



COMPLAINT TO REPORT A HATCH ACT VIOLATION

For instructions or questions, call the Hatch Act Unit at (202) 804-7002.

* Denotes Required Fields.

IMPORTANT INFORMATION ABOUT FILING A HATCH ACT COMPLAINT WITH THE U.S. OFFICE OF SPECIAL COUNSEL

This form should be used to file complaints alleging violations of the Hatch Act. In order for us to best understand your allegations, we encourage you to fill in all the fields that you can. However, only those fields marked with an asterisk are required. If you fail to fill in a required field, your complaint cannot be processed. When providing information, please be as specific as you can, provide as much detail as possible, and attach/enclose all supporting documentation with your complaint filing. Prior to submitting your complaint to OSC, we recommend you review the information located on our website. If you have any questions about this form, you may phone the Hatch Act Hotline at (202) 804-7002.

CONTACT INFORMATION

Title:

First Name:* Omar

Middle Initial:

Last Name:* Noureldin

International Address?: No

Address:*

805 Fifteenth Street NW

Suite 800

Washington, DC 20005

Cell Phone Number:

Home Phone Number:

Office Phone Number: 202-833-1200

Ext.

Email Address:* onoureldin@commoncause.org

Preferred means of contact:

Email: Yes

Cell Phone Number: No

Home Phone Number: No

Office Phone Number: No

Are you referring this complaint on behalf of a government agency? No

Information about referring agency, if applicable.

Agency:



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Your Position Title:

REPRESENTATIVE INFORMATION

Do you have representation?* No

Information about representative, if applicable.

First Name:*

Last Name:*

Middle Initial:

International Address?

Address:*

Office Phone Number:

Ext.

Cell Phone Number:

Home Phone Number:

Email Address:*

INFORMATION ABOUT THE INDIVIDUAL WHO ALLEGEDLY VIOLATED THE HATCH ACT (SUBJECT)

Subject's Employment Status:* Federal government employee

Title:

Subject's First Name:* Marty

Subject's Middle Initial:

Subject's Last Name:* Makary

Position Title: Commissioner

Department:* Health and Human Services

Agency:* Food and Drug Administration

Agency subcomponent:

Subject's Address:*



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10903 New Hampshire Avenue
Silver Spring, MD 20993

Office Phone Number:

Ext.

Other Phone Number:

Home Phone Number:

Email Address:

Is the Hatch Act Subject a Political Appointee?

Yes

Does the Subject have knowledge of the Hatch Act?*

Yes

If yes, please explain why you believe the Subject knows about the Hatch Act (for example: agency training, agency distribution of brochures, flyers, e-mails, prior contact with OSC):

As head of the agency, Makary bears ultimate responsibility for ensuring the agency's compliance with all applicable laws and ethical obligations. In this role, the agency head would have received formal training on the Hatch Act, been briefed on federal ethics requirements, and had access to agency counsel and resources regarding restrictions on political activity. Given this position as the chief officer of the agency, it is reasonable to conclude that the head of the agency is fully aware of the Hatch Act and its application to federal officials holding such high-level office.

SUBJECT'S SUPERVISOR'S INFORMATION

Subject's Supervisor's First Name:

Subject's Supervisor's Middle Initial:

Subject's Supervisor's Last Name:

Subject's Supervisor's Title:

Office Telephone:

Ext.

Other Telephone:

Fax:

Email Address:

ALLEGED VIOLATION



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1. For complaints involving a Subject employed by the federal government, which of the following actions are you alleging?*

Using one's official authority or influence for the purpose of interfering with or affecting the result of an election.

No

Soliciting, accepting, or receiving political contributions.

No

Being a candidate in a partisan election.

No

Soliciting or discouraging the participation in political activity of any person who has business before their employing agency.

No

Engaging in political activity while on duty, in any room or building occupied in the discharge of official duties, while wearing a uniform or official insignia, or while using a vehicle owned or leased by the United States government.

Yes

Taking an active part in political management or political campaigns (This prohibition applies only to further restricted employees. A list of such employees can be found [here](#) or at 5 U.S.C. § 7323(b)).

