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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

September 22, 2025

**VIA ELECTRONIC TRANSMISSION**

The Honorable Pamela Bondi  
Attorney General  
Department of Justice

Mr. Daniel Driscoll  
Acting Director  
Bureau of Alcohol, Tobacco, Firearms and Explosives

Dear Attorney General Bondi and Mr. Driscoll:

My office has received allegations that the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has engaged in retaliation against current ATF employee and whistleblower, Mr. Afolabi Siwajuola, for making legally protected whistleblower disclosures. Those whistleblower disclosures exposed that the ATF had engaged in misconduct by misclassifying human resources and other administrative positions as law enforcement, as well as other allegations of wrongdoing. As a result of the misconduct, which was substantiated by the Office of Special Counsel (OSC), ATF law enforcement officers were illegally paid enhanced law enforcement benefits they weren't entitled to, wasting millions of taxpayer dollars.<sup>1</sup>

On October 6, 2021, I first wrote the ATF and the Justice Department concerning whistleblower allegations that the ATF illegally misclassified non-law enforcement positions as law enforcement, costing taxpayers millions.<sup>2</sup> My letter also highlighted that more than one whistleblower was retaliated against for making these disclosures, and I demanded the Biden ATF put a stop to it. On December 15, 2021, the Justice Department responded that it was cooperating with the OSC investigation and because "investigations are continuing, the Department is not able to provide further information at this time."<sup>3</sup> I'd like to remind the Justice Department that an ongoing investigation doesn't prevent Congress from carrying out its independent constitutional oversight authority. On May 2, 2023, the "whistleblowers' allegations were wholly substantiated" by the OSC who subsequently notified then-President Biden about the ATF's illegal misconduct.<sup>4</sup> On January 30, 2024, September 23, 2024, and May 12, 2025, Senator Joni Ernst and I wrote to the ATF and Justice Department concerning whether the ATF had held employees accountable who allowed the misconduct to continue after being notified of it and for retaliating against the whistleblowers. We've yet to receive a response.

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<sup>1</sup> Letter from Henery J. Kerner, Special Counsel, to President Joe Biden (May 2, 2023) <https://osc.gov/Documents/Public%20Files/FY23/DI-19-004250;%20DI-20-000696/REDACTED%20OSC%20Letter%20to%20President%20DI-19-004250%20and%20DI-20-000696.pdf>.

<sup>2</sup> Letter from Senator Charles E. Grassley, Ranking Member, Committee on the Judiciary to Merrick Garland, Attorney General, Department of Justice and Marvin Richardson, Acting Director, Bureau of Alcohol, Tobacco, Firearms and Explosives (Oct. 6, 2021) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_atf\\_-\\_leap.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_atf_-_leap.pdf).

<sup>3</sup> Letter from Peter S. Hyun, Acting Assistance Attorney General for Legislative Affairs, Dept. of Justice to Charles E. Grassley, Ranking Member, Sen. Comm. on the Judiciary, (Dec. 15, 2021) (on file with Committee staff).

<sup>4</sup> Letter from Henery J. Kerner, Special Counsel, to President Joe Biden (May 2, 2023) <https://osc.gov/Documents/Public%20Files/FY23/DI-19-004250;%20DI-20-000696/REDACTED%20OSC%20Letter%20to%20President%20DI-19-004250%20and%20DI-20-000696.pdf>.

Mr. Siwajuola has made legally protected disclosures to my office that after he reported the ATF's misconduct to Biden's ATF management, Justice Department leadership, and the OSC, he was subjected to retaliation including low performance reviews as compared to previous years and isolation by his colleagues and management. According to Mr. Siwajuola, on April 20, 2021, he entered into a settlement agreement with the ATF to resolve his whistleblower retaliation claims pending with the OSC. Mr. Siwajuola informed my office that he was retroactively promoted to Deputy Chief, Special Agent/Industry Operations Investigator Recruitment and Hiring Division; however, he was assigned to report to Ralph Bittelari, then-Chief of the ATF Human Resources Operations Division and one of the individuals Mr. Siwajuola reported was directly involved in the ATF's illegal misclassification scheme. Mr. Bittelari's role in ATF's illegal misconduct is further illustrated in the ATF's Internal Affairs Division (IAD) misconduct report that I made public in my May 12, 2025, letter. Mr. Siwajuola disclosed to my office that he was promoted in name only, the retaliation continues to this day, and the retaliation increased in severity since the settlement agreement.

