

**OFFICE OF ATTORNEY RECRUITMENT AND MANAGEMENT
PROCEDURES FOR FBI WHISTLEBLOWER REPRISAL CLAIMS
BROUGHT PURSUANT TO 28 C.F.R. PART 27**

- I. PURPOSE:** This document establishes Office of Attorney Recruitment and Management (OARM) procedures for processing whistleblower reprisal cases brought under 28 C.F.R. Part 27 by former or current employees of, or applicants for employment with, the Federal Bureau of Investigation (FBI).
- II. SCOPE:** These procedures apply to:
- A. OARM in its delegated authority to adjudicate whistleblower reprisal cases brought under 28 C.F.R. Part 27, by current and former employees of, or applicants for employment with, the FBI; and
 - B. The parties to a whistleblower reprisal case before OARM (Complainant or Complainant’s designated representative, if any, and the FBI).
- III. AUTHORITIES:**
- A. 5 U.S.C. § 2303
 - B. 28 C.F.R. Part 27
- IV. DEFINITIONS:**
- A. Appeal: When a party (Complainant or the FBI) files a request for review by the Deputy Attorney General (DAG) of the Director of OARM’s final determination and/or corrective action order, pursuant to 28 C.F.R. § 27.5, or of a final decision by OARM in cases involving an alleged breach of a settlement agreement.

An FBI whistleblower may also appeal a final determination or corrective action order to the U.S. Merit Systems Protection Board in accordance with the provisions of 5 U.S.C. § 2303(d).
 - B. Classified Information: Official information or material that requires protection in the interest of national security and is classified for such purpose by an appropriate classification authority in accordance with the provisions of Executive Order 12958, Classified National Security Information.
 - C. Clear and Convincing Evidence: The measure or degree of proof that produces in the mind of the trier of fact a firm belief as to the allegations sought to be established; it is a higher standard than preponderant evidence.
 - D. Complainant: A former or current employee of, or applicant for employment with, the FBI who has filed a request for corrective action with OARM.

E. Conducting Office: The Investigating Office that conducts the investigation into Complainant's reprisal allegations, either the Department of Justice's Office of the Inspector General (OIG) or Office of Professional Responsibility (OPR).

F. Corrective Action: Generally, the placement of Complainant, as nearly as possible, in the position Complainant would have been in had the whistleblower reprisal not occurred. Corrective action shall, as appropriate, include: reimbursement for attorney's fees, reasonable costs, medical costs incurred, and travel expenses; back pay and related benefits; compensatory damages to the extent authorized by law; and any reasonable and foreseeable consequential damages.

G. Investigating Office: The office that receives the report of an alleged reprisal, either OIG or OPR. Once received, the office that received the report of reprisal consults with the other Investigating Office to determine which office is more suited, under the circumstances, to conduct an investigation into the allegation (*i.e.*, to serve as the Conducting Office).

H. Mediation: An informal, collaborative, problem-solving process in which a neutral third party (a mediator) assists the opposing parties in reaching a voluntary, negotiated resolution of a reprisal allegation. Mediation is different from other forms of dispute resolution in that the mediator has no authority to decide the merits of the dispute.

I. Nonfrivolous Allegation: An assertion that, if proven, could establish the matter at issue.

J. Personnel Action: A personnel action means an appointment; a promotion; an adverse action or other disciplinary action; a detail, transfer, or reassignment; a reinstatement; a restoration; a reemployment; a performance evaluation; a decision concerning pay, benefits, or awards, or concerning education or training if the education or training may reasonably be expected to lead to an appointment, promotion, performance evaluation, or other personnel action; a decision to order psychiatric testing or examination; the implementation or enforcement of any nondisclosure form, policy, or agreement; and any other significant change in duties, responsibilities, or working conditions.

K. Preponderant Evidence: The degree of relevant evidence that a reasonable person, considering the record as a whole, would need to find that a contested fact is more likely true than untrue.

L. Protected Disclosure: A disclosure of information to specified individuals or offices listed under 28 C.F.R. § 27.1(a) which Complainant reasonably believes evidences any violation of any law, rule, or regulation; gross mismanagement; a gross waste of funds; an abuse of authority; or a substantial and specific danger to public health or safety.

M. Request for Corrective Action (RCA): A request by Complainant that the Director of OARM order the FBI to remedy or “correct” the consequences of the FBI’s alleged unlawful reprisal.

