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Command Policy

INSPECTOR GENERAL COMPLAINTS



COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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★This instruction implements Air Force Policy Directive (AFPD) 90-3, *Inspector General -- Complaints Program*; Department of Defense (DoD) Directive 5505.6, *Investigations of Allegations Against Senior Official of the Department of Defense*; DoD Directive 7050.6, *Military Whistleblower Protection*; DoD Directive 6490.1, *Mental Health Evaluations of Members of the Armed Forces*; DoD Directive 7050.1, *Defense Hotline Program*; DoDI 7050.7, *Defense Hotline Procedures*; DoDI 7050.8, *Defense Hotline Quality Assurance Review (QAR) Program*; DoDI 6490.4, *Requirements for Mental Health Evaluations of Members of the Armed Forces*; and President's Council on Integrity and Efficiency, *Quality Standards for Investigations, September 1997*. It applies to all military personnel subject to the Uniform Code of Military Justice (UCMJ) including Air Force Reserve personnel, to the Air National Guard, and to all Air Force civil service personnel subject to civilian administrative or disciplinary action under applicable directives or implementing instructions. Military members who violate the prohibition against reprisal in paragraph 3.16 of this instruction are subject to prosecution under Article 92 of the UCMJ. ANG personnel not on federal status are subject to the applicable State military code or administrative action, as appropriate. Civilians who violate this prohibition are subject to administrative or disciplinary action under applicable directives or implementing instructions governing civilian disciplinary or administrative action.

This instruction provides for the receipt, processing, conduct, and quality review of Inspector General (IG) investigations, and explains how individuals may present personal complaints for resolution. It formalizes Air Force commitment to prevent and eliminate fraud, waste, and abuse (FWA) and gross mismanagement and to conduct IG investigations, and it establishes an office to monitor the FWA program, administer the Air Force Hotline Program, and assist with the Defense Hotline Program. 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 GM/GS-15, and complaints involving allegations of reprisal 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 U.S.C. 8013 and 8020. System of Records Notice F090 AF IG B, *Inspector General Records*, applies and AF Form 102, *Inspector General Personal and Fraud, Waste and Abuse Complaints Registration*, contains a Privacy Act statement. The reporting requirements in this instruction (except for RCS: HAF-IGO [M] 7701) are exempt from licensing in accordance with AFI 37-124, *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 can supplement this instruction. **However**, any supplement **must** be approved by SAF/IGQ.

Commanders may use this directive as guidance but **not** as the authority for commander-directed 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.

★SUMMARY OF REVISIONS

This revision incorporates interim change (IC) 99-1 which provides guidance on the source of authority of the Air Force Inspector General; makes commanders the release authority for commander-directed investigations unless they pertain to Senior Officials; makes Appointing Authorities the release authority for Official Use Requests submitted by commanders for the purpose of determining appropriate command action; clarifies procedures for complaints simultaneously filed with different levels and complaints which have been previously addressed; clarifies the definition of the terms Assist, Category I investigation, Appointing Authority, self-investigation, and protected communication (disclosure); eliminates the use of the HCR format to document Category I investigations; implements a standard ROI format and case file for Category I investigations; combines the Findings, Analysis, and Conclusion portions of the ROI for Category II investigations; clarifies the requirements for notification of subjects upon completion of IG investigation; requires additional legal review when a higher-level IG changes findings of a lower-level investigation; clarifies the right of a civil service employee to have union representation during an interview and the rights advisement requirements concerning civilian witnesses; clarifies notification requirements for congressionals received at lower levels; updates Attachment 3 (Mental Health Referral Evaluation Form); and changes the term “Social Actions” to “Military Equal Opportunity” throughout the publication. See last attachment of the publication, IC 99-1, for the complete IC. A star indicates revision from the previous edition.

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Chapter 1

THE INSPECTOR GENERAL (IG) COMPLAINTS PROGRAM

Section 1A---The Air Force Inspector General (IG) 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 Reserves, and Air National Guard.

Section 1B -- Authority of the Air Force Inspector General

1.2. Statutory Authority. Air Force IGs derive their authority from 10 U.S.C. 8014 and 8020, AFD 90-3, *Inspector General -- Complaints Program*, and AFI 90-301, *Inspector General Complaints*.

★1.2.1. In accordance with 10 U.S.C. 8014, the Secretary of the Air Force has sole responsibility for the function of The Inspector General of the Air Force (SAF/IG).

★1.2.2. In accordance with 10 U.S.C. 8020, and when directed by the Secretary of the Air Force or the Chief of Staff, SAF/IG has the authority to inquire into and report upon the discipline, efficiency, and economy of the Air Force and perform any other duties prescribed by the Secretary or the Chief of Staff.

★1.2.3. Authority to investigate IG complaints within the Air Force is hereby delegated to IG offices at all organizational levels.

1.3. Investigations not Covered by the Authority of the IG System. Personnel who conduct administrative inquiries or investigations governed by other policy directives and instructions will not cite this instruction as the authority. These inquiries and investigations include, but are not limited to:

1.3.1. Commander-directed inquiries and investigations.

1.3.2. AFOSI or Security Forces investigations.

1.3.3. Investigations of civilian employees who have specific appeal rights under law or labor union agreements.

1.3.4. Investigations under the authority of the Uniform Code of Military Justice (UCMJ) or the Manuals for Courts Martial (MCM).

1.3.5. Line of Duty or Report of Survey investigations.

1.3.6. Quality Assurance in the Air Force Medical Service Boards.

1.3.7. USAF Mishap or Safety Investigations.

1.3.8. Medical Incident Investigations.

1.4. Authority to Direct Investigations. The authority to direct an IG investigation is vested only in individuals holding the positions listed below. This authority is hereinafter referred to as "Appointing Authority". Appointing Authorities have the authority to direct investigations, appoint Investigating Officers (IOs), and make final determinations on the findings of investigations directed under their authority.

1.4.1. Secretary of the Air Force (SecAF).

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

1.4.3. Chief of Staff of the Air Force (AF/CC).

1.4.4. Chief, National Guard Bureau (NGB/ZA) and State Adjutant Generals.

1.4.5. MAJCOM, FOA, DRU, NAF, Center, installation and wing commanders.

★1.4.6. Inspectors General (IG) in authorized positions at MAJCOM, FOA, and DRU, and NAFs.

★1.4.7. IGs in authorized positions at installations and wings, and at State level, **if designated in writing by the installation/wing commander, or Adjutant General**, respectively.

1.5. Appointing IGs Other Than Those in Authorized Positions.

1.5.1. Commanders must request SAF/IG approval to appoint IGs or Appointing Authorities not covered by this instruction. SAF/IG must approve such requests in writing prior to these individuals functioning in this capacity.

1.5.2. IGs appointed and approved by SAF/IG have the same authority as IGs in authorized positions.

1.6. Authority for IG Access to Air Force Records. To carry out their responsibilities, IG personnel and Investigating Officers (IOs) must have expeditious and unrestricted access to and copies of all Air Force records, reports, investigations, audits, reviews, documents, papers, recommendations, or other materials relevant to the investigation concerned.

1.6.1. No Air Force member or employee may deny an IG or a properly appointed IO such access.

1.6.2. Appointing Authorities will ensure that IOs appointed to conduct investigations involving classified material have the appropriate security classification and access.

Section IC -- The Air Force Inspector General Program

1.7. Program Policy. The Air Force IG Complaints Program is a leadership tool that:

1.7.1. Indicates where command involvement is needed to correct systematic, programmatic, or procedural weaknesses and ensures resources are used effectively and efficiently.

1.7.2. Resolves problems affecting the Air Force mission promptly and objectively.

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

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

1.8. Mission Focus.

1.8.1. The primary charge of the IG is to sustain a credible Air Force IG system by ensuring the existence of responsive complaint investigations, and FWA programs characterized by objectivity, integrity, and impartiality.

1.8.2. The IG ensures the concerns of Air Force active-duty, Reserve, and Guard members, civilian employees, family members, retirees, and the best interests of the Air Force are addressed through objective fact-finding.

1.8.3. To create an atmosphere that encourages submission of well-founded complaints, IGs must:

1.8.3.1. Ensure their personal behavior is above reproach.

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

1.8.3.3. Educate Air Force members and commanders regarding rights of and protection for those contacting an IG.

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

1.8.3.5. Ensure IOs and IG staff members are trained to conduct thorough, unbiased investigations based on fair and objective fact-finding.

Section 1D -- Roles and Responsibilities**1.9. SAF/IG Responsibilities.**

- 1.9.1. SAF/IG provides Air Force IG policy guidance, develops procedures, establishes and evaluates the Air Force complaint and FWA programs.
- 1.9.2. When necessary, SAF/IG directs investigations and provides direct oversight for all IG investigations conducted at the SAF level by acting as the Appointing Authority.
- 1.9.3. SAF/IG has also authorized the following individuals to be responsible for certain types of cases:
 - 1.9.3.1. Director, Senior Official Investigations Directorate (SAF/IGS) for Senior Official and special cases.
 - 1.9.3.2. Director, Inquiries Directorate (SAF/IGQ) for colonel (or equivalent) and below cases.
 - 1.9.3.3. Commander, Air Force Inspection Agency (AFIA) for investigations directed by SAF/IG.
- 1.9.4. SAF/IG provides oversight for all IG investigations through review of special interest cases and other matters of concern.
- 1.9.5. SAF/IG has oversight authority over all IG investigations conducted by subordinate units. This constitutes authority to comment and overturn a subordinate IG's findings.
- 1.9.6. SAF/IG must immediately report all allegations of misconduct made against Senior Officials, including a summary of the allegation(s) and date received to the:
 - 1.9.6.1. Inspector General, Department of Defense (IG, DoD).
 - 1.9.6.2. Office of the Secretary of the Air Force (SAF/OS).
 - 1.9.6.3. Air Force General Officer Matters Office (AFGOMO) (for general officers or general officer selects only).
 - 1.9.6.4. Air Force Senior Executive Matters Office (AFSEMO) (for civilian Senior Officials only).
- 1.9.7. SAF/IG will within 10 working days of receipt, report to IG, DoD all allegations submitted to an Air Force IG that a service member was referred for a mental health evaluation in violation of DoDD 6490.1, *Mental Health Evaluations of Members of the Armed Forces*. Refer to paragraph 3.29 and Figure 3.4 for further guidance.
- 1.9.8. SAF/IG will within 10 working days of receipt, report to IG, DoD all allegations submitted to an Air Force IG that a service member was reprised against for making or preparing to make a protected disclosure in violation of Title 10 United States Code, Section 1034 (10 U.S.C. 1034) and DoDD 7050.6, *Military Whistleblower Protection*. Refer to paragraph 3.18 and Figure 3.2 for further guidance.
- 1.9.9. SAF/IG is also responsible for reviewing and all cases involving substantiated allegations or adverse information against Senior Officials, colonels and colonel selects and for preparing Senior Officer Unfavorable Information File (SOUIF) summaries.
- 1.9.10. Following completion of investigations into allegations involving Senior Officials, SAF/IG will forward a copy of the final report of investigation to the IG, DoD within one week.
- 1.9.11. SAF/IG will comply with all reporting requirements to IG, DoD upon completion of investigations into allegations involving violations of DoDD 7050.6. Refer to Section 3C for specific guidance and requirements.
- 1.9.12. SAF/IG will comply with all reporting requirements to IG, DoD upon completion of investigations into allegations involving violations of DoDD 6490.1. Refer to Section 3D for specific guidance and requirements.

1.9.13. 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 6490.1 or DoDD 7050.6 within seven workdays of being notified of such action by the commander concerned.

1.10. SAF/IGS Responsibilities.

1.10.1. Manage the Senior Official Complaints Program and process Senior Official cases IAW Chapter 3, Section 3A.

1.10.2. Conduct complaint analyses and investigations on complaints involving Air Force Senior Officials, including allegations of EOT violations (only SAF/IGS is authorized to conduct these investigations).

1.10.3. Assign IOs for Senior Official and special cases as a designated Appointing Authority by SAF/IG.

1.10.4. Notify appropriate persons/offices involved with Senior Official complaints as set forth in Table 3.1.

1.10.5. Prepare and maintain investigative reports and executive summaries for review/enclosure in the **Senior Officer Unfavorable Information File (SOUIF)**. Act as the Air Force central repository for substantiated allegations or other adverse information against Senior Officials.

1.10.6. Respond to inquiries involving Senior Officials. Conduct **file checks** as required by the Air Force General Officer Matters Office (AFGOMO) and the Air Force Senior Executive Matters Office (AFSEMO). SAF/IGS will review Air Force, DoD, and other government investigative files to determine whether derogatory information exists on specific Senior Officials.

1.11. SAF/IGQ Responsibilities.

1.11.1. Establish policies and procedures and manage the Air Force IG Complaints and FWA Program for non-Senior Official personnel.

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

★1.11.3. 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 from SAF/IGQ level.

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

1.11.5. Manage, monitor, and report to IG, DoD the actions of audit, inspection, and investigative groups on Defense Hotline disclosures which IG, DoD referred to the Air Force for action under the authority of DoDD 7050.1, *Defense Hotline Program*.

1.11.5.1. Ensure such audits, inspections and investigations are conducted in accordance with applicable laws, DoD regulations and policies.

1.11.5.2. Periodically review MAJCOM, FOA, DRU files to ensure IG investigations are handled properly and that documentation contained with the files supports the findings and conclusions.

1.11.6. Manage adverse information program concerning colonels, colonel-selects, and GM/GS 15s (hereinafter referred to as "colonels (or equivalent)" in this instruction).

1.11.6.1. Act as the Air Force central repository for all types of reports and adverse information of any kind (other than AFOSI reports) concerning colonels (or equivalent).

1.11.6.2. Act as the Air Force office of primary responsibility for SOUIFs preparation for brigadier general selection boards for all substantiated colonel cases and/or other adverse information.

- 1.11.6.3. Conduct file checks requested by the Air Force Colonel's Matters Office (AFCMO), AFGOMO, AFSEMO, or SAF/IG for adverse information about colonels (or equivalent) by reviewing Air Force, DoD, and other government investigative files.
- 1.11.7. Review all non-Senior Official investigations involving allegations of violations of DoDD 6490.1 and AFI 44-109, *Mental Health and Military Law*. Provide Progress Reports (PRs) to the IG, DoD as required by DoDI 6490.4 (refer to Section 3D).
- 1.11.8. Review all non-Senior Official investigations involving allegations of violations of DoDD 7050.6 and 10 U.S.C. 1034. Provide PRs to the IG, DoD as required by Section 3C.

1.12. MAJCOM, FOA and DRU IG Responsibilities.

- 1.12.1. Establish procedures and manage the Air Force IG Complaints and FWA Program for non-Senior Official personnel at MAJCOM level and below.
- 1.12.2. Answer all higher headquarters IG taskings within the time constraints stated in the tasking.
- 1.12.3. Refer criminal allegations to AFOSI or Security Forces (SF), as appropriate. If they decide not to investigate a criminal matter, obtain a documented transfer back to the IG and complete the appropriate category of investigation.
- 1.12.4. Provide PRs to SAF/IGQ as required by paragraph 2.28 of this instruction.
- 1.12.5. Obtain SAF/IGQ review and approval of all MAJCOM, FOA, DRU supplements to this instruction prior to publication.
- 1.12.6. Follow all procedures and requirements for handling IG complaints and special cases as outlined in Chapters 2 and 3 of this instruction.
- 1.12.7. Manage, monitor, and report to SAF/IGQ the actions of audit, inspection, and investigative groups on Defense Hotline disclosures which IG, DoD referred to the Air Force for action under the authority of DoDD 7050.1, *Defense Hotline Program*.
 - 1.12.7.1. Ensure such audits, inspections and investigations are conducted in accordance with applicable laws, DoD regulations and policies.
 - 1.12.7.2. Review lower level IG files periodically to ensure investigations are handled properly and that documentation contained with the files supports the findings and conclusions.
- 1.12.8. Notify SAF/IGQ within seven (7) duty days after receiving complaints containing allegations of reprisal or improper referral for a mental health evaluation. Follow the notification procedures in paragraphs 3.18 or 3.29 of this instruction, as appropriate.

Section 1E -- The Installation IG Program

1.13. Installation IG Program Background.

- 1.13.1. The concept of separate full-time Installation IGs was implemented to remove any perceived conflict of interest, lack of independence, or apprehension by Air Force personnel as a result of a previous practice of assigning chain of command and IG roles to the same official.
- 1.13.2. To sustain a trustworthy relationship with Air Force personnel, the Installation IG must be independent. Air Force personnel must be free from any form of retribution, retaliation, or reprisal for communicating with the Installation IG.

1.14. Establishment of the Installation IG Program.

- 1.14.1. Independent Installation IGs will be established at all active duty and AFRC installations.
- 1.14.2. All ANG complaints will be processed IAW this instruction.
 - 1.14.2.1. ANG units that are associate units on active Air Force installations may use the host Installation IG for complaints and assistance.

1.14.2.2. Air Force Advisors to ANG units serving as Installation IGs will work all assistance cases but forward all IG complaints to the State IG for appropriate action.

1.15. Installation IG Organization.

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

1.15.2. The 2-letter functional address code for the Installation IG will be "IG" and the office symbol shall be "host unit designation/IG" (e.g. 51 FW/IG).

1.16. Associate (formerly tenant) Unit IGs. The associate unit commander may appoint associate unit IGs in writing. However, associate unit members maintain the right to address their complaints to the full-time Installation IG. The full-time Installation IG will evaluate the complaint and determine if the issue should be transferred to the associate unit's MAJCOM level IG office for resolution.

1.17. Investigative Requirements. The Installation IGs must follow all procedures and requirements for handling IG complaints and special cases as outlined in Chapters 2 and 3 of this instruction.

1.18. Assigning Additional Duties to Installation IGs.

1.18.1. The focus of Installation IGs must be the Air Force Complaints and FWA Programs. Any activities that may diminish the effectiveness of Installation IGs in the performance of their complaints management and FWA responsibilities are not acceptable.

1.18.2. **Additional Duties that are Not Allowed.** IGs will not be constrained by additional duties that detract from their primary responsibilities. Therefore, IGs and IG staff members will not be:

1.18.2.1. Assigned duties that subsequently disqualify them from conducting an unbiased analysis of complaints against functions or activities of the command (or installation) to which they are assigned or organizations for which they have IG functional responsibility.

1.18.2.2. Appointed as IOs to conduct commander-directed investigations or inquiries.

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

★1.18.3. **Deleted.**

★1.18.3.1. Deleted.

★1.18.3.2. Deleted.

★1.18.3.3. Deleted.

★1.18.3.4. Deleted.

Section 1F -- Commanders and the Inspector General Program

1.19. How the IG System Helps Command.

1.19.1. Personal complaints and FWA disclosures 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.

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

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

1.20.1. The roles of the IG are to:

1.20.1.1. Be the "eyes and ears" of the commander.

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

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

1.20.1.4. Educate and train commanders and members of the base population on their rights and responsibilities in regard to the Air Force IG system.

1.20.1.5. Help commanders prevent, detect, and correct fraud, waste and abuse, and mismanagement.

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

1.20.3. 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.

1.21. Commander Support of the IG System. To support the IG system, commanders will:

1.21.1. Ensure their IG office is fully manned, equipped, and trained to meet the needs of the position.

1.21.2. Ensure their IG and any subordinate commanders follow the requirements of this instruction.

1.21.3. Talk about the rights and responsibilities of all personnel regarding the IG system at commanders' calls, staff meetings, and other gatherings.

1.22. Removing Complaints from the IG System.

1.22.1. Commanders have no authority to take a complaint submitted to an IG for disposition and transfer it to command channels for resolution by a commander-directed inquiry or investigation.

1.22.2. Complainants may elect to withdraw a complaint from IG channels and then file it through command channels for resolution. However, IGs may elect to proceed with an investigation if the allegations clearly identify a recognizable wrong or a violation of law, policy, procedure, or regulation. **EXCEPTION:** Allegations of reprisal or improper mental health referral **must** be investigated within IG channels.

1.22.3. Generally, IGs should not accept complaints that belong in another Air Force investigative or grievance channel. Refer to paragraph 2.17 and Table 2.5 for assistance in determining if a complaint belongs in other channels.

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

★1.22.3.2. IGs may, exercising good judgment and weighing the desire to preserve confidentiality, refer a complaint to another channel (including command channels) 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.

1.23. Commander Directed Investigations and Inquiries (CDIs).

1.23.1. 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.

1.23.2. Commanders may refer issues/allegations to an IG to obtain the protection and privileged status an IG report provides for complainants only if the issues/allegations are appropriate for IG

action. Once transferred into the IG system, the investigation is no longer commander-directed and becomes an official IG complaint.

1.23.3. Commanders should not refer suspected criminal or subversive activities or allegations into IG channels.

1.23.4. Commander's Reporting Requirements.

1.23.4.1. Immediately report to SAF/IGS, through the MAJCOM, FOA, DRU IG, allegations against Senior Officials in accordance with reporting requirements set forth in Section 1G of this instruction.

1.23.4.2. Immediately report all allegations of wrongdoing against colonels (or equivalent) through their MAJCOM, FOA, DRU IG to SAF/IGQ as required by Section 1G of this instruction.

1.23.5. Commanders must not:

1.23.5.1. Appoint IGs or IG staff members as inquiry or investigation officers of CDIs.

1.23.5.2. Cite this instruction as authority to conduct CDIs.

★1.23.5.3. Investigate allegations of reprisal or improper mental health referral. Commanders will refer such allegations to the IG for investigation.

1.23.6. Commanders should:

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

1.23.6.2. Appoint investigating/inquiry officers in writing.

1.23.6.3. Advise subjects of a CDI of their right to consult legal counsel.

1.23.6.4. Refer to the *CDI Guide* published on the SAF/IGQ website (www.ig.hq.af.mil/igq) for guidance in conducting CDIs.

1.23.7. Release authority for CDIs:

★1.23.7.1. The commander is the release authority for commander-directed investigative reports unless the allegations pertain to Senior Officials.

★1.23.7.2. SAF/IG (or designee) is the release authority for all CDIs involving Senior Officials.

1.23.7.3. Commanders must forward to SAF/IGQ, through their MAJCOM, FOA, DRU IG, all CDI reports containing allegations or adverse information of any kind against a colonel (or equivalent) in accordance with reporting requirements set forth in Section 1G of this instruction.

1.24. Approval of Official Travel to Submit Complaints.

1.24.1. Complainants normally do not travel at government expense to present a complaint unless authorized by unit commanders and travel is funded through unit funds. Such travel may only be funded in accordance with the Joint Travel Regulation.

1.24.2. Requests to travel to meet with SAF/IG personnel must be approved by SAF/IGS or SAF/IGQ prior to commanders approving the TDY request.

★Section 1G -- Reporting Requirements for Allegations Against Senior Officials and Colonels (or equivalent)

1.25. Key Terms. This section uses the following key terms: *Adverse Information*, *Colonel (or equivalent)*, and *Senior Official*. Refer to Attachment 1 for the definition of these key terms.

1.26. Reporting Allegations Against Senior Officials. Commanders or IGs must immediately report all allegations of wrongdoing or adverse information against a Senior Official to SAF/IGS, in writing, using the format in Figure 1.1.

★Figure 1.1. Notification Memorandum for Reporting Allegations Against a Senior Official.

<p>MEMORANDUM FOR SAF/IGS 1140 Air Force Pentagon Washington DC 20330-1140</p> <p>FROM: (Full Official Address)</p> <p>SUBJECT: Notification of Allegations Against a Senior Official</p> <p>According to AFI 90-301, the following information is provided: <i>(Separate list for all subjects)</i></p> <p>a. Subject's Name (Last, First, MI) and Rank:</p> <p>b. Subject's SSN: Subject's Duty Title: Organization: Base of Assignment:</p> <p>c. Location (Base) Where Allegation(s) Occurred:</p> <p>d. Complainant's Name (Last, First, MI) and Rank:</p> <p>e. Complainant's Duty Title: Organization: Base of Assignment: Duty Phone: Home Phone:</p> <p>f. Brief synopsis of allegation(s):</p> <p>g. Date the allegation(s) were received by the commander:</p> <p>h. MAJCOM & installation POCs and phone numbers: <i>(commercial and DSN)</i></p> <p style="text-align: center;">SIGNATURE BLOCK</p> <p style="text-align: center;">This is a privileged document. It will not be released (in whole or in part), reproduced, or given additional dissemination (in whole or in part) outside Inspector General channels without prior approval of the Inspector General (SAF/IG) or designee.</p> <p style="text-align: center;">FOR OFFICIAL USE ONLY</p>

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1.27. Reporting Allegations Against Colonels (or equivalent).

1.27.1. Commanders or IGs must immediately report all allegations of wrongdoing and any adverse information against colonels (or equivalent) through MAJCOM, FOA, DRU IGs to SAF/IGQ using the format in Figure 1.2 or the ACTS form prescribed in the *ACTS Software Program Manual*.

1.27.2. Following the investigation, commanders and IGs must provide final resolution of the allegations against the colonel (or equivalent) to their MAJCOM, FOA, DRU IG for forwarding to SAF/IGQ. Refer to Table 1.1 for a list of required documents for non-IG investigations. Refer to Table 3.3 for documents required for IG investigations.

