

Point Paper

SUBJECT: Military Whistleblower Protection Act (Ethics Paper #01-04)

1. **Purpose:** To outline the protections of the Military Whistleblower Protection Act (MWPA) and to describe related prohibited personnel practices.

2. **Discussion Points:**

- **Rule.** The MWPA prohibits restricting a member of the armed forces from making a lawful communication to a Member of Congress, an Inspector General (IG) or certain other regulatory entities (see, 10 U.S.C. § 1034). These are called "protected" communications.
 - **Specific Protected Communications.** The MWPA protects the following communications:
 - All lawful communications to a Member of Congress or an IG; and
 - All communications which report to a Member of Congress, IG, member of DoD audit, inspection, investigation, or law enforcement organization, or other designated person or organization in the chain of command what the member reasonably believes constitutes evidence of any of the following: violation of law or regulation, including a law or regulation prohibiting sexual harassment or unlawful discrimination; or gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.
 - **Prohibited Personnel Practices.** No person may take or threaten to take certain "personnel actions" against a member of the armed forces as a reprisal for a protected communication.
 - Prohibited practices include any unfavorable personnel action; or the withholding or threat to withhold a favorable action.
 - The term "personnel action" means any action taken on a member of the Armed Forces that affects or has the potential to affect that military member's current position or career. Such actions include a promotion, a disciplinary or other corrective action, a transfer or reassignment, a performance evaluation, a decision on pay, benefits, awards, or training, a referral for mental health evaluation and any other significant change in duties or responsibilities inconsistent with the military member's rank (see, DODD 7050.6).
3. **Advice.** If any you have any questions or concerns regarding the MWPA please contact the Office of the Staff Judge Advocate at 788-2302 or the Inspector General's Office at 788-4211.