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OFFICE OF SPECIAL COUNSEL ANNOUNCES SETTLEMENT OF FIRST AMENDMENT CASE

FOR IMMEDIATE RELEASE

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WASHINGTON, DC/January 26, 2011—Today, the U.S. Office of Special Counsel (OSC) announced the resolution of a prohibited personnel practice complaint filed by a federal employee against the U.S. Naval Academy (USNA). The employee, a professor with USNA, alleged that in violation of his First Amendment right to free speech, he was denied an annual merit pay increase because he published newspaper articles criticizing USNA policies. The specific terms of the settlement are required to be kept confidential by agreement of the parties. The parties, however, have expressed their mutual satisfaction with those terms.

OSC's investigation uncovered evidence indicating that USNA illegally denied the employee a merit pay increase because of his public statements. In June of 2009, the employee published an article in a local newspaper criticizing USNA's admissions policies, which he argued gave minority applicants an unfair advantage. In September of 2009, the employee learned that he was being denied a merit pay increase that year although his immediate supervisor had recommended him for one. When asked to explain the decision, one official told members of the USNA faculty that the employee should not be rewarded for the manner in which he had expressed his concerns outside USNA. A few months later, the employee was also issued a warning letter informing him that if he continued making inappropriate public statements, disciplinary action could be taken against him.

While the investigation was ongoing, OSC negotiated an informal settlement of the complaint. Without admitting fault, USNA agreed to the settlement.

Associate Special Counsel William E. Reukauf observed that "no federal employee should fear that he will be penalized on the job for expressing an opinion on controversial matters of public concern." Mr. Reukauf noted his appreciation for USNA's cooperation during the investigation and its willingness to resolve the complaint, thus avoiding the possibility of protracted litigation.

The U.S. Office of Special Counsel (OSC) is an independent federal agency that investigates and prosecutes complaints alleging the commission of prohibited personnel practices. Pursuant to statute, OSC, acting on behalf of victims of prohibited personnel practices, has authority to seek voluntary corrective action from federal agencies or through administrative litigation before the U.S. Merit Systems Protection Board. For more information please visit our web site at www.osc.gov or call (800) 872-9855.