★**Figure 1.2. Notification Memorandum for Reporting Allegations Against a Colonel (or equivalent).**

<p style="text-align: center;">MEMORANDUM FOR MAJCOM/IG SAF/IGQ <u>IN TURN</u></p> <p>FROM: (Full Official Address)</p> <p>SUBJECT: Notification of Allegations Against a Colonel, Colonel-select or GS/GM-15</p> <p>According to AFI 90-301, the following information is provided: <i>(Separate list for all subjects)</i></p> <p>a. ACTS File Reference No (FRNO) <i>(provided by local or MAJCOM/IG):</i></p> <p>b. Subject's Name (Last, First, MI) and Rank:</p> <p>c. Subject's SSN: Subject's Duty Title: Organization: Base of Assignment:</p> <p>d. Location (Base) Where Allegation(s) Occurred:</p> <p>e. Complainant's Name (Last, First, MI) and Rank:</p> <p>f. Complainant's Duty Title: Organization: Base of Assignment:</p> <p>g. Brief synopsis of allegations:</p> <p>h. Date the allegations were made:</p> <p>i. Official to whom allegations were made:</p> <p>j. MAJCOM & installation POCs and phone numbers: <i>(commercial and DSN)</i></p> <p style="text-align: center;">SIGNATURE BLOCK</p> <p style="text-align: center;">This is a privileged 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.</p> <p style="text-align: center;">FOR OFFICIAL USE ONLY</p>

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1.28. Documents Required by SAF/IGQ on Non-IG Cases or Investigations Against Colonels (or equivalent). Table 1.1 outlines the documents required by SAF/IGQ to complete closure actions on cases opened as a result of allegations made against colonels (or equivalent).

★Table 1.1. Documents Required by SAF/IGQ for non-IG Cases on Colonels (or equivalent).

R U L E	A	B
	IF the allegations are resolved by:	THEN SAF/IGQ requires the following documents to close the case:
1	A commander-directed investigation or inquiry (CDI)	<ol style="list-style-type: none"> 1. Copy of CDI report 2. Copy of legal review (if available) 3. Copy of any command actions including Article 15s, LORs, LOCs, 4. LOAs, memorandums counseling the subject, or a memorandum documenting verbal counseling of the subject 5. Any rebuttal or statement provided by the subject
2	Commander's inquiry with no documentation or report	<ol style="list-style-type: none"> 1. A memorandum, signed by the commander, outlining how the allegations were addressed 2. Copy of legal review (if available) 3. Copy of any command actions including Article 15s, LORs, LOCs, LOAs, memorandums counseling the subject, or a memorandum documenting verbal counseling of the subject 4. Any rebuttal or statement provided by the subject
3	An EOT or EEO investigation (SEE NOTE)	<ol style="list-style-type: none"> 1. Copy of EOT or EEO investigation report 2. Copy of legal review (if available) 3. Copy of any command actions including Article 15s, LORs, LOCs, LOAs, memorandums counseling the subject, or a memorandum documenting verbal counseling of the subject 4. Any rebuttal or statement provided by the subject
4	Any civilian complaint process with or without mediation	<ol style="list-style-type: none"> 1. Copy of settlement or mediation agreement 2. Copy of allegations of wrongdoing by a colonel (or equivalent) 3. Copy of legal review (if any) 4. Copy of any actions taken against subject as a result of the allegations, and any rebuttal or statement provided by the subject
5	Courts-Martial	<ol style="list-style-type: none"> 1. Copy of charges preferred 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	<ol style="list-style-type: none"> 1. Copy of investigative report 2. Copy of command actions taken upon completion of investigation 3. Any rebuttal or statement provided by the subject
7	Clinical Privileges Peer Review	<ol style="list-style-type: none"> 1. Copy of investigative report 2. Copy of legal review (if available) 3. Copy of command actions taken upon completion of investigation 4. Any rebuttal or statement provided by the subject
8	Anti-Deficiency Act Investigation.	<ol style="list-style-type: none"> 1. Copy of investigative report 2. Copy of legal review (if available) 3. Copy of command actions taken upon completion of investigation 4. Any rebuttal or statement provided by the subject
9	Article 138	<ol style="list-style-type: none"> 1. Copy of findings from Subject's Commander 2. Copy of legal review (if available) 3. Copy of command actions taken upon completion of appropriate review (if applicable) 4. Any rebuttal or statement provided by the subject

NOTE: For civilian EEO or military MEO pre-complaints (informal complaint), if any settlement agreement is reached, a copy of the agreement **must** be forwarded to SAF/IGQ.

Section IH -- Administering the IG Complaints and FWA Program

1.29. 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.

1.30. Administrative Policy. IGs at every level are responsible for establishing and directing the Air Force Complaints and FWA programs in accordance with this instruction. All IGs will:

- 1.30.1. Develop and implement procedures for administering an IG complaints and FWA program.
- 1.30.2. Establish procedures for interaction with higher headquarters IGs, other military service IGs, other statutory IGs, and other agencies regarding IG matters.
- 1.30.3. Document correction of substantiated wrongs and their underlying causes. Identify systemic problems and provide the commander with recommendations for corrective action (if requested).
- 1.30.4. Conduct and analyze trend assessments and submit reports when required.
- 1.30.5. Appoint (when delegated as Appointing Authority) commissioned officers, senior NCOs (E-7 and above), and civil service equivalents (GS-9 and above) as IOs to investigate complaints (Refer to paragraph 2.25). If the IG is not the Appointing Authority, then the Appointing Authority must appoint the IO.
- 1.30.6. Control access to information obtained under this instruction to protect against unauthorized disclosure.

1.31. Data Management.

1.31.1. All IG and FWA contacts must be entered into the **Automated Case Tracking System (ACTS)** database in accordance with established guidance as published by SAF/IGQ in the *ACTS Software Program Manual*.

1.31.1.1. ACTS is an Air Force Inspector General tool to capture all IG investigative and administrative activity Air Force-wide. ACTS also captures all non-IG actions tracked by the Air Force IG system.

1.31.1.2. 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.

1.31.1.3. *The ACTS Software Program Manual* provides specific instructions for the use of ACTS. The manual can be downloaded from the SAF/IGQ website (www.ig.hq.af.mil/igq).

1.31.1.4. The goal of ACTS is to enable IGs at every level to accurately analyze complaint trends and findings and advise commanders on appropriate action to take in response to these trends.

1.31.1.5. To accomplish the data input, the minimum equipment and software required in each IG office is identified in the *ACTS Software Program Manual*. As ACTS increases its data collection capabilities with improvements in technology, equipment and software improvements may be necessary. It's essential that every IG office obtain the equipment and training requirements identified by SAF/IGQ so they may continue to provide accurate, timely data to commanders.

Section II -- Training Requirements

1.32. IG Training Requirements.

1.32.1. Newly assigned IGs and IG staff members will attend the Basic Installation IG Training Course. Attendance should occur within 90 days of assignment. Training will be coordinated through the parent-level command IG.

1.32.1.1. Air National Guard installation IGs must be appointed in writing by the wing commander (or equivalent) as the installation IG before attending the course.

1.32.1.2. Other DoD or US Government agencies will nominate their IG personnel directly to SAF/IGQ.

1.32.1.3. Course dates and locations may be found on the SAF/IG website (<http://www.ig.hq.af.mil/igq>).

1.32.2. All IG staff members designated to receive complaints or conduct investigations will be familiar with Air Force Policy Directive (AFPD) 90-3, *Inspector General -- Complaints Program* and this instruction.

1.32.3. IGs will train acting, subordinate, or additional duty IGs, IG administrative support personnel, and investigation officers (IOs) to conduct investigations, provide assistance, process complaints, and resolve disputes, as appropriate.

1.33. Investigating Officer Training Requirements.

1.33.1. IGs at all levels are required to provide investigative training and oversight to all individuals appointed as IOs.

1.33.2. MAJCOM-level IGs may nominate individuals to attend the SAF/IG Investigating Officer Course.

1.33.3. Course dates and locations may be found on the SAF/IG website (<http://www.ig.hq.af.mil/igq>).

Section 1J -- Education of Air Force Personnel

1.34. Educating Air Force Personnel on the IG System.

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

1.34.2. IGs should actively publicize the IG Complaints Program and train Air Force members by taking the following actions:

1.34.2.1. Publicize the IG Complaints Program and FWA Hotline program through base bulletins and newspapers, newcomers' orientations, leadership schools, staff meetings, Commanders' Calls, and by visiting work areas.

1.34.2.2. Distribute IG Complaint and FWA Program Posters for unit high traffic areas (for maximum exposure), reflecting the IG's name, location and phone number, and the Defense Hotline phone number.

1.34.2.3. Ensure all personnel are aware of how to use the IG system and of Air Force policy on reprisal and mental health evaluations.

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

1.34.2.5. Educate commanders on their reporting responsibilities regarding allegations against Senior Officials and colonels (or equivalents).

1.34.2.6. Educate commanders and supervisors about the rights of service members to make protected communications.

1.34.2.7. Work with PA to ensure they publicize and prepare personnel for impending Air Force program changes in an effort to prevent misunderstanding and complaints.

Section 1K -- Maintenance of IG Records

1.35. Marking IG Records.

1.35.1. Classify reports according to the policies and procedures contained in security regulations (DoD 5200.1-R; AFPD 31-4, *Information Security*, and AFI 31-401, *Information Security Program Management*.)

1.35.2. IG reports and records will normally be marked “For Official Use Only” (FOUO) (at bottom of page) even if not classified.

1.35.2.1. Mark or stamp reports on the outside of the front cover (if any) or at the bottom of the first page above the “FOUO” marking with the following disclaimer: *“This is a privileged 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.”*

1.35.2.2. Mark all copies of the Report of Investigation (ROI) and other responses “FOUO.”

1.35.2.3. Summary Reports of Investigations (SROIs) must be in a public releasable format. Do not mark the SROI “FOUO.”

★1.35.2.4. Mark all documents provided by the complainant during the course of the investigation as “COMPLAINANT PROVIDED” in the lower right hand corner of each page.

1.36. Protection of IG Records.

1.36.1. IG reports are privileged documents. Only SAF/IG, or designated representatives, can approve release of IG documents outside of IG channels.

1.36.2. IG reports should not be disclosed to individuals outside of DoD (see Chapter 4). They should only be disclosed inside of DoD and the Air Force to those requiring access to the records in the performance of their official duties.

1.36.3. 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 privileged information.”*

1.37. Protecting Privacy Interests.

1.37.1. IOs or officials 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.

1.37.1.1. A complaint to an IG, or a complaint worked in IG channels, is confidential in nature and is privileged information.

1.37.1.2. Prior to being interviewed, subjects must be advised of the specific nature of the allegations against them to permit them to properly respond to or defend against such allegations.

1.37.1.3. Witnesses need only be sufficiently advised of the matters under investigation to permit them to respond to the questions asked and to provide other relevant information.

1.37.2. When necessary and appropriate, the complainant should be told that the IO or commander must be able to discuss the case with appropriate officials and witnesses to resolve the complaint.

1.37.3. 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 in accordance with the Freedom of Information Act (FOIA).

1.37.4. Protect the privacy interests of others involved by complying with the established guidelines in the Privacy Act.

★1.37.5. When an IG investigation is halted because it is determined another type of investigation is warranted, protect the privileged nature of the IG records involved.

1.37.5.1. Originals and copies of IG records such as the complaint, report, witness testimony, etc., may not be used as the basis of a subsequent investigative effort outside IG channels.

1.37.5.1.1. Instead, prepare a summary of the case, which may include a list of witnesses and documents from other systems of records, or other relevant information. This is to protect IG records from inadvertent disclosure and waiver of their privileged nature.

1.37.5.1.2. **EXCEPTION:** IGs may turn over all IG case materials to the AFOSI or SF for criminal investigations if warranted, or to higher-level IG for investigation, as required.

1.38. Maintenance and Disposition of IG Records.

1.38.1. CDI records (other than those forwarded to SAF/IGS or SAF/IGQ under Chapter 3) will not be maintained by IG personnel within an IG system of records.

1.38.2. Records must be maintained for the complaints and FWA programs; however, each program has unique requirements. Maintain and dispose of records for both programs according to AFMAN 37-139, *Records Disposition Schedules*, Tables 90-1, 90-3, and 90-4.

1.38.3. In order to maintain a record of each complaint and its disposition, all IG contacts (including referrals, transfers, assistance, taskings/investigations, and dismissals) must be logged in ACTS and assigned a file reference number. Refer to the *ACTS Software Program Manual* for specific instructions.

1.38.4. Case records should not include AFOSI reports (unless they are investigations against Senior Officials or colonels (or equivalent)), classified materials, reports of special security investigations, or other similar 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 office file.

1.38.5. Do not file any IG complaint correspondence or related documents in an individual's unit PIF, field personnel records, or a system of records other than the system established for IG records.

1.38.6. Upon case closure, remove documents such as draft reports, unnecessary working papers, handwritten notes, Post It Notes, duplicates, etc.

1.38.7. Audiotapes **must** be erased and demagnetized, or destroyed, after the highest level of quality review has been completed or after the command action has been completed, **whichever is later**.

1.38.7.1. Coordinate with SJA before erasing and demagnetizing, or destroying audiotapes.

1.38.7.2. If tapes are erased and degaussed, you must use a professional demagnetizing erasing machine. You must remove all identifiable markings after erasing. Never tape over previous recordings or reuse an audiotape unless previous data has been properly erased.

★1.38.7.3. **EXCEPTION:** If command action has been taken but included a court-martial, coordinate with the SJA before erasing, demagnetizing, or destroying audio tapes to determine if they must be retained for a longer period.

Section 1L -- Filing an IG Complaint

1.39. Policy for Filing an IG Complaint.

★1.39.1. Air Force military and civilian members have a duty to promptly report FWA or gross mismanagement; a violation of law, policy, procedures, or regulations; an injustice; abuse of authority, inappropriate conduct, or misconduct (as defined by this instruction); and a deficiency or like condition, to an appropriate supervisor or commander, to an IG or other appropriate inspector, or through an established grievance channel. FWA complaints may be reported to the AFAA,

AFOSI, security forces, or other proper authority. All military and civilian members must promptly advise the AFOSI of suspected criminal misconduct or fraud.

1.39.2. Complainants should attempt to resolve FWA issues and personal complaints at the lowest possible level using command channels before addressing them to a higher level or the IG.

1.39.2.1. The immediate supervisory command chain can often resolve complaints more quickly and effectively than a higher level not familiar with the situation.

1.39.2.2. The IG system should be used when referral to the command chain would be futile or there is fear of reprisal.

1.39.3. When complaints are addressed to a higher level (the President, Congress, SAF/OS, SAF/IG, etc.), the IG office which is 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 command IG for investigation.

★1.39.4. When complainants send the same or a similar complaint to several levels of the government, the highest level with which the complainant corresponds will **normally** reply, unless determined otherwise by the higher-level office. If it is decided that a higher 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.

1.40. Complaints Not Appropriate for the IG System.

1.40.1. The IG Complaint Program may not be used for matters normally addressed through other established grievance or appeal channels, unless there is evidence that those channels mishandled the matter or process.

1.40.1.1. 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.

1.40.1.2. Complainants must provide some relevant evidence that the process was mishandled or handled prejudicially before IG channels 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 IG investigation.

1.40.2. Table 2.5 outlines agencies with established programs for the redress of other complaints. The table is **not** all-inclusive.

Section 1M – Complainant's Rights and Responsibilities

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

1.41.1. File an IG complaint at any level without notifying or following the chain of command.

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

1.41.3. Request withdrawal of their IG complaint in writing; however, IGs may still look into the allegations at their discretion.

1.41.4. Request the next higher level IG review their case within 90 days of receiving the IG response. However, simply disagreeing with the findings or corrective action taken, will not constitute sufficiency for additional IG review. The request for review must:

1.41.4.1. Be in writing and give specific reasons why the complainant believes the original IG investigation was not valid or adequate.

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

1.41.5. Complainants may request express confidentiality if they fear reprisal. Refer to paragraph 2.3 for policy on confidentiality.

1.41.6. Complainants may submit complaints anonymously. Anonymous complainants obviously will not receive a response.

★1.41.7. Any individual can submit a complaint if they reasonably believe inappropriate conduct has occurred, or a wrong or violation of law, policy, procedure, or regulation has been committed, even if the complainant is not the wronged party or was not affected by the alleged violation. They can also submit a complaint on behalf of another individual (third-party).

1.41.7.1. Third-party complainants are not entitled to a response regarding alleged wrongs not directly affecting them.

1.41.7.2. 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 specifics concerning a case, a consent to release statement must be acquired from the affected party. If the affected party does not give their consent to release findings to the third party, IGs must inform the third party the matter will be reviewed but specifics will not be released due to PA restrictions.

1.41.8. Complainants have the right to request whistleblower protection under 10 U.S.C. 1034, if they feel they have been reprimanded against for making or planning to make a *protected disclosure*. Any IG at every level of the Air Force can extend this protection to a complainant. Refer to Section 3C for more specific information regarding reprisal complaints.

★1.41.9. Allegations that have been previously investigated and reviewed by a higher level IG office in accordance with paragraph 1.41.4 may be dismissed if the current complaint does not provide new information or evidence that justifies further investigation.

1.42. Requests to Delay Command Action.

1.42.1. IGs cannot request a delay of 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, and so on, unless deemed necessary by appropriate command officials.

1.42.2. 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 Air Force Personnel Center (AFPC). Therefore, complainants must submit such requests through command or personnel channels.

1.43. Complainant's Responsibilities.

1.43.1. Complainants must submit IG complaints within 60 days of learning of the alleged wrong.

1.43.1.1. IG complaints not reported within 60 days will normally be dismissed unless the complainant is able to demonstrate he/she was unable to meet the time requirements due to unforeseen or extraordinary circumstances and such circumstances justify the delay.

1.43.1.2. 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 that insufficient information can be gathered to make a determination, and/or no special Air Force interests exist to justify investigating the matter.

1.43.2. Complainants must cooperate with investigators 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.

1.43.3. Complainants 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 for knowingly making false statements and for submitting other unlawful communications.

Section 1N -- How to File an IG Complaint

★**1.44. When to Use.** Use these procedures when you have a complaint you reasonably believe is appropriate for IG resolution.

1.44.1. Read Sections 1L, 1M, and 1N of this instruction completely.

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

1.45. Procedures for Filing an IG Complaint.

1.45.1. Complainants should follow the steps in Table 1.2 and complete an AF Form 102, *IG Personal and Fraud, Waste and Abuse Complaint Registration*, prior to filing a complaint with the IG office.

1.45.2. Complaints not submitted on an AF Form 102 should be drafted following the same format outlined in Table 1.2. Complaints not submitted in the outlined format may cause a delay in the processing of the complaint and the determination of IG action.

★**Table 1.2. How to File a Complaint.**

Step	Action
1	If you believe you are unable to resolve your complaint in command channels, review Table 2.5 to determine if the complaint should be filed with the IG. You may file a complaint if you reasonably believe inappropriate conduct has occurred or a violation of law, policy, procedure, or regulation has been committed.
2	Complete the personnel data information on an AF Form 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 Form 102.
4	List the allegations of wrongdoing <u>BRIEFLY</u> , in general terms and provide supporting narrative detail and documents later when interviewed. Allegations should be written as bullets and should answer: <ol style="list-style-type: none"> 1. Who committed the violation? 2. What violation was committed? 3. What law, regulation, procedure, or policy was violated? 4. When did the violation occur?
5	Submit the completed AF Form 102 to any Air Force IG and setup a follow-on meeting to discuss the complaint.
6	If the IG is named in the complaint, contact the next higher level IG.

Section 1O -- Agencies with Responsibilities to the IG System

1.46. Staff Judge Advocates at every level assist IGs by:

1.46.1. Analyzing complaints to identify allegations of wrongdoing.

1.46.2. Framing or re-framing allegations prior to investigation.

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

1.46.4. Providing legal review of IG ROIs.

1.46.4.1. The attorney performing the legal review must be someone other than the person assigned to assist the IO.

1.46.4.2. The attorney will review the ROI for legal sufficiency and provide written legal reviews prior to the Appointing Authority review to ensure:

1.46.4.2.1. Each allegation has been addressed.

★1.46.4.2.2. Allegations allege a violation of law, regulation, procedure, or policy.

1.46.4.2.3. Findings of fact are supported by a preponderance of the evidence.

1.46.4.2.4. Conclusions are supported by the findings.

1.46.4.2.5. The investigation complies with all applicable legal and administrative requirements.

1.46.5. Providing pertinent comments or recommendations regarding ROIs.

1.46.6. Reminding commanders of their responsibility to immediately notify SAF/IGS or SAF/IGQ through their chain of command and MAJCOM, FOA, DRU IG when:

1.46.6.1. They receive allegations against Senior Officials and colonels (or equivalent) IAW Chapter 1, Section 1G and Chapter 3, Sections 3A and 3B of this instruction.

★1.46.6.2. Article 15s are served against Senior Officials and colonels or colonel selects. Copies of the final actions and any appeal documents must be provided upon completion of the action.

★1.46.6.3. Court-martial charges are preferred against Senior Officials and colonels or colonel selects. Follow-on notification must also be made when the charges are referred to trial and again at the conclusion of the trial.

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

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

1.47.1. Providing legal advice and support in directing, administering, and overseeing the Air Force FWA Program.

1.47.2. Assisting and providing legal support in initiating, conducting, and finalizing cases on Senior Officials as required. Determining whether adverse information summaries will be entered into a SOUIF and provided to a general officer selection board.

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

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

1.48.1. 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, and so on.

1.48.2. Reviewing all Senior Official investigations and reviewing all SOUIFs proposed by SAF/IG.

1.48.3. Ensuring subordinate SJAs are aware of their responsibility to remind commanders to immediately notify SAF/IGS (for Senior Officials) or SAF/IGQ (for colonels or equivalent) through their MAJCOM, FOA, DRU, or Installation IG when notified of allegations or adverse information of any kind against individuals in these grades.

1.48.4. 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, colonel, or colonel select.

1.48.5. Providing SAF/IGS and SAF/IGQ, as appropriate, copies of Article 138 complaints concerning general officers, colonels, and colonel-selects.

1.49. The Deputy Chief of Staff, Personnel (AF/DP) assists SAF/IG by:

- 1.49.1. Ensuring AFGOMO, AFSEMO, and AFCMO, the HQ USAF Director, Personnel Force Management (HQ USAF/DPF), and the HQ USAF Director, Personnel Force Development (HQ USAF/DPD) maintain close liaison with SAF/IG on policies governed by this instruction.
- 1.49.2. Providing a microfiche, electronic, and hard copy of each new issue of the Personnel Accounting Symbol Directory and Worldwide Personnel Directory to SAF/IGQ.
- 1.49.3. Ensuring IG access to Personnel Concept III (PC III) data system to allow SAF/IG staff access to personnel records and information.
- 1.49.4. Ensuring AFGOMO provides SAF/IGS copies of any adverse information received on general officers or general selects.
- 1.49.5. Ensuring AFCMO immediately provides SAF/IGQ any additions to the Quality Force Roster on colonels or colonel selects.
- 1.49.6. Ensuring AFCMO immediately notifies SAF/IGQ of any adverse information on colonels and colonel selects and forwards derogatory information to SAF/IGQ accordingly.
- ★1.49.7. **Notifying SAF/IGQ when allegations of violations of EEO or MEO policies are made against colonels (or equivalent).**
 - ★1.49.7.1. Providing SAF/IGQ status reports of all EEO, MEO, or other grievance cases involving allegations against colonels (or equivalent) as required by paragraphs 3.2.1.3 and 3.8.3, as appropriate.
 - ★1.49.7.2. Providing SAF/IGQ with EEO/MEO case closure documents on finalized cases regardless of the findings.
 - ★1.49.7.3. Providing SAF/IGQ a copy of settlement or mediation agreements for civilian grievances and EEO or MEO complaints resolved through settlement, mediation, or similar means.
- 1.49.8. Ensuring EOT personnel do not conduct complaint clarification reviews for allegations against Senior Officials. These complaints must be forwarded to SAF/IGS.
- 1.49.9. Acting as technical advisors, when requested, for IG investigations involving personnel policy and/or procedures.
- 1.49.10. Providing SAF/IGS the same information provided to SAF/IGQ in paragraph 1.49.7 when complaints of violations of EEO policies against Senior Officials are made.

★1.50. **Military Equal Opportunity Office** personnel at every level assist IGs by:

- 1.50.1. Acting as technical advisors when EOT, discrimination, or sexual harassment allegations cannot be separated from other matters under IG investigation.
- 1.50.2. Providing follow up and final reports to the general court martial authority as required by law for IG investigations conducted into allegations of sexual harassment.
- 1.50.3. Referring any allegations of reprisal into the IG system.
- 1.50.4. Referring any allegations against Senior Officials to SAF/IGS.
- 1.50.5. Notifying SAF/IGQ through MAJCOM, FOA, DRU or Installation IGs when allegations of wrongdoing against colonels (or equivalent) are received.
- 1.50.6. Providing the results of EOT investigations or complaint analyses conducted as a result of allegations against colonels (or equivalent) to SAF/IGQ through MAJCOM, FOA, DRU or Installation IGs.

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

- 1.51.1. Referring congressional complaints involving IG matters **not** pertaining to Senior Officials to SAF/IGQ for complaint analysis and determination of appropriate IG action.

- 1.51.2. Referring congressional complaints involving Senior Officials to SAF/IGS for complaint analysis and determination of appropriate IG action.
- 1.51.3. Notifying congressional staff members of complaints accepted by SAF/IG for action and direct response to the complainant.
- 1.51.4. Referring complaints not accepted by the SAF/IG for action to the appropriate agency for action and response.
- 1.51.5. Acting as office of primary responsibility for communications with congressional staffers.
- 1.51.6. Forwarding courtesy copies of IG investigative responses and findings to congressional staffers, when appropriate.

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

- 1.52.1. Reviewing MAJCOM, FOA, and DRU FWA programs, detecting FWA, and identifying indicators of possible FWA during all inspection activities.
- 1.52.2. Acting as the Appointing Authority and conducting IG investigations at the direction of SAF/IG.

