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INSPECTOR GENERAL COMPLAINTS RESOLUTION

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This instruction implements Air Force Policy Directive (AFPD) 90-3, *Inspector General--The Complaints Resolution Program;* Department of Defense (DoD) Directive 5505.06, *Investigations of Allegations Against Senior Officials of the Department of Defense;* DoD Directive 7050.06, *Military Whistleblower Protection;* DoD Instruction 7050.01, *Defense Hotline Program* and President's Council on Integrity and Efficiency, *Quality Standards for Federal Offices of Inspector General*, October 2003. It applies to all active duty Air Force personnel, Department of the Air Force Civilians, Air Force Reserve Command (AFRC) personnel and Air National Guard personnel.

Military members who violate the prohibition against reprisal in **paragraph 6.3** or the prohibitions against restriction in **paragraph 7.3** or the protections and rights regarding involuntary mental health referrals in **paragraph 8.3** are subject to prosecution and/or disciplinary and administrative action under Article 92 of the UCMJ. Civil servants who violate these provisions are subject to administrative or disciplinary action. Air National Guard

personnel not in federal status are subject to their respective state military code or applicable administrative actions, as appropriate.

It assigns responsibilities and prescribes procedures for reporting and processing all allegations or adverse information of any kind against Air Force Senior Officials, colonels (grade of O-6), colonel-selects, and civilian equivalents and complaints involving allegations of reprisal, restriction, or improper referral for mental health evaluations.

This instruction requires collecting and maintaining information protected under the Privacy Act of 1974 as authorized by 10 USC 8013 and 8020. System of Records Notice F090 AF IG B, *Inspector General Records,* applies and AF IMT 102, *Inspector General Personal and Fraud, Waste and Abuse Complaints Registration,* contains a Privacy Act statement. In implementing this instruction, IGs may collect and maintain this information. The reporting requirements in this instruction are exempt from licensing in accordance with AFI 33-324, *The Information Collections and Reports Management Program; Controlling Internal, Public, and Interagency Air Force Information Collections.*

Major Commands (MAJCOMs), Field Operating Agencies (FOAs), Direct Reporting Units (DRUs) or equivalent may supplement this instruction. However, any supplement must be submitted to and approved by SAF/IGQ.

Waiver authority for this instruction is SAF/IGQ.

For the purpose of this instruction, the term; "installation IG" refers to IGs serving at active duty installations, ANG wings, and Air Force Reserve wings; "MAJCOM" includes the Air Force District of Washington (AFDW). Additionally, for purposes of this instruction, *commander* is as defined in AFI 51-604, *Appointment to and Assumption of Command*.

Commanders may use this directive as guidance for commander-directed inquiries or investigations but not as the authority for such inquiries or investigations. Commanders should use the inherent authority of command (rather than this instruction) to authorize commander-directed administrative inquiries and investigations conducted outside of IG channels.

Refer recommended changes and questions about this publication to the Office of Primary Responsibility (OPR) using the AF IMT 847, *Recommendation for Change of Publication*; route AF IMT 847 from the field through the appropriate MAJCOM IG. Ensure that all records created as a result of processes prescribed in this publication are maintained in accordance with AFMAN 33-363, Management of Records, and disposed of in accordance with the Air Force Records Disposition Schedule (RDS) located at **https://www.my.af.mil/afrims/afrims/afrims/rims.cfm**.

(919SOW) This supplement implements and extends the guidance of Air Force Instruction 90-301, *Inspector General Complaints Resolution*. This supplement describes 919th Special Operations Wing (919 SOW) procedures to be used in conjunction with the basic instruction. This supplement applies to all military personnel assigned to the wing. Refer recommended changes and questions about this publication to the Office of Primary Responsibility (OPR) using the AF Form 847, *Recommendation for Change of Publication*; route AF Forms 847 from the field through the appropriate functional chain of command. Requests for waivers must be

submitted through chain of command to the OPR listed above for consideration and approval. Ensure that all records created as a result of processes prescribed in this publication are maintained in accordance with (IAW) Air Force Manual (AFMAN) 33-363, *Management of Records*, and disposed of IAW Air Force Records Information Management System (AFRIMS) Records Disposition Schedule (RDS). The use of the name or mark of any specific manufacturer, commercial product, commodity, or service in this publication does not imply endorsement by the Air Force.

SUMMARY OF CHANGES

This interim change provides guidance on conducting reprisal, restriction and improper mental health evaluation complaint analysis/investigation/oversight as well as pooling of investigating officers at MAJCOMs. It adds policy on collection and maintenance of adverse information on field grade officers as directed by the Senate Armed Services Committee (SASC) and DODI 1320.4. SAF/IGQ will be the central repository for all adverse information on field grade officers for the potential creation of an adverse information summary (AIS). It creates a new chapter on reporting of civil liberty related complaints. It creates a new chapter on how to conduct investigations directed by The Office of Special Counsel. It revises various attachments affected by the above changes. A margin bar (|) indicates newly revised material.

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Chapter 1

THE INSPECTOR GENERAL COMPLAINTS RESOLUTION PROGRAM

Section 1A—The Air Force Inspector General System

1.1. Overview. This chapter covers the background, authority, and purpose of the IG system. It defines the roles and responsibilities of IGs and other offices and agencies involved in the IG process. It also covers the organization of the IG system throughout the Air Force, Air Force Reserve, and Air National Guard.

1.2. The IG System. The IG system used throughout the total force is based on the concept that IGs serve as an extension of their commander by acting as his/her eyes and ears to be alert to issues affecting the organization. IGs primarily serve their commanders and their assigned organizations both by executing the complaint resolution process and by proactively training all members of the organization about IG processes and fraud, waste, and abuse (FWA) issues. A successful complaint resolution program is designed to enhance the organization's discipline, readiness, and warfighting capability. IGs use fact-finding methodologies to seek out systemic issues affecting the organization.

1.2.1. The effectiveness of the IG system requires the mutual cooperation of all Air Force IGs.

1.2.2. IGs assist Airmen of all ranks, family members, civilian employees, retirees, and other civilians. These individuals represent the IG's constituency, and IGs bolster the chain of command by performing a problem-solving mission in support of this constituency.

1.2.3. All IGs must maintain a clear distinction between being an extension of the commander and their duty to serve as fair, impartial, and objective fact-finders and problem solvers. They must be sufficiently independent so those complainants requesting IG help will continue to do so, even when they feel the commander may be the problem. Commanders must support this clear distinction for their IGs to be effective.

1.2.4. The IG system support process includes operational planning, training, administration, personnel, and resource management. These processes facilitate the execution of complaint resolution processes to all Air Force leaders.

1.2.5. Operational readiness is integrated into all phases of the IG system. IGs provide complaint resolution services at all times.

1.3. Relationships Within the IG System. IGs may request and are expected to provide support to other IGs within the total force IG system. The IG system is not a stovepipe system because IGs work for their respective commanders. All IGs who work matters under the Complaint Resolution Program (CRP) must adhere to IG policies. SAF/IG maintains the integrity of the IG system through policy, training, and oversight.

Section 1B—Authority of The Air Force Inspector General

1.4. Key Terms. This section uses the following key terms: *The Adjutant General (TAG), appointing authority, Automated Case Tracking System (ACTS), colonel (or civilian equivalent),*

commander-directed investigation (CDI), The Commanding General, complaint analysis, completion, file check, independence, inspector general (IG), The Inspector General (TIG), investigating officer (IO), report of investigation (ROI), senior officials, and statutory authority. Refer to **Attachment 1** for the definition of these key terms.

1.5. Statutory Authority. The Inspector General (TIG), United States Air Force, derives statutory authority from Title 10, United States Code, Section 8014 and Section 8020 (10 USC 8014 and 8020).

1.5.1. In accordance with (IAW) 10 USC 8014, the Secretary of the Air Force has sole responsibility for the function of The Office of the Inspector General of the Air Force (SAF/IG) and provides for deputies and assistants to TIG. As further defined in 10 USC 8014, no other office or entity may be established or designated within the Air Staff to conduct IG functions.

1.5.2. In accordance with 10 USC 8020, when directed by the Secretary of the Air Force or the Chief of Staff, The Inspector General shall:

1.5.2.1. Inquire into and report upon the discipline, efficiency, and economy of the Air Force.

1.5.2.2. Perform any other duties prescribed by the Secretary or the Chief of Staff.

1.5.3. AFPD 90-3, *Inspector General--The Complaints Resolution Program* implements 10 USC 8020. Subordinate inspectors general at all organizational levels below SAF/IG derive their authority from AFI 90-301, *Inspector General Complaints Resolution*. Within the Air Force, authority to manage the Inspector General CRP is hereby delegated to IGs at all organizational levels.

1.5.4. In accordance with 10 USC 936(b)(6), the authority to administer oaths for the purpose of military administration may be granted to persons designated by regulations of the armed forces. Authority to administer oaths for IG investigations is hereby granted to the IG investigative staff and IOs at all organizational levels. This authority includes not only the administering of oaths to witnesses, but also the administering of oaths to technical advisors and administrative support personnel.

1.6. Investigations not Covered by the Authority of the IG System. Personnel who direct or conduct administrative inquiries or investigations governed by other policy directives and instructions (e.g., CDIs) will not cite this instruction as the authority.

1.7. Authority to Direct Investigations. The Air Force CRP requires each investigation be initiated and closed in writing by a designated appointing authority. This authority is hereinafter referred to as appointing authority. The individuals listed below are the only positions authorized to direct an IG investigation. Appointing authorities have the singular authority to direct investigations, appoint investigating officers (IOs), and approve the report of investigation. Commanders or IGs at any organizational level will not further delegate “appointing authority” except as stated below.

1.7.1. Secretary of the Air Force (SECAF).

1.7.2. The Inspector General of the Air Force (SAF/IG) and designees.

1.7.3. Chief of Staff of the Air Force (CSAF).

1.7.4. Chief, National Guard Bureau (Chief, NGB).

1.7.5. The Adjutant General (TAG) of all states, Puerto Rico, the US Virgin Islands, Guam, and The Commanding General of the District of Columbia.

1.7.5.1. The Assistant Adjutant General for Air (ATAG) of all states, Puerto Rico, the US Virgin Islands, Guam, and the District of Columbia.

1.7.6. MAJCOM, FOA, DRU, NAF, Center, Installation, Wing, and Joint Base commanders.

1.7.7. MAJCOM, JFHQ, FOA, DRU, NAF, Center, NGB, Wing, ANGRC, and host Installation Inspectors General, if designated in writing by their respective commander. At the MAJCOM level, commanders can delegate appointing authority to their deputy Inspectors General or IGQ division chief.

1.8. Authority to Conduct Investigations.

1.8.1. Appointed investigating officers are authorized to conduct IG investigations within the scope of their appointment and under the authority and guidance of this instruction. Appointed investigating officers' responsibilities expire when the report of investigation (ROI) is approved by the appointing authority or after final higher headquarters approval, whichever is later.

1.8.1.1. Appointing authorities will not initiate investigations into allegations against themselves. Such allegations will be forwarded to the next higher-level IG for resolution.

1.8.1.2. Appointing authorities will not initiate investigations into allegations against their commander. Such allegations will be transferred to the next higher-level IG for resolution.

1.9. Authorized IG Positions. The below are authorized to have IG positions:

1.9.1. The Secretary of the Air Force.

1.9.2. National Guard Bureau (Chief, NGB).

1.9.3. The Adjutant General (TAG) of all states, Puerto Rico, the US Virgin Islands, Guam, and The Commanding General of the District of Columbia.

1.9.4. MAJCOM, FOA, DRU, NAF, Center, and Wing.

1.9.5. Commanders must request SAF/IG, through the MAJCOM IG (if applicable), approval to appoint IGs to positions not identified in this instruction. Commanders requesting IG authorization must certify the individuals assigned will function solely as a full-time IG. SAF/IG must approve requests for such positions in writing prior to individuals functioning in this capacity.

1.9.6. IGs approved by SAF/IG have the same authority and responsibilities as IGs in positions identified in this instruction.

1.10. Authority for IG Access to Records. To carry out their responsibilities, IGs, IG staff members, and IOs must have expeditious and unrestricted access to and copies of all Air Force, Air Force Reserve, and Air National Guard records, reports, investigations, audits, reviews, documents, papers, recommendations, or other relevant material authorized by law and policy. IGs are authorized access to all documents and all other evidentiary materials needed to

discharge their duties to the extent allowed by law. IGs will coordinate with JA to ensure records are properly obtained (e.g., medical records, e-mails, etc.).

1.10.1. No Air Force, Air Force Reserve, or Air National Guard member or employee may deny an IG, an IG staff member, or a properly appointed IO such access.

1.10.2. Appointing authorities will ensure IOs appointed to conduct investigations involving classified material have the appropriate security clearance and access.

1.10.3. See DoD 6025.18-R, *DoD Health Information Privacy Regulation*, paragraph C 2.3, for applicability of the Health Insurance Portability and Accountability Act (HIPAA) to IG operations.

Section 1C—The Air Force Inspector General Complaints Resolution Program (CRP)

1.11. Program Policy. The Air Force IG CRP is a leadership tool that:

1.11.1. Indicates where commander involvement is needed to correct systemic, programmatic, or procedural weaknesses and ensures resources are used effectively and efficiently.

1.11.2. Resolves issues affecting the Air Force mission promptly and objectively.

1.11.3. Creates an atmosphere of trust in which issues can be objectively and fully resolved without retaliation or the fear of reprisal.

1.11.4. Assists commanders in instilling confidence in Air Force leadership.

1.12. Mission Focus.

1.12.1. The primary charge of the IG in this role is to sustain a credible Air Force IG system by ensuring a responsive CRP. In addition, the IG is responsible for the Fraud, Waste, and Abuse (FWA) Program.

1.12.2. The IG ensures the concerns of all complainants and the best interests of the Air Force are addressed through objective fact-finding.

1.12.3. To create an atmosphere encouraging submission of well-founded complaints, IGs must:

1.12.3.1. Ensure their personal behavior is above reproach.

1.12.3.2. Adhere to and advocate Air Force core values.

1.12.3.3. Enhance openness and approachability by briefing the Air Force IG CRP at newcomers' sessions, commander's calls, staff meetings, and other base and unit gatherings.

1.12.3.4. Educate Air Force members, commanders, and civilian leadership regarding rights of and protection for those contacting an IG.

1.12.3.5. Avoid self-investigation and the perception of self-investigation.

1.12.3.6. Ensure IOs and IG staff members are trained to write detailed complaint analyses and conduct thorough, unbiased investigations based on fair and objective fact-finding.

1.12.3.7. Ensure compliance with the timeline for completing all complaint actions (i.e., complaint analyses, investigations, etc.), thus promoting responsiveness to all parties and enhancing Air Force credibility.

Section 1D—Roles and Responsibilities

1.13. SAF/IG Responsibilities.

1.13.1. SAF/IG provides Air Force IG policy guidance, develops procedures, and establishes and evaluates the Air Force Complaints Resolution and FWA Programs.

1.13.2. When necessary, SAF/IG may direct, as the appointing authority, investigations be conducted on any pertinent matter.

1.13.3. SAF/IG has also authorized the following individuals to be responsible for certain types of cases:

1.13.3.1. Director, Senior Official Inquiries Directorate (SAF/IGS) for senior official and special inquiries.

1.13.3.2. Director, Complaints Resolution Directorate (SAF/IGQ) for colonel (or civilian equivalent) cases with Air Force wide delegated appointing authority.

1.13.3.3. Commander, Air Force Inspection Agency (AFIA) for investigations directed by SAF/IG.

1.13.4. SAF/IG has oversight authority over all IG investigations to include commenting on and overturning any subordinate IG's findings.

1.13.5. SAF/IG must report all allegations of misconduct made against senior officials, including a summary of the allegation(s) and date received to the:

1.13.5.1. Inspector General of the Department of Defense (IG DoD).

1.13.5.2. Office of the Secretary of the Air Force (SAF/OS).

1.13.5.3. Air Force General Officer Management (AF/DPG) for general officers or general officer selects, and Senior Executive Management (AF/DPS) civilian senior officials.

1.13.5.4. SAF/GCA for senior officials.

1.13.6. SAF/IG will, within 10 duty days of receipt, report to IG DoD all allegations submitted to an Air Force IG that a service member was alleged to have been:

1.13.6.1. Reprised against for making a protected communication in violation of 10 USC 1034 and DoDD 7050.06. Refer to **Chapter 6** for further guidance.

1.13.6.2. Restricted from making lawful communications to a Member of Congress or an Inspector General (IG) in violation of 10 USC 1034 and DoDD 7050.06. Refer to **paragraph 6.3.2.1**, **7.3.1.1.1**, **8.3**, and **Table 7.2** for further guidance.

1.13.6.3. Improperly referred for a mental health evaluation in violation of DoDD 6490.1, DoDI 6490.4, and AFI 44-109, *Mental Health, Confidentiality, and Military Law*. Refer to **Chapter 8** for further guidance.

1.13.7. SAF/IG is responsible for reviewing all cases involving substantiated allegations or adverse information against senior officials and colonels (or civilian equivalent) and for preparing draft Adverse Information Summaries (AIS) to support the SECAF's Senior Officer Unfavorable Information File (SOUIF) process.

1.13.8. Following completion of investigations into allegations involving senior officials, SAF/IG will forward a copy of the final report of investigation to IG DoD within 7 duty days.

1.13.9. SAF/IG will comply with all reporting requirements to IG DoD upon completion of investigations into allegations involving violations of DoDD 7050.06, DoDD 6490.1, or DoDI 6490.4. Refer to **Chapters 4**, **5**, **6**, **7** and/or **8** for specific guidance and requirements.

1.13.10. SAF/IG will provide IG DoD a written report of any disciplinary and/or administrative action taken against any individual in connection with an investigation into allegations involving senior officials and violations of DoDD 7050.06, DoDD 6490.1, or DoDI 6490.4 within 7 duty days of being notified of such action by the commander concerned.

1.13.11. SAF/IG will provide CSAF adverse information on Command Screening Board (CSB) candidates. SAF/IG is the decision authority regarding which summaries are provided to CSAF.

1.13.12. SAF/IG will forward to the Secretary of the Air Force, Manpower and Reserve Affairs, Force Management and Personnel (SAF/MRM) an informational copy of all incoming and outgoing Air Force Academy related correspondence that suggests a systemic problem or involves a policy or procedural matter which could affect a significant number of people.

1.14. SAF/IGS Responsibilities.

1.14.1. Manage the Senior Official Complaints Program and process senior official cases IAW **Chapter 4**.

1.14.2. Conduct complaint analyses and investigations on complaints involving Air Force senior officials, including allegations of military equal opportunity (MEO) violations. Only SAF/IGS is authorized to conduct these investigations.

1.14.3. Assign IOs for senior official and special inquiries as a designated appointing authority by SAF/IG.

1.14.4. Notify appropriate persons/offices involved with senior official complaints as set forth in **Table 4.2**.

1.14.5. Act as the Air Force repository for substantiated allegations or other adverse information against senior officials.

1.14.6. Respond to inquiries involving senior officials. Conduct files checks as required by the Air Force General Officer Management office (AF/DPG) (for general officers or general officer selects), and Senior Executive Management (AF/DPS) (for civilian senior officials only) to support pre- and post-board actions and US Senate confirmation. SAF/IGS will review Air Force, DoD, and other government investigative files to determine whether derogatory information exists on specific senior officials.

1.15. SAF/IGQ Responsibilities.

1.15.1. Establish policies and procedures to manage and execute the Air Force IG Complaints Resolution and FWA Programs for non-senior official personnel.

1.15.2. Administer the Automated Case Tracking System (ACTS) and serve as the central point to compile, process, and analyze Air Force IG complaint data.

1.15.3. Conduct investigations as directed by SAF/IG, or as required by this instruction and, as a designated appointing authority by SAF/IG, appoint IOs when investigations are administered by SAF/IGQ.

1.15.4. Conduct training for newly assigned IGs and IG staff members at all levels. Provide special training as requested by lower-level IGs.

1.15.5. Manage, monitor, and report to IG DoD the actions of audit, inspection, and investigative groups on Defense Hotline complaints which IG DoD referred to the Air Force for action.

1.15.5.1. Ensure such audits, inspections, and investigations are conducted IAW applicable laws, DoD regulations, and policies.

1.15.6. Conduct biennial staff assistance visits to answer any questions and review MAJCOM, JFHQ, FOA, and DRU files and documentation to help standardize the way Air Force IG cases are handled.

1.15.7. Manage the IG responsibilities for reporting intelligence oversight complaints under the authority of DoDD 5240.1, *DoD Intelligence Activities*; DoD 5240.1-R, *Procedures Governing the Activities of DoD Intelligence Components that Affect United States Persons*; and AFI 14-104, *Oversight of Intelligence Activities*.

1.15.8. Maintain adverse information concerning colonels (or civilian equivalent).

1.15.8.1. Maintain the Air Force central repository for reports and adverse information of any kind (other than AFOSI reports) concerning colonels (or civilian equivalent).

1.15.8.2. Act as the Air Force office of primary responsibility for SOUIF preparation supporting the brigadier general selection process.

1.15.8.2.1. Ensure eligible colonels meeting a brigadier general promotion board are afforded a reasonable opportunity to provide written comments on adverse information concerning them, prior to Secretary of the Air Force General Counsel's (SAF/GC) decision to create a SOUIF. If provided, member comments become part of the SOUIF.

1.15.8.2.2. Conduct files checks requested by AF/DPG or SAF/IG to identify adverse information, or allegations, which if substantiated, may constitute potentially adverse information, about colonels (or civilian equivalent) by reviewing Air Force, DoD, and other government investigative files to support the post-board US Senate confirmation process. If adverse or potentially adverse information is identified, a summary of the adverse or potentially adverse information will be provided to AF/DPG.

1.15.9. Examine Command Screening Board (CSB) and Civilian Strategic Leadership Program candidates for adverse information. Prepare and submit Adverse Information

Summaries (AIS) to SAF/IG. SAF/IG will determine which summaries to provide to CSAF along with the CSB report.

1.15.10. Review all non-senior official investigations involving allegations of reprisal and/or restriction as identified in 10 USC 1034 and DoDD 7050.06. Provide progress reports to IG DoD as required by DoDD 7050.06 (refer to **Chapters 6** and **7**).

1.15.11. Review all non-senior official investigations involving allegations of improper mental health evaluation referrals as identified in DoDD 6490.1 and AFI 44-109. Provide progress reports to IG DoD as required by DoDI 6490.4 (refer to **Chapter 8**).

1.15.12. SAF/IGQ is the next higher-level IG for JFHQ-(State) IGs and the ANGRC. If the SAF/IGQ complaint analysis determines an investigation is required, and the subject is a certified Army IG under the authority of AR 20-1, *Inspector General Activities and Procedures*, SAF/IGQ will coordinate with the Department of the Army IG to determine the appropriate investigative course of action.

1.16. SAF/IGX Responsibilities.

1.16.1. Provide SAF/IG coordination on all allegations and adverse information on colonels (or equivalent) and above.

1.16.1.1. Notify SAF/IGS when AFOSI receives allegations or adverse information of any kind against a general officer (or equivalent), or information that a general officer (or equivalent) was involved in an incident as a subject or suspect.

1.16.1.2. Notify SAF/IGQ when AFOSI receives allegations or adverse information of any kind against a colonel (or equivalent), or information that a colonel (or equivalent) was involved in an incident as a subject or suspect.

1.16.1.3. Provide periodic updates to SAF/IGS on AFOSI investigations with a senior official as a subject or suspect.

1.16.1.4. Provide periodic updates to SAF/IGQ on AFOSI investigations with a colonel (or equivalent) as a subject or suspect.

1.16.1.5. Provide SAF/IGS a copy of any AFOSI report where the subject of the report is a general officer (or equivalent).

1.16.1.6. Provide SAF/IGQ a copy of any AFOSI report involving a colonel (or equivalent).

1.16.2. Respond to inquiries involving colonels and above (or equivalents). Conduct a file check as required by SAF/IG for adverse information or potential adverse information on eligible officers for general officer or federal recognition in support of the Senior Officer Unfavorable Information File (SOUIF), post-board US Senate confirmation, command screening board, or other requests as appropriate.

1.17. MAJCOM, JFHQ, FOA, and DRU IG Responsibilities.

1.17.1. Establish procedures to manage and execute the Air Force IG Complaints Resolution and FWA Programs for non-senior official personnel at MAJCOM level and below.

1.17.2. Answer all higher-headquarters IG taskings within applicable time constraints.

1.17.3. Refer criminal allegations to AFOSI or Security Forces, IAW AFI 71-101V1, *Criminal Investigations*, attachment 2. If they decide not to investigate a criminal matter, obtain a documented transfer back to the IG and complete the complaint analysis to determine appropriate resolution path.

1.17.4. Provide progress reports to SAF/IGQ as required by **paragraph 3.55** of this instruction.

1.17.5. Obtain SAF/IGQ review and approval of all MAJCOM, JFHQ, FOA, and DRU supplements to this instruction prior to publication.

1.17.6. Follow all procedures and requirements for resolving IG complaints as outlined in this instruction.

1.17.7. Ensure required training for newly assigned IGs and IG staff members is accomplished.

1.17.8. Review and approve or disapprove lower-level IG decisions on complaint resolution.

1.17.9. Manage, monitor, and report to SAF/IGQ the actions of audit, inspection, and investigative groups on Defense Hotline complaints which IG DoD referred to the Air Force for action.

1.17.10. Conduct staff assistance visits to answer any questions and review lower-level IG files and documentation to help standardize the way IG cases are addressed.

1.17.11. Notify SAF/IGQ within 7 duty days after receiving complaints containing allegations of reprisal, restriction, or improper referral for a mental health evaluation. Follow the notification procedures in **paragraphs 6.5**, **7.5**, or **8.6** of this instruction, as appropriate.

1.17.12. Immediately notify SAF/IGS after receiving complaints containing allegations of wrongdoing by senior officials. Follow the procedures in **Chapter 4**.

1.17.13. Conduct the complaint analysis for reprisal, restriction, and improper mental health referral complaints at the MAJCOM level when manning allows. For an analysis accomplished at the MAJCOM/JFHQ/FOA/DRU level where investigation is required, the MAJCOM,JFHQ/FOA/DRU IG may either retain the investigation at their level or transfer the complaint to the lower level IG for investigation.

1.17.14. Conduct all investigations for reprisal, restriction, and improper mental health referral at the MAJCOM/JFHQ/FOA/DRU level using trained, experienced investigating officers when manning allows. NOTE: This consideration applies to NAFs when authorized by the next-higher level IG.

1.17.15. Create and maintain a pool of highly trained and experienced IOs to conduct IG investigations and/or analyses for complaints of reprisal, restriction, and improper mental health referral. The IOs may be made available to subordinate units for IG investigations as required with the concurrence of the MAJCOM/JFHQ/FOA/DRU IG and the subordinate unit appointing authority. The IOs may also be made available to other MAJCOM/JFHQ/FOA/DRUs for IG investigations with the concurrence of the respective MAJCOM/JFHQ/FOA/DRU appointing authorities and/or IGs.

1.17.16. Maintain continuous and comprehensive oversight of analyses and investigations dealing with reprisal, restriction, and improper mental health referral to include periodic

interim quality reviews to minimize formal rework, improve quality, and ensure compliance with this instruction and other governing directives. Early detection and correction of deficiencies will streamline the formal quality review of the final product and preclude protracted rework.

1.17.17. Notify SAF/IGQ within 7 duty days after receiving complaints containing allegations of wrongdoing by colonels (or civilian equivalent). Follow notification procedures in chapter 5 of this instruction, as appropriate.

1.17.18. Report all substantiated findings of wrongdoing and/or adverse information against majors and lieutenant colonels to SAF/IGQ using attachment 32.

1.18. Component Numbered Air Force (C-NAF).

1.18.1. C-NAF/IG:

1.18.1.1. C-NAF/IG is assigned to the rear headquarters element, works directly for the C-NAF commander and is responsible for crafting/coordinating strategic policy affecting the complaints resolution program.

1.18.1.2. Validates and executes IG manpower requirements as functional manager.

1.18.1.3. Collaborates with combatant command (COCOM) and their subordinate IGs.

1.18.1.4. Acts as conduit with SAF/LLI and HAF functional managers to resolve high-level inquiries.

1.18.1.5. Conducts IG investigations in the AOR initiated by the C-NAF/CC.

1.18.2. Air Force Forces (AFFOR) IG is assigned to the forward headquarters element, works directly for the C-NAF commander and is responsible for tactical operations affecting the complaints resolution program and the following. The AFFOR IG will:

1.18.2.1. Oversee the liaison IG program including training and accountability.

1.18.2.2. Ensure each wing or group commander appoints a member to act as their liaison IG during their deployment IAW **1.18.3**. Only group commanders at bases where a group is the highest command echelon may appoint a liaison IG.

1.18.2.3. Resolve complaints from IG liaisons, AFFOR staff and component IGs from Joint Expeditionary Tasking (JET) Airmen.

1.18.2.4. Advise AFFOR staff and wing leadership.

1.18.2.5. Travel as directed by the C-NAF commander.

1.18.3. Deployed Liaison IGs:

1.18.3.1. Are authorized in the deployed environment only.

1.18.3.2. Will be a field grade officer or SNCO who is not assigned to a commander or vice commander position.

1.18.3.3. Should not be a command chief, first sergeant , group/squadron commander, or director of staff.

1.18.3.4. Liaison IGs will:

1.18.3.4.1. Brief leadership and assigned personnel on the availability of a local IG liaison program.

1.18.3.4.2. Advise complainants on the Air Force IG CRP and forward their complaints to the IG responsible for the applicable AOR (i.e., complaints taken in Afghanistan or Iraq would be forwarded to the AFFOR/IG).

1.18.3.4.3. Be appointed in writing by wing or group commander as appropriate who will forward the letter to the AFFOR/IG.

1.18.4. Deployed Wing IG Responsibilities: Deployed wings authorized a fully trained installation IG will operate as directed by **paragraph 1.19** of this instruction.

1.18.4.1. For functional purposes, the IG falls under the C-NAF/IG for ACTS management and consultation. The wing IG submits appropriate notifications and complaint analyses through the C-NAF/IG to the appropriate component command IGQ office for review/approval.

1.19. Installation/Wing IG Responsibilities.

1.19.1. Manage and execute the Air Force IG Complaints Resolution and FWA Programs for non-senior official personnel at the installation level.

1.19.2. Answer all higher-headquarters IG taskings within applicable time constraints.

1.19.3. Refer criminal allegations to AFOSI or Security Forces IAW AFI 71-101V1, attachment 2. If they decide not to investigate a criminal matter, obtain a documented transfer back to the IG and complete the complaint analysis to determine appropriate resolution path.

1.19.4. Provide progress reports as required by **Chapter 3** of this instruction.

1.19.5. Follow all procedures and requirements for handling IG complaints as outlined in this instruction.

1.19.6. Manage, monitor, and report to SAF/IGQ, through the appropriate MAJCOM, NAF, JFHQ, FOA, or DRU IG, the actions of audit, inspection, and investigative groups on Defense Hotline complaints which IG DoD referred to the Air Force for action.

1.19.7. Notify SAF/IGQ, through the appropriate MAJCOM, NAF, JFHQ, FOA, or DRU IG, within 7 duty days after receiving complaints containing allegations of reprisal, restriction, or improper referral for a mental health evaluation. Follow the notification procedures in **Chapters 6**, **7**, or **8** of this instruction, as appropriate.

1.19.8. Notify SAF/IGQ, through the appropriate MAJCOM, NAF, JFHQ, FOA, or DRU IG, within 7 duty days after receiving complaints containing allegations of wrongdoing by colonels (or civilian equivalent). Follow the procedures in **Chapter 5**.

1.19.9. Notify SAF/IGS, through the appropriate MAJCOM, NAF, JFHQ, FOA, or DRU IG, after receiving complaints containing allegations of wrongdoing by senior officials. Follow the procedures in **Chapter 4**.

1.19.10. Coordinate with EO, JA, and FOIA offices to ensure an understanding of each other's roles in the CRP.

1.19.11. Participate as a member of the EO led Commander's Human Relations Climate Assessment Subcommittee.

1.19.12. Meet with the senior intelligence officer assigned to the installation and discuss the handling of intelligence oversight complaints.

1.19.13. Educate the base populace on their rights and responsibilities in regard to the Air Force IG system (commander's calls, newcomers briefings, etc).

1.19.14. Installation IG duties under the "One Installation – One IG" principle (N/A for the AF Reserve). In those situations where there is a host installation IG and an associate unit (with no assigned IG) from another MAJCOM residing on the installation, the host installation IG will:

1.19.14.1. Coordinate with all associate units and conduct training for all personnel.

1.19.14.2. Intake complaints from all sources.

1.19.14.3. Resolve all complaints within the host organization (as normal).

1.19.14.4. Coordinate with the appropriate MAJCOM, NAF, JFHQ, FOA, or DRU with responsibility for the associate unit as to how to proceed. The owning MAJCOM, NAF, JFHQ, FOA, or DRU will have final determination concerning resolution by the installation IG for the local unit. Allegations of reprisal, restriction, and IMHE referral will be transferred to the organization or MAJCOM IG with responsibility for the subject/suspect. Transfer complaints that the complaint analysis indicates should be investigated, to the organization/MAJCOM with responsibility for the complainant and/or subject (refer to **Tables 3.7** and **3.8**)

1.19.14.5. For allegations against colonels or associate unit commanders, notify the owning MAJCOM through the Installation IG's parent MAJCOM.

1.19.14.6. Assist the appointing authority as requested. Appointing authority will remain with commanders designated in **paragraph 1.7**. An associate unit commander (if authorized in **paragraph 1.7**) is authorized to delegate their appointing authority to the installation IG.

1.19.14.7. Be provided assistance, as required, by any organization authorized to have a full time IG and electing not to appoint one (i.e., organizations must provide assistance to the installation IG if they are going to use the installation IG's services).

1.19.14.8. Work with associate units to develop memorandums of agreement (support agreements) as required.

1.19.15. Establish a program of regular unit visits to assess the economy, efficiency and discipline of the installation's organizations. Each visit should involve informal interaction with unit personnel in their working environment. Provide feedback to the appropriate leadership.

1.19.16. Maintain continuous and comprehensive oversight of investigations conducted at the installation level dealing with reprisal, restriction, and improper mental health referral to include periodic interim quality reviews to minimize formal rework, improve quality, and ensure compliance with this instruction and other governing directives. Early detection and

correction of deficiencies will streamline the formal quality review of the final product and preclude protracted rework.

1.19.17. Report all substantiated findings of wrongdoing and/or adverse information against majors and lieutenant colonels through their MAJCOM, NAF, JFHQ, FOA, or DRU IG to SAF/IGQ using attachment 32.

Section 1E—The Installation IG Program

1.20. Installation IG Program Background.

1.20.1. The concept of appointing a separate, full-time installation IG was implemented to remove any perceived conflict of interest, lack of independence, or apprehension by Air Force personnel as a result of the previous practice of assigning vice commanders IG duties. This issue was identified in Committee Report H.R. 4301 of the 1995 National Defense Authorization Act.

1.20.2. To sustain a trustworthy relationship with Air Force personnel, the installation IG must be independent (see **paragraphs 1.2.3** and **1.27.3**). Air Force personnel must be free from any form of retribution, retaliation, or reprisal for communicating with the installation IG.

1.21. Establishment of the Installation IG Program.

1.21.1. Independent IGs will be established at all active duty, Air Force Reserve, and Air National Guard wings. The IG will be in the grade of lieutenant colonel, GS-14/15, or colonel. Selection of an officer/civilian of a lower grade requires coordination and approval by SAF/IG.

1.21.1.1. Deleted.

1.21.1.2. Deleted.

1.21.2. Associate unit personnel may use the installation IG for complaint analysis and assistance.

1.22. Installation IG Organization.

1.22.1. The installation IG is organized as a staff function and will report directly to the installation commander.

1.22.2. The two-letter functional address code for the Office of the Inspector General at all levels will be “IG” and the office symbol shall be “unit designation/IG” (e.g., 51 FW/IG).

1.23. Unique Requirements for Air National Guard (ANG) IGs.

1.23.1. Each ANG wing is authorized an inspector general on the military manpower document. The wing IG is a peacetime Unit Type Code (UTC.)

1.23.1.1. Air National Guard wing IGs are organized as a staff function and will report directly to the wing commander.

1.23.2. The authorized grade for individuals serving as the wing IG is lieutenant colonel.

1.23.2.1. Selection or assignment of a lower grade officer (e.g., a major for lieutenant colonel position) requires coordination with SAF/IGQ prior to nomination.

1.23.2.2. Waiver requests to nominate a company grade officer as the wing IG will not be considered.

1.23.3. To appoint an ANG wing IG, the ANG wing commander nominates a qualified candidate in writing. The written appointment is endorsed by the JFHQ-(State) IG (or TAG where no state IG is assigned) who forwards a copy to SAF/IGQ for information.

1.23.4. The tour of appointment for ANG members appointed as the IG should be for three or four years. A new appointment must be completed each time a subsequent IG is appointed.

1.23.5. The IG position may not be combined with another position in the organization.

1.23.6. The wing IG will be responsible for all complaint resolution matters occurring within the wing and within any Geographically Separate Units (GSUs) supported by the wing.

1.23.7. JFHQ-(State) is authorized to assign ANG members within their state IG office to manage cases involving ANG personnel. Manpower authorizations and grade determination are under the purview of each JFHQ-(State). ANG members assigned to the state IG office will complete Air Force inspector general training (and Army inspector general training as required by the state IG). The Adjutant General will select and appoint ANG members to the state IG office. The written appointment will be sent to SAF/IGQ.

1.23.7.1. JFHQ IG in each state is a staff function that reports directly to The Adjutant General (TAG). The JFHQ-(State) IG has duties and responsibilities related to both the Army National Guard and Air National Guard IG systems.

1.23.8. In states where no ANG members are assigned to the JFHQ IG office, actions associated with the CRP will be completed by the assigned Army or Army National Guard staff.

1.24. Assigning Additional Duties to IGs.

1.24.1. The focus of installation/wing IGs must be the Air Force Complaints Resolution and FWA Programs. Any activities that may diminish the effectiveness of IGs in the performance of their complaints resolution and FWA responsibilities are not acceptable.

1.24.2. The IG position will not be combined with another position in the organization. See AFI 90-201 for guidance on inspection related duties. Inspection related responsibilities and duties defined in AFI 90-201 are not considered additional duties for the IG and staff.

1.24.3. IGs must not be constrained by additional duties that detract from their primary responsibilities. Therefore, IGs and IG staff members must not be:

1.24.3.1. Assigned any duties (such as Director of Staff) that subsequently disqualify them from conducting an unbiased analysis of complaints against functions or activities of the wing or installation to which they are assigned or organizations for which they have IG functional responsibility.

1.24.3.2. Appointed as an IO to conduct a CDI. (***NOTE:*** Air Force Reserve and Air National Guard IGs may be appointed to conduct CDIs at installations other than their own.)

1.24.3.3. Given responsibility for the installation commander's "action line."

1.24.4. Installation IGs may act as the main processing POC for all congressional inquiries at the installation level, as well as the lead for the Self Inspection Program and/or Exercise Evaluation Team. Commanders must provide sufficient manning to the IG office to manage complaints resolution and any of the aforementioned IG-related duties.

Section 1F—Commanders and the Inspector General Program

1.25. Key Terms. This section uses the following key terms: *frivolous allegation, gross mismanagement, independence and ombudsman*. Refer to **Attachment 1** for the definition of these key terms.

1.26. How the IG System Helps the Commander.

1.26.1. Complaints help commanders discover and correct problems affecting the productivity and morale of assigned personnel. Resolving the underlying cause of a complaint may prevent more severe symptoms or costly consequences, such as reduced performance, accidents, poor quality work, poor morale, or loss of resources.

1.26.2. Even though allegations may not be substantiated, the evidence or investigation findings may reveal systemic, morale, or other problems impeding efficiency and mission effectiveness.

1.27. Roles of the IG in Relation to the Commander.

1.27.1. The roles of the IG are to:

1.27.1.1. Be the "eyes and ears" of the commander; be alert for and inform the commander of matters indicative of systemic, morale, or other problems impeding efficiency and mission effectiveness.

1.27.1.2. Keep the commander informed of potential areas of concern as reflected by trends based on analysis of complaint data.

1.27.1.3. Function as the ombudsman, fact-finder, and honest broker in the resolution of complaints.

1.27.1.4. Educate and train commanders and members of the base populace on their rights and responsibilities in regard to the Air Force IG system. See **paragraph 1.36.2.4** for more requirements for educating commanders.

1.27.1.4.1. Ensure periodic education/training is provided to new commanders and other installation leadership regarding reporting requirements in this instruction (e.g., reprisal, allegations against senior officials, etc.).

1.27.1.5. Assist commanders in preventing, detecting, and correcting fraud, waste, abuse, and gross mismanagement.

1.27.2. To fulfill these roles, the IG must be an integral member of the commander's staff and have unimpeded access to the commander. Commanders must ensure their IG's authority, duties, and responsibilities are clearly delineated.

1.27.3. The independence of the IG must be firmly established and supported to overcome any perceived lack of autonomy that would discourage potential complainants and preclude disclosures of wrongdoing from being brought to the attention of the IG. IG offices should

be located in areas that foster open and unfettered access to everyone and which are not in proximity to the commander's office.

1.28. Commander Support of the IG System. To support the IG system, commanders should ensure their IGs have the resources necessary to intake, process, maintain, and protect material associated with the CRP. To support the IG system, commanders will:

1.28.1. Ensure the IG office is fully manned, equipped, and trained.

1.28.2. Ensure the IG and subordinate commanders follow the requirements of this instruction.

1.28.3. Educate Air Force members about the rights and responsibilities of all personnel regarding the IG system at commander's calls, staff meetings, and other gatherings.

1.28.4. Ensure other staff agencies provide support when required.

1.28.5. Designate personnel to serve as IOs to conduct investigations when required.

1.29. Allegations of Primary Interest Under the Air Force CRP. IGs will always retain responsibility to resolve allegations of:

1.29.1. Reprisal (see **Chapter 6**).

1.29.2. Restriction (see **Chapter 7**).

1.29.3. Improper Mental Health Evaluation (IMHE) referrals (see **Chapter 8**).

1.29.4. IG wrongdoing regarding actions taken relating to the CRP. The next higher-level IG will conduct the complaint analysis and investigate complaints if required.

1.30. Commander-Directed Investigations (CDIs).

1.30.1. All commanders possess inherent authority to investigate matters or incidents under their jurisdiction unless preempted by a higher authority. The primary purpose of a CDI is to gather, analyze, and record relevant information about matters of primary interest to command authorities.

1.30.2. Commanders should:

1.30.2.1. Consult with the staff judge advocate (SJA) before initiating a CDI.

1.30.2.2. Refer to the CDI guide available on the SAF/IGQ portal website for guidance on conducting a CDI.

1.30.3. Commanders <u>will not</u>:

1.30.3.1. Cite this instruction as authority to conduct CDIs.

1.30.3.2. Investigate allegations of reprisal, restriction, or IMHE referral. Commanders will refer such allegations to the IG at the appropriate command level for investigation.

1.30.3.3. Refer suspected criminal or subversive activities into IG channels.

1.30.3.4. Appoint IGs or IG staff members as inquiry or investigation officers for CDIs. (***NOTE:*** Air Force Reserve and Air National Guard IGs may be appointed to conduct CDIs at installations other than their own.)

1.30.4. Authority responsible for making release determinations for CDIs:

1.30.4.1. The commander is the authority responsible for making release determinations for commander-directed investigative reports unless the allegations pertain to senior officials. Refer to **Chapter 4**.

1.30.4.2. The commander must ensure all information subject to the Privacy Act and references to third-party information are protected.

1.30.5. Commander's reporting requirements for CDIs:

1.30.5.1. Report to SAF/IGS, through the applicable MAJCOM, NAF, JFHQ, FOA, DRU, or installation IG, all allegations against senior officials IAW reporting requirements set forth in **Chapter 4**.

1.30.5.2. Report all allegations of wrongdoing (which are not obviously frivolous) against colonels (or civilian equivalent) through their MAJCOM, NAF, JFHQ, FOA, DRU, or installation IG to SAF/IGQ IAW the reporting requirements set forth in **Chapter 5** of this instruction.

1.30.5.2.1. Report all substantiated findings recorded in a CDI on majors and lieutenant colonels to the appropriate IG.

1.30.5.3. Report all substantiated findings of wrongdoings in a CDI, or any other investigation, and/or adverse information (e.g. LOC, LOA, etc.) against majors and lieutenant colonels through their MAJCOM, NAF, JFHQ, FOA, DRU or installation IG. IGs will ensure these reports are recorded in ACTS IAW requirements set forth in **Chapter 5.** Notification that an investigation is underway on majors and lieutenant colonels is NOT required until the investigation is complete and the allegation(s) is substantiated.

Section 1G—Administering the IG Complaints Resolution and FWA Programs

1.31. Key Terms. This section uses the following key terms: *Automated Case Tracking System (ACTS)* and *contact*. Refer to **Attachment 1** for the definition of these key terms.

1.32. Administrative Policy. IGs at every level are responsible for establishing and directing the Air Force IG Complaints Resolution and Fraud, Waste, and Abuse Programs IAW this instruction. All IGs will:

1.32.1. Develop and implement procedures for administering the IG Complaints Resolution and FWA Programs.

1.32.2. Establish procedures for interaction with higher headquarters IGs, other military service IGs, other statutory IGs, and other agencies regarding IG matters.

1.32.3. Document correction of substantiated wrongs and their underlying causes. Identify systemic problems and provide the commander, or a civilian leading an organization designated as a unit IAW AFI 38-101, *Air Force Organization*, with recommendations for corrective action (if requested).

1.32.4. Conduct and analyze trend assessments and submit reports when required.

1.32.5. If designated as the appointing authority, appoint field grade officers, senior NCOs, and Air Force civilians as IOs to investigate complaints (refer to **Chapter 3**). ANG

investigations for colonels (to include group commanders in the grade of lieutenant colonel) and above need to go through JFHQ-(State) for the appointment of an IO.

1.32.6. Control access to information obtained under this instruction to protect against unauthorized disclosure.

1.33. Data Management.

1.33.1. ACTS is the official AF system of record for the Inspector General Complaints Resolution Program. All IG contacts, actions (assists, dismissals, investigations, referrals, and transfers), Congressional inquiries, and FWA contacts must be recorded in ACTS. The ACTS User's Manual is available on the ACTS home page (**https://acts.hq.af.mil**).

1.33.1.1. ACTS is the Air Force IG tool used to capture all IG investigative and administrative activity Air Force-wide, except for SAF/IGS. ACTS also captures all non-IG actions tracked by the Air Force IG system, such as non-IG Congressional and non-IG colonel cases.

1.33.1.2. ACTS enables IGs at every level to accurately analyze complaint trends and findings in order to advise commanders, and civilians leading an organization designated as a unit IAW AFI 38-101, on appropriate action to take in response to these trends.

1.33.1.3. To accomplish this data input, every IG must maintain proficiency in ACTS use.

1.33.1.4. IGs will use ACTS to record all non-IG Congressional inquiries when the IG is the Congressional POC for the installation. Enter as "non-IG Congressional" in nature of complaint, and close as an "Assist."

1.33.1.5. Use the ACTS attachment tab to attach all relevant case documents. Once files are attached to ACTS, the hard copies may be destroyed.

1.33.1.6. Access to ACTS will not be granted until IGs have attended ACTS training at the Installation IG Training Course. MAJCOM/IGQ is the waiver authority for this requirement.

Section 1H—Training Requirements

1.34. IG Training Requirements.

1.34.1. Newly assigned IGs and IG staff members should attend the Installation IG Training Course prior to assignment, but must attend no later than 90 days after assignment. Training will be coordinated through the MAJCOM or equivalent command IG.

1.34.1.1. Air National Guard installation IGs must be appointed in writing by the wing commander as the Installation IG before attending the course.

1.34.1.2. Army personnel assigned to JFHQs as the primary IG and other National Guard personnel assigned to JFHQ IG offices with assigned responsibilities for ANG complaints resolution matters should attend the Installation IG Training Course as soon as practical after assignment.

1.34.1.3. Other DoD or US Government agencies who desire to send IG personnel to AF IG training will nominate their IG personnel directly to SAF/IGQ.

1.34.1.4. Course dates and locations may be found on the SAF/IGQ portal website.

1.34.2. All IG staff members designated to receive complaints or conduct investigations will be familiar with AFPD 90-3 and this instruction.

1.34.3. IGs and their staff will receive refresher training every two years (i.e., attend IIGTC, MAJCOM Conference, or the Worldwide IG Conference) or if returning to the office after being detailed or deployed for at least 12 months.

1.35. Investigating Officer (IO) Training Requirements.

1.35.1. IGs at all levels are required to provide investigative training and oversight to all individuals appointed as IOs for IG investigations.

1.35.2. A Computer-Based IO Overview course is available on the AETC/ADLS web site (**https://golearn.csd.disa.mil/kc/login/login.asp**).

1.35.3. Upon completion of the IO Overview course, all IOs will report to the IG office for additional training and guidance prior to beginning their investigative duties.

Section 1I—Education of Air Force Personnel

1.36. Educating Air Force Personnel on the IG System.

1.36.1. IGs at every level are responsible for ensuring Air Force members are aware of and understand their rights and responsibilities regarding the IG Complaints Resolution and FWA Programs.

1.36.2. IGs will actively publicize the IG CRP and FWA Program and train Air Force members by taking the following actions:

1.36.2.1. Publicize the IG CRP and FWA Hotline through base websites/newspapers, bulletins, newcomers' orientations, leadership schools, staff meetings, commander's calls, and by visiting work areas.

1.36.2.2. Distribute IG Complaints Resolution and FWA Program posters for unit high traffic areas (for maximum exposure), reflecting the IG's name and picture, location, and phone number, and the Defense Hotline, AF FWA Hotline, MAJCOM FWA Hotline, and any base level FWA Hotline phone numbers. The purpose of these posters is to assist personnel in contacting the IG. IGs at every level are authorized to develop and publish visual aids using AFI 90-301 as the prescribing directive.

1.36.2.3. Educate personnel on how to use the IG system and the Air Force policy on reprisal, restriction, and mental health evaluation referrals.

1.36.2.4. Educate commanders and civilian leaders (squadron and above) within 30 days (or two Unit Training Assemblies for Air Reserve Components) of their assignment:

1.36.2.4.1. On reporting responsibilities regarding allegations against senior officials and colonels (or equivalents) and on their responsibility to provide documentation of non-IG cases (i.e., CDIs) on colonels (or equivalent) to SAF/IGQ.

1.36.2.4.2. On the rights of service members to make protected communications.

1.36.2.4.3. On their responsibilities when directing mental health evaluations.

1.36.2.5. Locally disseminate IG-related news, innovative ideas, and lessons learned.

Section 1J—Agencies with Responsibilities to the IG System

1.37. Judge Advocates (JA) at every level assist IGs by:

1.37.1. Analyzing complaints to identify allegations of wrongdoing at the IG's request.

1.37.2. Providing advice on framing or re-framing allegations prior to investigation.

1.37.3. Providing advice and assistance to IOs during the course of investigations.

1.37.4. Providing legal review of IG Reports of Investigation (ROI).

1.37.4.1. Consider having a different JA perform the legal review than the individual assigned to advise the IO.

1.37.4.2. The JA will review the ROI for legal sufficiency (see definition in **Attachment 1**) and provide written legal reviews prior to appointing authority review. See **Chapter 3**.

1.37.5. Providing pertinent comments or recommendations regarding ROIs.

1.37.6. Reminding commanders, and civilians leading an organization designated as a unit IAW AFI 38-101, of their responsibility to immediately notify SAF/IGS or SAF/IGQ through their MAJCOM, NAF, JFHQ, FOA, DRU IG, or installation and their higher-level commanders when:

1.37.6.1. They receive allegations against senior officials and colonels (or civilian equivalent) IAW **Chapter 4** and/or **5**.

1.37.6.2. Article 15s are served on senior officials and colonels. Copies of the final actions and any appeal documents must be provided upon completion of the action.

1.37.6.3. Court-martial charges are preferred against senior officials and colonels. Follow-on notification must also be accomplished when a decision is made to refer the charges to trial and again at the conclusion of the trial.

1.37.6.4. Adverse actions are taken against majors and lieutenant colonels as a result of substantiated findings or wrongdoing.

1.37.7. Advising IGs on the disposition of materials gathered during investigations such as recording tapes, discs, memos, etc.

1.38. The General Counsel of the Air Force (SAF/GC) assists SAF/IG by:

1.38.1. Providing legal advice and support in administering the Air Force FWA Program.

1.38.2. Providing legal support in initiating, conducting, and finalizing cases on senior officials as required.

1.38.3. Reviewing (when requested) any report submitted by or to SAF/IG.

1.38.4. Acts for the SECAF in determining the content of a SOUIF and whether a SOUIF will be provided to a selection board.

1.39. The Judge Advocate General (AF/JA) assists SAF/IG by:

1.39.1. Providing legal support to SAF/IGS and SAF/IGQ as needed. Advising SAF/IGS and SAF/IGQ on the disposition of materials gathered during investigations such as recording tapes, discs, memos, etc.

1.39.2. Reviewing all senior official investigations and reviewing all adverse information summaries proposed by SAF/IG.

1.39.3. Ensuring subordinate JAs are aware of their responsibility to remind commanders, and civilians leading an organization designated as a unit IAW AFI 38-101, to immediately notify SAF/IGS (for senior officials) or SAF/IGQ (for colonels or equivalent) through their MAJCOM, NAF, JFHQ, FOA, DRU, or installation IG when notified of allegations or adverse information of any kind against individuals in these grades.

1.39.4. Ensuring commanders notify SAF/IGS and SAF/IGQ whenever Article 15 action is taken (upon completion of the action and appeal, if any) or when charges are preferred against a senior official or colonel.

1.39.5. Providing SAF/IGS and SAF/IGQ, as appropriate, copies of Article 138 complaints concerning general officers or colonels.

1.40. The Deputy Chief of Staff, Manpower, Personnel and Services (AF/A1) assists SAF/IG by:

1.40.1. Maintaining close liaison with SAF/IG on policies governed by this instruction.

1.40.2. Providing electronic and hard copy of each new issue of the Personnel Accounting Symbol Directory and Worldwide Personnel Directory to SAF/IGQ.

1.40.3. Ensuring IG access to personnel records and information.

1.40.4. Ensuring the General Officer Management Office (AF/DPG) provides SAF/IGS copies of any adverse information received on general officers or brigadier general selects.

1.40.5. Ensuring the Colonels Group (AF/DPO) provides SAF/IGQ copies of any Unfavorable Information Files on colonels.

1.40.6. Ensuring AF/DPO immediately notifies SAF/IGQ of any adverse information on colonels (or civilian equivalent) and forwards derogatory information to SAF/IGQ accordingly.

1.40.7. Notifying SAF/IGQ when formal allegations of violations of EO policies are made against colonels (or civilian equivalent).

1.40.7.1. Providing SAF/IGQ status reports of all EO or other grievance cases involving allegations against colonels (or civilian equivalent) as required by **paragraph 5.3.2** and **Table 5.1**, as appropriate.

1.40.8. Ensuring EO personnel do not conduct complaint clarification reviews of allegations against senior officials. These complaints must be forwarded to SAF/IGS.

1.40.9. Acting as technical advisors, when requested, for IG investigations involving personnel policy and/or procedures.

1.40.10. Providing SAF/IGS the same information provided to SAF/IGQ in **paragraph 1.40.7** when complaints of violations of EEO policies against senior officials are made.

1.41. Equal Opportunity (EO) Office personnel at every level assist IGs by:

1.41.1. Acting as technical advisors on MEO complaints when unlawful discrimination or sexual harassment allegations cannot be separated from other matters under IG investigation.

1.41.2. Conducting a clarification on allegations of unlawful discrimination or sexual harassment that can be separated from other matters under IG investigation.

1.41.3. Providing follow-up and final reports to the general court-martial convening authority as required by law for IG investigations conducted into allegations of sexual harassment.

1.41.4. Referring any allegations of reprisal, restriction, and IMHE referrals into the IG system.

1.41.5. Referring any allegations against senior officials to SAF/IGS. Refer to **Chapter 4**.

1.41.6. Notifying SAF/IGQ through MAJCOM, NAF, JFHQ, FOA, DRU, or installation IG when allegations of wrongdoing against colonels (or civilian equivalent) are received. Refer to **Chapter 5**.

1.41.7. Providing the results of MEO investigations or complaint analyses conducted as a result of allegations against colonels (or civilian equivalent) to SAF/IGQ.

1.42. The Secretary of the Air Force, Legislative Liaison, Congressional Inquiry Division (SAF/LLI) assists SAF/IG by:

1.42.1. Referring congressional complaints involving IG matters not pertaining to senior officials to SAF/IGQ for complaint analysis and determination of appropriate IG action.

1.42.2. Referring congressional complaints involving senior officials to SAF/IGS for complaint analysis and determination of appropriate IG action.

1.42.3. Notifying congressional staff members of complaints accepted by SAF/IG for action and direct response to the complainant.

1.42.4. Referring complaints not accepted by SAF/IG for action to the appropriate agency for action and response.

1.42.5. Acting as office of primary responsibility for communications with congressional staffers.

1.42.6. Forwarding courtesy copies of IG investigative responses and findings to congressional staffers, when appropriate.

1.42.7. Installation IGs may act as the main processing POC for all congressional inquiries at the installation level. The IG should ensure the response is reviewed by an 0-6/GS-15 or above and forwarded through the functional or Air Staff office to SAF/LLI for closure..

1.43. The Air Force Inspection Agency (AFIA) supports SAF/IG by:

1.43.1. Reviewing FOA and DRU FWA programs, detecting FWA, and identifying indicators of possible FWA during all inspection activities.

