



GENERAL COUNSEL OF THE DEPARTMENT OF WAR
1600 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-1600

July 27, 2026

MEMORANDUM FOR SENIOR PENTAGON LEADERSHIP
COMMANDERS OF THE COMBATANT COMMANDS
DEFENSE AGENCY AND DOW FIELD ACTIVITY DIRECTORS

SUBJECT: Directive-type Memorandum 26-002, "Prohibited Personnel Practices for Schedule Policy/Career Positions"

References: See Attachment 1.

Purpose. In accordance with the authority in DoD Directive 5145.01, this directive-type memorandum (DTM):

- Establishes policy, assigns responsibilities, and provides procedures for protection of individuals serving in or applying for DoW Schedule Policy/Career positions against prohibited personnel practices (PPPs) in accordance with Executive Orders 14171 and 14410 and pursuant to the June 1, 2026 Secretary of War Memorandum.
- Is effective July 27, 2026; it will be converted to a new DoW instruction. This DTM will expire effective July 27, 2028.

Applicability. This DTM:

- 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 DTM as the "DoW Components").
 - Employees who have been appointed or moved to a Schedule Policy/Career position in the excepted service; all applicants for such a position; and personnel with authority to take, direct, recommend, or approve personnel actions against applicants for or employees holding a Schedule Policy/Career position in the excepted service.

- Does **not** apply to employees or applicants for employment in a position placed in Schedule C of the excepted service.
- Will not infringe on IG DoW statutory independence and authority in accordance with Chapter 4 of Title 5, United States Code (U.S.C.), also known and referred to in this issuance as “The Inspector General Act of 1978,” as amended. In the event of any conflict between this issuance and the IG DoW, the Inspector General Act of 1978 takes precedence.

Definitions. See Glossary.

Policy.

- All personnel actions must be carried out fairly, transparently, and in strict adherence to applicable laws.
- DoW personnel will not engage in any PPP. Violations undermine the integrity of the Federal civil service and may result in disciplinary action, up to and including removal from Federal service, as well as appropriate corrective action.
- The protections in this DTM are coextensive with those provided in Section 2302(b) of Title 5, U.S.C. and apply to Schedule Policy/Career positions. Individuals serving in or seeking such positions may not seek corrective action for PPPs through either the Office of Special Counsel, pursuant to Section 1212 of Title 5, U.S.C. or the Merit Systems Protection Board, pursuant to Section 1204 of Title 5, U.S.C.). Instead, those individuals must seek corrective action through the procedures established in this DTM.

Responsibilities.

- General Counsel of the Department of War (GC DoW). The GC DoW:
 - Establishes policy and implementing guidance for the DoW policy for PPP for Schedule Policy/Career positions and for reporting, investigating, and addressing violations of PPP protections.
 - Oversees DoW compliance with the requirements of this DTM and all applicable Federal laws and DoW policies governing PPP protections.
- Principal Staff Assistants and DoW Component Heads. The Principal Staff Assistants and DoW Component heads will implement the policies and procedures in this DTM and promptly issue complying internal guidance.

Procedures. See Attachments 2 and 3.

Releasability. Cleared for public release. Available on the Directives Division Website at <https://www.esd.whs.mil/DD/>.



Earl G. Matthews
General Counsel of the Department of War

Attachments:

As stated

ATTACHMENT 1

REFERENCES

DoD Directive 5145.01, “General Counsel of the Department of Defense,” January 17, 2025
Executive Order 14171, “Restoring Accountability to Policy-Influencing Positions in the Federal Workforce,” January 20, 2025
Executive Order 14410, “Implementing Schedule Policy/Career in the Excepted Service,” June 3, 2026
Federal Rules of Civil Procedures, December 1, 2025
Secretary of War Memorandum, “Department of War Policy on Prohibited Personnel Practices for Schedule Policy/Career,” June 1, 2026
United States Code, Title 5
United States Code, Title 18, Section 1001
United States Code, Title 29
United States Code, Title 42, Section 2000e-16
United States Code, Title 50, Section 3003

ATTACHMENT 2
GENERAL PROVISIONS

1. PROHIBITED PERSONNEL PRACTICES.

a. Personnel Action. For the purposes of this DTM, a personnel action is any of the following:

