

## **LEGAL JUSTICE FOR SERVICEMEMBERS ACT OF 2015**

### **PROVIDES MILITARY WHISTLEBLOWERS WITH THE SAME PROTECTIONS AS CIVILIANS**

*Since the passage of the Military Whistleblower Protection Act in 1988, military whistleblower protections have not been significantly updated to keep pace with protections in civilian statutes. To ensure military whistleblowers have the same protections as their civilian counterparts, this bill:*

- Provides whistleblowers a right to request a hearing at a military correction board if an Inspector General has completed an investigation on a case (~30% of cases), or if an IG investigation has languished incomplete for more than a year (the statutory time limit for IG investigations is 180 days).
- Gives the IG the authority to temporarily suspend negative personnel actions against a whistleblower when it would cause significant hardship to the servicemember.
- Brings the legal burden of proof for disproving a whistleblower's claim of retaliation in line with the civilian standard, which is "clear and convincing" proof.

### **HOLDS RETALIATORS AND COMPLICIT SUPERVISORS ACCOUNTABLE**

*Individuals found guilty of whistleblower reprisal too often are not held accountable for their actions. To improve accountability for those guilty of reprisal or complicit in retaliation, this bill:*

- Requires the investigating IG to recommend disciplinary actions against those guilty of retaliation as part of the report on the results of the investigation.
- Modifies the definition of "prohibited personnel actions" to explicitly prohibit supervisors from turning a blind eye to retaliation.

### **STANDARDIZES PROCESSES TO HELP ENSURE FAIR INSPECTOR GENERAL INVESTIGATIONS**

*The military's Inspectors General investigate the bulk of whistleblower reprisal cases, but the Government Accountability Office has identified serious quality concerns. To ensure servicemembers receive a fair review of their retaliation claims, this bill:*

- Allows servicemembers to decline investigation of their whistleblower reprisal claim by a service IG in favor of higher-level review by the DOD IG.
- Requires the DOD IG to develop and promulgate standardized training and whistleblower investigation procedures for the service IGs.

### **IMPROVES THE CAPABILITIES OF MILITARY CORRECTION BOARDS**

*Even after a whistleblower case is substantiated by an Inspector General, servicemembers are forced to face a complicated, bureaucratic records correction process at the Boards for Correction of Military/Naval Records. To ensure servicemembers get justice, this bill:*

- Requires evidentiary hearings on significant cases presenting factual discrepancies that cannot be resolved without witness testimony.
- Requires boards to obtain relevant medical or personnel records if servicemembers make reasonable efforts but are still unable to obtain the records.
- Requires that, to the extent practicable, administrative judges serve as presiding officers of the boards.
- Establishes board membership as a full-time position with a 5-year term limit.