



DoW INSTRUCTION 1401.03

NONAPPROPRIATED FUND INSTRUMENTALITY EMPLOYEE WHISTLEBLOWER PROTECTION

Originating Component: Office of Inspector General of the Department of War

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Approved 7/28/2026 by: Platte B. Moring, III, Inspector General of the Department of War

Purpose: In accordance with the authority in DoD Directive 5106.01 and pursuant to Section 1587 of Title 10, United States Code (U.S.C.), this issuance establishes policy and assigns responsibilities for nonappropriated fund instrumentality (NAFI) employee whistleblower protection.

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SECTION 1: GENERAL ISSUANCE INFORMATION

1.1. APPLICABILITY.

a. This issuance applies to OSW, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of Inspector General of the Department of War (IG DoW), the Defense Agencies, the DoW Field Activities, and all other organizational entities within the DoW (referred to collectively in this issuance as the “DoW Components”).

b. This issuance does not apply to employees in positions the President excludes from the coverage of Section 1587 of Title 10, U.S.C., based on their determination that exclusions are necessary and warranted by conditions of good administration.

1.2. POLICY.

a. All NAFI employees, former employees, or applicants for appointment to positions as such employees (referred to in this issuance as “applicants”) are encouraged to report violations of law, rule, or regulation; mismanagement; a gross waste of funds; an abuse of authority; or a substantial and specific danger to public health or safety.

b. All NAFI employees, former employees, or applicants who experience reprisal should file reprisal complaints directly with the IG DoW. Section 3 provides information about submitting a reprisal complaint.

c. All NAFI employees, former employees, or applicants must be free from reprisal for making protected disclosures, and their confidentiality is protected pursuant to Section 1587 of Title 10, U.S.C. and in accordance with the Sections 401 through 424 of Title 5, U.S.C., also known as the “Inspector General Act of 1978.”

d. No civilian employee or Service member who has authority to take, direct others to take, recommend, or approve any personnel action will, with respect to such authority, take or fail to take, or threaten to take or fail to take a personnel action with respect to any NAFI employee, former employee, or applicant as reprisal for making a complaint or disclosing information to an inspector general (IG), unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

e. Violations of Paragraph 1.2.d.:

(1) By a person subject to the authority of Chapter 47 of Title 10, U.S.C., also known and referred to in this issuance as the “Uniform Code of Military Justice (UCMJ),” are subject to discipline as a violation of Article 92 of the UCMJ pursuant to punitive regulations issued by the Secretary of the Military Department concerned or Article 132 of the UCMJ.

(2) By DoW appropriated fund civilian employees are subject to:

- (a) Adverse actions, pursuant to Chapter 75 of Title 5, U.S.C.; or
- (b) Performance-based actions for unacceptable performance, pursuant to Chapter 43 of Title 5, U.S.C.
- (3) By DoW NAFI employees are subject to disciplinary actions, pursuant to Volume 1471 of DoD Instruction (DoDI) 1400.25.

SECTION 2: RESPONSIBILITIES

2.1. IG DoW.

In addition to the responsibilities in Paragraph 2.3., the IG DoW:

a. Receives reprisal complaints by NAFI employees, former employees, or applicants, and determines whether there is sufficient evidence to warrant an investigation.

(1) Notifies the NAFI employee, former employee, or applicant if the IG DoW determines an investigation will not be conducted.

(2) Investigates the reprisal complaint if they determine such investigation is warranted. Upon completing the investigation, provides the investigation report to the:

(a) NAFI employee, former employee, or applicant.

(b) Under Secretary of War for Personnel and Readiness.

(c) Director of Administration and Management (DA&M). The DA&M will also receive supporting documents relevant to DA&M determination concerning appropriate corrective or disciplinary action.

b. Protects the identity of NAFI employees, former employees, or applicants making protected disclosures unless the person making the protected disclosure consents to the disclosure of their identity or the IG DoW determines the disclosure is legally required during the investigation.

c. Ensures matters reported by NAFI employees, former employees, or applicants in the underlying protected disclosure are adequately addressed.

