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The Washington Times

Grassley: Whistleblower cases stuck 'in limbo' under Holder

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By [Jerry Seper](#)

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The ranking Republican on the Senate Judiciary Committee is challenging the commitment to whistleblowers of Attorney General Eric H. Holder Jr. and Deputy Attorney General James M. Cole as one FBI case "continues to languish" after nine years and another has "sat in limbo" for more than four years.

"Whistleblowers are key to unlocking many of the secrets hidden deep in the closets of the federal government. Allowing a case to sit in limbo for more than nine years shows a lack of commitment to resolving issues for these courageous people," said Sen. Chuck Grassley of Iowa.

"The excessive time to make a judgment on these cases indicates that the process for adjudicating FBI whistleblower claims is broken and needs to be fixed," he said, adding that a recent decision by Mr. Cole "to remand a nine-year-old case for further proceedings is mind-boggling and calls into question his commitment to help support whistleblowers."

In a letter Monday, Mr. Grassley cited the case of FBI Agent Jane Turner, who in 2002 filed a whistleblower complaint with the Justice Department's Office of Inspector General after discovering that agents had removed items from ground zero at the World Trade Center in New York following the attacks of Sept. 11, 2001.

Because of the inspector general's delayed decision, Mr. Grassley said, Ms. Turner was forced to file an appeal with the Office of Attorney Recruitment and Management, which ordered the FBI to issue back pay, attorneys' fees and other relief. After an FBI appeal, he said, Mr. Cole remanded the case for further proceedings, and it now "continues to languish" nine years after Agent Turner's original complaint.

In February 2007, a Minneapolis civil jury of six women and four men unanimously held that the FBI had retaliated illegally against Ms. Turner, a 25-year FBI veteran, by downgrading her performance reviews. The jury awarded her \$60,000 in lost wages and \$505,000 for punitive damages.

Mr. Grassley also cited the case of Robert Kobus, a 30-year non-agent employee of the FBI who more than four years ago disclosed time and attendance fraud by FBI agents. The senator said the Office of Inspector General substantiated Mr. Kobus' claims of retaliation for protected whistleblowing, yet his case has been "sitting with the Office of Attorney Recruitment and Management for four years."

Mr. Kobus, whose sister died in the Sept. 11 attacks in New York, said he was retaliated against for blowing the whistle on timecard fraud in the New York field office. He won his claim before the Justice Department's Office of Inspector General in 2007. The FBI appealed those findings in March 2007, with discovery and briefings completed in April 2009, although a ruling in the appeal has not yet been made.

Mr. Grassley said both Mr. Holder and Mr. Cole have testified before Congress that whistleblower retaliation will not be tolerated and they would work to ensure that safeguards are in place so whistleblowers are provided all the protections afforded by the law. Mr. Grassley is a co-author of the 1989 Whistleblower Protection Act and subsequent updates.

The Justice Department did not return an email asking for comment on the Grassley letter.

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