

# [***Biden DOJ's Treatment Of Whistleblowers Violated Federal Law, Inspector General Says***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6C1K-3VP1-JBFB-H010-00000-00&context=1516831)

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**Body**

[*Link to Image*](https://cdn01.dailycaller.com/wp-content/uploads/2022/12/2022-11-18T203254Z_803760067_RC2COX9MABOX_RTRMADP_3_USA-TRUMP-INVESTIGATION-e1671212528482.jpg)

The Department of Justice under President Joe Biden failed to comply with federal protections when suspending whistleblowers' security clearances, according to a memo released Tuesday by the Office of the Inspector General (OIG).

The OIG found that the Justice Department doesn't give employees a way to appeal suspended security clearances, which does not align with a federal regulation updated in 2022, [*according*](https://oig.justice.gov/sites/default/files/reports/24-067.pdf) to its memo. Additionally, the OIG found that the DOJ under Biden failed to provide employees a reasonable opportunity to stay on the federal payroll if they believed the department suspended their clearance to retaliate against them for protected whistleblower activity.

“Existing DOJ practice is inconsistent with the intent of the federal statute,” the OIG [*announced*](https://oig.justice.gov/news/doj-oig-release-memo-deputy-attorney-general-regarding-department-justices-compliance) in a press release.

House Republicans [*accused*](https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/2023-05-17-fbi-whistleblower-testimony-highlights-government-abuse-misallocation-of-resources-and-retaliation-sm.pdf) the Federal Bureau of Investigation (FBI) in a May 18, 2023, report of retaliating against FBI special agent Stephen Friend, FBI special agent Garret O'Boyle and FBI staff operations specialist Marcus Allen for speaking out against the agency. O'Boyle said being [*placed*](https://dailycaller.com/2023/05/18/agent-fbi-pay-family-homeless-blew-whistle-illegal-activity/) on unpaid suspension by the FBI left his family effectively homeless.

The OIG said it unearthed these concerns after receiving complaints from “employees alleging that their security clearances were suspended in retaliation for protected whistleblowing activity.”

Empower Oversight president Tristan Leavitt, who represents [*Allen*](https://dailycaller.com/2024/01/24/empower-oversight-accuse-fbi-illegal-retaliation-suspend-agent/) through his organization, [*stated*](https://twitter.com/tristanleavitt/status/1790390365704339621?s=46&t=u_KQTpJKPR0GyPYzO30aIw) on social media that the memo was prompted in part by Allen's complaint.

Though the DOJ provides employees with an appeals channel if their security clearance is revoked, no such path exists for employees whose clearance is suspended pending a final decision on whether or not to revoke it, according to the OIG. The OIG identifies this as a problem because the law requires the DOJ to provide a path for [*whistleblowers*](https://dailycaller.com/2023/12/14/irs-whistleblower-verify-loan-white-house-joe-biden-family-member/) to challenge suspensions lasting longer than a year as retaliatory. [***(RELATED: Biden DOJ Taps Group Funded By Deep-Pocketed Left-Wing Orgs To Guide Gun Violence Reduction Efforts)***](https://dailycaller.com/2023/12/12/biden-doj-taps-group-funded-by-deep-pocketed-left-wing-orgs-to-guide-gun-violence-reduction-efforts/)

Since the DOJ lacks a way for employees who suspect retaliation to contest suspensions if they go on for longer than a year, the agency “does not meet the requirements” required by law, according to the OIG memo.

[*Link to Image*](https://cdn01.dailycaller.com/wp-content/uploads/2024/04/2023-01-24T195430Z_809915700_RC25XY90I95K_RTRMADP_3_USA-JUSTICE-scaled-e1714473929865.jpg)

A U.S. Justice Department logo or seal showing Justice Department headquarters (REUTERS/Kevin Lamarque)

Losing security clearance often means DOJ employees can no longer do their jobs, seeing as jobs in the department can require that employees have clearance in order to perform their duties, according to the memo. This means, in addition to having their clearance suspended, these employees are often suspended from their jobs without pay.

Federal law mandates that individuals who believe the DOJ suspended their security clearance in retaliation for whistleblowing must be permitted, as far as it is practical, “to retain their government employment status” during the course of the suspension, according to the OIG.

The OIG also found that the DOJ's existing policies “creates the risk that the security process could be misused, as part of an inappropriate effort to encourage an employee to resign.”

The DOJ did not immediately respond to the Daily Caller News Foundation's request for comment.

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**Graphic**

U.S. Attorney General Merrick Garland announces his appointment of Jack Smith as a special counsel for the investigations of former President Donald Trump, in the briefing room of the U.S. Justice Department in Washington, U.S., November 18, 2022. REUTERS/Evelyn Hockstein

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