- (1) An appointment.
- (2) A promotion.
- (3) A disciplinary or corrective action.
- (4) A detail, transfer, or reassignment.
- (5) A reinstatement.
- (6) A restoration.
- (7) A reemployment.
- (8) A performance evaluation.
- (9) 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 action described in this paragraph.
- (10) A decision to order psychiatric testing or examination.
- (11) The implementation or enforcement of any nondisclosure policy, form, or agreement.
- (12) Any other significant change in duties, responsibilities, or working conditions.

b. Prohibited Discrimination Based on Protected Characteristics, Marital Status, or Political Affiliation. No DoW employee who has authority to take, direct others to take, recommend, or approve any personnel action, will, with respect to such authority, discriminate for or against any employee or applicant on the basis of:

- (1) Race, color, religion, sex, or national origin, as prohibited under Section 717 of the Civil Rights Act of 1964 codified in Section 2000e–16 of Title 42, U.S.C.;
- (2) Age, as prohibited under Sections 12 and 15 of the Age Discrimination in Employment Act of 1967 codified in Sections 631 and 633a of Title 29, U.S.C.;

(3) Sex, as prohibited under Section 6(d) of the Fair Labor Standards Act of 1938 codified in Section 206(d) of Title 29, U.S.C.;

(4) Disability, as prohibited under Section 501 of the Rehabilitation Act of 1973 codified in Section 791 of Title 29, U.S.C.; or

(5) Marital status or political affiliation, as prohibited under any law, rule, or regulation.

c. Prohibited Considerations. No DoW employee who has authority to take, direct others to take, recommend, or approve any personnel action, will, with respect to such authority, solicit or consider any recommendation or statement, oral or written, with respect to any individual who requests or is under consideration for any personnel action unless such recommendation or statement is based on the personal knowledge or records of the person furnishing it and consists of:

(1) An evaluation of the work performance, ability, aptitude, or general qualifications of such individual; or

(2) An evaluation of the character, loyalty, or suitability of such individual.

d. Prohibited Coercion Involving Political Activity. No DoW employee who has authority to take, direct others to take, recommend, or approve any personnel action, will, with respect to such authority, coerce the political activity of any person (including the providing of any political contribution or service), or take any action against any employee or applicant for employment as a reprisal for the refusal of any person to engage in such political activity.

e. Prohibited Interference. No DoW employee who has authority to take, direct others to take, recommend, or approve any personnel action, will, with respect to such authority:

(1) Deceive or willfully obstruct any person with respect to such person's right to compete for employment.

(2) Influence any person to withdraw from competition for any position for the purpose of improving or injuring the prospects of any other person for employment.

(3) Grant any preference or advantage not authorized by law, rule, or regulation to any employee or applicant for employment (including defining the scope or manner of competition or the requirements for any position) for the purpose of improving or injuring the prospects of any particular person for employment.

(4) Appoint, employ, promote, advance, or advocate for appointment, employment, promotion, or advancement, in or to a civilian position any individual who is a relative of such employee if such position is in the agency in which such employee is serving as a public official or over which such employee exercises jurisdiction or control as such an official.

f. Prohibited Whistleblower Reprisal. No DoW employee 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 employee or applicant for employment because of:

(1) Any disclosure of information by an employee or applicant which the employee or applicant reasonably believes evidences:

(a) Any violation of any law, rule, or regulation; or

(b) Gross 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 such information is not specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs;

(2) Any disclosure to the Special Counsel, or to the inspector general of an agency or another employee designated by the head of the agency to receive such disclosures, of information which the employee or applicant reasonably believes evidences:

(a) Any violation (other than a violation of this section) of any law, rule, or regulation; or

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

(3) Any disclosure to Congress (including any committee of Congress) by any employee of an agency or applicant for employment at an agency of information described in Paragraph 1.f.(2) of this attachment that is:

(a) Not classified; or

(b) If classified, has been classified by the head of an agency that is not an element of the Intelligence Community; and does not reveal intelligence sources and methods.

g. Prohibited Retaliation. No DoW employee 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, any personnel action against any employee or applicant for employment because of:

(1) The exercise of any appeal, complaint, or grievance right granted by any law, rule, or regulation:

(a) With regard to remedying a violation of Paragraph 1.f. of this attachment; or

(b) Other than with regard to remedying a violation of Paragraph 1.f. of this attachment.