V. BURDENS OF PROOF:

A. Exhaustion: Before filing an RCA with OARM, Complainant must show that he exhausted his administrative remedies with the Conducting Office (by first filing a complaint of reprisal with either OIG or OPR).

B. Timeliness: Complainant must show that his RCA was timely filed with OARM. Complainant’s RCA must be received by OARM either:

1. Within 60 calendar days of receipt of notification of termination of an investigation by the Conducting Office; or
2. At any time after 120 calendar days from the date Complainant first notified an Investigating Office of an alleged reprisal if Complainant has not been notified by the Conducting Office that it will seek corrective action.

C. Jurisdiction: To establish OARM’s jurisdiction over his RCA, Complainant must make a nonfrivolous allegation that he made a protected disclosure that was a contributing factor in the FBI’s decision to take or fail to take, or threaten to take or fail to take, a personnel action against him.

D. Merits: If Complainant shows that OARM has jurisdiction over his RCA, Complainant must then prove the merits of his case by preponderant evidence. If Complainant meets this burden, the Director of OARM will order corrective relief that is deemed appropriate and authorized by 28 C.F.R. § 27.4(g), unless the FBI proves by clear and convincing evidence that it would have taken the same personnel action(s) against Complainant in the absence of his protected disclosure(s).

VI. PROCEDURES: The procedures set forth herein apply to FBI whistleblower reprisal cases brought under 28 C.F.R. Part 27:

A. Filing of Pleadings: All pleadings filed with OARM must meet the following requirements:

1. Length Limitations: An RCA and the FBI's response to an RCA, whether computer generated, typed, or handwritten, are limited to 30 pages or 7500 words, whichever is less. Reply and surreply briefs are limited to 15 pages or 3750 words, whichever is less. Computer-generated and typed pleadings must use no less than 12-point typeface and 1-inch margins and must be double-spaced and only use one side of a page. The length limitation is exclusive of any table of contents, table of authorities, attachments, and certificate of service. OARM may grant a motion to exceed the page limits for good cause. A request for leave to file a pleading that exceeds the limitations prescribed in this paragraph must be received by OARM at least 3 days before the filing deadline. Such requests must state the reasons why a waiver is necessary, as well as the desired length of the pleading, and will be granted only in exceptional circumstances. The page and word limits set forth above are maximum limits. Parties are not expected or required to submit pleadings of the maximum length.
2. Paper Size: Pleadings and attachments must be filed on 8½ by 11-inch paper. All electronic submissions must be formatted so that they will print on 8½ by 11-inch paper.
3. Date of Filing: All pleadings must be filed by the date set by the applicable regulations, 28 C.F.R. Part 27, or OARM. The date of filing is the date on which the submission is postmarked or emailed. Extensions of filing dates will be granted only if requested in writing and if supported by good cause.
4. Service: All pleadings filed with OARM must be served upon the opposing party and/or designated representative, if any.
5. Certificate of Service: All pleadings filed with OARM must be accompanied by a certificate of service stating the:
 - a. Method of service (*e.g.*, by mail or email);
 - b. Date of service; and
 - c. Name and address of the individual(s) served.
6. Classified Information: The parties shall not file any classified information with OARM. In the event such information becomes relevant to proceedings before OARM, appropriate arrangements for the protection, transmission, and handling of such materials must be in compliance with FBI and other applicable requirements regarding classified materials.
7. Rejection for Failure to Comply: OARM may reject a submission that does not have a certificate of service or does not substantially conform to the procedural requirements set forth above by issuing a rejection letter advising the parties of the nature of the nonconformity and the requirements and deadline for resubmission. Any deadlines affected by the rejection will be addressed in the rejection letter.

B. Acknowledgment Orders: Within 5 business days of receiving a report from a Conducting Office or an RCA from a Complainant, the Director of OARM shall issue an Acknowledgment Order acknowledging receipt of the report or request, providing this case processing directive, and informing the parties of the jurisdictional requirements for full adjudication and burdens of proof.

If there is a question as to the Director's jurisdiction to review a request from a Complainant, the Director shall, simultaneously with the issuance of the Acknowledgement Order, issue a Show-Cause Order explaining the grounds for such determination and directing that the Complainant, within 15 calendar days of receipt of such order, submit a written statement, accompanied by evidence, to explain why the request should not be dismissed for lack of jurisdiction.