1.43.2. Acting as the Appointing Authority and conducting IG investigations at the direction of SAF/IG.

1.44. The Air Force Office of Special Investigations (AFOSI) supports SAF/IG by:

1.44.1. Detecting fraud during investigative activities and process disclosures referred to AFOSI.

1.44.2. Conducting appropriate investigations into allegations of fraud referred through SAF/IGQ by the Defense Hotline.

1.44.2.1. Providing SAF/IGQ interim reports on investigations into allegations of fraud made through the Defense Hotline as prescribed in **Chapter 3**.

1.44.2.2. Reporting findings to SAF/IGQ by forwarding a copy of the findings, using Hotline Completion Report (HCR) format, and corrective actions taken upon completion of the investigation.

1.44.3. Providing periodic updates to SAF/IGQ for investigations assigned by SAF/IG.

1.44.4. Assisting commanders, and civilians leading an organization designated as a unit IAW AFI 38-101, by providing briefings and other material related to FWA, and providing investigative assistance to inspectors and auditors examining suspected fraud.

1.44.5. Conducting internal reviews (using AFOSI/IG) for IG complaints involving allegations against AFOSI personnel or programs.

1.44.6. Notifying SAF/IG (through SAF/IGX) when AFOSI receives allegations or adverse information of any kind against a senior official or a colonel (or civilian equivalent), or information that a senior official or a colonel (or civilian equivalent) was involved in an incident as a subject or suspect.

1.44.7. Providing SAF/IGS (through SAF/IGX) a copy of any AFOSI report involving a senior official.

1.44.8. Providing SAF/IGQ (through SAF/IGX) a copy of any AFOSI report involving a colonel (or civilian equivalent). Additionally, upon SAF/IGQ request, provide SAF/IGQ (through SAF/IGX) a copy of any completed AFOSI report that substantiates allegations against majors and lieutenant colonels.

1.44.9. Conducting files checks as requested by SAF/IGS and SAF/IGQ through SAF/IGX.

1.45. The Air Force Audit Agency (AFAA) assists SAF/IG by:

1.45.1. Identifying policies and procedures discovered in the course of an audit, which may contribute to FWA.

1.45.2. Performing audits when conditions or situations indicate FWA, determining the effects on operations and programs, and recommending corrective action.

1.45.3. Reporting to leadership apparent FWA disclosed by an audit; referring the matter to the appropriate commander, or civilian leading an organization designated as a unit IAW AFI 38-101, and AFOSI detachment for investigation when fraud is suspected; and delaying the publication of audit results relating to apparent fraud, if requested by AFOSI, when publication could interfere with ongoing investigations.

1.45.4. Reporting any FWA allegation or adverse information against senior officials to SAF/IGS or against colonels (or civilian equivalent) to SAF/IGQ. Additionally, report any substantiated findings against majors and lieutenant colonels to SAF/IGQ.

1.45.5. Providing audit assistance when asked by inspectors and investigators looking at allegations of FWA and providing periodic updates to the tasking activity when audits involve IG tasking, to allow preparation of progress and completion reports.

1.46. The Secretary of the Air Force, Office of Public Affairs (SAF/PA) facilitates the appropriate release of information regarding IG cases to news media representatives. News media requests for IG records will be processed through the Freedom of Information Act. SAF/PA is responsible for informing media officials of the proper procedures for obtaining IG records through the Freedom of Information Act.

1.47. The Headquarters Air Force Directorate of Security Forces (AF/A7S) assists SAF/IG by:

1.47.1. Ensuring incidents of FWA reported to Security Forces are referred to the proper agencies for information or action, assisting Loss Prevention Working Groups with identifying waste, and staffing corrective actions.

1.47.2. Ensuring resource protection technical consultants are trained to recognize FWA when performing surveys.

1.47.3. Notifying SAF/IGS when an allegation or adverse information is received regarding senior officials.

1.47.4. Notifying SAF/IGQ when allegations of wrongdoing are received regarding colonels (or civilian equivalent) or an action resulting in substantiated findings regarding majors and lieutenant colonels is completed.

1.48. The Surgeon General of the Air Force (AF/SG) assists SAF/IG by:

1.48.1. Notifying SAF/IGS (for senior officials) or SAF/IGQ (for field grade officers or GS-15s) when completing actions to suspend, limit, or revoke clinical privileges as governed by AFI 44-119, *Medical Quality Operations*, and forwarding a copy of the final report to the appropriate SAF/IG directorate.

1.48.2. Conducting Medical Incident Investigations, or reviewing and commenting on complaints referred by IGs regarding medical treatment. Provide the IG who referred the complaint with a copy of final response to complainant (if applicable).

1.49. The Office of the Assistant Secretary of the Air Force (Financial Management and Comptroller) (SAF/FM): assists SAF/IG when a senior official or colonel (or civilian equivalent) is accused of violating the Anti-Deficiency Act, by notifying SAF/IGS or SAF/IGQ, respectively, and by providing a copy of the completed ROIs to SAF/IG. Additionally, provide a copy of the completed ROI for substantiated findings of wrongdoing against majors and lieutenant colonels to SAF/IGQ.

1.50. The Secretary of the Air Force-Manpower and Reserve Affairs, Air Force Civilian Appellate Review Office (SAF/MRBA) (also referred to as AFCARO): assists SAF/IG by providing case information and status to SAF/IGQ or SAF/GC upon request.

1.50.1. Deleted.

1.50.2. Deleted.

Chapter 2

FILING AN IG COMPLAINT

Section 2A—Filing a Complaint

2.1. Policy for Filing an IG Complaint.

2.1.1. Air Force military and civilian employees (appropriated and non-appropriated fund) have a duty to promptly report FWA or gross mismanagement; a violation of law, policy, procedures, instructions, or regulations; an injustice; abuse of authority, inappropriate conduct, or misconduct (as defined by this instruction); and a deficiency or like condition, through appropriate supervisory channels, to an IG or other appropriate inspector, or through an established grievance channel. FWA complaints may also be reported to the AFAA, AFOSI, Security Forces, or other proper authority. All military and civilian employees must promptly advise the AFOSI of suspected criminal misconduct or fraud.

2.1.2. Complainants should attempt to resolve complaints at the lowest possible level (appropriate for the circumstances) using supervisory channels before addressing them to higher-level command channels or the IG.

2.1.2. **(919SOW)** Complainants should attempt to resolve complaints at the lowest possible level (appropriate for the circumstances) using supervisory channels before addressing them to higher-level command channels or the IG; however, nothing herein shall infringe on Complainant's rights as outlined in AFI 90-301 **Paragraph 2.1.5**. Every effort will be made at each supervisory level to resolve complaints using the lowest supervisory channel.

2.1.3. When complaints are addressed to a higher level (the President, Congress, IG DoD, CSAF, SAF/IG, etc.), the IG office tasked with the complaint will determine the appropriate level or organization for redress of the complaint. The complaint may be referred back to the complainant's local IG for resolution.

2.1.4. When complainants send the same or a similar complaint to several levels of the government, the highest level with which the complainant corresponds will reply, unless determined otherwise by the higher level office or other directives. If it is decided that a lower level will respond, the IG must inform the complainant they will not receive separate replies from various levels of the government and inform the complainant which level will provide the response.

2.2. Approval of Official Travel to Submit Complaints.

2.2.1. Complainants normally do not travel at government expense to present a complaint unless authorized. If authorized, funding will come from the complainant's unit. Such travel may only be funded IAW the Joint Travel Regulation.

2.2.2. Requests to travel to meet with SAF/IG personnel must be approved by SAF/IGS or SAF/IGQ prior to unit approval of the TDY request.

2.3. Complaints Not Appropriate for the IG System.

2.3.1. The IG CRP should not be used for matters normally addressed through other established grievance or appeal channels, unless there is evidence those channels mishandled the matter or process.

2.3.1.1. If a policy directive or instruction provides a specific means of redress or appeal of a grievance, complainants must exhaust those procedures before filing an IG complaint.

2.3.1.2. Complainants must provide relevant evidence that the process was mishandled or handled prejudicially before the IG will process a complaint of mishandling. Mere dissatisfaction or disagreement with the outcome or findings of an alternative grievance or appeal process is not a sufficient basis to warrant an IG investigation.

2.3.2. **Table 3.6** outlines agencies with established programs for the redress of various complaints. The table is not all-inclusive. Matters without specific grievance channels or not mentioned in **Table 3.6** may generally be referred back to the chain of command.

Section 2B—Complainant's Rights and Responsibilities

2.4. Complainant's Rights. Complainants have the right to:

2.4.1. File an IG complaint at any level without going through their supervisory channel.

2.4.2. File a complaint with an IG without fear of reprisal.

2.4.3. Request withdrawal of their IG complaint in writing; however, IGs may still examine the issues at their discretion and treat it as a third-party complaint.

2.4.4. Request the next higher-level IG review their complaint within 90 days of receiving the IG response. However, simply disagreeing with the action taken will not justify additional IG review. The request for review must:

2.4.4.1. Be in writing and give specific reasons why the complainant believes the original IG complaint resolution was not valid or adequate.

2.4.4.2. Provide additional information to justify a higher-level review on previously considered issues.

2.4.5. Submit complaints anonymously.

2.4.6. Submit a complaint if they reasonably believe inappropriate conduct has occurred, or a wrong or violation of law, policy, procedure, instruction, or regulation has been committed, even if the complainant is not the wronged party or was not affected by the alleged violation. Individuals may also submit a complaint on behalf of another individual. Those who do so are known as third-party complainants.

2.4.6.1. Third-party complainants are not entitled to a response regarding the substance of alleged wrongs not directly affecting them. Third-party complainants are only entitled to have receipt of their complaint acknowledged.

2.4.6.2. Third-party complainants are not entitled to personal information or other information not releasable to the public under the FOIA/Privacy Act (PA). To release personal information concerning a first-party individual (complainant, subject), a written and signed consent to release private information must be acquired from the affected

individual. If the individual does not give their consent to release first-party information to a third party, IGs must inform the requestor that personal privacy information will not be released. See **Chapter 14** for additional release information.

2.4.7. Request whistleblower protection under 10 USC 1034 if they believe they have been reprised against for making or planning to make a protected communication. Refer to **Chapter 6** for more specific information regarding reprisal complaints.

2.4.8. File complaints with allegations that have been previously investigated and reviewed by a higher-level IG office. If the current complaint does not provide new information or evidence that justifies further investigation, it will be dismissed.

2.4.9. Address their complaints to the installation IG if their unit does not have an appointed IG.

2.5. Complainant's Responsibilities.

2.5.1. Under normal circumstances, complainants must submit IG complaints within 60 days of learning of the alleged wrong. Normally, complainants will prepare, sign, and submit to an IG an AF IMT 102 to ensure awareness of the Privacy Act and their responsibilities. Complainants making verbal or telephonic complaints should normally return a completed AF IMT 102 to an IG within 5 calendar days. Complaints not submitted on an AF IMT 102 should be drafted following the same format outlined in **Table 2.1**, steps 3,4 and 5.

2.5.2. Time limit: Complainants must submit IG complaints in a timely manner in order for the IG to resolve them effectively. An IG is not required to look into a complaint if the complainant has failed to present the matter to an IG within 60 days of learning of the alleged wrong. IG complaints not reported within 60 days may seriously impede the gathering of evidence and testimony. The IG may dismiss a complaint if, given the nature of the alleged wrong and the passage of time, there is reasonable probability insufficient information can be gathered to make a determination, and/or no special Air Force interests exist to justify investigating the matter. See **paragraph 3.26** and **Table 3.12**.

2.5.2.1. IGs may accept and refer complaints that exceed the above time requirements if the complaint is of special Air Force interest or the complainant is able to demonstrate that he/she was unable to meet the time standards due to unforeseen or extraordinary circumstance, and such circumstance justifies the delay.

2.5.3. Cooperation. Complainants must cooperate with IGs and IOs by providing factual and relevant information regarding the issues and/or allegations (unless exercising Article 31, UCMJ, or Fifth Amendment rights). If complainants do not cooperate, the IG may dismiss the complaint if the lack of information leaves the IG unable to conduct a thorough complaint analysis.

2.5.3.1. Complainants will normally be allowed at least 5 calendar days to provide requested information prior to the IG dismissing their complaint. If a complaint is dismissed, and complainant later files the same complaint issues, the complaint will be accepted as a new complaint (i.e., with a new ACTS number).

2.5.4. Truthfulness. Complainants providing information to the Air Force IG system must understand they are submitting official statements within official Air Force channels. Therefore, they remain subject to punitive action (or adverse administrative action) for

knowingly making false statements and for submitting other unlawful communications. Additionally, unless other protected by law, any information complainants provide to the IG is subject to release during or after the IG inquiry.

2.6. Removing Complaints from the IG System.

2.6.1. Commanders have no authority to take a complaint submitted to an IG for disposition and resolve it through a commander-directed inquiry or investigation.

2.6.2. Complainants may elect to withdraw a complaint, in writing, from IG channels and then submit it to supervisory channels for resolution. However, IGs may elect to address the complaint if the allegations identify a recognizable wrong or a violation of law, policy, procedure, or regulation. ***EXCEPTION:*** Allegations of reprisal, restriction, or IMHE referral must be resolved within IG channels.

2.6.3. IGs will generally refer complaints that belong in another Air Force investigative or grievance channel. See **paragraph 3.16** and **Table 3.6** for assistance in determining if a complaint belongs in other channels.

2.6.3.1. Inform the complainant of the alternatives and advise the complainant it would be appropriate to submit their complaint in that channel.

2.6.3.2. IGs may refer a complaint (e.g., AF IMT 102, written/typed complaint, etc.) even if the complainant disagrees with the referral. Such referrals may include, but are not limited to: allegations of crimes, notice of danger to people and/or property, personnel matters, and problems with potential impact on national defense.

2.7. Requests to Delay Command Action.

2.7.1. IGs cannot delay command and personnel actions regarding a complainant based on the filing of an IG complaint or the initiation of an IG investigation. Filing an IG complaint will not delay or prevent completion of command actions such as reassignment, retirement, discharge, nonjudicial punishment, etc., unless deemed necessary by appropriate commanders.

2.7.2. IGs do not have the authority to place individuals on administrative hold or delay a command or personnel action. The authority to place an individual on administrative hold or to delay command action rests only with commanders and the respective personnel center. Therefore, complainants must submit such requests through their respective commander or servicing personnel office.

Section 2C—How to File an IG Complaint

2.8. Procedures for Filing an IG Complaint.

2.8.1. Complainants may file complaints anonymously through an IG FWA Hotline, the Defense Hotline, or directly with an IG.

2.8.1. **(919SOW)** Complainants may file complaints anonymously through an Inspector General (IG) Fraud Waste and Abuse (FWA) Hotline, the Defense Hotline, or directly with and IG. The 919 SOW/IG, during Unit Training Assemblies (UTAs) or the Air Force Reserve Command (AFRC)/IG, Air Armament Command (AAC) IG, 33rd Fighter Group (FG)/IG or the 53rd Test Wing (TW) IG at Eglin (other than UTAs) are the designated

individuals through whom complaints, which have not been resolved within proper channels, may be transmitted to the IG Complaint System.

2.8.2. Complainants should follow the steps in **Table 2.1** and complete an AF IMT 102, *IG Personal and Fraud, Waste and Abuse Complaint Registration*, prior to filing a complaint with the IG office.

2.8.2.1. **(Added-919SOW)** Complaints will be submitted to the 919th Special Operations Wing/Inspector General (919 SOW/IG) on an AF Form 102**,** *IG Personal and Fraud, Waste and Abuse Complaint Registration.* AF Form 102 is available at the 919 SOW/IG office, Bldg 3011, Duke Field or **http://www.e-publishing.af.mil/shared/media/epubs/af102.xfd**. The form will be sealed in an envelope and placed in the IG drop box.

2.8.3. Complaints not submitted on an AF IMT 102 should be drafted following the same format outlined in **Table 2.1**, steps 3, 4 and 5. Complaints not submitted in the outlined format may cause a delay in the processing of the complaint and the determination of IG action.

2.8.4. **(Added-919SOW)** The AF Form 102, all background material and emails pertinent to a complaint will be uploaded and maintained in the dedicated Automated Complaints Tracking System (ACTS) as directed by higher headquarters. Confidentiality will be maintained. Copies of communications involving the IG Complaint System will not be included in the Commander's read file or released to unauthorized individuals.

Table 2.1. How to File a Complaint.

Step	Action
1	If unable to resolve the complaint in supervisory channels, review **Table 3.6** to determine if the complaint should be filed with the IG. Complainants should file a complaint if they reasonably believe inappropriate conduct has occurred or a violation of law, policy, procedure, instruction, or regulation has been committed.
2	Complete the personnel data information on an AF IMT 102 (typed or printed legibly), the preferred format for submitting complaints so it may easily be reproduced.
3	Briefly outline the facts and relevant background information related to the issue or complaint on the AF IMT 102 in chronological order.
4	List the allegations of wrongdoing BRIEFLY, in general terms, and provide supporting narrative detail including chronology and documents later when interviewed. Allegations should be written as bullets and should answer: 1. What violation was committed? 2. What law, regulation, procedure, or policy was violated? 3. When did the violation occur? 4. Who committed the violation?
5	If more than 60 days have elapsed since the alleged conduct occurred, the complaint should also include: 1. The date the complainant first became aware of the conduct. 2. How the complainant became aware of the conduct. 3. Why the complainant delayed filing the complaint.

Step	Action
6	Submit the completed AF IMT 102 to any Air Force IG and set up a follow-on meeting to discuss the complaint.
7	If an IG is named in the complaint, contact the next higher-level IG.

Chapter 3

MANAGING IG COMPLAINTS

Section 3A—Introduction to the Complaints Resolution Process

3.1. Overview. This chapter instructs IGs at every organizational level how to manage and process IG complaints and discusses the complaint lifecycle from receipt through resolution. The Air Force endorses a proactive oversight and follow-up system that achieves the high program standards described in the President's Council on Integrity and Efficiency, *Quality Standards for Federal Offices of Inspector General*.

3.2. Key Terms. This section uses the following key terms: *allegation, complainant, complaint, complaint analysis, complaint resolution process (CRP), confidentiality, contact, referral completion report (RCR), self-investigation, thoroughness, and timeliness*. Refer to **Attachment 1** for the definition of these key terms.

3.3. Protection of Information. A key goal of the Inspector General CRP is to facilitate a complaints resolution environment that promotes confidence in Air Force leadership. Assurance that an individual's privacy will be safeguarded to the maximum extent practicable encourages voluntary cooperation and promotes a climate of openness in identifying issues requiring leadership intervention. Specifically, the IG has the responsibility to safeguard the personal identity and complaints of individuals seeking assistance or participating in an IG process, such as an investigation. While this does not mean communications made to an IG are privileged or confidential, it does mean disclosure of those communications (and the identity of the communicant) should be strictly limited to an official, need-to-know basis. This information should not be disclosed unless required by law or regulation, when necessary to take adverse action against a subject, or with the approval of The Inspector General (SAF/IG), or IAW **paragraph 3.3.2**. See **Chapter 14** for guidance on the Air Force IG Records Release Program. Persons who request anonymity or who express a concern about confidentiality must be informed of this policy. All personnel reviewing or processing IG information shall be briefed on this policy. All IGs and staff members are obligated to protect IG information when their tenure of service as an IG is completed. The following guidance applies to all personnel at all organizational levels:

3.3.1. IG personnel must protect the identity of all complainants as described in **paragraph 3.3**. At the time the IG receives a complaint, they will advise the complainant:

3.3.1.1. If a complaint is more appropriate for other channels, the IG will refer the complaint.

3.3.1.1.1. Even if the complainant disagrees with referring the complaint, the complaint may still be referred for action.

3.3.1.1.1.1. The referral may require release of the complainant's identity so the referral agency can effectively work to resolve the issue.

3.3.2. IGs/IOs should not divulge a complainant's name to a subject or to any witness, or permit a witness to read the complaint without the appointing authority's written permission (reference **paragraph 3.40.8**).

3.3.2.1. IOs will advise witnesses in an investigation of the general nature of the allegations under investigation. To the maximum extent possible, the IO should protect the identifying information of complainants, subjects, and suspects.

3.3.2.2. IOs will advise subjects or suspects of the allegation(s) under investigation. The IO will read the allegations verbatim to the subject/suspect.

3.3.3. Complainants and witnesses must be made aware that any information they divulge to the IG or IO, with the exception of their name, may be usaed during follow-on interviews with other witnesses.

3.4. Policy on Managing IG Complaints.

3.4.1. IG complaints will be managed in a manner that facilitates efficient and effective mission accomplishment. IG complaints will be reported and resolved with due diligence and in a timely manner. IGs at all organizational levels must document all complaints and adhere to the process timeline outlined in **Table 3.1**. Complaints within the purview of the IG CRP should be addressed at the lowest appropriate level, including high-level complaints (e.g., those sent to the President, Congress, DoD, SECAF, SAF/IG).

3.4.1.1. This ensures the higher-level IGs remain unbiased and are available to review any rebuttals or appeals of the lower-level investigations or actions.

3.4.2. IGs should resolve complaints at the lowest possible level, but may elevate complaints when appropriate. IGs must elevate complaints when self-investigation or the perception of self-investigation is an issue.

3.4.3. Complaints against senior officials will be processed IAW **Chapter 4**.

3.4.4. Complaints against colonels (or civilian equivalents) will be processed IAW **Chapter 5**.

3.5. The Complaint Resolution Process. To assist IGs in managing complaints, the following table describes actions required to resolve a complaint from receipt through investigation to closure. The process contains 14 steps and is divided into 3 phases: complaint analysis, investigation, and quality review. The goal is for 95 percent of all cases to be resolved according to the guidelines described in **Table 3.1**. For example, the goal for completing dismissal cases is 29 days (contact, 5 days; conduct complaint analysis, 20 days; close case, 4 days). For Air National Guard and Air Force Reserve IGs: To meet the goal to resolve all case matters promptly, Phase 1 actions need to be completed no later than the end of the next Unit Training Assembly (UTA) after receipt of the complaint. Timelines for congressional inquiries are different than listed here. See **Chapter 9** for more information.

Table 3.1. The Complaint Resolution Process.

A	B	C	D
PHASE	**STEP**	**PROCESS NAME**	**PROCESSING TIMELINE (calendar days)**
Phase 1: Complaint Analysis	1	Contact	$\leq$ 5 Days

A	B	C	D
PHASE	**STEP**	**PROCESS NAME**	**PROCESSING TIMELINE (calendar days)**
	2	Conducting a Complaint Analysis	≤ 20 Days
	3	Tasking	≤ 4 Days
Phase 2: Investigation	4	Pre-Fact Finding	≤ 10 Days
	5	Fact Finding	≤ 21 Days
	6	Report Writing	≤ 33 Days
Phase 3: Quality Review	7	IG Quality Review	≤ 7 Days
	8	Technical Review	≤ 5 Days
	9	Legal Review	≤ 14 Days
	10	Rework	≤ 7 Days
	11	Closing the Case	≤ 5 Days
	12	Command Action	N/A
	13	Higher Headquarters Review	≤ 21 Days
	14	SAF/IGQ Review	≤ 28 Days
Total Processing Time			≤ 180 Days

Phase 1: Complaint Analysis Phase

Section 3B—Step 1: Contact (< 5 Days)

3.6. Key Terms. This section uses the following key terms: *complaint, complaint clarification, contact,* and *senior official*. Refer to **Attachment 1** for the definition of these key terms.

3.7. Policy on Receiving Complaints. Air Force, Air National Guard, and Air Force Reserve IGs receive and process complaints from any source (including anonymous), via any medium, regarding operations, organizations, functions, and personnel. IGs can accept telephonic and verbal complaints, but every attempt should be made to obtain a written complaint. For telephonic and verbal complaints, IGs should obtain adequate information for clarification and follow-up actions. "IGs will enter all contact/complaint data into ACTS within 5 calendar days of initial contact (or by the conclusion of the next UTA for the ARC). Reporting procedures in paragraphs 3.55 and 3.56 of this instruction must be followed until the case is closed.

3.8. Complaint Clarification Procedures. If upon initial receipt of the complaint the IG identifies the need for more information from the complainant, the IG will conduct a complaint clarification using the procedures in **Table 3.2**. Fully document the contact in ACTS.

Table 3.2. How to Conduct a Complaint Clarification.

Step	Action
1	Find a private location if the complaint is made in person.
2	If the complainant has not yet done so, ask them to complete the complainant portion of an AF IMT 102.
3	Find out if the complaint was previously filed with another agency or individual.

Step	Action
4	If the complainant has not talked to their supervisory channel, find out why. Unless circumstances warrant otherwise, encourage the complainant to attempt resolution in supervisory channels first. Explain why this is the preferred approach (faster resolution, commanders have the authority to remedy the situation, etc.). Explain if the matter is clearly a commander issue and not an IG issue, the complaint should be referred to supervisory channels regardless of the desires of the complainant (refer to **paragraph 3.3.1.1**).
5	Determine if the individual has sought assistance from an appropriate support agency (for example military personnel section, finance, or equal opportunity office). Advise them to go to that agency if they have not.
6	If it has been more than 60 days since the complainant learned of the alleged wrong, inform them the complaint may be dismissed. Explain that complaints are reviewed for dismissal on a case-by-case basis and the length of time since the alleged event can seriously impede the effectiveness of an investigation. Ask the complainant why they delayed filing the complaint and if there were compelling circumstances.
7	Ask the complainant to clarify his/her allegations and provide a chronology, as necessary. Generally, a statement of fact must identify the nature and substance of the alleged wrong with sufficient detail and facts to enable the IG to ascertain what potential violations may have been committed. The complainant should also identify the source (for example, the documents or names of witnesses who can corroborate the allegations); the date; and the act or condition that occurred or existed at that date. If the complainant alleges reprisal or restriction, explain the whistleblower protection afforded by 10 USC 1034.
8	Advise the complainant any records or documents he/she provides to the IG become part of an IG record and are not returnable.
9	Ask the complainant what remedy is being sought.
10	Explain the steps involved in processing an IG complaint and/or conducting an investigation.
11	Inform the complainant when you expect to get back to him/her (normally this will be an interim reply).

3.9. Administrative Procedures for Processing Complaints. IGs will log all contacts in ACTS and follow the administrative procedures in **Table 3.3** to process complaints made to their office.

Table 3.3. Processing Complaints.

Step	Action
1	Log complaint into the ACTS database (NOTE: ACTS Case Notes should contain a complete description of the facts, sequence of IG actions taken, record of persons/organizations contacted, and date contact was made.)
2	Mark documents “COMPLAINANT PROVIDED” on each page. Scan and load as an attachment to the ACTS case file and put a check mark in the “complainant provided” box.

Step	Action
3	Contact complainant in writing, by telephone, or in person within 5 duty days to acknowledge receipt (unless received directly from complainant). Provide an interim response to the complainant 60 days after receipt of the complaint and every 60 days (For ANG/Air Force Reserve: every other UTA weekend) thereafter until a final response is provided. Log the interim response in ACTS on the Suspenses Tab and add a case note.

Section 3C—Step 2: Analysis (< 20 Days) Conducting a Complaint

3.10. Key Terms. This section uses the following key terms: *appointing authority, assist, complaint analysis, criminal offense, dismiss, frivolous allegation, investigating officer (IO), investigation, referral,* and *transfer.* Refer to **Attachment 1** for the definition of these key terms.

3.11. Policy for Complaint Analysis. In each case, IGs at every organizational level will conduct a thorough complaint analysis to determine the appropriate complaint resolution strategy. A complaint analysis is always required and results in: assistance, dismissal, investigation, referral or transfer of the complaint. Complaints containing multiple assertions may require multiple resolution strategies, i.e., referral, dismissal and/or investigation. For every contact, document the rationale for the selected resolution strategy in ACTS (see template at **Attachment 2**).

3.11.1. When contacts have different resolution strategies (i.e. assist, referral, and dismissal), it may be appropriate to create an additional ACTS entry for each resolution strategy.

3.11.2. When transferring portions of contacts/complainants to different MAJCOMs, it may be appropriate to create an additional ACTS entry for the transfer.

3.12. Conducting a Complaint Analysis. A complaint analysis is a preliminary review of assertions and evidence to determine the potential validity and relevance of the issues to the Air Force and to determine what action, if any, is necessary within IG, supervisory, or other channels.

3.12.1. A properly framed allegation is a factual proposition to be proved or disproved during an investigation, and which if true, would constitute wrongdoing. If an allegation cannot be properly framed, then an investigation is inappropriate. Framed allegations must contain the following:

3.12.1.1. When did the alleged violation occur?

3.12.1.2. Who committed the alleged violation?

3.12.1.3. What violation was committed?

3.12.1.4. What law, regulation, procedure, standard, or policy was violated?

3.12.1.5. A properly framed allegation is constructed as follows:

When (on or about 10 January 2004), **Who** (Major John A. Smith, XX Sq/CC) **did what** (gave a referral EPR to SrA William Tell), **in violation of what standard** (in reprisal for a protected communication in violation of 10 USC 1034).

3.12.2. Do not combine allegations to simplify the process. If the complainant asserts multiple violations on different occasions, make each of these a separate allegation. The same rule applies when the complaint contains multiple subjects, occurrences, or standards.

3.12.3. Refer to **paragraph 6.6** when conducting a complaint analysis into allegations of reprisal.

3.13. Complaint Analysis Procedures. Use the complaint analysis procedures in **Table 3.4** to determine appropriate complaint resolution strategy.

Table 3.4. How to Conduct a Complaint Analysis.

Step	Action
1	Determine if the issues fall under the category of Special Interest Complaints in **Table 3.5**. If allegation meets the criteria for a Special Interest Complaint, follow the directions in **Table 3.5**. If the allegation does not meet the criteria, return to this table.
2	Determine if the complaint is appropriate for IG channels. See **Table 3.6**.
3	If issues are appropriate for IG action but should be addressed by another IG, see **paragraph 3.19** and **Table 3.7**. If appropriate for transfer, follow the guidance in **paragraph 3.20** and **Table 3.8**.
4	If the allegation is not IG related and there is no allegation of a violation or wrongdoing, provide assistance as appropriate IAW **paragraph 3.22** and **Table 3.9**. However, if the IG completing the case analysis determines the allegation warrants an inquiry by the referral agency, see step 5 of this table to refer the allegation.
5	If allegation is not IG related and there is an allegation of a violation or wrongdoing, follow the guidance in **paragraph 3.24** and **Table 3.10**. If referral is appropriate resolution strategy, follow the guidance in **paragraph 3.25** and **Table 3.11**.
6	Determine whether the issues are appropriate for dismissal. See **Table 3.12**. If appropriate for dismissal, follow the guidance in **Table 3.13**.
7	Determine whether the issues asserted are appropriate for investigation. See **paragraph 3.30**.
8	Document the rationale for the selected complaint resolution strategy. The complaint analysis documentation letter in **Attachment 2** provides a template for documenting a non-reprisal complaint analysis. For reprisal complaint analysis cases, use **Attachment 19** or **20**.
9	Document appropriate complaint information in ACTS, either by case note or as an attachment. See **paragraph 3.14**.

3.14. Documenting a Complaint Analysis. IGs and IG staff members at every organizational level will document each complaint analysis and include the rationale for the selected complaint resolution strategy.

3.14.1. Document the complaint analysis using the complaint analysis documentation letter (**Attachment 2**) and attach the document to the ACTS case file. For complaints that are resolved through an assist, dismiss, transfer or referral, the IG can document the complaint analysis in an ACTS case note in place of the complaint analysis documentation letter. The case note must include the background, issues, analysis, and resolution path.

3.14.2. If, during the initial complaint analysis, the IG determines the complaint should be handled by another IG office, the IG will document the rationale for the transfer in ACTS and transfer the complaint. The IG receiving the transfer will accomplish a detailed complaint analysis and the required documentation.

3.14.3. If the complaint analysis recommends an IG investigation, the complaint analysis document must contain properly framed allegations.

3.14.4. For a reprisal complaint analysis (RCA), use the format in **Attachment 19** or **20**.

3.14.5. All complaint analyses for allegations of reprisal, restriction, and IMHE, and instances where the complaint analysis recommends investigation, will be reviewed by the appointing authority.

3.15. Processing Allegations of a Special Nature. **Table 3.5** explains special processing instructions when a complainant makes assertions against senior officials, colonels (or civilian equivalent), IGs, or allegations of a special nature.

Table 3.5. Processing Special Interest Complaints.

RULE	**A** **If the complainant makes assertions…**	**B** **Then…**
1	Against a senior official	Report and transfer the entire case through the appropriate MAJCOM, NAF, JFHQ, FOA, or DRU IG to SAF/IGS by using **Attachment 15** and reference **Chapter 4**.
2	Against a colonel (or civilian equivalent)	Report the allegations IAW **paragraph 5.3** through the appropriate MAJCOM, NAF, JFHQ, FOA, or DRU IG to SAF/IGQ by using **Attachment 16**. Follow the procedures in **Chapter 5**.
3	Against an IG or IG staff member	Transfer the complaint to the next higher-level IG for action and document as a transfer in ACTS.
4	That a military member was reprised against for making a protected communication	Advise complainants of whistleblower protection under 10 USC 1034. Follow procedures in **Chapter 6**.
5	That a military member was restricted.	Advise complainants of whistleblower protection under 10 USC 1034. Follow the procedures in **Chapter 7**.
6	That a military member was improperly referred for a Mental Health Evaluation	Follow the procedures in **Chapter 8**.
7	Of violations of Military Equal Opportunity policy	Refer the complainant to the Equal Opportunity office for a complaint clarification following the procedures in **Chapter 10**.

RULE	A If the complainant makes assertions…	B Then…
8	Of fraud, espionage, sabotage, treason, subversion, disloyal statements, disaffection, or other criminal offenses (i.e., to include but not limited to homicide, sexual assault, use/possession/sale of drugs, theft, travel fraud, etc.)	Consult with the JA and local AFOSI office to determine whether the allegations should be handled through command or law enforcement channels.

3.16. Other Agencies and Grievance Channels. DoD and Air Force policy mandates the use of specialized investigative agencies or procedures for certain types of complaints made against non-senior officials. In these cases, complainants should be advised of the appropriate agency. **Table 3.6** assists IGs in determining if a complaint belongs in other channels.

3.17. Handling Air Force Civilian Complaints. The IG CRP does not cover matters concerning employment conditions for civilian employees. These matters must be processed under applicable civilian grievance, complaint, or appeal systems as stated in other directives. Refer to **Table 3.6** for procedures for handling civilian complaints.

Table 3.6. Other Agencies and Grievance Channels.

RULE	A Type of Issue	B Appropriate Agency to Resolve the Issue
1	Appropriated Fund employees -- Conditions of employment (personnel policies, practices, and matters affecting working conditions) Equal Employment Opportunity (EEO) issues (discrimination based on age, race, color, sex, religion, disability, national origin, genetic information; sexual harassment; retaliated against for opposing discrimination; or for participating in a protected activity), or reprisal against a civil service employee or applicant.	The servicing Civilian Personnel section for action IAW civilian grievance system (either Administrative IAW AFI 36-1203, *Administrative Grievance System* or Negotiated IAW locally negotiated agreements). EEO Complaints should be referred to the local EO Director for processing IAW AFI 36-2706, *Equal Opportunity Program, Military and Civilian.* For allegations of reprisal, direct the complainant to DoD Hotline (www.dodig.mil/hotline) or the Office of Special Counsel (www.osc.gov)

RULE	A Type of Issue	B Appropriate Agency to Resolve the Issue
2	Nonappropriated Fund employees -- Conditions of employment and discrimination or reprisal	Servicing Nonappropriated AF Employment Office for conditions of employment. For reprisal allegations, advise the complainant they can file their complaint directly with IG DoD (IAW DoDD 1401.3, *Reprisal Protection for Non-appropriated Fund Instrumentality Employees/Applicants*) or receive the complainant's information and forward it to IG DoD (IAW DoDD 1401.3). For discrimination, complaints should be referred to the local EO Director for processing IAW AFI 36-2706, *Equal Opportunity Program, Military and Civilian.*
3	ANG Statutory tour program issues	See ANGI 36-6, *The Air National Guard Statutory Tour Program Policies and Procedures*
4	ANG Active Guard/Reserve (AGR) issues	See ANGI 36-101, *The Active Guard/Reserve (AGR) Program*
5	ANG incapacitation benefit program	Command -- ANGI 36-3001, *Air National Guard Incapacitation Benefits*
6	ANG Administrative demotions	Command -- ANGI 36-2503, *Administrative Demotion of Airmen*
7	ANG enlistment/reenlistment issues	Command -- ANGI 36-2002, *Enlistment and Reenlistment in the Air National Guard and As a Reserve of the Air Force*
8	ANG retention matters	Command -- ANGI 36-2606, *Selective Retention of Air National Guard Officer and Enlisted Personnel;* ANGI 36-2607, *Air National Guard Retention Program*
9	National Guard Military Technicians (Excepted Civil Service under 32 USC § 709)	State Human Resources Office (HRO)
10	Air Force Reserve assignment matters	HQ AFRC/A1 -- AFI 36-2115, *Assignments Within the Reserve Components*
11	Military Equal Opportunity Issues	Local EO Director -- AFI 36-2706, *Equal Opportunity Program, Military and Civilian*. For ANG refer to NGR 600-22/ANGI 36-3, *National Guard Military Discrimination Complaint System* and ANGI 36-7, *Air National Guard Military Equal Opportunity Program*

RULE	A Type of Issue	B Appropriate Agency to Resolve the Issue
12	Administrative Separations	Local Military Personnel Flight (MPF) -- AFI 36-3208, *Administrative Separation of Airman*; AFI 36-3207, *Separating Commissioned Officers*; AFI 36-3209, *Separation and Retirement Procedures for Air National Guard and Air Force Reserve Members*
13	Equal Opportunity in off-base housing	The Housing Referral Office -- AFPD 32-60, *Housing*
14	Landlord or tenant disputes	Command -- AFI 32-6001, *Family Housing Management*
15	Claims against the Government	JA -- AFI 51-502, *Personnel and Government Recovery Claims*.
16	Correction of military records	AFPC and vMPF web sites for appropriate processing via AFBCMR -- per AFI 36-2603, *Air Force Board for Correction of Military Records*
17	Appeal of an Officer Performance Report (OPR), Enlisted Performance Report (EPR), or Promotion Recommendation Form (PRF)	AFPC and vMPF web sites for appropriate processing via AFERAB -- per AFI 36-2401, *Correcting Officer and Enlisted Evaluation Reports*. For ANG: refer enlisted appraisals to local MPF or command -- ANGR 39-62, *Enlisted Performance Appraisal*
18	Support of Dependents and Private Indebtedness	Subject's commander or DFAS -- AFI 36-2906, *Personal Financial Responsibility*
19	The Air Force Innovative Development through Employee Awareness (IDEA) Program	Local IDEA POC -- AFI 38-401, *The Air Force Innovative Development Through Employee Awareness (IDEA) Program*. For ANG, refer to State POC per ANGI 38-401, *Suggestion Program*
20	Change to an Instruction/Regulation or current policy guidance	Appropriate AF OPR -- AFI 33-360, *Publications and Forms Management*
21	LOC, LOA, or LOR (other than discrimination/reprisal)	Command or Area Defense Counsel (ADC)
22	Punishment under UCMJ (courts martial, Article 15 non-judicial punishment)	Refer matter to command or ADC; For ANG refer to NGB-JA -- AFI 51-201, *Administration of Military Justice*, AFI 51-202, *Non-Judicial Punishment*
23	ANG: Punishment under the State Code of Military Justice	State Staff Judge Advocate (SJA)
24	Article 138, UCMJ (Complaint of Wrong)	Refer member to ADC -- AFI 51-904, *Complaints of Wrongs Under Article 138, Uniform Code of Military Justice;*

RULE	A Type of Issue	B Appropriate Agency to Resolve the Issue
25	Hazardous Working Conditions (unsafe or unhealthy)	AFI 91-301, *Air Force Occupational and Environmental Safety, Fire Protection, and Health (AFOSH) Program* and local Ground Safety Manager
26	Elimination From AETC Training	If elimination authority is Group CC or lower, refer to the next higher CC. If elimination authority is the Wing CC, transfer to AETC/IG
27	Elimination from other MAJCOM'S training courses	Appropriate MAJCOM
28	Medical Treatment	SG for Quality Assessment or Medical Incident Investigation (MII) -- AFI 44-119
29	TRICARE Complaints	Medical Group
30	Issues involving sexual orientation	Command
31	Misuse or abuse of government vehicles	Base Transportation -- AFI 24-301,*Vehicle Operations*. For ANG: Refer to AFI 24-309 ANG SUP 1
32	Unprofessional Relationships/Adultery	Command -- AFI 36-2909, *Professional and Unprofessional Relationships*
33	Sexual Harassment/Discrimination	EO -- NGR 600-4, ANGP 30-02, *Prevention of Sexual Harassment,* local EO Director, AFI 36-2706, *Equal Opportunity Program, Military and Civilian*
34	Allegations regarding non-AF organizations or agencies	Specific agency or Service IG or to Defense Hotline
35	Allegations of reprisal where DoD contractors are the victims	IG DoD (Reference **paragraph 6.4.3**)
36	Allegations against Military Defense Counsel	HQ AFLOA
37	Anti-Deficiency Act violations	SAF/FM -- AFI 65-608, *Anti-Deficiency Act Violations*
38	Commander-Directed Investigation (CDI)	Command for CDI process issues Command or ADC for CDI corrective action
39	Acquisition Issues	Issuing contract unit or SAF/AQC
40	Intelligence Oversight	AFI 90-301, **Chapter13** for appropriate handling procedures
41	Health Insurance Portability and Accountability Act (HIPAA) Issues	SG
42	Privacy Act complaints	Base Privacy Act Officer -- AFI 33-332, *Privacy Act Program*
43	Civil Air Patrol (CAP)	Transfer to CAP-USAF/IG

RULE	A Type of Issue	B Appropriate Agency to Resolve the Issue
44	Security Violations	Base Information Protection Office
45	Contract Issues	Servicing Contracting Office

Note 1. Table 3.6 is not all-inclusive.

Note 2. If a complainant has an issue identified in column A, the IG will assist the complainant by putting them in contact with the agency most appropriate to help them solve their issue. If the complainant makes an assertion of personal wrongdoing by a management official, their complaint will be referred to the appropriate agency listed in column B.

Note 3. When the subject is a senior official, process the complaint IAW **paragraph 3.15** and **Table 3.5**.

Note 4. If the complaint does not concern reprisal, restriction, or IMHE and is not in **Table 3.6**, the complainant or complaint should normally be directed to command channels.

Section 3D—Step 3: Tasking: Transfer, Assist, Refer, Dismiss, or Investigate (< 4 Days)

3.18. Key Terms. This section uses the following key terms*: appointing authority, assist, case file, closure, colonel (or civilian equivalent), completion, dismiss, investigating officer (IO), investigation, lieutenant colonel (or below), referral, reprisal, restriction, senior official, self-investigation and transfer*. Refer to **Attachment 1** for the definition of these key terms.

3.19. Transferring a Complaint. A complaint is transferred when the complaint analysis discloses that the matter is appropriate for Air Force IG action, but an IG other than the one receiving the complaint should handle the matter. IGs will comply with the requirements of **Table 3.7** and **paragraph 3.20** concerning the transfer of complaints to other IGs.

Table 3.7. When to Transfer A Complaint to Another Air Force IG.

RULE	A If…	B And…	C Then…
1	The subject is a senior official	The complaint is received by any IG office other than SAF/IGS	Transfer the complaint to SAF/IGS via MAJCOM, NAF, JFHQ, FOA, or DRU.
2	The complaint has not been addressed at the level where the alleged wrongdoing occurred	The higher-level IG determines transfer to the lower-level IG is appropriate and no evidence of bias by lower-level IG exists	Transfer the case to the lower-level IG.

RULE	A If…	B And…	C Then…
3	The complaint presents a conflict of interest for the appointing authority or IG		Transfer the complaint to the next higher-level IG.
4	The subject is the IG's commander		Transfer the complaint to the next higher-level IG.
5	The subject is an IG or an IG staff member		Transfer the complaint to the next higher-level IG.
6	The subject is assigned to AFOSI or the issue is related to AFOSI	The complaint is received by any IG other than SAF/IGQ	Transfer the complaint to AFOSI/IG via MAJCOM, JFHQ, NAF, or DRU .
7	The subject is assigned to a higher-level of the Air Force or MAJCOM other than the IG receiving the complaint	The complaint is appropriate for IG action, but the alleged wrong happened in a unit under the other MAJCOM or higher IG's jurisdiction	Transfer the complaint IAW **Table 3.8** to the IG at the same level and command as the subject or where the alleged wrong happened.
8	The complainant is assigned to the host wing, an associate unit, or is anonymous or a third-party	The subject (person, process, or agency) is assigned to the host wing	The host IG will process the complaint and oversee or conduct the investigation (if required).
9	The complainant is assigned to the host wing, an associate unit, or is anonymous or a third-party	The subject (person, process or agency) is assigned to an associate unit	Follow the guidance in **paragraph 1.19.14**.

3.20. Procedures for Transferring a Complaint. Use the procedures in **Table 3.8** to transfer a complaint.

Table 3.8. How to Transfer a Complaint.

Step	Action
1	Conduct a complaint analysis to determine if the complaint should be transferred to another IG. Do not make any notifications regarding reprisal, restriction, IMHE or colonels (or civilian equivalent). These notifications will be done by the receiving IG.
2	Coordinate a complaint transfer with the appropriate IG explaining the rationale for transfer. If the transferring and receiving IGs do not agree whether a transfer is appropriate, elevate the case to the MAJCOM/IGQ office(s) for resolution. SAF/IGQ will act as the MAJCOM for ANG cases.
3	Transfer case file to receiving IG office through the applicable MAJCOM, JFHQ, NAF, or DRU-IG. Transfers must be accomplished in ACTS.
4	Notify the complainant of the transfer in writing and attach the response in ACTS.

Step	Action
5	If the complainant expresses concern about bias at a lower-level, advise him/her of the right to appeal the lower-level IGs finding and the fact that the higher-level IG oversees the action of lower-level IG.
6	Document the case in ACTS as a "Transfer" and take other actions needed to ensure the ACTS record is transferred to the appropriate IG office. The IG office which resolves the issue will close the case in ACTS at the appropriate time.

3.21. Policy When Another Appeal or Grievance Channel Exists. When a member has a complaint or appeal regarding adverse actions for which law and/or regulation provide a specific means of redress or remedy, IGs will advise the complainant of those other redress or appeal channels as provided for by the specific law or regulation. Mere dissatisfaction with the outcome of an appeal is not sufficient basis for an IG inquiry.

3.21.1. For complaints that are not appropriate for the IG CRP see **Tables 3.9**, **3.11**, or **3.12**.

3.21.2. IGs will assist or refer complaints when they fall under the purview of another office or agency, or when they are covered by other directives with established grievance channels IAW **paragraphs 3.22** and **3.24**.

3.21.3. If the member alleges the appeal process was improperly or prejudicially handled and has no other means of redress, the complainant may enter a complaint of mishandling under this instruction for IG complaint analysis.

3.21.4. If the complainant makes an allegation that could be considered a criminal offense, the IG will consult with JA and law enforcement to determine whether the complaint should be referred or remain in IG channels.

3.22. Assisting a Complainant. IGs assist complainants in resolving personal problems when there is no evidence or assertion of wrongdoing. To remedy a problem, IGs may make phone calls, ask questions of functional experts, solicit helpful information from the appropriate organization or agency, or put the complainant in contact with the person, organization, or agency that can appropriately address their problem. The purpose of assistance is to quickly resolve personal issues and allow the complainant to refocus on the assigned mission. **Table 3.9** explains when and how to assist a complainant.

3.23. Procedures for Assisting a Complainant. Use the procedures in **Table 3.9** to assist a complainant.

Table 3.9. How to Assist a Complainant.

Step	Action
1	Discuss concerns/issues with the complainant.
2	Conduct a complaint analysis to determine if the complaint can be appropriately handled through assistance.
3	Document the complaint analysis using the complaint analysis documentation letter (**Attachment 2**) and attach the document to the ACTS case file or document the analysis in an ACTS case note (include all appropriate information as referenced in **Attachment 2**).

Step	Action
4	Advise the complainant their complaint is not an IG matter but the IG can assist them in resolving their concerns.
5	Make phone calls or other contacts to provide the complainant with assistance needed.
6	Ensure the complainant's concerns are being addressed by the appropriate authority/agency.
7	Document the case in ACTS as an "Assist," record appropriate information, and close the case.

3.24. Referring a Complaint. When the complaint analysis discloses an organization or agency outside the Air Force IG Complaints Resolution system can more appropriately handle a complaint alleging a violation of instruction, policy, or procedure by a management official, IGs will refer the complaint to the appropriate organization or agency following the procedures described in **Table 3.11** and **paragraph 3.25**. When referring complaints, IGs will include the Referral Completion Report (RCR) template (see **Attachment 28**) with the complaint. The organization receiving the referral will complete the RCR and return it to the IG within 30 days of receipt along with a courtesy copy of their response to the complainant.

3.24.1. Ensure RCRs include:

3.24.1.1. Scope of the inquiry.

3.24.1.2. Findings of the inquiry.

3.24.1.3. Conclusions, recommendations and corrective actions.

3.24.2. Attach completed RCRs in ACTS under "Disposition/Resolution Documents".

Table 3.10. When to Refer A Complaint.

RULE	A If…	B Then…
1	The complaint is a matter not appropriate for the IG complaints resolution system	Refer the complaint and the RCR template to the office having functional responsibility.
2	The complaint is a command issue (i.e., financial irresponsibility, adultery, etc.)	Refer the complaint and the RCR template to the appropriate commander.

3.25. Procedures for Referring a Complaint. Use the procedures in **Table 3.11** to refer a complaint, and **Attachment 3** for a sample referral letter, but do not attach the IG's complaint analysis.

Table 3.11. How to Refer a Complaint.

Step	Action
1	Conduct a complaint analysis to determine if the complaint should be handled in other channels.
2	Prepare a complaint analysis letter and supporting decision documents, then attach the documents to the ACTS case file. The complaint analysis documentation letter (attachment 2) provides the format for a non-reprisal complaint analysis. The analysis

	may also be documented in an ACTS case note (include all appropriate information as referenced in attachment 2).
3	Notify the complainant of the intent to refer the complaint and request permission from the complainant to pass their name and contact information to the referral agency. If the complainant refuses permission, the IG will have to act as a conduit for questions from the referral agency and answers from the complainant. At no time should a complainant's identity be released to a referral agency without the complainant's permission. It is highly encouraged that this permission is received in writing (i.e. a letter or email).
4	For all complaints, refer the complaint (e.g., AF IMT 102, written/typed complaint, etc.), in writing, to the appropriate agency, commander, or grievance channel using the Sample Referral Letter, attachment 3. DO NOT attach the Complaint Analysis. Redact portions of the complaint that do not directly apply to the referral action. Redact the complainant's identity if the complainant has not given permission for the release (see step 3 of this table). Include a copy of the RCR template, attachment 28. RCRs are not included when referring complaints to EO or OSI. Notify the complainant, in writing, of the referral.
5	Direct the referral agency to provide you a copy of the finished RCR and a courtesy copy of the closure response to the complainant for your case file (Note 1). IGs will follow-up with the referral agency within 30 days if a closure response has not been received**.**
6	Document the case in ACTS as "Refer," record appropriate information, and place the case in complete status. If there is an O-6 subject, ensure SAF/IGQ is notified IAW **paragraph 5.6**. Additionally, if there is an O-4 or O-5 subject, monitor/track the case until completion. Once complete, if the case results in a substantiated finding against an O-4 or O-5, ensure the investigative report and any command action is attached in ACTS. When a copy of the RCR is provided to the IG, close the case in ACTS. (Note 2) For referrals to EO or OSI, after confirming EO or OSI has accepted the case, make a case note and close the case.

Note 1. SAF/IGS will not normally send a closure response to the complainant on referred matters.

Note 2. If the complainant notifies the referring IG that he/she did not receive a final response from the referral agency, the IG should follow-up to ensure the referral agency received the complaint and provided a response to the complainant.

3.26. Dismissing a Complaint. A complaint may be dismissed following a thorough complaint analysis if there is no assertion or evidence of a standard being violated or when the complaint falls under one of the rules in **Table 3.12**. **Tables 3.12** and **3.13** help IGs determine when and how to dismiss a complaint.

Table 3.12. When to Dismiss a Complaint.

RULE	**A**	**B**	**C**
	If…	**And…**	**Then…**

RULE	A If…	B And…	C Then…
1	If the complaint analysis reveals the complainant has not brought forth credible evidence of a violation of law, instruction, regulation, or policy		Dismiss the complaint.
2	The complaint is a matter not appropriate for the IG	The complainant has exhausted procedural appeals with the administrative process and there is no evidence of a process problem.	Dismiss the complaint.
3	The complaint analysis discloses a matter within the IG's purview, but the complainant did not contact the IG within 60 days of learning of the alleged wrongdoing (see **paragraphs 2.5.1** and **2.5.2**)	The IG determines: (a) there are no extraordinary circumstances justifying the delay; and (b) there is no special AF interest in the matters alleged; and (c) given the nature of the alleged wrong and the passage of time, there is reasonable probability that insufficient information can be gathered to make a determination	Dismiss the complaint. (Note 1)
4	The complainant refuses to provide sufficient evidence to properly conduct the complaint analysis or fails to respond to requests for additional information within 5 days		Dismiss the complaint.
5	The complainant files a complaint under Article 138, UCMJ	The Article 138 complaint addresses the same matters addressed in the IG complaint	Dismiss the IG complaint.

RULE	A If…	B And…	C Then…
6	After completing a thorough complaint analysis, the IG determines the complaint cannot be referred and is: without merit; or frivolous; or that an IG investigation would not appreciably affect the outcome or remedy sought (Note 2)		Dismiss the complaint.
7	The complaint analysis discloses a matter within the IG's purview, but the allegations have already been investigated and reviewed by higher-level IG office	The complainant provides no new evidence or information that justifies further investigation	Dismiss the complaint.
8	The complainant requests to withdraw the complaint	There is no overriding Air Force interest in the complaint	Dismiss the complaint.

Note 1. The most important consideration before dismissing a complaint based on the time requirement established in **paragraph 2.5.1** is the potential to gather sufficient information to determine the facts and circumstances surrounding the alleged wrongdoing. With the passage of time, it becomes increasingly difficult to gather relevant evidence, testimony, and information for many reasons. For example, it may be difficult or impossible to collect relevant witness testimony if the witnesses have moved, retired, or died. In addition, as time passes, witnesses' memories may fade and documents are destroyed when their retention periods expire. The IG may dismiss a complaint if, given the nature of the alleged wrong and the passage of time, there is reasonable probability insufficient information can be gathered to make a determination. However, if it is possible to gather sufficient information, a further analysis may be warranted.

Note 2. See definition of *frivolous allegation* in **Attachment 1**.

3.27. How to Dismiss a Complaint. Follow the procedures in **Table 3.13** to dismiss a complaint.

Table 3.13. How to Dismiss a Complaint.

Step	Action
1	Conduct a complaint analysis to determine if the complaint should be dismissed.

Step	Action
2	Prepare a complaint analysis letter and supporting decision documents, then attach the documents to the ACTS case file The complaint analysis documentation letter (**Attachment 2**) provides the format for a non-reprisal complaint analysis. The analysis may also be documented in an ACTS case note (include all appropriate information as referenced in **Attachment 2**). For cases requiring a Reprisal Complaint Analysis, use **Attachment 19** or **20** instead of **Attachment 2** and follow guidance in **Chapter 6**. For a case that does not result in an investigation, the case file should only contain the applicable documents for the type of tasking.
3	If the complaint analysis determined allegations against a colonel (or civilian equivalent) were obviously frivolous, then, IAW **paragraph 5.4.1**, the IG must notify the next higher-level IG for approval.
4	For allegations of reprisal, restriction, and IMHE referral that do not include credible evidence of a violation of law, regulation, or policy, refer to **Chapters 6**, **7**, and **8** as applicable.
5	Notify the complainant in writing of the dismissal ensuring the rationale for the dismissal is clearly communicated. For allegations of reprisal, restriction, and IMHE referral, wait until IG DoD has agreed with the AF recommendation to dismiss prior to notifying the complainant.
6	Advise the complainant of his/her right to appeal to the next higher-level IG and AFBCMR (or other appeal channels), if applicable.
7	Document the case in ACTS as a "Dismiss," record appropriate information, and close the case.

3.28. Investigating a Complaint. Investigate a complaint when a properly framed allegation is derived from the issues asserted or implied by the complainant and the IG determines the substantive issues framed in an allegation are appropriate IG matters. Though allegations may be successfully framed, not all matters are appropriate for the IG, nor are all matters relevant to the Air Force. Most Air Force processes have embedded appeal procedures that provide complainants with due process. **Table 3.6** outlines matters that are not appropriate for the IG to investigate. The complaint must be timely to ensure information is available to support the investigative process. Refer to **Table 3.14** when initiating an IG investigation.

3.29. Policy for Conducting Investigations. The decision to conduct an IG investigation will only be made after completing a thorough complaint analysis of all issues presented.

3.29.1. IG investigations are performed to address complaints by checking records, correspondence, reviewing applicable instructions, examining material evidence, and interviewing the complainant, subject(s), expert witnesses, and persons having direct knowledge of the matter. IAW **paragraph 3.34**, Policy for Appointing an Investigating Officer, all investigations require an appointment letter (see **paragraph 3.35**) from the appointing authority.

3.30. Procedures for Tasking an Investigation. Use the procedures in **Table 3.14** to task an investigation.

Table 3.14. How to Task an Investigation.

Step	Action

Step	Action
1	Using a complaint analysis, determine if the complaint warrants an IG investigation.
2	Prepare and forward a complaint analysis document and supporting decision documents to the appointing authority. The complaint analysis documentation letter (**Attachment 2**) provides the format for a non-reprisal complaint analysis. For cases requiring a reprisal complaint analysis, use **Attachment 19** or **20** and follow the guidance in **Chapter 6**.
3	The appointing authority reviews the complaint analysis and supporting material to determine whether an investigation is warranted.
4	The appointing authority directs an investigation by appointing an IO in writing (see **paragraph 3.35**).
5	Follow appropriate notification procedures per **paragraphs 3.32** and/or **5.6**.
6	The IG places the case in "Under Investigation" status using the "Investigate" action in ACTS and continues to record appropriate information in ACTS until the case is closed.