(2) Testifying for or otherwise lawfully assisting any individual in the exercise of any right referred to in Paragraph 1.g.(1)(a) or 1.g.(1)(b) of this attachment;

(3) Cooperating with or disclosing information to the inspector general (or any other component responsible for internal investigation or review) of an agency, or the Special Counsel, in accordance with applicable provisions of law; or

(4) Refusing to obey an order that would require the individual to violate a law, rule, or regulation.

h. Prohibited Discrimination Based on Conduct. No DoW employee who has authority to take, direct others to take, recommend, or approve any personnel action, will, with respect to such authority, discriminate for or against any employee or applicant for employment on the basis of conduct which does not adversely affect the performance of the employee or applicant or the performance of others; except that nothing in this paragraph will prohibit an agency from taking into account in determining suitability or fitness any conviction of the employee or applicant for any crime under the laws of any State, of the District of Columbia, or of the United States.

i. Prohibited Violation of Veterans Preference. No DoW employee who has authority to take, direct others to take, recommend, or approve any personnel action, will, with respect to such authority, knowingly take, recommend, or approve any personnel action if the taking of such action would violate a veterans' preference requirement; or knowingly fail to take, recommend, or approve any personnel action if the failure to take such action would violate a veterans' preference requirement.

j. Prohibited Violation of Merit System Principles. No DoW employee 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 any other personnel action if the taking of or failure to take such action violates any law, rule, or regulation implementing, or directly concerning, the merit system principles contained in Section 2301 of Title 5, U.S.C.

k. Prohibited Nondisclosure Provisions. No DoW employee who has authority to take, direct others to take, recommend, or approve any personnel action, will, with respect to such authority, implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement:

(1) Does not contain the following statement: "These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information; (2) communications to Congress; (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling."; or

(2) Prohibits or restricts an employee or applicant for employment from disclosing to Congress, the Special Counsel, the inspector general of an agency, or any other agency component responsible for internal investigation or review any information that relates to

any violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or any other whistleblower protection.

1. Prohibited Access to Medical Records. No DoW employee who has authority to take, direct others to take, recommend, or approve any personnel action, will, with respect to such authority, access the medical record of another employee or an applicant for employment as a part of, or otherwise in furtherance of, any conduct described in Paragraphs 1.a. through 1.k. of this attachment.

2. NONDISCLOSURE AND WHISTLEBLOWER PROTECTION.

a. Rights and Protections for Congressional and Whistleblower Disclosures.

(1) Congressional Disclosures. This DTM will not be construed to authorize the withholding of information from Congress or the taking of any personnel action against an employee who discloses information to Congress.

(2) Whistleblower Disclosures and Rebuttable Presumptions. For purposes of Paragraph 1.f. of this attachment, any presumption relating to the performance of a duty by an employee whose conduct is the subject of a disclosure as defined under Section 2302(a)(2)(D) of Title 5, U.S.C. may be rebutted by substantial evidence.

(3) Determination of Reasonable Belief. A determination as to whether an employee or applicant reasonably believes that such employee or applicant has disclosed information that evidences wrongdoing will be made utilizing an objective, disinterested observer standard.

(a) Standard of Evaluation. The determination will be made by evaluating whether a disinterested observer with knowledge of the essential facts known to and readily ascertainable by the employee or applicant could reasonably conclude that the actions of the Government evidence a violation or danger.

(b) Scope of Wrongdoing. This standard applies to disclosures evidencing:

1. Any violation of law, rule, or regulation;
2. Gross mismanagement;
3. A gross waste of funds;
4. An abuse of authority; or
5. A substantial and specific danger to public health or safety.

b. Unrestricted Reporting Rights. No DoW policy, nondisclosure agreement, or directive may limit an employee's right to report PPPs to inspectors general, Congress, or any other authorities permitted by law, rule, regulation, or policy.

c. Retaliation Prohibitions. No DoW employee will retaliate against an employee for filing a complaint or participating in the complaint resolution process under this DTM. Prohibited retaliation includes but is not limited to harassment, taking or threatening to take an unfavorable personnel action, withholding, threatening, or recommending withholding a favorable personnel action, or any other conduct designed to punish an employee covered under this DTM for filing a complaint or participating in the complaint resolution process.

