**16 Sep 2024**

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**Whistleblower Protection Program (Attorney Investigator)**

**WHISTLEBLOWER DISCLOSURE OF INSPECTOR GENERAL (IG) CRIMINAL MISCONDUCT**

**CONSTITUTIONAL INSIDER THREAT:** Multiple Federal Inspectors General ([**FIG**](https://oig.justice.gov/about/meet-ig)), protected by the Congressionally established self-regulating sui generis (**Article II**) “entity” called the Council of the Inspectors General on Integrity and Efficiency ([**CIGIE**](https://www.ignet.gov/)), collaborated to subvert investigation into threats of safety, health, and financial security reported to Occupational Safety and Health Administration (OSHA) Attorney Investigators; in order to, protect Department of Labor (DOL) Secretary **THOMAS E. PEREZ** and his senior leadership team from criminal investigation in violation of [18 USC §1505](https://www.law.cornell.edu/uscode/text/18/1505) Protection of Governmental Process (Federal Criminal and/or Administrative Investigation).

**MICHAEL E. HOROWITZ** Department of Justice Inspector General (**DOJ-IG**), in his capacity as the Chairperson of the CIGIE, appointed **SCOTT S. DAHL** Department of Labor Inspector General (DOL-IG) as the Vice-Chairperson of the CIGIE Integrity Committee (CIGIE-IC).

In his joint Inspector General (IG)/CIGIE IC Vice-Chair capacity, **SCOTT S. DAHL** orchestrated the removal of Attorney Investigator **DARRELL L. WHITMAN** after he directly notified DOL Secretary **THOMAS E. PEREZ** and DOL-IG **SCOTT S. DAHL** of serious criminal wrongdoing subverting the federal investigative process to obstruct credible reports of safety, health, and financial security

**CORE FACTS:** The policy of the U.S. Government (USG) is **transparency** achieved via the Freedom of Information Act (**FOIA**) & **accountability** achieved via federal (**Criminal & Administrative**) investigation of allegations of criminal and/or administrative wrongdoing:

* + Transparency and accountability in government is achieved by the programs & operations of the agencies
  + Federal Inspectors General (FIGs) are responsible for promoting the economy, efficiency, and effectiveness of the programs & operations conducted within their assigned agency
  + Congress maintains the exclusive Constitutional authority to conduct oversight of the Executive Branch’s agency programs & operations
* The Council of the Inspectors General on Integrity and Efficiency (**CIGIE**), is a self-regulating sui generis (**Article II**) [“entity”](https://www.congress.gov/110/plaws/publ409/PLAW-110publ409.pdf) established by Congress (**Article I**), currently operating within the Executive (**Article II**) & Legislative (**Article I**) branches of government, addressing integrity, economy, and effectiveness issues that **transcend** the authority of government agency leadership; while also, ensuring that “investigation” of criminal & administrative allegations of wrongdoing leveled against members of the CIGIE are “contained” within the exclusive membership of the CIGIE to provide “protection” to the [new class of bureaucrats](https://en.wikipedia.org/wiki/Nomenklatura) given lifetime Congressional (**Article I**) political appointment

**REPRISAL:**[[1]](#footnote-1) Secretary of Labor **THOMES E. PEREZ**, Assistant Secretary of Labor for Occupational Safety and Health Administration (OSHA) **DR. DAVID MICHAELS**, and the DOL Inspector General (DOL-IG) **SCOTT S. DAHL** actively subverted federal investigation into credible reports of threat to safety, health, and financial security across the (10) OSHA Regions located across the Nation.

On 18 May 2014, Attorney Investigator **DARRELL L. WHITMAN** DOL OSHA Region (9) San Francisco sent a whistleblower disclosure (letter) directly to Secretary of Labor **THOMAS E. PEREZ**, DOL-IG **SCOTT S. DAHL**, Chairperson of the House Oversight and Reform Committee **DARRELL E. ISSA** (R-CA-49), and **BARBARA J. LEE** (D-CA-13) to disclose organized obstruction of governmental process (federal investigation) in direct violation of [18 USC §1505](https://www.law.cornell.edu/uscode/text/18/1505) Protection of Governmental Process.

On 11 August 2014, Attorney Investigator **DARRELL L. WHITMAN** made a follow-on protected whistleblower disclosure to Senator **CHARLES E. GRASSLEY** (R-IA) identifying organized obstruction of OSHA investigations of publicly reported safety, health, and financial security whistleblower disclosures.

As a direct result of making protected disclosures on organized corruption occurring within OSHA Region (9), Attorney Investigator **DARRELL L. WHITMAN** was subjected to multiple organized investigative actions designed to legitimize the removal of a federal whistleblower in retaliation for disclosing fraud, waste, abuse, and corruption.