3.31. Higher Headquarters Taskings.

3.31.1. When complaints are addressed to a higher-level IG office, that office will decide if tasking to a lower-level IG is appropriate by determining whether:

3.31.1.1. The complaint was previously addressed and merits a higher-level IG review.

3.31.1.2. There is a need to avoid the appearance of self-investigation at a lower level.

3.31.1.3. There is evidence the lower-level IG or command may be biased.

3.31.2. Absent any of the circumstances described in **paragraph 3.31.1**, the higher-level IG may task the lower-level IG for complaint resolution and response to the complainant. This ensures the higher-level IG office remains unbiased and is available to review any rebuttals or appeals of the lower-level investigation.

3.32. Notification Requirements for Investigations on Lieutenant Colonels (or Below). **Table 3.15** describes the notification requirements when an IG investigation is started against a lieutenant colonel (or below).

Table 3.15. Notification Matrix for Investigations on Lieutenant Colonels (or Below) (Complaint Analysis and Investigation Phases).

RULE	**A**	**B**	**C**
	If in the…	**And…**	**Then…**

RULE	A If in the…	B And…	C Then…
1	Complaint Analysis Phase	Complaint analysis identified the need for an IG investigation	1. Appointing authority directs an investigation by appointing an IO in writing. 2. Appointing authority notifies the subject's commander in writing of the scope of the investigation (in general terms). (See **Attachment 4**). 3. Commander notifies subject in writing. 4. Commander notifies witnesses. 5. IG notifies complainant. 6. The IG places the case in "Under Investigation" status using the "Investigate" action in ACTS and continues to record appropriate information in ACTS until the case is closed.
2	Investigation phase	Investigation is ongoing	1. IO provides progress reports (PRs) to higher-level IG (if required) at suspense date and the 1st of each month until investigation is finished per **paragraph 3.55**. Document in ACTS under Suspense Tab. 2. IG provides interim response to complainant 60 days after receipt of complaint and every 60 days thereafter until final response is provided per **paragraph 3.56**. Document in ACTS under Suspense Tab.

Phase 2: Investigation Phase

Section 3E— Step 4: Pre-fact Finding (< 10 Days)

3.33. Key Terms. This section uses the following key terms: *investigating officer (IO) and investigation plan*. Refer to **Attachment 1** for the definition of these key terms.

3.34. Policy for Appointing an Investigating Officer (IO).

3.34.1. An appointment letter is an IO's authority to conduct an investigation: swear in witnesses, collect evidence, and examine/copy documents, files and other data relevant to the investigation.

3.34.2. An appointment letter is necessary for all investigations, including those conducted by an IG or IG staff member.

3.34.3. An IO is the personal representative of the appointing authority. IOs must be impartial, unbiased, objective, thorough, and have the availability to complete the investigation.

3.34.4. The IO must be a field grade officer, senior NCO, or Air Force civilian with a substantial breadth of experience, exceptional maturity, and demonstrated sound judgment.

3.34.4.1. When no IO in the required grade is reasonably available for appointment, the appointing authority will request a waiver, in writing, from the MAJCOM/IG, Deputy IG, or MAJCOM/IGQ. MAJCOM/IG is the waiver authority for cases investigated at the MAJCOM level and below. SAF/IGQ will act as the MAJCOM for ANG waivers. The waiver request should describe the measures taken to locate an IO in the required grade prior to requesting the waiver. If approved, the MAJCOM/IG will document the waiver in writing. Refer to **Attachment 10** to determine where to place the document in the case file.

3.34.5. To support IO impartiality and independence, follow either of the two subsequent paragraphs:

3.34.5.1. There must be at least one level of command between the IO and the complainant, and there must also be at least one level of command between the IO and person(s) who are the subject(s) of the allegation(s).

3.34.5.2. The IO must be separated by organizational assignment from the complainant, and the IO must also be separated by organizational assignment from the person(s) who are the subject(s) of the allegation(s).

3.34.6. If necessary, an IO may be verbally appointed; however, a written directive must follow within three working days.

3.34.7. The investigation will be the IO's primary duty until the report is completed and approved by the appointing authority.

3.34.8. Appointing authorities should not appoint an IO who is retiring, separating, expects reassignment, or expects deployment within 180 days.

3.35. How to Appoint an Investigating Officer. **Attachment 5** shows a sample letter for appointing an IO to conduct an investigation. If the IG assumes the role of the IO, he/she is also required to be appointed and must receive an appointment letter from the appointing authority. IGs who have been designated as the appointing authority cannot appoint themselves as an IO. IGs may use the draft investigative plan (see **Attachment 6** and **paragraph 3.39.8**) as the "Directive to the IO" shown as **Attachment 1** in the IO appointment letter (see **Attachment 5** of this instruction).

3.35.1. The IO's appointment and responsibilities expire when the report of investigation (ROI) is approved by the appointing authority or after final higher headquarters approval, whichever is later (see **Attachment 5**).

3.36. Requirements for Investigation Preparation.

3.36.1. IGs will train IOs before they begin an investigation by using this instruction, the Air Force Inspector General Investigating Officer Overview course, available at **https://golearn.csd.disa.mil/kc/login/login.asp** and the SAF/IGQ *Investigating Officer Guide (IO Guide)*. In addition, the IG will discuss the investigative requirements and answer questions.

3.36.2. IOs must confer with their JA, preferably by meeting in person, before initiating the investigation. The JA will assist the IG in training the IO.

3.36.3. IOs must review the allegations and supporting documentation as part of their investigative preparation. All appropriate regulations/directives should be identified and reviewed.

3.36.4. Based on the review of the allegations, supporting documentation, and applicable directives, the IO may complete an investigation plan, which will be approved by the IG. See **Attachment 6** for a sample investigation plan. This plan will assist the IO in completing progress reports and in keeping track of the dates he/she completes the planned actions.

Section 3F—Step 5: Fact Finding (< 21 Days)

3.37. Key Terms. This section uses the following key terms: *authentication, evidence, hand-off, interrogatories, investigation, preponderance of the evidence, proof analysis matrix, statement, summarized testimony, suspect, subject, testimony, and witness.* Refer to **Attachment 1** for the definition of these key terms.

3.38. Policy on Investigating Complaints.

3.38.1. All IG investigations are conducted IAW **Chapter 3** and other applicable laws and regulations concerning the specific allegations.

3.38.2. IG investigations are administrative in nature--they are fact finding rather than judicial proceedings. The standard of proof that applies is proof by a preponderance of the evidence.

3.39. IG Responsibilities. IGs are responsible for managing the investigative process. The IG must assist the IO in solving investigative challenges while managing the investigation's quality and schedule. It is the IG's responsibility to ensure the report of investigation is completed on time and meets qualitative standards. Specifically, the IG:

3.39.1. Must provide the IO an appointment letter describing the scope of investigation, authorizing the collection of evidence, and setting the suspense date for completion.

3.39.2. Must provide the IO the complaint analysis, all complainant-provided materials, and the framed allegations. Additionally, the IG must enter all allegations addressed in the ROI in the subject tab of the ACTS case file.

3.39.3. Must verify the IO has completed the Investigating Officer Overview Course (see **paragraph 3.40.1**) and train the IO using the SAF/IGQ *IO Guide*, and AFI 90-301.

3.39.4. Must brief the IO on the Hand-off Policy.

3.39.5. Must schedule appointments with key support staff including legal and technical advisors as necessary.

3.39.6. Should provide the IO suitable workspace, computers, administrative support, and technical assistance.

3.39.7. Should review the proposed witness questions and associated rights advisement, if any.

3.39.8. May prepare a draft investigative plan (**Attachment 6**) identifying key milestones, standards, witnesses, evidence, and administrative requirements.

3.39.9. May prepare a preliminary proof analysis matrix facilitating evidence collection IAW the SAF/IGQ *IO Guide*.

3.39.10. Has no authority to grant express promises of confidentiality to subjects, suspects, complainants, or witnesses.

3.40. Responsibilities of IOs. The IO:

3.40.1. Must complete the Air Force Inspector General - Investigating Officer Overview Course, available at **https://golearn.csd.disa.mil/kc/login/login.asp** and provide the local IG a copy of the automated Certificate of Training prior to beginning investigative duties.

3.40.2. Must advise the appointing authority immediately of any personal relationships or other factors that may affect his/her impartiality.

3.40.3. Must advise the appointing authority if he/she is retiring, separating, expects reassignment, or expects deployment within 180 days.

3.40.4. For ANG: Must agree to be put on continuous orders for 30 days initially to conduct the investigation. Must continue on orders if the investigation is not complete within 30 days.

3.40.5. Must begin the investigation without any preconceived notions. Never take sides with any party--be impartial, unbiased, and objective.

3.40.6. Must investigate the complaint, not the complainant. Keep the investigation focused on the allegations in the complaint and not the person making them.

3.40.7. Must interview the complainant first in order to re-clarify the allegations and obtain specific details to help with the investigation.

3.40.8. Must protect information IAW **paragraph 3.3** and by:

3.40.8.1. Obtaining the appointing authority's written permission if they believe they must release the complainant's name to gain evidence or testimony.

3.40.8.2. Reporting the results of the case only to the appointing authority and IG.

3.40.8.3. Not commenting to any complainant, subject, or other witnesses regarding their opinions, findings, conclusions, or recommendations during or after completion of the investigation.

3.40.8.4. Not providing copies of testimony to complainants, subjects, or witnesses. If a subject/witness requests case file information, refer them to the appropriate FOIA office.

3.40.9. Has no authority to grant express promises of confidentiality to subjects, suspects, complainants, or witnesses.

3.40.10. Should not take leave except in emergencies or be involved with activities that would interfere with the timely completion of the case.

3.40.11. Should consult with the appointing authority and/or supporting IG, legal advisor, and read all applicable instructions and directives before beginning an investigation.

3.40.11.1. Must consult in advance with legal advisor about the need for rights advisement when applicable.

3.40.12. Should use the SAF/IGQ *IO Guide* for proper guidance on how to conduct an investigation.

3.40.13. May complete an investigative plan identifying key milestones, standards, witnesses, evidence, and administrative requirements and obtain IG approval.

3.40.14. May complete a proof analysis matrix facilitating evidence collection IAW the SAF/IGQ *IO Guide*.

3.40.15. Must verify the status of Air Force Reserve and Air National Guard personnel (witnesses, subjects, suspects, complainants) at the time of the occurrence and at the time of any scheduled interviews. Consult with legal advisor if questions arise as to the status of the individual.

3.41. Gathering Evidence. Evidence is information that tends to prove or disprove the existence of a fact. Evidence comes in many forms. It can be written or oral, direct or circumstantial, relevant or irrelevant, first-person or hearsay.

3.41.1. Documentary Evidence. During the course of investigations IOs normally collect copies of documents, records, and other physical evidence to aid them in their duties. Assuming it is authentic, documentary evidence gives the investigator a snapshot in time.

3.41.1.1. One way to further verify the authenticity of a document is to have it identified by its author, especially in the case of correspondence, personal notes, and computer records. This process is known as authentication and must be referenced in the final report if the document has been so verified.

3.41.2. Computer Records. Data contained on computer hard drives, local area networks, e-mail systems, disks, etc., are considered to be documentary in nature but pose special challenges in accessing. Obtaining access to this information should be coordinated through the servicing legal office.

3.41.3. Testimony. The other major form of evidence is presented by a witness in the form of testimony. Normally, the bulk of evidence during an investigation is collected in this format and will be discussed separately in this section.

3.41.4. Hearsay. A statement or testimony given by a witness who relates not what he/she knows personally, but what others have said and is therefore dependent on the credibility of someone other than the witness. Although IOs may consider evidence obtained as hearsay, whenever possible, an IO should always try to talk to the actual witness who made the statement, especially if they are reasonably available and the statement is important.

3.42. Interviewing Witnesses. The bulk of evidence collected during IG investigations will normally come from witness testimony. After properly framing the scope and purpose of the investigation, the next most important aspect is the preparation of intelligent, well-planned questions. Effective, cogent interviews can only be accomplished through thorough preparation.

3.42.1. A witness' status will determine how they will be interviewed. For example:

3.42.1.1. The complainant is a key witness who must be interviewed first to clarify allegations and focus the investigation.

3.42.1.2. The subject is equally important since he/she is the one against whom the allegations have been made. The subject(s) must be interviewed. This person should be interviewed last and given an opportunity to respond to the specific allegations against him/her. Additionally, they should be given a reasonable opportunity to respond to significant adverse information that may come about subsequent to the subject's initial interview. If the subject is no longer associated with the Air Force, every attempt must be made to contact them to give them an opportunity to give their side of the story. This process is also important to the complainant as a substantiated allegation may enable the complainant to correct their AF record and become whole again.

3.42.1.3. An expert witness is someone with special knowledge and expertise in a particular subject matter. They may be used as consultants for background information or as a regular witness during the investigation.

3.42.1.3.1. Because of their special expertise, their testimony is normally given more weight than the testimony of non-experts in their area of specialty.

3.42.1.3.2. IOs should not allow the testimony of an expert witness to control their final findings and recommendations. This remains the ultimate responsibility of the IO.

3.42.1.4. Character witnesses are people who can verify the reputation of a particular person for certain conduct or personality traits, i.e., honesty, violence, etc.

3.42.2. Regardless of their status, all witnesses in investigations must be sworn. This puts witnesses on notice that the investigation is a serious matter and they are expected to testify truthfully. The IO must:

3.42.2.1. For each witness who is neither a suspect nor a subject, tailor the witness interview format outlined in **Attachment 7** as appropriate. Use the individually-tailored witness interview format for each witness interview. For each subject, tailor the subject interview format outlined in **Attachment 8** as appropriate and use it for that subject's interview. For suspect interviews, use the suspect interview format in **Attachment 9** and guidance in **paragraph 3.45**.

3.42.2.2. Advise subjects/suspects they may submit additional relevant information for the IO's consideration within a reasonable time following their interview.

3.42.2.3. Electronically record (audio only) all witness testimony to accurately capture what was said during the interview. Advise all witnesses they are not authorized to record the interview in any manner. All electronic recordings must be given to the IG together with the completed ROI.

3.42.2.4. Transcribe verbatim (word-by-word) the complainant's, subject's, and key witnesses' testimony. At the discretion of the appointing authority, summarized testimony may be acceptable for all other nonessential witnesses.

3.42.2.5. Sign all testimony to certify its validity. Add the following statement to the end of the testimony: "I certify the above to be a true sworn (or affirmed) testimony given to me on (date) at (place)." It is encouraged (not mandatory) that witnesses also sign summarized testimony, whenever the witness is reasonably available to do so.

3.42.3. For witnesses outside the local area, an IO can either travel to meet and interview the witness, or interview the witness telephonically. If the witness is interviewed telephonically, the IO must make arrangements to verify the witness' identity. The appointed IO will (when possible) interview all subjects or suspects in person.

3.42.4. If a witness' status changes during the course of an investigation to that of a subject or suspect, the witness must be re-interviewed (following the format outlined in **Attachment 8** or **Attachment 9**, as applicable) and given an opportunity to respond to the suspected misconduct or allegations in light of their new status.

3.42.4.1. The appointing authority will determine whether additional issues will be investigated separately and, if necessary, expand the scope of the investigation. If the scope of investigation is expanded, an addendum to the appointment letter must be completed. The IO will take no further action until consulting with the appointing authority and the legal office.

3.42.4.2. Conduct the proper read-in/rights advisement for a subject/suspect prior to the interview/re-interview. Refer to **paragraph 3.45** for further rules regarding rights advisement. The read-in/rights advisement is mandatory. Consult with the servicing legal office prior to rights advisement.

3.42.5. Witnesses who are military members or federal civilian employees may refuse to testify only if they believe they might incriminate themselves (refer to **paragraph 3.45**). If self-incrimination is not a concern, witnesses may be ordered/directed by their commander to testify. Further refusal may be the basis for disciplinary action.

3.43. Persons Present During an Interview. A typical interview will involve the IO, any technical advisor (if necessary), and the witness. The introduction of any unauthorized party into the process reduces the ability to preserve a reasonable level of confidentiality.

3.43.1. Only a suspect has the right to have an attorney present during an interview; however, the attorney must not be allowed to answer any question for the interviewee.

3.43.2. When witnesses are considered subjects, they may consult with an attorney, but may not have an attorney present during the interview.

3.43.3. Union officials may have the right to be present during interviews per the provisions in **paragraph 3.44** of this instruction.

3.44. Civilian Employees Represented by Unions. Civilian employees (including non-appropriated fund employees) may have a right to union representation when interviewed as a suspect, subject, or witness. This right applies if the employee's position meets the local definition for inclusion in the collective bargaining unit. The employee's individual status as a union member has no bearing on the right to representation. Additionally, the union has an independent right to be present during formal discussions (sworn/recorded IG interviews are formal interviews) involving bargaining unit members and the union must be notified whenever formal interviews will take place. Before interviewing witnesses, subjects, or suspects represented by unions, consult with legal to determine what, if any, rights advisement is required IAW any applicable collective bargaining agreement.

3.44.1. The Civil Service Reform Act of 1978 created a right to union representation for federal civilian employees whose terms of employment are governed by a union contract.

This right arises during interviews with a federal employee in connection with investigations if: (a) the employee reasonably believes disciplinary action may be taken against him or her as a result of the interview, and (b) the employee requests union representation. This right does not apply to management personnel.

3.44.2. The Civil Service Reform Act does not require an IO to advise an employee of the right to union representation before an interview. The Act merely requires management to inform its employees annually of this right. IOs must notify the union whenever a member of the bargaining unit is going to be interviewed. A union representative has the right to be present at the interview regardless of the employee's wishes. The union determines who will represent the union during the interview, not the employee. IOs must exercise caution when interviewing federal civilian employees to ensure they are not violating the terms of labor contracts. IOs should contact the local Civilian Personnel Flight Labor Relations Specialist and legal office to clarify the specifications of the local bargaining agreement.

3.44.3. The exercise of the right to union representation may not interfere with the investigation. Determinations regarding union representation should be coordinated in advance with the legal office and the Civilian Personnel Office Labor Relations Specialist. The representative may advise the employee, ask questions to clarify issues, and suggest other employees who may have knowledge of the facts at issue. However, he or she may not do so in a manner that interferes with the interview and may not testify for the employee. The IO has authority to terminate the interview if he or she determines the union representative is impeding or attempting to impede the investigation. Consult with legal on how to proceed after terminating the interview.

3.45. Policy Regarding Rights Advisements. If during the course of an investigation the IO discovers information leading him or her to believe matters of a criminal nature have occurred and a witness or subject becomes a suspect, the IO must stop the interview, consult with the appointing authority and legal office, and (if allowed to proceed) advise the suspects of their rights. **Attachment 9** provides a template format for a suspect interview and rights advisement and must be read to the suspect verbatim. If after rights advisement, the suspect refuses to testify or requests an attorney, then the interview must stop. Consult with the legal office before attempting to re-interview the suspect.

3.45.1. For active duty military suspects (and retired or separated military members subject to recall), advise them of their rights as specified under Article 31, UCMJ.

3.45.2. In regards to Air Force Reserve and Air National Guard personnel, IOs need to verify the status of the suspect at the time of the occurrence and at the time of the scheduled interview. Consult with the legal office to determine what, if any, rights advisement is required.

3.45.3. Civilian witnesses, even if suspected of a criminal offense, need not be advised of their Fifth Amendment rights when interviewed as part of an IG investigation. Under the law, such rights are only required in conjunction with custodial interrogations (i.e., interrogations in which the interviewee is not free to leave at will) by law enforcement personnel. Interviews by an IG/IO under authority of this instruction do not meet that threshold requirement (i.e., IGs and IOs are not considered law enforcement personnel for Fifth Amendment purposes). The lack of a requirement to advise civilian witnesses of their

Fifth Amendment rights does not preclude them from invoking such rights if circumstances warrant.

3.46. Policy Regarding Subject/Suspect/Witness Hand-offs. Air Force policy regarding investigative interviews of active duty, Air Reserve Component members, and Department of Air Force civilian employees requires special handling of certain interviewees:

3.46.1. Air Force experience has found that subjects/suspects of an investigation may be at a greater risk of committing suicide. A primary concern is that being a subject/suspect of an investigation may result in stress and turmoil within an individual's life. The hand-off policy is intended to act as a safety net to those individuals who might be so emotionally distraught as to pose a danger to themselves or others.

3.46.1.1. These hand-offs require person-to-person contact between the IO and the subject's/suspect's commander or designee, civilian leading an organization designated as a unit IAW AFI 38-101 or designee, first sergeant, or supervisor. Hand-offs will require pre-coordination and advanced planning.

3.46.1.2. Following initial interviews with Air Force personnel who are the subject/suspect of an investigation, IOs must refer such individuals to their commander or designee, civilian leading an organization designated as a unit IAW AFI 38-101 or designee, first sergeant, or supervisor. The command representative must be physically present immediately following the interview and receive the subject/suspect.

3.46.1.3. Before providing the hand-off, the IO should advise the commander or designee that the individual is the subject or suspect of an IG investigation. The IO should also explain the reason for any concern he or she has about the individual's personal safety (e.g., individual was emotionally distraught, shocked, etc.).

3.46.1.3.1. However, the IO may not disclose the identity of the complainant or the substance of testimony or other evidence obtained during the investigation.

3.46.1.3.2. If time permits, the IO should coordinate with the IG before handing-off an individual or notifying the commander. However, an IO should not delay obtaining appropriate assistance for an individual whose emotional state demands immediate attention simply to obtain IG coordination.

3.46.1.4. The hand-off must be documented at the end of the testimony. IOs may use the documentation at the end of the readout or include the following annotation: "At the conclusion of the interview(s), the witness/subject(s)/suspect(s)was/were handed off by the IO to the commander (or commander's representative) IAW AFI 90-301, **paragraph 3.46**."

3.46.2. If any witness (or subject/suspect in subsequent interviews) appears to be emotional, distraught, or stunned during the process of any interview, they should not be allowed to depart alone, but should be released to their commander or designee, civilian leading an organization designated as a unit IAW AFI 38-101 or designee, first sergeant, or supervisor, who will help ensure the individual receives the necessary support to safely handle his or her personal crisis (referred to as handing-off).

3.46.2.1. In most instances, hand-offs will require pre-coordination and advanced planning.

3.46.2.2. A hand-off is only required for witnesses if the IO determines the witness has been sufficiently disturbed by the interview to warrant person-to-person contact.

3.46.2.3. The IO should also explain the reason for any concern he or she has about the individual's personal safety (e.g., individual was emotionally distraught, shocked, etc.).

3.46.2.3.1. However, the IO may not disclose the identity of the complainant or the substance of testimony or other evidence obtained during the investigation.

3.46.2.4. The hand-off must be documented at the end of the testimony. IOs may use the documentation at the end of the readout or include the following annotation: "At the conclusion of the interview(s), the witness/subject(s) was/were handed off by the IO to the commander (or commander's representative) IAW AFI 90-301, **paragraph 3.46**."

3.46.3. When subjects or witnesses invoke their Fifth Amendment or Article 31 rights during an interview, the commander or designee, civilian leading an organization designated as a unit IAW AFI 38-101 or designee, first sergeant, or supervisor will be informed of this fact and instructed to avoid any questioning, interrogation, or discussions in the subject's presence of a nature likely to elicit statements or admissions regarding the alleged offenses. Document this in the Report of Investigation.

3.46.4. If subjects are represented by an attorney for the matter under investigation, notify the attorney of the hand-off. Notify the servicing legal office of any suspect, subject, or witness represented by an attorney.

3.46.5. When dealing with civilian witnesses, the IO must make a reasonable effort to hand-off the individual directly to their unit representative, commander or designee, civilian leading an organization designated as a unit IAW AFI 38-101 or designee, or supervisor.

Section 3G—Step 6: Writing the Report (< 28 Days)

3.47. Key Terms. This section uses the following key terms: *case file, completion, evidence, fact, hotline completion report, legal review, legal sufficiency, not substantiated, preponderance of the evidence, report of investigation (ROI), standards, substantiated, and technical review*. Refer to **Attachment 1** for the definition of these key terms.

3.48. Standard of Proof.

3.48.1. The standard of proof applicable to IG investigations is proof by a preponderance of the evidence. This means that it is more likely than not the wrongdoing has occurred.

3.48.2. IOs must be careful not to apply this standard too mechanically. Quality counts as much as quantity and an IO may choose to believe one witness rather than five others if the one is sufficiently credible and the five are not. In addition, there is no way to measure the weight of a document against the testimony of a witness other than by evaluating credibility as discussed in **paragraph 3.49.2**.

3.49. Analyzing the Evidence. Keeping in mind the standard being sought (preponderance of the evidence), IOs will follow a four-step process when analyzing the evidence they collected.

3.49.1. <u>What are the allegations?</u> Review the allegations framed prior to starting the investigation. Do they still make sense? The report must include properly framed allegations.

3.49.2. What are the facts (what happened)? Facts are not conclusions, but rather information and data, from which the IO must draw logical conclusions. Facts are not always consistent and are often in dispute. The IO is responsible for determining what the facts were at a specific point in time. He or she evaluates the credibility of witness testimony considering factors such as demeanor, bias, motive to lie, knowledge, ability to observe, recency of observations, corroborating evidence, and prior inconsistent statements. The IO must analyze the available evidence and use the preponderance of the evidence standard to make the tough call and arrive at logical/concrete conclusions.

3.49.3. What standards apply? What laws, regulations, policies, or other controlling standards were allegedly violated? Applicable standards should have been identified at the beginning when framing the allegations. The report should include a complete discussion of the standards in effect at the time of the alleged violation.

3.49.4. Were the standards violated (was a rule, regulation, policy, or law broken)? To reach a conclusion, the IO must consider and discuss the credible evidence that supports or does not support whether the subject violated a particular standard. Utilizing the preponderance of the evidence standard, the IO concludes the allegation is or is not substantiated. IOs should consult their legal advisor when in doubt about whether a particular action violated Air Force standards. However, the final decision rests with the appointing authority during the final approval process.

3.50. Category of Findings. There are only two possible findings for each allegation:

3.50.1. **Substantiated:** A substantiated finding results when a preponderance of the evidence supports the complainant's allegation of a wrong or violation of law, regulation, procedure, or Air Force policy or standard. The facts indicate a violation of standards occurred.

3.50.2. **Not Substantiated:** A not substantiated finding results when a preponderance of the evidence supports the conclusion the alleged wrongdoing did not occur. The facts indicate no violation of standards occurred.

3.51. Policy Regarding Report Writing.

3.51.1. All IG investigations (and their findings) must be documented with objectivity, thoroughness, and in a timely manner. The ROI must maintain an impartial and balanced tone and exclude any biases for or against the complainant, subject, or witnesses. An ROI must be a stand-alone document—all the essential facts, documents, portions of regulations, interviews, etc., must be included in the report so a reviewer can arrive at a determination without reference to information outside the report.

3.51.1.1. The IO must sign the report.

3.51.1.2. The appointing authority approves the report in writing.

3.51.1.3. Address each of the framed allegations in the report. If the appointing authority determines an allegation should not be examined in the investigation, the IO must document the appointing authority's decision.

3.51.2. Recommendations are optional at the discretion of the appointing authority. If an IO is tasked to make recommendations, the recommendations are not binding.

3.51.2.1. If requested, recommendations will be provided under separate cover and not as part of the ROI. Refer to **Attachment 10** to determine where to place the document in the case file.

3.51.2.2. If the appointing authority requests recommendations, they should be tied to the findings and stated as succinctly and objectively as possible. IOs will not recommend specific command or administrative actions.

3.51.3. IGs will refer IOs to this instruction and the SAF/IGQ IO Guide for specific information and techniques on report writing.

3.51.4. All IG investigative case files must comply with the standardized IG case file format described in **paragraph 3.52** and **3.53**, and **Attachment 10**.

3.52. Case File Format. A case file is a standardized compilation of documents relevant to an IG complaint. The case file consists of three sections. Section I, the Administrative File, is always used and contains documents such as the Complainant Notification Letter, Progress Reports, and recommendations if requested. The documents in Section I are solely used to supervise and manage the complaint resolution. Section II, Report of Investigation, is the formal investigative report prepared by the investigating officer. For example, this section contains the findings, analysis, and conclusion. Section II is only used when the complaint resolution strategy results in an investigation. Section II contains the bulk of the IOs work and is normally releasable under FOIA. Section III, Support Documents, contains all the supporting evidence associated with the Report of Investigation and additional Quality Control Checklists. The witness testimony, chronology of events, and the appointment letter are maintained in Section III. All case file documents will be attached to the applicable ACTS electronic case file.

3.52.1. **Attachment 10** shows the case file format which matches the ACTS "Attachments" tab.

3.52.2. Paper copies of the investigative case file must be organized according to **Attachment 10** using the tabs applicable in each situation. Prepare a Table of Contents showing the contents of the case file. Unused tabs should be documented in the table of contents with the statement "This tab not used." There is no need to include the unused tabs in the actual case file.

3.52.3. As a minimum, case files for cases resulting in investigation must contain the following documentation (indexed and inserted in Sections I, II, and III at the prescribed tab): the complaint; tasking memos (if any); ROI; legal review (if obtained); the testimony (transcribed or summarized, if taken); copy of response to complainant; copy of notification to the subject's commander; copy of commander's action (if applicable); and administrative documents including memos, progress reports, and complaint acknowledgment or interim memos to the complainant.

3.52.4. For cases requiring DoD approval, a paper case file is required. Forward the entire paper case file to SAF/IGQ after appointing authority approval via the appropriate MAJCOM, NAF, FOA, and/or DRU as AF/JAA and DoD IG require SAF/IGQ to provide them with printed reports, properly tabbed and formatted. Since ACTS is the System of Record for storing IG records, IG offices should not maintain paper copies of records.

3.53. Report of Investigation (ROI) Format.

3.53.1. The completed Report of Investigation is Section II of the case file. Section III of the finalized IG case file contains the documents supporting the results of the investigation in Section II. **Attachments 11** and **12** show the proper ROI format.

3.53.2. For specific guidance on how to write an ROI, IOs must use this instruction and the *SAF/IGQ IO Guide.*

3.54. Other Forms/Checklists.

3.54.1. Reprisal Investigation Evaluation Form. Reprisal cases may have a Reprisal Investigation Evaluation Form completed when the case is finalized. For specific guidance on how to complete this form, see **Attachment 23**.

3.54.2. Mental Health Referral Evaluation Form. For cases involving IMHE referrals, the IO may complete an MHE Referral Evaluation Form. For specific guidance on how to complete this form, see **Attachment 24**.

3.55. Requirement for Progress Reports (PR). PRs to the appointing authority and to higher-level IGs are required for all cases when they are not finalized by the suspense date. The first PR is due on or before the suspense date and on the first of every month thereafter until the investigation is completed, or final reports are forwarded to SAF/IGQ. Higher-level IGs may request additional PRs as necessary. Document the status of the case, changes since last PR and the estimated completion date in a case note in ACTS.

3.56. Requirement for Interim Responses (IR). IRs to complainants are required 60 days after receipt of the complaint, and every 60 days thereafter until the final response is provided. IGs should update the complainant on the status, not the substance, of the investigation. Attach IRs in ACTS and document on the suspense tab. The IG office with current control of the IG case makes IR to complainants. IRs are required until the case is forwarded to IG DoD.

Phase 3: Quality Review Phase

Section 3H—Step 7: IG Quality Review (< 7 Days)

3.57. Requirement for IG Quality Reviews. All investigations will receive a quality review (QR) by the IG staff to ensure completeness, compliance with this instruction and other appropriate directives, and objectivity.

3.57.1. If the IG QR detects deficiencies with the investigation or report, the IG should return the case to the IO to be reworked.

3.57.2. If a case needs to be returned to the IO to be reworked due to deficiencies, the IG must explain the specific problems and rationale to the IO.

3.57.3. If an IG disagrees with the IOs findings and conclusions, document the disagreement and proceed with the next step in the Complaint Resolution Process.

Section 3I—Step 8: Technical Review (< 5 Days)

3.58. When is a Technical Review Necessary?

3.58.1. Sometimes an IO will be asked to evaluate information or interpret guidance in a technical field beyond his/her normal range of expertise. When this happens, the appointing authority should ask for a technical (expert) review of the applicable evidence, findings, and conclusions before the report is sent for a legal sufficiency review.

3.58.1.1. The key question will be how important the technical information is to the overall conclusions in the report.

3.58.1.2. A good faith effort will be made to retain complainant confidentiality. The Technical Advisor should only review the portion of the investigation required to provide the technical assistance and should be advised of the need to maintain confidentiality.

3.58.2. A technical review must explain, in detail, whether the report is technically sufficient. If the report is found to be technically inaccurate or deficient, it will be returned to the IO to be reworked. In this case, the technical review must explain, in detail, the reasons why the report was deficient and the minimum requirements for sufficiency.

Section 3J—Step 9: Legal Review (< 14 Days)

3.59. Requirement for Legal Reviews.

3.59.1. IGs will have all Reports of Investigations reviewed by a JA for legal sufficiency. The JA will provide written reviews before the appointing authority approves the report and its findings. IGs should ensure the local legal office staff is familiar with the SAF/IGQ JAG Guide to IG Investigations.

3.59.2. A different JA should perform the legal review than the individual assigned to advise the IO.

3.59.3. A thorough legal review is critical to the IG investigative process and IG-JA-CC relationships. The written review must reflect a thorough review of the case, to include references to evidence where applicable, and ample analysis to support (or refute) the IO's conclusions and findings. It follows that an independent legal review of all testimony and evidence is essential to complete this goal. Moreover, a thorough legal review is a stand-alone document, which means if the legal review becomes separated from the ROI, the reader would nevertheless be able to understand the who, what, where, how, and why of the investigation and legal analysis.

3.59.4. At a minimum, a legal review must examine whether: (1) Each allegation has been addressed; (2) Allegations allege a violation of law, regulation, procedure, or policy; (3) The IO reasonably applied the preponderance of the evidence standard in arriving at findings; (4) Conclusions are supported by, and consistent with, the findings; (5) The investigation complies with all applicable legal and administrative requirements; (6) Any errors or irregularities exist, and if so, their legal effects, if any.

3.59.4.1. If the legal review states the case is not legally sufficient, it must include a detailed explanation of what the report is missing or lacking that makes it legally insufficient. The IG will return the case to the IO to be reworked IAW **Section 3K**. The IO must make the report legally sufficient.

3.59.4.2. In cases in which the JA review simply disagrees with the IO's ultimate findings and conclusions, the rationale for that disagreement will be provided to the IO

for consideration. If the IO, after considering the review, disagrees with the JA opinion, the IO will not be directed to change the disputed findings or conclusions. Instead, the ROI and legal review will be provided to the appointing authority for a final determination. In situations where the disputed findings pertain to an investigation of reprisal, restriction, or IMHE referral, the appointing authority will provide his determination but, IG DoD will be the final determination authority.

3.59.5. If the appointing authority disagrees with the IO's findings and/or conclusions, the appointing authority must issue alternative findings and conclusions and document them in an addendum. In such case, the appointing authority's determination must include the rationale for his or her decision. Merely deferring to or referencing the legal review is insufficient. Rather, the appointing authority's determination must separately set out the basis for the determination through an analysis and issue new findings and/or conclusions.

3.59.6. MAJCOMs, FOAs, DRUs, and SAF/IGQ may adopt a lower-level legal review. All investigations require a minimum of one legal review. Additional reviews are optional but required if higher level quality review indicates the need for an additional legal review or if an addendum is accomplished that alters the findings or significantly changes the analysis in the ROI. HHQ IGs may consult with HHQ JA on sufficiency of lower level legal review as part of their QR.

Table 3.16. Actions to Take Based on Legal Sufficiency Review.

RULE	**A**	**B**
	If an investigation is found to be…	**Then…**
1	Legally sufficient	Appointing authority approves and sends final response to complainant, unless higher-level QR and approval is required. If the appointing authority disagrees with the IO, see **paragraph 3.62.2**
2	Not legally sufficient	Report is returned to the IO to be reworked. The IO must make the report legally sufficient.
3	Administratively sufficient	Appointing authority approves and sends final response to complainant, unless higher-level QR and approval is required. If the appointing authority disagrees with the IO, see **paragraph 3.62.2**
4	Not administratively sufficient	Report is returned to the IO to be reworked if required.

Section 3K—Step 10: Reworking the Report (< 7 Days)

3.60. When Are Reports Returned for Rework? If a report is found to be insufficient, then the report will be returned to the IO for rework.

3.60.1. The reason for the rework and the dates must be logged into ACTS.

3.60.2. IG quality reviews, technical reviews, and/or legal reviews must provide reasons why the report was not sufficient and detail the minimum requirements for sufficiency.

Section 3L—Step 11: Closing the Case (< 5 Days)

3.61. Key Terms. This section uses the following key terms: *appointing authority, case file, closure, colonel (or civilian equivalent), completion, follow-up, lieutenant colonel (or below), report of investigation, reprisal, restriction, senior official, third-party complainant,* and *third-party complaint*. Refer to **Attachment 1** for the definition of these key terms.

3.62. Appointing Authority Approval. Approval of an IG investigation rests with the appointing authority, except for investigations of reprisal, restriction, or IMHE referral.

3.62.1. The appointing authority will sign and approve the Report of Investigation (ROI) in writing.

3.62.2. In cases where the appointing authority disagrees with the IO's findings and conclusions, the appointing authority will non-concur with the ROI in writing in an addendum to the ROI. Merely deferring to or referencing the legal review (if applicable) or findings and conclusion is insufficient. The appointing authority must clearly explain the reasons for the disagreement and the supporting rationale in the addendum. The IO's findings, legal review, and the appointing authority's addendum will be retained as part of the investigation case file and forwarded to the next higher-level IG for review via ACTS.

3.62.3. Upon appointing authority approval of the ROI, the IG will place the case in completed status in ACTS.

3.63. Closure Requirements. Upon the appointing authority's approval of an investigation, all notification procedures IAW the applicable notification matrix must be completed, unless otherwise directed by a higher-level IG. Use **Table 3.17** for investigations on lieutenant colonels (or below), **Table 4.2** for senior officials, and **Table 5.1** for colonels (or civilian equivalent). Refer to specific chapters for additional closure requirements on: investigations against senior officials or colonels (or civilian equivalent); investigations regarding allegations of reprisal, restriction, or IMHE referral; congressional taskings; MEO complaints; and DoD Hotline complaints.

3.63.1. Mandatory actions required to close a case are:

3.63.1.1. ROI approved by appointing authority.

3.63.1.2. Subject's commander notified of results.

3.63.1.3. Complainant notified of results.

3.63.1.4. Command action if appropriate.

3.63.2. **EXCEPTIONS:**

3.63.2.1. For closure requirements on reprisal cases, refer to **paragraph 6.10**.

3.63.2.2. For closure requirements on restriction investigations, refer to **paragraph 7.10**.

3.63.2.3. For closure requirements on IMHE investigations, refer to **paragraph 8.9**.

3.63.2.4. For additional closure requirements for investigations conducted as a result of a congressional complaint, refer to **paragraph 9.6**.

3.63.2.5. For additional closure requirements for investigations conducted as a result of an MEO complaint, refer to **paragraph 10.5**.

3.63.2.6. For additional closure requirements for investigations conducted as a result of a DoD Hotline complaint, refer to **paragraph 12.6**.

3.63.3. IGs at every level are required to update all completed actions in ACTS (refer to the *ACTS User's Manual*) and are required to maintain an electronic case file in ACTS until its final disposition date. Leave case in completed status in ACTS until all required quality, legal, and higher-level reviews as well as required notifications and any command actions are complete, at which time the case will be closed in ACTS.

3.63.4. Cases pending command/corrective action will be placed in follow-up on the suspense tab in ACTS until a copy of the action taken is received.

3.63.5. Investigations involving allegations of reprisal, restriction, IMHE referral, or allegations against a colonel (or civilian equivalent), must be forwarded through the applicable MAJCOM, JFHQ, FOA, or DRU IG to SAF/IGQ for quality review. Transfer the case in ACTS to the next appropriate level for review.

3.64. Notification Requirements for Case Closures.

3.64.1. **Table 3.17** describes the notification requirements upon completion of IG investigations when the subject is a lieutenant colonel (or below).

3.64.2. The appointing authority must notify the subject's commander of the results of the investigation in writing. The commander must, in turn, notify the subject of the results of the investigation in writing. The notification letters must include a description of the specific allegations and related findings. The letters must not contain the names of the complainants, witnesses, or other subjects of the investigation. Refer to **Attachment 14** for a sample results notification to the subject's commander with an endorsement for the commander's notification to the subject.

3.64.3. The authority responsible for making release determinations will automatically provide the subject's commander with a copy of the relevant portions of an approved and substantiated report of investigation (without attachments) for determining appropriate command action. Recipients must comply with **paragraph 14.7** of this instruction and all other applicable guidance in **Chapter 14**.

3.64.3.1. In the case where there is an addendum that becomes part of the ROI, the originating appointing authority of the addendum is the authority responsible for making release determinations.

3.65. Responding to Complainants. Final response to the complainant is generally the final step before case closure.

3.65.1. Responses to complainants must be timely, thorough, and supported by the evidence.

3.65.2. Responses to complainants should address all allegations as framed during the complaint analysis. The response does not necessarily have to address each individual question or allegation originally made by the complainant.

3.65.3. Complainants will receive a response from the level that conducted the investigation, unless otherwise directed by higher-level IG. ***EXCEPTIONS:***

3.65.3.1. For reprisal, restriction, and IMHE referral cases, SAF/IGQ will provide a copy of IG DoD final approval of the investigation to the applicable MAJCOM, JFHQ, FOA,

or DRU. It is the responsibility of the MAJCOM, JFHQ, FOA, or DRU to provide the final response to the complainant. See **paragraph 6.10.2**, **7.10.2**, and **8.9** respectively for further information.

3.65.3.2. MAJCOM, JFHQ, FOA, or DRU will provide final response to complainants for investigations conducted as a result of congressional complaints. Refer to **Chapter 9**.

3.65.4. Complainants will receive a final response, in a publicly-releasable format, in writing, with the findings of the investigation. When responding to third-party complainants, refer to **paragraph 3.65.7**.

3.65.5. Response to the complainant must inform the complainant they may request the next higher-level IG review if they are not satisfied with the complaint resolution and desire such a review, or the complainant may appeal to Air Force Board for Correction of Military Records (AFBCMR). Include complainant IG appeal rights in the final response memorandum to the complainant.

3.65.5.1. It is the complainant's responsibility to request this review in writing to the next level IG within 90 days of receiving the response and to provide specific reasons why they believe the original complaint resolution was not valid or adequate.

3.65.5.2. It is the complainant's responsibility to provide additional information that justifies a higher-level review on previously considered issues.

3.65.5.3. Simply disagreeing with the findings or with the command action taken in response to the findings is not sufficient reason to justify a higher-level review or additional investigation.

3.65.6. Ensure responses to complainants are consistent with FOIA and PA release guidelines in **Chapter 14**.

3.65.7. Third-party complainants are only entitled to an acknowledgement that their complaint was received. They will not receive information regarding the resolution unless the affected party authorizes the release of information to that third-party via a Privacy Act release.

Table 3.17. Notification Matrix for Closure of IG Investigations on Lieutenant Colonels (or Below).

RULE	A If an investigation is conducted and the allegations are…	B Then…
1	Substantiated	1. Appointing authority notifies subject's commander in writing (see **paragraph 3.64.2**). 2. Commander notifies subject, in writing (see **paragraph 3.64.2**), and takes disciplinary/corrective action. 3. Provide final response to complainant (see **paragraph 3.65**). 4. Commander notifies appointing authority of command or corrective action. 5. Provide SAF/IGQ with final command action.
2	Not Substantiated	1. Appointing authority notifies subject's commander in writing (see **paragraph 3.64.2**). 2. Commander notifies subject in writing (see **paragraph 3.64.2**). 3. Provide final response to complainant (see **paragraph 3.65**).

Section 3M—Step 12: Command Action

3.66. Key Terms. This section uses these following key terms: *accountability, command action, and corrective action*. Refer to **Attachment 1** for the definition of these key terms.

3.67. Policy. Command action is the responsibility of the commander who is responsible for, and maintains accountability of, the process, operation, organization, or individual.

3.67.1. **Taking Command Action In Reprisal, Restriction, and/or MHE Cases.** Commanders taking command action must do so within 45 days of notification of IG DoD's approval of the investigation's finding.

3.67.2. **Notification of Command Action In Reprisal, Restriction and/or MHE Cases**. Commanders will immediately notify their IG, in writing, of command action taken (or provide written documentation that no command action was taken). The IG must enter the command action in ACTS and notify SAF/IGQ that the command action is available for forwarding to IG, DoD.

Section 3N—Step 13: Higher Headquarters Review (< 21 Days)

3.68. Requirement for Higher Headquarters Quality Review (QR).

3.68.1. The following cases will be sent to higher headquarters for QR:

3.68.1.1. Allegations of reprisal, restriction, and IMHE referral.

3.68.1.2. Cases involving subjects who are colonels (or civilian equivalents).

3.68.1.3. Cases where the appointing authority wrote an addendum (see **paragraph 3.62.2**).

3.68.2. MAJCOMs, JFHQs, FOAs, and DRU IGs will conduct oversight and QRs for investigations completed at a lower-level before being forwarded to SAF/IGQ for QR, to ensure that:

3.68.2.1. All valid allegations were addressed.

3.68.2.2. The investigation was conducted with thoroughness, objectivity, and in a timely manner.

3.68.2.3. The findings and conclusions are supported by a preponderance of the evidence.

3.68.2.4. Legal reviews were conducted as required by this instruction.

3.68.2.5. Command action (when required) is/was taken and is documented.

3.68.3. When deficiencies are identified, reopen the investigation if necessary to correct any shortcomings. Whenever possible, have the original IO complete the additional work needed and revise the report. When circumstances warrant, the MAJCOM or JFHQ may complete the additional work needed, conduct an additional legal review, and revise the report with an addendum.

3.68.4. MAJCOM, JFHQ, FOA, and DRU IGs will conduct a QR and request an additional legal review for all military reprisal, restriction, and IMHE referral investigations and all IG investigations containing allegations against a colonel (or civilian equivalent) conducted by a lower-level IG office before forwarding them to SAF/IGQ. For ANG: JFHQs will coordinate with SAF/IGQ regarding completion of one legal review within the state.

3.68.5. MAJCOM, JFHQ, FOA, and DRU IGs will conduct a QR for investigations conducted as a result of congressional complaints, unless otherwise directed by higher-level IG.

3.68.6. MAJCOM, JFHQ, FOA, and DRU IGs will provide feedback to lower-level IGs upon completion of the QR. Refer to **paragraph 3.70** if disagreeing with lower-level findings.

3.69. Disagreement with Findings. In cases where a higher headquarters QR presents disagreement with the findings, a legal review, or the appointing authority's determination, the higher-level IG will reach a determination. The higher-level IG will review the issues and initially consult a JA before closing the case or forwarding the report to SAF/IGQ, if required. Under no circumstances forward a disputed case to SAF/IGQ for resolution. The higher-level IG will:

3.69.1. Obtain an additional legal review before determining the final finding (substantiated or not substantiated) for each allegation contained in the complaint.

3.69.2. Document any discrepancies/new findings in writing with an addendum to the ROI, fully explaining the rationale for the new findings, and address any disagreements between IOs, legal officials, or reviewers.

3.69.3. Provide a new response to complainant when the findings differ from previous conclusions or responses.

3.69.4. Notify the subject's commander of the change in findings and provide a copy of the addendum if applicable.

3.69.5. Notify lower-level IG of the disagreement and change in findings and provide them a copy of the applicable addendum. Document this action in an ACTS case note.

3.69.6. When warranted, higher headquarters may reopen the case at their level to address the issues in dispute or unresolved issues.

3.69.7. If new allegations must be included, the subject must be notified of the new allegations and given an opportunity via a formal, recorded interview to address the new allegation.

Section 3O—Step 14: SAF/IGQ Review (< 28 Days)

3.70. Key Terms. This section uses the following key terms: *quality review* and *systemic*. Refer to **Attachment 1** for the definition of these key terms.

3.71. Requirement for SAF/IGQ Review. SAF/IGQ will:

3.71.1. Conduct a QR for all military reprisal, restriction, and IMHE referral cases before forwarding them to IG DoD.

3.71.2. Conduct a QR on other cases when so specified in the SAF/IGQ tasking letter to MAJCOM, JFHQ, FOA, and DRU IGs.

3.71.3. Act as the MAJCOM for ANG cases.

3.71.4. Notify MAJCOM, JFHQ, FOA, or DRU IGs of discrepancies or deficiencies noted in reports.

3.71.5. Return (when required) all case documents and re-task cases for any supplemental information or additional investigation required to be incorporated into the original report.

3.71.6. Examine cases for systemic problems or trends and notify SAF/IG. Notify commanders, civilians leading an organization designated as a unit IAW AFI 38-101, or appropriate agencies as needed to ensure resolution or future preventive action.

3.71.7. In cases where SAF/IGQ is the reviewing authority on an IG report (but is not the appointing authority), and there is disagreement with the appointing authority's determination, IOs findings or conclusion, legal review, or lower-level IG review, SAF/IGQ will:

3.71.7.1. Obtain an additional legal review before determining the final finding (substantiated or not substantiated) for each allegation contained in the complaint.

3.71.7.2. Non-concur with the report or legal review determinations in writing in an addendum to the ROI. Clearly adopt an official position on the disputed item(s) and explain the rationale for the new findings in the Addendum.

3.71.7.3. Notify the lower-level IG office or commander of the different findings and conclusions and provide them with a copy of the addendum. The lower-level IG must

again follow the proper Notification Matrix to inform recipients of the new findings. Document this action in an ACTS case note.

Chapter 4

SENIOR OFFICIAL COMPLAINTS

4.1. Key Terms. This section uses the following key terms: *adverse information, misconduct, senior officer unfavorable information file (SOUIF), and senior official*. Refer to **Attachment 1** for the definition of these key terms.

4.2. Requirements for Investigating Allegations Against Senior Officials.

4.2.1. SAF/IGS manages the Senior Official Complaints Program. Only SAF/IGS (unless otherwise specified by SAF/IG) will conduct IG investigations into non-criminal allegations against senior officials.

4.2.1.1. Complaints alleging violations of Military Equal Opportunity (MEO) policy by a senior official are handled by SAF/IGS.

4.2.1.2. If an investigation is not completed when the subject is selected for promotion to brigadier general, SAF/IGS will assume responsibility for the investigation.

4.2.1.3. SAF/IGS will comply with all policies and procedures outlined in this instruction, SAF/IG guidance, current management, and any personnel policies affecting senior officials. IAW AFI 36-2706, SAF/IGS does not investigate civilian EO/Sexual Harassment allegations against senior officials, those matters will be worked within the appropriate EO channels.

4.2.2. Commanders and civilians leading an organization designated as a unit IAW AFI 38-101, at all levels, including joint commands, will notify SAF/IGS of any allegations or potentially adverse information involving senior officials and provide an information copy to the servicing installation IG office who provides a copy to their MAJCOM IG. IGs will notify SAF/IGS of any allegations or potentially adverse information using the procedures in **Table 4.1**. Use the notification letter format described in **Attachment 15**.

4.2.2.1. IGs who receive complaints against an Air Force senior official will only inform their commanders about the general nature of the issues and the identity of the subject.

4.2.2.2. To protect the complainant's confidentiality, do not reveal either the source or specific nature of the allegations.

4.2.3. SAF/IGS must notify SAF/IG when it becomes aware of allegations of misconduct or potentially adverse information against senior officials.

4.2.4. SAF/IGS will conduct a complaint analysis on all complaints involving Air Force senior officials. The complaint analysis will be used to analyze the validity of the complaint and to recommend a course of action to SAF/IG.

4.2.4.1. Due to the limited number of investigating officers and unconstrained nature of complaints, the CRP processing timelines in **Table 3.1** may be extended.

4.2.5. SAF/IGS will conduct a complaint analysis for complaints containing allegations with multiple subjects that include a senior official.

4.2.6. SAF/IG will review and approve the complaint analysis.

4.2.7. Throughout the complaint process, from the initial receipt of the complaint to the closing of the case, the appropriate notifications will be made as set forth in **Table 4.2**. The intent is to keep appropriate commanders, agencies, complainants, and subjects informed throughout the process.

4.3. Notification Requirements. Follow the Complaint Processing and Notification Matrix in **Tables 4.1** and **4.2** for cases involving senior officials.

Table 4.1. Senior Official Complaint Processing.

RULE	A **If the complainant makes assertions…**	B **Then…**
1	Against a senior official	Report and transfer the entire case through the MAJCOM, NAF, JFHQ, FOA, or DRU IG to SAF/IGS by using the notification letter format described in **Attachment 15**. The contact will be logged in ACTS and transferred to IGS. However, SAF/IGS does not investigate civilian EO/Sexual Harassment allegations against senior officials, those matters will be worked within the appropriate EO channels.

Table 4.2. Senior Official Notification Matrix.

RULE	A **If…**	B **And…**	C **Then…**
1	**In Complaint Analysis Phase**	Complaint has arrived, but complaint analysis is not completed	1. SAF/IGS notifies SAF/IG of allegations 2. SAF/IGS notifies AF/DPG 3. SAF/IGS notifies IG DoD of allegations within five (5) duty days
2		Complaint analysis has been completed and SAF/IG determines an investigation is not warranted	1. SAF/IGS notifies complainant and closes case 2. SAF/IGS notifies AF/DPG, DPS 3. SAF/IGS notifies IG DoD and provides copy of complaint analysis (Note: SAF/IGS notifies AF/A1Q on Equal Opportunity closure)

RULE	A If…	B And…	C Then…
3		Complaint analysis has been completed and SAF/IG determines an investigation is warranted	1. SAF/IG notifies AF/DPG,AF/DPS, AF/JA, CSAF, SAF/GC, SAF/OS, Under Secretary of the Air Force (SAF/US), SAF/GCA and IG DoD 2. SAF/IG notifies MAJCOM/CC (or equivalent) and The Adjutant General where applicable 3. SAF/IG notifies subject 4. SAF/IGS provides notification letters to the complainant and subject 5. SAF/IGS notifies AF/A1Q on EO matters
4	**In Investigation Phase**	Investigation is ongoing	SAF/IGS provides status report to complainant and subject throughout the course of the investigation
5	**In Quality Review Phase**	Allegations were not substantiated	1. SAF/IG notifies AF/DPG, AF/DPS, AF/JA, CSAF, SAF/GC, SAF/OS, SAF/US, SAF/GCA as applicable, and IG DoD (and provides a copy of the investigation to IG DoD) 2. SAF/IG notifies MAJCOM/CC (or civilian equivalent) where applicable 3. SAF/IG notifies subject 4. SAF/IGS notifies complainant 5. SAF/IGS notifies AF/A1Q on EO matters
6		Allegations were substantiated	1. SAF/IG notifies AF/DPG, AF/DPS, AF/JA, CSAF, SAF/GC, SAF/OS, SAF/US, SAF/GCA as applicable, and IG DoD (and provides a copy of the investigation and action taken to IG DoD) 2. SAF/IG (with coordination of AF/JA and/or SAF/GC) notifies AF/CV 3. AF/CV notifies MAJCOM/CC (or civilian equivalent) of results (for commander's action) 4. Commander notifies subject 5. Commander notifies SAF/IG of action taken (through MAJCOM/CC) 6. SAF/IGS notifies complainant of investigation results 5. SAF/IGS notifies AF/A1Q on EO matters

4.4. Investigating Allegations Against Senior Officials. If SAF/IG decides an investigation is warranted, SAF/IGS will:

4.4.1. Designate an IO to conduct the investigation.

4.4.2. Ensure all allegations are addressed and expeditiously investigated.

4.4.2.1. The global nature of senior official investigations, evidence collection and witness/subject scheduling may extend the CRP process timelines of **Table 3.1**.

4.4.3. Ensure the findings and conclusions are supported by a preponderance of the evidence.

4.4.4. Ensure AF/JAA reviews the final report for legal sufficiency.

4.5. Closing a Senior Official Investigation.

4.5.1. Notifications will be made as set forth in **Table 4.2**.

4.5.2. AF/CV (through SAF/IG) will forward a copy of substantiated reports to the MAJCOM/CC or equivalent (e.g., FOA, DRU, and NGB Director) for review and consideration of possible command action.

4.5.3. MAJCOM/CC or equivalent will forward command action and any other actions taken related to the reports, to SAF/IG for closure. SAF/IGS will ensure command action (if taken) has been documented in the case file.

4.5.4. SAF/IGS will provide IG DoD a copy of the final report, including testimony and attachments, along with a statement of any command action taken against the senior official. SAF/IGS will provide the complete report within five (5) duty days after the final report is approved by SAF/IG.

4.5.5. SAF/IGS notifies AF/DPS and SAF/GCA on all matters substantiated against AF civilian senior leaders and officials. These offices are tasked with taking the matters to the Executive Resources Board (ERB) for action. SAF/IGS will provide a copy of the final ROI to SAF/GCA and the exhibits thereto when requested.

4.6. SOUIFs on Brigadier Generals.

4.6.1. A SOUIF is a written summary of adverse information about an officer, documentation of the command action, plus any comments from the subject officer regarding the written summary and documentation. A SOUIF is created for use during the general officer promotion/federal recognition process and exists solely for that purpose.

4.6.1.1. SOUIFs on brigadier generals are based on adverse information not previously considered by the Senate pursuant to the officer's appointment to that grade.

4.6.2. SAF/IGS acts as a central repository for all adverse information on senior officials and prepares the draft adverse information summaries (AIS) and documentation of command action for review by the SOUIF decision authority (SAF/GC).

4.6.3. SAF/GC, acting for the SECAF, determines the content of the SOUIF and whether the SOUIF will be provided to a selection board.

4.6.3.1. The subject officer will be given a copy of the draft AIS and documentation of the command action prepared for the selection board and will be afforded an opportunity to submit written comments to the selection board IAW 10 USC 615 (a)(6)(A).

