

Congress of the United States
House of Representatives
Washington, DC 20515

December 20, 2016

The Honorable Sally Q. Yates
Deputy Attorney General
U.S. Department of Justice
950 Pennsylvania Ave, N.W.
Washington, DC 20530

Dear Deputy Attorney General Yates:

I am writing again on behalf of my constituent, Darin A. Jones, regarding the status of his FBI Whistleblower Case (OARM-WB No. 13-4).

I have written several letters to the FBI and the Department of Justice expressing both my interest in Mr. Jones's case and my concern with the FBI and DoJ's adjudication of it. Mr. Jones informed me that, after waiting more than 2 years and 10 months for a decision from the Deputy Attorney General, his case was dismissed. Ironically, this took place on the same day that the Federal Bureau of Investigation Whistleblower Protection Enhancement Act of 2016 was signed into law by President Obama. I cosponsored the Federal Bureau of Investigation Whistleblower Protection Enhancement Act of 2016 with his case in mind.

I remain deeply concerned about this case. Whistleblowers are vital to ensuring the efficient, ethical and productive operation of our government. The Government Accountability Office's February 23, 2015 report *Whistleblower Protection: Additional Actions Needed to Improve DOJ's Handling of FBI Retaliation Complaints (GAO-15-112)* found that the average whistleblower retaliation case at DOJ takes 8-10.6 years to resolve. The timing of a decision on Mr. Jones's case and the lack of substantive action on the cases of so many others send a troubling signal to potential whistleblowers who seek to serve our government.

Almost two years ago, DoJ's Office of Attorney Recruitment and Management (OARM) determined that federal whistleblower law protects Mr. Jones's disclosures. Nonetheless, the OARM twice dismissed Mr. Jones's case for lack of jurisdiction. I fail to understand why ODAG refuses to apply federal whistleblower law in Mr. Jones's case especially when the current DoJ FBI whistleblower regulations require ODAG to ensure that any OARM determination is not "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." (28 C.F.R. § 27.5)

Mr. Jones deserves to have his case adjudicated in accordance with law. As such, I respectfully request that DAG reinstate his complaint and remand the matter to OARM for further processing.

Thank you for your assistance.

Sincerely,



Chris Van Hollen
Member of Congress