2.2. DA&M.

The DA&M:

a. Pending adjudication of a reprisal complaint, orders a temporary stay of relevant personnel action(s) when the IG DoW determines there are reasonable grounds to believe a personnel action was taken as reprisal for making a protected disclosure.

b. Adjudicates reprisal complaints based on IG DoW reports and recommends appropriate corrective and disciplinary actions.

c. Protects the confidentiality of NAFI employees, former employees, or applicants making protected disclosures, unless the disclosure of the employee's, former employee's, or applicant's identity is necessary to perform DA&M responsibilities in accordance with this issuance.

2.3. DOW COMPONENT HEADS.

The DoW Component heads:

- a. Ensure NAFI employees, former employees, or applicants are advised of their right to file reprisal complaints directly to the IG DoW and of the procedures for doing so.
- b. Protect the confidentiality of NAFI employees, former employees, or applicants making protected disclosures, unless a responsible official within the DoW Component determines disclosure of the employee's, former employee's, or applicant's identity is necessary to resolve the reprisal complaints and such disclosure is permitted by law, or the NAFI employee, former employee, or applicant consents to waive confidentiality.
- c. Ensure reprisal complaints received from NAFI employees, former employees, or applicants are promptly forwarded to the IG DoW.
- d. Implement any corrective action recommended by the DA&M and provide the DA&M and the IG DoW with a report on compliance.
- e. Consider DA&M recommendations for disciplinary actions against those responsible for reprisal against NAFI employees, former employees, or applicants for their protected disclosure.
- f. Ensure any personally identifiable information is collected, maintained, disseminated, and used in accordance with Section 552a of Title 5, U.S.C. (also known and referred to as the "Privacy Act of 1974"), as applicable, and DoDI 5400.11.
- g. Disseminate this issuance's content within their Component activities to ensure NAFI employees, former employees, or applicants fully understand the scope and application of this issuance. The Component information will:
 - (1) Specify that NAFI employees have the right, and are encouraged, to disclose directly to the IG DoW:
 - (a) Suspected violations of law, rule, or regulation; mismanagement; a gross waste of funds; an abuse of authority; or a substantial or specific danger to public health or safety.
 - (b) Any reprisals related to disclosures made to NAFI employees, former employees, or applicants.
 - (2) Include procedures for filing reprisal complaints with their respective DoW Component IGs.
- h. Ensure records and information established and created in accordance with this issuance are retained in accordance with DoW Instruction 5015.02 and DoW Component records management disposition schedules.

2.4. SECRETARIES OF THE MILITARY DEPARTMENTS.

In addition to the responsibilities in Paragraph 2.3., the Secretaries of the Military Departments issue punitive regulations that implement the provisions of this issuance.

SECTION 3: SUBMITTING A REPRISAL COMPLAINT

3.1. WHO IS ELIGIBLE TO SUBMIT.

NAFI employees, former employees, or applicants may submit reprisal complaints to the IG DoW or other DoW Component IGs pursuant to Section 1587 of Title 10, U.S.C. DoW Component IGs must promptly forward any reprisal complaints received to the IG DoW.

3.2. WHERE TO SUBMIT.

NAFI employees, former employees, or applicants may submit reprisal complaints to the IG DoW through the DoD Hotline Website at <https://www.dodig.mil/hotline/> or by mailing a letter addressed to:

DoD Hotline
The Pentagon
Washington, DC 20301-1900

3.3. CONTENT OF REPRISAL COMPLAINT.

To submit a reprisal complaint and assist in the complaint review, NAFI employees, former employees, and applicants making complaints in accordance with this issuance must follow the required procedures on the DoD Hotline Website and provide as much information as possible. For additional guidance, see the DoD Hotline Website at <https://www.dodig.mil/hotline/index.html>. Provided information to the DoD Hotline Website should include:

- a. Full name, grade, job title, organization, duty location, e-mail address, telephone numbers, and mailing address for receipt of IG DoW correspondence.
- b. A copy of the protected disclosure and any reply received. If unavailable, information regarding the protected disclosure should include:
 - (1) The date the protected disclosure was made and to whom.
 - (2) The content of the protected disclosure.
 - (3) Whether, when, and by whom the matter was investigated.
- c. The personnel action taken or withheld. Available documentation about the personnel action or description of the type of personnel action and the date such action occurred or should have occurred must be provided.

d. To the extent possible, the full name, rank or grade, duty title, organization, duty location, e-mail address, and telephone numbers of the officials believed to be responsible for taking, failing to take, directing, threatening to take or fail to take, recommending or approving a personnel action, alleged to be reprisal. In addition, provide any supporting evidence that may indicate any official involved in the personnel action knew of the protected disclosure before acting.

