EMPOWER OVERSIGHT
Whistleblowers & Research

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August 26, 2025

VIA ELECTRONIC TRANSMITTAL

The Honorable Charles E. Grassley
Committee on the Judiciary, Chairman
United States Senate
224 Dirksen Senate Office Building
Washington, DC 20510

RE: FBI WHISTLEBLOWER SETTLEMENTS

Dear Chairman Grassley,

We are writing to inform you that we have reached settlement agreements with the Justice Department to resolve eight more FBI whistleblower cases involving the political weaponization of government.

Under the Biden administration last year, the FBI reinstated whistleblower Marcus Allen's security clearance following an agreement to restore his full backpay and benefits for the entire period of his improper indefinite suspension, but the agreement also required him to resign.[1]

Following President Trump's anti-weaponization of government executive order[2] and Attorney General Pam Bondi's memo establishing the Weaponization Working Group (WWG),[3] we wrote to the FBI General Counsel on March 5, 2025, seeking to resolve ten FBI whistleblower cases, including Marcus Allen's.[4] At that time, the FBI had still not fully performed its obligations to restore his backpay and benefits as agreed with Allen nearly a year earlier.

At the end of March, we released that letter publicly, with appropriate redactions to protect the confidentiality of those clients who wished to remain anonymous to avoid further retaliation.[5] Eventually, we were able to enter into fruitful negotiations with representatives of DOJ's WWG, the Deputy Attorney General's Office, and new leadership at the FBI.

[1] https://empowr.us/fbi-whistleblowers-security-clearance-reinstated-in-full.
[2] https://www.whitehouse.gov/presidential-actions/2025/01/ending-the-weaponization-of-the-federal-government.
[3] https://www.justice.gov/ag/media/1388506/dl?inline.
[4] https://empowr.us/wp-content/uploads/2025/03/2025-03-26-Redactions-of-2025-03-05-JF-to-FBI-GC-Client-Summaries.pdf.
[5] https://empowr.us/empower-oversight-reveals-new-details-of-retaliation-seeks-justice-for-whistleblowers-abused-by-fbi-politicization.

On August 1, 2025, we announced that the FBI restored the security clearance of an employee after the FBI Security Division (SecD) improperly forced his co-workers to answer questions about the employee's: (a) support for President Trump, (b) views on the COVID-19 vaccine mandate, and (c) First Amendment-protected activity in support of the Second Amendment.[6] That employee reported back to work this week and will be receiving backpay, benefits, and damages.

Since then, we have completed the other eight settlement agreements. All are fully executed: signed by the clients, their counsel, and the Justice Department.

Each of the agreements differ slightly depending on each employee's particular situation, case, and circumstances. Of these eight settlement agreements:

- **None** required any resignations as a condition of the agreement.
- **Four** involve or facilitate voluntary retirements.
- **All** include lump sum payments for damages.
- **Four** require full restoration of back pay and benefits to be calculated according to the Back Pay Act, which requires putting federal employees in the same financial position they would have been had they not been subjected to an "unjustified or unwarranted personnel action." *See* 5 U.S.C. § 5596(b)(1)(A)(i), (B), (b)(2) and 5 C.F.R. § 550.805.
  - This requires that employees receive interest on all back pay, restored leave, and replaced Thrift Savings Plan contributions—including the agency match and lost investment earnings.
  - These agreements also require all back pay and benefits to be calculated and paid within 30 days of the employee returning to work and providing all necessary information.
- **Three** require the FBI to return the employees to duty, including Garret O'Boyle, Stephen Friend, and Zachery Schoffstall.

Your leadership and advocacy for whistleblower protections were essential both publicly and behind the scenes. Without your office, these brave whistleblowers would almost certainly not have received a fair hearing. On behalf of our clients, their families, and the Americans who advocated for them—thank you.

We and they are also grateful to:

- The President for issuing the anti-weaponization executive order,
- The Attorney General for creating the WWG pursuant to that order,
- The FBI Director for reinstating and settling with these whistleblowers.

[6] https://empowr.us/fbi-whistleblower-reinstated-after-case-exposed-political-bias-and-abuse-in-security-clearance-process.

We also appreciate the work of the Justice Department personnel who negotiated these agreements in good faith and are working tirelessly to rectify these injustices—particularly the Deputy Attorney General's office and the WWG.

However, as you know, the fight never ends. For each of these cases where whistleblowers finally received at least some measure of justice for the retaliation they faced just for telling the truth about wrongdoing, there are many more who still need a remedy. We are aware that the FBI has also recently restored the clearances of others who are similarly situated, but whom we do not represent. However, there are more who still have no remedy and no justice. The work to combat weaponization and whistleblower retaliation is far from over.

We ask that you and your colleagues in Congress support the continuing work of the WWG to review and remedy as many of these injustices as possible. Thank you.

Sincerely,

/Jason Foster/

Jason Foster
Empower Oversight
Founder & Chair

/Tristan Leavitt/

Tristan Leavitt
Empower Oversight
President