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

- 1.53.1. Detecting fraud during investigative activities and process disclosures referred to AFOSI.
- 1.53.2. Conducting appropriate investigations into allegations of fraud referred through SAF/IGQ by the Defense Hotline.
 - ★1.53.2.1. Providing SAF/IGQ interim reports on investigations into allegations of fraud made through the Defense Hotline as prescribed in Chapter 2 of this instruction.
 - 1.53.2.2. Reporting findings to SAF/IGQ by forwarding a copy of the findings and corrective actions taken upon completion of the investigation.
- 1.53.3. Providing periodic updates to SAF/IGQ for investigations assigned by SAF/IG.
- 1.53.4. Assisting commanders by providing briefings and other material related to FWA and providing investigative assistance to inspectors and auditors examining suspected fraud.
- 1.53.5. Conducting internal review (using AFOSI/IG) for SAF/IG-directed cases involving allegations against AFOSI personnel or programs. Reporting findings to SAF/IGQ for a final review and determination.
- 1.53.6. Notifying SAF/IG (through SAF/IGX) according to AFI 71-101, *Criminal Investigations*, when AFOSI receives allegations or adverse information of any kind against a Senior Official or a colonel (or equivalent), or information that a Senior Official or a colonel (or equivalent) was involved in an incident as a subject or suspect.
- 1.53.7. Providing SAF/IGS (through SAF/IGX) a copy of any AFOSI report involving a Senior Official.
- 1.53.8. Providing SAF/IGQ (through SAF/IGX) a copy of any AFOSI report involving a colonel (or equivalent).
- 1.53.9. Conducting files check as requested by SAF/IGS and SAF/IGQ through SAF/IGX.

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

- 1.54.1. Identifying policies and procedures discovered in the course of an audit, which may contribute to FWA.
- 1.54.2. Performing audits when conditions or situations indicate FWA, determining the effects on operations and programs, and recommending corrective action.
- 1.54.3. Reporting to managers apparent FWA disclosed by an audit; referring the matter to the appropriate commander and AFOSI detachment for investigation when fraud is suspected; and

delaying the publication of audit results relating to apparent fraud, if requested by AFOSI, since publication could interfere with ongoing investigations.

1.54.4. Reporting any FWA allegation or adverse information against Senior Officials to SAF/IGS or against colonels (or equivalent) to SAF/IGQ.

1.54.5. 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 taskings, to allow preparation of progress and completion reports.

★1.55. The Secretary of the Air Force, Office of Public Affairs (SAF/PA) assists SAF/IG by designating a point of contact to handle news media questions about IG cases. SAF/PA is responsible for informing media officials of the proper procedures for obtaining IG records through the Freedom of Information Act.

1.56. The Headquarters Air Force Directorate of Security Forces (HQ USAF/XOF) assists SAF/IG by:

1.56.1. 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.

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

1.56.3. Notifying SAF/IGS when an allegation or adverse information is received regarding Senior Officials.

1.56.4. Notifying SAF/IGQ when an allegation or adverse information is received regarding colonels (or equivalent).

1.57. The Surgeon General of the Air Force (HQ USAF/SG) assists SAF/IG by:

★1.57.1. Notifying SAF/IGS (for Senior Officials) or SAF/IGQ (for colonel, or colonel-select) when completing actions to suspend, limit, or revoke clinical privileges as governed by AFI 44-119, *Medical Service Clinical Quality Management*, and forwarding a copy of the final report to the appropriate SAF/IG directorate.

★1.57.2. Conducting Medical Incident Investigation (MII), 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).

1.58. 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 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.

Chapter 2

MANAGING IG COMPLAINTS

Section 2A -- Overview

2.1. In this Chapter. This chapter shows IGs at every level how to manage/process contacts made with the IG from receipt through investigation and higher headquarters review, to responding to complainants. The Air Force endorses a proactive oversight and follow-up system that ensures the high program standards described in *Quality Standards for Investigations*, President's Council on Integrity and Efficiency.

2.2. Key Terms. This section uses the following key terms: *Allegation, Complainant, Complaint, Contact, Self-Investigation, and Third-Party Complainant*. Refer to Attachment 1 for the definition of these key terms.

2.3. Confidentiality Policy. The following guidance applies to IGs at every level.

2.3.1. IGs must make every effort to protect the identity of complainants from anyone outside IG channels. If a complaint is more appropriate for command or other channels, the IG must advise the complainant of the referral.

2.3.2. IGs may release the name of a complainant only on an official need-to-know basis. IOs must **never** divulge a complainant's name to a subject or to any witness, or permit them to read the complaint without the IG's or Appointing Authority's written permission.

2.3.3. IGs may grant express promises of confidentiality, in writing, to complainants and witnesses to obtain essential testimony or to protect persons from reprisal.

2.3.3.1. When granted express confidentiality, the complainant's and witness' testimony (and identity) will be withheld from release to a third party in accordance with the Privacy Act (PA) or FOIA, to the extent allowed by law.

2.3.3.2. The names of members granted confidentiality may be revealed only to Air Force or DoD officials who establish an official need for the information with the written approval of an IG, or otherwise only if the IG determines that such disclosure is necessary during the course of the investigation.

2.3.4. IGs must approve or disapprove requests, in writing, from the IO to grant express confidentiality for witnesses after consulting with the SJA to determine necessity and advisability.

2.4. Policy on Management of IG Complaints.

2.4.1. Complaints that are within the purview of the IG Complaint System should be addressed at the lowest appropriate level, including high level complaints (e.g., to the President, Congress, SECAF, SAF/IG).

2.4.1.1. This ensures the higher level IGs remain unbiased and are available to review any rebuttals or appeals of the lower level investigation or action.

2.4.1.2. IGs should resolve complaints at the lowest possible level but may elevate complaints when appropriate such as when self-investigation is an issue.

2.4.2. IGs will refer complaints that fall under the purview of another office or agency, under other directives with established grievance channels, or are otherwise not under the purview of the IG system.

2.4.3. If a complainant alleges fraud, espionage, sabotage, treason, subversion, disloyal statements, disaffection, or other criminal offenses, IGs will immediately consult with the SJA and AFOSI office to determine whether the allegations should be referred to AFOSI channels for appropriate action, or stay within the IG complaint system.

2.4.4. Complaints that are not appropriate for the IG Complaint System should be dismissed or referred according to Tables 2-4 through 2-6.

2.5. The 14-Step Complaints Process. To assist IGs in managing complaints, the following 14-Step Process describes actions required to complete a complaint case from receipt through investigation to closure. The process is divided into three phases, pre-investigation, investigation, and post-investigation.

Table 2.1. The 14-Step Complaints Process.

A	B	C
PHASE	STEP	PROCESS NAME
Phase 1: Pre-Investigation	1	Contact
	2	Analysis
	3	Tasking
	4	Pre-Fact finding
Phase 2: Investigation	5	Fact-finding
	6	Report Writing
Phase 3: Post-Investigation	7	IG Quality Review
	8	Technical Review
	9	Legal Review
	10	Re-work
	11	Closure
	12	Follow-up
	13	Higher Headquarters Review
	14	SAF/IGQ Review

Pre-Investigation Phase

Section 2B -- Step 1: Contact

2.6. Policy on Receiving Complaints. Air Force IGs receive and process complaints from any source (including anonymous) regarding Air Force operations, organizations, functions, and personnel. Complaints will be handled through referral, transfer, dismissal, assistance, or investigation.

★2.7. Complaint Clarification Procedures. Use the complaint clarification procedures in Table 2.2 to determine whether a complaint is appropriate for IG action.

★Table 2.2. 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 Form 102.
3	Find out if the complaint was filed with another agency/individual.
4	If the complainant has not talked to their supervisor, first sergeant, or commander, find out why. Unless the circumstances warrant otherwise, encourage the complainant to attempt resolution in supervisory or command channels first. Explain why this is the preferred approach (faster resolution, command has the authority to remedy the situation, etc.). Explain that, if the matter is clearly a command issue and not within the purview of the IG, the complaint could be referred to command channels regardless of the desires of the complainant.
5	Determine if the individual has sought assistance from an appropriate source for the information (for example, military personnel flight, finance, or military equal opportunity office). Refer them to that source if they have not.
6	If it has been more than 60 days since the complainant learned of the alleged wrong, tell 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 in filing the complaint and if there were any compelling circumstances.
7	Ask the complainant to clarify their allegations, 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 complainants allege reprisal, explain to them of the whistleblower protection afforded by 10 U.S.C 1034, that you (or any IG) can extend that protection without any further request to IG, DoD is necessary. Follow the procedures in Section 3C for processing the complaint.
8	Ask the complainants what remedy they are seeking.
9	Explain the steps involved in processing an IG complaint and/or conducting an investigation (both Cat I and Cat II).
10	Inform the individual when you expect to get back to them (normally this will be an interim reply).

2.8. **Administrative Procedures for Processing a Complaint.** IGs will use the following procedures to process complaints made to their office.

Table 2.3. Processing Complaints.

Step	Action
1	Log complaint into the ACTS database.
2	Mark documents “COMPLAINANT PROVIDED” in the lower right hand corner of each page.
3	Contact complainant in writing, by telephone, or in person within 5 duty days to acknowledge receipt (unless received directly from complainant). Provide interim updates 45 days after receipt of the complaint and every 60 days thereafter until a final response is provided.

Section 2C -- Step 2: Conducting a Complaint Analysis

★2.9. **Requirements.** In each case, IGs at every level will conduct a thorough complaint analysis prior to beginning an investigation to determine **if** the complaint is appropriate for IG action and, if appropriate, whether to conduct a Category I or Category II investigation. A complaint analysis is required when the complaint alleges facts that, if true, could constitute a prima facie case of wrongdoing. In such cases, the simple process of *assistance* will not suffice to resolve the matter.

2.10. Key Terms. This section uses the following key terms: *Investigation*, *Category I Investigation*, *Category II Investigation*, and *Complaint Analysis*. Refer to Attachment 1 for the definition of these key terms.

2.11. Processing Allegations of a Special Nature. Table 2.4 explains special processing instructions when a complainant makes allegations against Senior Officials or colonels (or equivalent), or allegations of a special nature.

★**Table 2.4. Processing Special Interest Complaints.**

R U L E	A	B
	IF the complainant makes allegation(s) . . .	THEN immediately . . .
1	Against a Senior Official	Report and transfer the allegations through your IG structure to SAF/IGS by using Figure 1.1.
2	Against a colonel (or equivalent)	Report the allegations through your IG structure to SAF/IGQ (use Figure 1.2) and follow the procedures in Section 3B.
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 he/she was reprimanded against for making a protected disclosure	Advise complainants of their right for whistleblower protection under 10 U.S.C. 1034 (See Note), continue with complaint analysis, and follow the procedures in Chapter 2 and Section 3C.
5	That a military member was improperly referred for a Mental Health Evaluation	Notify SAF/IGQ through your IG structure and continue with analysis, following the procedures in Chapter 3, Section 3D.
6	Of violations of Military Equal Opportunity and Treatment (EOT) policy	Immediately refer the complainant to the Military Equal Opportunity office for a complaint clarification.
7	Of fraud, espionage, sabotage, treason, subversion, disloyal statements, disaffection, or other criminal offenses	Immediately consult with the SJA and local AFOSI office to determine whether the allegations should be handled through AFOSI or IG channels.

NOTE: All IGs at every level can extend whistleblower protection to complainants (Section 3C).

2.12. Handling Civilian Complaints. The IG Complaints System 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 AFD 36-12, *Dispute Resolution*. Refer to Table 2.5 for procedures for handling civilian complaints.

★**2.13. Conducting a Complaint Analysis.** A complaint analysis is a preliminary review of allegations and evidence to determine the potential validity and relevance of the allegations to the Air Force and to determine what action, if any, is necessary within IG, command, or other channels. A formal analysis is **not** required when no allegations or evidence of wrongdoing exist and the issue can be handled through IG *assistance*. A complaint analysis will always result in one of the following: investigation, dismissal, or transfer of the complaint.

2.13.1. Framing Allegations. The **single most important factor** in determining the success of an investigation is to clearly and concisely identify the complainant’s allegations. A properly framed

allegation is a factual proposition to be proved or disproved during an investigation, which if true would constitute adverse information. Framed allegations must contain the following:

2.13.1.1. Who committed the violation?

2.13.1.2. What violation was committed?

★2.13.1.3. What law, regulation, procedure, or policy was violated?

2.13.1.4. When did the violation occur?

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

2.13.3. Refer to paragraph 3.19 when conducting a complaint analysis into allegations of reprisal.

Section 2D -- Step 3: Referring, Transferring, Dismissing, Assisting, or Tasking a Complaint

2.14. Key Terms. This section uses the following key terms: *Appointing Authority, Assist, Dismiss, Investigating Officer (IO), Referral, and Transfer*. Refer to Attachment 1 for the definition of these key terms.

2.15. Higher Headquarters Taskings.

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

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

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

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

2.15.2. If none of the above apply, the higher-level IG may task to the subordinate IG for 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.

2.15.3. Higher level IGs should implement a "Follow-up" program to track cases sent to subordinate units for direct response to the complainant and for cases awaiting command corrective or disciplinary action.

2.16. Policy When Another Appeal or Grievance Channel Exists.

2.16.1. 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 must refer the complainant to 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 investigation.

2.16.2. 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.

2.17. Referral Agencies and Grievance Channels. DoD or 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 referred to the appropriate agency. Table 2.5 assists IGs in determining if a complaint belongs in other channels. **NOTE:** This table is not all-inclusive.

★Table 2.5. Matters Not Appropriate for the IG Complaint System.

R U L E	A	B
	Type of Complaint	Referral Agency
1	<i>Civilians</i> -- Conditions of employment (personnel policies, practices, and matters affecting working conditions) or, EEO issues (discrimination based on age, race, color, sex, religion, disability, or national origin), or reprisal against a civil service employee	Refer to the servicing Civilian Personnel Flight (CPF) for action in accordance with civilian grievance system (either Administrative IAW AFI 36-1203 or Negotiated IAW locally negotiated agreements). EEO Complaints should be referred to the Chief EEO Counselor for processing IAW AFI 36-1201.
2	<i>Civilians</i> -- Nonappropriated Fund (NAF) employee conditions of employment issues or reprisal	Servicing NAF Employment Office (conditions of employment) or the IG, DoD for reprisal allegations
3	Military Equal Opportunity and Treatment (EOT) Issues	Refer to local Military Equal Opportunity office -- AFI 36-2706
4	Administrative Separations	Refer to local Military Personnel Flight (MPF)--AFI 36-3208 (Enlisted), AFI 36-3207 (Officers), AFI 36-3209 (Reserves & ANG)
5	Air Force Reserve Assignment matters	Refer to HQ AFRC/DP -- AFI 36-2115
6	Equal Opportunity in off-base housing	Refer to the Housing Referral Office--AFPD 32-60
7	Landlord or tenant disputes	Refer to Commander -- AFI 32-6001
8	Claims against the Government	Refer to SJA -- AFI 51-502
9	Correction of military records	Refer to SAF/MIBR (AFBCMR process) -- AFI 36-2603
10	Appeal of an Officer Performance Report (OPR), Enlisted Performance Report (EPR), or Promotion Recommendation Form (PRF)	Refer to SAF/MIBR (AFEARB process) -- AFI 36-2401
11	Support of Dependents and Private Indebtedness	Refer to subject's commander or DFAS -- AFI 36-2906
12	Suggestions	Refer to local Suggestion Monitor or AF/PE -- AFI 38-401
13	Change to an Instruction/Regulation or current policy guidance	Refer to appropriate HQ USAF OPR -- AFI 33-360, Vol 1
14	LOC, LOR, or Article 15 (other than discrimination/reprisal)	Refer to chain of command or Area Defense Counsel (ADC) (or HQ AFLSA/JAJM)
15	Punishment under UCMJ	Refer to ADC or HQ AFLSA/JAJM -- AFI 51-201
16	Article 138, UCMJ (Complaint of Wrong)	Refer to Legal channels -- AFI 51-904
17	Hazardous Working Conditions (unsafe or unhealthy)	Refer to SE -- AFI 91-301
18	Elimination From Training	Refer to HQ AETC/IG (AETC directives)
19	Medical Treatment	Refer to SG for Quality Assessment or Medical Incident Investigation (MII), AFI 44-119
20	Tricare Complaints	Refer to Tricare Benefits Services Office
21	Allegations of homosexual conduct	Refer to Commander -- AFI 36-3208 (Enlisted), AFI 36-3207 (Officers), AFI 36-3209 (Reserves & ANG)
22	Misuse or abuse of government vehicles	Refer to LGT --AFI 24-301
23	Unprofessional Relationships/Adultery	Refer to Commander -- AFI 36-2909
24	Allegations regarding non-AF organizations or agencies	Refer to specific agency or Service IG or to Defense Hotline
25	Allegations of reprisal by DoD contractors	Refer to IG, DoD
26	Allegations against Military Defense Counsel	Refer to Chief Circuit Defense Counsel
27	Anti-Deficiency Act violations	Refer to SAF/FM -- AFI 65-608

2.18. Referring a Complaint. When the complaint analysis discloses that an organization or agency outside the IG complaints system can more appropriately handle a complaint, IGs will refer the complaint to the appropriate organization or agency following the procedures described in Table 2.6.

Table 2.6. How to Refer a Complaint.

Step	Action
1	Using complaint analysis, determine if the complaint should be handled in other channels
2	For verbal complaints, advise complainant that the complaint is not appropriate for IG action because other established grievance or appeal channels exist for resolution of the complaint.
3	For written complaints, refer the complaint, in writing, to the appropriate agency and notify the complainant, in writing, of the referral, or refer the complainant to the existing grievance channel.
4	If appropriate, ask the referral agency to provide you a copy of any closure response to the complainant for your case file. (NOTE)
5	Document the case in ACTS as “REFER OUT” and close the case.

NOTE: 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.

2.19. Transferring a Complaint. A complaint is transferred when the complaint analysis discloses that the matter is appropriate for IG action, but an IG other than the one receiving the complaint should handle the matter. Table 2.5 addresses matters not appropriate for IG action. IGs will comply with the requirements of Tables 2.7 and 2.8 concerning the transfer of complaints to other IGs.

★Table 2.7. When to Transfer A Complaint to Another IG.

R U L E	A	B	C
	IF...	AND...	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
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
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 Appointing Authority or a member of his/her immediate staff, or an IG staff member		Transfer the complaint to the next higher level IG
5	The subject is an AFOSI agent	The complaint is received by any IG other than SAF/IGQ or AFOSI/IG	Transfer the complaint to SAF/IGQ
6	The subject (person, process, or agency) is assigned to a higher level of the Air Force or another MAJCOM (or equivalent) than the IG receiving the complaint	The complaint is appropriate for IG action, but the alleged wrongs happened in a unit under the other MAJCOM or higher IG's jurisdiction	Transfer the complaint to the IG at the same level and command as the subject or where the alleged wrongs happened
7	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).
8		The subject (person, process or agency) is assigned to an associate unit	Transfer to the associate Inspector General or Wing Commander (as appropriate) responsible for the subject, process, or agency, and provide technical support and ROI quality review if requested to do so.

Table 2.8. How to Transfer a Complaint.

Step	Action
1	Using complaint analysis, determine if the complaint should be transferred to another IG.
2	Transfer the complaint, in writing, to the appropriate IG explaining your rationale for transfer.
4	Notify the complainant, in writing, of the transfer ensuring the rationale for transfer is clearly communicated.
5	If the complainant expressed concern about bias at a lower level, advise him/her of the right to appeal the lower level IG's finding and the fact that the higher level IG oversees the actions of lower level IGs.
6	Document the case in ACTS as a "TRANSFER" and close the case.

★2.20. **Dismissing a Complaint.** Table 2.9 assists IGs in determining if a complaint should be dismissed.

★Table 2.9. **When to Dismiss a Complaint.**

R U L E	A	B	C
	IF	AND...	THEN ...
1	If the complaint analysis discloses no recognizable wrong, or violation of law, regulation, or policy		Dismiss the complaint
2	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	There are no extraordinary circumstances justifying the delay or special Air Force interest in the matters alleged	Dismiss the complaint (Note 1)
3	The complainant refuses to provide sufficient evidence to properly conduct the complaint analysis		Dismiss the complaint
4	The complainant files a complaint under Article 138, UCMJ	The Article 138 complaint addresses the same matters addressed in the IG complaint	Dismiss the complaint
5	The IG deems the complaint frivolous or an IG investigation would not appreciably affect the outcome or remedy sought		Dismiss the complaint (Note 2)
6	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

Notes:

1. The most important consideration in dismissing a complaint based on timeliness is the potential to gather sufficient facts to determine the facts and circumstances surrounding the alleged wrongdoing.
2. Generally, a complaint is **not frivolous** if it pertains to an Air Force person, organization, program or policy and identifies a violation of law, regulation, policy, or procedure.

2.21. **How to Dismiss a Complaint.** Follow the procedures in Table 2.10 to dismiss a complaint.

Table 2.10. **How to Dismiss a Complaint.**

Step	Action
1	Using complaint analysis, determine if the complaint should be dismissed.
2	For verbal complaints, advise complainant that the complaint does not warrant IG action.
3	For written complaints, notify the complainant, in writing, of the dismissal ensuring the rationale for the dismissal is clearly communicated.
4	Advise the complainant of his/her right to appeal to the AFBCMR (or other appeal channels), if applicable.
5	Document the case in ACTS as a “DISMISS” and close the case.

★2.22. **Assisting a Complainant.** When there is no evidence or allegation of wrongdoing and assistance alone is needed 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. In these cases, a formal complaint analysis is not required. Table 2.11 tells IGs how to assist a complainant.

Table 2.11. How to Assist a Complainant.

Step	Action
1	Discuss concerns/issues with the complainant.
2	Determine if the complaint can be appropriately handled through assistance.
3	Advise the complainant that their complaint is not an IG matter but that you can assist them in resolving their concerns.
4	Make phone calls or other contacts to provide the complainant with the assistance they need.
5	Ensure the complainant's concerns are being addressed by the appropriate authority/agency.
6	Document the case in ACTS as an "ASSIST" and close the case.

★ **2.23. Policy for Conducting Category I and Category II Investigations.** The decision to conduct an IG investigation should only be made after a thorough complaint analysis of the allegations presented in the complaint is completed.

★ 2.23.1. IGs may conduct Category I investigations to address complaints that can be quickly resolved through normal staff functions; that is, by checking records and correspondence, reviewing applicable instructions, examining material evidence, and, as deemed necessary, interviewing (using either sworn or unsworn testimony) the complainant, subjects, and persons having direct knowledge of the matter. A Category I Investigation **will not** be used to resolve complaints against Senior Officials or allegations concerning reprisal, improper mental health referrals, or other complex allegations, which, if substantiated, could have serious consequences for the subject.

2.23.2. Category II investigations are used to investigate complaints of allegations of reprisal, improper mental health referral, and other complex allegations, which, if substantiated, could have serious consequences for the subject. Category II investigations require the appointment of an Investigating Officer (IO) by an Appointing Authority exercising jurisdiction over the operation, organization, function, or personnel named in the complaint.

2.24. Notification Requirements for Investigations on Lt Cols (not colonel-selects) and Below.

Table 2.12 describes the notification requirements when an IG investigation is started against a Lt Col (not a colonel-select) or below. Refer to Chapter 3 of this instruction for requirements on investigations against Senior Officials and colonels (or equivalent). Refer to Table 2.15 for notification procedures after case closure.

Table 2.12. Notification Matrix for Investigations on Lt Cols (not colonel-selects) and Below (Pre-Investigation and Investigation Phases).

R U L E	A	B	C
	IF in the...	AND the investigation is...	THEN ...
1	Pre-Investigation Phase	Category I	IG notifies Appointing Authority, if appropriate.
2		Category II	1. IG notifies Appointing Authority. 2. Appointing Authority appoints IO.
3	Investigation Phase	Category I	1. IG notifies subject's commander of scope of investigation (in general terms). 2. Commander notifies subject and witnesses. 3. IG notifies Complainant. 4. IG provides interim response to complainant 45 days after receipt of complaint and every 60 days thereafter until final response is provided. 5. IG provides progress reports (PRs) to higher-level IG (if required) at suspense date and every 30 days thereafter until investigation is finished.
4		Category II	1. Appointing Authority or IG notifies subject's commander of scope of investigation (general terms). 2. Commander notifies subject and witnesses. 3. Appointing Authority or IG notifies complainant. 4. Appointing Authority or IG provides interim response to complainant 45 days after receipt of complaint and every 60 days thereafter until final response provided. 5. IO provides PRs to Appointing Authority or IG at suspense date and every 30 days thereafter until investigation is finished. IG provides copy of PR to higher-level IG (if required).

2.25. Policy for Appointing an Investigating Officer.

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

2.25.2. No appointment letter is necessary for Category I investigations – these can only be conducted by IG staff.

2.25.3. If Appointing Authorities decide a Category II investigation is needed, they must appoint an IO in writing, regardless of who is selected as the IO.

2.25.4. An IO is the personal representative of the Appointing Authority. IOs must be impartial, unbiased, objective, thorough, and available.

2.25.5. The IO must be a commissioned officer, senior NCO (E-7 and above), or a civil service equivalent (GS-9 and above).

2.25.6. The IO will be equal to or senior in grade to the subject of the investigation and not in the chain of command of the subject. **EXCEPTION:**

2.25.6.1. The rank requirement is not applicable for Senior Official and ANG cases, or for IG staff conducting Category I and II investigations.