C. Designation of Representative: Complainant may designate an individual to serve as a representative to act on the Complainant's behalf during the course of the RCA. This designation must be made in writing. The Complainant may authorize their representative to settle the RCA on Complainant's behalf; however, any limitation on this settlement authority must be filed in writing with OARM.

D. Procedural Motions:

1. Form: All motions, except those made during a prehearing conference or a hearing, must be in writing. All motions must include a statement of the reasons supporting them. Written motions must be filed with OARM and served upon the other party. A party filing a motion for extension of time, a motion for postponement of a hearing, or any other procedural motion must first contact the other party to determine whether there is any objection to the motion, and must state in the motion whether the other party has an objection.

2. Objection: Unless OARM provides otherwise, any objection to a written motion must be filed within 5 calendar days of the date of service of the motion. After an objection is filed, no further briefs or written communications may be filed without first obtaining leave from OARM.

3. Motions for Extension of Time: Any requests for an extension of time relating to motions must be in writing and, in general, will be viewed with disfavor. Motions for extension of time will be granted by OARM only for good cause. Motions for an extension of time must be made before the original due date. Any motion made after the due date will be denied absent extraordinary circumstances. OARM, in its discretion, may grant or deny a motion for an extension of time to file a pleading without providing an opportunity to respond to the motion.

E. Stay Requests by Complainant: A stay request is a request from the complainant to OARM to temporarily halt or cancel the FBI's personnel action against the complainant. OARM can modify or terminate the stay at any time, as OARM deems appropriate.

1. Authority: Where a complainant has presented an RCA to the Director of OARM, Complainant may at any time request that OARM issue an order staying – *i.e.*, halting or cancelling – a personnel action allegedly taken or to be taken by the FBI in reprisal for a protected disclosure. OARM can modify or terminate the stay at any time, as OARM deems appropriate. *See* 28 C.F.R. § 27.4(d).

2. Burden of Persuasion: The request for a stay must be in writing. To establish entitlement to a stay, Complainant must produce evidence or argument showing that there is a substantial likelihood that Complainant will prevail on the merits of his claim of whistleblower reprisal – *i.e.*, that Complainant made a disclosure that is protected under 5 U.S.C. § 2303(a), and the disclosure was a contributing factor in the FBI's decision to take or fail to take (or threaten to take or fail to take) a personnel action covered by 28 C.F.R. § 27.2(b) against Complainant.

3. Procedures: The FBI shall have 10 calendar days to respond to the stay request. The Director of OARM shall grant the stay request within 10 business days of receipt of the FBI's response if the Director determines that such a stay would be appropriate. A stay request will be denied if the FBI demonstrates a substantial likelihood that it will prove by clear and convincing evidence that it would have taken the same action even in the absence of the whistleblowing activity or that granting the stay would result in extreme hardship. A stay of a personnel action shall remain in effect for such period as the Director deems appropriate. The Director may modify or dissolve a stay at any time the Director determines that such modification or dissolution is appropriate.

F. Discovery:

1. Purpose: Proceedings before OARM will be conducted as expeditiously as possible with due regard to the rights of the parties. Discovery is designed to allow a party to obtain relevant information needed to prepare the party's case. Parties are expected to start and complete discovery with a minimum of OARM intervention. Discovery requests or responses shall not be filed with OARM unless they are appended to a motion or opposition to which they are relevant or until they are used in the proceeding.

2. Scope: Discovery covers any non-privileged matter that is relevant to the issues involved in the request for corrective action, including the existence, description, nature, custody, condition, and location of documents or other tangible things, and the identity and location of persons with knowledge of relevant facts. Relevant information includes information that appears reasonably calculated to lead to the discovery of admissible evidence.

3. Evidence Evaluation: The Director of OARM may give less weight to, or prohibit a party from adducing or relying on, evidence from a person whom the opposing party does not have an opportunity to examine. In excluding such evidence, the Director may consider certain factors, including, but not limited to: the probative value of the evidence; whether the evidence is supported by sufficient guarantees of trustworthiness after considering the totality of the circumstances under which it was made and any corroborating evidence; and whether the evidence is duplicative, or is obtainable from some other source that is more convenient, less burdensome, or less expensive.

