



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
DEFENSE LANGUAGE INSTITUTE FOREIGN LANGUAGE CENTER
AND PRESIDIO OF MONTEREY
OFFICE OF THE STAFF JUDGE ADVOCATE
1336 PLUMMER STREET, BLDG. 275
MONTEREY, CALIFORNIA 93944

ATZP-JA

July 2010

MEMORANDUM FOR ALL

SUBJECT: Military Whistleblower Protection Act (MPWA)

1. GENERAL RULE: The MWPA prohibits restricting a member of the armed forces from making a lawful communication to a Member of Congress, an Inspector General (IG), and certain other regulatory entities. 10 U.S.C. §1034. These are called "protected communications." Furthermore, the MWPA states that no person may take or threaten to take certain retaliatory action against a member of the armed forces as a reprisal for a protected communication. Id.

2. REFERENCES:

- a. 10 U.S.C. §1034, Protected Communications; Prohibition of Retaliatory Personnel Actions.
- b. DoDD 7050.06, Military Whistleblower Protection Directive.

3. DISCUSSION:

a. The MWPA protects the following communications:

- (1) All lawful communications to members of Congress or the IG; and
- (2) All communications to a member of Congress, IG, employee involved in a DoD audit, inspection, or investigation, any law enforcement organization, or other designated person or organization in the chain of command regarding what the member reasonably believes constitutes evidence of any of the following:

(a) a violation of law or regulation, including a law or regulation prohibiting sexual harassment or unlawful discrimination;

(b) a gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

b. The MPWA prohibits certain action:

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(1) Prohibited practices include any unfavorable personnel action, and the withholding or threat to withhold a favorable action.

(2) The term "personnel action" means any action taken on a member of the Armed Forces that affects or has the potential to affect that military member's current position or career. Such actions include a promotion, a disciplinary or other corrective action, a transfer or reassignment, a performance evaluation, a decision on pay, benefits, awards, or training, a referral for mental health evaluation and any other significant change in duties or responsibilities inconsistent with the military member's rank. DoDD 7050.06.

4. If you have any questions or need further information, please feel free to contact the Office of the Staff Judge Advocate, Administrative Law Division, at (831) 242-6402.

A handwritten signature in black ink, appearing to read "Christopher Chatelain", with a long horizontal flourish extending to the right.

CHRISTOPHER CHATELAIN
1LT, JA
Chief, Administrative Law Division