- 2.25.6.2. When the IO cannot be equal to or senior in rank, the Appointing Authority must approve the rank disparity and will ensure the reason for the deviation is documented in the ROI.
- 2.25.7. The IO must be separated by at least one level of command or by functional assignment from the complainant and organization and persons who are the subjects of the allegations.
- 2.25.8. If strictly necessary, an IO may be verbally appointed; however, a written directive must follow within three duty days.
- 2.25.9. The investigation will be the IO's only duty (unless the Appointing Authority determines otherwise) until the report is completed and approved by the Appointing Authority.
- 2.25.10. Appointing Authorities must not appoint an IO who is retiring, separating, or being reassigned within 180 days.

2.26. Appointing Authority's Responsibilities Concerning IO Taskings.

- 2.26.1. Appointing Authorities will not initiate an investigation into allegations against themselves or their immediate staff (self-investigation), or against a member of their IG staff. Such allegations will be referred to the IG at the next higher level.
- 2.26.2. The Chief of the National Guard Bureau (NGB/ZA) or designee and the respective state adjutant generals (TAGs) act as Appointing Authority for IG investigations conducted within the NGB and/or their respective State with the exception of allegations against Senior Officials.
- ★ 2.26.3. Commanders at wing/installation level and higher may designate in writing individuals such as the Installation IG to serve as an "Appointing Authority" for their organization.

2.27. How to Appoint an IO. Figure 2.1 shows a sample letter for appointing an IO to conduct a Category II Investigation.

Figure 2.1. Sample IO Appointment Letter.

<p>MEMORANDUM FOR (Unit/Office Symbol) ATTENTION: (Rank, Name)</p> <p>FROM: (Appointing Authority)</p> <p>SUBJECT: Inspector General Investigation -- [as appropriate]</p> <p>1. In accordance with AFI 90-301, Inspector General Complaints, paragraph 2.25, you are appointed to conduct a Category II 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 only 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.</p> <p>2. You are authorized to interview personnel, take sworn statements or testimony, and examine and copy any and 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.</p> <p>3. Follow the provisions of AFI 90-301, the <i>SAF/IG Investigation Officer Guide</i> [for reprisal cases add: IGDG 7050.6, <i>Guide to Investigating Reprisal and Improper Referral for Mental Health Evaluations</i>].</p> <p>[Conclude letter with the following]</p> <p>4. Prepare and submit to me a Report of Investigation and other reports required by AFI 90-301 (e.g. SROI, 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 _____ (SJA 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)</p> <p>5. You have ____ days [normally 45] 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 45th] from the date of this letter and on the first of every month thereafter until your final report is completed.</p> <p>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. [For cases closing at Wing/Installation, Center, NAF, MAJCOM, FOA, or DRU level, you may replace "Secretary of The Air Force, Office of The Inspector General (SAF/IG) approval" with " Wing/Installation, Center, NAF, MAJCOM, FOA, or DRU Office of the Inspector General approval."]</p> <p style="text-align: right;">Signature Block Appointing Authority</p> <p>Attachments:</p> <ol style="list-style-type: none"> 1. Directive to IO (specifically stating and framing the allegations): the scope of the matter to be investigated and the allegations that are relevant to the case. 2. Complaint

2.28. Requirement for Progress Reports. Progress Reports (PRs) to the Appointing Authority or IG and to higher-level IGs are required for all cases when they are not finalized by the suspense date. First PR is due on or before the suspense date and on the first of every month thereafter until the investigation is completed. Higher-level IGs may request additional PRs as necessary. Complete PRs by using the

format in Figure 2.2 or the form prescribed in the *ACTS Software Program Manual*. Refer to paragraph 3.20.2 for PR requirements for reprisal cases.

★**Figure 2.2. Sample Progress Report.**

<p>MEMORANDUM FOR [applicable Appointing Authority or higher-level IG office]</p> <p>FROM: [applicable office]</p> <p>SUBJECT: Progress Report - [Type of Case (<i>Defense Hotline FWA, Air Force FWA, Personal Complaint - IG/Congressional/White House/High Level, DoD 1034 Reprisal, Violation of DoD Directive 6490.1 and so forth</i>)]</p> <ol style="list-style-type: none"> 1. Complainant's or Subject's name and ACTS Number: 2. Grade/rank and full name of official conducting the investigation: 3. Organization, duty position and contact telephone number (<i>provide commercial and DSN numbers</i>): 4. Date complaint initially received by IG: 5. Date IO appointed: 6. Status of Investigation: <ol style="list-style-type: none"> a. Summary of Investigation to date: (<i>brief summary of interviews, document reviews, and any pertinent information obtained by the examination</i>): b. Status of case: (i.e. under investigation, in legal review, etc.) <ul style="list-style-type: none"> Reason for delay in completing case: (<i>Be specific</i>) Final action(s) to be completed: Expected completion date (ECD) of case to Higher-level IG: (<i>ECD is date the case will arrive at next level</i>) 7. Grade/rank, Name and Duty telephone number of IG point of contact (POC): <p style="text-align: center;">SIGNATURE BLOCK</p> <p style="text-align: center;">This is a privileged 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.</p> <p style="text-align: center;">FOR OFFICIAL USE ONLY</p>

(FOR OFFICIAL USE ONLY WHEN FORM IS COMPLETED)

2.29. Requirement for Interim Responses (IR). Interim responses to complainants are required 45 days after **receipt** of complaint (unless investigation has been completed), and every 60 days thereafter until final response is provided. IRs should update the complainant on the status, not the substance, of the investigation. Refer to paragraph 3.20.3 for IR requirements for reprisal cases.

Section 2E -- Step 4: Preparing for the Investigation

2.30. Key Terms. This section uses the following key term: *Investigation Plan*. Refer to Attachment 1 for the definition of this key term.

2.31. Requirements for Investigation Preparation.

2.31.1. IGs will train IOs before they begin an investigation by using this instruction and the SAF/IG *IO Guide*. In addition, the IG should meet with the IO to discuss the requirements of the investigation and any questions they may have.

2.31.2. IOs must meet with their legal advisor before initiating the investigation. The legal advisor will assist in training the IO and framing the allegations.

2.31.3. IOs must review the allegations and supporting documentation while preparing to conduct an investigation. All appropriate regulations/directives should be identified and reviewed at this time.

2.31.4. Based on the review of the allegations, supporting documentation and applicable directives, the IO should prepare an Investigation Plan which will be approved by the IG. This plan will assist the IO in completing PRs and in keeping track of the dates he/she completes their planned actions. IOs should regularly review the plan and the progress of their investigation with their IG.

Investigation Phase

Section 2F -- Step 5: Investigating a Complaint

2.32. Policy on Investigating Complaints.

2.32.1. All IG investigations are conducted IAW Chapter 2 of this instruction and other applicable laws and regulations concerning the specific allegations.

2.32.2. IG investigations are administrative in nature – they are **fact finding** rather than judicial proceedings. Although they may assess a subject's personal responsibility with respect to an alleged wrongdoing, IG investigations 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*. This is the yardstick the IO will use throughout the investigation to determine how much evidence is enough to support or refute the allegations in the case.

2.33. Key Terms. This section uses the following key terms: *Evidence, Interrogatories, Statement, Subject, Summarized Testimony, Suspect, Testimony, and Witness*. Refer to Attachment 1 for the definition of these key terms.

2.34. Responsibilities of IOs. The IO must:

2.34.1. Advise the Appointing Authority immediately of any personal relationships or other factors that may affect his/her impartiality.

2.34.2. Advise the Appointing Authority if he/she is retiring, separating, or expects reassignment within 180 days.

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

2.34.4. Consult with the Appointing Authority, supporting IG and SJA and read this instruction and all applicable instructions and directives before beginning an investigation.

2.34.5. Use the SAF/IG *Investigating Officer Guide* (IO Guide) for proper guidance on how to conduct an investigation.

2.34.6. Consult in advance with the SJA about the need for and substance of Article 31 rights advisement.

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

2.34.8. Begin the investigation without any preconceived notions. Never take sides with any party – be impartial, objective, and unbiased.

2.34.9. Investigate the complaint, **not** the complainant. Keep the investigation focused on the allegations in the complaint and not the person making them (see paragraph 2.43 of this instruction).

★2.34.10. Not promise confidentiality without the written permission of the IG.

2.34.11. Maintain confidentiality by:

★ 2.34.11.1. Not releasing the complaint document or revealing the complainants', witnesses', or subjects' identity to anyone except IG or JA officials, or IG-appointed technical advisors.

2.34.11.2. Obtaining the IG's written permission if they believe they must release the complainant's name to gain evidence or testimony.

2.34.11.3. Reporting the results of the case only to the Appointing Authority.

2.34.11.4. **NOT** commenting to any complainant, subject, or other witness regarding their opinions, findings, conclusions, or recommendations during or after completion of the investigation.

2.34.11.5. Not providing copies of testimony to complainants, subjects, or witnesses.

2.35. 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 verbal, direct or circumstantial, relevant or irrelevant, first-person, or hearsay.

2.35.1. Documentary Evidence. The best form of evidence is written documentation. 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.

2.35.1.1. Documentary evidence does not forget and will not change its mind. However, remember all documents are prepared by human beings and are, therefore, subject to error. There is a presumption, however, that the more official the document, the less likely it will be to contain error.

2.35.1.2. One way to further enhance the credibility 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 should be mentioned in the final report if the document has been so verified.

2.35.2. 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 problems. Obtaining access to this information can be difficult, and the local SJA should always be consulted.

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

2.35.4. Hearsay. Hearsay is a *statement* heard and repeated by a third party as the truth. In other words, the third party is telling the IO that the content of the statement is true. 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.

2.36. 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 interrogatories. Effective questioning can only be accomplished through thorough preparation.

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

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

2.36.1.2. The *subject* is equally important since he/she is the one against whom the allegations have been made. This person is normally interviewed **last** and given an opportunity to respond to the specific allegations against him/her. They are often the only witnesses who can supply critical information such as motive or intent.

2.36.1.3. An *expert witness* is someone with special knowledge about a particular topic. They may be used as consultants for background information only or as a regular witness during the investigation.

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

2.36.1.3.2. 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.

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

2.36.2. Regardless of their status, all witnesses in Category II 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**:

2.36.2.1. Use the formal "read-in" as outlined in the "Interview Formats" found in the SAF/IG *IO Guide*.

2.36.2.2. Tape-record all witness testimony to accurately capture what was said during the interview. Do not allow witnesses to tape-record the interview. All tapes must be turned in to the IG together with the completed ROI.

2.36.2.3. Transcribe verbatim (word-by-word) the complainant's and subject's testimony. At the discretion of the Appointing Authority, all other testimony can be summarized.

2.36.2.4. Sign all summarized testimony to certify its validity. Add the following statement to the end of the transcribed testimony: "I certify the above to be a true summary of sworn (or affirmed) testimony given to me on (date) at (place)".

2.36.3. For witnesses outside the local area, an IO can either travel to meet and interview the witness, or interview the witness telephonically. In this case, the IO may ask the local IG to read-in or swear-in the witness and verify his/her identity.

2.36.4. If a witness' status changes during the course of an investigation to that of a subject or suspect, the witness must be interviewed or reinterviewed and given an opportunity to respond to the suspected misconduct or allegations in light of their new status.

★ 2.36.4.1. Conduct the proper read-in/rights advisement for a subject/suspect prior to the interview/reinterview. Refer to paragraph 2.39 for further rules regarding rights advisement.

★ 2.36.4.2. The Appointing Authority will determine whether any additional alleged misconduct will be investigated separately, or there is a need to expand the IO's charter. The IO will take no further action until consulting with the Appointing Authority and SJA.

★ 2.36.5. Witnesses who are military members or federal civilian employees may refuse to testify only if they believe they might incriminate themselves (refer to paragraph 2.39 of this instruction). If self-incrimination is not a concern, witnesses may be ordered to testify. Further refusal may be the basis for disciplinary action.

2.37. Persons Present During an Interview. A typical interview will involve the IO, any technical advisor (if necessary), and the witness. The introduction of any “third party” into the process is a technical breach of IG confidentiality.

2.37.1. 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.

2.37.2. When witnesses are considered *subjects*, they may consult with an attorney before answering questions but may not have an attorney present during the interview.

2.37.3. Union officials may have the right to be present during interviews per the provisions in paragraph 2.38 of this instruction.

2.38. Civilian Employees Represented by Unions. Civilian employees (including nonappropriated fund employees) who are members of a collective bargaining unit, i.e., a union, may have a right to union representation when interviewed as a suspect, subject, or witness. This right applies if the *employees position* meets the local definition for inclusion in the bargaining unit. The employee's individual status as a union member has no bearing on the right to representation.

2.38.1. The Civil Service Reform Act of 1978 created a right to union representation for federal civilian employees whose term of employment is governed by a union contract. This right arises during interviews with a federal employee in connection with investigations if: (a) the employee **reasonably believes** that disciplinary action will 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.

2.38.2. **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. This is frequently done in an installation's daily bulletin. However, some local union contracts have been negotiated wherein the management of an installation has agreed to provide notice before each interview. Therefore, IOs must exercise caution when interviewing federal employees to ensure they are not violating the terms of a local contract. **IOs should contact the Civilian Personnel Flight Labor Relations Specialist to clarify the specifications of the local bargaining agreement.**

★ 2.38.3. 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 local SJA 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 Investigating Officer has authority to terminate the interview if he or she determines the union representative is impeding or attempting to impede the investigation.

★ **2.39. Policy Regarding Rights Advisements.** If during the course of an investigation, the IO discovers information leading them to believe matters of a criminal nature have occurred and a witness or subject becomes a suspect, the IO must stop the interview, immediately consult with the Appointing Authority and the legal advisor, and (if allowed to proceed) advise the suspects of their rights. If after rights advisement, the witness refuses to testify based upon their right against self-incrimination or if they express a desire to speak to an attorney, then the interview **must stop**.

2.39.1. For **active duty military suspects**, advise them of their rights as specified under Article 31, UCMJ.

- ★ 2.39.2. In regards to Reserve and Air National Guard personnel, IOs need to determine the status of the suspect at the time of the occurrence and at the time of the scheduled interview. Consult with the SJA to determine what, if any, rights advisement is required.
- ★ 2.39.3. **Civilian witnesses, even if suspected of an 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 interviewee is not free to leave at will). Interviews by an IG investigating officer under authority of this instruction do not meet that threshold requirement. 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.**

2.40. Investigative Techniques. This section describes proven techniques for IOs to follow.

2.40.1. Look for the Best Evidence. An IO should always strive to obtain testimony from witnesses with direct knowledge of the issue being investigated and original documents.

2.40.2. Assess Credibility/Motivation/Bias/Interest. IOs should be able to weigh the reliability of the information received. During an interview, the IO is in the best position to assess body language, voice inflection, and a host of interpersonal signals that a reviewer won't see. **However**, IOs should never "investigate" their witnesses (see paragraph 2.43 of this instruction). IOs should focus on the facts of their testimony and their relationships with the subject or complainant.

2.40.3. Corroborate as Much as Possible. Some witnesses' memories may be inaccurate or their testimony may be in conflict with statements of other parties in the case. Therefore, an IO should always look for more information to support witness testimony and evaluate its truthfulness. This can be done through the testimony of other witnesses, documentary evidence, and the natural inferences to be drawn therefrom. If testimony is corroborated, then the witness' credibility will be enhanced. If contradictions arise, then the IO will have an opportunity to clarify them before finalizing the investigation.

2.40.4. Create a Chronology. A complaint chronology is required for reprisal investigations but is highly recommended for all investigations. A chronology is one of the most useful documents an IO can create to assist him/her and those reviewing your report. This single document can provide an instant overview of the sequence of events, allowing the reader to evaluate the recollection of witnesses and put their testimony in context.

2.40.5. Watch for Additional Allegations. During the conduct of any investigation, additional information might come to the attention of the IO that could indicate potential areas for review. The IO must immediately consult with the Appointing Authority to see if the scope of the investigation should be expanded.

2.40.5.1. If the issue is closely related to the investigation, the Appointing Authority may ask the IO to consider it as part of the ongoing investigation.

2.40.5.2. If the issue is not closely related to the ongoing investigation, the Appointing Authority may initiate a separate investigation or have the IO mention the issue as an observation in the final report.

2.40.5.3. IOs should always avoid becoming sidetracked by collateral issues, and must remain responsive to the focus of the investigation.

2.41. Policy Regarding Subject/Witness "Hand-offs". The following outlines Air Force policy regarding investigative interviews. Air Force experience discloses that **subjects** of an investigation might be at a greater risk of committing suicide.

2.41.1. The safety and well being of Air Force personnel is of utmost importance. A primary concern is that being a **subject** of an investigation may cause severe stress and turmoil to an individual's life. This 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.

2.41.2. Following initial interviews with Air Force personnel who are the subject of an investigation, IOs must refer such individuals to their first sergeant, commander, or supervisor.

2.41.2.1. **These referrals require a person-to-person contact between the IO and the subject's first sergeant, commander, or supervisor, and must be documented within the ROI. The referral should also be noted at the end of the testimony (verbatim or summarized).**

2.41.2.2. If the individual 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 first sergeant, commander, supervisor, or their designee, who will help ensure the individual receives the necessary support to safely handle his or her personal crisis (referred to as "handing-off").

2.41.3. When providing the above notification or personal "hand-off", the IO should indicate that the individual is the subject 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.*).

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

2.41.3.2. 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 individuals whose emotional state demands immediate attention simply to obtain IG coordination.

★ 2.41.4. When subjects or witnesses invoke their Article 31 rights during an interview, the commander, 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.

2.41.5. If a member informs investigators that they have already obtained an attorney, it is advisable to also notify the attorney. When the IO has no legal authority to detain individuals (*i.e.*, civilian witnesses), a reasonable effort must be made to "hand-off" the individual directly to their squadron representative. When a direct hand-off is not possible, a referral as specified above must be made as soon as possible.

2.41.6. "Hand-Off" of Witnesses. 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. In cases where the IO determines unit notification is warranted, the IO will also determine whether the individual will be allowed to depart the area alone or released directly to the commander, first sergeant, supervisor, or designee.

Section 2G -- Step 6: Writing the Report

2.42. Standard of Evidence.

2.42.1. Standard of Proof for IG Investigations. The standard of proof applicable to IG investigations is proof by a **Preponderance of the Evidence**. The preponderance standard means:

2.42.1.1. The IO is satisfied that the *greater weight of the credible evidence* supports the findings and conclusions.

2.42.1.2. The IO has determined that the evidence supporting one side in the case is more convincing than that supporting the other.

2.42.1.3. The weight of the evidence supporting a conclusion is not to be determined by the sheer number of witnesses or the volume of evidentiary matter presented, but rather by the evidence which best accords with reason and probability.

2.42.1.4. The IO determines that it is *more likely than not* that the events have occurred.

2.42.2. 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 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 applying the rules concerning credibility discussed earlier in this chapter.

2.43. Analyzing the Evidence. Keeping in mind the standard being sought (preponderance of the evidence) IOs should follow a simple 5-step process when analyzing the evidence they collected.

2.43.1. What are the allegations (complaint)? Review the allegations framed prior to starting the investigation. Do they still make sense? Framed allegations must be addressed in the report.

2.43.2. 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 must analyze the evidence and use the preponderance of the evidence standard to make the tough call and arrive at logical/concrete decisions.

2.43.3. What standards apply (what are the rules)? Applicable standards should have been identified at the beginning when properly framing the allegations.

2.43.4. Were the standards violated (was a rule, regulation, policy, or law broken)? Once the standards have been identified, the IO must then decide whether the facts, taken as a whole, would lead a reasonable person to conclude the standards were violated. IOs should consult their legal advisors 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.

2.43.5. Who violated the standards and do any mitigating factors exist? When assessing whether a certain individual violated particular standards, IOs should keep in mind the standard of proof by a preponderance of the evidence. The preponderance standard applies to factual determinations, determinations of intent, and ultimately to the IOs conclusion about whether the subject violated the standard alleged by the complainant and whether the violation constitutes wrongdoing.

2.44. Category of Findings. There are two possible categories of findings for an IG investigation:

2.44.1. **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 standards. The facts (from documentation and testimony) indicate the complainant was wronged or a violation occurred.

2.44.2. **Not Substantiated:** A *not substantiated* finding results when a preponderance of the evidence supports the conclusion that the alleged wrongdoing **did not** occur. The facts (from documentation and testimony) indicate the complainant was not wronged or no violation occurred.

2.44.3. When there is not enough evidence to support a finding of "Substantiated," then the finding must be "Not Substantiated" with an explanation as to why the evidence was not available.

2.45. Policy Regarding Report Writing.

★ 2.45.1. All IG investigations (and their findings) must be documented in an accurate and impartial manner. 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 that a reviewer can arrive at a determination without reference to information outside the report.

- ★ 2.45.1.1. The IO (the IG or IG investigative staff member for Category I investigations) must sign the last page of the ROI.
- ★ 2.45.1.2. For Category II investigations, the Appointing Authority approves and signs at Section II, Tab D.
 - 2.45.2. While writing the report, IOs must:
 - 2.45.2.1. Draft a report, then read it and ask themselves if they are forgetting something, then stop and collect missing data, if needed.
 - 2.45.2.2. Be thorough since those who read the report will generally be limited to the facts the IO has presented.
 - 2.45.2.3. Address each of the framed allegations in the report. If the IO determined an allegation should not be looked at in the investigation, they must include the Appointing Authority's acceptance/permission.
 - 2.45.2.4. Give the same effort to a report that exonerates an individual as one that substantiates allegations.
 - 2.45.3. Recommendations are optional at the discretion of the Appointing Authority. If an IO is tasked to make recommendations, the recommendations are not binding.
 - 2.45.3.1. If requested, recommendations will be provided **under separate cover** and not as part of the ROI. File them at Section I, Tab D of the case file (refer to Figure 2.3).
 - 2.45.3.2. 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 punishments or administrative actions.
- ★ 2.45.4. For Category II investigations, Appointing Authorities should refer IOs to the SAF/IG *IO Guide* for more specifics on how to write the report.
- ★ 2.45.5. All IG case files must comply with the standardized IG case file format described in paragraphs 2.47 and 2.48, and Figures 2.3, 2.4, 2.5, and 2.7, as applicable.

2.46. Rules for a Good Report. For an IO to complete a good report, they must follow these rules:

- 2.46.1. All statements and references in the report must be accurate.
- 2.46.2. Subject matter must be systematically arranged and the report must be logically written.
- 2.46.3. A good report is written as if the reader had no prior knowledge of the case.
- 2.46.5. Conclusions to **each** allegation must be factual, short, and clearly stated. Generalities and gratuitous information must be avoided – the IO must stay with the facts.

★ **2.47. Case File Format.** A *case file* is a compilation of documents relevant to an IG investigation. All IG investigative case files must be standardized.

- ★ 2.47.1. Figure 2.3 shows the standard IG case file format for Category II investigations.
- ★ 2.47.2. Case files for Category I investigations should be organized according to Figure 2.3, 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.**
- ★ 2.47.3. As a minimum, Category I case files should 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); SROI (if accomplished); the testimony (transcribed or summarized, if taken); copy of response to complainant; copy of notification to the subject's commander; copy of command's

action (if applicable); and administrative documents including memos, progress reports, complaint acknowledgment or interim memos to the complainant.

★**Figure 2.3. Case File Format (Table of Contents) for Non-Senior Official Investigations. (Notes 7 and 8)**

Section I. Administrative File	
Tab A	SROI and/or HCR (NOTE 1)
Tab B	Legal Reviews
Tab C	Technical Reviews (if applicable)
Tab D	Recommendations (if requested by Appointing Authority) (NOTE 2)
Tab E	Command Actions (if applicable)
Tab F	Letter of Notification to Subject's Commander
Tab G	Complainant Notification Letter
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 DoD 1034 Cases
Tab K	Administrative Documents: Memos, Progress Reports, Acknowledgment and Interim Letters (not forwarded to higher headquarters for review)
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 and Command Position
Section III. Support Documentation	
Tab A	Appointment and Tasking Letters (NOTE 3)
Tab B	Complaint with Attachments (May be an AF Form 102) (NOTE 4)
Tab C	Chronology of Events
Tab D	Index of Witnesses (NOTE 5)
	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 6)

NOTES

★1. An SROI is a stand-alone document used for reply to the complainant. An SROI is not required for IG, DoD 1034 cases, Defense Hotlines or Air Force Fraud, Waste, and Abuse (FWA) cases, and anonymous personal complaint cases. **However**, SROIs are required when the complainant is anonymous and the subject is a colonel (or equivalent) or when responding to a congressional or White House tasking. Defense Hotline and Air Force FWA cases require HCRs unless otherwise tasked.

2. Recommendations are optional and at the discretion of the Appointing Authority (Cat II). Refer to paragraph 2.45.3.

3. Include all tasking letters -- from the level initiated to the Investigating Officer's appointment letter.

4. Attach the complaint and any documentation provided by the complainant. Stamp or mark "Complainant Provided" in the lower right hand corner of each page.

★5. Type an index of all the witness statements (complainant, subject(s), and witness(es) and an index of all exhibits.

6. For investigations into violations of DoDD 7050.6 and/or violations of DoDD 6490.1 include the appropriate checklist/form (reprisal or MHE) shown in Attachments 2 and 3 of this instruction.

★7. **For Category II Investigations:** When the IO doesn't use a specific "Tab" or "Section," the IO should annotate this on the tab or table of contents. Do not delete the tab, place a single sheet of paper with the words: "THIS SECTION (OR TAB) NOT USED" in the center of the page.

★8. **For Category I Investigations:** Organize and tab Category I case files using the tabs applicable in each situation. As a minimum, Category I case files should 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); SROI (if accomplished); the testimony (transcribed or summarized, if taken); copy of response to complainant; copy of notification to the subject's commander; copy of command's action (if applicable); and administrative documents including memos, progress reports, complaint acknowledgment or interim memos to the complainant.

