSC's compliance pursuant to 5 U.S.C. § 1214(e), by which OSC is to report to the involved agency head, for any investigation it conducts in accordance with sections 1214 or 1216, and its final determination that there is "reasonable cause to believe" any violation of any law, rule, or regulation has occurred. Despite this clear and unambiguous language, OSC now claims that section 1214(e) does not apply to the laws authorizing its investigations and within its jurisdiction. Additionally, OSC now claims to have complete discretion in reporting its determinations of violation of any law, rule, or regulation that is not under its enforcement jurisdiction.

Since the Whistleblower Protection Act of 1989 was enacted, OSC has not made a single report to any agency head in accordance with section 1214(e), even after completing over 8000 field investigations. This fact is based on a review of OSC's Annual Reports to Congress and its public records maintained at its Washington, DC office, pursuant to 5 U.S.C. § 1219(a)(3).

**We therefore petition Congress** to conduct needed oversight of OSC's erroneous and inaccurate interpretation of 5 U.S.C. § 1214(e), along with OSC'S other statutory obligations to both Congress and the public. We additionally petition Congress to conduct oversight of MSPB concerning its statutory responsibilities to conduct meaningful oversight of OSC's actions, as further explained in the attached Addendum.

## *Petition Signatures*

**Jimmie Bacco**

*Federal Whistleblower*  
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**Larry Cruse**

*Federal Whistleblower*  
Former Senior Intelligence Analyst  
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U.S. Department of Navy

**P. Jeffrey Black**

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U.S. Federal Air Marshal Service

**Ollie Darby**

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Retired Auditor  
U.S. Department of Energy

**John Borgic**

*Federal Whistleblower*  
Retired Forester  
U.S. Bureau of Land Management

**Anthony D'Armiento**

*Federal Whistleblower*  
Naval Engineer  
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**Joseph Carson, P.E.**

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**Lesla Donnelly**

*Federal Whistleblower*  
Former Administrator  
U.S. Forest Service

### The Lloyd-La Follette Act

The right of federal employees, individually or collectively, to petition Congress or a Member of Congress, or to furnish information to either House of Congress, or to a committee or Member thereof, may not be interfered with or denied. [5 U.S.C. § 7211]

**Elaine Downing**

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Founder, Veteran Affairs  
Whistleblower Coalition

**Stace Hallstrom**

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Field Office Administrator  
U.S. Bureau of Land Management

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U.S. Department of Veteran Affairs

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Claims Examiner  
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Nat. Inst. of Environmental Health Services

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Environmental Protection Agency

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*Federal Whistleblower*  
Special Agent  
Federal Aviation Administration

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U.S. Department of Energy

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**Michael Williams**  
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U.S. Bureau of Land Management

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U.S. Department of Veteran Affairs

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*Federal Whistleblower*  
Federal Air Marshal  
U.S. Federal Air Marshal Service

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U.S. Bureau of Land Management

*- Attorneys at Law -*

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**Andy Suppiger**  
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Former Special Agent  
U.S. Customs Service

**Russ Tice**  
*Federal Whistleblower*  
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**David Nolan, Esq.**  
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U.S. Department of Energy

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*- Organizational Signatures -*

**Federal Hispanic Law Enforcement Officers Association**

[www.FHLEOA.org](http://www.FHLEOA.org)

**The Liberty Coalition**

[www.LibertyCoalition.net](http://www.LibertyCoalition.net)

**Government Accountability Project**

[www.whistleblower.org](http://www.whistleblower.org)

**National Accountant Whistleblower Coalition**

[www.NAWBC.com](http://www.NAWBC.com)

**Open the Government**

[www.OpenTheGovernment.org](http://www.OpenTheGovernment.org)

**Veterans Whistleblowers Coalition**

[www.VAWBC.com](http://www.VAWBC.com)

The above listed organizations strongly support the merits and principles of OSC Watch and the Petition to Congress, and have decided to sign this petition in principle only without necessarily supporting any of the legal claims or analysis in the petition.