



U.S. OFFICE OF SPECIAL COUNSEL

1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505
202-254-3600

OCT 5 2005

Ms. Laura C. Jones
[REDACTED]
[REDACTED]Re: OSC File No. MA-05-2463

Dear Ms. Jones:

This responds to your complaint against your former supervisors in the Office of Administration of the Executive Office of the President. You alleged retaliation for whistleblowing activity that is protected under 5 U.S.C. § 2302(b)(8) and for your filing of discrimination complaints. We have thoughtfully reviewed your submission. Based on the information that we have and law applicable to your circumstances, we have made a preliminary determination to close our inquiry into the following reasons.

The Office of Special Counsel is authorized to investigate allegations of prohibited personnel practices and activities prohibited by civil service law, rule, or regulation. 5 U.S.C. sections 1214(a)(1)(A), 1216(a) and 2302(b). You claimed reprisal for your disclosures on March 24, 2004. Subsequent to your claimed protected activity you suffered a number of disciplinary actions, reassignment and finally removal on July 8, 2005.

Under the Whistleblower Protection Act of 1989 (WPA), it is a violation of 5 U.S.C. § 2302(b)(8) to take or fail to take, or to threaten to take or fail to take a personnel action with respect to any employee or applicant because of any disclosure of information by an employee or applicant which the employee or applicant reasonably believes evidences: (1) a violation of law, rule, or regulation; (2) gross mismanagement; (3) a gross waste of funds; (4) an abuse of authority; or (5) a substantial and specific danger to public health or safety, if such disclosure is not specifically prohibited by law, or specifically required by Executive Order to be kept secret.

We have looked carefully at what you claimed to have reported on March 24, 2004, to Mr. Ken Haskins, Assistant Branch Chief. Although you claimed that what you reported to him constituted disclosures of several of the above stated categories of protected disclosures, we do not believe that the information you provided about your disclosure met, by virtue of its content, the criteria of any of the above. Simply stated, we do not believe that you made a disclosure that is protected under § 2302(b)(8). Moreover, from a review of the entire submission, we have not been able to establish a causative connection between the information you gave to Mr. Haskins on March 24, 2004, and any of the subsequent personnel actions about which you complained to us. For these reasons we have no basis for further inquiry into your allegation of a violation under § 2302(b)(8).

U.S. Office of Special Counsel

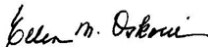
Ms. Laura C. Jones

Page 2

It appears to us that the reports that you have made to agency managers are about discrimination and reprisal for filing discrimination complaints. Such complaints constitute prohibited personnel practices under 5 U.S.C. §§ 2302(b)(1) and (b)(9). As noted in OSC's regulation at 5 C.F.R. § 1810.1, however, it was not intended that this Office duplicate or bypass the procedures established in the agencies and the Equal Employment Opportunity Commission for resolving such allegations. It is the policy of the Special Counsel not to take action on such allegations as they are more appropriately resolved through the EEO process.

For the reasons stated above, we have made a preliminary determination to close our inquiry into your complaint. We very much regret not to be of assistance to you. Before we actually close the file, you may submit comments concerning our determination. Your response must be in **writing** and should address each of the reasons we cited in reaching our preliminary determination to close your complaint. You have **16 days** from the date of this letter to submit your written response. If we do not receive any comments by the end of the sixteen day period, we anticipate closing the file and will send you a letter terminating the investigation and advising you of any further appeal right that you have.

Sincerely,



Ellen M. Oskoui
Complaints Examiner
Complaints Examining Unit

**U.S. OFFICE OF SPECIAL COUNSEL**1730 M Street, N.W., Suite 300
Washington, D.C. 20036-4505

OCT 27 2005

Ms. Laura C. Jones
[REDACTED]Re: OSC File No. MA-05-2463

Dear Ms. Jones

The purpose of this letter is to notify you that you have a right to seek corrective action from the Merit Systems Protection Board (MSPB). As we informed you in our closure letter of this date, we have terminated our inquiry into your allegations. Because you alleged that you have been a victim of the prohibited personnel practice described in 5 U.S.C. § 2302(b)(8), commonly called reprisal for whistleblowing, you may have the following rights.

You may seek corrective action from the MSPB under the provisions of 5 U.S.C. §§ 1214(a)(3) and 1221 (individual right of action) for any personnel action taken or proposed to be taken against you because of a protected disclosure that was the subject of your complaint to this office. You may file a request for corrective action with the MSPB within 65 days after the date of this letter.

The Merit Systems Protection Board regulations concerning rights to file an individual right of action with the Board can be found at 5 C.F.R., parts 1201-1206 and 1209. If you choose to file such an appeal you should submit this letter to the Board as part of your appeal.

Sincerely,

Handwritten signature of Ellen M. Oskoui in cursive.
Ellen M. Oskoui
Complaints Examiner
Complaints Examining Unit



U.S. OFFICE OF SPECIAL COUNSEL
1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505
202-254-3600

OCT 27 2005

Ms. Laura C. Jones
[REDACTED]
[REDACTED]

Re: OSC File No. MA-05-2463

Dear Ms. Jones:

On October 5, 2005, we sent you our preliminary determination about the complaint you filed with us. You were notified that you had sixteen days to respond to this report. Since we have not received any comments from you concerning this report, we are closing this file for the reasons stated in our preliminary report.

Because you alleged reprisal for whistleblowing, you may have a right to seek corrective action from the Merit Systems Protection Board under the provisions of 5 U.S.C. sections 1214(a)(3) and 1221. You may file a request for corrective action with the Board within 65 days after the date of this letter. The Merit Systems Protection Board regulations concerning rights to file a corrective action case with the Board can be found at 5 C.F.R. Parts 1201-1206 and 1209. A letter explaining your rights in more detail is enclosed. This letter should not be construed as an adjudication of any matter you have pending or plan to file under any administrative appeals procedure.

Sincerely,

Ellen M. Oskoui
Complaints Examiner
Complaints Examining Unit

Subj: **OSC E-Filing System: OSC E-Filing System**
Date: 8/10/2005 7:12:18 AM Eastern Standard Time
From: efile@osc.gov
To: [REDACTED]

Dear LAURA JONES,

Thank you for registering with the OSC E-Filing System.

[REDACTED]

To ensure your privacy and the security of your account, please do not share this password with anyone. Also, please remember that you may not use a government computer or e-mail address to access the E-Filing System without the express permission of your agency.

You may now log in to the E-Filing System by entering the e-mail address you used when you registered, along with your password.

OSC E-Filing System <https://www.osc.gov/efile>