4. Methods: Parties may use one or more of the methods provided under the Federal Rules of Civil Procedure. These methods include written interrogatories (questions) to parties, depositions, requests for production of documents or things for inspection or copying, and requests for admission. The Federal Rules of Civil Procedure may be used as a general guide for discovery practice in proceedings before OARM. Those rules, however, are instructive rather than controlling.

5. Initiating Discovery: A party seeking discovery should start the process by serving a request for discovery on the representative of the other party or, if there is no representative, on the party themselves within 30 calendar days of OARM's jurisdictional Opinion and Order. The request for discovery must state the time limit for responding (*i.e.*, no later than 20 calendar days of the date of service of the discovery request) and must specify the time and place of the taking of the deposition, if applicable.

6. Responses to Initial Discovery Requests: Responses to initial discovery requests must be served no later than 20 calendar days after the date of service of the other party's discovery request or OARM order. Any discovery requests following the initial request must be served within 10 calendar days of the date of service of the prior response, unless the parties are otherwise directed. Deposition witnesses must give their testimony at the time and place stated in the request for deposition, unless the parties agree on another time or place. Discovery requests or responses shall not be filed with OARM unless they are appended to a motion or opposition to which they are relevant or until they are used in the proceeding. OARM expects the parties to assist in the expeditious processing of the case by honoring requests for relevant documents and producing material witnesses without additional OARM intervention.

7. Motions to Compel Discovery: If a party fails or refuses to respond in full to a discovery request, the requesting party may file a motion to compel discovery. The requesting party must file the motion with OARM, and must serve a copy of the motion on the other party from whom the discovery was sought. The parties must attempt to resolve a discovery dispute before filing a motion to compel with OARM. Thus, the moving party shall discuss the anticipated motion with the opposing party either in person or by telephone and the parties shall make a good faith effort to resolve the discovery dispute and narrow the areas of disagreement. The motion to compel shall include:

- a. A copy of the original request for discovery and a statement showing that the information sought is relevant and material;
- b. A copy of the response to the request (including the objections to discovery) or, where appropriate, a statement that no response has been received, along with an affidavit or sworn statement supporting the statement; and
- c. A statement that the moving party has discussed or attempted to discuss the anticipated motion with the nonmoving party, and made a good faith effort to resolve the discovery dispute and narrow the areas of disagreement.

Any motion for an order to compel discovery must be filed with OARM within 10 calendar days of the date of service of objections, or, if no response is received, within 10 calendar days after the time limit for response has expired. Any pleading in opposition to a motion to compel discovery must be filed with OARM within 5 calendar days of the date of service of the motion.

8. Limits on the Number of Discovery Requests:

- a. Absent prior approval by OARM, interrogatories served by parties upon another party may not exceed 25 in number, including all discrete subparts.
- b. Absent prior approval by OARM or agreement by the parties, each party may not take more than 10 depositions.
- c. Requests to exceed the aforementioned limitations may be granted at OARM's discretion. In considering such requests, OARM shall consider whether:

- i. The discovery sought is cumulative or duplicative, or is obtainable from some other source that is more convenient, less burdensome, or less expensive;
- ii. The party seeking discovery has had sufficient opportunity by discovery in the action to obtain the information sought; or
- iii. The burden or expense of the proposed discovery outweighs its likely benefit.

9. Discovery from the Conducting Office: Either party may request that OARM obtain part or all of the Conducting Office's investigative file concerning the Complainant's whistleblower reprisal matter. Before making the request to OARM, the requesting party shall confer with the other party and state whether the other party concurs with or objects to the request.

10. Time for Discovery: All discovery, including the required time period for response to any discovery demand(s), must be completed within the time OARM designates, except by Order of OARM. Parties are expected to resolve discovery disputes without filing motions or involving OARM.

G. Case Suspension Procedures:

1. Suspension Period: Case suspension is extremely disfavored; however, in some situations, the parties may conclude that they need more time than is provided for discovery or settlement discussions. If so, the parties may request that OARM suspend the case. OARM may issue an order suspending the processing of an RCA for up to 30 calendar days. OARM may grant a second order extending the suspension as necessary, but no case shall be suspended for a period of more than 60 calendar days.

2. Early Termination of Suspension Period: OARM may terminate the suspension period upon joint request of the parties or where the parties request OARM's assistance and OARM's involvement is likely to be extensive.

