

Written by Dylan Blaylock
Friday, 27 May 2011 00:00

Today, the Government Accountability Project (GAP) is announcing the successful settlement by Air Force aircraft mechanic George Sarris of his Whistleblower Protection Act (WPA) lawsuit. GAP adjunct attorneys Thad Guyer and Stephanie Ayers challenged a wide range of retaliation surrounding removal of Sarris' security clearance, ranging from removal of meaningful duties to lowered performance appraisals.

“The Air Force agreed to give Mr. Sarris everything that the Merit Systems Protection Board (MSPB) could order, and more, without a hearing,” commented GAP Legal Director Tom Devine.

A loophole in the WPA deprived Sarris of the right to challenge the security clearance removal. Congress is reconsidering an overhaul of the law, which was on the verge of passing last December when the final vote was blocked by a [secret Senate “hold” an hour before adjournment](#). That overhaul, the Whistleblower Protection Enhancement Act (WPEA), would give employees a chance to file lawsuits challenging retaliatory removal of clearances.

Sarris is a well-known figure within the whistleblower rights movement, who spoke at the 2010 National Whistleblower Assembly. He expressed his feelings at the end of a nearly four-year struggle:

In an attempt to prevent me from disclosing non-airworthy conditions overlooked by previous generations of aircraft mechanics, management presented me with two un-lawful written orders threatening me with disciplinary actions. Essentially, management attempted to blackmail me into allowing the operation of non-airworthy aircraft in exchange for continued employment. I did not fall prey to blackmail and elevated my concerns through the appropriate channels.

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Many of the non-airworthy discrepancies reported by me were substantiated by a DoD Civilian Reprisal Investigation, a 55th Wing Inspectors General Investigation, and a 55th Wing Commander Directed Investigation. Some of the discrepancies implicated outdated, inaccurate, and misleading Technical Orders utilized in maintaining the OC/WC/TC/RC-135 aircraft – a claim supported by a September 2007 Comprehensive Air Force Technical Order Plan. The 55th Wing Aircraft Maintenance Squadron Commander thanked me by suspending my security clearance alleging that I am untrustworthy, a thief, suicidal, and a threat to wing personnel, then took credit for correcting many of the problems that I lawfully disclosed to Congress.

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Despite the defamation of my character, I was successful at increasing the margin of safety for the Big Safari, Rivet Joint, Combat Sent, Constant Phoenix and Open Skies programs. Some of my concerns will never be aired, so I wish the best of luck to those who continue to operate the special mission C/KC-135 aircraft. To the United Kingdom which is replacing its aged Nimrod MR1 and MR2 aircraft with the even older RC-135; rest assured, the RC-135 is a safe airframe

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as long as it is properly maintained.

Background

Sarris is a college graduate and lifelong aircraft mechanic whose career until blowing the whistle was marked by steady commendations, bonuses, and performance appraisals such as one that rated him “the employee that all supervisors desire.” That is, until 2007 when he began blowing the whistle at the Offutt Air Force Base in Nebraska. Sarris’ watch was aircraft reconnaissance planes used for intelligence missions over Iraq and Afghanistan. But he discovered a dangerous breakdown in maintenance. For example, fuel, hydraulic and emergency hoses were up to 30 years past their service life, and not replaced until they visibly deteriorated. When Sarris’ official reports were ignored, he protested up the chain of command. When that led nowhere, he went to the Office of Inspector General (OIG), Congress, and media. Two months after a November 2008 front page Kansas City Star article spotlighted Sarris’ concerns, the Air Force suspended his security clearance.

The charges were surreal. For example, in part they were based on a criminal investigation opened of Sarris for theft of government property. The primary misconduct was Sarris acting on OIG instructions to get hard evidence, which he provided by taking pictures, and by removing highly decayed hoses from the trash to share with investigators. He was branded as professionally incompetent and mentally unfit, stripped of all duties. At one point, he was instructed not to leave the empty room where he was assigned without work, even if there were a fire. Eventually he got a fresh start in gym maintenance, peaceful but away from national security duties. Ironically, this occurred despite Sarris’ charges ultimately being confirmed, and leading to possibly life-saving corrective action.

The Settlement

The settlement allows Sarris to officially maintain his mechanic position with alternate duties until a 2014 retirement, even if his currently suspended clearance is revoked. It removes derogatory files, restores his performance appraisal to all “excellent” or “outstanding” ratings, and pays his attorney fees. Putting an exclamation point to vindication, the agreement explicitly permits him to further sue military officers in state court for violation of his rights.

Devine added, “This victory reflects new Merit Systems Protection Board leadership, which is no longer biased against whistleblowers. Even Administrative Judges are starting to get the message, and pressing parties for justice as here. Unfortunately, until Congress acts, whistleblowers like Mr. Sarris will not have independent due process rights against retaliatory removal of their security clearances. The Board did not have authority to restore his national security duties.”

Dylan Blaylock is Communications Director of the Government Accountability Project, the nation's leading [whistleblower](#) protection and advocacy organization.