Mr. Siwajuola informed my staff that after the 2021 settlement agreement, he made additional whistleblower disclosures to ATF management, the Department of Justice Office of the Inspector General (DOJ OIG), and OSC about the ATF's illegal misclassification scheme and improper hiring practices. Mr. Siwajuola told my investigative staff that after making these additional disclosures of the ATF's wrongdoing, Biden ATF officials, including former ATF Director Steven Dettelbach and former ATF Deputy Director Marvin Richardson, waged an internal campaign against him to ruin his career, reputation, and livelihood. He alleges that retaliation campaign continues to this day. Specifically, Mr. Siwajuola has provided my office with the following legally protected whistleblower disclosures about the alleged retaliation he experienced after the 2021 settlement agreement:

- In 2022, Mr. Siwajuola raised concerns with ATF management and the DOJ OIG about the Biden ATF lowering the qualifying standards for ATF special agent and industry operations investigators (IOI) applicants. During the Biden administration's efforts to quickly hire additional staff for these positions, Biden ATF management put pressure on Mr. Siwajuola and others to approve certain applicants, especially applicants with relationships with past or current ATF employees, who failed to meet the basic qualification requirements for these positions or were otherwise determined to be ineligible through the application process.<sup>5</sup> Mr. Siwajuola informed my staff that he has serious concerns the Biden administration's hiring surge pushed through applicants unqualified for the ATF special agent and IOI positions and that these hirings may result in a negative impact on public safety and American citizens' constitutional rights. After making these disclosures, Mr. Siwajuola alleges he was subjected to further ostracism, intimidation, negative performance reviews, and demeaning comments by Mr. Bittelari and other ATF employees.
- In mid-2022, Mr. Siwajuola alleges Biden ATF Director Steven Dettelbach personally gave orders to find a legal justification to fire him for making legally protected whistleblower disclosures concerning the ATF's misconduct.
- In 2022, Mr. Siwajuola alleges ATF management began excluding him from critical meetings, decision-making processes, and communication channels related to fulfilling his management role.

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<sup>5</sup> See Department of Justice Office of the Inspector General, *Recommendation That ATF Add to Its Existing Schedule B Policies, Practices, Guidance, and Training a Policy That Specifically Addresses the Recruitment of Friends and Relatives To Ensure That ATF's Recruitment Policies and Practices are Consistent With, and Adequately Notify ATF Employees of, Applicable Merit-Based Hiring Principles and Federal Ethics Regulations*, Management Advisory Memorandum 23-011 (Dec 2022) <https://oig.justice.gov/news/doj-oig-releases-management-advisory-memorandum-regarding-lack-policy-or-guidance-concerning>.

- In June 2022, the Federal Bureau of Investigation (FBI) investigated allegations that an ATF special agent made threats against Mr. Siwajuola and another ATF whistleblower for making legally protected whistleblower disclosures about the ATF's illegal misclassification scheme. According to the interview notes in the FBI's incident summary report, the FBI interviewed an ATF witness who said during a conversation about the ATF's illegal misclassification scandal, the ATF witness was told by an ATF special agent that Mr. Siwajuola had "a mark on his back." The FBI report states that the ATF witness believed the ATF special agent "was speaking on behalf of other people desiring to conduct harm to Siwajuola and was not referring to himself, but [the ATF witness] could not be not certain." The FBI report further states that the ATF witness indicated that the ATF special agent "was aware a threat had been placed against Siwajuola." Finally, the FBI report states that at the time, the ATF witness was aware of my ongoing investigation into ATF's misconduct and "was concerned that if someone from Grassley's office contacted [the ATF witness] for an interview and [the ATF witness] spoke openly about the ATF, that [the ATF witness] would lose their job." The report states that the FBI referred the matter to ATF IAD on June 10, 2022; however, Mr. Siwajuola told my office that no one from ATF IAD has reached out to interview him to investigate these alleged threats.
- In February 2023, Mr. Siwajuola alleges that the ATF opened a baseless and biased retaliatory IAD investigation against him for allegedly mistreating and mismanaging subordinate staff, which he denies.
- In June 2023, Mr. Bittelari demoted Mr. Siwajuola by involuntarily placing him on detail which changed his job duties and responsibilities, reassigned him from his position as a "Supervisor Human Resources Specialist" to "Supervisor Unclassified Duties," and required him to perform menial duties. In addition, Mr. Siwajuola's subordinate took over his management role and no longer reported to him.
- During and following Mr. Bittelari's departure from the ATF, Mr. Siwajuola alleges that current Deputy Assistant Director (DAD) for ATF Human Resources, Lakisha Gregory, has continued persistent retaliation against him. After the end of his involuntary detail, Mr. Siwajuola alleges that DAD Gregory did not return him to his original position and instead gave his position to his subordinate employee, and Mr. Siwajuola was prevented from performing any substantive duties. Mr. Siwajuola also informed my staff that in May 2025, DAD Gregory gave him a negative performance review that raised concerns about his leadership skills and abilities. Mr. Siwajuola told my office that, to his knowledge, these concerns about his leadership abilities weren't documented in his performance history until after he filed an appeal in his adverse personnel action against the ATF. Mr. Siwajuola told my office that the timing of DAD Gregory's negative performance review with his adverse personnel action appeal raises concerns that DAD Gregory didn't conduct his performance review process in a fair manner.
- Mr. Siwajuola informed my staff that ATF IAD recently opened an additional investigation into him for declining to appoint an employee, an alleged friend of DAD Gregory, to a GS-14 Human Resources position that Mr. Siwajuola said he reasonably believed they weren't qualified to hold. Mr. Siwajuola told my staff that ATF IAD was investigating him for creating a hostile work environment, poor judgement, "general misconduct," "behavior unbecoming of a federal employee," and other allegations that he denies and alleges stems from his denial of the appointment.
- Mr. Siwajuola told my office that on August 27, 2025, ATF IAD interviewed him concerning the investigation above. He alleged to my office that the interview lasted nearly five hours. He informed my staff that during the interview, the ATF IAD investigator asked inappropriate questions about his National Origin and to uncover his political beliefs. Mr. Siwajuola informed my staff that the investigator asked him where he was from, in which Mr. Siwajuola responded "North Carolina" but the investigator continued