GLOSSARY

G.1. ACRONYMS.

ACRONYM	MEANING
DA&M	Director of Administration and Management
DoDI	DoD instruction
DoW	Department of War
DoWI	DoW instruction
IG	inspector general
IG DoW	Inspector General of the Department of War
NAFI	nonappropriated fund instrumentality
OSW	Office of the Secretary of War
UCMJ	Uniform Code of Military Justice
U.S.C.	United States Code

G.2. DEFINITIONS.

Unless otherwise noted, these terms and their definitions are for the purpose of this issuance.

TERM	DEFINITION
abuse of authority	An arbitrary or capricious exercise of power by a military member or a Federal official or employee that adversely affects the rights of any person or that results in personal gain or advantage to himself or herself or to preferred other persons.
applicant	Anyone who applies for employment as a NAFI employee as defined in Section 1587 of Title 10, U.S.C.
corrective action	Any action permitted by law that the DA&M deems necessary to make the complainant whole (e.g., reinstatement, promotion, reassignment, back pay, or changes in DoW Component rules, regulations, or practices).

TERM	DEFINITION
disciplinary action	An action against an offending employee or Service member using the applicable action procedures, or a referral to the U.S. Attorney General of any evidence of criminal violation. A person subject to the UCMJ is subject to disciplinary actions pursuant to Article 92 or Article 132 of the UCMJ. DoW appropriated fund civilian employees are subject to adverse actions, pursuant to Chapter 75 of Title 5, U.S.C., or to performance-based actions for unacceptable performance, pursuant to Chapter 43 of Title 5, U.S.C. DoW NAFI employees are subject to disciplinary actions pursuant to Volume 1471 of DoDI 1400.25.
gross waste of funds	An expenditure that is significantly out of proportion to the benefit expected to accrue to the U.S. Government.
mismanagement	Wrongful or unreasonable actions that may adversely affect efficient accomplishment of the agency's mission.
NAFI employee	Defined in Section 1587 of Title 10, U.S.C.
personnel action	With respect to a NAFI employee, former employee, or applicant: An appointment. A promotion. A disciplinary or corrective action. A detail, transfer, or reassignment. A reinstatement, restoration, or reemployment. 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, or other action described in this definition. Any other significant change in duties or responsibilities that is inconsistent with the employee's salary or grade level.

TERM	DEFINITION
protected disclosure	A disclosure of information by a NAFI employee, former employee, or applicant that the employee, former employee, or applicant reasonably believes evidences a violation of any law, rule, or regulation; mismanagement; a gross waste of funds; an abuse of authority; or a substantial and specific danger to public health or safety, if such disclosure is not specifically prohibited by law and if the information is not specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs; or A disclosure by an employee, former employee, or applicant to any civilian employee or Service member designated by law or the Secretary of War to receive disclosures pursuant to Section 1587, Paragraph (b)(1) of Title 10, U.S.C. that the employee, former employee, or applicant making the disclosure reasonably believes evidences a violation of any law, rule, or regulation; mismanagement; a gross waste of funds; an abuse of authority; or a substantial and specific danger to public health or safety.
reprisal	Taking, failing to take, or threatening to take or fail to take a personnel action because of a protected disclosure of information.

REFERENCES

DoD Directive 5016.01, “Inspector General of the Department of Defense (IG DoD),” April 20, 2012, as amended
DoD Instruction 1400.25, Volume 1471, “DoD Civilian Personnel Management System: Nonappropriated Fund (NAF) Labor-Management and Employee Relations,” March 27, 2014, as amended
DoD Instruction 5400.11, “DoD Privacy and Civil Liberties Programs,” January 29, 2019, as amended
DoW Instruction 5015.02, “DoW Records Management Program,” June 26, 2026
United States Code, Title 5
United States Code, Title 10