

EMPOWER OVERSIGHT

Whistleblowers & Research



March 5, 2025

VIA ELECTRONIC TRANSMITTAL

General Counsel Samuel R. Ramer
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, DC 20535-0001

RE: SUMMARIES OF CLIENTS' PENDING LEGAL AND/OR ADMINISTRATIVE MATTERS

Dear General Counsel Ramer:

Empower Oversight Whistleblowers & Research ("Empower Oversight") is a nonpartisan, nonprofit educational organization dedicated to enhancing independent oversight of government and corporate wrongdoing. We work to help insiders safely and legally report waste, fraud, abuse, corruption, and misconduct to the proper authorities and seek to hold those authorities accountable to act on such reports.

In pursuit of its mission, Empower Oversight represents several current and former Federal Bureau of Investigation ("FBI") employees with pending legal and/or administrative matters with the FBI. Attached are brief summaries describing the cases of ten clients who are interested in resolving their matters. We are happy to provide additional information if necessary. Those ten clients are (in alphabetical order):

- 1) Marcus Allen
- 2) [REDACTED]
- 3) Stephen Friend
- 4) [REDACTED]
- 5) [REDACTED]
- 6) Garret O Boyle
- 7) [REDACTED]
- 8) Zachery Schoffstall
- 9) Monica Shillingburg
- 10) Michael Zummer

The actions taken against our clients were in reprisal for protected whistleblowing and/or improper targeting because of their political beliefs. The common theme among most of our clients who had their security clearances suspended and/or revoked is the FBI's ability to indefinitely delay the process and financially pressure FBI employees by suspending their pay and blocking their ability to earn a living any other way. Most facing that dilemma simply resign with no prospect of a fair process to challenge it, which allows the pattern to repeat without remedy.

In order to avoid any conflicts of interest, prejudice, or continued reprisal as a result of this submission, we are providing these summaries based on assurances that they will be reviewed for potential action only by objective senior officials with no prior involvement in these cases. Also, while we appreciate your review of these cases to explore ways to amicably resolve and remedy the harms the FBI has inflicted on our clients, we are also willing to engage in other good faith efforts to reach the same goals. For example, if the review by your office alone does not lead to direct managerial action to remedy the harms and resolve our clients' pending matters, we would be willing to propose to our clients that they enter into mediation facilitated by a neutral mediator—assuming an acceptable senior official with no animus toward our clients is delegated settlement authority to represent the FBI in the mediation.

Additionally, we request the opportunity to engage a representative of the Justice Department's Weaponization Working Group, which was announced by Attorney General Bondi on February 5, 2025. The group is tasked with examining, among other things, "The retaliatory targeting ... of legitimate whistleblowers."¹ Some of our clients have expressed an interest in providing additional protected whistleblower disclosures to the Weaponization Working Group, as well as seeking remedies through that review for the targeting and reprisals they have suffered.

To be clear, these proposals are not mutually exclusive. While it is our belief that new leadership of the FBI has the authority to remedy the wrongs suffered by our clients through management directives and should do so immediately, we are willing to work cooperatively on each of the fronts outlined above in order to explore amicable resolutions in each case.

Thank you for the opportunity to advocate for justice and long overdue resolutions for our clients. They have suffered substantially, sacrificing their careers because they stood up against government wrongdoing and/or were improperly targeted for their vaccine status or political views. Please let us know if you have any questions or need any further information about any of our clients.

Cordially,

/Jason Foster/

Jason Foster
Empower Oversight
Chair & Founder

cc: Chad Mizelle
Office of the Attorney General

Jordan Fox
Office of the Deputy Attorney General

¹ <https://www.justice.gov/ag/media/1388506/dl?inline>

GARRET O'BOYLE:

Duties at FBI: In 2018, SA O'Boyle, a former Iraq and Afghanistan war army veteran, was assigned to the JTTF in Wichita, KS. He was on the Kansas City Division SWAT team, a relief supervisor, training agent, assistant WMD coordinator, and defensive tactics instructor. In June 2022, he was selected for the National Surveillance Team at CIRG in Virginia. He sold his house, initiated plans to buy a house in Virginia, placed his belongings in FBI storage, and, on September 26, 2022, reported to CIRG while his wife and four young daughters (including a newborn infant) were visiting family while in transit to VA.

Grievance: Immediately upon his arrival at CIRG, SA O'Boyle was interviewed by NY agents investigating Project Veritas. After the interview, he was notified his security clearance was suspended, and soon after, he was indefinitely suspended without pay. The security clearance suspension was based on a knowingly false assumption (based on later whistleblower testimony) that O'Boyle had leaked Project Veritas case information to Project Veritas and had allegedly improperly accessed various FBI files. In fact, SA O'Boyle had simply provided information about Project Veritas to another FBI employee and had only accessed FBI files as part of protected whistleblowing to Congress beginning in 2021. SecD has since revoked his clearance based on the additional claim of mishandling classified information that he mistakenly included in his work materials that were shipped from Wichita to CIRG. SA O'Boyle has been suspended without any pay since January 1, 2023, and later lost all employment benefits while awaiting a final decision on his security clearance revocation, which the FBI delayed finalizing until July 18, 2024.

Desired Outcome: SA O'Boyle seeks reinstatement of his clearance, revocation of his indefinite suspension of employment, full reinstatement to the FBI with back pay and related benefits, damages for leaving his family homeless and without its belongings for months while in transit to CIRG, attorney fees, and all other corrective action authorized under 28 C.F.R. Sec. 27.4(g).

Pending Litigation and Administrative Matters: SA O'Boyle has litigation pending before the U.S. Court of Appeals for the Federal Circuit for the illegal and unconstitutional indefinite suspension of his employment based on a whistleblower reprisal claim at the MSPB. (He is a preference-eligible veteran.) He also has pending whistleblower reprisal claims with the OIG. He is preparing an administrative request for reconsideration of his security clearance revocation due to SecD on March 31, 2025. As is the pattern with several other clients, the FBI delayed providing O'Boyle his security clearance investigation file for more than six months after its final revocation decision, which took the FBI more than eighteen months to decide.