3. Termination of Suspension Period: If the final day of any suspension period falls on a day on which OARM is closed for business, adjudication shall resume as of the first business day following the expiration of the period.

H. Dismissal Without Prejudice: A case may not be suspended for more than 60 calendar days. However, the case may be dismissed without prejudice to refile for good cause shown (*e.g.*, where the parties agree that additional time for settlement discussions or discovery is necessary, Complainant needs time to retain counsel, etc.).

1. In General: Dismissal without prejudice is a procedural option that allows for the dismissal and subsequent refiling of an RCA.

2. Procedure: Dismissal without prejudice may be granted on OARM's own motion or upon request by either party. The decision whether to dismiss an RCA without prejudice is committed to the sound discretion of OARM, and may be granted when the interests of fairness, due process, and administrative efficiency outweigh any prejudice to either party.

I. Hearings:

1. No Automatic Right: Neither party has an automatic right to a hearing. A hearing may be held at the discretion of the Director of OARM where Complainant has presented a cognizable legal claim supported by sufficient evidence of a triable issue of fact.

2. Request for an Evidentiary Hearing Before OARM: Any request for an evidentiary hearing must be made in writing, submitted no later than 5 calendar days after the close of merits briefing, and shall:

- a. Include a list of agreed-upon material facts;
- b. Identify any disputed issues of material fact that need resolution through testimonial evidence; and
- c. State that the other party has been consulted and either agrees or disagrees with the need for a hearing.

If neither party requests a hearing, or if a hearing is requested but not granted, the matter will be ripe for OARM's decision on the merits.

3. Closed to the Public: Hearings before OARM shall be closed to the public.

4. Option for In-Person, Videoconference, or Telephone: Generally, the parties (and Complainant's designated representative, if any), the witnesses, and a representative from OARM shall attend hearings in-person. However, OARM, in its discretion, may hold the hearing in whole or in part by telephone, videoconference, or in-person at OARM's hearing/conference room (or designated alternate hearing site). Among the factors OARM will consider in deciding whether to hold a hearing in whole or in part by videoconference or telephone are:

- a. The distance that Complainant and/or Complainant's representative must travel to access video conferencing equipment;
- b. A comparison of the total costs of holding an in-person, video, or

telephonic hearing;

c. The distance the parties and their witnesses would have to travel to appear in person; and

d. Whether appearance by videoconference or telephone of the parties and their respective witnesses would unduly prejudice Complainant and/or the FBI.

5. Motion to Postpone: Either party may file a motion to postpone the hearing. The motion must be made in writing and must include an affidavit or sworn statement. The affidavit or sworn statement must describe the reasons for the request. OARM will grant the request to postpone the hearing only upon a showing of good cause.

J. Closing the Record:

1. When a Hearing is Held: When there is a hearing, the record ordinarily will close at the conclusion of the hearing. When OARM allows the parties to submit arguments, briefs, or documents previously identified for introduction into evidence, however, the record will remain open for as much time as OARM grants for that purpose.

2. Decision Based on the Written Record: If no hearing is held, the record will close on the date OARM sets as the final date for the receipt or filing of submissions of the parties.

3. When the Record Closes: Once the record closes, additional evidence or argument will ordinarily not be accepted unless:

a. The party submitting it shows that the evidence or argument was not readily available before the record closed;

b. It is in rebuttal to new evidence or argument submitted by the other party just before the record closed; or

d. OARM determines that there are outstanding issues to be resolved, in which case OARM may request additional evidence and/or argument from the parties.

OARM will include in the record any supplemental citations received from the parties or corrections of the transcript, if one has been prepared.

VII. ALTERNATIVE DISPUTE RESOLUTION: As an alternative to pursuing claims through the litigation process, as noted in 28 C.F.R. § 27.8, the Department of Justice,

through the Department of Justice Mediator Corps (DOJMC) Program, offers the parties to an FBI whistleblower reprisal complaint the option to resolve their dispute through mediation.

A. General Information: The DOJMC Program is a confidential process in which the parties meet with a trained mediator in a non-litigious, non-adversarial setting. The option is free to Complainant. Mediation may not be appropriate in some circumstances, such as if there is an ongoing criminal investigation relating to the reprisal claim, or if the claim involves an issue the FBI has no authority to decide.

