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Employee Who Made No Protected Disclosure Was Not A Whistleblower

California Employment Law on **September 22, 2026**

Krzesni v. Wellpinit Sch. Dist., 182 F.4th 1147 (9th Cir. 2026)

David Krzesni, a school-district project director, claimed his fixed-term contract was not renewed because he reported that federal grant money had been used for a trip to Hawaii without authorization. Krzesni alleged whistleblower retaliation under the National Defense Authorization Act (NDAA) and Washington state law. The district court granted summary judgment in favor of the defendants on the ground that Krzesni had not made a protected disclosure. The Ninth Circuit affirmed summary judgment for the district. Krzesni's annual report merely described the trip, and a rhetorical question he asked of a supervisor ("So this is how we do things?") did not objectively communicate suspected misconduct; neither qualified as a protected disclosure under the NDAA. Further, a later call to the federal grant contact could not have caused the nonrenewal because the decision had already been made.

Related Professionals

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