4.6.3.1.1. Attachments to officer's comments are discouraged. If provided, they must be limited to matters directly raised in the AIS and/or command action and not otherwise included in the Officer's Selection Record (OSR).

4.6.3.2. The draft AIS, documentation and the officer's comments (if any) will be reviewed by AF/JAA and SAF/GCM before being forwarded to SAF/GC for final decision. (The officer will be advised if a substantial change to the AIS is necessitated by the comments.)

4.6.3.3. If SAF/GC determines the AIS and documentation will be provided to the board, the subject officer's comments will accompany the AIS and documentation to form the approved SOUIF.

4.6.3.4. AF/DPG provides a copy of the approved SOUIF to the subject's senior rater on or before the Promotion Recommendation Form (PRF) accountability date if possible.

4.6.3.5. If an eligible officer is selected for promotion/federal recognition, the information contained in the SOUIF may also be considered during the nomination and confirmation process.

4.6.3.6. Information provided to a selection board may not be provided to subsequent boards unless SAF/GC has made a new determination that the information will be forwarded to the board, and the individual is afforded another opportunity to comment. A decision not to provide a SOUIF to a selection board does not preclude a decision to provide it to a subsequent board.

4.6.3.7. The subject officer will be notified of SAF/GC's final decision. If the SOUIF is established, the officer will be given a copy of the SOUIF provided to the selection board.

4.6.4. Adverse information documented in the Officer's Selection Record, e.g., UCMJ action, administrative reprimand, admonishment or counseling, will not be included in a SOUIF.

4.6.5. Adverse information not considered by a selection board will be presented to a promotion review board (PRB) before SECAF decides whether to support the officer for appointment to the next higher grade. (All SOUIF policies noted above apply to PRB SOUIFs.) A PRB SOUIF may also include a copy of the report of investigation.

Chapter 5

COLONEL AND CIVILIAN EQUIVALENT COMPLAINTS

5.1. Governing Directives. CJCSI 5901.01A, *Conduct of Inspections, Investigations, and Intelligence Oversight*; DoDI 5106.05, *Combatant Command Inspectors General-Implementing Procedures*; AFI 38-101, *Air Force Organization*; CDI Guide, *Commander-Directed Investigations Guide*; and 10 USC 615, *Information Furnished to Promotion Boards*, provide guidance on colonel and civilian equivalent complaints.

5.2. Key Terms. This section uses the following key terms: *administrative actions, adverse information, appointing authority, closure, colonel (or civilian equivalent), complaint analysis, frivolous allegation, immediate staff, improper conduct, inappropriate conduct, intelligence oversight, misconduct* and *self-investigation, SOUIF*. Refer to **Attachment 1** for the definition of these key terms.

5.3. Reporting Allegations Against Colonels (or civilian equivalent).

5.3.1. Commanders and civilians leading an organization designated as a unit IAW AFI 38-101:

5.3.1.1. Must immediately report all allegations of wrongdoing (which are not obviously frivolous) and any adverse information against colonels (or civilian equivalent). Report allegations through their local IG office to SAF/IGQ through their MAJCOM, NAF, JFHQ, FOA, or DRU IG using the format in **Attachment 16**.

5.3.1.2. Following the investigation or inquiry, provide final resolution of the allegations against colonels (or civilian equivalents) to SAF/IGQ. Refer to **Table 5.3** for a list of required documents for non-IG investigations and inquiries. Provide an informational copy to the IG at the level of notification (for forwarding up to MAJCOM, NAF, JFHQ, FOA, or DRU IG).

5.3.2. Equal Opportunity (EO) offices/Civilian Personnel sections:

5.3.2.1. EO offices must report all formal EEO allegations of wrongdoing (which are not obviously frivolous) and any adverse information against colonels (or civilian equivalent) to SAF/MRBA and AF/A1Q. SAF/MRBA will then report the allegations to SAF/IGQ.

5.3.2.2. EO offices (reporting MEO allegations) and Civilian Personnel sections will provide an informational copy of the formal allegation, using the format in **Attachment 16**, to the IG at the level of notification.

5.3.2.3. Following the investigation, provide final resolution of the allegations against colonels (or civilian equivalents) to SAF/IGQ. Refer to **Table 5.3** for a list of required documents.

5.3.2.4. Additional information on processing EEO and MEO allegations is found in **Chapter 10**.

5.3.3. Staff Judge Advocate (SJA) Offices

5.3.3.1. SJAs must report all formal allegations of wrongdoing and any adverse information against colonels (and civilian equivalents) to the IG. The IG will then enter

the information into ACTS and report the adverse information to the Senior Officer Matters Office within SAF/IGQ. Submit an MFR using guidance found at **Attachment 16**.

5.3.4. IGs must:

5.3.4.1. Notify SAF/IGQ (through their MAJCOM, NAF, JFHQ, FOA, or DRU IG) upon receiving or becoming aware of any adverse information or allegation of wrongdoing against colonels (or civilian equivalent) which are not obviously frivolous. Document in ACTS ensuring all the information from **Attachment 16** is included.

5.3.4.2. Forward complaint analysis documents, progress reports (PR), final resolution, and disposition for the allegations (including allegations deemed as obviously frivolous) against the colonel (or civilian equivalent) to higher-level IGs. Refer to **Table 5.2** for documents required for IG investigations.

5.3.4.2.1. PRs are due to SAF/IGQ 90 days after the initial notification or higher-level tasking (unless otherwise instructed). Follow-up PRs are due on the first of every month thereafter until investigation is completed. SAF/IGQ may request additional PRs as necessary. Refer to **paragraph 3.55**.

5.4. Requirements for Investigating Allegations Against Colonels (or civilian equivalent).

5.4.1. IGs at all levels must conduct a complaint analysis when complaints are received against a colonel (or civilian equivalent).

5.4.1.1. If the complaint analysis determines allegations against a colonel (or civilian equivalent) are obviously frivolous, the IG will forward the final complaint analysis document to the next higher-level IG for approval. For guidance on documenting the complaint analysis, reference **paragraphs 3.11** and **3.14**, and **Attachment 2**. In addition to **Attachment 2**, use ACTS case notes to document the resolution strategy. The next higher-level IG will review the complaint analysis document. Upon higher-level IG approval, the IG will close the complaint in ACTS and dismiss it as frivolous.

5.4.1.2. If the complaint analysis determines allegations against a colonel (or civilian equivalent) do not warrant an IG investigation, the IG will forward the final complaint analysis document to SAF/IGQ through their MAJCOM, NAF, JFHQ, FOA, or DRU IG. If the complaint analysis determines the allegations should be referred, follow procedures in **Chapter 3** and **paragraph 5.4.1.4**.

5.4.1.3. To avoid the appearance of self-investigation, complaints containing allegations against the IG's commander, the IG, or IG staff member must be transferred to the next higher-level IG. See **paragraphs 1.8.1** and **3.34.5** for additional information on impartiality.

5.4.1.4. If the complainant's allegations against a colonel (or civilian equivalent) do not involve IG issues, but are appropriate for command channels, refer the allegations to the appropriate commander. The IG referral memo should contain the notification and closure requirements outlined in **paragraph 5.3** through **5.3.1.2** and **5.8**.

5.5. Colonels (or civilian equivalent) Assigned to Joint Activities.

5.5.1. Air Force colonels (or civilian equivalent) assigned to joint commands/activities are not exempt from the reporting requirements specified in **paragraph 5.3** of this instruction.

5.5.2. IAW DoDI 5106.05, Enclosure 3, paragraph E3.3.4, combatant command IGs will notify SAF/IGQ of initiation and completion of investigative actions IAW Air Force requirements. This notification will follow the format in **Attachment 16**. Provide SAF/IGQ with a copy of the final report and/or actions taken to resolve the allegation(s).

5.6. Notification Requirements. The Notification Matrix in **Table 5.1** applies to all IG cases against a colonel (or civilian equivalent).

Table 5.1. Colonels (or civilian equivalent) Notification Matrix.

RULE	**A**	**B**	**C**
	If…	**And…**	**Then…**
1	**In Complaint Analysis Phase**	Complaint is not obviously frivolous	1. IG notifies SAF/IGQ (through their MAJCOM, NAF, JFHQ, FOA, or DRU IG).
2		Complaint is obviously frivolous	1. IG does NOT make notification to SAF/IGQ through MAJCOM, NAF, JFHQ, FOA or DRU IG. 2. IG notifies the next higher-level IG in ACTS for approval (reference **paragraph 5.4.1.1**). 3. IG documents the case in ACTS as a "Dismiss". 4. IG notifies the complainant in writing of the dismissal. 5. IG closes the complaint in ACTS.
3		Complaint analysis identified the need for an IG investigation	1. IG notifies SAF/IGQ (through their MAJCOM, NAF, JFHQ, FOA, or DRU IG). 2. Appointing authority directs an investigation by appointing an IO in writing. 3. Appointing authority notifies the subject's commander, in writing, of scope of investigation in general terms (reference **Attachment 4**). 4. Commander notifies subject in writing. 5. Commander notifies witnesses. 6. IG notifies complainant. 7. IG documents the case in ACTS as an "Investigate," and continues to record appropriate information in ACTS until the case closes.

RULE	A If…	B And…	C Then…
4		Complaint analysis did not identify allegations as obviously frivolous, yet identified an investigation is not warranted	1. IG notifies SAF/IGQ (through their MAJCOM, NAF, JFHQ, FOA, or DRU IG) in ACTS of case dismissal (reference **paragraph 5.4.1.2**). 2. IG notifies the complainant in writing of the dismissal. 3. IG documents the case in ACTS as a "Dismiss" and close the case.
5	**In Investigation Phase**	Investigation is ongoing	1. IO provides progress reports to higher-level IG (if required) at suspense date and on the 1st of each month thereafter until investigation is completed (reference **paragraphs 3.55** and **5.3.4.2.1**). 2. IG provides interim response to complainant 60 days after receipt of complaint and every 60 days thereafter until the case is forwarded to IG DoD (reference **paragraph 3.56**).
6		Investigation is finished	IO provides appointing authority with ROI and supporting documentation for review and approval.
7	**In Quality Review Phase**	Allegations were substantiated	1. Appointing authority notifies subject's commander, in writing (reference **paragraph 3.64** and **Attachment 14**). 2. Commander notifies subject, in writing, and takes disciplinary/corrective action (reference **paragraph 3.64.2** and **Attachment 14**). 3. Commander notifies appointing authority of action taken and provides copies of all actions and any subject rebuttal comments. 4. If no action was taken, commander must forward a letter with his/her decision and rationale. 5. Appointing authority or IG provides final response to complainant (see Note 1). 6. Appointing authority notifies SAF/IGQ, via MAJCOM, NAF, JFHQ, FOA, or DRU IG, of findings and any command action taken by forwarding required documents (reference **Table 5.2**). 7. IG closes the complaint in ACTS.

RULE	A If…	B And…	C Then…
8		Allegations were not substantiated	1. Appointing authority notifies subject's commander, in writing (reference **paragraph 2.64** and **Attachment 14**). 2. Commander notifies subject, in writing (reference **paragraph 3.64.2** and **Attachment 14**). 3. Appointing authority or IG provides final response to complainant (see Note 1). 4. Appointing authority notifies SAF/IGQ, via MAJCOM, NAF, JFHQ, FOA, or DRU IG, of findings and any command action taken by forwarding required documents (reference **Table 5.2**). 5. IG closes the complaint in ACTS.

Note 1. Refer to **paragraph 5.7.2** for exceptions and see **paragraph 3.64** for notification requirements for case closure.

5.7. Closing a Colonel (or civilian equivalent) IG Case.

5.7.1. Except as noted in **paragraph 5.7.2**, IGs at all levels (including JFHQ IGs) may close a case when the subject is a colonel (or civilian equivalent) unless otherwise tasked by a higher-level IG office. **Table 5.2** lists mandatory documents required for case closure.

5.7.2. **EXCEPTIONS:**

5.7.2.1. Military reprisal, restriction, and IMHE cases must be reviewed and approved by IG DoD. SAF/IGQ will provide a copy of IG DoD's final approval of the investigation to the applicable MAJCOM, JFHQ, FOA, or DRU. It is the responsibility of the MAJCOM (SAF/IGQ for ANG cases), FOA, or DRU IG to provide the final response to the complainant. The MAJCOM IGQ provides the NAF or installation IG a copy of the final response to the complainant when an IG investigation was conducted at the installation level.

5.7.2.2. MAJCOM, FOA, and DRU IGs will provide final responses to complainants for investigations conducted as a result of congressional complaints, regardless of the level at which they were received. MAJCOM IGs will provide the IG that conducted the investigation a copy of the final response to the complainant.

5.7.2.3. For additional closure requirements for investigations involving allegations of reprisal, refer to **paragraph 6.10**.

5.7.2.4. For additional closure requirements for investigations involving allegations of restriction, refer to **paragraph 7.10**.

5.7.2.5. For additional closure requirements for investigations involving allegations of IMHE, refer to **paragraph 8.9**.

5.7.2.6. For additional closure requirements for investigations conducted as a result of a MEO complaint refer to **paragraph 10.6**.

5.7.2.7. For additional closure requirements for investigations conducted as a result of a Defense Hotline complaint refer to **paragraph 12.6**.

5.7.3. All colonel (or civilian equivalent) IG cases must be forwarded to SAF/IGQ upon completion, regardless of the findings or resolution. Refer to **Table 5.2** for a list of required documents.

5.7.3.1. MAJCOM, JFHQ, FOA, and DRU IGs will conduct a quality review on colonel (or civilian equivalent) investigations conducted by a lower-level IG office.

5.7.3.2. Do not delay forwarding a case to SAF/IGQ pending command/corrective action. Forward the case first and follow-up with the command/corrective action when completed.

5.7.4. **Table 5.2** lists the documents required by SAF/IGQ upon IG case closure.

Table 5.2. Documents required by SAF/IGQ on Colonel (or civilian equivalent) IG Cases.

RULE	A If the allegations were…	B Then provide SAF/IGQ with …
1	**Substantiated**	1. Copy of entire case file (ROI and attachments) 2. Copy of notification to subject's commander 3. Copy of final response to complainant 4. Copy of legal review 5. Copy of complete command/corrective action and any subject's rebuttal 6. If no action was taken, commander must include a statement or letter explaining his/her decision and rationale
2	**Not substantiated**	1. Copy of entire case file (ROI and attachments) 2. Copy of notification to subject's commander 3. Copy of final response to complainant 4. Copy of legal review 5. Copy of complete command/corrective action (if any taken) and any subject's rebuttal (if applicable)

5.8. Documents Required by SAF/IGQ on Non-IG Cases or Investigations Against Colonels (or civilian equivalent). **Table 5.3** outlines the documents required by SAF/IGQ to complete closure actions on non-IG cases opened as a result of allegations made against colonels (or civilian equivalent).

Table 5.3. Documents Required by SAF/IGQ for Non-IG Cases on Colonels (or civilian equivalent) and any substantiated allegations against Majors or Lieutenant Colonels.

RUL	A If the allegations are resolved by:	B Then SAF/IGQ requires the following documents to close the case:

E		
1	A commander-directed investigation or inquiry (CDI); see 5.9.2	1. Copy of CDI report (case file and all attachments) 2. Copy of legal review (if accomplished) 3. Copy of the final command actions (including Article 15s, LORs, LOCs, LOAs, memorandums counseling the subject, or a memorandum documenting verbal counseling of the subject) 4. Copy of any rebuttal or statement provided by the subject
2	Commander's inquiry with no documentation or report	1. A memorandum, signed by the commander, outlining how the allegations were addressed 2. Copy of legal review (if accomplished) 3. Copy of the final command actions (including Article 15s, LORs, LOCs, LOAs, memorandums counseling the subject, or a memorandum documenting verbal counseling of the subject) 4. Copy of any rebuttal or statement provided by the subject
3	An MEO or EEO investigation	1. Copy of MEO or EEO investigation case file (report and all attachments) 2. Copy of legal review (if accomplished) 3. Copy of the final command actions (including Article 15s, LORs, LOCs, LOAs, memorandums counseling the subject, or a memorandum documenting verbal counseling of the subject) 4. Copy of any rebuttal or statements provided by the subject
4	Any civilian complaint process at the formal stage with or without Alternate Dispute Resolution	1. Copy of settlement or Alternate Dispute Resolution agreement 2. Copy of allegations of wrongdoing by a colonel (or civilian equivalent) 3. Copy of legal review, if accomplished 4. Copy of the final actions taken against the subject as a result of the allegations, and any rebuttal or statements provided by the subject
5	Courts-martial	1. Copy of the charge sheet 2. Notification of charges referred and estimated date of trial 3. Upon completion, copy of the results of trial
6	AFOSI, Security Forces, or other criminal investigation (Note 1)	1. Copy of investigative report and all attachments 2. Copy of command actions taken upon completion of investigation 3. Any rebuttal or statements provided by the subject
7	Adverse Clinical Privileging Action.	1. Copy of investigative report 2. Copy of legal review, if accomplished 3. Copy of command actions taken upon completion of investigation 4. Any rebuttal or statements provided by the subject
8	Anti-Deficiency Act Investigation	1. Copy of investigative report 2. Copy of legal review, if accomplished 3. Copy of command actions taken upon completion of investigation 4. Copy of any rebuttal or statements provided by the subject

9	Article 138	1. Copy of complaint and response from subject's commander 2. Copy of legal review, if accomplished 3. Copy of command actions taken upon completion of appropriate review (if applicable) 4. Copy of any rebuttal or statements provided by the subject
10	Accident Investigation Board (AIB)	1. Copy of Summary of Facts, Statement of Opinion, and any other portions of AIB report containing derogatory information, unless the entire report is required by SAF/IGQ 2. Copy of any documents containing derogatory information which were created/obtained by any post-AIB investigation/inquiry 3. Copy of legal review of derogatory information, if accomplished

Note 1: SAF/IGX will provide copies of closure documents directly to SAF/IGQ.

5.9. Commander-Directed Investigations (CDI) on Colonels (or civilian equivalent) and on other field grade officers (majors and lieutenant colonels)

5.9.1. Commanders will notify SAF/IGQ through their MAJCOM, NAF, JFHQ, FOA, or DRU IG when beginning a CDI into complaints against a colonel (or civilian equivalent).

5.9.1.1. Commanders should use the notification letter described in **Attachment 16** and forward the notification through their local IG office to SAF/IGQ through their MAJCOM, NAF, JFHQ, FOA, or DRU IG.

5.9.1.2. Commanders will, upon completion of a CDI, provide SAF/IGQ (through their local IG) with a copy of the required documents as listed in **Table 5.3** rules 1 or 2 (as applicable).

5.9.2. The commander, not the IG, is the authority responsible for making release determinations for CDI reports. IG offices will not be the repository for original CDI reports. Commanders or their designated representatives maintain original CDI reports/records.

5.10. SOUIFs on Colonels.

5.10.1. The Air Force General Counsel (SAF/GC) determines if a SOUIF is created.

5.10.1.1. SAF/IGQ prepares adverse information summaries (AIS) from investigative and other files, or from disciplinary or administrative command actions.

5.10.1.2. SOUIFs on colonels are based on adverse information which includes any substantiated adverse findings or conclusions from an officially documented investigation or inquiry, or other official records or reports, arising generally within the ten-year period preceding the convening date of the selection board that will consider the officer for promotion to general officer grade.

5.10.1.3. SOUIFs are created for use during the general officer promotion process and exist solely for that purpose.

5.10.2. The Air Force General Counsel (SAF/GC), acting for the SECAF, determines whether the SOUIF will be provided to a selection board.

5.10.2.1. Officers will be provided a copy of the draft AIS being considered for submission to the promotion board and will be afforded an opportunity to submit written comments on that information to SAF/GC IAW 10 USC 615 (a)(7)(A)(i) and (ii), and before SAF/GC makes a final determination.

5.10.2.2. The draft AIS and the officer's comments (if any) will be reviewed by AF/JAA and SAF/GCM before being forwarded to SAF/GC for final decision.

5.10.2.3. If SAF/GC approves the SOUIF, the SOUIF is then provided to AF/DPO.

5.10.2.4. AF/DPO provides a copy of the approved SOUIF to the subject's senior rater and management level on or before the Promotion Recommendation Form (PRF) accountability date if possible. ***NOTE:*** If an eligible officer is selected for promotion, the information contained in the SOUIF may also be considered during the nomination and confirmation process.

5.10.2.5. Information provided to a selection board may not be provided to subsequent boards unless SAF/GC has made a new determination that the information will be forwarded to the board, and the individual has again been afforded an opportunity to comment. Further, a decision not to provide a SOUIF to a promotion board does not preclude a decision to provide it to a subsequent board.

5.10.3. A commander's decision regarding information in an Unfavorable Information File (UIF) or Officer's Selection Record (OSR) maintained by the Air Force Personnel System is unrelated to SAF/GC's decision to place this information in a SOUIF.

5.10.3.1. SAF/GC will not usually create a SOUIF if an official record of nonjudicial punishment or other adverse information is maintained in an officer's selection record (OSR), as required by AFI 36-2608.

5.10.4. Adverse information not substantiated in time for review by a general officer selection or federal recognition board will be presented to a promotion review board before SECAF decides whether to support the officer for appointment to the next higher grade.

Chapter 6

REPRISAL COMPLAINTS

6.1. Governing Directives. 10 USC 1034, *Protected communications; prohibition of retaliatory personnel actions* and DoDD 7050.06, *Military Whistleblower Protection*, provide guidance on whistleblower rights and responsibilities.

6.2. Key Terms. This section uses the following key terms: *abuse of authority, acid test, case file, chain of command, gross mismanagement, gross waste of funds, Headquarters US Air Force, lawful communication, nonappropriated fund employee, nonappropriated fund instrumentality, personnel action, protected communication, report of investigation, reprisal, responsible management official, restriction,* and *unlawful communication*. Refer to **Attachment 1** for the definition of these key terms.

6.3. Whistleblower Protection Against Reprisal Under Title 10, United States Code, Section 1034 (10 USC 1034).

6.3.1. Members of the armed forces shall be free from reprisal for making or preparing to make a protected communication (PC).

6.3.1.1. No person may take (or threaten to take) an unfavorable personnel action; or withhold (or threaten to withhold) a favorable personnel action as reprisal against a member of the armed forces for making or preparing to make a protected communication.

6.3.1.2. Military members who violate this prohibition are subject to prosecution and/or disciplinary and administrative action under Article 92 of the UCMJ.

6.3.1.3. Civilian employees who violate this prohibition are subject to administrative or disciplinary action under applicable directives or implementing instructions governing civilian disciplinary or administrative action.

6.3.2. The following may receive protected communications (***NOTE:*** this list is not all inclusive and the circumstances of each case will determine if there is a PC):

6.3.2.1. Member of Congress or a member of their staff.

6.3.2.2. An inspector general or a member of the inspector general's investigative staff.

6.3.2.3. Personnel assigned to DoD audit, inspection, investigation, or law enforcement organizations, equal opportunity, safety, and family advocacy.

6.3.2.4. Any person in the member's chain of command.

6.3.2.5. The Chief Master Sergeant of the Air Force, Command Chiefs, Group/Squadron Superintendents, and First Sergeants.

6.3.3. Nothing in this instruction will dissuade commanders from taking timely and appropriate corrective actions for legitimate reasons, including violations of the UCMJ, violations of other criminal statutes, or other misconduct, whether or not information regarding the misconduct came through a protected communication. Commanders should understand the prohibitions on reprisal and restriction and should coordinate with the servicing JA for effective legal guidance on these issues.

6.3.4. Air Force members may file complaints of reprisal with IGs at any level and receive the protections of 10 USC 1034.

6.3.5. To gain statutory protection of the law, the Air Force member must file the complaint with any IG within 60 days of becoming aware of the unfavorable personnel action that is the subject of the allegation. The IG may waive this time requirement if they determine there are extenuating circumstances justifying the delay in filing the complaint or there is special Air Force interest in the matter. Refer to **Table 3.12**, rule 3 for additional information.

6.4. Policy for Receipt of Reprisal Complaints. The following outlines Air Force policy for receiving reprisal complaints. A complaint is not considered an allegation of reprisal unless the answers to the first two questions of the acid test (**Attachment 21**) are "Yes."

6.4.1. **Military Members.** Air Force IGs must advise military members alleging reprisal of the provisions of 10 USC 1034 and DoDD 7050.06, and of the rights afforded to complainants under the Whistleblower Protection Statute. IGs should use **Attachment 17**, Whistleblower Rights under 10 USC 1034, to assist them.

6.4.1.1. The IG must comply with the notification requirements described in **paragraph 6.5**, and depending on the subject's grade, **paragraph 3.32**, **4.3**, or **5.6** as appropriate.

6.4.1.2. IGs should ask complainants whether they have also filed their complaint with IG DoD. If the complainant has, then IGs should include this in the notification letter to IG DoD (refer to **paragraph 6.5**). No complaint analysis at their level is required unless otherwise directed by a higher-level IG (refer to **paragraph 6.6.3**).

6.4.1.3. IGs must ask the complainant whether the allegations that constituted the member's protected communication were previously addressed. For additional information, refer to **paragraph 6.6.2**.

6.4.2. If an IG receives a complaint from a civilian employee in which they allege reprisal, follow the guidance in **Table 6.1**.

Table 6.1. Reprisal Referral for Civilian Employees.

RULE	A If the aggrieved party is a…	B Then…
1	Department of the Air Force civil service employee	Direct the complainant to IG DoD Hotline (http://www.dodig.mil/hotline//fwacompl.htm) or local EO office for reprisal allegations relating to an EEO complaint
2	Department of the Air Force nonappropriated fund employee	Direct the complainant to IG DoD Hotline (http://www.dodig.mil/hotline//fwacompl.htm) or local EO office for reprisal allegations relating to an EEO complaint
3	Defense contractors	Direct the complainant to IG DoD Hotline (http://www.dodig.mil/hotline//fwacompl.htm)

6.4.3. Air Force IGs will not conduct investigations into complaints of reprisal actions alleging Air Force civil service employees, nonappropriated fund employees, or defense

contractor employees are the victims of reprisal. These employees receive protection from statutes other than 10 USC 1034.

6.4.4. 29 Code of Federal Regulations Part 1614 requires reprisal allegations in connection with an EEO complaint be processed through the EEO procedures.

6.5. Notification Requirements for Reprisal Complaints. IAW DoDD 7050.06, IG DoD must be notified (through SAF/IGQ) within 10 duty days from the date an IG receives a complaint containing allegations of reprisal. To meet IG DoD's 10-day notification requirement, IGs at all levels will notify SAF/IGQ through their MAJCOM, NAF, JFHQ, FOA, or DRU IG within 7 duty days using the letter format in **Attachment 18**. Attach the letter in ACTS and send the notification in ACTS to the next higher-level IG.

6.5.1. Before sending the notification, the IG will determine if the complaint needs to be transferred to another IG. If so, notification requirements belong to the receiving IG. Reference **Tables 3.7** and **3.8**.

6.5.2. Before sending the notification, the IG will answer the first two questions of the acid test found in **Attachment 21**. If the answer to questions one and two are both "Yes," a reprisal allegation notification is required. If the answer to either question is "No," there is no requirement for a reprisal notification. The next higher level IG must review and approve this decision.

6.5.2.1. Prior to sending the notification, if the IG determines that while the answers to questions one and two are "Yes," the reason for the personnel action is not reprisal (i.e., the action was taken for a valid reason), the required notification can include a recommendation to dismiss the allegation.

6.5.2.2. A recommendation to dismiss the allegation must include the rationale for the selected resolution strategy and supporting documentation.

6.5.3. Forward a copy of the written complaint, or a detailed narrative of the allegations, with the notification letter.

6.5.4. IGs receiving allegations not within the purview of the Air Force will transfer the complaint to SAF/IGQ through their MAJCOM, NAF, JFHQ, FOA, or DRU IG. SAF/IGQ will transfer the complaint to the appropriate agency.

6.6. Conducting a Reprisal Complaint Analysis (RCA). The IG receiving the complaint must expeditiously conduct a reprisal complaint analysis to determine whether an investigation is warranted. Within 29 days after receipt of the complaint, the IG must notify SAF/IGQ (through their MAJCOM, NAF, JFHQ, FOA, or DRU IG) of the results of the complaint analysis. Reserve and Guard IGs must complete the complaint analysis by the end of the next Unit Training Assembly after receiving the complaint. Follow the format shown in either **Attachment 19** or **20** when completing a complaint analysis into allegations of reprisal.

6.6.1. Before conducting an RCA, the IG must find out if the issues that constituted the protected communication were previously addressed.

6.6.1.1. If the issues were previously addressed, IGs should obtain a copy of the applicable documents from the appropriate agency.

6.6.1.2. If the issues were not previously addressed, the IG will conduct a complaint analysis on them to determine the appropriate avenue for resolution.

6.6.2. A reprisal complaint analysis will be conducted following the procedures in **Section 3C** and this paragraph. Document the reprisal complaint analysis following the format in either **Attachment 19** or **20**. The IG may consult with the servicing legal office prior to formalizing the complaint analysis.

6.6.2.1. IGs should refer to IGDG 7050.6, *Guide to Investigating Reprisal and Improper Referrals for Mental Health Evaluations*, and to the Acid Test for Reprisal (**Attachment 21**) as a guide to address the reprisal allegations. The reprisal complaint analysis will be completed within 29 days of receipt by the office conducting the RCA. When documenting an RCA, the IG will answer the first three questions of the Acid Test. If the answers to the first three acid test questions are "Yes," the IG will complete/conclude the reprisal complaint analysis with a recommendation to the appointing authority to investigate unless a decision to dismiss can be logically derived primarily from documentary evidence and minimal clarification interviews. If insufficient documentary evidence exists to recommend dismissal, investigation is required. During an RCA, answering question 4 of the Acid Test is not required. Consult the appropriate MAJCOM, JFHQ, or NAF IGQ and/or the JA prior to finalizing the complaint analysis.

6.6.2.2. If an investigation is warranted, notify SAF/IGQ through the appropriate MAJCOM, NAF, JFHQ, FOA, or DRU via ACTS.

6.6.2.3. If a reprisal complaint analysis determines a reprisal investigation is not warranted, the IG conducting the complaint analysis must forward a paper copy of the analysis including a copy of all supporting documents, to SAF/IGQ through their MAJCOM, NAF, JFHQ, FOA, or DRU IG office. IGs must put the case in completed status in ACTS and transfer the case to SAF/IGQ through their MAJCOM, NAF, JFHQ, FOA, or DRU IG office.

6.6.2.3.1. SAF/IGQ will provide an interim response to complainants informing them the complaint analysis was forwarded to IG DoD for final determination. IGs will not advise the complainant of the recommendation that was sent to IG DoD.

6.6.2.3.2. SAF/IGQ will forward the complaint analysis to IG DoD for approval.

6.6.2.3.3. If IG DoD agrees with the Air Force's determination, they will notify SAF/IGQ who will in turn notify the MAJCOM, JFHQ, FOA, or DRU IG. It is the responsibility of the MAJCOM (SAF/IGQ for ANG cases), FOA, or DRU IG to notify the complainant there is insufficient evidence to conduct a reprisal investigation under 10 USC 1034. Upon case closure, the MAJCOM IGQs will notify (via ACTS) the IG that conducted the complaint analysis.

6.6.2.3.4. If IG DoD disagrees with the Air Force's determination, they may retain the complaint for investigation or direct the Air Force to conduct an investigation. SAF/IGQ will normally delegate the investigation down to the lowest-level IG office through the MAJCOM, JFHQ, FOA, or DRU IG.

6.6.2.4. If the complaint analysis determines the allegation does not meet the definition of reprisal under 10 USC 1034, analyze the allegation as potential abuse of authority and

document the analysis in the RCA. Use **Attachment 22** for the acid test for abuse of authority in your analysis.

6.6.3. If the complainant files concurrent complaints with an Air Force IG and IG DoD, the IG DoD will conduct the complaint clarification. IG DoD may direct the Air Force to conduct an investigation.

6.6.4. IGs or IG staff will not conduct formal or sworn interviews during the reprisal complaint analysis, but they may conduct informal interviews (not sworn or transcribed). If the responsible management official (RMO) is interviewed, avoid questions related to motive or RMO reasons. To the maximum extent possible, base the analysis on documentary evidence and information gathered from the complainant and from witnesses who are not potential subjects.

6.7. Investigating Reprisal Complaints. Reprisal investigations will be conducted IAW DoDD 7050.06 and this instruction.

6.7.1. If IG DoD receives a reprisal complaint directly from a complainant, IG DoD will conduct the reprisal complaint analysis. If IG DoD elects to have the Air Force conduct the investigation, they will forward the analysis and a tasking letter to SAF/IGQ. SAF/IGQ will forward the package to the MAJCOM, JFHQ, FOA, or DRU IG for proper handling of the complaint.

6.7.2. IAW DoDD 7050.06, MAJCOM, JFHQ, FOA, and DRU IGs must provide a progress report (PR) to IG DoD (through SAF/IGQ) and an interim response (IR) to the complainant if the investigation is not completed within 180 days after receipt of the allegations. The letters must include the reasons for the delay and an estimated time of completion for the investigation. IGs must also comply with Air Force requirements for PRs and IRs as specified in **paragraphs 3.55** and **3.56** of this instruction. If the investigation is not completed within 180 days, the IG conducting the investigation will prepare the PR and IR to the complainant, e.g., the installation IG forwards the PR to the MAJCOM for forwarding to SAF/IGQ. Document PRs in a case note, attach IRs, and document on the Suspense Tab in ACTS. Use the sample format in **Attachment 13** for PRs.

6.7.3. If the investigation determines the allegation does not meet the definition of reprisal under 10 USC 1034, analyze the allegation as potential abuse of authority and document the analysis in the ROI. Use **Attachment 22** for the acid test for abuse of authority in your analysis.

6.7.4. The final Report of Investigation (ROI) must identify all protected communications, all personnel actions alleged to be acts of reprisal taken after the protected communication was made, and all RMOs. If an RMO identified in the complaint analysis is not a subject of the investigation, fully explain the rationale in the ROI.

6.7.5. The final ROI must contain a thorough Acid Test for Reprisal with all four questions answered for each allegation of reprisal. Refer to **Attachment 21** for the format to conduct an acid test.

6.7.6. The final case file must contain a chronology of events beginning with the complainant's initial protected communication plus any subsequent PCs and list all adverse

personnel actions taken against the military member after the initial protected communication.

6.7.7. When a complainant alleges a combination of reprisal, and/or restriction, and/or IMHE referral within the same complaint, IGs must ensure all applicable reporting requirements for reprisal, restriction, or IMHE referral are completed IAW **Chapters 6**, **7**, and **8**.

6.7.7.1. If, upon clarification, it is clear that the MHE referral was done properly, this finding must be included in the ROI and the allegation(s) of reprisal must still be investigated.

6.7.8. All reprisal investigations containing allegations against colonels and below must have at least one legal review. Additional reviews are optional but required if higher level quality review indicates the need for an additional legal review or if an addendum is accomplished that alters the findings or significantly changes the analysis in the ROI.

6.8. Reprisal Investigation Evaluation Form. To ensure a thorough investigation has been completed, it is recommended a Reprisal Investigation Evaluation Form (**Attachment 23**) be completed for reprisal investigations. Additionally, IGDG 7050.6 contains an investigative worksheet (figure 3-1) that may be helpful.

6.9. Reviewing and Approving Reprisal Investigations. IG DoD must approve all military reprisal investigations regardless of the level where the investigation was conducted. IGs must mail the entire case file (see **Attachment 10**) to SAF/IGQ through their MAJCOM, JFHQ, FOA, or DRU IG and transfer the case in ACTS.

6.9.1. Appointing authorities may notify the subject's commander of the investigation findings when they approve the case, but must inform the commander the final findings could change because final approval and review rests with IG DoD (DoDD 7050.06, paragraph 6.1.5). Commanders should wait until after IG DoD has approved the Report of Investigation to take command action.

6.9.1.1. IAW DoDD 7050.06, paragraph 6.3.8, a copy of command/corrective action must be provided to IG DoD. When command/corrective action is finalized, IGs will obtain a copy to include any rebuttal statements. However, if action is verbal or no action is taken, IGs will obtain a written description of the action from the commander. IGs will forward these documents to SAF/IGQ through their MAJCOM, NAF, JFHQ, FOA, or DRU IG, within 7 duty days of becoming aware of such action being completed. SAF/IGQ will forward the information to IG DoD.

6.9.2. SAF/IG will provide an IR to complainants informing them the investigation has been completed and forwarded to IG DoD for final approval. Do not inform the complainant of the unapproved investigation findings (i.e., substantiated or not substantiated).

6.9.3. Before forwarding the case file to SAF/IGQ, MAJCOM, NAF, JFHQ, FOA and DRU IGs will conduct a quality review (QR).

6.9.4. SAF/IGQ will conduct a QR, IAW **paragraph 3.72**, prior to forwarding the case to IG DoD.

6.9.5. Follow the procedures specified in **Section 3N** and/or **3O** of this instruction if, during higher-level QR, deficiencies are identified or the reviewing official disagrees with the findings.

6.10. Final Approval and Notification Requirements. IG DoD will notify SAF/IGQ upon approval of the investigation's findings.

6.10.1. SAF/IGQ will provide a copy of IG DoD's final approval to the applicable MAJCOM, JFHQ, FOA, or DRU IG.

6.10.2. The MAJCOM (SAF/IGQ for ANG), FOA, or DRU IG will provide the final response to the complainant within 30 days after IG DoD's approval of the findings as mandated by 10 USC 1034. Upon case closure, the MAJCOM IGQs will notify the installation IG via ACTS, when applicable.

6.10.2.1. Final responses to complainants must advise them of their right to petition the AFBCMR for correction of adverse personnel actions (regardless of the findings in the case), and their right to later appeal the AFBCMR findings to the Secretary of Defense. Complainants should be referred to the virtual Military Personnel Flight (vMPF) (**http://ask.afpc.randolph.af.mil/**) for assistance.

6.10.2.1.1. Complainants who petition the AFBCMR should inform the AFBCMR if IG records exist pertaining to the pending request.

6.10.2.1.2. SAF/IGQ will provide supporting documentation directly to the AFBCMR (or applicable SAF/MRB agency) upon receipt of an Official Use Request from the board for IG records.

6.10.2.2. If applicable, complainants should also be advised of proper procedures for OPR/EPR/PRF appeal to the Evaluation Reports Appeal Board (ERAB). Complainants should be referred to the vMPF for assistance.

6.10.2.3. MAJCOM, FOA, or DRU IGs will provide a redacted copy of the ROI (and addendum if any) with the final response to the complainant. The ROI should be redacted using exceptions allowed by the FOIA, however, no coordination with the FOIA office is required. Additionally, IGs have the authority (under 10 USC 1034) to act on complainant requests for additional documentation from reprisal investigations without going through the FOIA office.

6.10.2.4. MAJCOM, FOA, or DRU IGs will attach a copy of the final response to the complainant in ACTS.

6.10.2.5. SAF/IGQ will provide the final response to complainants for ANG reprisal investigations. SAF/IGQ is responsible for redacting the ROI and providing a copy to the complainant.

6.10.3. MAJCOM, FOA, or DRU IGs will forward a copy of IG DoD's final approval of the investigation to the applicable appointing authority. The appointing authority must notify the subject's commander of the final investigation findings but will not provide a copy of IG DoD's letter to the commander. The commander will notify the subject.

6.10.4. IGs will close reprisal complaints IAW established procedures as described in **Chapter 3** of this instruction.

Chapter 7

RESTRICTION COMPLAINTS

7.1. Governing Directives. 10 USC 1034, *Protected communications; prohibition of retaliatory personnel actions* and DoDD 7050.06, *Military Whistleblower Protection*, provide guidance on whistleblower rights and responsibilities.

7.2. Key Terms. This chapter uses the following key terms: *access, chain of command, chilling effect, lawful communication, prohibit, protected communication, responsible management official, and restriction*. Refer to **Attachment 1** for the definition of these key terms.

7.3. Right of Access Protection Under Title 10, United States Code, Section 1034 (10 USC 1034).

7.3.1. Pursuant to 10 USC 1034, DoDD 7050.06, and as further defined in this instruction, no person may restrict a member of the armed forces from:

7.3.1.1. Making or preparing to make a lawful communication to any of the following:

7.3.1.1.1. A Member of Congress or a member of their staff.

7.3.1.1.2. An Inspector General or a member of an Inspector General's staff.

7.3.1.2. Military members who violate this prohibition are subject to prosecution and/or disciplinary and administrative action under Article 92 of the UCMJ.

7.3.1.3. Civilian employees who violate this prohibition are subject to administrative or disciplinary action.

7.3.2. Air Force members may file complaints of restriction with IGs at any level.

7.3.3. Air Force members must file a complaint with any IG within 60 days of becoming aware of restriction. The IG may waive this time requirement if they determine there are extenuating circumstances justifying the delay in filing the complaint or there is special Air Force interest in the matter.

7.4. Policy for Receipt of Restriction Complaints. The following outlines Air Force policy for receiving restriction complaints.

7.4.1. **Military Members**. Air Force IGs must advise military members alleging restriction of the provisions of 10 USC 1034 and DoDD 7050.06, and of the rights afforded to complainants under the Whistleblower Protection Statute. IGs should use **Attachment 17**, Whistleblower Rights Under 10 USC 1034 to assist them.

7.4.1.1. The IG must comply with the notification requirements described in **paragraph 7.5**, and depending upon the subject's grade, follow the procedures in **paragraph 3.32**, **4.3**, or **5.6** as appropriate.

7.4.1.2. IGs should ask complainants whether they have also filed their complaint with IG DoD. If the complainant has, then IGs should include this in the notification letter to IG DoD (refer to **paragraph 7.8**). Close the case with no further action unless otherwise directed by a higher-level IG.

7.4.2. If an IG receives a complaint from a civilian employee in which they allege restriction, follow the guidance in **Table 7.1**.

Table 7.1. Restriction Referral for Civilian Employees.

RULE	A **If the aggrieved party is a…**	B **Then…**
1	Department of the Air Force civil service employee	Direct the complainant to DoD Hotline (www.dodig.mil/hotline/fwacompl.htm).
2	Department of the Air Force nonappropriated fund employee	Direct the complainant to DoD Hotline (www.dodig.mil/hotline/fwacompl.htm).
3	Defense contractors	Direct the complainant to DoD Hotline (www.dodig.mil/hotline/fwacompl.htm).

7.4.3. IGs will not conduct investigations into complaints of restriction when the complainant is an Air Force civil service employee, nonappropriated fund employee, or defense contractor employee. These employees receive protection from statutes other than 10 USC 1034.

7.5. Notification Requirements for Restriction Complaints. IAW DoDD 7050.06, IG DoD must be notified (through SAF/IGQ) within 10 duty days from the date an IG receives a complaint containing allegations of restriction. To meet IG DoD's 10-day notification requirement, IGs at all levels will notify SAF/IGQ through their MAJCOM, NAF, JFHQ, FOA, or DRU IG within 7 duty days using the letter format in **Attachment 18**. Once notification has been accomplished, attach the letter in ACTS and send the notification in ACTS to the next higher-level IG.

7.5.1. Before sending the notification, the IG will determine if the complaint needs to be transferred to another IG. If so, notification requirements belong to the receiving IG. Reference **Table 3.7** and **3.8**.

7.5.2. Forward a copy of the written complaint, or a detailed narrative of the allegations, with the notification letter.

7.5.3. IGs receiving allegations not within the purview of the Air Force will transfer the complaint to SAF/IGQ through their MAJCOM, NAF, JFHQ, FOA, or DRU IG. SAF/IGQ will transfer the complaint to IG DoD.

7.6. Conducting a Restriction Complaint Analysis. The IG receiving the complaint must conduct a complaint analysis to determine whether an investigation is warranted. Within 29 days after receipt of the complaint, the IG must notify SAF/IGQ (through their MAJCOM, NAF, JFHQ, FOA, or DRU IG) of the results of the complaint analysis. Reserve and Guard IGs must complete the complaint analysis by the end of the next Unit Training Assembly after receiving the complaint.

7.6.1. If the complaint analysis determines an investigation is not warranted, the IG conducting the complaint analysis must forward the results of the analysis, including a copy

of all supporting documents, to SAF/IGQ through their MAJCOM, NAF, JFHQ, FOA, or DRU IG office.

7.6.1.1. SAF/IGQ will provide an interim response to complainants informing them the complaint analysis was forwarded to IG DoD for final determination. IGs will not advise the complainant of the recommendation that was sent to IG DoD.

7.6.1.2. SAF/IGQ will forward the complaint analysis to IG DoD for approval.

7.6.1.3. If IG DoD agrees with the Air Force's determination, they will notify SAF/IGQ who will in turn notify the MAJCOM, JFHQ, FOA, or DRU IG. It is the responsibility of the MAJCOM (SAF/IGQ for ANG cases), FOA, or DRU IG to notify the complainant there is insufficient evidence to conduct a restriction investigation under 10 USC 1034. Upon case closure, the MAJCOM IGQs will notify (via ACTS) the IG that conducted the complaint analysis.

7.6.1.4. If IG DoD disagrees with the Air Force's determination, they may retain the complaint for investigation or direct the Air Force to conduct an investigation. SAF/IGQ will normally delegate the investigation down to the lowest-level IG office through the MAJCOM, JFHQ, FOA, or DRU IG.

7.6.2. If the complaint analysis determines the allegation is not a case of restriction, analyze the allegation as potential abuse of authority and document the analysis in the complaint analysis. Use **Attachment 22** for the acid test for abuse of authority in your analysis.

7.6.3. IGs or IG staff should not conduct formal or sworn interviews with witnesses and/or responsible management officials (RMO) during complaint analysis.

7.7. Evaluating Allegations of Restriction. The IG or IO must follow the questions in **Table 7.2** in determining if the elements of restriction are present.

Table 7.2. Questions for use in Evaluating Restriction.

1	How did the RMO limit or attempt to limit the member's access to an IG or a Member of Congress?
2	What was the intent of the RMO? (goes to what the message was) *(1)* ***Reasons*** *for restricting or taking actions that created barriers to making protected communications;* *(2)* ***Reasonableness*** *of the RMO's actions;* *(3)* ***Motive*** *for the RMO's action.*
3	Would a reasonable person, under similar circumstances, believe he or she was actually restricted from making a lawful communication with the IG or a Member of Congress based on the RMO's actions?

NOTE: Restriction may be communicated by a variety of means (e.g., verbal, written policy, regulation, order, procedure, counseling, or public statement) and creates a chilling effect.

7.8. Investigating Restriction Complaints. Restriction investigations will be conducted IAW **Chapter 3** of this instruction.

7.8.1. If IG DoD receives a complaint directly from a complainant, then IG DoD will conduct the complaint analysis. If IG DoD tasks the Air Force to conduct the investigation,

they will forward the analysis and a tasking letter to SAF/IGQ. SAF/IGQ will forward the package to the MAJCOM, JFHQ, FOA, or DRU IG for proper handling of the complaint.

7.8.2. IAW 10 USC 1034, MAJCOM, JFHQ, FOA, and DRU IGs must provide a progress report (PR) to IG DoD (through SAF/IGQ), and an interim response (IR) to the complainant if the investigation is not completed within 180 days after receipt of the allegations. The IG conducting the investigation will prepare the 180-day PR and IR. The letters must include the reasons for the delay and an estimated time of completion for the investigation. IGs must also comply with Air Force requirements for PRs and IRs as specified in **paragraphs 3.55** and **3.56**. Use the sample format in **Attachment 13** for PRs. Attach PRs and IRs in ACTS and document on the Suspense Tab.

7.8.3. When a complainant alleges a combination of reprisal, and/or restriction, and/or IMHE referral within the same complaint, IGs must ensure all applicable reporting requirements for reprisal, restriction, or IMHE referral are completed IAW **Chapters 6**, **7**, and **8**.

7.8.3.1. Ensure the IO investigates all the issues associated with the reprisal, restriction, or IMHE referral allegation(s).

7.8.4. All restriction investigations containing allegations against colonels and below must have at least one legal review. Additional reviews are optional but required if higher level quality review indicates the need for an additional legal review or if an addendum is accomplished that alters the findings or significantly changes the analysis in the ROI.

7.8.5. If the investigation determines the allegation does not meet the definition of restriction under 10 USC 1034, analyze the allegation as potential abuse of authority and document the analysis in the complaint analysis. Use **Attachment 22** for the acid test for abuse of authority in your analysis.

7.9. Reviewing and Approving Restriction Investigations. IG DoD must review and approve all restriction investigations, regardless of the level where the investigation was conducted. IGs must mail the entire case file (see **Attachment 10**) to SAF/IGQ through their MAJCOM, NAF, JFHQ, FOA, or DRU IG and transfer the case in ACTS.

7.9.1. Appointing authorities may notify the subject's commander of the investigation findings when they approve the case, but must inform them that final findings could change because final approval and review rests with IG DoD. Commanders should wait until after IG DoD has approved the Report of Investigation to take command action.

7.9.1.1. IAW DoDD 7050.06, paragraph 6.3.8, a copy of command/corrective action must be provided to IG DoD. When command/corrective action is finalized, IGs will obtain a copy to include any rebuttal statements; if action is verbal or no action is taken, IGs will obtain a written description of the action from the commander. IGs will forward these documents to SAF/IGQ through their MAJCOM, NAF, JFHQ, FOA, or DRU IG, within 7 duty days of becoming aware of such action being completed. SAF/IGQ will forward the information to IG DoD.

7.9.2. IGs must provide an IR to complainants informing them the investigation has been completed and forwarded to IG DoD for final approval. Do not inform the complainant of the unapproved investigation findings (i.e., substantiated or not substantiated).

7.9.3. Before forwarding the case file to SAF/IGQ, MAJCOM, NAF, JFHQ, FOA and DRU IGs will conduct a QR.

7.9.4. SAF/IGQ will conduct a quality review, IAW **paragraph 3.72**, prior to forwarding the case to IG DoD.

7.9.5. Follow the procedures specified in section(s) **3N** and/or **3O** of this instruction if, during higher-level quality review, deficiencies are identified or the reviewing official disagrees with the findings.

7.10. Final Approval and Notification Requirements. IG DoD will notify SAF/IGQ upon final approval of the investigation's findings.

7.10.1. SAF/IGQ will provide a copy of IG DoD's final approval to the applicable MAJCOM, JFHQ, FOA, or DRU IG.

7.10.2. The MAJCOM (SAF/IGQ for ANG), FOA, or DRU IG will provide the final response to the complainant within 30 days after IG DoD's approval of the findings as mandated by 10 USC 1034. The MAJCOM IG will provide the installation IG a copy of the final response memo to the complainant, when applicable.

7.10.2.1. MAJCOM (SAF/IGQ for ANG), FOA, and DRU IGs will provide a redacted copy of the ROI (and addendum, if any) with the final response to the complainant. The ROI should be redacted using exceptions allowed by the FOIA, however, no coordination with the FOIA office is required. Additionally, IGs have the authority (under 10 USC 1034) to act on complainant requests for additional documentation from restriction investigations without going through the FOIA office.

7.10.2.2. MAJCOM, FOA, and DRU IGs will provide SAF/IGQ with a copy of the final response to the complainant.

7.10.3. MAJCOM, FOA, and DRU IGs will forward a copy of IG DoD final approval of the investigation to the applicable appointing authority. The appointing authority must notify the subject's commander of the final investigation findings but will not provide a copy of IG DoD's letter to the commander. The commander will notify the subject.

7.10.4. IGs will close restriction complaints IAW established procedures as described in **Chapter 3** of this instruction.

Chapter 8

IMPROPER MENTAL HEALTH EVALUATION (IMHE) REFERRAL COMPLAINTS

8.1. Governing Directives. DoDD 6490.1, *Mental Health Evaluations of Members of the Armed Forces*; DoDI 6490.4, *Requirements for Mental Health Evaluations of Members of the Armed Forces*; and AFI 44-109, *Mental Health, Confidentiality, and Military Law*, provide guidance on military member rights regarding mental health evaluations.

8.2. Key Term. This chapter uses the following key term: *mental health evaluation (MHE)*. Refer to **Attachment 1** for the definition of this key term.

8.3. Air Force Member Protections and Rights Regarding Involuntary MHE.

8.3.1. IAW DoDD 6490.1, no person may refer a military member for an MHE as reprisal for making or preparing a lawful communication to a Member of Congress, an appropriate authority in the chain of command, an IG or a member of a DoD audit, inspection, investigation, or law enforcement organization.

8.3.2. IAW DoDD 6490.1, no person may restrict a military member from lawfully communicating with an IG, attorney, Member of Congress, or other person about the military member's referral for an MHE.

8.3.3. Air Force military members (including Guard and Reserve) will not be referred for an MHE or committed for treatment or hospitalization without being afforded their rights as outlined in DoDD 6490.1, DoDI 6490.4, and AFI 44-109.

8.3.4. When a complainant alleges reprisal, and/or restriction, and/or IMHE referral within the same complaint, IGs must ensure all applicable reporting requirements for reprisal, restriction, and/or improper MHE are completed IAW **Chapters 6**, **7**, and **8** of this instruction.

8.3.4.1. Ensure the IO investigates the reprisal and restriction allegations and whether the complainant was properly referred for an MHE.

8.3.4.2. If, upon clarification, it is clear the MHE referral was done properly, this finding must be included in the final ROI and the allegation(s) of reprisal or restriction must still be investigated following the procedures described in **Chapter 6** and/or **7**.

8.4. Policy for Receipt of IMHE Referral Complaints. The following outlines Air Force policy for receiving IMHE referral complaints.

8.4.1. When receiving complaints regarding an IMHE referral, the IG will conduct a complaint analysis as described in **Section 3C** of this instruction.

8.4.1.1. If the complaint shows the possibility of an improper referral, the IG will notify SAF/IGQ through their MAJCOM, NAF, JFHQ, FOA or DRU IG within 7 duty days from receipt of allegations (refer to **paragraph 8.6**) and conduct an investigation IAW **Chapter 3**.

8.4.1.2. SAF/IGQ will notify IG DoD of the allegations within 10 duty days.

8.5. Conducting an IMHE Referral Complaint Analysis. To determine whether an investigation is warranted, the IG receiving the complaint must conduct a complaint analysis

using the standards in DoDD 6490.1 and/or DoDI 6490.4. Within 29 days after receipt of the complaint, the IG must notify SAF/IGQ through their MAJCOM, NAF, JFHQ, FOA, or DRU IG of the results of the complaint analysis.

8.5.1. The IG should review the Mental Health Referral Evaluation Form (**Attachment 24**) prior to completing the complaint analysis.

8.5.2. If a complaint analysis determines an investigation is not warranted, the IG conducting the complaint analysis must forward the results of the analysis; include a copy of all supporting documents, to SAF/IGQ through their MAJCOM, NAF, JFHQ, FOA, or DRU IG office.

8.5.2.1. SAF/IGQ will provide an interim response to complainants informing them the complaint analysis was forwarded to IG DoD for final determination. IGs will not advise the complainant of the recommendation sent to IG DoD.

8.5.2.2. SAF/IGQ will forward the complaint analysis to IG DoD for approval.

8.5.2.3. If IG DoD agrees with the Air Force's determination, they will notify SAF/IGQ who will in turn notify the MAJCOM, JFHQ, FOA, or DRU IG. MAJCOM (SAF/IGQ for ANG cases), FOA, or DRU IG will notify the complainant there is insufficient evidence to conduct an investigation. MAJCOM IGQs will provide the IG that conducted the complaint analysis a copy of the final response to the complainant with a copy of the IG DoD memorandum.

8.5.2.4. If IG DoD disagrees with the Air Force's determination, they may retain the complaint for investigation or direct the Air Force to conduct an investigation. SAF/IGQ will normally delegate the investigation down to the lowest-level IG office through the MAJCOM, JFHQ, FOA, or DRU IG.

8.5.3. IGs or IG staff should not conduct formal or sworn interviews with witnesses and/or responsible management officials during complaint analysis.

8.6. Notification Requirements for IMHE Referral Complaints. DoDI 6490.4, requires IG DoD be notified within 10 duty days from receipt of allegations of an IMHE referral. IGs at all levels will notify SAF/IGQ through their MAJCOM, NAF, JFHQ, FOA, or DRU IG within 7 duty days. Use the format in **Attachment 18** or send a notification that includes all required information through ACTS.

8.6.1. Before sending the notification, the IG will determine if the complaint needs to be transferred to another IG. If so, notification requirements belong to the receiving IG. Reference **Tables 3.7** and **3.8**.

8.6.2. Forward a copy of the written complaint, or a detailed narrative of the allegations, with the notification letter.

8.6.3. IGs receiving allegations not within the purview of the Air Force will transfer the complaint to SAF/IGQ through their MAJCOM, NAF, JFHQ, FOA, or DRU IG. SAF/IGQ will transfer the complaint to IG DoD.

8.7. Conducting IMHE Referral Complaint Investigations.

8.7.1. IMHE referral investigations will be conducted IAW IGDG 7050.6, DoDD 6940.1, DoDI 6490.4, AFI 44-109, and **Chapter 3** of this instruction.

8.7.1.1. All IGs will comply with the requirements for progress reports (PR) and interim responses (IR) to complainants as specified in **paragraphs 3.55** and **3.56**.

8.7.1.2. DoDI 6490.4 requires IG DoD be provided a PR 90 calendar days after receiving an allegation of violations of DoDD 6490.1 (if the investigation has not been finalized) and every 60 days thereafter until the final report is submitted. IGs provide PRs to SAF/IGQ through their MAJCOM, NAF, JFHQ, FOA, or DRU IG 90 days after receipt of the complaint and on the first of every month thereafter until the investigation is complete, following the procedures in **paragraph 3.55**. Document PRs in a case note and document on the Suspense Tab in ACTS. Use the sample format in **Attachment 13** for PRs.

8.8. Reviewing and Approving IMHE Referral Investigations. IG DoD must review and approve all IMHE referral investigations, regardless of the level where the investigation was conducted. IGs must forward the entire case file (see **Attachment 10**) to SAF/IGQ through their MAJCOM, NAF, JFHQ, FOA, or DRU IG.