3. COMPLAINT PROCEDURES.

a. Covered individuals may file complaints alleging PPPs with the Director, Defense Office of Hearings and Appeals (DOHA), at osd.PPPschedPC@mail.mil. The Director, DOHA is the GC DoW's designee for administering this program. This authority may be further delegated to DoW attorneys serving as an inferior officer of the United States.

b. Any complaint must be filed in accordance with the procedures in Paragraph 3.a. of this attachment, within 45 calendar days of the alleged PPP or the date the employee became aware of (or reasonably should have become aware of) the alleged PPP, whichever is later. The DOHA Administrative Judge may waive this requirement for good cause.

c. A complaint must contain a sufficiently detailed statement of alleged facts that, if proven, would establish a PPP and must identify the remedy sought. The complainant may attach documentation to support the allegations. Any attachment will be treated as part of the complaint. Complainants may not include or attach classified information in unclassified email submissions.

(1) If the complaint presents factual circumstances that are related to allegations that may be pursued in another forum (e.g., the Equal Employment Opportunity Program, the Inspector General Program, or an administrative grievance), the complaint must state whether the employee has sought such relief.

(2) If the employee has sought relief in another forum, the processing of the PPP complaint will be held in abeyance until the other forum has adjudicated the complaint. If at any time during the processing of a PPP complaint the employee seeks relief through another forum, the processing of the PPP complaint will be held in abeyance until the other forum has adjudicated the complaint.

(3) Conclusions reached in other forums will be given preclusive effect in proceedings pursuant to this DTM, to the extent those conclusions are based on an equal or greater quantum of proof consistent with the standards established in this DTM.

d. All complaints will be processed in accordance with this attachment. The GC DoW, by and through the Director, DOHA, will issue a written decision resolving each alleged PPP and identifying any recommended corrective action, if necessary.

e. The Director, DOHA, or a qualified designee, will issue a written decision including any corrective action. Decisions issued pursuant to this DTM are final and may not be appealed by either party. However, the GC DoW may elect, in their sole discretion, to review any decision issued pursuant to this DTM and take any appropriate action.

ATTACHMENT 3

COMPLAINT INVESTIGATION AND ADJUDICATION

1. GENERAL INFORMATION.

a. Recourse and Adjudication. The DoW protects Schedule Policy/Career employees against PPPs. This DTM establishes the complaint review process and designates the forum for these employees to present complaints, which the DoW will adjudicate in a fair, transparent, and prompt manner.

b. Representation. Complainants may elect to be represented by counsel or a non-attorney personal representative. Representatives must appear at no cost to the Government. Upon motion by DOHA Department Counsel, a DOHA Administrative Judge may disqualify a complainant's choice of representative if the representation would create a conflict of interest for the Government.

c. Access To Information. Upon request, complainants and their representatives will be provided information relevant to their complaint to the extent such information would be provided pursuant to a request under Section 552 of Title 5, U.S.C. (also known and referred to as the "Freedom of Information Act," as amended or Section 552a of Title 5, (also known as "the Privacy Act of 1974," as amended).

d. Use of Duty Time. If otherwise in a duty status, DoW Components must afford covered employees a reasonable amount of duty time to present complaints related to alleged PPPs and to communicate with management and personnel officials. Complainants should also be given a reasonable amount of duty time to prepare a complaint.

2. INITIAL INTAKE AND SCREENING.

a. Complaint Receipt. Upon receiving a complaint, the Director, DOHA, will immediately log the submission, noting the date and time of receipt, and assign a DOHA Administrative Judge to preside over the case and a DOHA Department Counsel to represent DoW. The complaint will be assigned a case number for internal tracking.

b. Motion to Dismiss. Within 15 days of assignment, DOHA Department Counsel may file and serve on the complainant a motion to dismiss the complaint for failure to state a claim upon which relief can be granted. Within 10 days of DOHA Department Counsel's motion, the complainant may file either an opposition to the motion or an amended complaint to correct the deficiencies identified by DOHA Department Counsel.

c. Dismissal. The DOHA Administrative Judge must grant a motion to dismiss if the complaint is untimely, alleges conduct that does not constitute a PPP, or otherwise fails to state a

claim upon which relief can be granted. In making this determination, Federal Rule of Civil Procedure 12(b)(6) will serve as a non-binding guide.

