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Special Counsel Calls Conduct at U.S. Military's Mortuary "Deeply Troubling"

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The Office of Special Counsel confirmed four disclosures by multiple whistleblowers of serious misconduct at the U.S. military's Port Mortuary in Dover, Delaware, which is run by the U.S. Air Force. The OSC mandated that the Air Force investigate the allegations. The Air Force investigation confirmed most of the whistleblower's factual allegations but it nonetheless failed to admit wrongdoing. The Air Force did, however, respond positively by changing numerous practices at the mortuary.

In two separate incidents, body parts of service members killed while on active duty were lost by the Port Mortuary. The Air Force acknowledged its "negligent failure" in these incidents, but still concluded that there was no obligation to notify the families.

In another matter, a U.S. Marine was dismembered with a saw in order to make the body fit inside a military uniform, without the consent or notification of the family. The Marine's left arm bone protruded at a 90-degree angle from his body, but rather than asking the family of the deceased for guidance, the mortuary director ordered it removed and, according to the whistleblower, told his staff to place the arm in the soldier's trouser leg. In its investigation, the Air Force stood by those decisions.

In addition, in five instances fetal remains of military families were shipped to Dover inside plastic pails, which were in turn placed in non-reinforced, used cardboard boxes, even though military guidelines require that remains be treated with "reverence, care and dignity." The Air Force acknowledged that this handling was "substandard" and that it "wasn't very dignified," but nevertheless said the remains were afforded the requisite reverence, care and dignity.

Finally, whistleblowers alleged that management at the mortuary failed to fully notify staff that a corpse was possibly infected with contagious tuberculosis, potentially exposing mortuary staff. The Air Force concluded that adequate notice had been given.

Special Counsel Carolyn Lerner called the Air Force's conclusions insufficient. She said that while the Air Force has made many changes in response to the whistleblowing, including requiring family permission prior to significantly altering remains and putting in place extensive procedures to improve the handling and accountability of remains, it has not taken sufficient disciplinary action against the officials responsible for wrongdoing. She also emphasized that OSC is investigating allegations by the three whistleblowers that the Air Force retaliated against them in myriad ways, including an attempt to terminate

the employment of one of them. Finally, she noted her concern that even after these matters were fully investigated by the Air Force, the Air Force delayed notifying the families involved until publication of the OSC report was imminent.

“The mortuary for the United State military should boast the best conditions and best practices of any mortuary,” Lerner said. “These events are deeply troubling, as is the Air Force’s failure to acknowledge culpability.”

OSC’s letter to President Obama and its full report on these matters can be found at <http://www.osc.gov/FY%202012%20A.html>.

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. For more information, please visit our website at www.osc.gov.