8.8.1. Appointing authorities may notify the subject's commander of the investigation findings when they approve the case, but must inform them that final findings could change because final approval and review rests with IG DoD. Commanders should normally wait until after IG DoD has approved the case to take command action.

8.8.1.1. IAW DoDI 6490.4, paragraph 7.1.4.5, a copy of command/corrective action must be provided to IG DoD. When command/corrective action is finalized, IGs will obtain a copy to include any rebuttal statements; if action is verbal or no action is taken, IGs will obtain a written description of the action from the commander. IGs will forward these documents to SAF/IGQ through their MAJCOM, NAF, JFHQ, FOA, or DRU IG, within 7 duty days of becoming aware of such action being completed. SAF/IGQ will forward the information to IG DoD.

8.8.2. IGs must provide an IR to complainants informing them the investigation has been completed and forwarded to IG DoD for final approval. Do not inform the complainant of the unapproved investigation findings (i.e., substantiated or not substantiated).

8.8.3. Before forwarding the case file to SAF/IGQ, MAJCOM, NAF, JFHQ, FOA and DRU IGs will conduct a QR.

8.8.4. SAF/IGQ will conduct a QR, IAW **paragraph 3.72**, prior to forwarding the case to IG DoD.

8.8.5. Follow the procedures specified in **Section 3N** and/or **3O** of this instruction if, during higher-level QR, deficiencies are identified or the reviewing official disagrees with the findings.

8.9. Final Approval and Notification Requirements. IG DoD will notify SAF/IGQ upon final approval of the investigation's findings.

8.9.1. SAF/IGQ will provide a copy of IG DoD's final approval to the applicable MAJCOM, JFHQ, FOA, or DRU IG.

8.9.2. The MAJCOM (SAF/IGQ for ANG cases), FOA, or DRU IG will provide the final response to the complainant within 30 days after IG DoD's approval of the findings. The

MAJCOM IG will provide the installation IG a copy of the final response memo to the complainant, when applicable.

8.9.2.1. MAJCOM (SAF/IGQ for ANG cases), FOA, and DRU IGs will provide the final response to the complainant.

8.9.2.2. MAJCOM, FOA, and DRU IGs will provide SAF/IGQ with a copy of the final response to the complainant.

8.9.3. MAJCOM, JFHQ, FOA, and DRU IGs will forward a copy of IG DoD final approval of the investigation to the applicable appointing authority. The appointing authority must notify the subject's commander of the final investigation findings but will not provide a copy of IG DoD's letter to the commander. The commander will notify the subject.

8.9.4. IGs will close IMHE referral complaints IAW established procedures as described in **Chapter 3** of this instruction.

Chapter 9

CONGRESSIONAL INQUIRIES

9.1. Governing Directive. AFI 90-401, *Air Force Relations with Congress*, provides guidance and procedures for Air Force personnel who respond to inquiries from and interact with Congress.

9.2. Sources for Congressional Inquiries.

9.2.1. Congressional Inquiries from LLI through Functional Channels. The Congressional Inquiry Division (SAF/LLI) is the Air Force focal point for constituent-related congressional inquiries. As such, SAF/LLI processes, tasks, coordinates, and distributes final replies to inquiries forwarded to the Air Force by members of Congress or their staff on behalf of their constituents.

9.2.2. Other Congressional Inquiries. Often times the local congressional staff will communicate directly with the commander or IG with constituent issues.

9.3. Receipt of Congressional Inquiries.

9.3.1. For IG issues contained in congressional inquiries (i.e., reprisal, restriction, IMHE referral, and allegations against an IG or an IG process), the receiving IG will notify SAF/IGQ through their MAJCOM, NAF, JFHQ, FOA, and DRU IG within 24 hours of receipt of the inquiry. A follow-up notification of their intended action (e.g., investigate, dismiss, refer, etc.) must follow within 10 duty days. SAF/IGQ will notify SAF/LLI.

9.3.2. For non-IG issues follow the procedures in AFI 90-401.

9.4. Congressional Inquiry Complaint Resolution Strategies. SAF/LLI will task SAF/IGQ to review and analyze issues in congressional inquiries that are appropriate for IG channels. The complaint analysis will determine which resolution strategy is most appropriate: assistance, dismissal, referral, transfer, or investigation IAW **Chapter 3**.

9.5. Notification Requirements. All notifications will be in compliance with AFI 90-401 and applicable chapters of this instruction.

9.5.1. Upon receipt of a congressional inquiry that includes an allegation of reprisal, restriction, or IMHE referral, the IG receiving the allegation will notify SAF/IGQ through their MAJCOM, NAF, JFHQ, FOA, or DRU IG who will, in turn, notify SAF/LLI, within 24 hours of receipt of a congressional inquiry.

9.5.2. A follow-up notification of the IG's intended action (e.g., investigate, dismiss, refer, etc.) must follow within 10 duty days after the complaint analysis is completed. SAF/IGQ will update SAF/LLI as appropriate.

9.6. Closing a Congressional Inquiry.

9.6.1. For IG issues, MAJCOM (SAF/IGQ for ANG cases), FOA, and DRU IGs will provide the final outcome of IG complaints directly to the complainants, unless otherwise directed by SAF/IGQ, regardless of the level in which the complaint was received or the organizational level conducting the review, analysis, or investigation.

9.6.1.1. The written response letter will address all relevant allegations, provide a finding for each allegation, and provide the supporting rationale for each finding.

9.6.1.2. MAJCOM, FOA, and DRU IGs will provide SAF/IGQ with a copy of the response to the complainant.

9.6.2. For non-IG issues, log the issues into ACTS as an assist, mark the complaint as a "Non-IG Congressional" and follow procedures in AFI 90-401.

Chapter 10

EQUAL OPPORTUNITY (EO) COMPLAINTS

10.1. Governing Directives. AFI 36-2706, Equal Opportunity Program, Military and Civilian, provides guidance on the EO program, military and civilian.

10.2. Key Terms. This chapter uses the following key terms: *senior official, sexual harassment,* and *unlawful discrimination*. Refer to **Attachment 1** for the definition of these key terms.

Section 10A—Military Equal Opportunity (MEO) Complaints

10.3. MEO Program Policy.

10.3.1. IAW AFI 36-2706, it is Air Force policy not to condone or tolerate unlawful discrimination or sexual harassment within the Armed Forces or in the civilian workforce.

10.4. Processing MEO Complaints.

10.4.1. IGs at every level must immediately refer all allegations of violations of unlawful discrimination or sexual harassment to their respective Equal Opportunity office. ***EXCEPTION:*** Allegations against senior officials must be referred to SAF/IGS IAW **Chapter 4**.

10.4.2. If a complaint contains both MEO and non-MEO allegations, separate the MEO allegations from any other allegations and refer them to the EO office for resolution.

10.4.2.1. IAW AFI 36-2706, the military EO complaint clarification is the preferred method to resolve complaints of sexual harassment. A CDI or IG investigation may be appropriate for allegations involving sexual harassment when combined with other forms of misconduct. If the appointing authority determines IG action is required after reviewing the MEO allegation, conduct the investigation IAW procedures in **Chapter 3**.

10.4.2.2. When necessary, the EO office will provide a technical expert to assist the IO throughout the IG investigation.

10.4.2.3. Once the IG investigation is complete, the IG will notify the EO office of the results of the investigation and prepare the final report to the General Court-Martial Convening Authority. The report will include the following:

10.4.2.3.1. Findings, showing whether allegations were substantiated or not substantiated. If substantiated, describe corrective action and/or disciplinary actions taken.

10.4.2.3.2. The identities of the complainant(s) and offender(s) in substantiated cases.

10.5. Notification Requirements for MEO Allegations against Senior Officials and Colonels (or civilian equivalent). EO personnel will:

10.5.1. Immediately refer complaints against senior officials directly to SAF/IGS.

10.5.2. Notify the local IG, using the format in **Attachment 16**, when there is an MEO complaint against a colonel (or civilian equivalent). If there is no local IG, forward notifications to MAJCOM/IGQ for forwarding to SAF/IGQ.

10.5.3. Provide status reports to the local IG, or MAJCOM/IGQ if there is no local IG, 90 days after receipt of the allegation and on the first of every month thereafter until the case is closed.

10.6. Closure Documents Required by the IG for MEO Complaints. Table 10.1. outlines the documents required by the IG to complete closure actions on cases opened as a result of allegations against colonels (or civilian equivalents).

Table 10.1. Closure Documents Required by the IG on Colonel (or civilian equivalent) MEO Cases and Cases with Substantiated Findings Against Majors and Lieutenant Colonels.

A	B
An MEO investigation	1. Copy of MEO investigation report with attachments 2. Copy of legal review (if available) 3. Copy of any command actions including Article 15s, LORs, LOCs, LOAs, memorandums counseling the subject, memoranda documenting verbal counseling of the subject, or a memorandum documenting that no action was taken against the subject 4. Any rebuttal or statement provided by the subject

10.7. Civilian EO Program Policy.

10.7.1. IAW AFI 36-2706, it is Air Force policy to provide equal opportunity in employment for all persons and maintain a work environment free from unlawful discrimination.

10.8. Processing Civilian EO Complaints.

10.8.1. IGs at every level must immediately refer all allegations of violations of EEO policy to their respective EO office.

10.8.2. The installation/center EO Director notifies the local IG and Air Force Civilian Appellate Review Office (SAF/MRBA), and AF/A1Q of any non-frivolous allegations of wrongdoing against any colonel (or civilian equivalent) or senior official.

10.8.3. SAF/MRBA is responsible for notifying SAF/IGS when a senior official is named as an RMO. IAW AFI 36-2706, SAF/IGS does not investigate civilian EO or Sexual Harassment allegations against senior officials, those matters will be worked within the appropriate EO channels. SAF/IGS does, however, investigate other military EO allegations against senior officials.

10.8.4. SAF/MRBA notifies SAF/IGQ when a colonel (or civilian equivalent) is named as an RMO.

10.8.5. SAF/MRBA will provide updates to SAF/IGS and SAF/IGQ as the complaint status changes.

10.9. Closure Documents Required for EO Complaints.

Table 10.2. outlines the documents required by SAF/IGQ to complete closure actions on cases opened as a result of allegations against colonels (or civilian equivalents).

Table 10.2. Closure Documents Required by the IG on Colonel (or civilian equivalent) Civilian EO Cases and Cases with Substantiated Findings Against Majors and Lieutenant Colonels.

A	B
An EEO investigation	1. Copy of EEO investigation report including final agency decision or final order, and decision of EEOC Office of Federal Operations or EEOC (where applicable) 2. Copy of legal review (if available) 3. Copy of any command actions LOCs, LOAs, memorandums counseling the subject, memoranda documenting verbal counseling of the subject, or a memorandum documenting that no action was taken against the subject 4. Any rebuttal or statement provided by the subject

Chapter 11

FRAUD, WASTE, AND ABUSE (FWA) AND GROSS MISMANAGEMENT COMPLAINTS

11.1. Governing Directives. AFPD 90-3, *Inspector General--The Complaints Resolution Program*, establishes policies related to the Air Force FWA Program. DoDI 7050.1, *Defense Hotline Program*, establishes guidelines and procedures for Hotline Quality Assurance Reviews (QAR).

11.2. Key Terms. This chapter uses the following key terms: *abuse, fraud, gross mismanagement, gross waste of funds,* and *waste*. Refer to **Attachment 1** for the definition of these key terms.

11.3. Background. Preventing FWA is the primary focus of the Air Force FWA Program.

11.4. FWA Policy. The Air Force policy on FWA is to use all available means to prevent, detect, and correct instances of FWA; to appropriately discipline perpetrators involved in FWA activities; and to recoup, if possible, losses of cash, property, and services resulting from FWA. The primary elements of a FWA prevention and detection program exist within the Air Force in the audit, inspection, investigation, legal, and security areas.

11.4.1. The success of the FWA program lies with each individual within the Air Force. Support by both military and civilian members is crucial in preventing and eliminating FWA. Any individual aware of FWA or lack of controls that could permit resources to be wasted or diverted must report the situation through appropriate channels.

11.5. IG Responsibilities (MAJCOM, JFHQ, FOA, DRU, and below). IGs at every level must comply with AFPD 90-3, and will:

11.5.1. Provide copies of Air Force FWA Hotline case files from the previous 18-24 months pursuant to IG DoD's notification of a Quality Assurance Review (QAR). Files may originate from Air Force, MAJCOM, JFHQ, FOA, DRU, or lower-level IGs.

11.5.2. Assist Defense Hotline Program investigators to assess compliance with policy and procedures; analyze systemic strengths or weaknesses of hotline investigations; and evaluate the timeliness, independence, objectivity, and overall adequacy of Air Force investigations.

11.5.3. Implement an active Air Force FWA Program to identify potential FWA.

11.5.4. Upon receipt of allegations of FWA, conduct a complaint analysis to determine the resolution path. The IG must ensure the FWA Special Interest Category in ACTS is selected.

11.5.5. Advise the next higher-level IG of negative trends disclosed in the FWA Program.

11.5.6. Advise the next higher-level IG of innovative management procedures and techniques for preventing FWA that could be useful for Air Force or DoD-wide application.

11.5.7. Certify all allegations resulting in IG investigation are fully addressed and the requirements of this instruction are followed.

11.5.8. Review reports of investigations (ROIs), Referral Completion Reports (RCRs), and Hotline Completion Reports (HCRs) for accuracy and administrative and investigative sufficiency.

11.5.9. Ensure corrective actions are taken as a result of substantiated findings.

11.5.10. Encourage the use of local FWA hotlines for reporting suspected fraud, waste, and mismanagement in DoD operations without fear of reprisal.

11.5.11. Publicize DoD and local FWA hotlines using:

11.5.11.1. Air Force Link and MAJCOM, JFHQ, and installation websites.

11.5.11.2. Official notices.

11.5.11.3. Posters.

11.5.11.4. Telephone directories.

11.5.11.5. Other media.

11.5.12. Ensure each MAJCOM and installation operates at least one FWA hotline. Ensure the line is either actively monitored or on an answering machine/voicemail system 24 hours per day.

11.5.13. Ensure FWA information is cross-fed within the command to subordinate units.

11.5.14. Refer FWA allegations that involve suspected criminal acts to AFOSI or Security Forces, IAW AFI 71-101, volume 1, attachment 2. If they decide not to investigate, obtain a documented transfer back to the IG, consult with the legal office, and complete the complaint analysis to determine appropriate resolution path.

11.6. Commander FWA Program Responsibilities:

11.6.1. The prevention of fraud, waste, abuse, and gross mismanagement is inherently a command responsibility. Commanders at all levels must actively promote the efficient, effective, and legitimate use of Air Force resources under their control. To do so, commanders will:

11.6.1.1. Establish a proactive FWA program that systematically reviews operations and processes to detect deficiencies, minimize waste, emphasize economy, and identify/correct potential fraud or abuse.

11.6.1.2. Designate within the organization, at appropriate levels, FWA Program monitors responsible for regularly assessing the FWA climate of the organization and elevating potential FWA issues to the appropriate level of command for review and action.

11.6.1.3. Educate all assigned personnel on what constitutes fraud, waste, and abuse with an emphasis on process improvement, adherence to AF core values, and prompt reporting of suspected violations

11.6.1.4. Encourage personnel to elevate/report FWA concerns to command or supervision.

11.6.1.5. Maintain open communication channels through development of an organizational culture that discourages reprisal or retaliation against any individual making a FWA disclosure.

11.7. Referral Completion Report (RCR). IGs that refer FWA complaints will ensure an RCR is completed within 30 days. Refer to **Chapter 3** for referral procedures.

Chapter 12

DEFENSE HOTLINE COMPLAINTS

12.1. Governing Directive. DoDI 7050.01, *Defense Hotline Program*, establishes policies and procedures used in processing allegations referred to the Air Force Inspector General by the DoD Hotline.

12.2. Key Terms. This chapter uses the following key terms: *referral for action* and *referral for information*. Refer to **Attachment 1** for the definition of these key terms.

12.3. SAF/IGQ Responsibilities. SAF/IGQ will:

12.3.1. Designate a Defense Hotline Component Coordinator by position to report the results of inquiries conducted in response to Defense Hotline referrals.

12.3.2. Receive and evaluate referrals for action taskings and forward them as appropriate to MAJCOM, JFHQ, FOA, or DRU IGs for resolution when IG action is deemed appropriate.

12.3.3. For complaints or allegations that can be resolved by the Air Force, provide a referral for action tasking to the appropriate agency for resolution.

12.3.4. Receive and evaluate referral for information taskings and forward them as appropriate to MAJCOM, JFHQ, FOA, or DRU IGs.

12.3.5. For complaints that do not require intervention by the Air Force because the complaint lacks sufficient detail or subject matter, provide an information referral to the appropriate agency for informational purposes.

12.3.6. Track the status and final disposition of all investigations resulting from Defense Hotline taskings.

12.3.7. Ensure HCRs are completed IAW **Attachment 25**.

12.3.8. Comply with Defense Hotline Quality Assurance Review (QAR) Program requirements and procedures.

12.4. MAJCOM, NAF, JFHQ, FOA, DRU, and lower-level IG Responsibilities. IGs will:

12.4.1. Designate a Defense Hotline Coordinator to report the results of inquiries conducted in response to referrals for action.

12.4.2. Receive and evaluate referral for action taskings and forward them to the appropriate IG or agency for resolution. Tasked IG or agency must provide SAF/IGQ through their MAJCOM, NAF, JFHQ, FOA, DRU, or lower-level IG with a copy of the HCR.

12.4.3. Receive and evaluate referral for information taskings and forward them to the appropriate IG or agency as a matter of possible interest. Action is not required, but if taken, the IG or agency must provide SAF/IGQ through their MAJCOM, NAF, JFHQ, FOA, DRU, or lower-level IG with a copy of the HCR. Notify SAF/IGQ if the determination is made no action will be taken so SAF/IGQ can close the action with IG DoD.

12.4.4. When an IG refers a DoD Informational Hotline outside of IG, if the referred agency takes action, a Hotline Completion Report is required.

12.4.5. Track the status and final disposition of all investigations resulting from Defense Hotline taskings.

12.4.6. Ensure HCRs are completed IAW **Attachment 25**.

12.4.7. Conduct follow-up as required to validate the adequacy of actions taken by subordinate units in regards to FWA cases.

12.4.8. For referral for action taskings, submit an HCR by the suspense date or a progress report (PR) every 30 days thereafter on the first of every month until complete. Use the sample format in **Attachment 13** for PRs. When a report cannot be completed within 90 days, (180 days for criminal and audit referrals), an extension must be requested in writing to SAF/IGQ stating the reason for delay and the anticipated completion date. The IG office processing the complaint is responsible for initiating PRs and requests for extension IAW this paragraph. Send PRs IAW **paragraph 3.55** and requests for extension to SAF/IGQ through the appropriate MAJCOM, NAF, JFHQ IG, FOA or DRU.

12.4.9. Comply with Defense Hotline QAR Program requirements and procedures IAW DoDI 7050.01.

12.5. Investigating a Defense Hotline Complaint. Complaints filed with IG DoD through the Defense Hotline and deemed appropriate for IG action will be investigated IAW governing DoDI 7050.01 and **Chapter 3** of this instruction.

12.6. Closing a Defense Hotline Complaint.

12.6.1. Proper closure and notification requirements, IAW **Chapter 3**, must be complied with when an IG investigation was conducted as a result of a Defense Hotline complaint.

12.6.2. Complaints filed with IG DoD through the Defense Hotline are answered by completing an HCR. The HCR should be a stand-alone document and provide all necessary background information.

12.6.3. Follow the format in **Attachment 25** for completing a HCR.

12.7. Referring Defense Hotline Complaints to Other Investigative Agencies.

12.7.1. If during a MAJCOM, NAF, JFHQ, FOA, DRU, or lower-level IG office-conducted Defense Hotline inquiry, the allegation(s) subsequently require(s) referral to AFOSI or the Air Force Audit Agency (AFAA) for action, the IG conducting the inquiry will transfer the complaint(s) to SAF/IGQ through appropriate channels. SAF/IGQ will refer the complaint to AFOSI or AFAA.

12.7.2. MAJCOM, NAF, JFHQ, FOA, DRU, and lower-level IG offices will provide SAF/IGQ a copy of the letter requesting AFAA support or AFOSI investigation.

Chapter 13

INTELLIGENCE OVERSIGHT COMPLAINTS

13.1. Governing Directives. AFI 14-104, *Oversight of Intelligence Activities*, establishes guidance related to the conduct of intelligence oversight activities. Directive Type Memorandum (DTM) 08-052, DoD Guidance for Reporting Questionable Intelligence Activities and Significant and Highly Sensitive Matters, 17 Jun 2009. Questionable intelligence activities and significant or highly sensitive matters involving intelligence activities may have serious implications for the execution of DoD missions. Submission of reports of questionable intelligence activities and all significant or highly sensitive matters IAW AFI 14-104, Oversight of Intelligence Activities.

13.2. Key Terms. This chapter uses the following key terms: *intelligence activity, DoD intelligence component,* and *United States Person*. Refer to **Attachment 1** for the definition of these key terms.

13.3. Background. Intelligence oversight involves a balancing of two fundamental interests: obtaining the intelligence information required to protect national security and protecting individual rights guaranteed by the Constitution and the laws of the United States (US). The primary objective of the Intelligence Oversight Program is to ensure that units and staff organizations conducting intelligence activities do not infringe on or violate the rights of US persons. However, it is important to note the program applies to all intelligence activities whether they deal with US person information or not. Inspectors General at all levels need to be cognizant of intelligence oversight policies and requirements. An intelligence oversight complaint, often referred to as a questionable activity, is an allegation of conduct that constitutes, or is related to, an intelligence activity that may violate the law, any Executive Order, Presidential Directive, DoD policy regarding intelligence activities, AFI 14-104, and/or other Air Force policy documents and instructions. This includes activities of any Air Force organization, even if not specifically identified as an intelligence activity, that is being used for counterintelligence or foreign intelligence purposes. It includes improper activities by an intelligence or counterintelligence unit or staff or personnel assigned to the organization. A complainant alleging an intelligence oversight violation might assert something like, "Some US intelligence organization is collecting information on me for no reason." AFI 14-104 directs that "reports (regarding potential intelligence oversight violations) will be expeditiously provided to the inspector general at the first level at which an inspector general is assigned and not associated with the questionable activity, with copies to the servicing legal office and, unless the inspector general determines such reporting would not be appropriate, to senior intelligence officers at the same level." Therefore, IGs at all organizational levels must be prepared to receive and then forward copies of intelligence oversight complaints. IGs assigned to DoD intelligence components in the Air Force must be prepared to investigate such complaints.

13.4. SAF/IG Responsibilities. SAF/IG will:

13.4.1. SAF/IGI will report any activities that may indicate an intelligence oversight violation to DoD General Counsel, SAF/ GC, AF/A2 , AF/JA, and the Assistant to the Secretary of Defense for Intelligence Oversight (ATSD(I)), per AFI 14-104.

13.4.2. SAF/IGQ will ensure the appropriate AF unit investigates allegations of intelligence oversight violations.

13.5. MAJCOM, NAF, JFHQ, FOA, and DRU IG Responsibilities. IGs will:

13.5.1. Forward a copy of the complaint to SAF/IGQ. IGs assigned to DoD intelligence components will investigate such complaints. Other IGs will forward the case to SAF/IGQ who will transfer the case to the appropriate IG for evaluation. JFHQ IGs will forward a copy of the complaint to both SAF/IGQ and to the National Guard Bureau, Intelligence Oversight Division.

13.5.2. Provide a copy of the complaint to the servicing legal office.

13.6. Installation IG Responsibilities. IGs will:

13.6.1. Receive intelligence oversight complaints and notify the senior intelligence officer of the organization where the alleged violations occurred by providing a copy of the complaint to the responsible unit, agency, or organization.

13.6.2. Provide a copy of the complaint to the servicing legal office, installation commander, MAJCOM/IGQ, and SAF/IGQ.

13.6.3. IGs assigned to DoD intelligence components will investigate the complaint. Other IGs will forward a copy of the complaint to their MAJCOM (SAF/IGQ for ANG cases), FOA, or DRU IG who will determine which IG office will evaluate the complaint.

13.6.4. Refer to AFI 14-104 for specific IG training requirements.

Chapter 14

IG RECORDS MAINTENANCE AND RELEASE

Section 14A—Directive, Terms and Overview

14.1. Governing Directives. DoD 5200.1-R, *Information Security Program*; DoD 5400.7-R_AFMAN 33-302, *Freedom of Information Act Program*; DoD 6025.18R, *DoD Health Information Privacy Regulation*; AFPD 31-4, *Information Security*; AFPD 90-4, *Relations with Congress*; AFI 31-401, *Information Security Program Management*; AFI 33-332, *Privacy Act Program*; AFI 36-704, *Discipline and Adverse Actions*; AFI 51-202, *Nonjudicial Punishment*; and AFI 90-401, *Air Force Relations with Congress*, provide guidance on records management and release.

14.2. Key Terms. This chapter uses the following key terms: *discovery requests, Freedom of Information Act, in-camera review, official use request, Privacy Act, Privacy Act request, redact, initial denial authority (IDA),* and *responsive record*. Refer to **Attachment 1** for the definition of these key terms.

14.3. Overview. This chapter covers the Air Force IG Records Maintenance and Release Program. The Air Force Inspector General grants access to IG records under the following two separate records release programs, subject to the provisions stipulated in this chapter.

14.3.1. Official Use Requests (OUR) - **Section 14D**.

14.3.2. Freedom of Information Act (FOIA) and Privacy Act (PA) requests - **Section 14E**.

Section 14B—Maintenance of IG Records

14.4. Marking IG Records.

14.4.1. Classify reports according to the policies and procedures contained in security regulations (DoD 5200.1-R and AFI 31-401).

14.4.2. IG reports and case related records will be marked "For Official Use Only" (FOUO) unless they are classified as outlined in DoD 5200.1-R.

14.4.2.1. Mark or stamp reports on the outside of the front cover (if any), at the bottom of the first page, and each succeeding page above the "FOUO" marking with the following disclaimer: "*This is a protected document. It will not be released (in whole or in part), reproduced, or given additional dissemination (in whole or in part) outside of inspector general channels without prior approval of The Inspector General (SAF/IG) or designee*."

14.4.2.2. Mark all documents provided by the complainant as "COMPLAINANT PROVIDED." In ACTS, when uploading documents provided by the complainant, check the "Complainant Provided" box.

14.4.3. E-mails that contain and/or transmit IG reports, complaint analyses, notification memos, records, or information must call attention to the FOUO information and/or attachments. Include FOUO in the e-mail subject line. All e-mails will be encrypted IAW applicable directives. Add the following e-mail header at the beginning of message text:

"This e-mail contains FOR OFFICIAL USE ONLY (FOUO) information which must be protected under the Privacy Act and AFI 33-332."

14.5. Protection of IG Records.

14.5.1. IG reports are protected documents. Only SAF/IG, or designated representatives, can approve release of IG documents outside of IG channels. Refer to **Sections 14D** and/or **14E** for further guidance.

14.5.2. Letters that transmit IG reports and records (FOUO material) must call attention to the FOUO attachments. In these cases, use the following statement as a separate paragraph: "*This letter does not contain "FOR OFFICIAL USE ONLY" information; however, the attached documents are marked "FOR OFFICIAL USE ONLY" and contain protected information."*

14.5.3. Refer to **paragraph 14.4.3** for proper marking of e-mail.

14.6. Protecting Privacy Interests.

14.6.1. IOs conducting IG investigations will not provide witnesses, subjects, or other third-parties with copies of complaints or investigative reports or documents or allow those parties to read any complaint filed through IG channels.

14.6.1.1. A complaint to an IG, or a complaint worked in IG channels, is protected information.

14.6.1.2. During interviews, subjects and suspects must be advised of the specific nature of the allegations against them to permit them to properly respond to or defend against such allegations.

14.6.1.3. Witnesses need only be generally advised of the matters under investigation to permit them to respond to the questions asked and to provide other relevant information.

14.6.2. When necessary and appropriate, the complainant should be told the IO or commander (or civilians leading an organization designated as a unit IAW AFI 38-101) may discuss the case with appropriate officials and witnesses to resolve the complaint.

14.6.3. Generally, do not release the complaint, materials or information provided by the complainant, or the response to the complainant to a third-party requester or the subject, without the complainant's written consent or IAW the FOIA/PA.

14.6.4. Do not release medical information protected by Health Insurance Portability and Accountability Act (HIPAA). Refer the medical records to the office where they originated.

14.6.5. Protect the privacy interests of others involved by complying with the established guidelines in the PA.

14.6.6. When an IG investigation is halted because it is determined another type of investigation is warranted, guard the protected nature of the IG records involved.

14.7. Maintenance and Disposition of IG Records.

14.7.1. CDI records will not be maintained by IG personnel or within an IG system of records with the following exceptions:

14.7.1.1. All CDIs with colonel (or civilian equivalent) as the subject.

14.7.1.2. All CDIs with substantiated allegations against majors and/or lieutenant colonels.

14.7.1.3. Any CDI used as evidence in an IG case.

14.7.2. Records must be maintained for the Complaints Resolution and FWA programs; however, each program has unique requirements. Maintain and dispose of records for both programs according to the *Air Force Records Disposition Schedule*, Tables 90-01, 90-03, and 90-04. The schedule is available on the internet at **https://www.my.af.mil/afrims/afrims/afrims/rims.cfm**. According to those *Air Force Records Disposition Schedule* tables, the disposition of some IG documents is based on the date the case "closed." IG offices will use the definition of "closure" as listed in **Attachment 1** of this instruction to determine the case "closed" date.

14.7.3. In order to maintain a record of each complaint and its disposition, all IG contacts (including referrals, transfers, assistance, investigations, and dismissals) must be logged in ACTS.

14.7.3.1. Each case/complaint is its own record. If paper records are maintained, the case file should normally be filed by ACTS File Reference Number (FRNO) in its own individual file folder.

14.7.4. Case records should not include AFOSI reports (unless they are investigations against senior officials or colonels (or civilian equivalent)), classified materials, reports of special security investigations, or other similarly sensitive documents. If a case must contain sensitive documents (other than AFOSI reports as specified above), IGs must cross-reference their identifying number or subject and indicate their primary storage location. Do not retain them in the local IG office file.

14.7.5. Do not file any IG complaint correspondence or related documents in an individual's unit Personal Information File, field personnel records, or a system of records other than the system established for IG records.

14.7.6. Upon case closure, remove and destroy documents such as draft reports, unnecessary working papers, handwritten notes, Post-it notes, duplicates, etc.

14.7.7. Recorded testimony must be destroyed or deleted after the highest level of quality review has been completed or after the command action has been completed, whichever is later.

14.7.7.1. If command action was taken, coordinate with the legal office before erasing, demagnetizing, or destroying audio tapes or computer storage media to determine if they must be retained for a longer period.

14.7.7.2. If tapes are erased and degaussed, use a professional demagnetizing/erasing machine. All identifiable markings must be removed after erasing. Never tape over previous recordings or reuse an audiotape unless previous data has been properly erased.

14.7.7.3. If testimony has been recorded on computer media, appropriate technical procedures will be utilized to ensure the testimony is unrecoverable.

14.7.8. Digital records (e.g., DVDs and CDs).

14.7.8.1. Destroy according to local Information Security Program guidelines.

14.7.9. AF Electronic Records Management. Records attached to ACTS case files will follow guidelines pertaining to paper records.

Section 14C—Restriction for Use of IG Records

14.8. Restrictions for Use of IG Records. Recipients of IG records must comply with the following restrictions. ***EXCEPTION:*** Documents released pursuant to a FOIA request are then public documents and may be further disclosed at the recipient's discretion.

14.8.1. Do not use IG records as attachments or exhibits to other official records without the written approval of the authority responsible for making release determinations, as delegated in this instruction.

14.8.2. IG records must be returned to the authority responsible for making release determinations or properly destroyed upon completion of stated need.

14.8.3. Do not further release (in whole or in part) IG documents without proper authorization from the authority responsible for making release determinations.

14.8.4. Do not act on FOIA or PA requests for IG records. If, while possessing an IG document, an office receives a FOIA or PA request, and if the document is a responsive record, then accomplish a referral of the request to the appropriate authority responsible for making release determinations (referral procedures are found at DoD 5400.7-R_AFMAN 33-302, paragraph C1.5.9). Include a copy of any responsive documents in the referral package. The authority responsible for making release determinations acts on the request.

14.8.5. Comply with the provisions of the PA Program in the management of IG records.

14.8.6. Comply with the provisions and restrictions of 10 USC 1102 and AFI 44-119 in using any records obtained from a Surgeon General quality assurance review. These are records generated by federal hospital committees in reviewing the quality and standards of care provided to patients treated by the medical facility. Ordinarily, these records should be reviewed and returned to the originator without being attached to the IG record. Consult your servicing legal office before attaching any quality assurance documents to an IG report. If a quality assurance record (or any portion of a record) is included in an IG record, ensure it is prominently marked as protected by 10 USC 1102 as a quality assurance document.

14.8.7. See DoD 6025.18R, paragraph C.2.3., for applicability of the Health Insurance Portability and Accountability Act (HIPAA) to IG operations.

Section 14D—Official Use Requests (OUR)

14.9. Types of OURs. This section covers the following types of OURs:

14.9.1. For Command action.

14.9.1.1. By commander.

14.9.1.2. By legal counsel.

14.9.2. For other than command action.

14.9.2.1. Requests from AF/A1.

14.9.2.2. Requests from other DoD agencies.

14.9.2.3. Requests from government agencies outside the DoD, except Congress.

14.9.2.4. Requests from Congress.

14.9.2.5. Non-governmental agencies.

14.10. Release Determination for OURs. SAF/IG is the authority responsible for making release determinations for all IG records requested under OUR. SAF/IG makes the following delegations:

14.10.1. Senior official investigation records: The Director, SAF/IGS, or designee, is the authority responsible for making release determinations for senior official investigation records.

14.10.2. Colonel (or civilian equivalent) and below: The Director, SAF/IGQ, or designee, is the authority responsible for making release determinations for colonel (or civilian equivalent) and below IG investigative records.

14.10.3. Command action: Appointing authorities are responsible for making release determinations for requests regarding command action resulting from IG investigations. ***NOTE:*** This only applies to requests for command action and not other types of requests.

14.10.4. The commander, not the IG, is the authority responsible for making release determinations for CDI reports. IG offices will not be the repository for CDI reports. Commanders or their designated representatives maintain CDI reports/records.

14.11. Policy and Procedure for all OURs. OURs must be submitted through MAJCOM, NAF, JFHQ, FOA, or DRU IG offices to the appropriate authority responsible for making release determinations. In every case, the following guidance applies:

14.11.1. Release of IG records pursuant to OURs will ordinarily be made after case closure (see **paragraph 3.63** for closure requirements).

14.11.2. To make an OUR for IG records, requestors must:

14.11.2.1. Submit requests in writing.

14.11.2.2. Identify the records requested as specifically as possible (e.g., date of investigation, name of IO, subject, and/or complainant).

14.11.2.3. Explain in detail why the records are needed.

14.11.2.4. Specify when the records are needed.

14.11.3. The authority responsible for making release determinations will evaluate OURs based on the criteria in **Section 14E** and must notify the requestor of any applicable restrictions on the information provided in the release. Make entries in ACTS to show processing of OURs for IG records.

14.11.4. Maintenance of OUR Records. Records will be retained IAW the AF Records Disposition Schedule in AFRIMS.

14.12. OURs for Command Action. The authority responsible for making release determinations will automatically provide the subject's commander with a copy of the relevant portions of an approved and substantiated report of investigation (without attachments) for

determining appropriate command action. JAs may act on behalf of the commander regarding the procedures of **Section 14C**. Commanders submit an OUR to the authority responsible for making release determinations to: a) seek approval to release relevant portions of the ROI or case file to the subject, and/or; b) obtain additional portions of the case file beyond the information initially provided by the authority responsible for making release determinations. When possible, the authority responsible for making release determinations should provide the information to the commander, and specify what is releasable to the subject simultaneously.

14.12.1. Release to Subject.

14.12.1.1. Refer to AFI 51-202 when providing evidence in an Article 15 action against an active duty person. Refer to AFI 36-704 when providing evidence relied on to support command action against DoD civilians.

14.12.1.2. Commanders will provide the subject with evidence (if any) supporting the command action in conjunction with the notice of the action. ***NOTE:*** Evidence to support the command action includes information favorable to the defense and may range from no evidence to all the evidence collected.

14.12.1.3. Defense Counsel Requests. When defense counsel requests IG records to represent military members in courts-martial or other disciplinary actions, defense counsel must request the records from the servicing legal office who will decide what records are relevant for the defense counsel to obtain. IGs should cooperate with any request by the servicing legal office to provide IG records.

14.12.2. Obtaining additional portions of the case file. If a commander determines it is necessary to review additional portions of the case file (e.g., witness testimony and/or exhibits) to determine appropriate command action, the commander must submit an OUR to the authority responsible for making release determinations (sample at **Attachment 26**). The authority responsible for making release determinations will approve or disapprove the request with a memorandum like the one at **Attachment 27** and must use the wording in paragraphs two, three, and four verbatim.

14.13. Requests from AF/A1. AF/ A1 is charged with the responsibility to advise the Secretary whether officers being recommended for promotion, who have adverse information, meet the exemplary conduct standards prescribed in title 10 United States Code, section 8583. In order to do so, they must have access to relevant IG records. Process requests under this provision as expeditiously as possible.

14.14. Requests from within DoD.

14.14.1. All record requests from within DoD, such as the Office of the Secretary of Defense, the Inspector General of the Department of Defense (IG DoD), the Joint Staff, unified commands, defense agencies and field activities, and the other Service components (including the Reserve Components), must be forwarded to SAF/IG.

14.14.2. IG DoD must have expeditious and unrestricted access to and, when required, must be able to obtain copies of all records, reports, investigations, audits, reviews, documents, papers, recommendations, or other material available to or within any DoD component.

14.14.3. AFBCMR Cases. Complainants who petition the AFBCMR should advise the AFBCMR if relevant IG records exist. The AFBCMR may submit an OUR to SAF/IG for those records as it deems appropriate.

14.15. Requests from Government Agencies Outside the DoD, Except Congress. Official use requests for IG records received from non-DoD governmental agencies must be forwarded to the appropriate authority responsible for making release determinations. This paragraph does not apply to congressional requests, which are addressed in **paragraph 14.16**.

14.16. Requests From Congress.

14.16.1. There are three types of requests from Congress: committee requests, constituent requests, and other requests. Consult AFPD 90-4 and AFI 90-401 for all congressional requests. Process all "constituent" requests through SAF/LLI. If members of Congress or committee staff members request a copy of the report itself or information on any opinion, conclusion, recommendation, or confidential source in the report, advise the congressional member their request will be sent to SAF/LL.

14.16.2. To the greatest extent possible, ask the congressional requestor to accept a factual summary in lieu of the IG record.

14.16.3. Committee Requests. The Air Force must disclose IG records when properly requested by a Congressional committee. ***EXCEPTION:*** These procedures do not apply to classified information (see AFI 90-401 for procedures involving classified information). The requirements for a proper congressional committee request are:

14.16.3.1. The request is from either house of Congress, a committee, a subcommittee, a joint committee, or a subcommittee of a joint committee (5 USC 552a(b)(9));

14.16.3.2. For a matter within their jurisdiction (5 USC 552a(b)(9));

14.16.3.3. From the chairman of the committee or the ranking minority member (AFI 90-401). There is no requirement the chairman sign the request, a letter from a staff member requesting records on behalf of the committee chairperson (or ranking minority member) for the committee is sufficient. Assuming these requirements are met, SAF/IGQ or SAF/IGS must turn over all portions of the file that were requested (unredacted) and include a transmittal letter specifying: the portion of the information that is protected by the Privacy Act, the need to safeguard the information, and that the information should not be further released (5 USC 552a(b); 32 CFR § 310.40(c); AFI 33-332; and DoDD 5400.11).

14.16.4. Constituent Requests. Frequently, members of Congress ask for information regarding a constituent based on the constituent's request for assistance. There are two types of constituent requests: those for general information and those for sensitive information. Responses to both types of requests are authorized by the blanket routine use for *Congressional Inquiries* in the AF Privacy Act System notices.

14.16.4.1. General Information. Requests from a congressional member on behalf of a constituent for general information may be answered without permission from the subject of the record that will be disclosed (5 USC 552a(b)(3); see also AFI 33-332, for examples of general information). IG records typically contain sensitive, not general information.

14.16.4.2. Sensitive Information. If the information requested by a congressional representative is sensitive, a release from the subject of the information involved is required (AFI 33-332). Some congressional representatives will provide the release with the request. The more sensitive the records, the more carefully you should verify the subject's consent to the release (AFI 33-332). If the request is for sensitive information, and no release is provided, you may only provide whatever information is releasable under the FOIA (which could be all, some, or none of the requested record). In those cases, see **Section 14E** to determine what information may be released.

14.16.5. Other Requests. All other requests from members of Congress are analyzed under Exception 2 of the Privacy Act, which permits disclosure of Privacy Act records only when required by the FOIA (See 5 USC 552 b (6); also see AFI 33-332, which sets out a test for disclosure to third-parties). All other congressional requests are analyzed under the FOIA. (This does not mean the request must be submitted under FOIA, just that FOIA analysis will be used.) The authority responsible for making release determinations must consult their legal office before responding to these requests. Prior to release of these requests, ensure the accuracy of the information in the record.

14.17. Requests from Non-Governmental Agencies. Any office that receives a request for records from a non-governmental agency should forward the request to the authority responsible for making release determinations for that record, along with a copy of the responsive records.

Section 14E—Freedom of Information Act (FOIA) and Privacy Act (PA) Requests

14.18. Authority Responsible for Making Release Determinations for FOIA and PA Requests.

14.18.1. SAF/IG is the initial denial authority (IDA) for all IG records requested DoD 5400.7-R_AFMAN 33-302, *Freedom of Information Act* and the denial authority for IG records requested under AFI 33-332. SAF/IG makes the following delegations:

14.18.1.1. SAF/IGS is the IDA for senior official cases.

14.18.1.2. SAF/IGQ is the IDA for all IG cases closed at SAF/IGQ level and for all colonel (or civilian equivalent) IG investigations regardless of the level at which they were initiated or closed.

14.18.2. MAJCOM, JFHQ, FOA, or DRU IGs are the authority responsible for making release determinations for IG records when this instruction governs those records, and pertains to IG actions closed at their level and below. ***EXCEPTIONS:***

14.18.2.1. Colonel (or civilian equivalent) cases as specified in **paragraph 14.18.1.2** above.

14.18.2.2. SAF/IGQ will act as the MAJCOM for ANG IG records maintenance.

14.18.2.3. Reports involving Reserve personnel. Reports involving members of the Reserve Component in Title 10 status (e.g., on active duty) should be maintained in federal records. Reports involving members of the Reserve Component in Title 32 status (e.g., in state status), even if the report is done by investigating officers in Title 10 status should be forwarded to the state unit involved. The federal government should retain a copy of these records when there is a federal interest. State records are not subject to the

FOIA or PA, rather they are subject to state law. This can be a complicated situation--consult the servicing JA.

14.18.2.4. SAF/IGQ will maintain reports involving members of the Civil Air Patrol (CAP) while performing Air Force-assigned missions (AFAM). Otherwise, inspector general investigations and reports involving CAP members while serving or performing missions in its federal chartered non-profit corporate status are subject to the direction and control of its governing instructions.

14.18.3. MAJCOM, JFHQ, FOA, or DRU IGs must coordinate all proposed FOIA and PA responses with their FOIA and legal offices.

14.19. Procedures Regarding FOIA and PA Requests.

14.19.1. IGs will coordinate FOIA requests with the FOIA office and the JA. See DoD 5400.7-R_AFMAN 33-302 for FOIA responsibilities. Make entries in ACTS to show processing of FOIA requests.

14.19.2. Third-Party requests. Obtain a PA release statement from the subject when a third-party requests records on the subject's behalf. For subjects represented by counsel, a letter of representation will suffice. For requests from Congress, refer to **paragraph 14.16**.

14.19.3. When a FOIA request is received from a complainant and "complainant provided" materials are responsive records to the request, if possible, contact the complainant to clarify if he or she is requesting "complainant provided" materials. After clarification, annotate the complainant/requestor's wishes in the FOIA file. If contact does not occur, process the "complainant provided" materials and include releasable portions with response to requestor.

14.19.4. Requests from individuals will be considered under both the FOIA and PA. In the response to the requestor, specify which act afforded them access to the maximum amount of information (FOIA or PA), and explain any exemptions or exceptions.

14.20. Maintenance of FOIA Records. Maintain IG FOIA files IAW the Air Force Records Disposition Schedule, and ; DoD 5400.7-R_AFMAN 33-302.

14.20.1. The authority responsible for making release determinations is responsible for documentation, maintenance, and disposition of IG records processed under FOIA.

14.20.2. IG FOIA case files, including the initial response package and subsequent appeal package, if any, should be maintained within the IG file system under the ACTS FRNO.

14.20.3. If any material is denied to a FOIA or PA requestor, then a record must be maintained for six years. ***NOTE:*** The FOIA/PA file is an independent file from the investigatory file. The record must contain the release and its justification, coordination, and any analysis or legal reviews, a highlighted redacted copy of released materials showing information withheld from release, and a full and unredacted copy of responsive documents (IAW ; DoD 5400.7-R_AFMAN 33-302). If the FOIA or PA request is granted in full, the information must be maintained for two years.

14.20.4. The original investigative file will be destroyed on its scheduled disposition date.

Section 14F—Making Release Determinations

14.21. General Guidance.

14.21.1. All FOIA or PA responses must be coordinated with the servicing JA. Denials require a written legal review.

14.21.2. Requests by an individual (complainant or subject) for their own records must be considered under both the FOIA and the PA, even if the requestor does not cite either act (See ; DoD 5400.7-R_AFMAN 33-302 and AFI 33-332). This does not mean the person receives a copy, it only means both acts must be considered.

14.21.3. Generally, release of IG records under FOIA or PA will be made only after the case has been closed. Respond to requests for open cases citing the appropriate FOIA or PA exemptions and exceptions after consulting with your JA. When a case is still open, it is generally protected from disclosure under the FOIA under exemption b 7 (c) (a) because it is a draft, and it is protected from disclosure under the Privacy Act because it is not yet a record.

14.21.4. The authority responsible for making release determinations will always comply with valid court orders for an in-camera review.

14.21.5. In cases of reprisal and restriction, DoDD 7050.06 requires the IG to provide the complainant with a redacted copy of the Report of Investigation with the closure letter. The ROI must be considered under both the FOIA and the PA but notification to the FOIA office is not required.

14.22. Release Analysis.

14.22.1. For guidance on analysis of FOIA or PA requests, refer to:

http://www.foia.af.mil/, http://www.usdoj.gov/oip/foia_guide09.htm,
http://privacy.defense.gov/notices/usaf/F051AFJAI.shtml,
https://www.my.af.mil/afrims/afrims/afrims/rims.cfm.

Chapter 15

CIVIL LIBERTIES

15.1. Governing Directives. Public Law 110-53, Section 803.

15.2. Key Terms. This chapter uses the following key terms: c*ivil liberties, reprisal, and restriction.* Refer to **Attachment 1** for the definition of these key terms.

15.3. Overview. Based on a recommendation from the 9/11 Commission, Congress passed Public Law 110-53, Section 803 in 2007 requiring certain Federal agencies, to include the DoD, to periodically (not less than quarterly) report allegations of civil liberties violations and resolution, provide training on civil liberties to agency personnel, and ensure agency policies and regulations did not violate the civil liberties of agency personnel and the public.

15.4. Civil Liberties. Civil Liberties are the rights of individuals to exercise the freedoms and rights guaranteed to them under the United States Constitution without the government's improper interference. For purposes of the Air Force Civil Liberties Program, Civil Liberties are considered to be:

15.4.1. First Amendment Rights: right to freedom of speech, peaceful assembly and association; freedom of the press; and freedom of religion.

15.4.2. Second Amendment: right to keep and bear arms.

15.4.3. Fourth Amendment: right against unreasonable searches and seizures.

15.4.4. Fifth Amendment: right to not be deprived of life, liberty, or property without due process of law.

15.4.5. Fifteenth, Nineteenth and Twenty Sixth Amendments : right to vote.

15.5. Identifying Civil Liberties Violations. Regardless of the subject matter of the complaint, IGs will determine if the complaint constitutes a civil liberties violation. If the complaint meets the criteria for a civil liberties violation, the IG will:

15.5.1. Determine the appropriate disposition of the issue(s) contained in the complaint.

15.5.2. Enter the details of the complaint in ACTS, ensuring that Civil Liberties is selected as a Special Interest Item.

15.5.3. Draft a Civil Liberties Report (Attachment 30) and attach to the case file.

15.5.4. Update the report as the resolution of the complaint progresses.

15.5.5. Close the case in ACTS when the issue(s) has been resolved.

15.6. Reporting Requirements.

15.6.1. Reports of complaints for the preceding quarter alleging violations of civil liberties are due to DoD by the 15th of January, April, July and October. In order to meet this suspense, SAF/IGQ will pull the reports of complaints initiated, pending or closed from ACTS for the quarter no later than the 3rd of January, April, July and October.

15.6.2. Civil liberty complaints made during courts-martials, non-judicial punishment actions, administrative discharge processes, or IG complaints of reprisal or restriction will not be reported by the IG as they are reported through other channels.

15.6.3. Negative replies from the installations/units are not required.

15.7. Reprisal for Making a Complaint. In accordance with Public Law 110-53 Section 803, no action constituting a reprisal or threat of reprisal shall be taken for making a complaint or for disclosing information to a privacy officer or civil liberties officer that indicates a possible violation of privacy protections or civil liberties unless the complaint was disclosed with false information or with willful disregard for its truth or falsity.

15.7.1. Complaints alleging reprisal will be evaluated in accordance with Chapter 6 of this instruction.

15.8. Additional Information. Additional information can be found at the DoD website (**http://dpclo.defense.gov**) or the AF website (**http://www.privacy.af.mil/civilliberties**/).

Chapter 16

OSC INVESTIGATIONS

16.1. Governing Directives. AFI 51-1102, *Cooperation with the Office of Special Counsel;* DoDD 5500.19, *Cooperation with the United States Office of Special Counsel.*

16.2. Key Terms. This chapter uses the following key terms: *whistleblowing, prohibited personnel practices, gross mismanagement, gross waste of funds, abuse of authority,* and *a substantial and specific danger to public health or safety.* Refer to **Attachment 1** for definition of these key terms.

16.3. Overview. The U.S. Office of Special Counsel (OSC) is an independent federal investigative and prosecutorial agency whose primary mission is to safeguard the merit system by protecting federal employees and applicants from prohibited personnel practices (PPPs), especially reprisal for whistleblowing. OSC investigates PPPs, as well as certain other types of cases such as allegations of violations of the Hatch Act and the Uniformed Services Employment and Reemployment Rights Act (USERRA). Additionally, the OSC Disclosure Unit provides a secure channel for federal employees to report wrongdoing. Disclosure allegations received by OSC are reviewed and, if OSC determines there is a substantial likelihood of a violation of a rule, law, or regulation; gross mismanagement; gross waste of funds; abuse of authority; or a substantial danger to public health or safety, OSC will refer the allegations to the Secretary of the Air Force (SECAF) for investigation. SECAF is then required to conduct an investigation and submit a report back to OSC. See 5 U.S.C. § 1213.

16.3.1. SECAF has delegated responsibility for oversight and overall guidance of OSC matters to the Air Force General Counsel (SAF/GC). Responses to queries or requests for information by OSC must be routed through SAF/GCA.

16.3.2. At the request of SAF/GC, SAF/IG shall investigate the allegations referred by OSC. Results of OSC inquiries investigated by AF IGs will be routed through SAF/IGQ to SAF/GCA.

16.4. Investigative Process.

16.4.1. For allegations referred to SECAF by OSC for investigation, the statutory suspense to submit the final report to OSC is 60 days (see 5 U.S.C. § 1213(c)(1)(B). Extensions are granted only for extenuating circumstances. As such, investigations referred by OSC must be given the highest appropriate priority.

16.4.2. SAF/IG will refer the OSC allegations to a designated point of contact in SAF/IGQ, SAF/IGS, or SAF/IGX as appropriate. The designated point of contact and a lawyer assigned from HAF/JAA as the legal advisor will review the allegations and recommend to SAF/IG whether the investigation should be conducted at the Air Force or MAJCOM level.

16.4.3. The investigating officer will consult with the SAF/IG point of contact, AF legal advisor, and SAF/GCA representative to draft allegations, develop an investigation plan, and draft the report of investigation (ROI) for SECAF signature. To the extent possible before the ROI is finalized, evidence and testimony obtained during the investigation should be shared as soon as practical with the AF legal advisor and SAF/GCA representative to assist in meeting the 60 day statutory suspense.

16.4.4. The investigating officer will document the investigation in the OSC format for the ROI (Atch 31). This format differs from the IG ROI and must be followed.

16.4.5. The report must include:

16.4.5.1. A summary of the information with respect to which the investigation was initiated.

16.4.5.2. A description of the conduct of the investigation.

16.4.5.3. A summary of the evidence.

16.4.5.4. A listing of any violation or apparent violation of any law, rule, or regulation.

16.4.5.5. A description of any corrective action taken or planned as a result of the investigation.

16.5. Review and Approval.

16.5.1. The completed case file must be reviewed by the SAF/IG designated point of contact and a legal review written prior to release to SAF/GCA.

16.5.2. SAF/GCA will review and may request further information and/or investigation. SAF/GCA will submit the final report for SECAF signature and forwarding to OSC.

16.5.3. SECAF personally signs the final report submitted to OSC.

16.5.4. Case will be carried in a completed status until OSC finishes their report at which time the case status will be changed to closed.

16.6. Actions by OSC

16.6.1. OSC will send the SECAF response to the complainants for them to review and make comments regarding the investigation. Based on the comments, OSC may return the report to the Air Force for clarification or further investigation.

16.6.2. The final OSC report will be sent to the President and Congress and posted on the OSC public website, **http://www.osc.gov**.

MARC E. ROGERS, LT GEN, SAF/IG
The Inspector General

(919SOW)

ANTHONY J. COMTOIS, Col, USAFR
Commander

Attachment 1

GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION

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Prescribed Forms

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(Added-919SOW) ***Adopted Forms***

(Added-919SOW) AF IMT 847, *Recommendation for Change of Publication*

Abbreviations and Acronyms

(Added-919SOW) **AAC**—Air Armament Command

ACTS—Automated Case Tracking System

(919SOW) **ACTS**—Automated Complaints Tracking System

ADC—Area Defense Counsel

AF/A1—Deputy Chief of Staff, Manpower, Personnel and Services

AF/A1Q—AF Equal Opportunity Office

AF/DPG—General Officer Management Office

AF/DPO—Colonels Management Office

AF/DPS—AF Senior Executive Management

AF/JA—Office of The Judge Advocate General

AF/JAA—Office of The Judge Advocate General, Administrative Law Division

AF/SG—The Surgeon General

AF/A7S—Deputy Chief of Staff, Directorate of Security Forces

AFAA—Air Force Audit Agency

AFBCMR—Air Force Board for Correction of Military Records

AFFOR—Air Force Forces

AFI—Air Force Instruction

AFIA—Air Force Inspection Agency

(Added-919SOW) **AFMAN**—Air Force Manual

AFMWRAB—Air Force Morale Welfare and Recreation Advisory Board

AFOSI—Air Force Office of Special Investigations

(Added-919SOW) **AFRC**—Air Force Reserve Command

(Added-919SOW) **AFRIMS**—Air Force Records Information Management System

ANG—Air National Guard

CDI—Commander-Directed Investigation

CJCSI—Chairman, Joint Chiefs of Staff Instruction

COCOM—Combatant Command

CRP—Complaints Resolution Program

C-NAF—Component Numbered Air Force

CSAF—Chief of Staff, Air Force

CSB—Command Screening Board

DoD—Department of Defense

DoDD—Department of Defense Directive

DoDI—Department of Defense Instruction

DRU—Direct Reporting Unit

EO—Equal Opportunity

EPR—Enlisted Performance Report

ERAB—Evaluation Reports Appeal Board

ERB—Executive Resources Board

(Added-919SOW) FG—Fighter Group

FOA—Field Operating Agency

FOIA—Freedom of Information Act

FOUO—For Official Use Only

FRNO—File Reference Number

FWA—Fraud, waste, and abuse

GS—General Schedule

HCR—Hotline Completion Report

IAW—In accordance with

IDA—Initial Denial Authority

(Added-919SOW) IG—Inspector General

IGDG—Inspector General Department of Defense Guide

IG DoD—Inspector General of the Department of Defense

IMHE—Improper Mental Health Evaluation

IO—Investigating Officer

IR—Interim Response

JA—Judge Advocate

JFHQ—(State)—Joint Forces Headquarters-State

JET—Joint Expeditionary Tasking

MAJCOM—Major Command

MEO—Military Equal Opportunity

MHE—Mental Health Evaluation

MPF—Military Personnel Flight

NAF—Numbered Air Force

NAF—Non-appropriated Fund

NGB—National Guard Bureau

OIG—Office of Inspector General

OPR—Office of Primary Responsibility or Officer Performance Report

OSC—- Office of Special Counsel

OUR—Official Use Request

PA—Privacy Act or Public Affairs

PCIE—President's Council on Integrity and Efficiency

PIF—Personal Information File

POC—Point of Contact

PPP—- Prohibited Personnel Practices

PR—Progress Report

PRF—Promotion Recommendation Form

QAR—Quality Assurance Review

QR—Quality Review

RCA—Reprisal Complaint Analysis

RCR—Referral Completion Report

(Added-919SOW) RDS—Air Force Records Disposition Schedule

ROI—Report of Investigation

SAF/AQC—Secretary of the Air Force, Deputy Assistant Secretary (DAS) (Contracting)

SAF/FM—Secretary of the Air Force, Office of the Assistant Secretary (Financial Management & Comptroller)

SAF/GC—Secretary of the Air Force, Office of the General Counsel

SAF/GCA—Secretary of the Air Force, Office of the General Counsel, Office of the Deputy General Counsel for Fiscal, Ethics and Administrative Law

SAF/GCM—Secretary of the Air Force, Office of the Deputy General Counsel, Military Affairs

SAF/IG—Secretary of the Air Force, Office of The Inspector General

SAF/IGQ—Secretary of the Air Force, Office of The Inspector General, Complaints Resolution Directorate

SAF/IGS—Secretary of the Air Force, Office of The Inspector General, Senior Officials Directorate

SAF/IGX—Secretary of the Air Force, Office of The Inspector General, Special Investigations Directorate

SAF/LL—Secretary of the Air Force, Legislative Liaison

SAF/LLI—Secretary of the Air Force, Legislative Liaison, Congressional Inquiry Division

SAF/MRM—Secretary of the Air Force, Manpower and Reserve Affairs, Force Management and Personnel

SAF/MRBA—Secretary of the Air Force-Manpower and Reserve Affairs, Air Force Civilian Appellate Review Office

SAF/OS—Office of the Secretary of the Air Force

SAF/PA—Secretary of the Air Force, Office of Public Affairs

SAF/US—Under Secretary of the Air Force

SECAF—Secretary of the Air Force

SES—Senior Executive Service

SOUIF—Senior Officer Unfavorable Information File

(Added-919SOW) SOW—Special Operations Wing

TAG—The Adjutant General

TIG—The Inspector General

(Added-919SOW) TW—Test Wing

UCMJ—Uniform Code of Military Justice

USC—United States Code

(Added-919SOW) UTA—Unit Training Assembly

vMPF—Virtual Military Personnel Flight

Terms

Abuse—Intentional wrongful or improper use of AF resources. Examples include misuse of grade, position, or authority that causes the loss or misuse of resources such as tools, vehicles, computers, or copy machines.

