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OSC Announces Corrective and Disciplinary Actions in Retaliation Complaint at Defense Contract Audit Agency

FOR IMMEDIATE RELEASE

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Special Counsel Carolyn Lerner announced today that the Defense Contract Audit Agency took appropriate actions to right the wrongs committed against DCAA whistleblower Diem-Thi Le, a career auditor.

Ms. Le's disclosures of a culture of flawed and fraudulent audits at DCAA led to Congressional hearings and a fundamental shift in DCAA's mode of operation. Against resistance from DCAA, the Inspector General of the Department of Defense and the Government Accounting Office investigated and substantiated Ms. Le's allegations. They further questioned the quality of DCAA's auditor reports and the integrity of DCAA's management. A follow-up investigation concluded that the abuses Ms. Le had reported in the Santa Ana branch of DCAA had occurred on a much broader scale and beyond that one office.

As a consequence of her whistleblowing, Ms. Le saw a precipitous and otherwise inexplicable drop in her performance appraisals, was denied performance awards and promotional opportunities, experienced hostility from her co-workers, and was threatened and harassed. In one instance, her managers imposed a gag order that forbade her from disclosing information to outside investigators, including the Office of Special Counsel (OSC).

After accepting Ms. Le's complaint of whistleblower retaliation, OSC conducted an extensive field investigation and determined that DCAA managers had engaged in a pattern and practice of retaliation against Ms. Le for her disclosures. The two-year investigation concluded that DCAA retaliated against Ms. Le in violation of the Whistleblower Protection Act.

In an April 2010 report to then-Defense Secretary Robert Gates, OSC recommended full corrective action for Ms. Le and disciplinary action against officials responsible for the whistleblower retaliation and other prohibited personnel practices. DCAA Director Patrick Fitzgerald concurred and took action:

- Ms. Le's appraisals were changed to reflect the highest levels of achievement;
- Ms. Le received retroactive performance awards and her gag order was lifted;
- Subsequently, Ms. Le received a promotion;
- The officials responsible for the retaliatory actions against Ms. Le left government service, were reassigned or were disciplined.

Special Counsel Lerner said, "I'm grateful to Diem-Thi Le for her courage to speak out. Whistleblowers like Diem-Thi Le put their careers on the line when they expose this kind of fraud and abuse. They make our government stronger and they save taxpayer money."

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.