★2.48. Report of Investigation (ROI) Format.

★ 2.48.1. Category II Investigations.

★2.48.1.1. Category II Investigations require formal collection of evidence, taking sworn testimony from complainant, witnesses and subjects, and documentation of the findings in an ROI.

★2.48.1.2. For specific guidance on how to write an ROI, Appointing Authorities must refer IOs to this instruction and the SAF/IG IO Guide.

★2.48.1.3. The complete report is Sections II (ROI) and III of the finalized IG case file. Figures 2.4 and 2.5 show the proper ROI format.

★ 2.48.2. Category I Investigations.

★ 2.48.2.1. Category I investigations are normally used to address complaints that can be quickly resolved through normal staff functions. Category I investigations can only be conducted by an IG or IG office investigative staff member. Refer to Attachment 1 for a detailed definition.

★ 2.48.2.2. Document all Category I investigations in a formal report titled *Report of Investigation: Category I* regardless of the findings on the investigation. Figures 2.4 and 2.7 show the proper ROI format for Category I investigations.

★ 2.48.3. DELETED

★ 2.48.4. DELETED

★ 2.48.5. DELETED

★Figure 2.4. ROI Title Page for Non-Senior Official Investigations.

<p>FOR OFFICIAL USE ONLY</p> <p>REPORT OF INVESTIGATION</p> <p><i>(NOTE)</i></p> <p>PREPARED BY</p> <p>COLONEL IMA I. OFFICER</p> <p>AIR COMBAT COMMAND</p> <p>CONCERNING ALLEGATIONS OF REPRISAL</p> <p>WITHIN THE 3005TH COMMUNICATION SQUADRON</p> <p>JANUARY 1, 1998</p> <p>This is a privileged 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.</p> <p>FOR OFFICIAL USE ONLY</p>

(FOR OFFICIAL USE ONLY WHEN COVERING A COMPLETED REPORT)

★ **NOTE:** Add the words "CATEGORY I" when applicable.

★**Figure 2.5. ROI Format for Non-Senior Official Category II Investigations.**

[Section II is divided into four tabs (Tab A – Tab D)]

Section II, Tab A -- Authority and Scope. Include the following 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, 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*, 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 rank, name, and duty title) appointed (Investigating Officer's rank and name) on (date of the appointment letter) to conduct the Investigation into (complainant's rank and name)'s allegations. (Complainant's rank 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, their analysis, and conclusions in the same order as the allegations in "Section I, 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 evidence is in conflict and cannot be reconciled, that means that the facts did not satisfy the proof by a preponderance of the evidence standard and that, therefore, the allegations could not be 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.

Section II, Tab D -- Appointing Authority Approval and Command Position. 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).

2.49. Summary Report of Investigation (SROI) Format.

2.49.1. The main purpose of the SROI is to summarize the ROI to be used as a response to the complainant or any other party. The SROI is a sanitized, *publicly-releasable*, version of the basic ROI, omitting *names and personal and private* identifying information pertaining to individuals. Therefore, the SROI must be written with FOIA in mind.

2.49.2. An SROI is required for every non-Senior Official IG Category II investigation. However, an SROI is not required for 1034 reprisal cases, Defense Hotlines or Air Force Fraud, Waste, and Abuse (FWA) cases, and anonymous personal complaint cases. **EXCEPTION:** SROIs are required for anonymous complaints **if** the subject is a colonel (or equivalent) or when responding to a congressional or White House tasking.

2.49.3. The SROI is organized into sections titled Background and Allegations, Findings and Analysis, and Conclusion. The SROI **will not** be signed.

2.49.4. SROIs may not include:

2.49.4.1. Classified material.

2.49.4.2. Information received from agencies outside the Air Force.

2.49.4.3. Testimony or statements obtained under an express promise of confidentiality; information revealing investigative techniques; identity of sources of information; the name of the IO; recommendations; or other information that, if disclosed, would compromise complainant or witness confidentiality or result in harassment or unwarranted invasion of privacy. Included in this category could be testimony of a witness derogatory to his or her superior.

2.49.4.4. Any attachments. The SROI is a **stand-alone** document.

2.49.4.5. Third party personal information protected by the Privacy Act of 1974 or under the Freedom of Information Act.

Figure 2.6. SROI Format.

<p>SUMMARY REPORT OF INVESTIGATION PREPARED BY SECRETARY OF THE AIR FORCE OFFICE OF THE INSPECTOR GENERAL INQUIRIES DIRECTORATE CONCERNING SUBJECT'S DUTY TITLE OR TOPIC OF COMPLAINT (SEE NOTE 2) DATE</p>
<p>BACKGROUND and ALLEGATIONS:</p>
<p>FINDINGS and ANALYSIS</p>
<p>CONCLUSIONS:</p>
<p>Note 1: Do not use names in the SROI. Use duty titles (567th Transportation Squadron First Sergeant (567 TRANS/CCF) or terms such as complainant, supervisor, husband, son, etc.</p>
<p>Note 2: Use the subject's duty title or topic of complaint (i.e., Sexual Harassment in the 567th Transportation Squadron, Norton Air Force Base, California)</p>

★ **Figure 2.7. ROI Format for Category I Investigations.**

REPORT OF INVESTIGATION (ROI): CATEGORY I [Dates of Investigation]	
<p>1. IG Investigator . <i>(Enter the IG's grade, full name, and duty title.) Remember that only IGs or IG office investigative staff can conduct Category I investigations.</i></p>	
<p>2. Grade and Name of Complainant (and ACTS number). <i>(Self-explanatory)</i></p>	
<p>3. Authority and Scope of Investigation. <i>(Add the following statement)</i></p> <p>"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, 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, <i>Inspector General Complaints</i>, authority to investigate IG complaints within the Air Force flows from SAF/IG to IG offices at all organizational levels."</p> <p>(In a second consecutive paragraph describe the scope of the investigation, using a statement similar to the following:)</p> <p>"The objective of this investigation was to determine the facts and circumstances bearing on a complaint submitted by SSgt John Doe alleging three different EES violations on the part of his supervisor, MSgt Jane Doe, XX MSS, Craig AFB AL."</p>	
<p>4. Chronology of Events. <i>(A chronology of events is essential to a thorough, in-depth ROI. The chronology should include the complete chain of events pertaining to the various allegations contained in the complaint Events not pertinent to the allegations need not be included.)</i></p>	
<p>5. Allegations and Findings. <i>(List each allegation and its finding)</i></p> <p>a. Allegation. <i>(State the first allegation contained in the complaint.)</i></p> <p>b. Finding, Analysis, and Conclusion. <i>(State whether the allegation was substantiated or not based on the evidence. Do not use "substantiated" when wrongdoing is not present. State how the facts were determined [such as witness testimony or documentary evidence, etc.]. Explain the rationale for the conclusion. Comment on any corrective actions already taken. Give the current status of the complainant and describe any options or alternatives management has given or those still available to the complainant).</i></p>	
<p>6. Recommendations. <i>(Include your recommendations, if deemed necessary. Provide for short-term and long-term fixes. Do not recommend specific disciplinary actions for individuals.)</i></p>	
<p>SIGNATURE</p>	
<p><i>(Stamp or mark the bottom of each page of the report as follows:)</i></p> <p>This is a privileged 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.</p>	

★ **2.50. Hotline Completion Report (HCR).** Complaints filed with IG, DOD through the Defense Hotline are answered by completing a Hotline Completion Report (HCR). An HCR is supposed to be a stand-alone document and provide all necessary background information. For instructions on how to complete an HCR, refer to Figure 3.5.

★2.50.1. DELETED

★2.50.2. DELETED

2.51. Other Required Forms/Checklists.

2.51.1. Reprisal Evaluation Form. All reprisal cases must have a Reprisal Evaluation Form completed when case is finalized. For specific guidance on how to complete this form see Attachment 2.

★ 2.51.2. Mental Health Referral Evaluation Form. For cases involving improper referral of military members for a Mental Health Evaluation (MHE), the IO must complete an MHE Referral Evaluation Form when case is finalized. For specific guidance on how to complete this form, see Attachment 3.

Post Investigation Phase***Section 2H -- Step 7: IG Quality Review***

2.52. Requirement for IG Quality Reviews. All Category II IG investigations will receive a Quality Review (QR) by the local IG staff to ensure completeness, compliance with this instruction and other appropriate directives, objectivity, and legal sufficiency before forwarding to the Appointing Authority for approval, or to a higher IG level for review.

2.53. Disagreement Between IO and IG. If the IG disagrees with the findings and conclusions of the IO or determines the investigation is administratively or investigatively deficient, the IG should return the case to the IO to be reworked, if necessary.

2.53.1. If a case needs to be returned to the IO to be reworked due to deficiencies, the letter must explain the specific problem and the rationale for it, and the minimum requirements for sufficiency.

2.53.2. When an IG disagrees with the IO's findings and conclusions, but the case is determined to be administratively and investigatively sufficient, then the IG may decide not to return the case to the IO, and proceed with the next step in the 14-Step Complaints Process. The Appointing Authority has the final authority to approve or change the final findings and conclusions on an IG investigation.

Section 2I -- Step 8: Technical Review**2.54. When is a Technical Review Necessary?**

2.54.1. Sometimes, an IO will be asked to evaluate information or interpret guidance in a technical field that is 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.

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

2.54.1.2. Complainant confidentiality should always be maintained. The Technical Advisor should only review the portion of the complaint required to provide the technical assistance and should be advised of the need to maintain confidentiality.

2.54.2. 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 2J -- Step 9: Legal Review**2.55. Requirement for Legal Reviews.**

2.55.1. At a minimum SJAs will review IG reports for *legal sufficiency* before the Appointing Authority approves the report and its findings. Table 2.13 shows when legal reviews are required.

★ 2.55.1.1. Legal sufficiency is a review of the ROI (and supporting documentation) to determine whether:

2.55.1.1.1. The investigation complies with all applicable legal and administrative requirements.

2.55.1.1.2. The investigation adequately addresses the matters under investigation.

2.55.1.1.3. The IO reasonably applied the preponderance of evidence standard in arriving at findings and conclusions.

2.55.1.1.4. The conclusions are consistent with the findings.

2.55.1.1.5. Any errors or irregularities exist, and if so, their legal effects, if any.

2.55.2. The attorney performing this legal review must be someone other than the person assigned to advise the IO.

2.55.3. If the legal review states the case is not legally sufficient, it must include a detailed explanation of the reasons and detail the minimum requirements for sufficiency. The IG will return the case to the IO to be reworked IAW with Section 2K of this instruction.

2.55.3.1. In cases in which the SJA 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 SJA opinion, the IO will not be directed to change the disputed findings or conclusions. Instead, the case (and the legal review) will be provided to the Appointing Authority for a final determination.

2.55.3.2. If the Appointing Authority finds the IO's findings and conclusions to be incorrect, the Appointing Authority should issue alternative findings and conclusions. 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 factual basis for the determination.

★ 2.55.4. If MAJCOMs, FOAs, DRUs want to adopt a lower level legal review, they may do so. **EXCEPTION:** Reprisal cases and investigations containing allegations against colonels (or equivalent) require a MAJCOM, FOA, DRU legal review.

2.55.5. Table 2.14 shows what to do after the legal review is completed.

Table 2.13. When are Legal Reviews Required?

R U L E	A	B	C
	If a ... Investigation	and finding is ...	then legal review is ...
1	Category I	Substantiated	mandatory due to the potential for corrective or command action.
2		Not Substantiated	optional, but highly recommended (Note 1).
3	Category II	Substantiated	mandatory (Note 2).
4		Not Substantiated	

NOTES:

(1) **EXCEPTION:** Legal reviews are mandatory for all investigations against colonels (or equivalent) regardless of the finding or type of investigation.

(2) Reprisal cases require a minimum of two legal reviews – one must be done at MAJCOM level.

Table 2.14. Actions to Take Based on Legal Sufficiency Review.

R U L E	A	B	C
	If the investigation is a...	and found to be...	then ...
1	Category I	Legally sufficient	IG approves and sends final response to complainant, unless higher-level QR and approval is required.
2		Not legally sufficient	Report is returned to IG staff member to be reworked.
3	Category II	Legally sufficient	IO sends ROI to Appointing Authority for approval (See Section 2L).
4		Not legally sufficient	IO considers JA review, changes findings (if appropriate) and forwards to Appointing Authority for final approval/decision. (See Section 2L).

Section 2K -- Step 10: Re-Working the Report

2.56. When Are Reports Returned for Re-Working? If a report is found to be administratively, investigatively, technically, or legally insufficient, then the report will be returned to the IO or IG to be reworked.

2.56.1. The reason for the rework must be logged into ACTS.

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

Section 2L -- Step 11: Closing the Case

2.57. Key Terms. This section uses the following key term: *Closure*. Refer to Attachment 1 for the definition of this key term.

2.58. Appointing Authority Approval. Approval of a Category II IG investigation rests on the Appointing Authority.

★ 2.58.1. The Appointing Authority will sign and approve the report in writing, and the approval will be included in Section II, Tab D of the IG case file.

★ 2.58.2. In cases where the Appointing Authority disagrees with the IO's findings and conclusions, the Appointing Authority will non-concur with the report in writing in an Addendum to the ROI and a revised SROI. Merely deferring to or referencing the legal review (if applicable) is insufficient, rather, the Addendum must clearly explain the reasons for the disagreement and the rationale for the new finding. Both the IO's findings and the Appointing Authority's determination will be retained as part of the investigation case file.

2.59. 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 2.15 for investigations on Lt Cols (not colonel-selects) and below, Table 3.1 for Senior Officials, and Table 3.2 for colonels (or equivalent).

2.59.1. EXCEPTIONS:

2.59.1.1. For closure requirements on reprisal cases, refer to paragraph 3.23 of this instruction.

2.59.1.2. For additional closure requirements for Category II investigations conducted as a result of a congressional complaint, refer to paragraph 3.34 of this instruction.

2.59.1.3. For additional closure requirements for investigations conducted as a result of a Defense Hotline complaint, refer to paragraph 3.48.

2.59.2. IGs at every level are required to update all completed actions in the ACTS database (refer to *ACTS Software Program Manual*) and are required to maintain an office/case file until its final disposition date.

2.59.3. Cases pending command/corrective action will be closed and placed in "follow-up".

2.59.4. Investigations involving allegations of improper MHE referral, or allegations against a colonel (or equivalent), must be forwarded through MAJCOM, FOA, DRU IG to SAF/IGQ for QR.

2.60. Notification Requirements for Case Closures.

2.60.1. Table 2.15 describes the notification requirements upon closure of IG investigations when the subject is a Lt Col (not a colonel-select) or below. For notification requirements for investigations against Senior Officials and colonels (or equivalent), refer to Chapter 3 of this instruction.

★ 2.60.2. The Appointing Authority (the IG for Category I investigations) 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 or other subjects of the investigation. Refer to Figure 2.8 for a sample notification letter.

★ 2.60.3. The Appointing Authority (the IG for Category I investigations) may also provide the subject's commander a copy of the ROI (without attachments) when the allegations are substantiated, so that appropriate command action can be considered. Recipients must comply with paragraph 4.6 of this instruction.

★ **Figure 2.8. Sample Notification Memorandum to Subject's Commander.**

MEMORANDUM FOR 999 SWGp/CC

FROM: 999 BW/IG

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 rank, 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, paragraph 2.60.2, 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, add:** A copy of the Report of Investigation (without attachments) is provided for your review to determine appropriate command action. IG records are privileged documents. 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.

***APPOINTING AUTHORITY
SIGNATURE***

1st Ind, 999 SWGp/CC

MEMORANDUM FOR LT COL JANE BOSS

IAW AFI 90-301, 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

★Table 2.15. Notification Matrix for Closure of Investigation on Lt Cols (not colonel-selects) and Below.

R U L E	A	B	C
	If the investigation is a...	and the allegations are...	then ...
1	Category I	Substantiated	<ol style="list-style-type: none"> 1. IG notifies the subject's commander, in writing. 2. Commander notifies the subject, in writing. 3. Commander notifies the IG of command or corrective action. 4. IG provides final response to complainant.
		Not Substantiated	<ol style="list-style-type: none"> 1. IG notifies subject's commander, in writing. 2. Commander notifies subject, in writing. 3. IG provides final response to complainant.
3	Category II	Substantiated	<ol style="list-style-type: none"> 1. Appointing Authority notifies subject's commander, in writing. 2. Commander notifies subject, in writing. 3. Commander notifies Appointing Authority or IG of command or corrective action. 4. Appointing Authority or IG provides final response to complainant. (NOTE)
		Not Substantiated	<ol style="list-style-type: none"> 1. Appointing Authority notifies subject's commander, in writing. 2. Commander notifies subject, in writing. 3. Appointing Authority or IG provides final response to complainant. (NOTE)
4			

NOTE: See paragraph 3.24 for instructions on responding to complainants for reprisal investigations. See paragraph 3.34 for responses for congressional complaints.

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

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

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

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

2.61.3.1. For reprisal cases, SAF/IGQ will provide a copy of IG, DoD final approval of the investigation to the applicable MAJCOM, FOA, DRU. It is the responsibility of the MAJCOM, FOA, DRU to provide the final response to the complainant. Refer to Section 3C of this instruction.

2.61.3.2. MAJCOM, FOA, and DRU will provide final response to complainants for Category II investigations conducted as a result of congressional complaints.

2.61.4. Complainants will receive a final response, in writing, with the findings of the investigation and a copy of the SROI (if available).

2.61.4.1. Ensure the response and SROI are in a public-releasable format.

2.61.4.2. SROIs will not contain names or other information requiring Privacy Act protection. This includes names of parties other than the complainant (including family members) and information of a personal nature.

2.61.4.3. The SROI should not provide details of any disciplinary action taken as a result of the investigation.

2.61.5. Complainant response must inform the complainants that:

2.61.5.1. They may request the next higher level IG review the complaint if they are not satisfied with the original investigation and desire such a review.

2.61.5.2. 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 investigation was not valid or adequate.

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

2.61.5.4. 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.

2.61.6. Ensure responses to complainants as well as subjects (when required) are consistent with FOIA and PA release guidelines.

★ 2.61.7. Third-party complainants are not entitled to a response regarding alleged wrongs not directly affecting them. They are only entitled to that information which is publicly releasable under the FOIA/Privacy Act. For further information, refer to Section 4D.

Section 2M -- Step 12: Follow-Up

2.62. Placing Cases in Follow-up. A case will be placed in follow-up status when awaiting for results of corrective action, a determination of command/corrective action, or response to recommendations. IGs **should not** delay forwarding a case to a higher level for review because command/corrective action is pending. Instead, forward the case for review and follow-up with command/corrective action as soon as it is finalized.

Section 2N -- Step 13: Higher Headquarters (NAF/MAJCOM) Review

2.63. Requirement for Higher Headquarters Quality Review.

2.63.1. NAFs, MAJCOMs, FOAs, and DRUs will conduct oversight and QRs for investigations closed at their level or being forwarded to SAF/IGQ for QR, to ensure that:

2.63.1.1. All valid allegations were addressed.

2.63.1.2. The investigation was thorough, objective, and impartial.

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

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

2.63.1.5. Command action (when required) has been taken and documented.

2.63.2. When deficiencies are identified, reopen the case if necessary to correct any shortcomings. Whenever possible, have the original IO complete the additional work needed and revise the report with an appropriate addendum, update, or correction.

2.63.3. MAJCOM, FOA, DRUs will conduct a QR and request an additional legal review for **all** military reprisal investigations conducted by a lower-level IG office before forwarding them to SAF/IGQ.

2.63.4. MAJCOM, FOA, DRUs will conduct a QR and request an additional legal review for **all** IG investigations containing allegations against a colonel (or equivalent) conducted by a lower-level IG

office before forwarding them to SAF/IGQ. They may request legal reviews for any other cases as deemed necessary.

2.63.5. MAJCOM, FOA, and DRUs will conduct a QR and provide a final response to complainants for Category II investigations conducted as a result of congressional complaints, unless otherwise directed by higher-level IG.

2.63.6. MAJCOM, FOA, DRUs will provide feedback to lower level IGs upon completion of the QR. Refer to paragraph 2.64 if disagreeing with lower-level findings.

2.64. Disagreement with Findings. In cases where a higher headquarters QR presents disagreement with the findings, the Appointing Authority or IG review determinations or, legal reviews, the IG at that level will reach a determination on the issues in dispute 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.

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

★2.64.2. Document any discrepancies/new findings in writing with an Addendum to the ROI, fully explaining the rationale for the new findings, and addressing any disagreements between IOs, legal officials, commanders, or reviewers.

2.64.3. Provide a new response to complainant (SROI or letter) when the command position differs from previous conclusions or responses.

2.64.4. Notify lower level IG of the disagreement and change in findings and provide them a copy of the applicable Addendum.

Section 20 -- Step 14: SAF/IGQ Review

2.65. Requirement for SAF/IGQ Review.

2.65.1. SAF/IGQ will conduct a QR for all military reprisal cases and improper MHE cases before forwarding them to IG, DoD.

2.65.2. SAF/IGQ will conduct a QR for all investigations against colonels (or equivalent).

2.65.3. SAF/IGQ will conduct a QR on other cases (as required) when so specified in the SAF/IGQ tasking letter to MAJCOM, FOA, DRU, and State IGs.

2.65.4. SAF/IGQ will act as MAJCOM equivalent for ANG cases investigated at State level.

2.65.5. SAF/IGQ will:

2.65.5.1. Conduct a QR on investigations submitted for review to ensure completeness, impartiality, and adequacy of the report and propriety of command action (when required).

2.65.5.2. Conduct follow-up as required validating the adequacy of actions taken.

2.65.5.3. Notify MAJCOM, FOA, DRU, or State IGs of discrepancies or deficiencies noted in reports.

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

2.65.5.5. Examine cases for systemic problems or trends and notify SAF/IG. Notify commanders or appropriate agencies as needed to ensure resolution or future preventive action.

2.65.5.6. Inform MAJCOM, FOA, DRU IG upon completion of QR.

2.65.6. 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, IO's findings or conclusion, legal review, or lower level IG review, SAF/IGQ will:

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

★2.65.6.2. 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.

2.65.6.3. 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.

Chapter 3

SPECIAL COMPLAINTS

Section 3A--Senior Officials

3.1. Key Terms. This section uses the following key terms: *Senior Officer Unfavorable Information File (SOUIF)* and *Senior Official*. Refer to Attachment 1 for the definition of these key terms.

3.2. Policy on Investigations of Allegations Against Senior Officials.

3.2.1. SAF/IGS manages the Senior Official Complaints Program. Only SAF/IGS (unless otherwise specified by SAF/IG) will conduct IG investigations into allegations against Senior Officials.

3.2.1.1. Complaints alleging violations of Equal Opportunity and Treatment (EOT) policy by a Senior Official are handled by SAF/IGS.

3.2.1.2. SAF/IGS will comply with the policies and procedures outlined in this instruction, consistent with current management and personnel policies affecting Senior Officials.

★3.2.1.3. Civilian Personnel and EEO offices must provide SAF/IGS the same information provided to SAF/IGQ in paragraph 3.8.3 when they receive complaints containing allegations against Senior Officials.

3.2.2. Commanders and IG offices at **all levels**, including joint commands, will immediately notify SAF/IGS of any allegations or adverse information (of any kind) involving Senior Officials. Use the notification letter described in Figure 1.1.

3.2.2.1. IGs who receive allegations against an Air Force Senior Official may inform their commanders only about the general nature of the allegations and the identity of the subject of the allegations.

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

3.2.3. SAF/IGS must promptly notify SAF/IG when they become aware of allegations of misconduct or adverse information (of any kind) against Senior Officials.

3.2.4. SAF/IGS will conduct a complaint analysis on all complaints involving Air Force Senior Officials, to analyze the validity of the complaint and to recommend an investigative course of action to SAF/IG.

3.2.5. SAF/IGS will conduct complaint analysis for complaints containing allegations with multiple subjects that includes a Senior Official. IGS will make recommendations to SAF/IG on how best to proceed.

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

3.2.7. 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 3.1. The intent is to keep appropriate commanders, agencies, complainants and subjects informed through the process.

3.3. Notification Requirements. The Notification Matrix in Table 3.1 will be followed for cases involving Senior Officials.

Table 3.1. Senior Official Notification Matrix.

R U L E	A	B	C
	If ...	and ...	then ...
1	in Pre- Investigation Phase	complaint has arrived, but complaint analysis is not completed	<ol style="list-style-type: none"> 1. SAF/IGS notifies SAF/IG of allegations immediately 2. SAF/IGS notifies IG, DoD of allegations within 5 duty days 3. SAF/IGS notifies AFGOMO (if military subject) and AFSEMO (if civilian subject) immediately
		complaint analysis has been completed; SAF/IG determines an investigation is not warranted	<ol style="list-style-type: none"> 1. SAF/IGS notifies Complainant and closes case 2. SAF/IGS notifies AFGOMO and AFSEMO (if applicable) 3. SAF/IGS notifies IG, DoD and provides copy of complaint analysis for military reprisal cases
		complaint analysis has been completed; SAF/IG determines an investigation is warranted	<ol style="list-style-type: none"> 1. SAF/IG notifies SAF/OS, CSAF, AFGOMO or AFSEMO as applicable, and IG, DoD 2. SAF/IG notifies MAJCOM/CC (or equivalent, e.g. NGB) and NAF/CC (or equivalent, e.g. Adjutant General, State National Guard) where applicable 3. SAF/IG notifies Subject 4. SAF/IGS provides notification letters to the complainant and subject
4	in Investigation Phase	investigation is ongoing	SAF/IGS provides status report to Complainant and Subject throughout the course of the investigation
5	in Post- Investigation Phase	allegations were not substantiated	<ol style="list-style-type: none"> 1. SAF/IG notifies SAF/OS, CSAF, SAF/GC, AF/JA, AFGOMO or AFSEMO as applicable, and IG, DoD (and provides a copy of the investigation to IG, DoD) 2. SAF/IG notifies MAJCOM/CC (or equivalent) and NAF/CC (or equivalent) where applicable 3. SAF/IG notifies Subject 4. SAF/IGS notifies Complainant
6	in Post- Investigation Phase	allegations were substantiated	<ol style="list-style-type: none"> 1. SAF/IG notifies SAF/OS, CSAF, SAF/GC, AF/JA, AFGOMO or AFSEMO 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 equivalent) of results (for Commander's action) 4. Commander notifies the Subject 5. Commander notifies SAF/IG of action taken (through MAJCOM/CC) 6. SAF/IGS notifies complainant of investigation results after Commander's action (without any reference to what command action was taken)

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

- 3.4.1. Designate an IO to conduct the investigation.
- 3.4.2. Ensure all valid allegations are addressed and expeditiously investigated.
- 3.4.3. Provide progress reports to the IG, DoD as required.
- 3.4.4. Ensure the findings and conclusions are supported by a preponderance of the evidence.
- 3.4.5. Ensure HQ USAF/JAG reviews and comments on the final report.