Abuse of Authority—An arbitrary and capricious exercise of power by a military member or a federal official or employee. To qualify as arbitrary or capricious, the following must be met:

1) the action either adversely affected any person or resulted in personal gain or advantage to the responsible management official (RMO);

And

2) the RMO did not act within the authority granted under applicable regulations, law or policy; or the RMO's action was not based on relevant data and factors; or the RMO's action was not rationally related to the relevant data and factors.

Access—Ability to enter, approach, or communicate with individuals or offices designated to receive protected communications. The freedom or ability to make protected communications.

Accountability—Accountability means you are responsible for all your actions and the actions of the people you supervise which you could have reasonably influenced. It is the duty of every leader to hold themselves and their subordinates answerable for their actions and to correct systemic faults. Appropriate remedial measures shall be taken against individuals who have acted unlawfully, improperly or inappropriately. Remedial or corrective measures may be educational, administrative, or punitive and must be appropriate and proportional to the act.

Acid Test—A test that an IO uses to determine if reprisal or abuse of authority has occurred. Refer to **Attachments 21** and **22** of this instruction for descriptions of the Acid Test for Reprisal and the Acid Test for Abuse of Authority.

Administrative Actions—Non-criminal proceedings; includes, but is not limited to letters of counseling, letters of admonishment, letters of reprimand, control roster actions, unfavorable information files, reenlistment denials, promotion propriety actions, suspensions (for civilians) and involuntary separation actions, called "removals" for civilians. These actions need not be the result of an IG investigation.

The Adjutant General (TAG)—The senior military officer (either Army or Air) of the National Guard of each state, Puerto Rico, the US Virgin Islands, and Guam. TAG is responsible for performing the duties prescribed by the laws of that state and the day-to-day peacetime management and training of the state National Guard (Army and Air).

Adverse Information—DOD policy defines adverse information:

1. A substantiated adverse finding or conclusion from an officially documented investigation or inquiry;

or

2. Any credible information of an adverse nature. To be credible, the information must be resolved and supported by a preponderance of the evidence. To be adverse, the information must be derogatory, unfavorable, or of a nature that reflects unacceptable conduct, or a lack of integrity or judgment on the part of the individual.

For the purposes of this definition, the following types of information, even though credible, are not considered adverse:

a. Motor vehicle violations that did not require a court appearance.

b. Minor infractions without negative effect on an individual or the good order and discipline of the organization that:

(1) Was not identified as a result of substantiated findings or conclusion from an officially documented investigation, and

(2) Did not result in more than a non—punitive rehabilitative counseling administered by a superior to a subordinate.

3. Adverse information does not include:

a. Information previously considered by the Senate pursuant to the officer's appointment; or

b. Information attributed to an individual 10 or more years before the date of the personnel action under consideration, except for incidents, which if tried by court—martial, could have resulted in the imposition of a punitive discharge and confinement for more than one-year—the date of the substantiated adverse finding or conclusion from an officially documented investigation or inquiry is used to establish the time period, not the date of the incident.

Allegation—A postulated assertion (assumed without proof) formed by the IG concerning an individual or a detrimental condition. An allegation is a hypothetical statement containing four elements, all of which must be proved by a preponderance of evidence to be true for the allegation to be substantiated. A properly framed allegation will contain the following elements:

1. When, (in what time frame did the improper conduct or behavior occur),

2. Who, (a person, identified by as much information necessary to uniquely identify),

3. Improperly did what, (the specific behavior or conduct that was improper and represents the adverse information),

4. In violation of what standard, (law, policy, regulation, instruction, or procedure).

A properly framed allegation is constructed as follows:

When (on or about 10 January 2004), **Who,** (Major John A. Smith, XX Sq/CC) **did what,** (gave a referral EPR to SrA William Tell), **in violation of what standard,** (in reprisal for a protected communication in violation of 10 USC 1034).

Appointing Authority—Individuals holding the positions listed in **paragraph 1.7** are appointing authorities. Appointing authorities have the singular authority to direct IG investigations, appoint IOs, and approve reports of investigations directed under their authority.

Arbitrary and capricious—The absence of a rational connection between the facts found and the choice made, constituting a clear error of judgment. The action does not appear to be based upon consideration of relevant factors or is taken without observance of procedure required by law.

Assertion—A declaration that is made emphatically (as if no supporting evidence were necessary).

Assist—IG assistance is the simple process of making phone calls, asking questions, or soliciting helpful information from appropriate offices or agencies or putting complainants in touch with people, offices, or agencies who can address their concerns. Assistance is used when there is no evidence or assertion of personal wrongdoing by a management official. Assistance is the IG giving aid or support to quickly remedy a personal problem.

Authentication—The process of having a document (correspondence, personal notes, computer records, etc.) verified as genuine.

Automated Case Tracking System (ACTS)—An AF IG tool to capture all IG investigative and administrative activity AF-wide. ACTS is the primary data collection tool for IGs at all levels. IGs create an entry in ACTS for any action defined as an investigation, referral, assist, records release, review, dismissal, rebuttal, or transfer. The *ACTS User's Manual* provides specific instructions for the use of ACTS.

Case File—A compilation of documents relevant to an IG complaint that are gathered/prepared during the Complaint Resolution Process, such as the complaint and complainant provided documents. **Attachment 10** shows the standard case file format.

Chain of Command—For the purpose of this instruction, chain of command includes not only the succession of commanding officers from a superior to a subordinate through which command is exercised, but also the succession of officers, enlisted or civilian personnel through which administrative control is exercised including supervision and rating performance.

Chilling Effect—Those actions, through words or behavior, that would tend to prevent an individual(s) from taking a proposed course of action.

Civil Liberties— Civil liberties are the rights of individuals to exercise the freedoms and rights guaranteed to them under the United States Constitution without the government's improper interference. The civil liberties are considered to be:

1. First Amendment Rights: right to freedom of speech, peaceful assembly and association; freedom of the press; and freedom of religion.
2. Second Amendment Rights: right to keep and bear arms.
3. Fourth Amendment Rights: right against unreasonable searches and seizures.
4. Fifth Amendment Rights: right to not be deprived of life, liberty, or property without due process of law.
5. 15th, 19th, and 26th Amendments Right: right to vote.

Closure—A case that results in an IG investigation will be considered closed after all required reviews and approvals (appointing authority, DoD, etc.) are completed, the subject's commander or subject, as appropriate, is notified of the results, and the complainant receives a final response.

Colonel (or civilian equivalent)—A Regular Air Force, Air Force Reserve, or Air National Guard officer in the grade of O-6; or an officer who has been selected for promotion to the grade of O-6, but has not yet assumed that grade; or an Air Force civil service employee in the grade of GS-15. For purposes of this instruction, these individuals will be referred to as *colonels (or civilian equivalent).*

Command Action—Action taken by the commander, who is responsible for the process, operation, organization, or individual. A commander electing to take no action is deemed to be command action and must be documented.

Commander—Only officers may command. An officer succeeds to command in one of two ways; by appointment to command or by assuming command. Generally, an officer assigned to an organization, present for duty, eligible to command the organization, and senior or equal in grade to all other officers in the organization, may be appointed to command the organization by an authorized official. When not otherwise prohibited by superior competent authority, an officer's authority to assume command of an organization passes by operation of law to the senior military officer (by grade and, within the same grade, by rank within that grade) assigned to an organization who is present for duty and eligible to command that organization. For specific rules on appointment to, and assumption of command in the Regular Air Force, Air Force Reserve, and Air National Guard when in federal service, refer to AFI 51-604, *Appointment to and Assumption of Command*.

Commander—Directed Investigation (CDI)—All commanders possess inherent authority to investigate matters or incidents under their jurisdiction unless preempted by a higher authority. The conduct of CDIs does not fall under the authority of The Inspector General.

The Commanding General—The senior military officer of the National Guard of The District of Columbia. The Commanding General is responsible for performing the duties prescribed by the laws of The District of Columbia and the day-to-day peacetime management and training of The District of Columbia National Guard (Army and Air).

Complainant—Any individual making a complaint concerning an AF member, program, organization, process or operation. A complainant may be any individual including military members, civilian employees, retirees, family members, or other parties that request to use the IG complaint system.

Complaint—A formal assertion concerning a wrong; or violation of law, regulation, instruction, policy, procedure or rule; or report of conditions detrimental to the operation, mission, or reputation of the AF.

Complaint Analysis—A complaint analysis is the process for determining the most effective resolution strategy to resolve the issues raised by the complainant's assertion. It is a preliminary review of assertions and evidence to determine the potential validity and relevance of the assertion to the AF and to determine what action, if any, in IG, supervisory, or other channels is necessary. A complaint analysis results in a formal decision document which is reviewed by the appointing authority. The complaint analysis decision document is used to record the rationale for the selected complaint resolution strategy.

Complaint Clarification—The process of interviewing the complainant to ensure the intent of the complaint is verified.

Complaint Resolution Process—The Complaint Resolution Process describes actions required to resolve a complaint from receipt through closure. The process, which involves 14 steps representing the lifecycle of a complaint, is divided into three phases, Complaint Analysis, Investigation, and Quality Review. See **Table 3.1**.

Completed Status—The status in ACTS when awaiting results of higher level review/approval, a determination of command/corrective action, or response to recommendation.

Completion—An IG investigation is completed when the appointing authority approves the report of investigation.

Confidentiality—The protection of individual privacy. The IG has a responsibility to safeguard the personal identity of individuals seeking assistance or participating in an IG process such as an investigation and to honor the legal agreements between parties concerning confidentiality provisions in settlement agreements.

Contact—The act of receiving a complaint/disclosure (written or oral).

Corrective Action—A determination derived from command action.

Criminal Offense—A violation of the Uniform Code of Military Justice or any applicable federal, state or local criminal law. This includes, but is not limited to, homicide, sexual assault, use/possession/sale of drugs, theft, travel fraud, etc. The JA should be consulted to determine whether an offense is categorized as criminal or not.

Discovery Requests—A request for information to be used by either counsel in preparation for a court-martial.

Dismiss—A complaint is dismissed if a thorough complaint analysis determines it is not appropriate for IG investigation (see **Table 3.12**).

DoD Intelligence Components—The term "Defense Intelligence Components" refers to all DoD organizations that perform national intelligence, Defense Intelligence, and intelligence-related functions, including: the Defense Intelligence Agency; the National Geospatial-Intelligence Agency, the National Reconnaissance Office, the National Security Agency/Central Security Service, and the intelligence elements of the Active and Reserve components of the Military Departments, including the United States Coast Guard when operating as a service in the Navy.

Evidence—Information or data upon which a conclusion or judgment may be based. Evidence is simply information that tends to prove or disprove the existence of an alleged fact.

Fact—Information or data that has actual existence or occurrence.

File Check—A search for adverse information on senior officials and colonels (or civilian equivalent) in SAF/IG, DCII, IG-DoD, and other government investigative files.

Follow—up—A case will be placed in follow-up status when awaiting results of corrective action, a determination of command/corrective action, or response to recommendations.

Fraud—Any intentional deception designed to unlawfully deprive the AF of something of value or to secure from the AF for an individual a benefit, privilege, allowance, or consideration to which he or she is not entitled. Such practices include, but are not limited to:

1. The offer, payment, acceptance of bribes or gratuities, or evading or corrupting inspectors or other officials.

2. Making false statements, submitting false claims or using false weights or measures.

3. Deceit, either by suppressing the truth or misrepresenting material facts, or to deprive the AF of something of value.

4. Adulterating or substituting materials, falsifying records and books of accounts.

5. Conspiring to carry out any of the above actions.

6. The term also includes conflict of interest cases, criminal irregularities, and the unauthorized disclosure of official information relating to procurement and disposal matters. For purposes of this instruction, the definition can include any theft or diversion of resources for personal or commercial gain.

Freedom of Information Act (FOIA)—5 USC 552.

Freedom of Information Act Request—A written request for DoD records from the public that cites or implies the FOIA.

Frivolous Allegation—As used in this instruction, a frivolous or "obviously frivolous" allegation is one that fails to allege facts that, if true, would constitute a violation of a standard, whether defined by statute, regulation, or custom of service. At a minimum, an IG must conduct a complaint clarification before making such a determination.

Gross Mismanagement—A management action or inaction that creates a substantial risk of significant adverse impact on the agency's ability to accomplish its mission. It is more than mere, trivial wrongdoing or negligence. It does not include management decisions that are merely debatable, nor does it mean action or inaction that constitutes simple negligence or wrongdoing. There must be an element of blatancy.

Gross Waste of Funds—An expenditure that is significantly out of proportion to the benefit expected to accrue to the government. It is more than a debatable expenditure.

Hand—off—The physical person-to-person referral of an interviewee to their commander or designee, civilian leading an organization designated as a unit IAW AFI 38-101 or designee, first sergeant, or supervisor immediately following the interview.

Headquarters US Air Force—The senior headquarters of the AF, consisting of two major entities: the Secretariat (including the Secretary of the Air Force and the Secretary's principal staff), and the Air Staff, headed by the Chief of Staff.

Hotline Completion Report (HCR)—Prescribed format for reporting investigative actions and findings for Fraud, Waste, and Abuse (FWA) complaints filed with IG DoD through the Defense Hotline. An HCR is designed to be a stand-alone document and provide all necessary background information.

Impartiality—A principle holding that decisions should be based on objective criteria, rather than on the basis of bias, prejudice, or preferring the benefit to one person over another for improper reasons.

Improper Conduct—Conduct (acts or omissions) found to violate an identifiable directive, instruction, policy, regulation, rule, statute, or other standard applicable to the AF, without regard to knowledge, motive, or intent.

Inappropriate Conduct—Action a reasonable person would consider likely to erode confidence in the integrity of the AF, but which does not violate an identifiable directive, instruction, policy, regulation, rule, statute, or other standard applicable to the AF.

In—Camera Review—A private review by a judge to evaluate information that may be relevant to a court proceeding.

Independence—In all matters relating to Inspector General operations, inspectors general must be free, in fact and appearance, from all impairments to independence. The responsibility for maintaining independence rests with the commander so that judgments used in conducting inspections, evaluations, investigations, and recommendations concerning corrective action will in fact be impartial, as well as viewed as impartial by knowledgeable third parties.

Initial Denial Authority (IDA)—The official with the delegated authority to deny the release of a document or a portion of a document.

Inquiry—An examination into facts or principles.

Inspector General (IG)—An individual assigned to an authorized IG position by a MAJCOM, JFHQ, FOA, DRU, NAF, Center, National Guard State, Wing, or host Installation commander, or other IG positions as approved by SAF/IG. Implements the IG Program for the commander within the parameters established by The Inspector General.

The Inspector General (TIG)—The individual appointed to oversee and who is responsible for the Air Force Inspector General (SAF/IG) program.

Intelligence Activity—Refers to all activities that DoD intelligence components are authorized to undertake pursuant to Executive Order 12333 and DoD 5240.1-R. Note that EO 12333 assigns the Services' intelligence components responsibility for: 1. "Collection, production, dissemination of military and military related foreign intelligence and counterintelligence, and information on the foreign aspects of narcotics production and trafficking." 2. "Monitoring of the development, procurement and management of tactical intelligence systems and equipment and conducting related research, development, and test and evaluation activities."

Intelligence Oversight Complaint—An intelligence oversight complaint is an allegation of conduct that constitutes, or is related to, an intelligence activity that may violate the law, any Executive Order or Presidential Directive, or DoD policy, regarding intelligence activities. This includes activities of any AF organization, even if not specifically identified as an intelligence activity that is being used for counterintelligence or foreign intelligence purposes. It applies to improper activities by an intelligence or counterintelligence unit or staff or personnel assigned thereto.

Interrogatories—A formal list of written questions prepared by the IO or IG for a witness to answer. The questions are revised and updated as facts are developed.

Investigation—A duly authorized, systematic, detailed examination to uncover the facts and determine the truth of a matter. IG investigations are administrative in nature--they are fact finding rather than judicial proceedings. They are not criminal proceedings in which proof beyond a reasonable doubt is required. Rather, the standard of proof that applies is proof by a preponderance of the evidence. Investigations require formal collection of evidence, taking sworn testimony from complainants, witnesses and subjects, and documentation of the findings in a Report of Investigation (ROI). An investigation is an evidence-gathering exercise to substantiate or not substantiate an allegation.

Investigation Plan—A statement of intent, which sets forth the IO's proposed course of action. Included in such a plan are the allegations to be investigated, a list of witnesses to be interviewed, a list of evidence to be collected, and an itinerary. The plan will include administrative matters such as itinerary and personnel actions. The plan will also include a list of issues to be resolved and some preliminary questions which the IO intends to ask the key witnesses in the case.

Investigating Officer (IO)—A field grade officer, senior NCO, or AF civilian appointed by a competent appointing authority to conduct an IG investigation.

1. An IO is the personal representative of the appointing authority.

2. The appointing authority conveys authority for the investigation to the IO in writing.

3. An IO's authority extends to all subordinate echelons of the command and requires the compliance and cooperation of subordinate supervisory channels.

4. An IO must have a substantial breadth of experience, exceptional maturity, and demonstrated sound judgment.

Lawful Communication—Any communication, whether verbal or written or otherwise transmitted, including complaints, witness statements, and testimony, which is not otherwise unlawful (see definition of unlawful communication below).

Legal Review—A review of an IG case by a JA to ensure legal sufficiency before the appointing authority approves the report and its findings.

Legal Sufficiency—A review of the ROI to determine whether:

1. Each allegation has been addressed.
2. Allegations allege a violation of law, regulation, procedure, or policy.
3. The IO reasonably applied the preponderance of the evidence standard in arriving at findings.
4. Conclusions are supported by, and consistent with, the findings.
5. The investigation complies with all applicable legal and administrative requirements.
6. Any errors or irregularities exist, and if so, their legal effects, if any.

Lieutenant Colonel (or below)—Any Regular Air Force, Air Force Reserve, or Air National Guard member in the grade of O-5 and below and who has not been selected for promotion to colonel; or an AF civil service employee in the grade of GS-14and below. For purposes of this instruction, these individuals will be referred to as lieutenant colonels (or below).

Mental Health Evaluation (MHE)—A clinical assessment of a service member for a mental, physical, or personality disorder to determine the member's mental health status and fitness for duty. It does not include interviews under Family Advocacy programs or Air Force Drug and Alcohol Abuse Rehabilitation programs.

Misconduct—Improper conduct undertaken with:

1. The knowledge the conduct violates a standard or willful disregard for that possibility, or
2. The intention to harm another or willful disregard for that possibility, or
3. The purpose of personal profit, advantage, or gain.

Non—Appropriated Fund Employee—Persons who are employed in, and receive compensation from a non-appropriated fund instrumentality.

Non—Appropriated Fund Instrumentality—A DoD fiscal and organizational entity primarily performing programs to support military members, family members, and authorized civilians.

Not Substantiated Finding—A "not substantiated" finding results when a preponderance of the evidence supports the conclusion that the alleged wrongdoing did not occur. The facts indicate no violation of standards occurred.

Obviously Frivolous Allegation—See definition of "Frivolous Allegation," above.

Official Use Request (OUR)—A request to use a report for official purposes.

Ombudsman—A government official appointed to receive and investigate complaints made by individuals against other government officials regarding abuses or capricious acts, investigates reported complaints, report's findings, and helps to achieve equitable resolution of complaints.

Personnel Action—Any action taken on a member of the armed forces that affects or has the potential to affect (for example a threat) that military member's current position or career. See DoDD 7050.06 for examples.

Preponderance of the Evidence—The standard of proof for IG investigations. The preponderance standard means: When it is more likely than not that events have occurred as alleged, there is a preponderance of the evidence, and the IO may consider the events proven.

Privacy Act Request—An oral or written request by an individual about his or her records in a system of records.

Prohibit—To prevent from doing something, to forbid or restrain by force of authority.

Prohibited Personnel Practices—Twelve prohibited personnel practices defined in 5 U.S.C §2302 (b) and by the Office of Personnel Management that a federal employee who has authority over civilian personnel decisions may not take.

Proof Analysis Matrix—A framework that helps the IO organize the case. Specifically, it provides a construct for identifying the evidence needed to prove or disprove an allegation. Additionally, the proof analysis matrix provides a reference outline for the analysis section of the IOs ROI.

Protected Communication—

1. Any lawful communication not conveying an admission of misconduct, violation of the UCMJ, or violation of other applicable statutes, to a Member of Congress or an IG.

2. A communication in which a member of the Armed Forces communicates information that the member reasonably believes evidences a violation of law or regulation, including a law or regulation prohibiting sexual harassment or unlawful discrimination, gross mismanagement, a gross waste of funds or other resources, an abuse of authority, or a substantial and specific danger to public health or safety, when such communication is made to any of the following (this list is not all inclusive):

    1. Member of Congress or a member of their staff.

    2. An inspector general or a member of the inspector general's investigative staff.

3. Personnel assigned to DoD audit, inspection, investigation, law enforcement, equal opportunity, safety, or family advocacy organizations.

    4. Any person in the member's chain of command.

5. The Chief Master Sergeant of the Air Force, Command Chiefs, Group/Squadron Superintendents, and First Sergeants.

Quality Review—A review of investigative documents that ensures completeness, and compliance with this instruction and other directives, objectivity, and legal sufficiency.

Redact—To remove non-releasable material (such as by blacking out with a marker).

Referral—A referral is a complaint that is determined to be more appropriately handled by an organization or agency outside the AF IG system.

Referral Completion Report (RCR)—Prescribed format for reporting resolution actions and findings for complaints referred to other agencies. An RCR is designed to be a stand-alone document and provide all necessary background information and case resolution actions.

Referral for Action—Defense Hotline allegations referred for action are allegations that can be resolved by the AF and which may be an indication of a systemic problem within the service, or have been determined through the Defense Hotline review process as requiring attention.

Referral for Information—Defense Hotline complaints that do not require intervention by the Air Force – the tasking may lack sufficient detail or significant subject matter to warrant a formal investigation.

Report of Investigation (ROI)—The ROI must be a stand-alone document--all the essential facts, documents, portions of regulations, interviews, etc., must be included in the report so that a reviewer can arrive at a determination without reference to information outside the report. The report of investigation is a subset of the case file.

Reprisal—Taking or threatening to take an unfavorable personnel action or withholding or threatening to withhold a favorable personnel action on a military member for making or preparing to make a protected communication.

Responsible Management Official(s)—Responsible management officials are:

1. Official(s) who influenced or recommended to the deciding official that he/she take, withhold, or threaten a management/personnel action.

2. Official(s) who decided to take, withhold, or threaten the management/personnel action.

3. Any other official(s) who approved, reviewed, or indorsed the management/personnel action.

Responsive Record—A record that fits the description provided by the requestor.

Restriction—Preventing or attempting to prevent members of the Armed Forces from making or preparing to make lawful communications to Members of Congress and/or an IG.

Self-Investigation—A Senior Official is defined as any active or retired Regular Air Force, Air Force Reserve, or Air National Guard military officer in the grade of O-7 (brigadier general) select and above, and Air National Guard Colonels with a Certificate of Eligibility (COE). Current or former members of the Senior Executive Service (SES) or equivalent and current and former Air Force civilian Presidential appointees are also considered senior officials. (NOTE: under DOD policy, an officer becomes an O-7 select, and therefore a senior official, at the time the selection board that selects the officer adjourns.)

Senior Officer Unfavorable Information File (SOUIF)—A SOUIF is a written summary of adverse information pertaining to a colonel or a general officer, plus any comments from the subject officer regarding the written summary. SOUIFs are created for use during the general officer promotion process and exist solely for that purpose. The Secretary of the Air Force or designee (SAF/GC) determines if a SOUIF is provided to a promotion board.

Senior Official— A Senior Official is defined as any active or retired Regular Air Force, Air Force Reserve, or Air National Guard military officer in the grade of O-7 (brigadier general) select and above, and Air National Guard Colonels with a Certificate of Eligibility (COE). Current or former members of the Senior Executive Service (SES) or equivalent and current and

former Air Force civilian Presidential appointees are also considered senior officials. (NOTE: under DOD policy, an officer becomes an O-7 select, and therefore a senior official, at the time the selection board that selects the officer adjourns.)

Sexual Harassment—A form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other oral or physical conduct of a sexual nature. For more detailed definitions, see AFI 36-2706, *Equal Opportunity Program, Military and Civilian*.

Standards—A law, regulation, policy, procedure, operating instruction, or custom of service that establishes a criterion for measuring acceptability.

Statement—A written or oral declaration of events made to an IO or IG by a witness, subject or suspect. For all reports, type any written statements. The witness or IO should sign the typed statement to certify the validity.

Statutory Authority—Authority derived from statute. For example, The DoD Inspector General derives his authority from The Inspector General Act of 1978, 5 USC Appendix 3.

Subject—A military member or civil service employee against whom allegations of non-criminal wrongdoing have been made and/or whose conduct is the focus of an investigation.

Substantial and Specific Danger to Public Health or Safety—Two of the factors that determine when a disclosed danger is sufficiently substantial and specific are (1) the likelihood of harm resulting from the danger and (2) when the alleged harm may occur. If the disclosed danger could only result in harm under speculative or improbable conditions, it is less likely to be found specific. If the harm is likely to occur in the immediate or near future as opposed to manifesting only in the distant future it is more likely qualify as a specific danger. Both of these factors affect the specificity of the alleged danger, while the nature of the harm—the potential consequences—affects the substantiality of the danger.

Substantiated—A substantiated finding results when a preponderance of the evidence supports the complainant's allegation of a wrong or violation of law, regulation, procedure, or AF policy or standards. The facts (from documentation and testimony) indicate the complainant was wronged or a violation of standards occurred.

Summarized Testimony—A written summary of witness testimony prepared and certified by the IO. It normally includes only those items directly related to the matters under examination. The witness or IO must sign all summaries. It is encouraged (not mandatory) that witnesses also sign summarized testimony, whenever the witness is reasonably available to do so.

Suspect—An individual suspected of a criminal offense. Identify a person as a suspect when the facts and circumstances known at the time of the interview are sufficient to support a reasonable belief that the person to be interviewed may have committed a crime. Military suspects must be advised of their Article 31 rights before the interview begins. Consultation with the servicing legal office is recommended before reading rights to a suspect.

Systemic—A trend or pattern that relates to, or is common to, an organization.

Technical Review—A technical (expert) review of applicable evidence, findings, and conclusions.

Testimony—A solemn declaration, usually made orally by a witness, in response to a formal questioning. It may be recorded and summarized or transcribed verbatim (word-by-word).

1. Sworn. Obtained from a witness who has taken an oath or affirmation to tell the truth.

2. Unsworn. Obtained from a witness who has not taken an oath or affirmation to tell the truth.

Third-Party Complainant—An individual who makes a complaint on behalf of another individual against an AF military member, civil service employee, program, or organization.

Third-Party Complaint—A complaint made on behalf of another individual against an Air Force military member, civil service employee, program, or organization.

Thoroughness—All inspector general operations must be conducted in a diligent and thorough manner, addressing relevant aspects of the readiness, economy, efficiency, and state of discipline of the institution. IG operations must clearly and concisely reflect all elements of the issues under examination. Reasonable steps should be taken to ensure pertinent issues are sufficiently resolved and that all appropriate root causes and remedies are considered. The results of inspector general operations must not raise unanswered questions, nor leave matters open to question or misinterpretation.

Timeliness—Inspector general operations must be conducted and reported with due diligence in a timely manner. The objective is to be responsive to all parties thereby enhancing AF credibility. IG operations are to be conducted and completed within a timeframe that facilitates efficient and effective mission accomplishment while protecting the public's safety and security. IGs are responsible to ensure that the investigation, inspection or evaluation is completed at the appropriate time.

Transfer—A complaint is transferred when a complaint analysis determines an AF IG other than the one receiving the complaint should resolve it.

Unlawful Communication—Any communication, whether verbal or written or otherwise transmitted, that constitutes misconduct, a violation of the UCMJ, or a violation of other applicable criminal statutes. Some examples of unlawful communications include, but are not limited to, knowingly false statements; unauthorized disclosures of classified, privileged, or private information; obscene statements; threatening statements; and statements made under circumstances disrespectful to higher authorities.

Unlawful Discrimination—Discrimination on the basis of color, national origin, race, religion, sex; disability or age (against civilian employees); that is not authorized by law or regulation.

United States Person—A US citizen, an alien known by the DoD intelligence component concerned to be a permanent resident alien, an unincorporated association substantially composed of US citizens or permanent resident aliens, or a corporation incorporated in the US unless it is directed and controlled by a foreign government or governments.

Waste—The extravagant, careless, or needless expenditure of AF funds or the consumption of AF property that results from deficient practices, systems controls, or decisions. The term also includes improper practices not involving prosecutable fraud. ***NOTE:*** Consider wartime and emergency operations when explaining possible waste. For example, legitimate stockpiles and reserves for wartime needs, which may appear redundant and costly, are not considered waste.

Whistleblowing--A protected communication disclosing information by an employee or applicant that he or she reasonably believes evidences a violation of a law, rule, or regulation;

gross mismanagement; gross waste of funds; an abuse of authority; or a substantial and specific danger to public health or safety.

Witness—Any individual, civilian or military, who is interviewed, or testifies, during the course of an IG investigation.

Attachment 2

COMPLAINT ANALYSIS DOCUMENTATION LETTER TEMPLATE

Date

MEMORANDUM FOR APPOINTING AUTHORITY
ATTENTION: (Grade, Name)

FROM: Superintendent, 99 WG/IG

SUBJECT: Inspector General Complaint Analysis of--Amn Complainant (FRNO YYYY-XXXXX)
We have completed an analysis of the attached complaint and recommend/do not recommend that an IG investigation be conducted. (There are other resolution avenues available besides just investigation. This paragraph should identify the recommended resolution strategy.)

COMPLAINANT GRADE/NAME: Amn Joe M. Complainant

DATE COMPLAINT WAS FILED: 1 APR 04

RMOs:
Col Alan B. First
Commander, 99th Mission Support Group
Alpha AFB, AN

TSgt Carol D. Second
Superintendent, 23rd Aircraft Maintenance Squadron
Alpha AFB, AN

Maj Earl F. Third
Commander, 99th Personnel Flight
Alpha AFB, AN

TSgt Gary H. Instructor
Chief Instructor
Primary AFB, BN

BACKGROUND:
Provide sufficient background information to describe the complainant (grade, organization and assignment, etc.), the subject(s) (if any) and the events that led the complainant to contact the IG office.

ISSUES/ANALYSES/RESOLUTION PATHS:

*[**ISSUE 1**: example for issues requiring **INVESTIGATION**]*

Issue 1. That Col First abused his authority by requiring a new subordinate to report for duty earlier than the Report No Later Than Date (RNLTD).

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Issue 1 Analysis.

a. Review what the complainant believes the subject did.
b. Explain what the Air Force instruction says or what the standard is.
c. Explain when this alleged violation occurred.
d. Allegation 1 (Frame the allegation as follows):
On (state the date), Col Alan B. First, 99 MSG/CC (describe the improper behavior or conduct) abused his authority by requiring Amn Joe M. Complainant to report for duty earlier than his RNLTD in violation of (state the standard) AFI XX-XXX.
e. (Compare the alleged actions to the standard and draw a conclusion whether an IG investigation is warranted. Use the words: "This allegation warrants an IG investigation because....")

Issue 1 Resolution Path.

a. Recommend 99 WG/IG conduct an IG investigation into issue 1.
b. Recommend 99 WG/IG sign memo to complainant at **Attachment 2**.
c. Recommend 99 WG/IG sign memo to subject's commander at **Attachment 4**.
d. Recommend 99 WG/IG sign notification memo to MAJCOM/IGQ of allegations against a colonel at **Attachment 5**.

*[**ISSUE 2**: example for issues that are **DISMISSED**]*

Issue 2. That TSgt Second improperly provided performance feedback to Amn Complainant.

Issue 2 Analysis.

a. Review what the complainant believes the subject did.
b. Explain what the Air Force instruction says or what the standard is.
c. Explain when this alleged violation occurred.
d. (If an allegation cannot be framed, explain why. Specifically discuss the elements that are missing and the resulting impact on the complaint resolution strategy.) An allegation cannot be framed for this issue because no standard has been violated. TSgt Second provided Amn Complainant with three performance feedback sessions (one every 60 days) within a 180-day period. The sessions occurred on (date 1), (date 2), and (date 3). AFPAM 36-2627, Airman and NCO Performance Feedback System (EES), **paragraph 1.6** states "[Performance feedback] Sessions are also held if the rater determines there is a need for one, or within 30 days of a request from a ratee, provided at least 60 days have passed since the last feedback session."

e. (Compare the alleged actions to the standard and draw a conclusion whether an investigation is warranted. Use the words: "This issue does not warrant investigation because...") After discussing this issue with Amn Complainant and reviewing the performance feedback forms, it is clearly apparent that TSgt Second properly provided constructive feedback, which was intended to improve Amn Complainant's performance. This issue does not warrant investigation because a proper allegation cannot be framed.

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Issue 2 Resolution Path.

a. Dismissed issue 2 and provided **Attachment 2** to the complainant as the formal response.

*[**ISSUE 3**: example for issues that are **REFERRED**]*

Issue 3. That Maj Third engaged in an unprofessional relationship with a subordinate.

Issue 3 Analysis.

a. Review what the complainant believes the subject did.
b. Explain what the Air Force instruction says or what the standard is.
c. Explain when this alleged violation occurred.
d. Allegation 2: On (state the date), Maj Earl F. Third engaged in an unprofessional relationship with a subordinate in violation of AFI 36-2909.
e. This allegation is not appropriate for the IG system and should be addressed by the commander.

Issue 3 Resolution Path.

a. Recommend issue 3 be referred to the commander for resolution.
b. Recommend notifying the complainant via **Attachment 2** that issue 3 was referred.
c. Recommend 99 WG/IG sign memo to complainant at **Attachment 2**.
d. Recommend 99 WG/IG sign referral memo to Maj Third's commander (attach 3).

*[**ISSUE 4**: example for issues that are **TRANSFERRED**]*

Issue 4. That TSgt Instructor abused his authority while Amn Complainant was his student seven weeks ago.

Issue 4 Analysis.

a. Review what the complainant believes the subject did.
b. Explain what the Air Force instruction says or what the standard is.
c. Explain when this alleged violation occurred.
d. Allegation 3: TSgt Gary H. Instructor abused his authority by requiring Amn Joe M. Complainant to (do something) in violation of (state the standard) on (state the date).
e. This allegation may be appropriate for an IG investigation but should be transferred to the (appropriate IG) office for resolution because (include rationale).

Issue 4 Resolution Path.

a. Discussed issue 4 with the (appropriate IG) and we agreed it should be addressed by their office.
b. Provided **Attachment 2** to the complainant as formal notification that issue 4 was referred.
c. Separated and recorded issue 4 into a new ACTS record (FRNO YYYY-ZZZZZ) and transferred that ACTS record to the (appropriate IG).
d. Sent the transfer memo at **Attachment 6** to (appropriate IG) and included the relevant case file material.

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*[**ISSUE 5**: example for issues that result in an **ASSIST**]*

Issue 5. Amn Complainant requested assistance in a pay issue.

Issue 5 Resolution Path.

a. Contacted local finance office and assisted in resolving the pay issue.
b. Closed issue 5 as an assist. No further action is required.

NOTE: This letter and the attached documents are marked "FOR OFFICIAL USE ONLY" and contain protected information and must be protected under the Privacy Act.

JOHN M. DOE, MSgt, USAF
Superintendent, 99 WG/IG

Attachments:
1. Complaint
2. 99 WG/IG memo to complainant
3. 99 WG/IG referral memo of issue 3 to appropriate agency
4. 99 WG/IG initial notification memo to subject's commander
5. 99 WG/IG notification memo to MAJCOM/IGQ of allegations against a colonel
6. 99 WG/IG transfer memo of issue 4 to receiving IG

Date

1st Ind, Appointing Authority, Office Symbol

MEMORANDUM FOR RECORD

I have reviewed this Complaint Analysis.

APPOINTING AUTHORITY, Colonel, USAF
Duty Title

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Attachment 3

SAMPLE REFERRAL LETTER

Date

MEMORANDUM FOR (Unit/Staff)
ATTENTION: (Grade, Name)

FROM: (99 WG/IG)

SUBJECT: IG Complaint - Referral of Complaint (FRNO)

1. My office received a complaint concerning a member of your unit. After conducting the analysis, it is my independent determination your office is the most appropriate for resolving the issues addressed. A synopsis of the complaint is as follows:

a. It is alleged TSgt John Doe did not pay child support for May and June of this year, in violation of a court order.

2. Please notify me when you have concluded your analysis/action and provide a written copy of the outcome and any action taken by 31 Jul 10, to include any response you provided to the complainant. If you require more time, please let me know.

3. This letter is marked FOR OFFICIAL USE ONLY and contains information that must be protected under the Privacy Act. As a reminder, it is a violation of 10 USC 1034 to restrict anyone from communicating with the Inspector General or retaliating against them for that communication. Due to the sensitive nature of the issue, please handle with discretion. Limit the release of this information to those who have a need to know.

4. If you need anything further contact me by phone at (telephone #) or by e-mail at (e-mail address)

SIGNATURE BLOCK
99 WG/IG

2 Attachments:
1. Redacted Complaint
2. Referral Completion Report Template

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Attachment 4

SAMPLE INITIAL NOTIFICATION MEMORANDUM TO SUBJECT'S COMMANDER

Date

MEMORANDUM FOR 99 MSG/CC

FROM: (Appointing Authority)

SUBJECT: IG Investigation - Notification to Subject's Commander

1. We will be conducting an Inspector General investigation concerning Lt Col First M. Last. I am not allowed to discuss the specifics at this time, but, in general, the allegation is that Lt Col Last abused his authority. You will be apprised of the findings upon completion of the investigation.

2. The fact that allegations have been made is not to be construed as proof of wrongdoing. An independent investigating officer has been appointed to determine the facts and circumstances surrounding the allegations and report their findings to me.

3. In accordance with AFI 90-301, *Inspector General Complaints Resolution*, please inform Lt Col Last (he/she) is a subject in this investigation and that the investigating officer will soon contact (him/her) to make the necessary arrangements and collect (his/her) sworn testimony. Also ensure that (he/she) understands the following points:

a. (He/She) must not attempt to identify the names of the complainant or witnesses. The IG system is designed to be confidential and to protect the identity and privacy of all individuals involved in the investigation. In fact, almost any action on (his/her) part to talk to witnesses or the complainant may give the appearance of improperly influencing the witnesses or reprising against the complainant. (He/She) must maintain confidentiality and permit the IG investigators to do their job.

b. Any attempt to interfere with the investigation, testimony, or evidence could have more serious consequences than the alleged wrongdoings.

c. To preclude compromise of the initial fact finding, subjects, complainants, and witnesses will not discuss the circumstances of the allegations or their testimony with anyone except the IG complaints staff, the appointed investigating officer, or their legal counsel--if they elect to seek legal advice.

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SAMPLE INITIAL NOTIFICATION MEMORANDUM TO SUBJECT'S COMMANDER, Continued

d. Here is what Lt Col Last can expect: (1) the investigating officer will gather facts and interview witnesses; (2) (he/she) will be interviewed last; (3) (he/she) will be notified whether the allegations against (him/her) were "substantiated" or "not substantiated" by (his/her) commander. Please advise Lt Col Last to trust the process.

4. This memorandum contains protected information and must be protected under the Privacy Act. If you have specific questions concerning the IG investigative process, you may contact me at DSN XXX-XXXX.

SIGNATURE BLOCK
(Appointing Authority)

Date

1st Ind, 99 MSG/CC

MEMORANDUM FOR LT COL FIRST M. LAST

1. In accordance with AFI 90-301, *Inspector General Complaints Resolution*, I am notifying you that the IG will conduct an investigation in which you are a subject. Please refer to the above for more detailed information.

SIGNATURE BLOCK
Commander

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Attachment 5

SAMPLE INVESTIGATING OFFICER (IO) APPOINTMENT LETTER

Date

MEMORANDUM FOR (Unit/Office Symbol)
ATTENTION: (Grade, Name)

FROM: (Appointing Authority)

SUBJECT: Inspector General Investigation -- [as appropriate]

1. In accordance with AFI 90-301, *Inspector General Complaints Resolution*, paragraph 3.34 you are appointed to conduct an Inspector General investigation into all aspects of the facts and circumstances concerning [give a brief listing of what is to be examined, ensuring you do not mention the names of the complainant or subject(s)]. This is your primary duty (no leave, TDY, or other duties), unless expressly discussed and permitted by me, until completion of this duty and submission of an acceptable report. Your appointment will remain in effect should rework be required and directed by higher level review.

2. You are authorized to interview personnel, take sworn statements or testimony, and examine and copy all relevant Air Force records. All records, files, and correspondence relative to the matter under investigation, controlled by the Air Force, will be made available to you.

3. Follow the provisions of AFI 90-301, the SAF/IGQ *Investigation Officer Guide* [for reprisal and improper mental health evaluation cases add: IGDG 7050.6, *Guide to Investigating Reprisal and Improper Referrals for Mental Health Evaluations*].

4. Prepare and submit to me a Report of Investigation and other reports required by AFI 90-301 (e.g., Hotline Completion Report, if applicable). You are also required to complete Progress Reports, and all applicable attachments required by AFI 90-301 for the type of investigation you are conducting. You must meet with _____(IG Rep) and _____(JA Rep) [include the Technical Advisor, if appropriate] who will provide additional information about investigative techniques and procedures and serve as points of contact on these matters during your investigation. Include under separate cover, any recommendations you deem appropriate. (Optional Statement)

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5. You have _____days [normally 59] to complete your investigation and prepare your report for submission to the supporting IG office. For tracking purposes, submit a Progress Report on the ___th day [normally 59th] from the date of this letter and on the first of every month thereafter until your final report is completed.

6. You may not at any time release any information included in this case without Secretary of the Air Force, Office of the Inspector General (SAF/IG) approval.

7. This letter and the attached documents are marked "FOR OFFICIAL USE ONLY" and contain protected information and must be protected under the Privacy Act.

SIGNATURE BLOCK
(Appointing Authority)

2 Attachments:
1. Directive to IO (specifically stating and framing the allegations): the scope of the matter to be investigated and the allegations relevant to the case.
2. Complaint

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Attachment 6

SAMPLE INVESTIGATION PLAN

Date

MEMORANDUM FOR HQ AFMC/IG

FROM: Donald L. Smith, Colonel, USAF

SUBJECT: INVESTIGATION PLAN: COL TURNER DEFEAR

1. Mission: Investigate allegations of command accountability in the Systems Program Office at Other AFB, USA.

2. Facts Bearing on Investigation:

a. Background:

Ms Hedda Fright is the former spouse of Air Force Lt Colonel I. Ben Wrong, currently assigned to the Systems Program Office at Other AFB USA. Ms Fright alleged on 28 Sep 02 Lt Col Wrong attempted to kill her when he struck her with a hammer in her apartment in Any Town. Col Wrong was subsequently acquitted of attempted murder and failure to go charges by a general court-martial.

Ms Fright later wrote the CSAF, General Tedrey Smith, complaining that Lt Col Wrong's supervisor, Col Turner Defear could have prevented the events of 28 Sep 02 from occurring. Ms Fright related that Col Defear was aware of a pattern of alcohol abuse and unusual behavior by Lt Col Wrong as early as November 2001 but elected not to intervene in what he perceived was a domestic dispute. Ms Fright stated she requested assistance from Col Defear on at least three occasions between Nov 00 and Sep 02. She says the Other AFB Flight Surgeon, Lt Col Carey Hands, also went to Col Defear on three or four occasions to inform him of Lt Col Wrong's behavior, but Col Defear refused to act, believing it would unnecessarily damage Lt Col Wrong's career.

On 5 Apr 01 Gen Smith requested the Inspector General investigate the apparent lack of action by Col Defear in these matters. On 12 Apr 01, Col Kevin J. Sullivan, HQ AFMC/IG appointed Col Donald L. Smith as the Investigating Officer for these matters.

b. Chronology

Nov/Dec 99	Ms Fright approaches Col Defear for the first time about her husband's alleged heavy drinking.
Dec 99	Lt Col Wrong allegedly admits to Col Defear he has a serious drinking problem. Col Defear allegedly enlists the assistance of the Flight Surgeon, Lt Col Carey Hands.

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Dec 99	Lt Col Wrong allegedly admitted to Wright-Patterson Medical Center (WPMC) for emergency treatment.
Jan 00	Lt Col Wrong allegedly admitted to Alcohol Rehab Program at WPMC.
Feb 00	Lt Col Wrong allegedly released from Rehab Program at WPMC and placed in Other AFB Alcohol Rehab Program.
Apr 00	Ms Fright requests Col Defear do something about Lt Col Wrong, her former husband. Reveals: - Behavior is getting stranger. - Driving drunk. - Attempted to break-in to her apartment. - Involved in a near fatal accident with his son in the car. - Allegedly filed an anonymous OSI complaint to ruin her reputation at work. - Col Defear orders Lt Col Wrong to stay out of her section of the building.
Apr-Sep 00	Ms Fright alleges on two occasions she spoke with Col Defear directly about her husband and his behavior, and on at least 3 or 4 other occasions Dr Hands spoke with Col Defear as well. Col Defear allegedly responded by stating he did not want to get involved in "a domestic dispute."

c. Applicable Regulations and Reference Publications:
   1. AFI 90-301, *Inspector General Complaints Resolution*
   2. UCMJ

d. Commands/Units Involved:
   1. Systems Center, Other AFB USA
   2. Systems Program Office

e. Staff Agencies Having Knowledge of Complaint:
   1. SAF/IGQ - 10 Apr 01 Tasking Letter
   2. AF/JAA - SSS dated 12 Apr 01
   3. AFMC/SG - Technical Advisor meeting with IO - 12 Apr 01
   4. XXXX/IG - Phone Call for Field Support for IO - 12 Apr 01
   5. XXXX/JA - Phone Call for Records Collection - 15 Apr 01
   6. WPMC/IG - Phone Call for Records Collection

3. Evidence and Data Required:

a. Witnesses:

Allegation #1: Between approximately November 1999 and September 2002, Col Turner

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Defear, Director, Systems Program Office, abused his authority by not responding to allegations regarding Lt Col I. Ben Wrong made by Ms Hedda Fright, in violation of AFI 90-301.

1. Ms Fright (complainant)
2. Complainant provided witnesses
3. Lt Col Carey Hands (Flight Surgeon)
4. Capt Charge (Sq Section Commander, XXXX)
5. Lt Col Wrong
6. Col Defear (subject)
7. Subject provided witnesses

Allegation #2: Between approximately November 1999 and September 2002, Col Turner Defear, Director, Systems Program Office, was derelict in the performance of his duties by failing to take appropriate action when he had reason to suspect Lt Col I. Ben Wrong was using alcohol while he was participating in the Other AFB Alcohol Substance Abuse Program, in violation of Article 92, UCMJ.

1. Ms Fright (complainant)
2. Complainant provided witnesses
3. Lt Col Carey Hands (Flight Surgeon)
4. Capt Charge (Sq Section Commander, XXXX)
5. Lt Col Wrong
6. Col Defear (suspect)
7. Suspect provided witnesses

b. Documents:

1. Lt Col Wrong's OPRs for period Nov 98 thru Sep 01
2. Records of Treatment Committee Meetings for Lt Col Wrong
3. Mental Health/Social Actions Clinic Records for Lt Col Wrong
4. Outpatient Records for Lt Col Wrong
5. WPMC Inpatient Records for Lt Col Wrong
6. PRP documentation if applicable
7. Security Clearance Related Documents
8. OSI Report

c. Interview Sequence:

d. Preliminary Questions to Ask:

4. <u>Administrative Matters</u>:

a. Itinerary:

1. Complainant interview - 17 Apr 01, Somewhere, USA
2. Witness interviews - 18 Apr 01, Other AFB, USA

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3. Subject/Suspect interview - 19 Apr 01, Other AFB, USA

b. Notifications:
   1. AFMC/CC - 12 Apr 01
   2. XXXX/CC - 12 Apr 01
   3. Subject - 12 Apr 01

c. Personnel Actions:
   1. TDY orders complete 15 Apr 01
   2. Airline/Rental Car reservations complete 15 Apr 01
   3. Lodging Reservations complete 15 Apr 01

DONALD L. SMITH, Colonel, USAF
Investigating Officer

1st Ind, HQ AFMC/IG Date

This investigation plan is approved/disapproved.

JOHN E. SULLIVAN, Colonel, USAF
Inspector General, HQ AFMC

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Attachment 7

WITNESS INTERVIEW FORMAT

This interview format is for use with witnesses who are NOT subjects and who are NOT suspects

Prior to Witness Arriving

Arrive early to work with your IG POC to ensure that the interview room is ready. Here are some recommended items to go over:

a. A good practice is to add your questions to this template and use it as your note taker.

b. Discuss with your legal advisor the potential for rights advisement as well as bargaining unit representation, (as applicable).

c. Ensure that you have a copy of the Privacy Act readily available for the witness to review and other documents that you may want to refer to or have the witness review. Check that they are in order you will use them.

d. Have tissues on hand in the event the witness becomes emotional and water for yourself and the witness, if desired.

e. Ops check the recorder(s) one more time.

f. Ensure that the phones are turned off or being answered by someone in the IG office.

g. Place a "Do Not Disturb - Interview in Progress" sign on the door.

h. Have pens, pencils, and note paper available and handy.

i. The CSAF Hand-Off Policy does not require a hand-off for witnesses in an investigation. However, if you encounter a witness that is distraught or visibly upset, ensure that you have a plan to hand them off to a responsible individual.

The interview is conducted in four parts: Pre-Interview, Read-In, Questioning, and Read-out. The following are suggested topics to cover for each part of the interview during the Pre-Interview discussion.

Part 1 - Pre-Interview (Recorder is OFF)

The Pre-Interview is an opportunity for the investigating officer to relay to the witness what they can expect during the interview. It relaxes the witness and eases some of the apprehension that they feel. It also starts the bonding process between you as the investigating officer and them as the witness.

A. The first step is to use small talk to relax the witness and build rapport. Remember that the witness may not be sure why they are in the IG office so it's a good time to assure them that they are a witness and not the subject of the investigation.

B. More often than not, the witness' attention will be immediately drawn to the recorder. This is a good time to acknowledge that the interview will be recorded to ensure that an accurate record of the interview is captured. The recording will be transcribed or summarized and included in the report of investigation that you will prepare. If the individual does not focus on the recorder at first, be sure to address its use later in the Pre-Interview portion.

C. Ask for some identification to verify the witness is who you are expecting. At the same time, show the witness your ID card and appointment letter (but not the attached page with the allegations. Explain that you will be going into more detail as you start the interview.

D. Explain your role as the investigating officer. Below are some suggested areas to cover:

a. Impartial representative of the commander and IG

b. Unbiased and impartial fact finder

c. Gather documents and interview witnesses; analyze the relevant facts; and determine whether the allegation(s) are substantiated or not based on a preponderance of the evidence.

d. Your conclusion will be documented in a report of investigation for the appointing authority to approve after it receives an IG and legal review.

E. Explain the role they play in the investigation:

a. Their statements are valuable as a first person account of the circumstances surrounding the allegations and are invaluable to you to ensure that all the facts are uncovered.

b. Their testimony, or any witness testimony, will be used within the Department of Defense for official purposes.

c. It is Department of the Air Force policy to keep such information and reports closely held. Nonetheless, in some instances, there may be public disclosure of IG materials, as required by the Freedom of Information Act, Privacy Act, or as otherwise provided for by law and regulations. In most cases, their identity will be redacted but there is a chance it could be released. Any release outside the Department of the Air Force requires the approval of SAF/IG, and in such cases, release (when unavoidable) is kept to the minimum necessary to satisfy legal or Department of the Air Force requirements.

F. If there are any other individuals in the interview, explain their role and ensure the witness knows that you are the investigating officer and responsible for the interview.

Read-In:

A. The read-in as well as the read-out are required to be verbatim. This may be uncomfortable as you will be referring to your script and not maintaining constant eye contact. Assure them that the questioning will flow more naturally.

B. Explain that during the Read-In, you will be asking them to provide personal information about themselves--name, address, Social Security Number, etc. The Privacy Act of 1974 requires that the investigating officer inform the witness of the requirement to gather this information and how it will be used. Let them read the Privacy Act statement during the Pre-Interview and explain that you will confirm that they have read the statement and have no questions. They do not need to sign the Privacy Act.

C. They will be answering questions under oath. Ask if they prefer to use swear or affirm. This is a good time to mark through the other option on the read-in and remember that if they elect to affirm, also strike the words, “so help me God.”

D. Inform them that you will be telling them that as a witness, they are not authorized to have legal counsel with them.

Questioning:

E. Briefly tell them your note taking technique and remind them that the interview is being recorded so you'll use that as the primary source of information. Too much note taking detracts from maintaining eye contact and being part of the interview while taking no notes can be perceived as not thinking what the witness says is important. Discussing this before will help to alleviate these perceptions.

F. The questions should be non-adversarial and designed to elicit information, not to get a confession. Do not ask leading questions; let them talk; don't fill in answers or lead them to answers you want to hear.

G. Inform the witness that this is an administrative investigation and both hearsay and opinion may be used in your evaluation of the facts but you will be validating the information through additional interviews and documentation.

H. If you use interim summaries, explain that to the witness before starting the interview. Be sure that they know you are not attempting to put words in their mouth but rephrasing to ensure you understand what they are communicating. This technique also allows you to listen to your summary and may point out an inconsistency or gap in their answers.

I. Assure them that often in an interview, a person may draw a blank or not recall certain facts. You'll note this and come back to it later in the interview. Also, they will have an opportunity to provide additional information if they recall it later but you will have to have that information soon in order to incorporate it in your report.

Read-Out:

A. During the read-out, explain that you will order (or direct for USAFR/ANG personnel and civilian employees not subject to the UCMJ) that they not discuss the interview with anyone except a chaplain, member of congress, an IG, or their counsel (if they have one). Reiterate that they are not the subject of the investigation and are not authorized to have counsel but if they decide to talk to a lawyer, they may discuss the interview.

B. Explain that you will be asking them at the end of the Read-Out if they are stressed. The CSAF Hand-Off Policy requires that any witness appearing to be emotional, distraught, or stunned during the process of any interview must be released to the commander or designee, civilian leading an organization designated as a unit IAW AFI 38-101 or designee, first sergeant, or supervisor.

Part 2 - Witness Read-In (Recorder is ON)

The time is now _____ on _____ (day, month, year). Persons present are the witness _____, the investigating officer(s) _____ [recorder(s) (if present)] _____ [And (others) (if present) _____
We are located at _____.

My name is _____. I have been appointed by _____ to investigate allegations that _____ to which you may have been a witness.

During the course of this interview, I will ask you to furnish information about yourself. The Privacy Act of 1974 requires that I inform you of the authority for this requirement. The statement, which I am now handing you, serves this purpose (hand statement to witness). Please read the statement at this time.

Your testimony will be recorded and transcribed so that a written report can be made available to the Appointing Authority, _____ (name of Appointing Authority).

Please answer each question verbally, since the recorder cannot pick up any nods or gestures. Additionally, all of your statements will be on-the-record, whether the recorder is turned on or not.

Because this is simply a witness interview, you are not authorized to have legal counsel present, and AFI 90-301 mandates that you answer all questions except those that may incriminate you.

OATH

Before we continue, I want to remind you how important it is to give truthful testimony. It is a violation of federal law to knowingly make a false statement under oath. Now, as part of our interview process, I will administer the oath.

Please raise your right hand so that I can swear you in.

Do you solemnly swear (or affirm) that the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth (so help you God)? (***NOTE:*** if the interviewee prefers to affirm, the verbiage "so help you God" is not used)

Please state for the record your:

Full name: (spell it out)
Grade: (Active, Reserve, Retired)
Social security number: (voluntary)
Organization:
Position:
Address: (home or office)

Part 3 - Questioning the Witness (Recorder is ON)

The following are some items for consideration as you prepare for the questioning part of the interview:

Advise the witness of the nature of the complaint but not the specifics (i.e., subject, complainant etc.).

Proceed with questions necessary to obtain all direct knowledge of the matters under investigation. If a witness refuses to answer questions based on self-incrimination or any other reason, stop the interview and consult with the IG and legal office on how to proceed.