On 29 March 2016, Attorney Investigator **DARRELL L. WHITMAN** contacted U.S. Special Counsel (OSC) **CAROLYN N. LERNER**, (MA-16-3007) a protected member of the CIGIE, required by law to represent whistleblowers in cases of federal employment reprisal for disclosing fraud, waste, abuse, and corruption to Secretary of Labor **THOMAS E. PEREZ**, DOL-IG **SCOTT S. DAHL:**

* Rather than protect **DARRELL L. WHITMAN** from retaliation at the hands of Secretary of Labor **THOMAS E. PEREZ** &DOL Inspector G **SCOTT S. DAHL**, U.S. SPECIAL COUNSEL (OSC) **CAROLYN N. LERNER** collaborated with fellow CIIGE members: CIGIE Chairman **MICHAEL E. HOROWITZ**, DOL-IG **SCOTT S. DAHL**, incoming U.S. Special Counsel **HENRY J. KERNER** and OSC General Counsel **SUSAN K. ULLMAN** to subvert government process (Federal Criminal and/or Administrative function) in violation of [18 USC §1505](https://www.law.cornell.edu/uscode/text/18/1505)
* The protected members of the CIGIE intentionally stripped **DARRELL L. WHITMAN** of his federal employment for performing his duty & reporting fraud, waste, abuse, and corruption within the Department of Labor (DOL)

On 03 May 2015, Attorney Investigator **DARRELL L. WHITMAN** was removed from federal government service for unauthorized use of a Bay Area Rapid Transit (BART) card.

**SYSTEMIC FAILURE:** The Congressional (**Article I**) creation of a self-regulating new class of political bureaucrat, granted lifetime appointment, coupled with the creation of an unconstitutional self-regulating sui generous “entity” called the Council of the Inspectors General on Integrity and Efficiency (CIGIE) causing a complete loss of transparency & accountability over the programs & operations of the federal government.

**REMEDY:** Immediate Congressional Branch (**Article I**), Executive Branch (**Article II**), and Judicial Branch (**Article III**) intervention:

* (1) Congressional (**Article I**) authority for any U.S. citizen to collectively seek civil damages against individual members of the Council of the Inspectors General on Integrity and Efficiency (CIGIE) for [deprivation of rights](https://www.law.cornell.edu/uscode/text/42/1983) taken against any U.S. Citizen exercising their 1st Amendment right to petition their government for redress of grievance (whistleblowing)
* (2) Congressional (**Article I**) modification of [5 U.S. Code § 2302(a)(2)(A)](https://www.law.cornell.edu/uscode/text/5/2302#a_2)- “personal action” to include as: 5 U.S. Code § 2302(a)(2)(A)(xiii)- Security Clearance Personnel Vetting Actions
* (3) Executive Branch (**Article II**) immediate removal from federal government service protected members of the sui generous self-regulating “entity” known as the Council of the Inspectors General on Integrity and Efficiency (**CIGIE**)
* (4) Executive Branch (**Article II**) directed criminal charging of members of the CIGIE retaliating against U.S. citizens for exercising the protected 1st Amendment right to petition their government for redress of grievances (Whistleblowing)
* (5) Judicial (**Article III**) Supreme Court strike down as unconstitutional Section (**7**)-Establishment of the Council of the Inspectors General on Integrity and Efficiency contained within the [**Inspector General Reform Act of 2008**](https://www.congress.gov/110/plaws/publ409/PLAW-110publ409.pdf) currently codified under [**5 USC § 424**](https://www.law.cornell.edu/uscode/text/5/424)-Establishment of the Council of the Inspectors General on Integrity and Efficiency (**CIGIE**)

1. Supreme Court (SCOTUS) defines **retaliation** as an intentional act in response to a protected action [See, Jackson v. Birmingham Bd. of Educ., 544 U.S. 167, 173-74 (2005)]. Citing Jackson, the court in Gutierrez **underscored** the intentional nature of a retaliation complaint: *“Retaliation is, by definition, an intentional act. It is a form of “discrimination” because the complainant is being subjected to differential treatment.”* Gutierrez, 2005 WL 2346956, at \*5. The complained of matter need not be a complaint; it can be any lawful conduct that an individual engages in connected with a protected right. “The very concept of retaliation is that the retaliating party takes action against the party retaliated against after, and because of, some action of the latter.” Fed. Mar. Bd. v. Isbrandtsen Co., 356 U.S. 481, 514 (1958). [↑](#footnote-ref-1)