3. DISCOVERY AND REFERRAL FOR INVESTIGATION.

a. Discovery. Discovery is available to all parties to the extent authorized by Federal Rule of Civil Procedure 26(b). Upon motion by either party, the DOHA Administrative Judge may enter a protective order in accordance with Federal Rule of Civil Procedure 26(c).

(1) By right, either party may conduct discovery in accordance with the procedures authorized in Federal Rules of Civil Procedure 33, 34, and 36.

(2) Upon a showing of good cause, the DOHA Administrative Judge may authorize either party to conduct discovery in accordance with the procedures authorized in Federal Rules of Civil Procedure 30, 31, and 35.

b. Referral for Investigation. DOHA Department Counsel may refer the allegations in the complaint to the complainant's employing Component for investigation. Upon the complainant's motion, the DOHA Administrative Judge may refer the allegations to another DoW Component for investigation, after determining the employing Component has an irreconcilable conflict of interest.

4. INVESTIGATION.

a. Investigation Plan.

(1) Upon receipt of a referral for investigation, the employing Component will designate an investigating officer.

(2) Within 5 business days of referral of a complaint, the investigating officer will develop a written investigation plan.

(a) The plan should consist of a brief outline including the scope of the investigation and an initial list of potential witnesses and anticipated evidentiary documents.

(b) The referring DOHA Department Counsel will review and approve the investigation plan prior to the investigation commencing.

b. Conduct of the Investigation. Employing DoW Components will determine investigation procedures, including compliance with information safeguarding and other security requirements. The investigation must include, but is not limited to:

(1) Reviewing Documentation. Reviewing documentation submitted by the complainant and relevant agency records, such as performance evaluations, selection packages, and emails.

(2) Conducting Interviews. Conducting interviews with the complainant, management officials alleged to have participated in the purported PPP(s), and other witnesses identified in the referral.

(a) Prior to conducting an interview with any official alleged to have participated in a PPP, the investigating officer must give the warning in Figure 1.

Figure 1. Standard Interview Warning Statement

“The purpose of this interview is to obtain information which will assist in the determination of whether administrative action is warranted.

You are going to be asked a number of specific questions concerning the performance of your official duties.

You have a duty to reply to these questions, and agency disciplinary action, including dismissal, may be undertaken if you refuse to answer, or fail to reply fully and truthfully.

The answers you furnish and any information or evidence resulting therefrom may be used in the course of civil or administrative proceedings.

Neither your answers nor any information or evidence which is gained by reason of such statements can be used against you in any criminal proceedings, except that if you knowingly and willfully provide false statements or information in your answers, you may be criminally prosecuted for that action.”

(b) Prior to conducting **any** interview, the investigating officer must advise interviewees of the criminal penalties for making a false official statement pursuant to Section 1001 of Title 18, U.S.C.

(c) Interviews are not required to be recorded. However, the investigating officer is responsible for preparing a comprehensive summary of any interview that is conducted and is required to attest to the accuracy or truthfulness of the information contained in the summary.

c. Report of Investigation. The investigating officer will detail their findings of fact in a written report. If the investigating officer finds a PPP occurred, the investigating officer will identify recommended corrective actions, as appropriate.

5. COORDINATION WITH OTHER FORUMS.

a. Automatic Stay. If, at any point, the complainant files for relief on any common issue of fact or law in another forum (e.g., the Equal Employment Opportunity program, the Inspector General program, or an administrative grievance), all proceedings in accordance with this DTM will be stayed. This stay is automatic. Any order, finding, or other ruling issued by the administrative judge after the complainant files for relief in another forum is voidable upon motion by DOHA Department Counsel.

b. Termination of Stay. Upon receiving another forum's final disposition, proceedings pursuant to this DTM will resume. The other forum's report will be incorporated into the case file. The report's findings and conclusions will be given preclusive effect regarding any common issues of fact or law so long as the other forum's findings and conclusions are based on a quantum of proof equivalent to or greater than that required by Paragraph 8.a.(1) of this attachment.