Be prepared for the witness to diverge from the question. You can allow some divergence but remember that you are the interviewer and control the session. Be sure that you get an answer to your question and not let the witness escape answering. If necessary, repeat the question.

Take notes of items that you need, or want, to re-address later in the interview as well as documentation that the witness does not have with them.

Be sensitive to the need for a break during an extended interview. The length between breaks is dependent on the flow of the interview but normally an hour is a good target. Ensure that you capture the time of the break before turning off the recorder then don't forget to restart the recorder when the interview continues.

Do you have any further information, statements, or evidence, which you wish to present concerning the matters we have discussed?

Do you know of anyone else who can provide further information concerning these issues?

Part 4 - Witness Read-Out (Recorder is ON)

This is an official investigation. It is protected in the sense that my report will be made to the Appointing Authority or higher authority for such use as deemed appropriate.

You are ordered (or "directed" for USAFR/ANG persons and civilian employees not subject to the UCMJ) not to divulge the nature of this investigation or the questions, answers, or discussions included in this interview with anyone except a chaplain, member of Congress, IG, union representative (for civilian employees only), or your counsel (if you have one) unless authorized to do so by the Appointing Authority, higher authority, or me.

If anyone should approach you regarding your testimony or the matters discussed here, you are required to report it immediately to me or (state the name of the IG and the Appointing Authority).

Per AFI 90-301, I, as the investigating officer, am prohibited from providing a copy of your testimony to you. However, you may submit a request in writing for the report or any part thereof to the IG office or the appropriate FOIA office. The release authority will evaluate your request under both the Freedom of Information Act and the Privacy Act, and provide the releasable information to you.

You may submit additional relevant information for my consideration, but if you wish me to consider the additional information before my investigation closes, I must receive that information on or before _____ (insert date).

If you are under stress related to this interview, you may seek assistance from your supervisory channel, the mental health community, or you may contact either the IG or myself and arrangements will be made for you to receive assistance.

Do you have any questions?

The time is _____. This interview is concluded. Thank you.

The witness may recall additional information or want to discuss the circumstances further after the recorder is off. Remind them that anything they say is on the record, even if the recorder is off. If you believe the information is essential to your investigation, inform the witness that you will be re-starting the recorder. It is OK to use an abbreviated read-in but ensure that they understand they are still under oath and explain the circumstances under which the interview was re-initiated.

Attachment 8

SUBJECT INTERVIEW FORMAT

This interview format is for use with witnesses who are subjects and NOT suspects.

Prior to Subject Arriving

Arrive early to work with your IG POC to ensure that the interview room is ready. Here are some recommended items to go over:

A. A good practice is to add your questions to this template and use it as your note taker.

B. Discuss with your legal advisor the potential for rights advisement as well as bargaining unit representation as applicable. Ensure you understand what may trigger the change from a subject to a suspect and know what to do at that point.

C. Ensure that you have readily available a copy of the Privacy Act for the subject to review and other documents that you may want to refer to or have the subject review.

D. Have tissues on hand in the event the subject becomes emotional and water for yourself and the subject, if desired.

E. Ops check the recorder(s) one more time.

F. Ensure that the phones are turned off or being answered by someone in the IG office.

G. Place a "Do Not Disturb - Interview in Progress" sign on the door.

H. Have pens, pencils, note paper available and handy.

I. Ensure that you have coordinated the CSAF Hand-Off with the commander or designee for all initial interviews of the subject.

a. These referrals require a person-to-person contact between the IO and the subject's commander or designee, civilian leading an organization designated as a unit IAW AFI 38-101 or designee, first sergeant, or supervisor.

b. The person designated to receive the subject after the interview should be directed not to discuss the interview or other aspects of the investigation with the subject. They should also be informed if the subject invoked his/her right to remain silent and that further discussion would violate the subject's Article 31 rights.

c. The IO must document the hand-off within the report of investigation.

The interview is conducted in four parts: Pre-Interview, Read-In, Questioning, and Read-out. These are expanded below.

Part 1 - Pre-Interview (Recorder is OFF)

The Pre-Interview is an opportunity for the investigating officer to relay to the subject what they can expect during the interview. It relaxes the subject and eases some of the apprehension that they feel. It also starts the bonding process between you as the investigating officer and them as the subject.

A. The first step is to use small talk to relax the subject. Remember that the subject has been previously notified by the commander that they are the subject of an investigation but several

days or weeks may have elapsed since that notification. They will most likely be nervous about the exact allegations and anxious at the same time to tell their side of the story.

B. More often than not, the subject's attention will be drawn to the recorder. This is a good time to acknowledge that the interview will be recorded to ensure that an accurate record of the interview is captured. The recording will be transcribed or summarized and included in the report of investigation that you will prepare. If the individual does not focus on the recorder at first, be sure to address its use later in the Pre-Interview portion.

C. Ask for some identification to verify the subject is who you are expecting. At the same time, show the subject your ID card and appointment letter (but not the attached page with the allegations). Explain that you will be going into more detail as you start the interview.

D. Explain your role as the investigating officer. Below are some suggested areas to cover:

a. Impartial representative of the commander and IG.

b. Unbiased and impartial fact finder.

c. Gather documents and interviewing several witnesses; analyze all the relevant facts; and determine whether the allegation(s) are substantiated or not based on a preponderance of the evidence.

d. Your conclusion will be documented in a report of investigation for the appointing authority to approve after it receives an IG and legal review.

E. Explain the role they play in the investigation:

a. This is their opportunity to provide their side of the situation and reasons for their actions.

b. Their testimony, or any subject testimony, will be used within the Department of Defense for official purposes.

c. It is Department of the Air Force policy to keep such information and reports closely held. Nonetheless, in some instances, there may be public disclosure of IG materials, as required by the Freedom of Information Act, Privacy Act, or as otherwise provided for by law and regulations. In most cases, their identity will be redacted but there is a chance it could be released. Any release outside the Department of the Air Force requires the approval of SAF/IG, and in such cases, release (when unavoidable) is kept to the minimum necessary to satisfy legal or Department of the Air Force requirements.

F. If there are any other individuals in the interview, explain their role and ensure the subject knows that you are the investigating officer and responsible for the interview.

Read-In

A. The read-in as well as the read-out are required to be verbatim. This may be uncomfortable as you will be referring to your script and not maintaining constant eye contact. Assure them that the questioning will be freer flowing.

B. Explain that during the Read-In, you will be asking them to provide personal information about themselves--name, address, Social Security Number, etc. The Privacy Act of 1974

requires that the investigating officer inform the subject of the requirement to gather this information and how it will be used. Let them read the Privacy Act statement during the Pre-Interview and explain that you will confirm that they have read the statement and have no questions. They do not need to sign the Privacy Act statement.

C. They will be answering questions under oath. Ask if they prefer to use swear or affirm. This is a good time to mark through the other option on the read-in and remember that if they elect to affirm, also strike the words, "so help me God."

D. Inform them that you will be telling them that as a subject, they are not authorized to have legal counsel with them. The subject may ask you if they should confer with an attorney before the interview but it is not your place to advise them.

Questioning

A. Briefly tell them your note taking technique and remind them that the interview is being recorded so you'll use that as the primary source of information. Too much note taking detracts from maintaining eye contact and being part of the interview while taking no notes can be perceived as not thinking what the subject says is important. Discussing this in advance will help to alleviate these perceptions.

B. The questions should be non-adversarial and designed to elicit information, not to get a confession.

C. Inform the subject that this is an administrative investigation and both hearsay and opinion may be used in your evaluation of the facts but you will be validating the information through additional interviews and documentation.

D. If you use interim summaries, explain that to the subject before starting the interview. Be sure that they know you are not attempting to put words in their mouth but rephrasing to ensure you understand what they are communicating. This technique also allows you to listen to your summary and may point out an inconsistency or gap in their answers.

E. Assure them that often in an interview, a person may draw a blank or not recall certain facts. You'll note this and come back to it later in the interview. Also, they will have an opportunity to provide additional information if they recall it later but you will have to have that information soon in order to incorporate it in your report.

F. At the end of the questioning, they will be afforded an opportunity to make further comments.

Read-Out:

A. During the read-out, explain that you will order (or direct for USAFR/ANG persons and civilian employees not subject to the UCMJ) that they not discuss the interview with anyone except a chaplain, member of Congress, IG, union representative (civilian personnel only), or their counsel (if they have one).

B. Explain that the CSAF Hand-Off Policy requires that all subjects must be released to the commander or designee, civilian leading an organization designated as a unit IAW AFI 38-101 or designee, first sergeant, or supervisor. Inform the subject that this has been coordinated and give them the name of the person to whom they will be released.

Part 2 – Subject Read-In (Recorder is ON)

The time is now _____ on _____ (day, month, year). Persons present are the subject _____, the investigating officer(s) _____ [recorder(s) (if present)] _____ [And (others) (if present)] _____

We are located at _____.

My name is _____. I have been appointed by _____ to investigate allegations that you may have _____ (read all allegations but do not disclose the complainant).

If you desire, during this interview, you may comment on this information to give your side of the story. You may also show me evidence to contradict or explain the allegations.

During the course of this interview, I will ask you to furnish information about yourself. The Privacy Act of 1974 requires that I inform you of the authority for this requirement. The statement, which I am now handing you, serves this purpose (hand statement to witness*). Please read the statement at this time.*

Your testimony will be recorded and transcribed so that a written report can be made available to the Appointing Authority, _____ (name of Appointing Authority*).*

Please answer each question verbally, since the recorder cannot pick up any nods or gestures. Additionally, all of your statements will be on-the-record, whether the recorder is turned on or not.

RIGHTS ADVISEMENT

(1) For active duty personnel and USAFR/ANG personnel subject to the UCMJ:

At this time, you are ***NOT*** *suspected of any offense under the Uniform Code of Military Justice (UCMJ), federal, or local law. Therefore, you are not authorized to have legal counsel present, and I am not advising you of your Article 31 rights. In addition, AFI 90-301 mandates that you answer all questions except those that may incriminate you.*

(2) For subjects NOT subject to the UCMJ at the time of the interview (i.e., civilians and USAFR/ANG personnel not on Title 10 orders):

This is a non-custodial interview. You are NOT suspected of any criminal act at this time. While you have a duty to assist in this investigation and AFI 90-301 mandates that you answer all questions except those that may incriminate you, you will not be kept here involuntarily.

OATH

Before we continue, I want to remind you how important it is to give truthful testimony. It is a violation of federal law to knowingly make a false statement under oath. Now, as part of our interview process, I will administer the oath.

Please raise your right hand so that I can swear you in.

Do you solemnly swear (or affirm) that the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth (so help you God)? (***NOTE:*** if the interviewee prefers to affirm, the verbiage "so help you God" is not used)

Please state for the record your:

Full name: (spell it out)
Grade: (Active, Reserve, Retired)
Position:
Organization:
Social security number: (voluntary)
Address: (home or office)

Part 3 – Questioning the Subject (Recorder is ON)

Advise the subject of the nature of the complaint against them.

Proceed with questions necessary to obtain all direct knowledge of the matters under investigation. If a subject refuses to answer questions based on self-incrimination or any other reason, stop the interview and consult with the IG and SJA on how to proceed.

Be prepared for the subject to diverge from the question. You can allow some divergence but remember that you are the interviewer and control the session. Be sure that you get an answer to your question and not let the subject escape answering. If necessary, repeat the question.

Take notes of items that you need, or want, to re-address later in the interview as well as documentation that the subject does not have with them.

Be sensitive to the need for a break during an extended interview. The length between breaks is dependent on the flow of the interview but normally an hour is a good target. Ensure that you capture the time of the break before turning off the recorder then don't forget to restart the recorder when the interview continues.

At the conclusion of the interrogatories, ask:

Do you have any further information, statements, or evidence, which you wish to present concerning the matters we have discussed?

Do you know of anyone else who can provide further information concerning these issues?

Part 4 – Subject Read-Out (Recorder is ON)

This is an official investigation. It is protected in the sense that my report will be made to the Appointing Authority or higher authority for such use as deemed appropriate.

You are ordered (or "directed" for USAFR/ANG persons and civilian employees not subject to the UCMJ) not to divulge the nature of this investigation or the questions, answers, or discussions included in this interview with anyone except a chaplain, member of Congress, IG, union representative (for civilian employees only), or your counsel (if you have one) unless authorized to do so by the Appointing Authority, higher authority, or me.

If anyone should approach you regarding your testimony or the matters discussed here, you are required to report it immediately to me or (state the name of the IG and the Appointing Authority).

Per AFI 90-301, I, as the investigating officer, am prohibited from providing a copy of your testimony to you. However, you may submit a request in writing for the report or any part thereof to the IG office or the appropriate FOIA office. The release authority will evaluate your

request under both the Freedom of Information Act and the Privacy Act, and provide the releasable information to you. If this report becomes the basis of an adverse action against you, you will automatically be provided the portion(s) you are entitled to IAW AFI 90-301.

You may submit additional relevant information for my consideration, but if you wish me to consider the additional information before my investigation closes, I must receive that information on or before _____ (insert date).

*In accordance with the CSAF "Hand-off" policy, I must personally refer you to your commander or designee, civilian leading an organization designated as a unit IAW AFI 38-101 or designee, first sergeant, or supervisor at the conclusion of this interview. I have coordinated this requirement with your commander and _____(*state the name of the individual who will accomplish the person-to-person hand-off*) will meet you here as we conclude the interview.*

Do you have any questions?

The time is _____. This interview is concluded. Thank you.

The subject may recall additional information or want to discuss the circumstances further after the recorder is off. Remind them that anything they say is on the record, even if the recorder is off. If you believe the information is essential to your investigation, inform the subject that you will be re-starting the recorder. It is OK to use an abbreviated read-in but ensure that they understand they are still under oath and explain the circumstances under which the interview was re-initiated.

Document the hand-off at the end of the interview. Include your perception of their emotional state, who was designated to meet them, their position, and the time of the hand-off.

Attachment 9

SUSPECT INTERVIEW FORMAT

This interview format is for use with witnesses who are suspects and NOT subjects.

Prior to Suspect Arriving

Arrive early to work with your IG POC to ensure that the interview room is ready. Here are some recommended items to go over:

A. A good practice is to add your questions to this template and use it as your note taker.

B. Ensure that you have readily available a copy of the Privacy Act for the suspect to review and other documents that you may want to refer to or have the suspect review.

C. Have an Article 31 Rights Advisement card or statement with the proper allegations filled in. Consult with the legal representative to ensure you do this right. Also discuss with your legal representative the procedures if the suspect initially elects to confer with a lawyer then returns to continue the interview.

D. Have tissues on hand in the event the suspect becomes emotional and water for yourself and the suspect, if desired.

E. Ops check the recorder(s) one more time.

F. Ensure that the phones are turned off or being answered by someone in the IG office.

G. Place a "Do Not Disturb - Interview in Progress" sign on the door.

H. Have pens, pencils, note paper available and handy.

I. Ensure that you have coordinated the CSAF Hand-Off with the commander or designee for all initial interviews of the suspect.

a. These referrals require a person-to-person contact between the IO and the suspect's commander or designee, civilian leading an organization designated as a unit IAW AFI 38-101 or designee, first sergeant, or supervisor.

b. The person designated to receive the suspect after the interview should be directed not to discuss the interview or other aspects of the investigation with the suspect. They should also be informed if the suspect invoked his/her right to remain silent and that further discussion would violate the suspect's Article 31 rights. The IO must document the hand-off within the report of investigation.

The interview is conducted in four parts: Pre-Interview, Read-In, Questioning, and Read-out. These are expanded below.

Part 1 - Pre-Interview (Recorder is OFF)

The Pre-Interview is an opportunity for the investigating officer to relay to the suspect what they can expect during the interview. It relaxes the suspect and eases some of the apprehension that they feel. It also starts the bonding process between you as the investigating officer and them as the suspect.

A. The first step is to use small talk to relax the suspect. Remember that the suspect has been previously notified by the commander that they are the suspect of an investigation but several days or weeks may have elapsed since that notification. They will most likely be nervous about the exact allegations and anxious at the same time to tell their side of the story.

B. More often than not, the suspect's attention will be drawn to the recorder. This is a good time to acknowledge that the interview will be recorded to ensure that an accurate record of the interview is captured. The recording will be transcribed or summarized and included in the report of investigation that you will prepare. If the individual does not focus on the recorder at first, be sure to address its use later in the Pre-Interview portion.

C. Ask for some identification to verify the suspect is who you are expecting. At the same time, show the suspect your ID card and appointment letter (but not the attached page with the allegations. Explain that you will be going into more detail as you start the interview.

D. Explain your role as the investigating officer. Below are some suggested areas to cover:

a. Impartial representative of the commander and IG.

b. Unbiased and impartial fact finder.

c. Gather documents and interviewing several witnesses; analyze all the relevant facts; and determine whether the allegation(s) are substantiated or not based on a preponderance of the evidence.

d. Your conclusion will be documented in a report of investigation for the appointing authority to approve after it receives an IG and legal review.

E. Explain the role they play in the investigation:

a. This is their opportunity to provide their side of the situation and reasons for their actions.

b. Their testimony, or any suspect testimony, will be used within the Department of Defense for official purposes.

c. It is Department of the Air Force policy to keep such information and reports closely held. Nonetheless, in some instances, there may be public disclosure of IG materials, as required by the Freedom of Information Act, Privacy Act, or as

otherwise provided for by law and regulations. In most cases, their identity will be redacted but there is a chance it could be released. Any release outside the Department of the Air Force requires the approval of SAF/IG, and in such cases, release (when unavoidable) is kept to the minimum necessary to satisfy legal or Department of the Air Force requirements.

F. If there are any other individuals in the interview, explain their role and ensure the suspect knows that you are the investigating officer and responsible for the interview.

Read-In

A. The read-in as well as the read-out are required to be verbatim. This may be uncomfortable as you will be referring to your script and not maintaining constant eye contact. Assure them that the questioning will be freer flowing.

B. Explain that during the Read-In, you will be asking them to provide personal information about themselves--name, address, Social Security Number, etc. The Privacy Act of 1974 requires that the investigating officer inform the suspect of the requirement to gather this information and how it will be used. Let them read the Privacy Act statement during the Pre-Interview and explain that you will confirm that they have read the statement and have no questions. They do not need to sign the Privacy Act.

C. Inform them that you will be telling them that as a suspect, they are authorized to have legal counsel with them. The suspect may ask you if they should confer with an attorney before the interview but it is not your place to advise them.

D. They will be answering questions under oath. Ask if they prefer to use swear or affirm. This is a good time to mark through the other option on the read-in and remember that if they elect to affirm, also strike the words, "so help me God."

Questioning

A. Briefly tell them your note taking technique and remind them that the interview is being recorded so you'll use that as the primary source of information. Too much note taking detracts from maintaining eye contact and being part of the interview while taking no notes can be perceived as not thinking what the suspect says is important. Discussing this before will help to alleviate these perceptions

B. The questions should be non-adversarial and designed to elicit information, not to get a confession.

C. Inform the suspect that this is an administrative investigation and both hearsay and opinion may be used in your evaluation of the facts but you will be validating the information through additional interviews and documentation.

D. If you use interim summaries, explain that to the suspect before starting the interview. Be sure that they know you are not attempting to put words in their mouth but rephrasing to ensure you understand what they are communicating. This technique also allows you to listen to your summary and may point out an inconsistency or gap in their answers

E. Assure them that often in an interview, a person may draw a blank or not recall certain facts. You'll note this and come back to it later in the interview. Also, they will have an opportunity to provide additional information if they recall it later but you will have to have that information soon in order to incorporate it in your report.

F. At the end of the questioning, they will be afforded an opportunity to make further comments.

Read-Out:

A. During the read-out, explain that you will order (or direct) that they not discuss the interview with anyone except a chaplain or their counsel (if they have one).

B. Explain that the CSAF Hand-Off Policy requires that all suspects must be released to the commander or designee, civilian leading an organization designated as a unit IAW AFI 38-101 or designee, first sergeant, or supervisor. Inform the suspect that this has been coordinated and give them the name of the person to whom they will be released.

Part 2 – Suspect Read-In (Recorder is ON)

The time is now _____ on _____ (day, month, year). Persons present are the suspect _____, the investigating officer(s) _____ [recorder(s) (if present)] _____ [And (others) (if present) _____

We are located at _____.

Please state for the record your:

My name is _____. I have been appointed by _____ to investigate allegations that you may have _____ (read all allegations).

If you desire, during this interview, you may comment on this information to give your side of the story. You may also show me evidence to contradict or explain the allegations.

During the course of this interview, I will ask you to furnish information about yourself. The Privacy Act of 1974 requires that I inform you of the authority for this requirement. The statement, which I am now handing you, serves this purpose (hand statement to witness*). Please read the statement at this time.*

Your testimony will be recorded and transcribed so that a written report can be made available to the Appointing Authority, _____ (name of Appointing Authority*).*

Please answer each question verbally, since the recorder cannot pick up any nods or gestures. Additionally, all of your statements will be on-the-record, whether the recorder is turned on or not.

RIGHTS ADVISEMENT

NOTE: *Two categories of rights advisement are included below for suspect interviews. The first is for active duty personnel and USAFR/ANG subject to the UCMJ. The second category is for civilians and USAFR/ANG personnel not subject to the UCMJ.*

Before we begin our discussion, I want to make it clear that you have the following rights:

(1) For active duty personnel and USAFR/ANG personnel subject to the UCMJ:

Under Article 31 of the UCMJ: I am investigating the alleged offense(s) of _____ of which you are suspected. I advise you that under the provisions of Article 31, UCMJ, you have the right to remain silent, that is say nothing at all. Any statement you make, oral or written, may be used as evidence against you in a trial by court-martial or in other judicial or administrative proceedings. You have the right to consult a lawyer and to have a lawyer present during this interview. You have the right to military legal counsel free of charge. In addition to military counsel, you are entitled to civilian counsel of your own choosing, at your own expense. You may request a lawyer at any time during this interview. If you decide to answer questions without a lawyer present, you may stop the questioning at any time.

Do you understand your rights?

Do you want a lawyer? (If yes, stop the interview at this time and allow the suspect to contact his/her lawyer)

Are you willing to answer questions?

Proceed to the oath

(2) For suspects NOT subject to the UCMJ at the time of the interview (i.e., Civilians, and USAFR/ANG personnel (depending on status), etc.):

Regardless of whether a collective bargaining agreement applies, civilians, Reserve, and Air National Guard personnel should be advised of the following:

This is a non-custodial interview. While you have a duty to assist in this investigation and may face adverse administrative action for failing to cooperate, you will not be kept here involuntarily. You also have a right not to answer questions that are self-incriminating. You have a right to be fully informed of any allegations that have been made against you.

Do you understand your rights?

Are you willing to answer questions?

OATH

Before we continue, I want to remind you how important it is to give truthful testimony. It is a violation of federal law to knowingly make a false statement under oath. Now, as part of our interview process, I will administer the oath.

Please raise your right hand so that I can swear you in.

Do you solemnly swear (or affirm) that the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth (so help you God)? (***NOTE:*** if the interviewee prefers to affirm, the verbiage "so help you God" is not used)

Please state for the record your:

Full name: (spell it out)
Grade: (Active, Reserve, Retired)
Position:
Organization:
Social security number: (voluntary)
Address: (home or office)

Part 3 – Questioning the Suspect (Recorder is ON)

Proceed with questions necessary to obtain all direct knowledge of the matters under investigation.

Be prepared for the suspect to diverge from the question. You can allow some divergence but remember that you are the interviewer and control the session. Be sure that you get an answer to your question and not let the suspect escape answering. If necessary, repeat the question.

Take notes of items that you need, or want, to re-address later in the interview as well as documentation that the suspect does not have with them.

Be sensitive to the need for a break during an extended interview. The length between breaks is dependent on the flow of the interview but normally an hour is a good target. Ensure that you capture the time of the break before turning off the recorder then don't forget to restart the recorder when the interview continues.
At the conclusion of the interrogatories, ask:

Do you have any further information, statements, or evidence, which you wish to present concerning the matters we have discussed?

Do you know of anyone else who can provide further information concerning these issues?

Part 4 – Suspect Read-Out (Recorder is ON)

This is an official investigation. It is protected in the sense that my report will be made to the Appointing Authority or higher authority for such use as deemed appropriate.

You are ordered (or "directed" for USAFR/ANG persons and civilian employees not subject to the UCMJ) not to divulge the nature of this investigation or the questions, answers, or discussions included in this interview with anyone except a chaplain, member of Congress, IG, union representative (for civilian employees only), or your counsel (if you have one) unless authorized to do so by the Appointing Authority, higher authority, or me.

If anyone should approach you regarding your testimony or the matters discussed here, you are required to report it immediately to me or (state the name of the IG and the Appointing Authority).

Per AFI 90-301, I, as the investigating officer, am prohibited from providing a copy of your testimony to you. However, you may submit a request in writing for the report or any part thereof to the IG office or the appropriate FOIA office. The release authority will evaluate your request under both the Freedom of Information Act and the Privacy Act, and provide the releasable information to you. If this report becomes the basis of an adverse action against you, you will automatically be provided the portion(s) you are entitled to IAW AFI 90-301

You may submit additional relevant information for my consideration, but if you wish me to consider the additional information before my investigation closes, I must receive that information on or before _____ (insert date).

*In accordance with the CSAF "Hand-off" policy, I must personally refer you to your commander or designee, civilian leading an organization designated as a unit IAW AFI 38-101 or designee, first sergeant, or supervisor at the conclusion of this interview. I have coordinated this requirement with your commander and _____(*state the name of the individual who will accomplish the person-to-person hand-off*) will meet you here as we conclude the interview.*

Do you have any questions?

The time is _____. This interview is concluded. Thank you.

The suspect may recall additional information or want to discuss the circumstances further after the recorder is off. Remind them that anything they say is on the record, even if the recorder is off. If you believe the information is essential to your investigation, inform the suspect that you want will be re-starting the recorder. It is OK to use an abbreviated read-in but ensure that they understand they are still under oath and explain the circumstances under which the interview was re-initiated.

Document the hand-off at the end of the interview. Include your perception of their emotional state, who was designated to meet them, their position, and the time of the hand-off.

Attachment 10

CASE FILE FORMAT FOR NON-SENIOR OFFICIAL INVESTIGATIONS (NOTE 1)

Section I.

Tab A - HCR

Tab B - Legal Reviews

Tab C - Technical Reviews (if applicable)

Tab D - Recommendations (if requested by Appointing Authority) **(**Refer to **paragraph 3.51.2**)

Tab E - Command Actions (if applicable)

Tab F - Letter of Notification to Subject's Commander (Final and Initial)

Tab G - Complainant Notification Letters (Final, Interim, and Acknowledgement)

Tab H - Privacy Act Release (if applicable; required for 3rd party complaints)

Tab I - Reprisal Rights Advisement Form (if applicable)

Tab J - Redacted ROI for 10 USC 1034 Cases

Tab K - Administrative Documents: Notification Letters, Memos, Progress Reports, Acknowledgment and Interim Letters (not forwarded to higher headquarters for review), and Complaint Analysis Documentation Letter

Section II. Report of Investigation (ROI)

Tab A - Authority and Scope

Tab B - Introduction: Background and Allegations

Tab C - Findings, Analysis, and Conclusions

Tab D - Appointing Authority Approval

Tab E - ROI Addendum (*when accomplished)*

Section III. Support Documentation

Tab A - Appointment and Tasking Letters **(Note 2)**

Tab B - Complaint with Attachments (May be an AF Form 102) **(Note 3)**

Tab C - Chronology of Events

Tab D - Index of Witnesses **(Note 4)**

D(1) - Complainant's Testimony

D(2) - Subject's Testimony

D(3) - D(#) - Other Subject(s) Testimony

D(#) - D(#) - All Other Witness Testimony

Tab E - Index of Exhibits **(Note 4)**

E(1) - E(#) - All Exhibits

Tab F - Index of Forms and Checklists **(Note 5)**

Notes

1. This is for hard copy case files. In ACTS, the word ‘tab’ is omitted on the Attachment Tab.

2. Include all tasking letters--from the level initiated to the IO’s appointment letter.

3. Attach the complaint and any documentation provided by the complainant. Stamp or mark each page "Complainant Provided".

4. Type an index of all the witness statements (complainant, subject(s), and witness(es)) and an index of all exhibits.

5. For investigations into violations of DoDD 7050.06 and/or violations of DoDD 6490.1 include the appropriate checklist/form (reprisal or MHE) (if used) shown in **Attachments 22** or **24** of this instruction.

Attachment 11

REPORT OF INVESTIGATION (ROI) TITLE PAGE FOR NON-SENIOR OFFICIAL INVESTIGATIONS

FOR OFFICIAL USE ONLY

REPORT OF INVESTIGATION

PREPARED BY

COLONEL IMA I. OFFICER

AIR COMBAT COMMAND

CONCERNING ALLEGATIONS OF REPRISAL

WITHIN THE 3005TH COMMUNICATION SQUADRON

Date

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Attachment 12

ROI FORMAT FOR NON-SENIOR OFFICIAL INVESTIGATIONS

Section II, Tab A -- Authority and Scope. Include the below statement verbatim under this heading:

"The Secretary of the Air Force has sole responsibility for the function of The Inspector General of the Air Force (Title 10, United States Code, Section 8014). When directed by the Secretary of the Air Force or the Chief of Staff of the Air Force, The Inspector General of the Air Force (SAF/IG) has the authority to inquire into and report upon the discipline, efficiency, and economy of the Air Force and performs any other duties prescribed by the Secretary or the Chief of Staff. (Title 10, United States Code, Section 8020.) Pursuant to AFI 90-301, *Inspector General Complaints Resolution*, authority to investigate IG complaints within the Air Force flows from SAF/IG to IG offices at all organizational levels."

In a second, consecutive paragraph include the following information:

"(*Appointing authority's grade, name, and duty title*) appointed (*Investigating Officer's grade and name*) on (*date of the appointment letter*) to conduct an investigation into (*complainant's grade and name*)'s allegations. (*Complainant's grade and name*) filed (*his or her*) complaint with (*name of IG or representative*) on (*date*). The investigation was conducted from *(date)* to *(date)* at *(location)*."

Section II, Tab B -- Introduction: Background and Allegations. Include a brief background leading to the alleged violations. The IO must list and number all allegations examined during the course of the case. If the investigation is a continuation of a former case, include a short summary of the former effort including the results.

Section II, Tab C -- Findings, Analysis, and Conclusions. List each allegation, the findings, the analysis, and conclusions in the same order as the allegations in "Section II, Tab B."

The findings and conclusion for each allegation should build on the factual summary and discussion in this section. Findings must be supported by the facts addressed in the analysis (testimony and documentation). Findings must address all allegations. Each allegation should be addressed separately. If the facts do not demonstrate it is more likely than not that the alleged wrong occurred, the allegations should be found not substantiated. The IO must sign the report at the end of Tab C.

NOTE: Recommendations are optional at the discretion of the appointing authority. If an IO is tasked to make recommendations, the recommendations are not binding. If requested, recommendations will be provided under separate cover and will be filed at Section I, Tab D (not as part of the ROI). In all cases, an IO will not recommend specific punishments or administrative actions.

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Section II, Tab D -- Appointing Authority Approval. The appointing authority has the final say concerning the findings of an investigation. Appointing authorities must sign Tab D and state if they approve/accept the findings or not. For specific guidance see Section 2L (step 11 of the 14-step process).

Section II, Tab E -- ROI Addendum (when accomplished). An addendum must be prepared when (a) the IO and IG or the IO/IG and JA arrive at different findings and the appointing authority must make the final decision, (b) the appointing authority disagrees with the findings, or (c) a higher level IG review disagrees with the ROI findings.

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Attachment 13

SAMPLE PROGRESS REPORT

Date

MEMORANDUM FOR [applicable appointing authority or higher level IG office]

FROM: [applicable office]

SUBJECT: Progress Report - [Type of Case (*Defense Hotline FWA, Air Force FWA, Personal Complaint - IG/Congressional/White House/High Level, 10 USC 1034 Reprisal, Violation of DoD Directive 6490.1 and so forth*]

1. Complainant's or Subject's name and ACTS File Reference Number:

2. Grade and full name of official conducting the investigation:

3. Organization, duty position and contact telephone number *(provide commercial and DSN numbers*):

4. Date complaint initially received by IG:

5. Date IO appointed:

6. Status of investigation:

a. Summary of investigation to date: (*brief summary of interviews, document reviews, and any pertinent information obtained by the examination*):

b. Status of case: (i.e., under investigation, in legal review, etc.)
Reason for delay in completing case: *(Be specific)*
Final action(s) to be completed:
Expected completion date (ECD) of case to higher level IG: *(ECD is date the case will arrive at next level)*

7. Grade, name and duty telephone number *(commercial and DSN)* of IG point of contact (POC):

SIGNATURE BLOCK

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Attachment 14

SAMPLE RESULTS NOTIFICATION MEMORANDUM TO SUBJECT'S COMMANDER

Date

MEMORANDUM FOR 99 MSG/CC

FROM: (Appointing Authority)

SUBJECT: Results of IG Investigation

1. We have recently completed an Inspector General investigation into an allegation that Lt Col Jane Boss, Commander, 9777th Security Force Squadron, Kirtley AFB, FL, abused her authority when selecting a military member for TDY to Southwest Asia. An impartial officer investigated the allegation and found it to be not substantiated.

2. The investigation found that Lt Col Boss established and followed a fair and equitable procedure for selecting squadron personnel for TDY. The complainant possessed the grade, AFSC, and SEI required for the TDY; had the fewest number of days TDY of anyone eligible for the tasking; possessed a worldwide qualified physical profile report; and did not present a hardship or humanitarian reason justifying exemption or deferment from TDY.

3. In accordance with AFI 90-301, *Inspector General Complaints Resolution*, **paragraph 3.64.2**, you must inform Lt Col Boss, in writing, of the finding of the investigation. The Report of Investigation has been reviewed and approved, and we consider the matter closed. **[For reprisal cases, replace the last sentence with:** The Report of Investigation has been reviewed and approved locally; however, final approval authority rests with the Department of Defense Inspector General because the complainant alleged military whistleblower reprisal.**]**

4. **[For cases containing substantiated allegations, include this paragraph]** A copy of the Report of Investigation (without attachments) is provided for your review to determine appropriate command action. IAW AFI 90-301 **[include only applicable references: paragraphs 3.64**, **3.65**, **3.67**, **5.6**, **5.7**, **Table 3.17** rule 1, **Table 5.1** rule 7, and **Table 5.2** rule 1**]**, please advise the **[use applicable title(s):** Appointing Authority, IG**]** of what command action is taken and provide the required documents. IG records are protected documents. IAW AFI 90-301 **paragraph 14.12**, you must submit an Official Use Request to the authority responsible for making release determinations to: a) seek approval to release relevant portions of the ROI or case file to the subject of any proposed command action, and/or b) obtain additional

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portions of the case file beyond the information initially provided by the authority responsible for making release determinations. This transfer of IG records is permitted as an intra-agency disclosure to officers of the agency having a need for the record in the performance of their official duties. You are advised of the protected

nature of the report and instructed to comply with the provisions of the Privacy Act in using the report. We require that you use all reasonable means at your disposal to prevent further release of the information other than official discussions with personnel and legal officials on disciplinary proceedings against the subject. IG records are not to be used as attachments or exhibits to other official records without the written approval of the authority responsible for making release determinations. The IG records must be returned to the authority responsible for making release determinations upon completion of the stated need.

SIGNATURE BLOCK
Appointing Authority

Attachment:
ROI (without attachments) for cases containing substantiated allegations, if applicable

Date

1st Ind, 99 MSG/CC

MEMORANDUM FOR LT COL JANE BOSS

In accordance with AFI 90-301, *Inspector General Complaints Resolution*, I am informing you of the findings of an Inspector General investigation in which you were the subject. The allegations were not substantiated. Please refer to the above for more detailed information.

SIGNATURE BLOCK
Commander

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Attachment 15

NOTIFICATION MEMORANDUM FOR REPORTING ALLEGATIONS AGAINST A SENIOR OFFICIAL

Date

MEMORANDUM FOR SAF/IGS

FROM: (Full Official Address)

SUBJECT: Notification of Allegations Against a Senior Official

According to AFI 90-301, *Inspector General Complaints Resolution*, the following information is provided: *(Separate list for all subjects*)

a. Subject's Name (Last, First, MI) and Grade:
b. Subject's SSN:
Subject's Duty Title:
Organization:
Base of Assignment:
c. Location (Base) Where Allegation(s) Occurred:
d. Complainant's Name (Last, First, MI) and Grade:
e. Complainant's Duty Title:
Organization:
Base of Assignment:
Duty Phone:
Home Phone:
f. Brief synopsis of allegation(s):
g. Date the allegation(s) were made:
h. Official to whom allegations were made.
i. Grade, name and duty phone number *(commercial and DSN)* of POC:

This letter and the attached documents are marked "FOR OFFICIAL USE ONLY" and contain protected information and must be protected under the Privacy Act.

SIGNATURE BLOCK

Attachment:
Complaint

[Note: Include the following "protected document" caveat only if prepared in IG channels.]

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Attachment 16

NOTIFICATION MEMORANDUM FOR REPORTING ALLEGATIONS AGAINST A COLONEL (OR CIVILIAN EQUIVALENT)

Date

MEMORANDUM FOR MAJCOM/IG
SAF/IGQ
IN TURN

FROM: (Full Official Address)

SUBJECT: Notification of Allegations Against a Colonel, (or civilian equivalent)

According to AFI 90-301, *Inspector General Complaints Resolution*, the following information is provided: *(Separate list for all subjects*)

a. Subject's Name (Last, First, MI) and Grade:
b. Subject's SSN:
Subject's Duty Title:
Organization:
Base of Assignment:
c. Location (Base) Where Allegation(s) Occurred:
d. Complainant's Name (Last, First, MI) and Grade:
e. Complainant's Duty Title:
Organization:
Base of Assignment:
f. Brief synopsis of allegations:
g. Date the allegations were made:
h. Official to whom allegations were made:
i. Grade name and duty phone number (*commercial and DSN*) of POC:

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Attachment:
Complaint

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Attachment 17

WHISTLEBLOWER PROTECTIONS UNDER 10 USC 1034

1. Any Air Force military member who reasonably believes a personnel action (including the withholding of an action) was taken or threatened in reprisal for making or preparing to make a protected communication (as defined in 10 USC 1034, DoDD 7050.06 and AFI 90-301) may file a complaint with the Air Force Inspector General (or lower level IG). To qualify as a protected communication, it must be made to: an IG; a member of an IG office investigative staff; Member of Congress or their staff; a member of a DoD audit, inspection, investigation, or law enforcement organization; safety, Equal Opportunity, and family advocacy organizations; any person in the member's chain of command; Chief Master Sergeant of the Air Force; Command Chief Master Sergeant; Group and Squadron Superintendent, or First Sergeant.

2. It is of utmost importance for all military members to understand that they receive whistleblower protection under 10 USC 1034 when submitting a complaint with any IG. This office will promptly notify IG DoD of your complaint. Upon receipt of the notification, IG DoD may decide to retain your allegations for complaint analysis at their level. If IG DoD decides to retain your allegations, this office will discontinue its efforts to resolve your complaint in order to allow IG DoD to proceed unimpeded.

3. This office will expeditiously conduct a complaint analysis to determine if a reprisal investigation is warranted. If the complaint analysis determines that a reprisal investigation is not warranted, IG DoD will be notified accordingly. However, IG DoD reserves the right to investigate the complaint.

4. If a reprisal investigation is warranted, this office will conduct the investigation, unless otherwise directed by a higher level IG office.

5. IG DoD will maintain oversight throughout the conduct of any investigation into allegations of reprisal.

6. You must understand that the IG may dismiss your allegations if you did not file this complaint within 60 days of becoming aware of the personnel action that is the basis for your allegations.

7. Be advised that acceptance of your complaint under 10 USC 1034 entitles you to the following statutory provisions: review and approval of the finalized investigation by IG DoD; right to receive a redacted copy of the final Report of Investigation in accordance with the Freedom of Information Act; right to petition the Air Force Board for Correction of Military Records (AFBCMR) for correction of adverse personnel actions; and right to appeal AFBCMR findings to the Secretary of Defense.

Acknowledgment

I have read and understand the above explanation of my rights under 10 USC 1034 and proper reprisal complaint procedures.

_____

(Signature and date)

Print: (Grade, Name)_____

(Full Organization Address)_____

(DSN)_____ (Home Number with Area Code)_____

Attachment 18

NOTIFICATION OF ALLEGATIONS OF REPRISAL/RESTRICTION/IMHE

Date

MEMORANDUM FOR MAJCOM/IG
SAF/IGQ
IN TURN

FROM: (Full Official Address)

SUBJECT: Notifications of Allegations of Reprisal/Restriction/IMHE (ACTS Case File Reference Number)

According to AFI 90-301, *Inspector General Complaints Resolution*, the following information is provided: *(Separate list for all RMOs*)

a. RMO's Name (Last, First, MI), Grade, and SSN (*if colonel or (equivalent)*):
Duty Title:
Organization:
Base of Assignment:

b. Location (Base) Where Allegation(s) Occurred:

c. Complainant's Name (Last, First, MI) and Grade:
Complainant's Organization:
Base of Assignment:

d. Brief synopsis of allegation(s):

e. Date the IG received the complaint:

f. Grade, name and phone number: (*commercial and DSN*) of IG POC:

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SIGNATURE BLOCK

Attachment:
Copy of Complaint

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Attachment 19

SAMPLE REPRISAL COMPLAINT ANALYSIS

REPRISAL COMPLAINT ANALYSIS

FOR

ALLEGATIONS UNDER 10 USC 1034

1. COMPLAINANT: SrA Joe M. Complainant, Somewhere AFB USA

2. ACTS CASE FILE REFERENCE NUMBER: 2007-XXX2 (**Attachment 1**)

Related ACTS Case Files: (current or previous cases on these matters or complainant. Anything that could be interpreted to be a protected communication)

2007-XXX1 (**Attachment 4**) (previous IG contact on 7 Feb 2007

3. DATE COMPLAINANT FILED REPRISAL ALLEGATION(S) WITH AN IG: 9 Jun 07

4. IG OFFICE WHERE THE COMPLAINT WAS FILED: [*Name of individual/office receiving the complaint*] 199th Wing, Somewhere AFB, MSgt Very P. Helpful (**Attachment 3**)

5. BACKGROUND:

Provide sufficient background information to describe the complainant (grade, organization and assignment, etc.), the subject(s) (if any) and the events that led the complainant to contact the IG office.

a. CHRONOLOGY:

Date	Content
24 Jan 07	SrA Complainant refuses to complete course objectives due to seeing one of his classmates fall during one of the class objectives. During a meeting with the Electrical System Apprentice Course Instructor Supervisors, SrA Complainant stated that he was threatened with discharge from the AF, threatened with court-martial and called a coward.
7 Feb 07	**2007-XXX1**--SrA Complainant came to the 199th Wing Inspector General's Office to discuss the treatment that he received from the instructors in the Electrical System Apprentice Course. The Electrical System Flight Commander was contacted and SrA Complainant was referred back to his commander. (**Attachments 4** and **5**)

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14 Feb 07	SrA Complainant phoned the 199th Wing Inspector General's Office and stated he

	was yelled at for not getting an appointment slip for an appointment. This issue was turned over to the Electrical System Flight Commander. SrA Complainant also contacts Wing Safety Office regarding safety concerns in the Electrical Systems Apprentice Course.
21 Feb 07	MSgt Helpful interviewed SrA Complainant for background information on the Electrical System Apprentice Course because he was looking into a similar issue. SrA Complainant re-addressed his major concern about climbing the poles without a safety harness.
5 Mar 07	Lt Col Boss signs SrA Complainant's MAJCOM Form 125 *Record of Administrative Training Action* removing him from the Electrical Systems Training course and retraining into another field (**Attachment 8**)
17 Jun 07	Lt Col Boss decides to have SrA Complainant retrained into another career field. Lt Col Boss contacts AF/ILE (CE Functional) to discuss the situation. SrA Complainant will be reclassified into the Readiness career field.
18 Jun 07	SrA Complainant requested that his complaint be dropped. (Note: the complaint was not dropped and the reprisal complaint analysis was completed).

6. ISSUE(S)/ALLEGATION(S):

a. On or about 5 Mar 07, Lt Col Boss removed SrA Complainant from the Electrical Systems Training course in reprisal for making a protected communication, in violation of 10 USC 1034.

7. ACID TEST:

(1) Did the military member make or prepare a disclosure protected by statute or DoD Directive? Yes.

a. Date: 7 Feb 07
To Whom:
Name: MSgt Very P. Helpful
Position/Title: Deputy Inspector General, 199th Wing, Somewhere AFB, USA
Brief summary of communication: SrA Complainant came to the 199th Wing Inspector General's Office to ask for assistance with school related issues. He had concerns about the way the instructors from the 199th Training Squadron, Electrical System Apprentice Course, treated him when he refused to complete the pole climbing portion of the course without a safety line. SrA Complainant stated that he has a fear of falling and felt that climbing without a safety harness was unsafe.

b. Date: 14 Feb 07
To Whom:
Name: MSgt Very P. Helpful
Position/Title: Deputy Inspector General, 199th Wing, Somewhere AFB, USA
Brief summary of communication: SrA Complainant came by the 199th Wing Inspector General's Office to discuss the treatment he received from MSgt Striped. SrA Complainant alleged that he was taken out of class and yelled at for not getting an appointment slip and for failing to inform his supervisory channel of an appointment that he had.

c. Date: 21 Feb 07
To Whom:
Name: MSgt Very P. Helpful
Position/Title: Deputy Inspector General, 199th Wing, Somewhere AFB, USA
Brief summary of communication: MSgt Helpful interviewed SrA Complainant for background information on the Electrical System Apprentice Course because he was looking into a similar issue. SrA Complainant re-addressed his major concern about climbing the poles without a safety harness. The IG reminded SrA Complainant that Wing Safety was conducting an assessment. The safety report was provided to SrA Complainant on 4 Mar 07. (**Attachment 4**)

NOTE: **The following protected communication occurred <u>after</u> the alleged adverse actions**

d. Date: 18 Jun 07
To Whom:
Name: MSgt Very P. Helpful
Position/Title: Deputy Inspector General, 199th Wing, Somewhere AFB, USA
Brief summary of communication: SrA Complainant requested that his complaint be dropped.

(2) Was an unfavorable personnel action taken or threatened; or was a favorable action withheld, or threatened to be withheld, following the protected disclosure? Yes.

On 5 Mar 07, Lt Col Boss, Commander of the 199th Training Squadron eliminated SrA Complainant from the Electrical Systems Apprentice Course. (**Attachment 8**)

(3) Did the official(s) responsible for taking, withholding, threatening, or influencing the personnel action know about the protected communication? Yes.

SrA Complainant stated he told Lt Col Boss he contacted the IG regarding safety issues.

(4) Does the preponderance of the evidence establish that the personnel action would have been taken, withheld, or threatened if the protected disclosure had not been made? Yes.

(a) Reasons: (the responsible management officials took, withheld, threatened, or influenced the action)

Lt Col Boss stated on the MAJCOM Form 125 that SrA Complainant be eliminated from training based on his fear of falling. AFI 36-2102, *Classifying Military Personnel (Officer and Enlisted)*, 7 Mar 2006, states members who hold the Electrical Systems Apprentice Specialty Code must have "freedom from the fear of heights" (**Attachment 9**). Additionally, SrA Complainant was not administered the fear of heights test prior to course entry, when he enlisted in the AF. Further, Captain Hospital, Clinical Social Worker for the 199th MDG, recommended SrA Complainant for elimination and retraining into another career field on 13 Feb 07 (**Attachment 7**).

NOTE: **An argument to dismiss should be made primarily on documentary evidence and limited interviews of the witnesses and RMO. If a dismissal is not**

warranted or the argument to dismiss is not completed within 29 days of the open date, an immediate recommendation to investigate is warranted.

(b) Reasonableness: (of the action taken, withheld, threatened, or influenced considering the complainant's performance and conduct)

The facts showed SrA Complainant's elimination from training was reasonable under the circumstances. Although SrA Complainant was proficient at pole-climbing with a safety harness, he refused to pole-climb without the harness, a requirement for completion of training. Additionally, SrA Complainant identified himself as having a fear of heights.

(c) Consistency: (of the actions of responsible management officials with past practice)

Lt Col Boss' decision to eliminate SrA Complainant from training was consistent with past practice. SrA Complainant identified a fear of falling and would not pole-climb without a safety harness. Without the requisite climbing ability and confidence to pole climb without a safety harness, SrA Complainant would not pass the course.

(d) Motive: (of the responsible management official for deciding, taking, withholding, or influencing the personnel action)

Unknown.

(***NOTE:*** In this example, the IG was unable to determine the motive without interviewing the RMO.)

(e) Procedural correctness:

Lt Col Boss' decision to eliminate SrA Complainant from training was conducted in accordance with regulation and procedure.

8. ANALYSIS OF COMPLAINT:

a. SrA Complainant alleged he was eliminated from the Electrical Systems Training course in Mar 07 in reprisal for his Jan-Feb 07 protected communication to the IG regarding safety issues in the Electrical Systems Training course. The facts showed SrA Complainant refused to complete the pole-climbing course objective based on a fear of falling. In accordance with the Enlisted Classification Directory, members entering the electrical career field must have "freedom from fear of heights."

b. The facts showed SrA Complainant was not administered the fear of heights test IAW AFI 48-123, *Medical Examination and Standards*, prior to entering the Electrical Systems Apprentice Course. The squadron did not identify this discrepancy until the pole-climbing portion of the Electrical System Apprentice Course when SrA Complainant indicated he had a fear of falling. Additionally, on 14 Feb 07, SrA Complainant contacted the IG about being yelled at and the wing safety office regarding safety concerns in the Electrical Systems Apprentice Course.

c. On 5 Mar 07, the squadron commander removed SrA Complainant from the Electrical Systems Apprentice Course and recommended he be retrained based on his fear of falling

and the failure of the AF to administer the fear of heights test before he entered the career field.

9. DETERMINATION:

Based on a review of the documentation and complainant interview, an investigation into the allegation of reprisal under 10 USC 1034 for being eliminated from training is not warranted and the allegation of reprisal should be dismissed. Further, the acid test for abuse of authority was conducted and there is no evidence of abuse of authority.

[*Must provide detailed rationale if recommending NOT to conduct an investigation -- Analysis and any attachments/testimony must be forwarded to IG DoD (through MAJCOM/FOA/DRU and SAF/IGQ) for final determination*]

10. IG COMPLETING ANALYSIS:

a. Full Name, Grade, and Organization: Very P. Helpful, MSgt, 199th Wing Inspector General's Office

b. Date Completed Analysis: 3 Jul 07

c. DSN and Commercial Phone Numbers: DSN 999-9999, Comm: 999-999-9999

d. Signature: *Very P. Helpful*

11. ATTACHMENTS:

1. Copy of ACTS Case File Worksheet, 2007-XXX2
2. Notification of Allegations of Reprisal Protected Under 10 USC 1034
3. Whistleblower Rights Acknowledgement form
4. Copy of ACTS Case File Worksheet, 2007-XXX1
5. Safety Assessment of Electrical System Apprentice Course, 4 Mar 07
6. MFR, Complaint Clarification Interview with SrA Complainant, dated 9 Jun 07
7. MFR, Captain Hospital (Assessment recommendation), dated 13 Feb 07
8. MAJCOM Form 125 (Record of Administrative Training Action)
9. Excerpt, AFMAN 36-2108, *Enlisted Classification*, 31 Oct 00

[Copies of all adverse personnel actions
Written statements or testimony from responsible management officials
Other referenced documentation]

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PROTECTED COMMUNICATIONS (PC):

PC	DATE:	TO WHOM:	SUMMARY OF PC:
1	22 Mar 10	Lt Col Fred Clooney, 44th Space Wing Inspector General (44 SW/IG), Ground Zero AFB AZ	Complainant alleged 502d Training Squadron Commander (502 TRS/CC) violated AETCI 36-2215 by recommending him for separation vice reclassification following his expressed reservations about employing nuclear weapons and self-initiated elimination from training. Complainant alleged extensive wait time for personnel action constituted waste. Complaint transferred by 44 SW/IG to 555 TRW/IG via AETC IAW AFI 90-301, **Table 2.8**, rule 7. **RESOLUTION:** 555 TRW/IG referred issues to 501st Training Group Commander (501 TRG/CC) for review of appropriateness of 502 TRS/CC actions and compliance with governing directives (FRNO 2010-15101) (Atch2).
2	9 Jun 10	Lt Col Patrick Damon, 555thTraining Wing Inspector General (555 TRW/IG), Purgatory AFB TX	**NOTE: PC occurred after the alleged UPA.** Complainant alleged his Personnel Reliability Program decertification was in reprisal for his filing an IG complaint of wrong on the part of the 502 TRS/CC (**PC1**) (Atch 1). **RESOLUTION:** The current reprisal complaint analysis will address the content of this protected communication.

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NOTE: Lt Mooney asserted that his 20 Mar 10 complaint to the 502 TRS Director of Training about the lack of vegetarian food items in the Squadron Snack Bar may have influenced the 502 TRS/CC decision to recommend PRP decertification. IAW DoDD 7050.06 and AFI 90-301, this communication does not meet the minimum criteria to be considered a valid PC.

UNFAVORABLE PERSONNEL ACTIONS (UPA)/RESPONSIBLE MANAGEMENT OFFICIAL (RMO) PRIOR KNOWLEDGE:

UPA	DATE	UPA DESCRIPTION	RMO	KNOWLEGE

1	31 Mar 10	AF Form 286A recommending permanent PRP disqualification (Atch 4)	Lt Col Warren Peace, 502 TRS/CC	Yes
1	12 Apr 10	AF Form 286A review of permanent PRP disqualification (Atch 4)	Col Sarah Pickford, 501 TRG/CC	Yes

NOTE: Lt Mooney alleged that his assignment as a casual student on 16 Apr 10 to administrative duties in the 502 TRS Stan Eval section was an adverse personnel action since his new duties had nothing to do with his training. Clarification revealed this is standard practice in the 502 TRS when students are in an extended non-training status and is consistent with AETC policy. A review of the assigned duties found they were compatible with Lt Mooney's training status, grade, and lack of a qualified AFSC. In fact, the duties had the potential for positive career impact in that Lt Mooney was productive and contributing to the unit mission vice simply waiting on the personnel system to make a determination in his case. For these reasons, the assignment to the Stan Eval section as a casual student will not be considered as a UPA in this analysis.

SEQUENCE OF KEY EVENTS (SKE).

SKE #	Date	Event
1	Dec 09	The complainant was selected for AFSC 13S, Space and Missile Officer Career Field (Atch 5).
2	29 Dec 09	Complainant reported for training at Ground Zero AFB AZ. He informed his Flight Commander, Capt Wayne Johns, and the 502 TRS Personnel Reliability Program (PRP) Monitor, Capt Nicole Pope, that he had reservations about launching nuclear weapons and that he was possibly medically ineligible for PRP. The Flight Commander and PRP Monitor asked the complainant to write a Memorandum For Record (MFR) outlining his reservations concerning nuclear duty. Capt Pope scheduled the complainant for a medical appointment on 4 Feb 10 to ensure medical eligibility (Atch 1 and 2).
3	4 Jan 10	Complainant submitted a memo to the Flight Commander outlining his reservations about nuclear weapons (Atch 1, 2 and 3).
4	22 Jan 10	The complainant was informed that he would not be starting the 1 Feb 10 missile training course due to his objections to nuclear weapons duty and questionable medical qualifications for PRP (Atch 2 and 3).
5	4 Feb 10	Complainant was found medically qualified for PRP (Atch 2 and 3).
6	5 Feb 10	Complainant asked Capt Pope when he could meet with Lt Col Warren Peace, 502 TRS/CC, concerning reservations about nuclear weapons duty. Capt Pope did not know (Atch 2).
7	25 Feb 10	The complainant again attempted to determine when he could speak with the 502 TRS/CC. Capt Natalie Johnson (502 TRS/DOC) spoke with Flight Commander and appointment with 502 TRS/CC was set for 1 Mar 10 (Atch 2).
8	1 Mar 10	Complainant met with the 502 TRS/CC, the Flight Commander, and the First Sergeant, MSgt Nick Jackson, to discuss the complainant's concerns about nuclear weapons duty. Complainant would not answer several of 502 TRS/CC questions and 502 TRS/CC asked the complainant to take a week to formulate his answers. 502 TRS/CC requested complainant return with an MFR outlining his answers. Follow-on meeting scheduled for 8 Mar 10 (Atch 2).

