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Office of Special Counsel Settles Whistleblower Reprisal Complaint Against Minnesota U.S. Attorneys' Office

FOR IMMEDIATE RELEASE

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WASHINGTON, D.C. / December 3, 2008 - Today, the Office of Special Counsel (OSC) announced the settlement of a prohibited personnel practice complaint filed by John Marti, an Assistant United States Attorney (AUSA) in the District of Minnesota. Mr. Marti previously served as the First Assistant United States Attorney (FAUSA) to the former U.S. Attorney, Rachel K. Paulose. He alleged that in April 2007, Ms. Paulose demoted him to a staff attorney position because he had reported to officials within the Department of Justice that she had mishandled classified material. OSC's investigation showed that Ms. Paulose retaliated against Mr. Marti for making whistleblower disclosures in violation of the Whistleblower Protection Act.

In March 2007, a coworker approached Mr. Marti with concerns about Ms. Paulose's handling and storage of classified homeland security reports. These reports addressed terrorist activities and possible terrorist targets in the United States. OSC's investigation found that Ms. Paulose routinely left these materials unsecured on her desk or on an open bookshelf in her office. Acting upon the advice of the information security program manager for the Department of Justice (DOJ), Mr. Marti reported Ms. Paulose's conduct to the appropriate DOJ officials. Federal regulations and DOJ's Security Program Operating Manual required Mr. Marti's report. Mr. Marti also informed Ms. Paulose of his obligation to file the report.

Immediately after he filed the report, United States Attorney Paulose initiated action to have him removed as her FAUSA. Confronted by Ms. Paulose's actions, Mr. Marti resigned his position and accepted a demotion to return to an AUSA position. Based on considerable evidence of intent, animus, and motive, OSC concluded that Ms. Paulose constructively demoted Mr. Marti.

During OSC's investigation, United States Attorney Paulose was reassigned to a non-supervisory position in the Department's Office of Legal Policy in Washington, DC.

On July 10, 2008, the Office of the Special Counsel sent a letter to Attorney General Michael Mukasey, pursuant to 5 U.S.C. §1214(b)(2)(B), finding that there were reasonable grounds to believe that a prohibited personnel practice had occurred that warranted corrective action. In response to OSC's Report of Prohibited Personnel Practices, Mr. Marti and DOJ resolved this matter by mutual agreement. DOJ has agreed to provide Mr. Marti with back pay and a lump sum payment for any consequential damages, and remove negative references, if any, from his personnel records.

Acting Special Counsel William Reukauf expressed his appreciation to Attorney General Mukasey for his Department's cooperation in the investigation and for the Department's action to resolve Mr. Marti's complaint.

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The U.S. Office of Special Counsel (OSC) is an independent investigative and prosecutorial agency and operates as a secure channel for disclosures of whistleblower complaints. Its primary mission is to safeguard the merit system in federal employment by protecting federal employees and applicants from prohibited personnel practices, especially retaliation for whistleblowing. OSC also has jurisdiction over the Hatch Act. For more information please visit our web site at www.osc.gov or call 1 (800) 872-9855.

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