No

2. Please provide a detailed description of the alleged violation(s) and attach/enclose any supporting documentation with your complaint filing. To process your complaint, you must provide as much detailed information as possible. Without sufficient information, we may be unable to investigate your allegation(s).*

A detailed description should include:

- a. What the Subject did that allegedly violated the Hatch Act;
- b. Where the alleged violation(s) occurred;
- c. When the alleged violation(s) took place; and
- d. Who else has knowledge that the alleged violation(s) occurred and their relationship to the Subject.



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Description of alleged violation:

Dr. Martin A. Makary, Commissioner of Food and Drugs, is responsible for partisan messaging displayed on the official Food and Drug Administration (FDA) website during the federal government shutdown that began on September 30, 2025.

The FDA's homepage prominently displayed the message:

"Mission-critical activities of FDA will continue during the Democrat-led government shutdown. Please use this site as a resource as the Trump Administration works to reopen the government for the American people."

This partisan announcement used taxpayer-funded communication systems to blame one political party for the shutdown while simultaneously crediting President Trump and his administration. Such messaging is a misuse of official government resources for partisan purposes.

The violations occurred on the FDA's official website, a publicly accessible government platform. The partisan message was visible to all visitors to the FDA website beginning on or after September 30, 2025.

Given the public nature of the posting, widespread media coverage, and the fact that senior leadership within the FDA would have had knowledge of website content changes, Commissioner Makary had knowledge—or should have had knowledge—of the Hatch Act implications of this messaging.

As Commissioner of Food and Drugs, Dr. Makary is responsible for ensuring that all FDA communications remain nonpartisan and consistent with the ethical obligations of his office. By permitting or directing partisan messaging to be displayed on an official government website, he violated the Hatch Act's prohibition on engaging in political activity using government resources.

See:

<https://www.wftv.com/news/politics/blame-game-is/UJHCVNKOJAZ6BLSUULE2Z5CYKI/>

OTHER ACTIONS YOU ARE TAKING?



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Please indicate in this section if you have reported your matter through other agencies or organizations. If so, please identify the agency or organization to which you reported the matter and provide the current status. If you have received responses regarding your matter, briefly summarize what results were communicated to you and provide our office with copies of any correspondence.

ATTACHMENTS

Please note that the space available for attachments is limited. Therefore, DO NOT attach every document and email that may be relevant to your claim. You will have an opportunity to make additional submissions at a later date.

I have attached the following documents to my filing:

File Name	File Size (kb)
FDA1.png	1,378,764

CONSENT TO DISCLOSURE OF INFORMATION

Do you consent to the disclosure of your identify to others outside OSC if it becomes necessary in taking further action on this matter?*

I consent to disclosure of my identity on a need-to-know basis.

Yes

I do not consent to disclosure of my identity. (I understand my lack of consent may prevent OSC from taking further action on my complaint. Even if I do not consent, OSC may disclose my identity if required by law.)

No

CERTIFICATION

I certify that all of the statements made in this complaint are true, complete, and correct to the best of my knowledge and belief. I understand that a false statement or concealment of a material fact is a criminal offense punishable by a fine, imprisonment, or both. 18 U.S.C. § 1001.*



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Yes

BURDEN: The burden for this collection of information (including the time for reviewing instructions, searching existing data sources, gathering the data needed, and completing and reviewing the form) is estimated to be an average of one hour to submit a disclosure of information alleging agency wrongdoing, one hour and fifteen minutes to submit a complaint alleging a prohibited personnel practice or other prohibited activity, or 30 minutes to submit a complaint alleging prohibited political activity. Please send any comments about this burden estimate, and suggestions for reducing the burden, to the U.S. Office of Special Counsel, General Counsel's Office, 1730 M Street, NW, Suite 218, Washington, DC 20036-4505.

This complaint of an alleged Hatch Act violation was received by OSC on: 10/3/2025

PLEASE KEEP A COPY OF YOUR COMPLAINT, ANY SUPPORTING DOCUMENTATION, AND ANY ADDITIONAL ALLEGATIONS THAT YOU SEND TO OSC NOW OR AT ANY TIME WHILE YOUR COMPLAINT IS PENDING. REPRODUCTION CHARGES UNDER THE FREEDOM OF INFORMATION ACT MAY APPLY TO ANY REQUEST YOU MAKE FOR COPIES OF MATERIALS THAT YOU PROVIDED TO OSC.