3.5. Closing a Senior Official Investigation.

- 3.5.1. Notifications will be made as set forth in Table 3.1.
- 3.5.2. AF/CV (through SAF/IG) will forward a copy of substantiated reports to the MAJCOM/CC or equivalent (e.g. FOA, DRU and NGB commander) for review and consideration of possible disciplinary actions.
- 3.5.3. MAJCOM/CC or equivalent will forward disciplinary actions and any other actions taken related to the reports to SAF/IG to close the case files. SAF/IGS will ensure command action if taken has been documented in the case file.
- 3.5.4. SAF/IGS will provide IG, DoD a copy of final reports including testimony and attachments and include a statement of any disciplinary or administrative action taken against a Senior Official. SAF/IGS will provide the complete report within one week after its approval by SAF/IG.

3.6. SOUIFs on General Officers.

- 3.6.1. A SOUIF is a written summary of adverse information on a general officer prepared by SAF/IG from investigative and other files, or from disciplinary or administrative command actions.
 - 3.6.1.1. SOUIFs on general officers are based on adverse information dating back to the officer's last confirmation by the Senate.
 - 3.6.1.2. SOUIFs are used solely during the general officer promotion process.
- 3.6.2. SAF/IGS acts as central repository for all adverse information on Senior Officials, prepares SOUIF summaries for review by the SOUIF decision authority (SAF/GC), and is responsible for notifying affected officers as required in paragraphs 3.6.3.1 and 3.6.3.5, below.
- 3.6.3. The Air Force General Counsel (SAF/GC), acting for the SecAF, determines whether the SOUIF summary will be provided to a selection board.
 - 3.6.3.1. Officers will be given a copy of the adverse information summary being provided to the promotion board and will be afforded an opportunity to submit written comments on that information to SAF/GC IAW 10 U.S.C. 615 (a)(6)(a)(I) and (ii), and before SAF/GC makes a final determination.
 - 3.6.3.2. Proposed summaries and the officer's comments (if any) will be reviewed by SAF/IG, AF/JA, AF/DP, and SAF/GCM before being forwarded to SAF/GC for final decision
 - 3.6.3.3. If SAF/GC determines the summary will be provided to the board, the individual's comments will accompany the summary to the board.
 - 3.6.3.4. 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.
 - 3.6.3.5. The officer will be notified of SAF/GC's final decision to establish a SOUIF or not, and will be given a copy of what was provided to the promotion board.
- 3.6.4. A commander's decision to place or not place adverse 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.

Section 3B -- Colonels, Colonel-selects and GS-15s/GM-15s

3.7. Key Terms. This section uses the following key terms: *Administrative Actions*, *Adverse Information*, *Colonels (or equivalent)*, *Improper Conduct*, *Inappropriate Conduct*, and *Misconduct*. Refer to Attachment 1 for the definition of these key terms.

3.8. Policy on Investigating Allegations against Colonels (or equivalent).

3.8.1. IGs at all levels must **immediately** notify SAF/IGQ (through their MAJCOM, FOA, DRU) upon receiving or becoming aware of any *adverse information* (of any kind) or allegations against a colonel (or equivalent) which are not obviously *frivolous* and which, if true, would constitute *misconduct*, or *improper* or *inappropriate conduct* as defined in this instruction. Use the Notification Letter described in Figure 1.2 or the form prescribed in ACTS (*refer to ACTS Software Program Manual*).

★3.8.2. IGs at all levels must **promptly** conduct a complaint analysis when **allegations** are received against a colonel (or equivalent).

3.8.2.1. If after complaint analysis it is determined that an IG investigation is **not** warranted, the IG will promptly notify SAF/IGQ through their MAJCOM, FOA, DRU concerning the case resolution.

3.8.2.2. Complaints containing allegations against the Appointing Authority, their immediate staff, or IG staff members must be referred to the next higher-level IG for analysis.

★3.8.3. The following applies to Civilian Personnel, EEO, and MEO offices :

★3.8.3.1. Immediately notify SAF/IGQ when they receive a formal complaint containing allegations against colonels (or equivalent). Forward notifications to: SAF/IGQ, 1140 Air Force Pentagon, Washington DC, 20330-1140.

★3.8.3.2. Civilian Personnel and MEO offices must provide status reports to SAF/IGQ 90 days after receipt of allegations and on the first of every month thereafter until case is finalized. EEO offices must provide status reports every 90 days. For all cases, please follow the format prescribed in Figure 2.2 of this instruction. Forward status updates to the address provided above.

★3.8.3.3. Provide SAF/IGQ a copy of the closure documents as required by Table 1.1, rules 3 and 4 (regardless of the finding) upon completion for review and consideration for a possible SOUIF.

★3.8.3.4. Provide SAF/IGQ a copy of documents required by Table 1.1, rule 3 (note) when a civilian grievance, EEO complaint, or MEO complaint was resolved through settlement, mediation, or similar means.

3.9. Colonels (or equivalent) Assigned to Joint Activities.

3.9.1. Air Force colonels (or equivalent) assigned to Joint commands/activities are not exempt from the reporting requirements specified in paragraph 3.8 of this instruction.

3.9.2. Joint commands must immediately notify SAF/IGQ of any allegations against Air Force colonels (or equivalent) by using the Notification Letter described in Figure 1.2. Provide SAF/IGQ with a copy of final report or actions taken to resolve the allegations. Follow Table 1.1 and Table 3.2, if applicable.

3.9.3. Joint command will immediately notify SAF/IGQ using the Notification Letter described in Figure 1.2, when charges are preferred against a colonel or colonel-select, when such charges are referred to a court-martial, or when the individual is the subject of an Article 32, UCMJ, investigation.

3.10. Notification Requirements. The Notification Matrix in Table 3.2. applies to all IG cases against a colonel (or equivalent).

★**Table 3.2. Notification Matrix for Colonels (or equivalent) Cases.**

R U L E	A	B	C
	If ...	and ...	Then ...
1	in Pre- Investigation Phase		IG notifies SAF/IGQ (through MAJCOM, FOA, DRU IG)
2		complaint analysis identified the need for an IG investigation	1. IG notifies Appointing Authority 2. Appointing Authority appoints IO
3		complaint analysis identified an investigation is not warranted	IG notifies SAF/IGQ (through MAJCOM, FOA, DRU IG) of case dismissal and annotates actions in ACTS
4	in Investigation Phase	investigation is ongoing	1. IO (or IG) notifies subject's commander of scope of investigation (in general terms) 2. Commander notifies subject and witnesses 3. Appointing Authority (or IG) provides interim response to complainant 45 days after receipt of complaint, and every 60 days thereafter 4. Appointing Authority (or IG) provides PRs to SAF/ IGQ at the 90-day point on the first of every month thereafter
5		investigation is finished	IO provides Appointing Authority with ROI and supporting documentation for review and approval
6	in Post- Investigation Phase	allegations were substantiated	1. Appointing Authority notifies subject's Commander, in writing 2. Commander notifies subject (in writing) and takes disciplinary/corrective action 3. Commander notifies Appointing Authority (or IG) of action taken and provides copies of all actions 4. If no action was taken, Commander must forward a letter his/her decision and rationale 5. Appointing Authority (or IG) provides final response to complainant (NOTE) 6. Appointing Authority (or IG) notifies SAF/IGQ of findings and forwards required documents (see Table 3.3)
7		allegations were not substantiated	1. Appointing Authority notifies subject's Commander, in writing 2. Commander notifies subject, in writing 3. Appointing Authority (or IG) provides final response to complainant (NOTE) 4. Appointing Authority (or IG) notifies SAF/IGQ of findings and forwards required documents (see Table 3.3)

NOTE: Refer to paragraph 3.12.2 for exceptions.

3.11. Investigating Allegations Against Colonels (or equivalent).

3.11.1. IG investigations on allegations against colonels (or equivalent) will be conducted IAW Chapter 2 of this instruction.

★3.11.2. All IG investigations (both Category I and Category II) against colonels (or equivalent) must have at least one legal review due to the need for a SOUIF determination or for disclosure of information to the Senate if individual gets promoted to general officer ranks. MAJCOM, FOA, DRU IGs **must** also comply with the requirements of paragraph 3.12.3.1.

3.11.3. Progress Reports (PRs) are required for all cases, including colonel (or equivalent) cases done in the field. The first PR to SAF/IGQ is due 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 might request additional PRs as necessary. For procedures on completing PRs, refer to Figure 2.2.

3.12. Closing a Colonel (or equivalent) IG Investigation.

3.12.1. IGs at all levels (including State IGs) may close an investigation in which the subject is a colonel (or equivalent), unless otherwise tasked by higher level IG office.

3.12.2. EXCEPTIONS:

3.12.2.1. Military reprisal cases will be approved by IG, DoD. SAF/IGQ will provide a copy of IG, DoD final approval of the investigation to the applicable MAJCOM, FOA, DRU. It is the responsibility of the MAJCOM, FOA, DRU IG to provide the final response to the complainant.

3.12.2.2. MAJCOM, FOA, DRU IGs will provide final response to complainants for Category II investigations conducted as a result of congressional complaints regardless of the level at which they were received.

3.12.3. All cases against colonels (or equivalent) **must** be forwarded to SAF/IGQ upon completion, regardless of the findings. Refer to Table 3.3 for a list of required documents.

3.12.3.1. MAJCOM, FOA, DRU IGs will conduct a QR on colonel (or equivalent) investigations conducted by a lower-level IG office, and request an additional legal review before forwarding them to SAF/IGQ.

3.12.3.2. 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.

3.12.4. Table 3.3. lists the documents required by SAF/IGQ upon IG case closure.

Table 3.3. Documents required by SAF/IGQ on Colonel (or equivalent) Cases.

R U L E	A	B
	If the allegations were ...	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 entire command/corrective action 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 ROI (without attachments) 2. Copy of legal review 3. Copy of final response to complainant 4. Copy of notification to subject's commander

3.13. CDIs on Colonels (or equivalent).

3.13.1. Commanders will **immediately** notify SAF/IGQ when beginning a CDI into allegations against a colonel (or equivalent), and/or preferring charges against a colonel (or colonel-select), when such charges are referred to a court-martial, or when the individuals are the subjects of an Article 32, UCMJ, investigation.

3.13.1.1. Commanders should use the Notification Letter described in Figure 1.2 and forward the notification through their local IG office.

3.13.1.2. Commanders will, upon completion of CDI, provide SAF/IGQ with a copy of the required documents as required by Table 1.1, rules 1 or 2 (as applicable).

★3.13.2. The commander, not the IG, is the release authority for CDI reports unless they pertain to Senior Officials. **SAF/IG (or designee) is the release authority for these cases.**

3.14. SOUIFs on Colonels.

3.14.1. A SOUIF is a written summary of adverse information on a colonel prepared by SAF/IG from investigative and other files, or from disciplinary or administrative command actions.

3.14.1.1. SOUIFs on colonels are generally based on adverse information arising within the ten year period preceding the convening date of the selection board that will consider the officer for promotion to general officer grade.

3.14.1.2. SOUIFs are used **solely** during the general officer promotion process.

3.14.2. SAF/IGQ acts as central repository for all adverse information on colonels (or equivalent), prepares SOUIF summaries for review by the SOUIF decision authority (SAF/GC), and is responsible for notifying affected officers as required in paragraphs 3.14.3.1 and 3.14.3.5, below.

3.14.3. The Air Force General Counsel (SAF/GC), acting for the SecAF, determines whether the SOUIF summary will be provided to a selection board.

3.14.3.1. Officers will be given a copy of the adverse information summary being provided to the promotion board and will be afforded an opportunity to submit written comments on that information to SAF/GC IAW 10 U.S.C. 615 (a)(6)(a)(I) and (ii), and before SAF/GC makes a final determination.

3.14.3.2. SAF/IG, AF/ JA, AF/DP, and SAF/GCM will review proposed summaries (and the individual's comments) before being forwarded to SAF/GC for final decision.

3.14.3.3. If SAF/GC determines the summary will be provided to the board, the individual's comments will accompany the summary to the board.

3.14.3.4. 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.

3.14.3.5. The officer will be notified of SAF/GC's final decision to establish a SOUIF or not, and will be given a copy of what was provided to the promotion board.

3.14.4. A commander's decision to place or not place adverse 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.

Section 3C -- Reprisal Complaints

3.15. Key Terms. This section uses the following key terms: *Acid Test*, *Chain of Command (Designated to Receive a Protected Disclosure)*, *Gross Mismanagement*, *Gross Waste*, *Lawful Communication*, *Personnel Action*, *Protected Disclosure*, *Reprisal*, and *Responsible Management Official*. Refer to Attachment 1 for the definition of these key terms.

3.16. Right for Whistleblower Protection Against Reprisal Under Title 10, United States Code, Section 1034 (10 U.S.C. 1034).

3.16.1. Pursuant to 10 U.S.C 1034, no person may prohibit or restrict a member of the armed forces from making (or preparing to make) a lawful communication (*protected disclosure*) to:

★3.16.1.1. A member of Congress or an IG (this includes IG office investigative staff).

3.16.1.2. Any member of a DoD audit, inspection, investigation, or law enforcement organization; or any other person or organization designated pursuant to component regulations or other established administrative procedures to receive such communications when the member reasonably believes he/she has evidence of a violation of law or regulation (including laws or regulations prohibiting sexual harassment or unlawful discrimination), *gross mismanagement*, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

★3.16.1.2.1. This includes Military Equal Opportunity personnel, Family Advocacy, and designated commanders in a member's *chain of command*.

3.16.1.2.2. Communications made to a Command Chief Master Sergeant or First Sergeant **are not** protected under the statute.

3.16.2. No person may take (or threaten to take) an unfavorable personnel action; or withhold (or threaten to withhold) a favorable personnel action, as a reprisal against a member of the armed forces for making or preparing to make a *protected disclosure*.

3.16.2.1. Military members who violate this prohibition are subject to prosecution under the UCMJ.

3.16.2.2. 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.

3.16.3. The statute entitles military members to have their case reviewed and approved by IG, DoD and to receive a copy of the final/redacted ROI.

3.16.4. Air Force members may file complaints of reprisal with IGs at any level and receive the protections of 10 U.S.C. 1034. Members are no longer required to submit reprisal complaints directly to the IG, DoD to receive statutory coverage.

★3.16.5. In order to gain full statutory protection of the law, the Air Force member must file the complaint with any IG within 60 days of becoming aware of the personnel action that is the subject of the allegations. Any IG may waive this requirement **if** they determine that there are extraordinary circumstances justifying the delay in filing the complaint or there is special Air Force interest in the matter.

3.17. Policy for Receipt of Reprisal Complaints. The following outlines Air Force policy for receiving reprisal complaints.

★3.17.1. Air Force IGs **must** process complaints containing allegations of reprisal made by military members assigned to Air Force units.

★3.17.1.1. Air Force IGs **must** immediately advise military members alleging reprisal of the provisions of 10 U.S.C. 1034 and DoDD 7050.6, and of the rights afforded to complainants under the whistleblower protection statute. IGs must use the Reprisal Rights Advisement at Figure 3.1 to assist them.

3.17.1.2. **IGs at every level** can extend the protection of the 10 U.S.C 1034 statute to any military complainant at their level.

- 3.17.1.2.1. The IG must comply with the notification requirements described in paragraph 3.18.
- 3.17.1.2.2. The IG must conduct a prompt complaint analysis to determine the need for an IG investigation and if the allegations meet the definition of reprisal under 10 U.S.C. 1034. Refer to paragraph 3.19 of this instruction for guidance on complaint analysis.
- 3.17.1.3. IGs should ask complainants if 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 3.18). No complaint analysis at their level is required unless otherwise directed by higher-level IG (refer to paragraph 3.19.4).
- 3.17.1.4. IGs **must** ask the complainant whether the allegations that constituted the member's *protected disclosure* were addressed. This information is necessary for proper complaint analysis of the complaint. Refer to paragraph 3.19 of this instruction.
- ★3.17.1.5. IAW 10 U.S.C. 1034, IGs may dismiss allegations without completing a complaint analysis if the complaint was submitted more than 60 days from the date the complainant became aware of the personnel action that is the subject of the allegations. Before dismissing a complaint without further analysis, the IG should consider any extraordinary circumstances justifying the delay or any special Air Force interest in the matter.
- 3.17.2. If an IG receives a complaint from *civilian employees* in which they allege reprisal:
- 3.17.2.1. IGs **will not conduct** investigations into allegations of reprisal actions against civil service Air Force employees, non-appropriated fund (NAF) employees and defense contractor employees.
- 3.17.2.2. Civil Service employees alleging reprisal must be referred to their local servicing Civilian Personnel Office for proper counseling regarding the processing of their complaint.
- 3.17.2.3. NAF employees and defense contractor employees alleging reprisal must be referred to IG, DoD for counseling and processing of their complaint.

★Figure 3.1. Reprisal Rights Advisement.

**WHISTLEBLOWER RIGHTS UNDER TITLE 10 UNITED STATES CODE,
SECTION 1034 (10 U.S.C. 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 lawful communication to a Member of Congress, an Inspector General (IG), or any member of an audit, inspection, investigation or law enforcement organization within DoD, any Military Equal Opportunity Office, or to their chain of command as defined by Air Force Instruction (AFI) 90-301, *Inspector General Complaints*, may file a complaint with the Air Force Inspector General (or subordinate level IG) under the provisions of Title 10, United States Code, Section 1034 (10 U.S.C 1034), Department of Defense Directive (DoDD) 7050.6, *Military Whistleblower Protection*, and AFI 90-301.
2. This office will explain the definitions and provisions of 10 U.S.C. 1034, DoDD 7050.6, and AFI 90-301 to you. You are advised the AF definition of protected communication includes a communication to any established Air Force grievance channels (including Military Equal Opportunity, Family Advocacy, etc.) and communications made to the chain of command **as defined in AFI 90-301**.
3. It is of utmost importance for all military members to understand that they can receive whistleblower protection under 10 U.S.C. 1034 when submitting a complaint with any IG and that IGs **at every level** can extend such protection. Therefore, you are advised that this office can extend you the requested protection and will promptly notify the IG, DoD of your request.
4. 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. IG, DoD reserves the right to reverse the Air Force's decision.
5. If a reprisal investigation is warranted, this office will conduct the investigation, unless otherwise directed by higher-level IG office.
6. IG, DoD will maintain oversight throughout the conduct of any investigation into allegations of reprisal.
7. 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.
8. Be advised that acceptance of your complaint under 10 U.S.C. 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; 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 U.S.C. 1034 and proper reprisal complaint procedures.

(Signature and date)

Print: (Grade, Name) _____

(Full Organization Address) _____

(DSN) _____ (Home Number with Area Code) _____

3.18. Notification Requirements for Reprisal Complaints. IAW 10 U.S.C. 1034, IG, DoD **must** be notified (through SAF/IGQ), within ten (10) workdays from the date an IG receives a complaint containing allegations of reprisal. IGs at all levels will notify SAF/IGQ through MAJCOM, FOA, DRU IG within seven (7) workdays using Figure 3.2 or the form prescribed in ACTS (refers to *ACTS Software Program Manual*).

3.18.1. Forward a copy of the written complaint, or a detailed narrative of the allegations, with the notification letter.

3.18.2. Upon receipt of notification, IG, DoD may decide to retain the allegations for complaint analysis at their level. In that case, IG, DoD will inform SAF/IGQ as soon as possible. SAF/IGQ will in turn notify the appropriate MAJCOM, FOA, DRU IG.

3.18.3. IGs receiving allegations that are not within the purview of the Air Force will transfer the complaint to IG, DoD through SAF/IGQ.

★**Figure 3.2. Notification of Allegations of Reprisal Protected under 10 U.S.C. 1034.**

<p style="text-align: center;">MEMORANDUM FOR MAJCOM/IG SAF/IGQ IN TURN</p> <p>FROM: (Full Official Address)</p> <p>SUBJECT: Report of Allegations of Reprisal and Extension of Whistleblower Protection Under 10 U.S.C. 1034 (ACTS Number)</p> <p>According to AFI 90-301, the following information is provided: <i>(Separate list for all subjects)</i></p> <p>a. Subject's Name (Last, First, MI), Rank, and SSN <i>(if colonel or equivalent)</i>: Subject's Duty Title: Organization: Base of Assignment:</p> <p>b. Location (Base) Where Allegation(s) Occurred:</p> <p>c. Complainant's Name (Last, First, MI) and Rank: Complainant's Organization: Base of Assignment:</p> <p>d. Brief synopsis of allegation(s):</p> <p>e. Date the IG Received the Complaint and Whistleblower Protection was extended:</p> <p>f. Rank, Name, and duty location of the Investigating Officer <i>(if applicable)</i>:</p> <p>g. IG POC and phone number: <i>(commercial and DSN)</i></p> <p style="text-align: right;">[SIGNATURE BLOCK]</p> <p>Attachment: Copy of Reprisal Complaint</p> <p style="text-align: center;">This is a privileged 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.</p> <p style="text-align: center;">FOR OFFICIAL USE ONLY</p>

(FOR OFFICIAL USE ONLY WHEN FORM IS COMPLETED)

★**3.19. Conducting a Complaint Analysis on Allegations of Reprisal.** The IG receiving the complaint must expeditiously conduct a thorough complaint analysis to determine whether an investigation under 10 U.S.C. 1034 is warranted. The IG must notify SAF/IGQ (through MAJCOM, FOA, DRU IG), **within 30 days after receipt of the complaint**, of the results of the complaint analysis. Follow the format shown in Attachment 4 when completing a complaint analysis into allegations of reprisal.

3.19.1. A complaint analysis is not required for allegations that are untimely as specified by paragraph 3.16.5 of this instruction.

3.19.2. Before conducting a complaint analysis, the IG must find out if the allegations which constituted the *protected disclosure* were properly addressed.

3.19.2.1. If the allegations were properly addressed, IGs should attempt to obtain a copy of the applicable documents from the appropriate agency to assist them during complaint analysis.

3.19.2.2. If the allegations were not properly addressed, then the IG should refer the matter to the appropriate agency for action, or conduct a complaint analysis on the allegations to determine the need for further IG action.

3.19.3. Complaint analysis will be conducted following the procedures specified in Section 2C of this instruction and this paragraph. Analysis of reprisal allegations must also focus on the first three questions of the Acid Test for Reprisal (see Figure 3.3).

3.19.3.1. If complaint analysis determines that a reprisal investigation **is** warranted, then the investigation should be promptly conducted. No further notification to SAF/IGQ or IG, DoD is required prior to forwarding the finalized investigation or required PRs.

3.19.3.2. If complaint analysis determines that a reprisal investigation is **not** warranted, the IG conducting the complaint analysis must forward the results of the analysis to SAF/IGQ through the MAJCOM, FOA, DRU IG office. IGs may provide an interim response to complainants informing them that the complaint analysis was forwarded to IG, DoD for final determination.

3.19.3.2.1. SAF/IGQ will forward the complaint analysis to IG, DoD for review.

3.19.3.2.2. If IG, DoD agrees with the Air Force's determination, they will notify SAF/IGQ who will in turn notify the MAJCOM, FOA, DRU. It is the responsibility of the MAJCOM, FOA, DRU IG to notify the complainant that there is insufficient evidence to conduct a reprisal investigation under 10 U.S.C. 1034.

3.19.3.2.3. If IG, DoD disagrees with the Air Force's determination, they may retain the complaint for investigation or task SAF/IGQ to conduct an investigation. SAF/IGQ will normally delegate the investigation down to the lowest-level IG office through the MAJCOM, FOA, DRU IG.

3.19.3.3. If the allegations **do not** meet the test for reprisal, but the complaint analysis identified the **need** for an IG investigation, then treat the allegations as a personal complaint and process it accordingly.

3.19.4. 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 task the Air Force to conduct an investigation, if appropriate.

3.20. Investigating Reprisal Complaints. Reprisal investigations will be conducted IAW DoDD 7050.6 and this instruction.

3.20.1. If IG, DoD receives a reprisal complaint directly from a complainant, then IG, DoD will conduct the complaint analysis and forward the analysis with the tasking letter to SAF/IGQ for investigation. SAF/IGQ will forward the package to the MAJCOM, FOA, DRU IG for proper handling of the complaint.

★3.20.2. If an investigation into allegations of reprisal is warranted, you **must** conduct a Category II investigation.