asking Mr. Siwajuola where he was really from as if he wasn't truly from the U.S. due to his name. Mr. Siwajuola also alleged the ATF IAD investigator asked whether he supports abolishing the ATF or believes that the ATF should be dismantled.

Mr. Siwajuola informed my office that at the end of 2024, the Biden ATF moved him to a new position as Chief of Classification, Performance Management, and Policy, but senior ATF management continued to prevent him from performing substantive work. According to Mr. Siwajuola, his work production began to change for the better once the Trump administration came into office. Mr. Siwajuola informed my office that Trump ATF officials assigned him to implement President Trump's federal workforce Executive Orders which Mr. Siwajuola says he's been proactively doing.

However, Mr. Siwajuola told my investigative staff that the isolation, threats of harm, and sustained retaliation mentioned above have taken a significant toll on him and his family. Mr. Siwajuola told my office that as a U.S. Army veteran, his experience working at the ATF after becoming a whistleblower during the Biden administration is on the same level, and some days worse than his experience serving in Baghdad, Iraq. Mr. Siwajuola told my staff that when serving in Iraq he could trust that his Army squadmates and leadership would have his back, but Biden ATF leadership had instead "put a target" on his.

Despite experiencing over half a decade of ostracism, demotions, threats, attempts to ruin his reputation, and other forms of retaliation at the hands of the Biden administration and career ATF bureaucrats, Mr. Siwajuola told my staff that he feels he can't quit because he believes in moving the ATF's mission forward, ensuring the agency follows the law, and in good conscience he can't abandon his team. Mr. Siwajuola informed my staff that despite the ATF's retaliation against him, he's committed to pushing forward to implement President Trump's workforce Executive Orders because he firmly believes in following the law and the ATF, particularly as a law enforcement agency, should have a steadfast commitment to following the law as well.

Mr. Siwajuola's actions show why whistleblowers are some of the bravest and most patriotic people. And in honor of his bravery and commitment to stand up and do what's right, on October 18, 2023, OSC awarded Mr. Siwajuola with the Special Counsel's 2023 Public Servant Award which I've enclosed.<sup>6</sup> According to OSC's letter, the "award recognizes the important contributions to public service and the public interest provided by whistleblowers like you [Mr. Siwajuola] who, often at great personal risk, have made significant disclosures in the public's interest." The letter states Mr. Siwajuola "forced a sea change at the agency (despite the evidence of ongoing resistance) to adhere to the law and merit system principles and [has] saved the taxpayer from significant waste going forward." Further, Mr. Siwajuola provided my staff with an email sent to him on August 31, 2025, by the OSC stating that OSC recommended ATF provide Mr. Siwajuola with a monetary award for his "significant contributions to uncovering—and thereby ending—long-standing, systemic violations of law resulting in millions of dollars in government waste" for making his whistleblower disclosure.<sup>7</sup> The ATF ought to follow the OSC's recommendation to reward Mr. Siwajuola for his bravery instead of retaliating against him for it.