B. Election: If Complainant elects mediation, he shall so notify OARM and the FBI in writing. OARM will refer the matter to DOJMC Program, who will assign a mediator to the case and handle the scheduling of, and administrative procedures related to, the mediation. If the Complainant elects mediation, the FBI, represented by the Office of General Counsel, will participate.

C. Mediation Procedures:

1. Timing: The goal of the FBI Whistleblower Mediation Program is to conduct mediation within 45 calendar days of the date on which Complainant elects mediation. This will depend, however, on the schedules of the parties and the mediator.

2. Duration: A typical mediation session lasts from 4-6 hours.

3. Location: Mediations are generally held in a neutral location and not within the workplace of the parties.

4. Determination of Time and Date of Mediation: The mediator will contact all parties prior to the session to coordinate a date and time convenient to all parties.

5. Hours: Mediations will be conducted during normal business hours and parties are allowed official time to attend and participate in the mediation.

6. Format:

a. Joint Session:

i. When: Typically, the mediator meets first with both parties together in a joint session.

ii. Purpose: At the joint session, the mediator will initially ask Complainant to briefly describe the facts leading up to the reprisal allegation. Then, the mediator will ask the

representative from FBI OGC to do the same. The mediator may also ask each party what they are seeking to accomplish in the mediation (*i.e.*, what it will take to resolve the matter).

b. Caucus or Private Session:

i. When: The mediator will typically meet with each party

separately in what is called a caucus or a private session at the conclusion of the joint session.

ii. Purpose: A caucus or private session affords the

parties an opportunity to privately discuss interests, needs, and/or other issues. These sessions also allow the parties to provide confidential responses to more direct questions posed by the mediator. Anything discussed during the private sessions is completely confidential, unless the mediator is given permission to disclose the information to the other party.

iii. Additional Sessions: At the conclusion of the separate

sessions, it is up to the mediator whether to convene additional separate sessions or whether to bring the parties back together for another joint session.

7. Effect of Mediation on OARM Case Proceedings:

a. Effect on Complainant's RCA Before OARM: Mediation will not affect Complainant's rights before OARM, and Complainant will have the ability to continue to pursue his or her claims before OARM if mediation is unsuccessful.

b. Stay: All time periods will be stayed for an initial period of 90 days, beginning on the date of transmittal of the matter to the DOJMC Program office. Upon joint request by the parties to OARM, the period of the stay may be extended up to an additional 45 days. Further requests to extend the stay may be granted by the Director of OARM upon a joint request showing good cause.

c. Closing of the Matter: If mediation is successful, the matter will be closed.

VIII. BREACH OF SETTLEMENT AGREEMENT CLAIMS: Under 28 C.F.R. § 27.9, the Director of OARM has the authority to review and decide claims of breach of a settlement agreement resolving all or part of a whistleblower reprisal claim brought under 28 C.F.R. Part 27.

A. Bringing a Claim: Any party may file a claim of breach of a settlement agreement with OARM. The party alleging a breach of the agreement may seek to have the agreement set aside or enforced by OARM.

B. Time for Filing: Any claim of an alleged breach of the settlement agreement must be filed with OARM within 30 calendar days of when the grounds for the claim of breach were known or should have been known. A copy of the settlement agreement must be provided to OARM at the time the breach of settlement claim is filed.

C. Burden of Proof: The party asserting a breach of a settlement agreement bears the burden of proving by preponderant evidence that there was a failure by the other party to fully comply with its obligation under the specific terms of the agreement.

D. OARM Adjudication: OARM shall adjudicate any timely claim of a breach of a settlement agreement under procedures the Director of OARM deems appropriate for the efficient administration and management of the adjudication of the breach claim.

E. DAG Review: A party may request, within 30 calendar days of a decision on a claim of breach of settlement agreement by the Director of OARM, review of that decision by the DAG.

IX. PUBLICATION OF OARM OPINIONS AND ORDERS: OARM will publish on its website in redacted form any decisions in closed cases showing how the Director of OARM has analyzed and decided issues relating to jurisdiction, discovery, merits, corrective relief, and other issues of relevance to FBI whistleblowers. Before OARM publishes any decision, Complainant (or Complainant's representative) will be provided notice with a copy of the redacted decision(s).

The Director of OARM will not specifically cite or rely on any unpublished FBI whistleblower decisions in OARM opinions and orders.

X. EFFECTIVE DATE AND IMPLEMENTATION: These procedures are effective immediately.