

Special Counsel Presents Air Force With Port Mortuary Report

February 1, 2012

The United States Office of Special Counsel (“OSC”) issued a press release yesterday announcing that it had presented the United States Air Force with its report regarding allegations of retaliation by four whistleblowers at the U.S. Port Mortuary at Dover Air Force Base. The OSC Report detailed the sequence of events over a period of 17 months in 2009 and 2010 and concluded that three Port Mortuary officials retaliated against whistleblowers. The OSC report also recommends disciplinary action against those officials.

We [reported in November](#) about Lerner’s initial condemnation of the Air Force’s reaction to the treatment of the whistleblowers, who reported serious misconduct at the Port Mortuary in Dover, DE, where bodies were dismembered and otherwise mistreated under orders by Air Force personnel. Special Counsel Carolyn Lerner said then that while the Air Force had made many changes in response to the whistleblowing, it had failed to take sufficient disciplinary action against the officials responsible for the wrongdoing.

The OSC stated in its press release yesterday that the four employees suffered retaliation for their disclosures, including job termination and indefinite administrative leave, and that such retaliation against a whistleblower is illegal under the Whistleblower Protection Act. The [New York Times reports](#) that while the Air Force did administer some modest punishment to the officials responsible for the retaliation, those punishments were considered inadequate by the special counsel, which asserted they should have been fired. Special Counsel Lerner took a firm tone in her comments in the press release, stating: “OSC’s primary mission is to protect federal whistleblowers from retaliation for disclosing wrongdoing in government.... We applaud the whistleblowers for their courage in coming forward.

We expect the Air Force will now take appropriate steps to discipline the wrongdoers and deter future acts of retaliation.”