



DOJ Issues Memorandum Announcing Accelerated Review of Whistleblower FCA Complaints

JUNE 2026

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On May 27, 2026, the United States Department of Justice's ("DOJ") Civil Division issued a memorandum [announcing](#) the accelerated review of whistleblower False Claims Act ("FCA") complaints alleging fraud in state-administrated programs receiving federal funding. The memorandum follows President Trump's Executive Order of March 16, 2026, which established the Task Force to Eliminate Fraud and directed DOJ to promptly review and promote meritorious qui tam cases.

DOJ will prioritize and, to the maximum extent practicable, complete its review of benefits fraud qui tam actions within the 60-day period described in 31 U.S.C. § 3730(b)(4), but no later than 120 days. At the conclusion of its review, DOJ will make one of three determinations:

- Permit the relator to proceed with the action and to assume primary responsibility for litigating it, subject to the government's ongoing supervision and ultimate control of the matter;
- Conclude that the allegations warrant further government investigation; or
- Determine that the qui tam should be dismissed under 31 U.S.C. § 3730(c)(2)(A) because the allegations lack adequate specificity or are legally deficient.

DOJ will evaluate several factors when determining if it will permit a relator to proceed with litigation. Relevant considerations may include, but are not limited to, whether:

- The complaint alleges conduct that, if true, would constitute a violation of the False Claims Act;
- The complaint alleges facts that are supported or corroborated by available information, including data analytics, agency information, or the relator's inside information;
- The case involves a scheme or course of misconduct that is not novel or complex;
- The amount of potential damages is below the \$10 million settlement authority delegated to the Director of Civil Fraud; and
- Aggravating factors are present, such as beneficiary harm, ongoing misuse of federal funds, or concealment or deceit by the defendant.

In cases where DOJ determines that further investigation of a benefits fraud qui tam is appropriate, the DOJ Fraud Section and the applicable U.S. Attorney's Office will confer about assignment and handling the matter on an expedited basis. DOJ will target completion of the investigation within 120 days. During the investigative period, DOJ will:

- Issue Inspector General subpoenas and/or Civil Investigative Demands (CIDs), which require a defendant to respond within a definitive time frame; and
- Conduct early interviews of witnesses.

If a defendant fails to comply with the timeframes without justification, DOJ may initiate enforcement actions to compel compliance. Extensions beyond the 120-day period require approval from the Deputy Assistant Attorney General of the Commercial Litigation Branch, and any subsequent extensions will require approval from the Assistant Attorney General of the Civil Division.

The Bottom Line for Companies

- **Civil and Criminal Exposure.** DOJ will leverage a whole-of-government approach to benefits fraud matters. Matters will be promptly referred to the Criminal Division and/or the National Fraud Enforcement Division for evaluation of potential criminal violations. Companies can expect that information provided to one DOJ division will be shared with others, thus increasing the possibilities of parallel civil and criminal proceedings.
- **Reduced Time to Evaluate and Respond to Allegations.** The accelerated DOJ review of whistleblower complaints will reduce the timeframe for companies to analyze allegations, conduct internal investigations, and effectively engage with agents and DOJ prosecutors. Companies must be prepared to quickly self-correct issues, demonstrate good faith compliance efforts, and promptly cooperate with DOJ officials to mitigate exposure.

The False Claims Act is one of the government's most powerful weapons for fighting alleged fraud. DOJ's focus on accelerated, aggressive enforcement in the Civil and Criminal Divisions means that companies must proactively evaluate False Claims Act exposure and take steps to establish readiness to respond to DOJ inquiries.

Additional Information

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