9	8 Mar 10	Complainant provided previously requested MFR to 502 TRS/CC indicating his position concerning nuclear weapons duty had not changed and he still did not have answers to her questions. 502 TRS/CC informed complainant she would be recommending his separation from the AF using the Not Qualified for Promotion (NQP) process (Atch 2 and 3).
10	10 Mar 10	502 TRS/CC met with 44th Space Wing Judge Advocate (44 SW/JA) to discuss NQP package for complainant. Decision made to delay initiation of NQP package for complainant due to pending adjudication of an NQP package for another student in similar circumstances already being worked by 44 SW/JA (Atch 3).
11	22 Mar 10	Complainant filed complaint with the 44th Space Wing Inspector General (44 SW/IG) at Ground Zero AFB AZ (FRNO 2010-15101). Case transferred to 555 TRW/IG for analysis and disposition on 23 Mar 10 (Atch 2). **(PC 1)**
12	25 Mar 10	502 TRS/CC learned that the Air Force Personnel Center (AFPC) had established a separation/reclassification board for students who failed to complete Initial Skills Training (IST). 502 TRS/CC also informed that 44 SW/JA had finished NQP package they had been working on concerning a different student (Atch 3).
13	27 Mar 10	555 TRW/IG finished analysis of complaint alleging noncompliance with AETCI and determined complaint should be referred to 501st Training Group Commander (501 TRG/CC) (Atch 2).
14	29 Mar 10 0800	After learning of new procedures, 502 TRS/CC directed the Flight Commander and his replacement, Capt Larry Heston, to begin AETC Form 125A,*Record of Administrative Training Action*, recommending separation to the AFPC separation/reclassification board scheduled for 15 Apr 10. Until AFPC established the new procedures, only option for 502 TRS/CC concerning students not entering training was to pursue separation via NQP or reclassify student (Atch 3).
15	29 Mar 10	555 TRW/IG sent final response memo to complainant and emailed referral memorandum to 501 TRG/CC, formally referring complaint to command for further analysis and final disposition (Atch 2).
16	29 Mar 10	501 TRG/CC called 502 TRS/CC and informed her of the IG complaint referred by 555 TRW/IG **(RMO Knowledge)** (Atch 3).
17	31 Mar 10	Complainant met with 502 TRS/CC and First Sergeant. Complainant informed 502 TRS/CC that he had filed complaint with 44 SW/IG. Complainant informed 502 TRS/CC that, after speaking with Capt Chad Pitt (502 TRS instructor), his reservation about performing nuclear weapons duty were gone and he felt 100% capable of doing the job. Based on conversation with complainant, 502 TRS/CC was comfortable and confident in recommending complainant for reclassification instead of separation. However, his original objections to nuclear weapons duty were sufficient for her to have continued reservations about his ability to deploy nuclear weapons. As a result, she initiated an AF Form 286A to permanently decertify the complainant from PRP. **(UPA)** The complainant was given 14 days to submit documents to 502 TRS/CC as the certifying authority. On 8 Apr 10, the complainant acknowledged his right to appeal the permanent decertification via digital signature on the AF For 286A and also certified that he would not submit any additional information to the 502 TRS/CC in response to his decertification. 501 TRG/CC reviewed the PRP decertification on 12 Apr 10 (Atch 3, 4, and 5).

18	12 Apr 10	501 TRG/CC emailed 555 TRW/IG a summary of actions taken in response to the referral of the complainant's original IG complaint (Atch 3).
19	25 May 10	The Initial Skills Training Reclassification/Discharge Panel met at AFPC and determined the complainant would not be reclassified but would be discharged (Atch 6).
20	On or about 1 Jun 10	Complainant was notified of the IST panel decision and informed he would be discharged from active duty with an honorable discharge. Since the complainant was prior enlisted in the AF, he was also offered the opportunity to reenlist at his previous enlisted grade (Atch 6).
21	9 Jun 10	Complainant filed complaint with 555 TRW/IG alleging his PRP decertification was in reprisal for his filing an IG complaint of wrong on the part of the 502 TRS/CC. Current case file, FRNO Case 2010-20101, opened. **(PC 2 – Occurred after UPA)** (Atch 1)

ANALYSIS.

NOTE: An argument to dismiss should be made primarily on documentary evidence and limited interviews of the witness and RMO. If a dismissal is not warranted or the argument to dismiss is not completed within 29 days of the open date, an immediate recommendation to investigate is warranted.

UPA 1, AF 286A PRP Decertification:

502 TRS/CC. After the complainant expressed reservations about nuclear weapons duty, he was unable or reluctant to answer the 502 TRS/CC questions concerning acceptable casualty levels. The 502 TRS/CC gave him an additional week to prepare a written response to her questions after which she would interview him again to determine his status (SKE #8). The complainant, after one week, still would not give a specific answer to her questions and she determined he was not suited for entry into the Space and Missile Officer's course (SKE #9). At that time, the only options available for the 502 TRS/CC for dealing with this situation was to either reclassify the complainant or seek separation through the Not Qualified for Promotion process.

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The 502 TRS/CC advised the complainant she intended to separate him from the AF using the NQP process (SKE #9). Because the 502 TRS/CC intended to pursue separation, decertification from PRP was not an issue as a PRP determination would be necessary only if the 502 TRS/CC intended to recommend reclassification and continued service for the complainant.

Initiation of the NQP process to separate the complainant was delayed pending resolution of a similar NQP action already in progress. Starting a second NQP action would likely saturate the available JA resources (SKE #10). In addition, the 502 TRS/CC appeared to view the ongoing NQP action as a test case and needed the process feedback before beginning the complainant's NQP action. During this delay, the 502 TRS/CC learned of the recently established Initial Skills Training Reclassification/Discharge Board at AFPC (SKE #12). Upon learning that this option was available, she elected to have the complainant meet the AFPC board in lieu of NQP action with a recommendation to the board that the complainant be separated from active duty (SKE #14). At this point in the process, the 502 TRS/CC learned of the IG complaint filed by the complainant with 555 TRW/IG from the 501 TRG/CC (SKE #16). In response to the complaint, the 502 TRS/CC met with the complainant to fully inform him of the

actions ongoing at which point the complainant also informed the 502 TRS/CC that he had filed the IG complaint (SKE #17). The two actions establish 502 TRS/CC knowledge of the protected communication. During the same conversation, the complainant restated his position with respect to employment of nuclear weapons and tried to convince the 502 TRS/CC that his position had changed sufficiently to where he should be retained in the Space and Missile Officer course. The 502 TRS/CC, based on the conversation, reversed her original decision that the complainant should be separated from the AF. Since she now believed the complainant should be retained and reclassified, she had to make a decision with respect to his PRP status. She remained unconvinced, based on the complainant's original objections, that the complainant's attitude had changed sufficiently to merit her full faith and confidence that he would execute the nuclear mission. Based on this analysis, she proceeded to permanently disqualify the complainant from PRP (SKE #17).

With respect to the PRP decertification, it must be noted that the complainant did digitally acknowledge his right to appeal the decertification and also to submit matters to the 502 TRS/CC on his behalf. The complainant elected not to exercise either of these rights at the time and apparently accepted the PRP decertification without protest (Atch 4). The 502 TRS/CC did recommend to the AFPC board that the complainant be retained and reclassified. The material she submitted to the board did note that the complainant had been permanently disqualified from PRP due to his objections to employment of nuclear weapons (Atch 5). On 25 May 10, the AFPC board determined that the complainant should not be retained and directed he be discharged with an honorable discharge (SKE #20). When the complainant was notified of these results, he elected to file the current complaint alleging the PRP decertification was in reprisal for his filing the original IG complaint (SKE #21).

The evidence leads us to believe the 502 TRS/CC would have permanently disqualified the complainant from PRP even if the protected communication had not occurred. The actual catalyst for her PRP decision was her change of opinion that the complainant should not be separated but reclassified. At that point, she had to make a decision regarding PRP. If the 502 TRS/CC thought that the complainant was able to do the nuclear mission, then reclassification would not be necessary as he would be fully qualified to begin Space and Missile Officer training. However, the evidence suggests this was not the case and, despite the complainant's assertion that his previous objections were no longer valid, she did not have full faith and confidence he could do the nuclear mission. At this point, PRP

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decertification was required by directive which rendered the complainant ineligible for Space and Missile Officer training and led to the decision that reclassification was necessary. The 502 TRS/CC determination of the complainant's suitability for Space and Missile Officer duty was consistent before and after the protected communication. Accordingly, we feel the evidence does not warrant further inquiry or investigation under 10 USC 1034 regarding this RMO.

501 TRG/CC. On 12 Apr 10, the 501 TRG/CC reviewed and agreed with the decertification action enacted by the 502 TRS/CC (SKE #17). The 501 TRG/CC had knowledge of PC#1 as the original IG complaint was referred to her by the 555 TRW/IG and she, in turn, notified the 502 TRS/CC of the complaint (SKE #15 and #16). The 501 TRG/CC was not named in any assertions of wrongdoing by the complainant in his original complaint. As such, the likelihood that she had a motive to reprise is low. Her agreement with the 502 TRS/CC decertification decision is reasonable based on the complainant's actions as stated above. The complainant adamantly expressed concerns about his ability to employ

nuclear weapons until faced with the prospect of separation (SKE #17). When confronted with the prospect of separation, the complainant had a sudden change of heart and expressed full confidence that he would be able to employ nuclear weapons and wished to continue training. The 502 TRS/CC noted the change in attitude and reversed her decision to recommend separation and, instead, fully supported reclassification and indicted by her recommendation to the IST Board (Atch 5). However, the 502 TRS/CC still did not believe the complainant would be able to employ nuclear weapons without reservations based on the initial series of contacts they had concerning the subject. Thus, she was unable to support PRP certification that would allow him to continue in Space and Missile Officer training. In light of the evidence, her conclusion was reasonable and based in fact. The 501 TRG/CC appears to have agreed with the 502 TRS/CC decisions as she supported the reclassification effort via endorsement of the favorable package submitted to the IST Board (Atch 5). Her concurrence with the 502 TRS/CC PRP decertification decision, based on the evidence, is logical and reasonable and appears to be the result of her charter to ensure personnel with missile launch responsibility meet the reliability requirements of PRP and will be able to execute the nuclear launch option if necessary. The evidence supports both the 502 TRS/CC and 501 TRG/CC reservations about the true intentions of the complainant when he reversed his stance on employment of nuclear weapons. Accordingly, we feel the evidence does not warrant further inquiry or investigation under 10 USC 1034 regarding this RMO.

RECOMMENDATION:

The evidence does not support the conclusion that the 502 TRS/CC or 501 TRG/CC reprised against the complainant thru their PRP decertification actions. Rather, the evidence suggests the PRP decertification action would have occurred regardless of any protected communications. The need to make a PRP decision was precipitated by the decision to discontinue NQP processing and refer the separation/reclassification decision to the newly established AFPC IST Board. This decision was made prior to the protected communication. Prior to the protected communication, the 502 TRS/CC was going to recommend the IST Board separate the complainant. After learning of the protected communication and meeting with the complainant, the 502 TRS/CC decided to support reclassification vice separation but could not, in good faith, support PRP certification. The PRP decertification action is supported by the available evidence and complainant actions. The 501 TRG/CC review and endorsement of the PRP decertification action is reasonable and consistent with her nuclear surety responsibilities. The evidence suggests the PRP decertification decision was not an issue for the complainant until the IST Board decided he should be separated despite the 502 TRS/CC and 501 TRG/CC support of reclassification. Lastly, the same

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rationale that mitigates against reprisal supports our argument that the RMO actions do not support credible allegations of abuse of authority.

It is our conclusion that no further inquiry or investigation under 10 USC 1034 is warranted and this complaint should be dismissed pursuant to review and approval by IG DoD MRI.

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PATRICK T. DAMON, Lt Col, USAF
Inspector General

I have reviewed the reprisal complaint analysis for FRNO 2010-20101 and concur with the determination that further inquiry or investigation under 10 USC 1034 is not warranted.

THOMAS G. BRANDO, Colonel, USAF
Commander

6 Attachments:
1. Current Email Complaint Alleging Reprisal
2. Previous IG Complaint (Protected Communication)
3. 501 TRG/CC and 502 TRS/CC Response to Referral Action
4. PRP Decertification AF Form 286A
5. Training Data Submitted by 501 TRG to AFPC Reclassification/Discharge Board
6. AFPC Reclassification/Discharge Board Decision Documents

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Attachment 20

MEMORANDUM FOR (APPOINTING AUTHORITY)

MEMORANDUM FOR (Appointing Authority)
SAF/IGQ
IN TURN

FROM: 555 TRW/IG
555 West Nowhere Dr Ste 3
Purgatory AFB, TX 78000-0001

SUBJECT: Record of Complaint Analysis for Allegations of Reprisal under 10 USC 1034 (FRNO 2010-20101)

COMPLAINANT NAME/GRADE or GRADE/SERVICE (FRNO): Rooney, Andy M., Second Lieutenant, USAF (FRNO 2010-20101)

JOB TITLE and DUTY LOCATION: Space and Missile Officer Trainee, 502d Training Squadron (502 TRS), Ground Zero AFB AZ

PROTECTED COMMUNICATIONS (PC):

PC	DATE:	TO WHOM:	SUMMARY OF PC:
1	22 Mar 10	Lt Col George Clooney, 44th Space Wing Inspector General (44 SW/IG), Ground Zero AFB AZ	Complainant alleged 502d Training Squadron Commander (502 TRS/CC) violated AETCI 36-2215 by recommending him for separation vice reclassification following his expressed reservations about employing nuclear weapons and self-initiated elimination from training. Complainant alleged extensive wait time for personnel action constituted waste. Complaint transferred by 44 SW/IG to 555 TRW/IG via AETC IAW AFI 90-301, **Table 2.8**, rule 7. **RESOLUTION:** 555 TRW/IG referred issues to 501st Training Group Commander (501 TRG/CC) for review of appropriateness of 502 TRS/CC actions and compliance with governing directives (FRNO 2010-15101) (Atch2).
2	9 Jun 10	Lt Col Matt Damon, 555thTraining Wing Inspector General (555 TRW/IG), Purgatory AFB TX	**NOTE: PC occurred after the alleged UPA.** Complainant alleged his Personnel Reliability Program decertification was in reprisal for his filing an IG complaint of wrong on the part of the 502 TRS/CC (**PC1**) (Atch 1). **RESOLUTION:** The current reprisal complaint analysis will address the content of this protected communication.

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NOTE: Lt Rooney asserted that his 20 Mar 10 complaint to the 502 TRS Director of Training about the lack of vegetarian food items in the Squadron Snack Bar may have influenced the 502 TRS/CC decision to recommend PRP decertification. IAW DoDD 7050.06 and AFI 90-301, this communication does not meet the minimum criteria to be considered a valid PC.

UNFAVORABLE PERSONNEL ACTIONS (UPA)/RESPONSIBLE MANAGEMENT OFFICIAL (RMO) PRIOR KNOWLEDGE:

UPA	DATE	UPA DESCRIPTION	RMO	KNOWLEGE
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1	12 Apr 10	AF Form 286A review of permanent PRP disqualification (Atch 4)	Col Mary Pickford, 501 TRG/CC	Yes

NOTE: Lt Rooney alleged that his assignment as a casual student on 16 Apr 10 to administrative duties in the 502 TRS Stan Eval section was an adverse personnel action since his new duties had nothing to do with his training. Clarification revealed this is standard practice in the 502 TRS when students are in an extended non-training status and is consistent with AETC policy. A review of the assigned duties found they were compatible with Lt Rooney's training status, grade, and lack of a qualified AFSC. In fact, the duties had the potential for positive career impact in that Lt Rooney was productive and contributing to the unit mission vice simply waiting on the personnel system to make a determination in his case. For these reasons, the assignment to the Stan Eval section as a casual student will not be considered as a UPA in this analysis.

SEQUENCE OF KEY EVENTS (SKE).

SKE #	Date	Event
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7	25 Feb 10	The complainant again attempted to determine when he could speak with the 502 TRS/CC. Capt Natalie Portman (502 TRS/DOC) spoke with Flight Commander and appointment with 502 TRS/CC was set for 1 Mar 10 (Atch 2).
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ANALYSIS.

UPA 1, AF 286A PRP Decertification:

502 TRS/CC. After the complainant expressed reservations about nuclear weapons duty, he was unable or reluctant to answer the 502 TRS/CC questions concerning acceptable casualty levels. The 502 TRS/CC gave him an additional week to prepare a written response to her questions after which she would interview him again to determine his status (SKE #8). The complainant, after one week, still would not give a specific answer to her questions and she determined he was not suited for entry into the Space and Missile Officer's course (SKE #9). At that time, the only options available for the 502 TRS/CC for dealing with this situation was to either reclassify the complainant or seek separation through the Not Qualified for Promotion process. The 502 TRS/CC advised the complainant she intended to separate him from the Air Force using the NQP process (SKE #9). Because the 502 TRS/CC intended to pursue separation, decertification from PRP was not an issue as a PRP determination would

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be necessary only if the 502 TRS/CC intended to recommend reclassification and continued service for the complainant.

Initiation of the NQP process to separate the complainant was delayed pending resolution of a similar NQP action already in progress. Starting a second NQP action would likely saturate the available JA resources (SKE #10). In addition, the 502 TRS/CC appeared to view the ongoing NQP action as a test case and needed the process feedback before beginning the complainant's NQP action. During this delay, the 502 TRS/CC learned of the recently established Initial Skills Training Reclassification/Discharge Board at AFPC (SKE #12). Upon learning that this option was available, she elected to have the complainant meet the AFPC board in lieu of NQP action with a recommendation to the board that the complainant be separated from active duty (SKE #14). At this point in the process, the 502 TRS/CC learned of the IG complaint filed by the complainant with 555 TRW/IG from the 501 TRG/CC (SKE #16). In response to the complaint, the 502 TRS/CC met with the complainant to fully inform him of the actions ongoing at which point the complainant also informed the 502 TRS/CC that he had filed the IG complaint (SKE #17). The two actions establish 502 TRS/CC knowledge of the protected communication. During the same conversation, the complainant restated his position with respect to employment of nuclear weapons and tried to convince the 502 TRS/CC that his position had changed sufficiently to where he should be retained in the Space and Missile Officer course. The 502 TRS/CC, based on the conversation, reversed her original decision that the complainant should be separated from the Air Force. Since she now believed the complainant should be retained and reclassified, she had to make a decision with respect to his PRP status. She remained unconvinced, based on the complainant's original objections, that the complainant's attitude had changed sufficiently to merit her full faith and confidence that he would execute the nuclear mission. Based on this analysis, she proceeded to permanently disqualify the complainant from PRP (SKE #17).

With respect to the PRP decertification, it must be noted that the complainant did digitally acknowledge his right to appeal the decertification and also to submit matters to the 502 TRS/CC on his behalf. The complainant elected not to exercise either of these rights at the time and apparently accepted the PRP decertification without protest (Atch 4). The 502 TRS/CC did recommend to the AFPC board that the complainant be retained and reclassified. The material she submitted to the board did note that the complainant had been permanently disqualified from PRP due to his objections to employment of nuclear weapons (Atch 5). On 25 May 10, the AFPC board determined that the complainant should not be retained and directed he be discharged with an honorable discharge (SKE #20). When the complainant was notified of these results, he elected to file the current complaint alleging the PRP decertification was in reprisal for his filing the original IG complaint (SKE #21).

The evidence leads us to believe the 502 TRS/CC would have permanently disqualified the complainant from PRP even if the protected communication had not occurred. The actual catalyst for her PRP decision was her change of opinion that the complainant should not be separated but reclassified. At that point, she had to make a decision regarding PRP. If the 502 TRS/CC thought that the complainant was able to do the nuclear mission, then reclassification would not be necessary as he would be fully qualified to begin Space and Missile Officer training. However, the evidence suggests this was not the case and, despite the complainant's assertion that his previous objections were no longer valid, she did not have full faith and confidence he could do the nuclear mission. At this point, PRP

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decertification was required by directive which rendered the complainant ineligible for Space and Missile Officer training and led to the decision that reclassification was necessary. The 502 TRS/CC determination of the complainant's suitability for Space and Missile Officer duty was consistent before and after the protected communication. Accordingly, we feel the evidence does not warrant further inquiry or investigation under 10 USC 1034 regarding this RMO.

501 TRG/CC. On 12 Apr 10, the 501 TRG/CC reviewed and agreed with the decertification action enacted by the 502 TRS/CC (SKE #17). The 501 TRG/CC had knowledge of PC#1 as the original IG complaint was referred to her by the 555 TRW/IG and she, in turn, notified the 502 TRS/CC of the complaint (SKE #15 and #16). The 501 TRG/CC was not named in any assertions of wrongdoing by the complainant in his original complaint. As such, the likelihood that she had a motive to reprise is low. Her agreement with the 502 TRS/CC decertification decision is reasonable based on the complainant's actions as stated above. The complainant adamantly expressed concerns about his ability to employ nuclear weapons until faced with the prospect of separation (SKE #17). When confronted with the prospect of separation, the complainant had a sudden change of heart and expressed full confidence that he would be able to employ nuclear weapons and wished to continue training. The 502 TRS/CC noted the change in attitude and reversed her decision to recommend separation and, instead, fully supported reclassification and indicted by her recommendation to the IST Board (Atch 5). However, the 502 TRS/CC still did not believe the complainant would be able to employ nuclear weapons without reservations based on the initial series of contacts they had concerning the subject. Thus, she was unable to support PRP certification that would allow him to continue in Space and Missile Officer training. In light of the evidence, her conclusion was reasonable and based in fact. The 501 TRG/CC appears to have agreed with the 502 TRS/CC decisions as she supported the reclassification effort via endorsement of the favorable package submitted to the IST Board (Atch 5). Her concurrence with the 502 TRS/CC PRP decertification decision, based on the evidence, is logical and reasonable and appears to be the result of her charter to ensure personnel with missile launch responsibility meet the reliability requirements of PRP and will be able to execute the nuclear launch option if necessary. The evidence supports both the 502 TRS/CC and 501 TRG/CC reservations about the true intentions of the complainant when he reversed his stance on employment of nuclear weapons. Accordingly, we feel the evidence does not warrant further inquiry or investigation under 10 USC 1034 regarding this RMO.

RECOMMENDATION:

The evidence does not support the conclusion that the 502 TRS/CC or 501 TRG/CC reprised against the complainant thru their PRP decertification actions. Rather, the evidence suggests the PRP decertification action would have occurred regardless of any protected communications. The need to make a PRP decision was precipitated by the decision to discontinue NQP processing and refer the separation/reclassification decision to the newly established AFPC IST Board. This decision was made prior to the protected communication. Prior to the protected communication, the 502 TRS/CC was going to recommend the IST Board separate the complainant. After learning of the protected communication and meeting with the complainant, the 502 TRS/CC decided to support reclassification vice separation but could not, in good faith, support PRP certification. The PRP decertification action is supported by the available evidence and complainant actions. The 501 TRG/CC review and endorsement of the PRP

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decertification action is reasonable and consistent with her nuclear surety responsibilities. The evidence suggests the PRP decertification decision was not an issue for the complainant until the IST Board decided he should be separated despite the 502 TRS/CC and 501 TRG/CC support of reclassification. Lastly, the same rationale that mitigates against reprisal supports our argument that the RMO actions do not support credible allegations of abuse of authority.

It is our conclusion that no further inquiry or investigation under 10 USC 1034 is warranted and this complaint should be dismissed pursuant to review and approval by IG DoD MRI.

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MATTHEW T. DAMON, Lt Col, USAF
Inspector General

I have reviewed the reprisal complaint analysis for FRNO 2010-20101 and concur with the determination that further inquiry or investigation under 10 USC 1034 is not warranted.

MARLON G. BRANDO, Colonel, USAF
Commander

6 Attachments:
1. Current Email Complaint Alleging Reprisal
2. Previous IG Complaint (Protected Communication)
3. 501 TRG/CC and 502 TRS/CC Response to Referral Action
4. PRP Decertification AF Form 286A
5. Training Data Submitted by 501 TRG to AFPC Reclassification/Discharge Board
6. AFPC Reclassification/Discharge Board Decision Documents

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Attachment 21

FORMAT FOR ACID TEST FOR REPRISAL

1q. Did the military member make or prepare a communication protected by statute, DoD Directive, or AFI 90-301 (to an IG; a member of an IG office investigative staff; Member of Congress or their staff; a member of a DoD audit, inspection, investigation, law enforcement, equal opportunity, safety, or family advocacy organizations; any person in their chain of command; Chief Master Sergeant of the Air Force; Command Chief Master Sergeant; Group/Squadron Superintendents/First Sergeant)?

1a. Answer Yes or No. *[Providing details including the dates of protected communication; who the member made the protected communication to; and what the protected communication concerned.]* **See Note 1.**

2q. Was an unfavorable personnel action taken or threatened; or was a favorable action withheld or threatened to be withheld following the protected communication?

2a. Answer Yes or No. *[Provide an explanation of what was the unfavorable or withheld favorable personnel action, or threat thereof, taken or withheld. Also detail which officials were responsible for which particular action.]*

3q. Did the official(s) responsible for taking, withholding, threatening or influencing the personnel action know about the protected communication?

3a. Answer Yes or No. *[Briefly state supporting facts, evidence, and testimony. It is important to state when each official responsible for (or influencing) the adverse action became knowledgeable. Give specific dates whenever possible. If an exact date is unknown, state "on or about" what date or time frame. Do not make general statements such as "Everyone knew that the complainant talked with the IG."]* **See Note 2.**

4q. Does the preponderance of the evidence establish that the personnel action would have been taken, withheld, or threatened if the protected communication had not been made?

4a. Answer Yes or No. *[Be specific and explain logic and rationale. Establish whether there is a genuine connection between the adverse personnel action and the protected communication.]*

**** When answering the fourth question, the following five (5) related questions regarding the personnel action must be addressed in the analysis as separate subheadings:*

(1) ***Reasons*** *the RMO took, withheld, threatened or influenced the action;*

(2) ***Reasonableness*** *of the action taken, withheld, threatened or influenced considering the complainant's performance and conduct;*

(3) ***Consistency*** *of the actions of RMOs with past practice;*

(4) ***Motive*** *of the RMO for deciding, taking, withholding or influencing the personnel action;*

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(5) ***Procedural correctness*** *of the action. This will allow the IO to determine explicitly whether or not the adverse action was: (a) reprisal (in the case where answers to the first three questions are "yes");* **or** *(b) an "abuse of authority" (in the case where the answer to either the first or third question is "no")* **See Note 3.**

Note 1: If the complainant did not make or prepare to make a protected communication, then it must be determined if the responsible management official(s) suspected, believed, or heard rumors that there was a protected communication before the allegation can be dismissed as a reprisal. If there is a question about whether or not a confirmed communication is a "protected" communication, the IO should enter a "Finding"; even if the IO finds the communication wasn't "protected," he or she should nonetheless proceed with the Acid Test as if it were. In those cases where complainants allege an action was taken in "reprisal" for a communication not protected by statute, DoD or Air Force Directive, the investigation is not over. The IO should determine whether or not the adverse action was otherwise an "abuse of authority."

Note 2: If the official responsible for taking, withholding, threatening, or influencing the personnel action did not know about the protected communication, then reprisal cannot be substantiated. However, the IO should nonetheless proceed with the Abuse of Authority Acid Test to determine whether or not the adverse personnel action was otherwise an "abuse of authority."

Note 3: If the answer to the first three questions is "yes" and the answer to the fourth question is "no," then reprisal generally has occurred. As with any investigation, especially those alleging reprisal, consult your legal office. During an RCA, answering all five sub-questions of question 4 is not required. Consult the appropriate MAJCOM, JFHQ, or NAF IGQ and/or the legal office prior to finalizing the complaint analysis

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Attachment 22

FORMAT FOR ACID TEST FOR ABUSE OF AUTHORITY

Definition: Abuse of authority is an arbitrary and capricious exercise of power that adversely affects any person or results in personal gain or advantage to the abuser.

Answer the following questions to determine if abuse of authority has occurred:

1. Did the responsible management official's (RMO's) actions either:

a. Adversely affect any person? (e.g., demotion, referral OPR, extra duty, etc.)

OR

b. Result in personal gain or advantage to the RMO? (e.g., promotion, award, etc.)

If questions 1(a) and 1(b) are both answered "no," then it is not necessary to consider question two. If either part of question 1(a) or 1(b) is answered "yes," the IO must answer question two.

2. Was the RMO's action either:

a. Outside the authority granted under applicable regulations, law or policy?

OR

b. Arbitrary and capricious? You must use the following factors in your analysis:

(1) What were the **Reasons** the RMO took, withheld, or threatened the action?
(2) What was the **Reasonableness** of the action taken, withheld, or threatened considering the complainant's performance and conduct?
(3) Were the actions taken by the RMO Consistent?

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Attachment 23

FORMAT FOR REPRISAL INVESTIGATION EVALUATION FORM

SECTION A. COMPLETED BY THE INVESTIGATING OFFICER.

1. Information on Complainant:

a. Full Grade and Name:
b. Duty Station *(State full address)*:
c. Status (*State whether Active Duty, Reserve, Guard, and so on*):
d. Initial Protected Communication was made to (*Member of Congress, an AF IG, IG DoD, and so on):*
e. Date of the Initial Protected Communication *(State day/month/ year):*
f. Initial Protected Communication Alleged what Wrongdoing *(Be specific):*
g. Date the Reprisal Complaint was filed *(State day/ month/ year):*

2. Investigation Information: State the subjects (responsible management officials) responsible for the personnel action(s), the date subject first learned about the complainant's protected communication or believed/suspected the complainant had made a communication and all adverse personnel actions the subject took against the complainant; the date of each personnel action and whether or not the personnel action(s) was reprisal.

Subject (s) *(Grade, Full Name, Duty Title, Organization)*	Date Subject Learned of Complainant's Protected Communication *(Day/Month/ Year)*	Personnel Action(s) Taken, Threatened, or Withheld *(Be Specific. List each action associated with the subject.)*	Date of Each Personnel Action *(Day/Month/ Year)*	Reprisal *(State "Yes" or "No" for each personnel action)*
1.	1.	1a. 1b. 1c. 1d.	1a. 1b. 1c. 1d.	1a. 1b. 1c. 1d.
2.	2.	2a. 2b. 2c. 2d.	2a. 2b. 2c. 2d.	2a. 2b. 2c. 2d.

3. IO's Information:

a. Full grade and Name:
b. Unit and Base Assigned:
c. DSN and Commercial Numbers:
d. Signature and Date Completed Section A:

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SECTION B. COMPLETED BY APPOINTING AUTHORITY OR SERVICING IG.

4. Appointing Authority or Servicing IG Worksheet.

Did the IO:	**Respond "Yes" or "No"**
a. Work for any of the subjects (responsible management officials) in the case? *(The IO should be free from command influence)*	
b. Apply the acid test for each personnel action taken, threatened, or withheld?	
c. Accurately identify all protected communications?	
d. Investigate all personnel actions alleged to be reprisal?	
e. Identify all subjects (responsible management officials)?	
f. Were all personnel actions alleged to be reprisal looked into or otherwise addressed?	
g. Determine whether the personnel actions by each subject would have been taken, withheld, or threatened if the protected communication had not been made?	
h. Interview the complainant first?	
i. Ask the complainant why they believe the personnel action to be reprisal?	
j. Interview key witnesses? List any key witnesses or witnesses given by the complainant who were not interviewed and fully explain why each witness was not interviewed?	
k. Interview all subjects (responsible management officials)?	
l. Ask each responsible management official why *(what was their rationale)* they took, withheld, or threatened the personnel action?	
m. Objectively present the facts of the case and report the events clearly?	
n. Address all relevant information?	
o. Accurately summarize witness testimony in sufficient detail to support the findings?	
p. Obtain copies of all pertinent supporting documentation?	
q. Remain impartial and unbiased?	
r. Present both sides of the issues? *(Is the report balanced?)*	
s. Base his/her conclusions on the facts?	
t. Address all the complainant's allegations? (All reprisal allegations plus any other allegations the complainant alleged)	
u. If allegations of reprisal are not substantiated, were the allegations analyzed for abuse of authority.	

5. Review of ROI. Was the Report of Investigation (ROI) reviewed by a JA, found legally sufficient and part of the case file? (*Yes or No. If no, explain what action was taken to correct the problem areas and attach a second legal review showing case was again reviewed by legal officials and found legally sufficient.*)

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6. Deficiencies. Were there deficiencies, discrepancies, incongruities (contradictions or inconsistencies) in the IOs findings, conclusions?

7. Comments. Provide comments if there were problems, which did not affect the outcome and any additional explanation as desired.

8. Complete this question when an allegation(s) is/are substantiated. *(Recommend commanders wait to take corrective action until higher headquarters notifies you that the case has been approved by DoD.)*

a. List corrective action or remedy for the complainant: (*State briefly what actions the commander took or initiated to correct the error or injustice.*)
b. List the corrective or disciplinary action taken or initiated against subject(s) (responsible management officials).

9. IG or Appointing Authority completing review: I certify that the attached ROI meets all the requirements outlined in AFI 90-301; supports the IOs findings and conclusions; and was found legally sufficient by the JA.

a. Full grade, Name, and Organization.
b. Date Completed Review.
c. DSN and Commercial Numbers.
d. Signature of Reviewing Official.

SECTION C. COMPLETED BY MAJCOM, JFHQ, FOA, OR DRU IG.

10. IG official completing review: I certify that the attached ROI meets all the requirements outlined in AFI 90-301; supports the IOs findings and conclusions; and was found legally sufficient by the JA (attach copy of the legal sufficiency review by JA).

a. Full grade, Name, and Organization.
b. Date Completed Review.
c. DSN and Commercial Numbers.
d. Signature of Reviewing Official.

SECTION D. Final Quality Review by SAF/IGS or SAF/IGQ.

11. IG official completing review: I certify that the attached ROI meets all the requirements outlined in AFI 90-301; supports the IOs findings and conclusions; and was found legally sufficient by the JA (attach copy of the legal sufficiency review by JA).

a. Full grade, Name, and Organization.
b. Date Completed Review.
c. Signature of Reviewing Official.

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Attachment 24

FORMAT FOR MENTAL HEALTH REFERRAL EVALUATION FORM

CHECKLIST FOR ASSESSING ALLEGATIONS OF VIOLATIONS OF DoDD 6490.1, DoDI 6490.4, AND AFI 44-109

SECTION A. COMPLETED BY THE IO.

1. Information on Complainant:

a. Full Name and Grade.
b. Duty Station: *(State full address).*
c. Status: (*State whether Active Duty, Reserve, Guard, and so on*).
d. Date Involuntarily Referred for a Mental Health Evaluation: *(State day/month/year).*
e. Date member notified Inspector General: *(State day/month/year).*

2. Information on Subject:

a. Full Name and Grade.
b. Duty Station: *(State full address).*
c. Status: (*State whether Active Duty, Reserve, Guard, and so on*).
d. Reason(s) why subject referred complainant to Mental Health.

NOTE: The requirements of DoDD 6490.1 do not apply in the following situations:

a. When a member is referred to Mental Health related to mental responsibility and capacity to stand trial according to Rule for Courts-Martial 706, *Manual for Courts-Martial (MCM)*, United States, 1984.
b. Interviews conducted under the Substance Abuse Control Program or interviews conducted under the Family Advocacy Program.
c. If either of the above situations exist, then skip to paragraph 4 and complete information regarding the Investigating Officer. If member alleges reprisal, IO must follow the procedures outlined in AFI 90-301 and complete a *Reprisal Investigation Evaluation Form*.

3. Referral Conditions: (*Fill out the section that applies to the complainant's referral to mental health).*

Part A	**GENERAL GUIDELINES:** *(State Yes or No unless otherwise indicated in the area next to the question under "Response". Some questions require additional information. State all dates in "day/month/year" format. Any question where the response is "No" provide a detailed explanation; attach additional pages if necessary)*	**Response:** *(If yes, complete information requested, if any)*

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1	Did the commander first consult with a Mental Healthcare Provider (MHP) prior to making the referral to discuss the member's actions and behavior that the commander believes warrant the evaluation? (DoDI 6490.4, 6.1.1.2) (a) Date commander consulted with MHP: _____ (b) Grade/Name of MHP contacted: _____	
2	Did the commander make the referral? (DoDI 6490.4, 6.1.1.1)	
3	Was the member evaluated by a **MHP**, as defined by (DoDI 6490.4, Enclosure 2, E2.1.7) (a) Date evaluation was conducted: _____	
4	Did the MHP forward a memorandum to the commander to inform the commander of the results of the MHE and provide recommendations? (DoDI 6490.4, paragraph 6.1.3.5 and Enclosure 5)	
5	Upon request by the member, was an attorney who is a member of the Armed Forces or employed by DoD appointed to assist the member at no cost to the member? (DoDI 6490.4, 6.1.2)	
Part B	**ROUTINE (NON-EMERGENCY REFERRAL)** *(Complete if applicable)*	
1	Did the commander forward a written request for Mental Health Evaluation (MHE) to the Medical Treatment Facility (MTF) or clinic? (DoDI 6490.4, 6.1.1.2 and Enclosure 3)	
2	Did the commander provide the member with a written notification of MHE at least two duty days before the appointment? (DoDI 6490.4, 6.1.1.4 and Enclosure 4) (a) Date member received the notification letter:_____	
3	Did the written notification include: (DoDI 6490.4, 6.1.1.4.1.1 and Enclosure 4) (a) A brief factual description of the behavior and/or verbal communications that led to the referral decision.	
	(b) Name(s) of MHP(s) with whom the commander consulted before making the referral. (DoDI 6490.4, 6.1.1.4.1.2) ***If a consultation with a MHP was not possible, the memorandum shall state the reason(s) why.***	
	(c) Notification of the member's Statement of Rights under Public Law No. 102-484. (DoDI 6490.4, 6.1.1.4.1.3 and Enclosure 4)	
	(d) The date, time, and place the MHE is scheduled and the name and grade of the MHP who will conduct the evaluation. (DoDI 6490.4, 6.1.1.4.1.4)	

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	(e) Titles and telephone numbers of other authorities, including JA, IG, and chaplains, who can assist the member who wishes to question the necessity of the referral. (DoDI 6490.4, 6.1.1.4.1.5)	
	(f) Name and signature of the commander. (DoDI 6490.4, 6.1.1.4.1.6)	
4	Did the MHP advise the member of the purpose, nature, and likely consequences of the evaluation before the evaluation began, and advised the member that the evaluation was **not confidential**? (DoDI 6490.4, 6.1.3.3)	
Part C	**EMERGENCY REFERRAL** *(Complete if applicable)*	
1	Did the Emergency MHE meet the definition of "Emergency" in DoDD 6490.1, 4.2.3.1 and DoDI 6490.4, Enclosure 2, E2.1.1?	
2	Did the commander consult with a mental healthcare provider, or other healthcare provider at the medical treatment facility where the member is transported and forward a memorandum documenting the information discussed? (DoDD 6490.1, 4.2.3.2)	
3	Did the commander take action to safely convey the member to the nearest MHP or MTF? (DoDI 6490.4, 6.1.1.5.3)	
4	Did the commander provide the member with a memorandum and statement of rights, as soon as practicable? (DoDI 6490.4, 6.1.1.5.4 and Enclosure 4)	
Part D	**INVOLUNTARY HOSPITALIZATION FOR PSYCHIATRIC EVALUATION AND/OR TREATMENT** *(Complete if applicable)*	
1	Was the member admitted by a psychiatrist (or if psychiatrist not available, by another provider privileged to admit psychiatric patients)? (DoDD 6490.1, paragraph 4.5.2) (a) Grade/Name of admitting provider (professional): _____ (b) Date member was admitted: _____	
2	Did the commander coordinate with the MHP and inform the member of the reasons for admission (evaluation and/or treatment), the likely consequences of the evaluation and any treatment, and the member's rights as listed in Enclosure 4, DoDI 6490.4, as soon as the member's condition permitted? (DoDI 6490.4, 6.2.2.1) (a) Grade/Name of official who informed member: _____ (b) Date this occurred: _____	

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3	Did the commander or MHP inform the member of his/her right to contact a relative, friend, chaplain, JA, and/or an IG as soon after admission as the member's condition permitted? (DoDI 6490.4, 6.2.2.2) (a) Grade/Name of official who informed member: _____ (b) Date this occurred: _____	
4	Was member allowed to contact a relative, friend, chaplain, JA, and/or an IG? If member was not allowed, explain why.	
5	Was the member evaluated by the attending privileged psychiatrist, or another privileged physician if a psychiatrist is not available, within 24 hours after admission to determine if continued hospitalization and/or treatment were warranted or if the member should have been discharged from the hospital? (DoDI 6490.4, 6.2.2.3) (a) Grade/Name of MHP who made the decision: _____ (b) Date decision was made: _____ (c) Date member was released from the hospital: _____	
6	If the attending psychiatrist recommended continued hospitalization, was the member notified orally and in writing of the reasons for continued hospitalization? (DoDI 6490.4, 6.2.2.4) (a) Grade/Name of MHP who made the decision: _____ (b) Date member was informed: _____	
Part E	**INDEPENDENT REVIEW PROCEDURES FOR CONTINUED INVOLUNTARY PSYCHIATRIC HOSPITALIZATION** (Complete if applicable)	
1	Did the MTF commander appoint an independent privileged psychiatrist, or another medical officer, if a psychiatrist is not available, to review the factors that led to the involuntary admission and assess the clinical appropriateness of continued involuntary hospitalization, and complete the review within 72 hours of member's admission? (DoDI 6490.4, 6.2.3.1) (a) Grade/Name of Reviewing Officer: _____ (b) Date Appointed: _____	
2	Did the Reviewing Officer review the member's medical record, rights advisement memorandum, and examine the service member? (DoDI 6490.4, 6.2.3.2)	

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3	Did the Reviewing Officer notify the member of the right to have legal representation during the review, by a JA (at no expense to the member), or by an attorney of the member's choosing, at the member's own expense, if reasonably available? (DoDI 6490.4, 6.2.3.3)	
4	Did the Reviewing Officer introduce himself/herself to the member and indicate the reasons for the interview and that he/she would conduct an independent/impartial review of the reasons for involuntary psychiatric hospitalization? (DoDI 6490.4, 6.2.3.4)	
5	Did the Reviewing Officer notify the member of the reviewer's recommendations for continued involuntary hospitalization and the date of the next independent review (not to exceed 5 work days)? (DoDI 6490.4, 6.2.3.5)	
6	Did the Reviewing Officer first confer with the referring commander and the admitting MHP to clarify issues when there is evidence that indicates that the MHE may have been requested or conducted improperly? (DoDI 6490.4, 6.2.3.6)	
7	Did the Reviewing Officer report the finding of improper referral/admission to the MTF commander for possible referral to the IG within 72 hours of member's admission? (DoDI 6490.4, 6.2.3.6) (a) Date Reviewing officer reported determination to MTF commander: _____	
Part F	**IMMINENTLY DANGEROUS SERVICE MEMBERS** (Complete if applicable)	
1	Did the commander refer the member for an emergency MHE as soon as practicable, whenever the member, by actions or words, such as actual, attempted or threatened violence, intends or is likely to cause serious injury to himself, herself or others and when the facts and circumstances indicate that the member's intent to cause such injury is likely and when the commander believes that the member may be suffering from a severe mental disorder? (DoDD 6490.1, 4.2.3.1 and DoDI 6490.4, 6.3.2.1) (a) Date of member's referral: _____ (b) Date unusual behaviors/actions were noted: _____	

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2	Did the commander first consult with a MHP prior to making the referral? (DoDI 6490.4, 6.3.2.1) (a) Grade/Name of MHP: _____ (b) Date MHP was consulted: _____	
3	Did the MTF conduct the MHE as soon as possible, but within 24 hours of the initial request? (DoDI 6490.4, 6.3.4.1) (a) Date of MHE: _____	
4	Did the commander take action to protect the member's safety and the safety of potential victims, if any? (DoDI 6490.4, 6.3.4.1)	
5	Did the MHP take precautionary measures when the member communicated (during the evaluation) an explicit threat to kill or seriously injure a clearly identified or reasonably identifiable person, or to destroy property under circumstances likely to lead to serious bodily injury or death? (See DoDI 6490.4, 6.6.1, for precautionary measures to take)	

4. Information Concerning the Investigating Officer (IO):

a. Grade/Name.
b. Base of Assignment.
c. Date Appointed IO.
d. DSN and Commercial Number (CONUS only).
e. Date this Form Completed.
f. IOs Signature:_____

<u>SECTION B.</u> COMPLETED BY APPOINTING AUTHORITY OR IG.

5. Reporting: Did the IG report to SAF/IGQ within 7 duty days of receipt of the allegations of improper MHE referral using AFI 90-301, **paragraph 7.6**? *(YES/NO)*

6. Certification: I certify that the attached ROI meets all the requirements outlined in AFI 90-301; supports the IOs findings and conclusions; and was found legally sufficient by the JA (attach copy of the legal sufficiency review by JA).

a. Full Name, grade, and Duty Title:
b. Date Completed Review:
c. DSN and Commercial Numbers:
d. Signature of IG/Appointing Authority:

_____

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SECTION C. COMPLETED BY NAF/IG, if applicable.

7. IG official completing review: I certify that the attached ROI meets all the requirements outlined in AFI 90-301; supports the IOs findings and conclusions; and was found legally sufficient by the JA (attach copy of the legal sufficiency review by JA).

a. Full Name, grade, and Duty Title:
b. Date Completed Review:
c. DSN and Commercial Numbers:
d. Signature of Reviewing Official: _____

SECTION D. COMPLETED BY MAJCOM, JFHQ, FOA, OR DRU IG.

8. IG official completing review: I certify that the attached ROI meets all the requirements outlined in AFI 90-301; supports the IOs findings and conclusions; and was found legally sufficient by the JA (attach copy of the legal sufficiency review by JA).

a. Full Name, grade, and Duty Title:
b. Date Completed Review:
c. DSN and Commercial Numbers:
d. Signature of Reviewing Official: _____

SECTION E. COMPLETED BY SAF/IGS OR SAF/IGQ.

9. Notification: Did SAF/IGS or SAF/IGQ notify IG DoD within 10 duty days from receipt of allegations of improper MHE? *(YES/NO)*

10. IG official completing review: I certify that the attached ROI meets all the requirements outlined in AFI 90-301, supports the IOs findings and conclusions, and found legally sufficient by the JA (attach copy of the legal sufficiency review by JA).

a. Full Name, grade, and Duty Title:
b. Date Completed Review:
c. Signature of Reviewing Official: _____

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Attachment 25

HOTLINE COMPLETION REPORT

(DATE)

1. Name of Official (IO/IG) conducting the Inquiry:

Grade and/or Grade:

Organization of Official: Fully identify the title of the organization and location without abbreviations. (You may include authorized abbreviations or symbols in parentheses.)

Duty Position and Contact Telephone Number:

2. Defense Hotline Control Number and ACTS File Reference Number:

3. Summary: Identify the allegations, applicable organization and location, the person(s) or organization(s) against whom the allegation is made, scope of the investigation conducted, documents reviewed, witnesses interviewed and whether the interviews were conducted telephonically or in person. The identity of interviewees need not be reflected in the report but should be documented in the official file of the agency conducting the investigation.

4. Finding: For each allegation, state the analysis of the findings as they relate to each allegation and a brief explanation of what led you to find that way. Provide a list of relevant documents and/or evidence, and witness testimony in support of the findings. If they are not filed with the field working papers, list the location of relevant documents.

4. Cite any Criminal or Regulatory Violation(s) Substantiated:

5. Disposition: For investigations involving economies and efficiencies, include any management actions taken as part of the final report. For examinations involving criminal or other unlawful acts, include the results of criminal prosecutions, providing details of all charges and sentences imposed. Include the results of administrative sanctions, reprimands, value of property or money recovered, or other such actions taken to preclude recurrence. Identify what corrective action was taken based on the recommendations identified above.

6. Specify Security Classification of Information: Determine and state, when applicable, any security classification of information included in the report that may jeopardize national defense or otherwise compromise security if the contents were disclosed to unauthorized sources.

7. Location of Field Working Papers and files: (Identify where CDIs, OSI reports, etc. are stored and who the release authority is)

8. Conclusions and Corrective Action: For each allegation, state the conclusions made by the IO. This section should also include comments as to the adequacy of existing policy or regulations, noted weaknesses in systems of internal controls, and any recommended corrective actions.

9. Statement of Impartiality: Short statement demonstrating appointed Official is independent (in both fact and appearance) from all subjects/complainants (whether persons or organizations). Add the statement: "I certify that I do not have any personal impairment to independence regarding this case."

IO or IG Signature Block

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Attachment 26

SAMPLE OFFICIAL USE REQUEST (OUR) FROM A COMMANDER

Date

MEMORANDUM FOR [*Appointing Authority*]

FROM: 23 MSS/CC

SUBJECT: Official Use Request for IG Records -- [*ACTS File Reference Number*]

1. On 1 Mar 04, I was provided with the Report of Investigation (without attachments) for determination of appropriate command action.

2. In accordance with AFI 90-301, *Inspector General Complaints Resolution,* I request release of the verbatim testimony of [*TSgt Joe Smith*] (Tab D-3) and a copy of the travel voucher in question (Tab E-1). Review of these documents is critical in determining appropriate command action.

3. Please provide me with the requested records NLT 15 Mar 04. If you have any questions, you can reach me at DSN XXX-XXXX.

SIGNATURE BLOCK
Commander

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(FOUO Only When Filled In)

Attachment 27

OFFICIAL USE REQUEST (OUR) RELEASE MEMORANDUM

Date

MEMORANDUM FOR 23 MSS/CC

FROM: [*Appointing Authority*]

SUBJECT: Official Use Request of IG Records -- [*ACTS File Reference Number*]

1. In accordance with AFI 90-301, *Inspector General Complaints Resolution*, your 2 Mar 04 request for release of subject IG record is approved. Our approval covers the release of the verbatim testimony of TSgt Joe Smith and a copy of the travel voucher in question. We understand that the purpose behind the request is to review the records to determine appropriate command action.

2. IG records are protected documents. They may not be used as advisories or released, or disseminated in whole or in part, or incorporated into another system of records without the express permission of the Inspector General, Secretary of the Air Force.

3. We conclude that this transfer of IG records is permitted as an intra-agency disclosure to officers of the agency having a need for the record in the performance of their official duties (5 USC 552a(b)(1)). You are advised of the protected nature of the report and instructed to comply with the provisions of the Privacy Act in using the record. Improper release of such information may constitute a violation of the Privacy Act subjecting the individual making willful, improper disclosure to civil and criminal penalties. We require that you use all reasonable means at your disposal to prevent further release of the information other than official discussions with personnel and legal officials or disciplinary procedures against the subject.

4. Should it be necessary to provide extracts of these records to the subject in the proposed disciplinary action, we further authorize release of these extracts to the subject. However, we ask that you limit those extracts to those absolutely necessary to support the action or those relevant to the subject's defense. If you have questions or concerns about what extracts are appropriate for release, consult with me or the JA office. Please return these records upon completion of your proceedings, or properly destroy the records. If you have any questions, please contact [IG] at XXX-XXXX.

5. This letter and the attached documents are marked "FOR OFFICIAL USE ONLY" and contain protected information and must be protected under the Privacy Act.

SIGNATURE BLOCK
Appointing Authority

Attachments:
1. Verbatim Testimony of TSgt Smith, Tab D-3
2. Travel Voucher, Tab E-1

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FOR OFFICIAL USE ONLY WHEN FORM IS COMPLETED

Attachment 28

REFERRAL COMPLETION REPORT FORMAT

REFERRAL COMPLETION REPORT

DATE

1. Name, Grade of Official conducting the Inquiry:

2. Duty Position and Contact Telephone Number of Official:

3. Organization of Official: Fully identify the title of the organization and location without abbreviations. (You may include authorized abbreviations or symbols in parentheses.)

4. ACTS File Reference Number:

5. Scope of Inquiry, Conclusions, and Recommendations: Identify the title of the applicable organization or person against whom the allegation is made, without abbreviations. (Authorized abbreviations or symbols may be included in parentheses.).

a. Scope of inquiry. Identify the issues and manner in which they were addressed.

b. Findings of the inquiry. Report the findings related to the issues.

c. Conclusions, Recommendations and Corrective Actions. Any actions taken to resolve the issue or prevent future occurrences.

6. Response to Complainant: What response was provided?

Signature Block

Attachment 29

PRIVACY ACT STATEMENT

Policy: The Privacy Act statement is required to be read and acknowledged by each witness at the beginning of the interview process.

Authority: Title 10, United States Code, Sections 8013 and 8020, and Executive Order 9397 (SSN).

Principal Purpose: Information is collected during an inquiry or investigation to aid in determining facts and circumstances surrounding the allegations. The information is assembled in report format and presented to the Appointing Authority as a basis for DoD or Air Force decision-making.

The information may be used as evidence in judicial or administrative proceedings or for other official purposes within the DoD, Disclosure of Social Security number, if requested, is used to further identify the individual providing the testimony.

Routine Uses: Routine uses include:

Forwarded to federal, state, or military and local law enforcement agencies for law enforcement purposes

Used as a basis for summaries, briefings, or responses to members of Congress or other agencies in the Executive Branch of the Federal Government

Provided to Congress or other federal and state agencies when determined to be necessary by The Inspector General, USAF

For any of the blanket routine uses published by the Air Force (AFDIR 37-144, Privacy Act System of Records, formerly AFP 4-36).

Mandatory or Voluntary Disclosure:

FOR MILITARY PERSONNEL: Disclosing your Social Security number is voluntary. Disclosing other personal information relating to your position responsibilities is mandatory and failure to do so may subject you to disciplinary action.

FOR DEPARTMENT OF THE AIR FORCE CIVILIANS: Disclosing your Social Security number is voluntary. However, failure to disclose other personal information in relation to your position responsibilities may subject you to adverse personnel action.

FOR ALL OTHER PERSONNEL: Disclosing your Social Security number and other personal information are voluntary. No adverse action can be taken against you for refusing to provide information about you.

I acknowledge that I have received a copy of this statement and understand it.

_____

Signature Date

Attachment 30

FORMAT FOR REPORTING CIVIL LIBERTIES VIOLATIONS

Date

MEMORANDUM FOR SAF/IGQ

FROM: MAJCOM/FOA/DRU/JFHQ

SUBJECT: Report of Alleged Violation of Civil Liberties

ACTS: 20XX-XXXXX, (*cite which civil liberty was alleged to be violated)*

Description of Complaint:
Insert a fairly detailed description of the alleged event. Do not include names or other personally identifiable information (PII).

Findings:
Outline what was discovered during the inquiry. If the inquiry is ongoing at the time of a quarterly report, state that an inquiry is ongoing.

Disposition:
State whether the case is pending, found to include a violation, or found to not include a violation.

Attachment 31

FORMAT FOR OFFICE OF SPECIAL COUNSEL ROI

REPORT OF INVESTIGATION
OSC File No. DI-xx-xxxx

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INFORMATION INITIATING THE INVESTIGATION

By letter dated _____ (OSC Referral Letter), the Office of Special Counsel (OSC) referred to the Secretary of the Air Force (SecAF) for investigation a whistleblower disclosure case (OSC File No. DI-xx-xxxx) from (whistleblower),[1] a (duty title), assigned to the (unit and base information), alleging that employees at the Department of the Air Force, [organization] engaged in conduct that may [as applicable: i.e. be a violation of law, rule or regulation; pose a substantial and specific danger to public health and/or public safety]. After review and based on the information disclosed by (whistleblower), OSC "concluded that there is a substantial likelihood that the information provided to OSC by (whistleblower) discloses _____" and referred the allegations to the Air Force for investigation. In its letter, OSC noted that "where specific violations of law, rule, or regulation are identified, these specific references are not intended to be exclusive."

OSC SUMMARY OF DISCLOSURE INFORMATION

According to the OSC Referral Letter, (whistleblower) provided the following information to OSC:

(1) List allegations from OSC referral letter _____.

(2) _____.

(3) _____.

(4) _____.

CONDUCT OF THE INVESTIGATION

The OSC Referral Letter was forwarded for investigation, (to the Air Force Inspector General (SAF/IG)) / (through the Air Force Inspector General (SAF/IG), to the Inspector General of _____). On _____, _____ appointed an investigating officer (IO) to conduct an investigation into the whistleblower allegations contained in the OSC Referral Letter. In the course of the OSC investigation, the IO conducted an initial complaint analysis interview with (whistleblower), and thereafter interviewed ___ witnesses including (whistleblowers and

---

[1] _____, according to the OSC Referral Letter, has consented to the release of his/her name in conjunction with this Report of Investigation.

subjects).[2] The IO also collected and examined relevant documentation including _____. Pertinent legal authorities, including applicable Department of Defense (DoD) and Air Force regulations were researched and reviewed. The OSC investigation was conducted from _____ through _____.

The standard of proof used in determining the finding for each allegation was the preponderance of the evidence, *i.e.* was it more likely than not that the alleged violation occurred.

Pursuant to 5 U.S.C. § 1213(c), an agency is afforded 60 days to complete the required report of investigation. The Air Force has been granted ____ extension(s) for its response to the OSC Referral Letter, which is due on _____.

LEGAL FRAMEWORK

[where applicable]

Violation of Law, Rule or Regulation

Gross Mismanagement

Gross Waste of Funds

Abuse of Authority

Substantial and Specific Danger to Public Health or Safety

SUMMARY OF EVIDENCE

ANALYSIS

ACTION TAKEN OR PLANNED

Administrative Corrective Actions

[2] A complete list of the witnesses interviewed is set forth in the Appendix of this Report.

Disciplinary Actions [where applicable]

CONCLUSION

Upon review of the evidence and testimony adduced during the investigation, the following violations of law, rule, or regulation are based upon a preponderance of the evidence:

1. x;
2. x;
3. x; and
4. x.

Based upon the evidence and testimony in the record, the IO found, by a preponderance of the evidence, that (_____grossly mismanaged _____ by _____) / (_____ engaged in a gross waste of funds by _____) / (_____ abused his/her authority by _____) / (_____ was a substantial and specific danger to public health or safety).

The investigation did /did not reveal a criminal violation. Therefore, referral to the Attorney General, pursuant to 5 U.S.C. Sections 1213(c) and (d) is / is not appropriate. This Report is submitted in satisfaction of my responsibilities under 5 U.S.C. Sections 1213(c) and (d).

[The report must contain a listing (if any) of apparent and actual violations of law, rule or regulation. This is usually done in the conclusion along with summary of other findings.]

APPENDIX

WITNESSES INTERVIEWED
(Alphabetical Order)

ABBREVIATIONS USED

Attachment 32

NOTIFICATION MEMORANDUM FOR REPORTING SUBSTANTIATED FINDINGS AND/OR ADVERSE INFORMATION AGAINST MAJORS AND LIEUTENANT COLONELS

Figure A32.1. Notification Memorandum.

Date

MEMORANDUM FOR MAJCOM/IG
SAF/IGQ
IN TURN

FROM: (Full Official Address)

SUBJECT: Notification of substantiated findings and/or adverse information against majors and lieutenant colonels

According to AFI 90-301, *Inspector General Complaints Resolution*, the following information is provided: *(Separate list for all subjects*)

a. Subject's Name (Last, First, MI) and Grade:
b. FRNO #:
c. Subject's SSN:
Subject's Duty Title:
Organization:
Base of Assignment:
d. Location (Base) Where Allegation(s) Occurred:
e. Brief synopsis of findings or adverse information:
f. Command action taken (Verbal Counseling, LOR, Article 15 etc)
g. Grade name and duty phone number (*commercial and DSN*) of POC:

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