3.20.3. IAW 10 U.S.C 1034, MAJCOM, FOA, DRU IGs must provide a PR to OSD and IG, DoD (through SAF/IGQ), **and** an interim response 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. Refer to paragraphs 2.28 and 2.29 for proper format. IGs must also comply with Air Force requirements for PRs and IRs as specified in paragraphs 2.28 and 2.29 of this instruction.

3.20.4. The final ROI must identify all protected disclosures, all personnel actions alleged to be acts of reprisal taken after the protected disclosure was made, and all responsible management officials.

3.20.5. The final ROI must contain an Acid Test for Reprisal with all four questions answered for **each** allegation of reprisal. Refer to paragraph 3.21.

★3.20.6. Final case file (Figure 2.3) must contain a chronology of events beginning at least with the complainant's **initial** protected disclosure.

3.20.7. When a complainant alleges both reprisal and improper MHE referral within the same complaint, IGs must ensure the reporting requirements for both reprisal and MHE are completed.

3.20.7.1. Ensure the IO investigates both the reprisal allegation(s) and whether the complainant was properly referred for an MHE.

3.20.7.2. 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.

3.20.8. All reprisal investigations containing allegations against colonels and below **must** have at least two legal reviews and one **must** be done at MAJCOM, FOA, DRU level. **EXCEPTION:** For ANG cases: one legal review will be done at the State level and SAF/IGQ will obtain the second.

3.20.9. SROIs are not required for reprisal investigations.

3.21. Acid Test for Reprisal. The "Acid Test" is a four-part process, which aids the IO and reviewing officials in determining if reprisal occurred and should be incorporated into Tab C of the final ROI. Figure 3.3 describes the requirements for the acid test.

★ **Figure 3.3. Format for Acid Test for Reprisal.**

1q. Did the military member make or prepare a disclosure protected by statute or DoD Directive (to an IG, Member of Congress, or a member of a DoD audit, inspection, investigation, or law enforcement organization) or by Air Force directives (disclosure to a member of an IG office investigative staff, Military Equal Opportunity personnel, Family Advocacy, or to designated individuals of a member's chain of command)?

1a. Answer Yes or No. *[Providing details including the dates of protected communication; who the member made the protected disclosure to; and what the protected disclosure 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 disclosure?

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, or threatening 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 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 evidence establish that the personnel action would have been taken, withheld, or threatened if the protected disclosure 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** stated by the responsible official for taking, withholding, or threatening the action; (2) **Reasonableness** of the action taken, withheld, or threatened considering the complainant's performance and conduct; (3) **Consistency** of the actions of responsible management officials with past practice; (4) **Motive** of the responsible management official for deciding, taking, or withholding the personnel action; (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 there are no *protected disclosures*, then reprisal cannot be substantiated. If there is a question about whether or not a confirmed communication is a "protected" disclosure, 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, or threatening the personnel action *did not know* about the protected communication, then reprisal cannot be substantiated. However, the IO should nonetheless proceed with the 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 Staff Judge Advocate.

3.22. Reprisal Evaluation Form. A Reprisal Evaluation Form must be completed for all reprisal cases.

3.22.1. The Reprisal Evaluation Form must be completed as described in Attachment 2 of this instruction.

3.22.2. The level conducting the investigation completes Sections A and B, and each level conducting QR will complete applicable section.

3.23. Reviewing and Approving Reprisal Investigations. IG, DoD, must approve all military reprisal investigations, regardless of the level where the investigation was conducted. IGs must forward the entire case file (see Figure 2.3) to SAF/IGQ through MAJCOM, FOA, DRU IG.

★3.23.1. Appointing Authorities should notify the subject's commander of the investigation findings when they approve the case, and inform them that **final** approval rests with IG, DoD. Commanders should take appropriate command action for substantiated findings of reprisal even if IG, DoD has not finalized the case.

3.23.1.1. A copy of command/corrective action (or statement explaining why command action was not taken) must accompany the case before it is sent to IG, DoD.

3.23.1.2. If command/corrective action was not finalized when report was forwarded, IGs will ensure that a copy of the action (or a written report detailing the action) is forwarded to IG, DoD (through SAF/IGQ) within seven (7) duty days of becoming aware of such action being completed.

3.23.2. IGs may provide an interim response to complainants informing them that the finalized investigation was forwarded to IG, DoD for final approval.

3.23.3. MAJCOM, FOA, DRUs will conduct a QR and request an additional legal review for **all** military reprisal investigations before forwarding them to SAF/IGQ. NOTE: SAF/IGQ acts as MAJCOM for ANG reprisal investigations conducted at State level and will obtain the required legal review.

3.23.4. SAF/IGQ will conduct a QR on all military reprisal cases prior to forwarding the case to IG, DoD.

3.23.5. Follow the procedures specified in Section 2N and/or 2O of this instruction if, during higher-level QR, deficiencies are identified or the reviewing official disagrees with the findings.

★3.24. Final Approval and Notification Requirements. IG, DoD will notify SAF/IGQ upon approval of the investigation's findings.

3.24.1. SAF/IGQ will provide a copy of IG, DoD final approval of the investigation to the applicable MAJCOM, FOA, DRU.

3.24.2. It is the responsibility of the MAJCOM, FOA, DRU IG to provide the final response to the complainant **within 30 days** after IG, DoD's approval of the findings as mandated by 10 U.S.C. 1034.

3.24.2.1. 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 their local Military Personnel Flight (MPF) for assistance.

3.24.2.1.1. Complainants who petition the AFBCMR should inform the AFBCMR if IG records exist pertaining to the pending request.

3.24.2.1.2. SAF/IGQ will provide supporting documentation **directly** to the AFBCMR (or applicable SAF/MIB agency) upon receiving an Official Use Request from the board for IG records.

★3.24.2.2. If applicable, complainants should also be advised of proper procedures for OPR/EPR appeal, the Evaluation Report Appeal Board (ERAB). Complainants should be referred to their local MPF for assistance.

3.24.2.3. A redacted copy of the ROI must be provided to the complainant with the final response. Further documents must be provided, as appropriate, if requested by the complainant.

★3.24.2.4. MAJCOM, FOA, DRU IGs will provide SAF/IGQ with a copy of the final response to the complainant. SAF/IGQ will forward a copy of the response to OSD, and IG, DoD.

★3.24.2.5. SAF/IGQ will provide final response to complainants for ANG reprisal cases done at State level. SAF/IGQ is responsible for redacting the ROI and providing a copy to the complainant.

★3.24.3. MAJCOM, FOA, 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 findings on the case. The commander will notify the subject.

★3.24.4. Deleted.

Section 3D -- Improper Mental Health Evaluation Complaints

3.25. Key Terms. This section uses the following key terms: *Involuntary Admission* and *Mental Health Evaluation*. Refer to Attachment 1 for the definition of these key terms.

3.26. Protections Regarding Involuntary MHE for Air Force Members.

3.26.1. Air Force military members (including guard and reserve) will not be referred for a MHE or committed for treatment or hospitalization without being afforded their rights as outlined by 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 and Military Law*.

3.26.2. When involuntarily referring an Air Force member for a MHE, other than in an emergency, the Commander is required to notify the member **in writing** and provide the member with a copy of their rights as outlined by DoDD 6940.1 and AFI 44-109.

3.26.3. When a complainant alleges reprisal and improper MHE referral within the same complaint, IGs must ensure that the reporting requirements for both reprisal and MHE are completed.

3.26.3.1. Ensure the IO investigates both the reprisal allegations and whether the complainant was properly referred for a MHE.

3.26.3.2. If, upon clarification, it is clear that the MHE referral was done properly, this finding must be included in the final ROI and the allegation(s) of reprisal must still be investigated following the procedures described in Section 3C of this instruction.

3.27. Report of Improper Involuntary Admissions. If during the review of an involuntary inpatient hospitalization or treatment (IAW DoDD 6490.1 and AFI 44-109), a reviewer determines there is evidence to indicate the mental health evaluation may have been requested or conducted improperly, the reviewer shall report the finding to the IG.

3.28. Receiving Improper MHE Referral Complaints.

3.28.1. When receiving complaints regarding improper MHE, the IG will **immediately** discuss the procedures required for MHE referral under DoDD 6490.1, DoDI 6490.4, and AFI 44-109 with the

complainant, and conduct an **immediate** complaint analysis as described in Section 2C of this instruction.

3.28.1.1. If the complaint analysis shows the possibility of an improper referral, the IG must **immediately** report the allegations to SAF/IGQ (refer to paragraph 3.29) and conduct an investigation IAW Chapter 2 of this instruction.

3.28.1.2. SAF/IGQ will notify IG, DoD of the allegations.

3.28.2. IGs at all levels may dismiss an improper MHE referral complaint if reprisal is neither alleged nor suspected, and it is clear from the complaint analysis that proper referral procedures were followed.

3.28.3. IGs must inform complainant that mere disagreement with the referral is not evidence of wrongdoing and does not warrant an investigation.

3.29. Notification Requirements for Improper MHE Referral Complaints. DoDI 6490.4 requires that IG, DoD be notified, within 10 workdays from receipt, of allegations of improper MHE referral. IGs at all levels will notify SAF/IGQ through MAJCOM, FOA, DRU IG within seven (7) days from receipt of allegations. Use Figure 3.4 or the form prescribed in ACTS (refer to *ACTS Software Program Manual*).

★Figure 3.4. Notification of Allegations of Improper MHE Referral.

<p>MEMORANDUM FOR MAJCOM/IG SAF/IGQ IN TURN FROM: (Full Official Address)</p> <p>SUBJECT: Report of Alleged Violations of DoD Directive 6490.1, <i>Mental Health Evaluations of Members of the Armed Forces</i>, (ACTS Number)</p> <p>According to AFI 90-301, the following information is provided: <i>(Separate list for all subjects)</i></p> <p>a. Subject's Name (Last, First, MI) and Rank:</p> <p>b. Subject's Duty Title: Organization: Base of Assignment:</p> <p>c. Location (Base) Where Alleged Violations Occurred:</p> <p>d. Complainant's Name (Last, First, MI) and Rank:</p> <p>e. Complainant's Duty Title: Organization: Base of Assignment:</p> <p>f. Brief synopsis of allegation(s):</p> <p>g. Date the IG Received the Complaint:</p> <p>h. Rank, Name, and duty location of the Investigating officer:</p> <p>i. IG POC and phone number: <i>(commercial and DSN)</i></p> <p style="text-align: center;">SIGNATURE BLOCK</p> <p style="text-align: center;">This is a privileged 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.</p> <p style="text-align: center;">FOR OFFICIAL USE ONLY</p>
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3.30. Conducting and Closing an Improper MHE Referral Complaint.

3.30.1. Improper MHE referral investigations will be conducted IAW DoDD 6940.1, DoDI 6490.4, and Chapters 2 and 3 of this instruction.

3.30.1.1. All IGs will comply with the requirements for progress reports and interim responses to complainants as specified in paragraphs 2.28 and 2.29 of this instruction.

3.30.1.2. DoDI 6490.4 requires that IG, DoD be provided a progress report the 90th calendar day 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. Provide PRs to SAF/IGQ through MAJCOM, FOA, DRU IG following the procedures in paragraph 2.28.

3.30.2. IGs will close MHE referral complaints IAW established procedures as described in Chapter 2 of this instruction, to include response to the complainant.

3.30.3. Upon closure of the investigation, IGs will forward a copy of the ROI (with attachments) through MAJCOM, FOA, DRU IG to SAF/IGQ for QR.

3.30.3.1. SAF/IGQ will forward a copy to IG, DoD after completing QR.

3.30.3.2. If command action was not included as part of the case file, IGs must forward a copy to SAF/IGQ through MAJCOM, FOA, DRU IG within one week after action is completed (IAW DoDI 6490.4). SAF/IGQ will forward a copy to IG, DoD.

★3.31. Mental Health Referral Evaluation Form. A Mental Health Referral Evaluation Form must be completed for all Improper MHE Referral cases.

3.31.1. The Mental Health Referral Evaluation Form must be completed as described in Attachment 3 of this instruction.

3.31.2. The level conducting the investigation completes Sections A and B, and each level conducting QR will complete applicable section.

Section 3E -- Congressional Taskings

3.32. Sources for Congressional Taskings. The Secretary of the Air Force, Office of Legislative Liaison (SAF/LL) is the agency tasked to respond on behalf of the Air Force to all member, staff and constituent inquiries from the White House and Members of Congress. This office will maintain liaison and coordination with the Secretariat, Air Staff, Office of the Secretary of Defense and other government agencies to resolve inquiries and forward responses to appropriate congressional member. Ordinarily, congressional members contact the Air Force through the Congressional Inquiry Division (SAF/LLI). SAF/LLI, in turn, tasks SAF/IGQ for review/investigation of the case, if appropriate.

★3.32.1. In those instances when a congressional member contacts an IG, at any level, with an inquiry that requests an IG investigation, the IG will notify SAF/IGQ through MAJCOM, FOA, DRU IG who will, in turn, notify SAF/LLI, within 24 hours of receipt of congressional inquiry. A follow up notification of their intended action (e.g. investigate, dismiss, refer, etc.) must follow within 10 working days. SAF/IGQ will update SAF/LLI as appropriate.

3.32.2. If the complaint contains allegations against a Senior Official or colonel (or equivalent), MAJCOM, FOA, DRU must immediately notify SAF/IGS or SAF/IGQ, respectively, using notification procedures described in Chapter 1. SAF/LLI will respond to congressional inquiries on Senior Officials with enhanced sensitivity.

3.33. Investigative Procedures. If a congressional request becomes an IG matter, the investigation will be conducted IAW established procedures as described in Chapter 2 of this instruction.

3.33.1. IGs must ensure they provide the complainant with interim responses as required by paragraph 2.29.

3.33.2. If a lower-level IG is conducting the investigation, he/she must provide SAF/IGQ, through MAJCOM, FOA, DRU IG, with progress reports as required by paragraph 2.28. SAF/IGQ will provide updates to SAF/LLI, if requested.

3.34. Closing a Congressional Complaint.

★3.34.1. MAJCOM, FOA, and DRU will provide final response to complainants for IG investigations conducted as a result of congressional complaints, regardless of the level in which the complaint was received or the level conducting the investigation.

3.34.1.1. MAJCOM, FOA, DRU IGs will provide SAF/IGQ with a courtesy copy of the SROI (if available) and the response to the complainant.

3.34.1.2. For congressional complaints containing allegations against a colonel (or equivalent), MAJCOMs must comply with the requirements of Section 3B of this instruction.

★3.34.1.3. For congressional complaints containing allegations of reprisal, the MAJCOMs must comply with the requirements of Section 3C of this instruction.

3.34.2. MAJCOM, FOA, DRU IGs will respond directly to the complainant, unless otherwise directed by SAF/IGQ.

★3.34.2.1. Provide the complainant a written response with a copy of the SROI attached. If an SROI is not available, the response letter must address all relevant allegations, providing a finding for each allegation and supporting rationale for the finding. **EXCEPTION:** For investigations containing allegations of reprisal, the final response to the complainant must include a redacted ROI.

3.34.2.2. IGs must follow the proper guidance concerning SROIs as described in Chapter 2 of this instruction.

Section 3F -- Military EOT Complaints

3.35. Key Terms. This section uses the following key terms: *Sexual Harassment* and *Unlawful Discrimination*. Refer to Attachment 1 for the definition of these key terms.

3.36. Policy Regarding Processing of Military EOT Complaints.

★3.36.1. Military Equal Opportunity is the office of primary responsibility (OPR) for complaints regarding allegations of violations of Equal Opportunity and Training (EOT) policies.

★3.36.2. IGs at all levels must immediately refer any allegations of violations of EOT or sexual harassment policy to their respective Military Equal Opportunity office. **EXCEPTION:** Allegations against Senior Officials must be referred to SAF/IGS.

★3.36.3. If a complaint contains both EOT and other non-EOT allegations, separate the EOT allegations and refer these to Military Equal Opportunity for resolution.

3.36.3.1. If the Appointing Authority determines IG action is required after reviewing the EOT report, the investigation will be conducted IAW established procedures as described in Chapter 2 of this instruction.

3.36.3.2. The EOT office will provide a technical expert to assist the IO throughout the investigation.

3.36.3.3. Once the investigation is completed, the IG will provide a copy of the SROI to the EOT office and a report explaining any command action taken as a result of the investigation.

3.37. Military Sexual Harassment Complaints.

★3.37.1. Military Equal Opportunity (MEO) is the office of primary responsibility (OPR) for complaints regarding allegations of violations of sexual harassment policies.

★3.37.2. All sexual harassment complaints filed through IG channels will be immediately referred to the local MEO office for mandatory reporting (as required by 10 U.S.C. 1561) and resolution. **EXCEPTION:** Complaints against Senior Officials **will** be handled and reported by SAF/IGS.

3.37.3. If the Appointing Authority determines IG action is required, the investigation will be conducted IAW established procedures as described in Chapter 2 of this instruction.

★3.37.4. The MEO office will provide a technical expert to assist the IO throughout the investigation. The MEO office will be responsible for completing follow up reports as required by law.

★3.37.5. Once the investigation is completed, the IG will provide the MEO office a copy of the SROI and a report explaining any command action taken as a result of the investigation.

Section 3G -- Managing the Air Force FWA Program

3.38. Governing Directives. The following directives are to be used in managing the Air Force FWA Program.

3.38.1. DoDD 7050.1, *Defense Hotline Program*

★3.38.2. DoDI 7050.7, *Defense Hotline Procedures*

★3.38.3. DoDI 7050.8, *Defense Hotline Quality Assurance Review (QAR) Program*

3.39. Key Terms. This section uses the following key terms: *Abuse, Fraud, Gross Mismanagement, Gross Waste, and Waste*. Refer to Attachment 1 for the definition of these key terms.

3.40. IG Responsibilities. IGs at every level must comply with governing DoD Directives and Defense Hotline QAR Program requirements and procedures.

3.40.1. Provide copies of Air Force FWA Hotline case files from the previous 18-24 months pursuant to IG, DoD's notification of a QAR. Files may originate from Air Force, MAJCOM, FOA, DRU and/or lower IG levels.

3.40.2. Defense Hotline Program investigators will 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.

3.41. MAJCOM, FOA, DRU Responsibilities.

3.41.1. Implement an active Air Force FWA Program to detect FWA and identify potential FWA during all inspection activities.

3.41.2. Ensure the proper receipt and evaluation of allegations of fraud, waste and mismanagement and determine the appropriate level of investigation.

3.41.3. Advise SAF/IG of serious allegations and significant trends disclosed in the MAJCOM (or equivalent) FWA Program Review

3.41.4. Advise the Director, SAF/IGQ of innovative management procedures and techniques for preventing FWA that could be useful for Air Force or DoD-wide application.

3.41.5. Certify that all allegations resulting in IG investigation are fully addressed and the requirements of this instruction are followed.

3.41.6. Review ROIs and HCRs for accuracy and sufficiency.

3.41.7. Ensure that appropriate corrective actions are taken as a result of substantiated findings.

3.41.8. Encourage the use of local FWA hotlines for reporting suspected fraud, waste and mismanagement in DoD operations without fear of reprisal.

3.41.9. Publicize DoD and local FWA hotlines using:

3.41.9.1. Local newspapers.

3.41.9.2. Official notices.

3.41.9.3. Posters.

3.41.9.4. Telephone directories.

3.41.9.5. Other media.

3.41.10. Ensure each command headquarters and installation operates at least one FWA Hotline. Ensure the line is either actively monitored or on an answering machine 24 hours per day. Establish controls to protect the identity of individuals who request anonymity or confidentiality.

3.41.11. Ensure FWA information is crossfed within the command to subordinate units.

3.41.12. Notify AFOSI if a complainant alleges fraud.

3.42. Installation IG's Responsibilities.

- 3.42.1. Implement an active Air Force FWA Program to detect FWA and identify potential FWA during all inspection activities.
- 3.42.2. Ensure the proper receipt and evaluation of allegations of fraud, waste and mismanagement and determine the appropriate level of investigation.
- 3.42.3. Advise MAJCOM of serious allegations and significant trends disclosed in the installation FWA Program Review.
- 3.42.4. Advise MAJCOM of innovative management procedures and techniques for preventing FWA that could be useful for Air Force or DoD-wide application.
- 3.42.5. Certify that all allegations resulting in IG investigation are fully addressed and the requirements of this instruction are followed.
 - 3.42.5.1. Review ROI and HCR for accuracy and administrative and investigative sufficiency.
 - 3.42.5.2. Ensure that a formal decision has been made concerning corrective actions as a result of substantiated findings.
- 3.42.6. Encourage the use of local FWA hotlines for reporting suspected fraud, waste and mismanagement in DoD operations without fear of reprisal.
- 3.42.7. Publicize DoD and local FWA hotlines using:
 - 3.42.7.1. Local newspapers.
 - 3.42.7.2. Official notices.
 - 3.42.7.3. Posters.
 - 3.42.7.4. Telephone directories.
 - 3.42.7.5. Other media.
- 3.42.8. Operate at least one FWA hotline. Ensure the line is either actively monitored or on an answering machine 24 hours per day.
- 3.42.9. Establish controls to protect the identity of individuals who request anonymity or confidentiality.
- 3.42.10. Notify AFOSI if a complainant suspects fraud.

Section 3H -- Managing Defense Hotline Complaints

3.43. Governing Directives. The following directives are used in processing investigations into Defense Hotline allegations referred to the Air Force Inspector General.

- 3.43.1. DoDD 7050.1, *Defense Hotline Program*
- ★3.43.2. DoDI 7050.7, *Defense Hotline Procedures*
- ★3.43.3. DoDI 7050.8, *Defense Hotline Quality Assurance Review (QAR) Program*

3.44. Key Terms. This section uses the following key terms: *Action Referral* and *Information Referral*. Refer to Attachment 1 for the definition of these key terms.

3.45. SAF/IGQ Responsibilities. SAF/IGQ will:

- 3.45.1. Designate a Hotline Coordinator to report the results of inquiries conducted in response to Defense Hotline referrals.
- 3.45.2. Receive and evaluate Defense Hotline Action Taskings and forward to MAJCOM, FOA, DRU IGs for investigation if IG action is deemed appropriate.
- 3.45.3. Receive and evaluate DoD Informational Taskings and forward to MAJCOM, FOA, DRU IGs as a matter of possible interest to the MAJCOM or subordinate installation. **NOTE:** Action is

not required, but if taken, the IG must provide SAF/IGQ through MAJCOM, FOA, DRU with a copy of the SROI or HCR.

3.45.4. Track the status and final disposition of all investigations resulting from disclosures referred to MAJCOM level to include:

3.45.4.1. Results of criminal prosecution.

3.45.4.2. Sentences imposed and monetary recoveries.

3.45.4.3. Administrative and other actions taken.

3.45.5. Comply with Defense Hotline QAR Program requirements and procedures. Provide the Defense Hotline case files from the previous 18-24 months prior to Defense Hotline notification, from Air Force and lower IG levels. Defense Hotline Program investigators will assess compliance with policy and procedures; analyze systemic strengths or weaknesses of hotline investigations; evaluate the timeliness, independence, objectivity, and overall adequacy of Air Force investigations.

3.46. MAJCOM, FOA, DRU Responsibilities. MAJCOM IGQs will:

3.46.1. Designate a Hotline Coordinator to report the results of inquiries conducted in response to Defense Hotline referrals.

3.46.2. Receive and evaluate Defense Hotline Action Taskings and forward to appropriate IG or agency for investigation.

★3.46.3. Receive and evaluate DoD Informational Taskings and forward to appropriate IG or agency as a matter of possible interest to the MAJCOM or subordinate installation. **NOTE:** Action is not required, but if taken, the IG must provide SAF/IGQ (through MAJCOM, FOA, DRU) with a copy of SROI or HCR.

3.46.4. Track the status and final disposition of all investigations resulting from disclosures referred to MAJCOM level to include:

3.46.4.1. Results of criminal prosecution.

3.46.4.2. Sentences imposed and monetary recoveries.

3.46.4.3. Administrative and other actions taken.

3.46.5. Conduct follow-up as required validating the adequacy of actions taken for FWA cases.

3.46.6. Notify MAJCOM, FOA, DRU FWA coordinators of discrepancies noted in reports or apparent deficiencies in related investigations. Ensure MAJCOM, FOA, DRU FWA coordinators review the audit, inspection, or investigation and submit a revised report.

★3.46.7. Submit an HCR within 60 days from the date the complaint was transmitted by SAF/IGQ. When a report cannot be completed within 60 days (90 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.

3.46.8. Comply with Defense Hotline QAR Program requirements and procedures. Provide the Defense Hotline case files from Air Force and lower IG levels, from the previous 18-24 months prior to the Defense Hotline QAR notification. Defense Hotline Program investigators will assess Air Force compliance with policy and procedures; analyze systemic strengths or weaknesses of hotline investigations; evaluate the timeliness, independence, objectivity, and overall adequacy of the investigations.

3.47. 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 DoD Directives and Chapter 2 of this instruction. All requirements for Category I or Category II investigations must be complied with.

3.48. Closing a Defense Hotline Complaint.

3.48.1. Proper closure and notification requirements, IAW Section 2L and Section 3B of this instruction, must be complied with when an IG investigation was conducted as a result of a Defense Hotline complaint.

★3.48.2. Complaints filed with IG, DOD through the Defense Hotline are answered by completing a Hotline Completion Report (HCR). An HCR should be a stand-alone document and provide all necessary background information. In some cases IG, DoD will accept an AFOSI Report of Investigation (for criminal fraud cases).

★3.48.3. Follow the procedures in Figure 3.5 for completing an HCR.

★3.48.4. DELETED

★Figure 3.5. HCR Format.