6. MOTION FOR SUMMARY JUDGMENT. Within 10 calendar days of concluding discovery, receipt of the employing Component's report of investigation, or the parties' agreement that the record is complete, either party may move for summary judgment in accordance with Federal Rule of Civil Procedure 56. In accordance with that rule, the DOHA Administrative Judge will grant summary judgment if the movant shows that there is no genuine dispute of material fact and the movant is entitled to judgment as a matter of law.

7. HEARING.

a. Conduct of Hearing. A hearing will be held on any issue not resolved by motion to dismiss or summary judgment. Hearings will be held virtually.

b. Evidence. The DOHA Administrative Judge will receive and consider all relevant, material and authentic evidence bearing on any contested issue of law, fact, or policy. The Federal Rules of Evidence will serve as a guide. Technical rules, including those bearing on authentication, may be relaxed to permit the development of a complete record.

c. Witnesses. Both parties may present witness testimony. Witnesses will appear at no cost to the Government. Government personnel should be allowed a reasonable amount of duty

time to prepare for their testimony and to appear at the hearing. All witnesses will be subject to cross-examination.

d. Transcript. DOHA will arrange for a verbatim transcript of each hearing. A copy of this transcript will be provided to the complainant at no cost.

8. DECISION.

a. Burdens and Standards.

(1) For performance- and misconduct-based actions, the complainant bears the initial burden of producing substantial evidence that he or she was subjected to a PPP. The burden then shifts to the Government to rebut the complainant's evidence:

(a) For performance-based actions, the Government bears the burden of producing substantial evidence to justify the agency's action with respect to the complainant.

(b) For misconduct-based actions, the Government bears the burden of producing preponderant evidence that the agency's adverse action against the complainant was justified.

(2) For claims of whistleblower retaliation, the complainant bears the initial burden of producing preponderant evidence that a disclosure protected by Paragraphs 1.f. or 1.g. of Attachment 1 was a contributing factor in an adverse personnel action. The burden then shifts to the Government to produce clear and convincing evidence that the adverse action would have been taken in the absence of the protected disclosure(s).

b. Format. The DOHA Administrative Judge must issue a written decision to the parties in each case, including those resolved by motion to dismiss, pursuant to Paragraph 2.c. of this attachment, and summary judgment, pursuant to Paragraph 6 of this attachment. The decision must include:

- (1) A summary of the complaint and facts.
- (2) An analysis of the evidence.
- (3) A final determination on whether a PPP occurred.
- (4) Any recommended corrective action, if applicable.

9. TIMELINESS AND FINAL ACTION.

a. 120-Day Deadline. The entire process, from the date of the original complaint filing to the issuance of the final decision, should be completed within 120 calendar days, unless extenuating circumstances meriting an extension are documented in writing.

b. Non-Chargeable Time. Any delay requested by or resulting from the acts or omissions of the complainant will not be counted toward the 120-day timeline.

c. Finality. Written decisions issued in accordance with Paragraph 8 of this attachment are final and non-appealable. Copies of any such decision will be provided to the complainant, the DOHA Department Counsel, and the GC DoW.

10. OVERSIGHT.

a. Review. Within 15 days of the date of its issuance, the GC DoW may review any decision issued in accordance with Paragraph 8 and take any action the GC DoW deems appropriate.

b. Suspension. The GC DoW may suspend any provision of this DTM in the interest of national security.

GLOSSARYPART I. ABBREVIATIONS AND ACRONYMS

ACRONYM	MEANING
DOHA	Defense Office of Hearings and Appeals
DoW	Department of War
DTM	directive-type memorandum
IG DoW	Inspector General of the Department of War
GC DoW	General Counsel of the Department of War
OSW	Office of the Secretary of War
PPP	prohibited personnel practice
U.S.C.	United States Code

PART II. DEFINITIONS

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

TERM	DEFINITION
Intelligence Community	Defined in Section 3003 of Title 50, U.S.C.
public official	Defined in Section 3110(a)(2) of Title 5, U.S.C.
relative	Defined in Section 3110(a)(3) of Title 5, U.S.C.
substantial evidence	Such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.