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<sup>6</sup> Enclosure

<sup>7</sup> Enclosure

Accordingly, I also request that you immediately put a stop to all retaliation against Mr. Siwajuola, place him in the position he would've been absent the retaliation, and fully and fairly investigate all of his whistleblower retaliation allegations and misconduct claims, including the alleged threats of harm made against him by ATF special agents. If the allegations are proven to be true, you must hold all those who participated in or directed the retaliation against Mr. Siwajuola and other ATF whistleblowers accountable. So that Congress may conduct its constitutional oversight over this whistleblower matter, please provide my staff with an update on the status of these requests and whether the ATF accepted the OSC's recommendation to provide Mr. Siwajuola with a monetary award for his whistleblower disclosures and bravery, as well as answers to my January 30, 2024, September 23, 2024, and May 12, 2025, letters no later than October 1, 2025.

Thank you for your prompt attention to this matter. Should you have any questions, please contact Brian Randolph of my Committee staff at (202) 224-5225.

Sincerely,



Charles E. Grassley  
Chairman  
Committee on the Judiciary



U.S. OFFICE OF SPECIAL COUNSEL  
1730 M Street, N.W., Suite 300  
Washington, D.C. 20036-4505

The Special Counsel

October 18, 2023

Afolabi Siwajuola  
[REDACTED]

Dear Mr. Siwajuola,

It is my honor to present you with the Special Counsel's 2023 Public Servant Award, along with fellow honoree [REDACTED]. This award recognizes the important contributions to public service and the public interest provided by whistleblowers like you who, often at great personal risk, have made significant disclosures in the public's interest.

As a human resources professional at the Bureau of Alcohol Tobacco, Firearms, and Explosives (ATF or agency), you were instrumental in bringing to light ATF's longstanding (and illegal) practice of deliberately misclassifying upper-level law enforcement positions to put unqualified individuals in those positions at significant taxpayer expense. You persisted in raising these concerns to agency management despite the entrenched culture at the agency of disregarding civil service rules and regulations and the negative consequences of such disregard to non-law enforcement employees.

Because you courageously disclosed these wrongful practices, the U.S. Office of Special Counsel (OSC) directed ATF to investigate your allegations, which were substantiated. As a result, the U.S. Office of Personnel Management (OPM) suspended ATF's authority to classify certain positions until ATF addresses the misclassification issues to OPM's satisfaction. The agency has already taken several steps to do so, including updating position descriptions to accurately reflect job duties and reassigning law enforcement personnel from those jobs, helping prevent the unjust accrual of Law Enforcement Availability Pay (LEAP) and enhanced retirement benefits. According to the award nomination submitted on your behalf by OSC staff, "the whistleblowers have thus forced a sea change at the agency (despite the evidence of ongoing resistance) to adhere to the law and merit system principles and have saved the taxpayer from significant waste going forward."

Please accept my congratulations and thank you for your commitment to the American people.

Sincerely,

A handwritten signature in dark ink, appearing to read "Henry J. Kerner", is written over a light blue horizontal line.

Henry J. Kerner  
Special Counsel



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**US Office of Special Counsel Monetary Award Recommendation**

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**From** [REDACTED] [REDACTED]@osc.gov>

**Date** Sun 8/31/2025 12:53 PM

**To** [REDACTED]

 1 attachment (193 KB)

OSC Monetary Policy re Whistleblowers 5.20.25.pdf;

Dear Mr. Siwajuola:

The U.S. Office of Special Counsel (OSC) has recommended that the U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) consider you for a monetary award pursuant to OSC's recently adopted policy to recommend monetary awards to federal whistleblowers in appropriate cases (see policy attached). While your disclosure matter is already closed and OSC's policy is generally designed to be implemented in pending 5 U.S.C. § 1213(c) disclosure referrals, with OSC's monetary award recommendation included in the letter to the agency head and President with the closing of the case, we informed the agency that we believe that the circumstances merit a retroactive recommendation outside our typical process. OSC determined that your significant contributions to uncovering—and thereby ending—long-standing, systemic violations of law resulting in millions of dollars in government waste merits recognition. Please be aware, however, that the agency makes the final determination of whether to issue an award and that OSC has no further involvement after making a recommendation.

Sincerely,

[REDACTED]  
Attorney  
Retaliation and Disclosure Unit  
U.S. Office of Special Counsel

[REDACTED]  
Washington, D.C. 20036

[REDACTED]  
[\[REDACTED\]@osc.gov](mailto:[REDACTED]@osc.gov)

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