<p>HOTLINE COMPLETION REPORT (DATE)</p>
<p>1. Name of Official (IO or IG) Conducting the Investigation:</p>
<p>2. Rank or Grade of Official (IO or IG):</p>
<p>3. Duty Position and Contact Telephone Number of Official (IO or IG):</p>
<p>4. Organization of Official (IO or IG): Fully identify the title of the organization and location without abbreviations. (You may include authorized abbreviations or symbols in parentheses.)</p>
<p>5. Defense Hotline Control Number and ACTS Case Number:</p>
<p>6. Scope of Investigation, 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.)</p> <p><i>a. <u>Scope of Investigation.</u> Identify the allegations; the applicable organization and location; the person(s) or organization(s) against whom the allegation was made; the scope, nature and manner of the investigation conducted; documents reviewed, witnesses interviewed and whether interviews were conducted by telephone or in person (the identity of the interviewees need not be reflected in the report, but should be documented in the official file of the agency conducting the investigation).</i></p> <p><i>b. <u>Findings.</u> Report the findings as they relate to each allegation. Provide a list of documents and/or evidence collected to support the findings and their location.</i></p> <p><i>c. <u>Conclusions and Recommendations.</u> For each allegation, state the analysis of the findings and the conclusions made by the IO. This section also should include comments as to the adequacy of existing policy or regulations, noted weaknesses in systems of internal controls, and any recommended corrective actions.</i></p>
<p>7. Cite Any Criminal or Regulatory Violation(s) Substantiated:</p>
<p>8. 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.</p>
<p>9. Specify Security Classification of Information: Determine and state, when applicable, any security classification of information included in the report that might jeopardize national defense or otherwise compromise security if the contents were disclosed to unauthorized sources.</p>
<p>10. Location of Field Working Papers and Files.</p>
<p>IO or IG Signature Block</p>
<p>This is a privileged 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.</p>
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3.49. Referring Defense Hotline Complaints to Other Investigative Agencies.

3.49.1. If during the course of a SAF/IGQ-tasked IG investigation, the allegations are subsequently referred to AFOSI or the Air Force Audit Agency (AFAA) for action, the tasked organization is released from further reporting requirements after notifying SAF/IGQ of the referral.

3.49.2. DoD-IG Hotline reporting requirements must still be met for cases transferred to AFAA or AFOSI; SAF/IGQ will place these cases into follow-up pending receipt of closure documents from AFAA or AFOSI.

3.49.3. MAJCOM, FOA, DRU IG offices will provide SAF/IGQ:

3.49.3.1. A copy of the letter requesting audit support or AFOSI investigation.

3.49.3.2. A copy of the letter or memo from AFAA or AFOSI indicating the project/case number and status, AFAA or AFOSI point of contact's name, duty location, and phone number.

Chapter 4

IG RECORDS RELEASE

Section 4A -- Overview

4.1. In this Chapter. This chapter covers the Air Force IG Records Release Program. SAF/IG has the authority to release IG records within the DoD and the Air Force to those requiring access to the records in the performance of their official duties. Only the Air Force Inspector General or his designated representatives can approve release of IG records out of IG channels. The Air Force Inspector General grants access to IG records under the following three separate records release programs and subject to the provisions stipulated below:

- 4.1.1. Official Use Request (OUR)
- 4.1.2. Discovery Request
- 4.1.3. Freedom of Information Act (FOIA)

4.2. Key Terms. This Chapter uses the following key terms: *Discovery Requests*, *Freedom of Information Act (FOIA)*, *In-Camera Review*, *Official Use Request (OUR)*, *Redaction*, *Release Authority*. Refer to Attachment 1 for the definition of these key terms.

Section 4B -- Official Use Requests

★4.3. Release Authority for OURs. SAF/IG is release/denial authority for all IG records requested under OUR. **EXCEPTION:** The Appointing Authority is the release authority for OUR requests made by the commander or SJA advising the commander **for the purpose of making a determination regarding command action.**

4.3.1. The Director, Senior Officials Inquiries Directorate (SAF/IGS) is hereby delegated authority as a Release Authority for Senior Official investigation records.

★4.3.2. The Director, Inquiries Directorate (SAF/IGQ) is hereby delegated authority as a Release Authority for colonel (or equivalent) and below IG investigative records. **EXCEPTION:** The Appointing Authority is the release authority for OUR requests made by the commander or SJA advising the commander **for the purpose of making a determination regarding command action.**

★ 4.4. Policy Regarding OURs. Requests made by a **commander or SJA advising the commander** for the purpose of determining appropriate command action should be submitted to the Appointing Authority for release determination. All **other requestors** must send their request through MAJCOM, FOA, DRU IG office to SAF/IGQ or SAF/IGS, as appropriate, for release determination. In every case, the following guidance applies.

4.4.1. Release of IG records pursuant to OUR will only be made after case closure.

★4.4.2. To make an OUR for IG records, requestors should:

★4.4.2.1. Submit all OURs **in writing**.

4.4.2.2. Identify the records requested as specifically as possible (i.e. date of investigation, name of IO, etc.).

4.4.2.3. Explain in detail why the records are needed, to include any future anticipated need based on the planned course of action by the commander.

★4.4.2.4. Be specific as to when the records are needed and, if the records are needed for command action, how immediate the commander's or SJA's need is for a release determination.

4.4.3. Complainants who petition the AFBCMR to correct an error or injustice should advise the AFBCMR if IG records exist which pertain to the pending petition. The AFBCMR may submit an OUR to SAF/IGQ or SAF/IGS for such IG records.

★4.5. **Commanders and OUR.** An Appointing Authority or IG may provide commanders (or their SJA) with a copy of the ROI (without attachments) when a case contains substantiated allegations. The purpose of such release is for the commander and the SJA to review the report to determine appropriate command action. Recipients of such releases shall comply with paragraph 4.6 of this instruction. The Appointing Authority or IG will inform commanders, in writing, of applicable restrictions.

★4.5.1. The commander **must** submit an OUR to the Appointing Authority if it's necessary to provide extracts of the ROI to the Subject of any proposed command action.

★4.5.2. If a commander or SJA determines that it is necessary to review specific attachment(s) (i.e. witness testimony and/or exhibits in the case file) to determine appropriate command action, the commander or the SJA must submit an OUR to the Appointing Authority. Figure 4.1 shows a sample request from a commander. Figure 4.2 shows an OUR release letter signed by the Appointing Authority. The wording in paragraphs two, three, and four **must** be used verbatim.

★**Figure 4.1. Sample OUR from Commander.**

MEMORANDUM FOR [*Appointing Authority*]

FROM: 123 MSSQ/CC

SUBJECT: Official Use Request for IG Records -- [*ACTS Number*]

1. On 1 Mar 98, I was provided with the Report of Investigation (without attachments) for review and to determine if command action is appropriate against the subject of the investigation.
2. In accordance with AFI 90-301, 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 99. If you have any questions, you can reach me at DSN XXX-XXXX.

SIGNATURE

★Figure 4.2. OUR Release Memorandum

MEMORANDUM FOR 123 MSSQ/CC

FROM: [Appointing Authority]

SUBJECT: Official Use Request of IG Records -- [ACTS Number]

1. In accordance with AFI 90-301, Inspector General Complaints, your 2 Mar 98 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 privileged documents. They may not be used as advisories or released, reproduced, 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 U.S.C. 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. Please [destroy or return] these records upon completion of your proceedings. If you have any questions, please contact [IG] at XXX-XXXX.

**APPOINTING AUTHORITY
SIGNATURE**

Attachments:

- 1.
- 2.

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- 4.5.2.1. Approval of such request authorizes the commander to provide extracts of the records to the subject if necessary to support the command action. **However**, the commander must limit the extracts to those absolutely necessary to support the command action.
- 4.5.2.2. Refer to AFI 51-202, *Nonjudicial Punishment*, when providing evidence to the member in an Article 15 action. Refer to AFI 36-704, *Discipline and Adverse Actions*, when providing evidence relied on to support command action against DoD civilians.
- 4.5.2.3. A subject's request for IG records for the purpose of appealing an administrative action will be processed under FOIA (see Section 4D).
- 4.5.3. Obtain a Privacy Act release statement from the subject when a third party requests records on the subject's behalf.

4.5.4. Defense counsel's request to review IG records to advise the subject in an Article 15 action must be sent to the commander imposing the action.

★4.5.4.1. The commander may release additional information relevant to the substantiated allegations if the information is from the records previously released by the Appointing Authority to the commander as stipulated in paragraph 4.5.

4.5.4.2. If the defense counsel requires access to IG records beyond what the commander can provide, the defense may advise the subject (client) to request the record(s) pursuant to FOIA. The subject may request expedited processing of the FOIA request if it meets the requirements set forth in DoD 5400.7-R.

4.6. Restrictions for Use of IG Records. Recipients of IG records must comply with the following restrictions when using the records:

★4.6.1. Do not use IG records as attachments or exhibits to other official records without the written approval of the release authority, as identified in paragraph 4.3 of this instruction.

★4.6.2. IG records must be destroyed or returned to the release authority upon completion of stated need.

4.6.3. Do not further release (in whole or in part), or reproduce IG documents without proper authorization from either SAF/IG, SAF/IGQ, or SAF/IGS as applicable.

4.6.4. If while using or retaining an IG document an office receives a FOIA or PA request, and the document is a responsive record, forward the request to 11 CS/SCSR (FOIA) through the local FOIA office.

4.6.4.1. The 11 CS/SCSR will forward the request to the appropriate release authority for processing.

4.6.4.2. Offices should forward the responsive IG documents, upon request, directly to the appropriate release authority and notify their FOIA office of the action.

4.6.5. Comply with the provisions of the Privacy Act in using the records.

★4.6.6. Comply with the provisions and restrictions of 10 U.S.C. 1102 in using any records obtained as part of a Surgeon General Quality Assurance Review. This requires special care be taken to protect the confidentiality of any medical quality assurance records generated by federal hospital committees that review the quality and standards of care provided to patients treated by the medical facility.

Section 4C -- Discovery Requests

4.7. Release Authority for Discovery Requests. SAF/IG is release/denial authority for all IG records requested under Discovery.

4.7.1. SAF/IGS is the release/denial authority for Senior Official cases.

★4.7.2. SAF/IGQ is the release/denial authority for IG cases on colonels (or equivalent) and below.

★4.8. Policy Regarding Discovery Requests. Discovery is the disclosure of relevant information between opposing counsel before and during litigation. **CAUTION:** This section does not apply to records released to a defense counsel by a commander in accordance with paragraph 4.5.4, above.

4.8.1. Request for IG records made by the SJA or the government counsel in the case is processed under OUR.

4.8.2. Defense counsel's discovery request for IG records must be sent to SAF/IGQ or SAF/IGS, as appropriate, through the SJA or the government representative in the case, for release determination. The SJA or the government representative in the case must review the request for relevancy of the records requested and forward all defense discovery requests to SAF/IGQ or SAF/IGS for release determination.

4.8.3. SAF/IGQ or SAF/IGS will waive the IG Privilege for "In Camera" review by the judge alone.

4.8.4. SAF/IGQ or SAF/IGS will only approve release of IG records unredacted when ordered by the judge after an "In Camera" review.

Section 4D -- FOIA/Privacy Act Requests

4.9. Release Authority for FOIA/PA Requests.

4.9.1. SAF/IG is release and initial denial authority for all IG records requested under FOIA and referred to SAF/IG for action.

4.9.1.1. SAF/IGS is the release and initial denial authority for Senior Official cases.

★4.9.1.2. SAF/IGQ is the release and initial denial authority for all IG investigations closed at SAF/IGQ level. SAF/IGQ is also release and initial denial authority for all substantiated colonel (or equivalent) IG investigations regardless of the level at which they were initiated or closed.

★4.9.2. MAJCOM, FOA, or DRU IGs are the release authority for IG records when AFD 90-3 and this instruction govern those records, and pertain to IG actions finalized (closed) at their level and below. **EXCEPTION:**

★4.9.2.1. Colonel (or equivalent) cases as specified on paragraph 4.9.1.2. of this instruction.

4.9.2.2. MAJCOM, FOA, DRU IGs must coordinate all proposed FOIA responses with their FOIA and SJA offices.

★4.9.2.3. SAF/IGQ will act as MAJCOM release authority for all ANG IG investigations.

4.10. Policy Regarding FOIA/PA Requests.

4.10.1. Release of IG records under FOIA will be made only after the case has been closed. Respond to requests for open cases citing the appropriate FOIA exemptions after consulting with your SJA.

4.10.2. Any records requests which do not specifically cite or imply the FOIA or the PA, will be processed as a FOIA request when denying information or records.

4.10.3. IGs will coordinate FOIA requests with the FOIA Office and the SJA. See AFI 37-131 for FOIA officer responsibilities. For guidance on FOIA processing of IG records, refer to the SAF/IGQ "Release of Inspector General Documents "How To" Guide."

★4.10.4. Complainants, witnesses, and subjects do not have unrestricted access to reports (including testimony and exhibits), or any other case file information.

★4.10.4.1. The complainant, subject, and third parties may request release of IG records pursuant to the provisions of the FOIA.

★4.10.4.2. Third party complainants are not entitled to personal information or other information not releasable to the public under the FOIA/Privacy Act.

4.10.5. When the requester is the complainant on that particular IG case, you must indicate in your response that “COMPLAINANT PROVIDED” documents were not processed, but will be provided at their request, and will be processed under standard FOIA fees. Include in the response letter the following statement: “This is not a denial of this material.”

4.11. Specific Protections under the FOIA.

4.11.1. Reports and statements of witnesses, processed in response to FOIA requests, may be redacted in accordance with paragraph 4.11.2.2 of this instruction. Complainants, witnesses, and subjects generally have protectable privacy interests in the complaint and associated reports.

4.11.1.1. This privacy interest should be carefully balanced against the public interest before information concerning the identity of the complainant, subject, or witnesses is released.

4.11.1.2. Normally, the identity of the individual making the complaint and information that would tend to identify that person is not released. This is necessary to protect the integrity of the Air Force IG confidential complaints program, including FWA disclosures, to help prevent reprisals and preclude unwarranted invasions of privacy.

4.11.2. Parts of unclassified IG reports and records may be entitled to protection under AFI 37-131.

4.11.2.1. Pursuant to DoD 5400.7-R, *DoD Freedom of Information Act Program*, the agency should not withhold information solely because a FOIA exemption is technically applicable.

4.11.2.2. Denial of the information is appropriate if (1) exemption applies to the information, and (2) release would cause an identifiable and foreseeable harm to an individual and the agency whose interests the exemption is intended to protect.

4.12. Maintenance of FOIA Records. Maintain IG FOIA files in accordance with AFMAN 37-139.

4.12.1. At SAF level the release/denial authority is responsible for documentation, maintenance and disposition of IG records processed under FOIA.

★4.12.1.1. At MAJCOM, FOA, and DRU level, the IG is responsible for documentation, maintenance and disposition of IG records processed under FOIA..

4.12.1.2. When processing FOIA use a duplicate copy of the IG records to preserve the condition of the original copy.

4.12.2. Maintain a written record concerning 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 annotate the exemptions in the margins to reflect justification of the withheld data. **NOTE:** It is recommended to use a light-colored (water base) highlighter so you can easily read through the redactions and produce a clean copy when reproduced.

4.12.3. IG FOIA case files, including the initial response package and subsequent appeal package, if any, will be maintained within the IG file system.

4.12.3.1. The original investigative file will be destroyed on its scheduled disposition date.

4.12.3.2. The FOIA case file is filed under the requester’s name and must be maintained according to AFMAN 37-139.

Section 4E -- Requests from Non- Air Force Agencies

★4.13. Official Use Requests from Other DoD Agencies.

★4.13.1. All records requests from IG, DoD, the Office of the Secretary of Defense, the Joint Staff, Unified Commands, Defense Agencies and Field Activities, and the other Service components (includes National Guard and Reserves) must be forwarded to SAF/IG, SAF/IGQ or SAF/IGS for release determination.

4.13.2. The 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.

4.14. Requests from Other Government Agencies. Official Use Requests for IG records from non-DoD agencies must be forwarded to SAF/IGQ or SAF/IGS, as appropriate, for release determination.

4.15. Requests from Congress.

4.15.1. Requests from a Member of Congress, **for official congressional matters and not on behalf of a constituent**, must be given special handling according to AFPD 90-4, *Relations with Congress*.

4.15.1.1. Frequently, requests for information such as investigative reports, military and civilian personnel records, and records of administrative proceedings can be met by giving factual summaries rather than the documents themselves.

4.15.1.2. IG reports, classified and unclassified, are not released (either in written or oral form) unless approved by SAF/IG, SAF/IG designee, or higher level Air Force authority.

4.15.2. 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/OS.

4.15.2.1. Forward the request immediately to SAF/LLI.

4.15.2.2. Requests from a Member of Congress **on behalf of a constituent or as an individual** are processed under FOIA.

4.15.3. AFI 90-401, *Air Force Relations With Congress*, should be consulted if there is any doubt as to Air Force obligations in responding to any congressional request for information or records.

NICHOLAS B. KEHOE, Lt General, USAF
The Inspector General

Attachment 1

GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION

References

Title 10 United States Code, Section 1034
 Title 10 United States Code, Section 1561
 Title 10 United States Code, Section 7114
 DoDD 5505.6, *Investigations of Allegations Against Senior Officials of the Department of Defense*
 DoDD 5015.2, *DoD Records Management Program*
 DoDD 5106.1, *Inspector General of the Department of Defense*
 DoDD 5400.7-R, *DoD Freedom of Information Act Program*
 DoDD 6490.1, *Mental Health Evaluations of Members of the Armed Forces*
 DoDD 7050.1, *Defense Hotline Program*
 DoDD 7050.7, *Defense Hotline Procedures*
 DoDD 7050.8, *Defense Hotline Quality Assurance Review Program*
 DoDD 7050.6, *Military Whistleblower Protection*
 IGDG 7050.6, *Guide to Investigating Reprisal and Improper Referrals for Mental Health Evaluations*
 DoDI 1320.4, *Military Officer Actions Requiring Approval of the Secretary of Defense or the President, or Confirmation by the Senate*
 DoDI 6490.4, *Requirements for Mental Health Evaluations of Members of the Armed Forces*
 ★DODI 7050.7, *Defense Hotline Procedures*
 ★DODI 7050.8, *Defense Hotline Quality Assurance Review Program*
 AAFP 32-60, *Housing*
 AAFP 36-27, *Social Actions*
 AAFP 90-2, *Inspector General -- The Inspection System*
 AAFP 90-3, *Inspector General -- Complaints Program*
 AFI 24-301, *Vehicle Operations*
 AFI 32-6001, *Family Housing Management*
 AFI 33-360V1, *Publications Management Program*
 AFI 34-124, *Air Force Morale, Welfare, and Recreation Advisory Board (AFMWRAB)*
 AFI 34-202, *Protecting Nonappropriated Funds Assets*
 AFI 36-1201, *Discrimination Complaints*
 AFI 36-1203, *Administrative Grievance System*
 AFI 36-2115, *Assignments Within the Reserve Components*
 AFI 36-2906, *Personal Financial Responsibility*
 AFI 36-3207, *Separating Commissioned Officers*
 AFI 36-3208, *Administrative Separation of Airmen*
 AFI 36-3209, *Separation and Retirement Procedures for Air National Guard and Air Force Reserve Members*
 AFI 36-2401, *Correcting Officer and Enlisted Evaluation Reports*
 AFI 36-2501, *Officer Promotions and Selective Continuation*
 AFI 36-2603, *Air Force Board for Correction of Military Records*
 AFI 36-2706, *Military Equal Opportunity and Treatment Program.*
 ★AFI 37-124, *The Information Collections and Reports Management Program; Controlling Internal, Public, and Interagency Air Force Information Collections*
 AFI 37-131, *Freedom of Information Act Program*

AFI 37-132, *Air Force Privacy Act Program*
AFI 38-401, *The Air Force Innovative Development Through Employee Awareness (IDEA) Program*
AFI 44-109, *Mental Health and Military Law*
AFI 44-119, *Medical Service Clinical Quality Management*
AFI 51-201, *Administration of Military Justice*
AFI 51-202, *Nonjudicial Punishment*
AFI 51-502, *Personnel and Government Recovery Claims*
AFI 51-904, *Complaints of Wrongs Under Article 138, Uniform Code of Military Justice*
AFI 65-608, *Antideficiency Act Violations*
AFI 71-101V1, *Criminal Investigations*
AFI 90-401, *Air Force Relations With Congress*
★AFI 91-301, *Air Force Occupational and Environmental Safety, Fire Protection, and Health (AFOSH) Program*
AFI 91-302, *Air Force Occupational and Environmental Safety, Fire Protection, and Health (AFOSH) Standards*
AFMAN 37-139, *Records Disposition Schedule*
★President's Council on Integrity and Efficiency, *Quality Standards for Investigations*, September 1997

Abbreviations and Acronyms

ACTS—Automated Case Tracking System
ADC—Area Defense Counsel
AF/DP—Deputy Chief of Staff, Personnel
AF/JA—The Judge Advocate General
AFAA—Air Force Audit Agency
AFBCMR—Air Force Board for Correction of Military Records
AFCMO—Air Force Colonel Matters Office
AFGOMO—Air Force General Officer Matters Office
AFIA—Air Force Inspection Agency
AFOSI—Air Force Office of Special Investigations
AFSEMO—Air Force Senior Executive Matters Office
ANG—Air National Guard
CDI—Commander-Directed Investigation or Inquiry
CSAF—Chief of Staff, Air Force
DAF—Department of the Air Force
DoD—Department of Defense
DoDD—Department of Defense Directive
DoDI—Department of Defense Instruction
DRU—Direct Reporting Unit
EOT—Equal Opportunity and Treatment
EPR—Enlisted Performance Report
ERAB—Evaluation Report Appeal Board
FOA—Field Operating Agency
FOIA—Freedom of Information Act
FOUO—For Official Use Only
FWA—Fraud, waste, and abuse
HCR—Hotline Completion Report

HQ USAF/JAG—Headquarters Air Force, Judge Advocate General, General Law Division
HQ USAF/SG—Headquarters Air Force, Surgeon General
HQ USAF/XOF—Headquarters Air Force, Directorate of Security Forces
IGDG—Inspector General Defense Guide
IG, DoD—Department of Defense, Office of the Inspector General
IO—Investigating Officer
IR—Interim Response
JA—Judge Advocate
MAJCOM—Major Command
★MEO—Military Equal Opportunity
MHE—Mental Health Evaluation
MPF—Military Personnel Flight
NGB—National Guard Bureau
OPR—Office of primary responsibility or Officer Performance Report
OUR—Official Use Request
PA—Privacy Act or Public Affairs
PIF—Personnel Information File
POC—Point of Contact
PR—Progress Report
QR—Quality Review
ROI—Report of Investigation
SAF/OS—Office of the Secretary of the Air Force
SAF/FM—Secretary of the Air Force, Office of the Assistant Secretary (Financial Management & Comptroller)
SAF/GC—General Counsel of the Air Force
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, Inquiries Directorate
SAF/IGS—Secretary of the Air Force, Office of The Inspector General, Senior Officials Directorate
SAF/LLI—Secretary of the Air Force, Legislative Liaison, Congressional Inquiry Division
SAF/PA—Secretary of the Air Force, Office of Public Affairs
SecAF—Secretary of the Air Force
SES—Senior Executive Service
SOUIF—Senior Officer Unfavorable Information File
SROI—Summary Report of Investigation
SJA—Staff Judge Advocate
UCMJ—Uniform Code of Military Justice
U.S.C.—United States Code

Terms

Abuse--Intentionally wrongful or improper use of Air Force resources. Examples include misuse of rank, position, or authority that causes the loss or misuse of resources such as tools, vehicles, computers, or copy machines.

Abuse of Authority--Abuse of authority is further defined as it relates to personnel. It is an *arbitrary or capricious* exercise of power by a military member or a federal official or employee that *adversely affects* the rights of any person or that result in personal gain or advantage to themselves.

Acid Test--A four question test which an IO uses to determine if reprisal has occurred. Refer to paragraph 3.21 of this instruction for further discussion about the Acid Test.

Action Referral--Defense Hotline allegations referred for action are allegations that can be resolved by the Air Force 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.

ACTS--The **Automated Case Tracking System** (ACTS) is an Air Force Inspector General tool to capture all IG investigative and administrative activity Air Force-wide. ACTS is the primary data collection tool for Inspectors General at all levels. Inspectors General create an entry in ACTS for any action defined as an investigation, referral, assist, records release, review, dismissal, rebuttal, or transfer. The *ACTS Software Program Manual* provides specific instructions for the use of ACTS.

Administrative Actions--Non-criminal proceedings. Includes, but not limited to, letters of reprimand, letters of admonishment, letters of counseling, control roster actions, unfavorable information files, reenlistment denials, promotion propriety actions, and involuntary separation actions. These actions need not to be a result of an IG investigation.

Adverse Information--Information that constitutes:

1. A violation of criminal law; the UCMJ; DoD 5500.7-R, *Joint Ethics Regulation (JER)*; the Anti-Deficiency Act; or military or civilian personnel policies.
2. An abuse of authority, especially when an element of personal benefit accrues to the official, a family member, or an associate.
3. Fraud, waste, and abuse or mismanagement, governed by this instruction or involving nonappropriated funds or morale, welfare, and recreation assets, including personnel and facilities, as governed by AFI 34-124, *Air Force Morale Welfare and Recreation Advisory Board (AFMWRAB)*, and AFI 34-202, *Protecting Nonappropriated Funds Assets*.
4. Reprisal as defined in this instruction.
5. Misconduct by a medical provider requiring actions to suspend, limit, or revoke clinical privileges, as governed by AFI 44-119, *Medical Service Clinical Quality Management*.
6. Prohibited discrimination or sexual harassment as described by AFI 36-2706, *Military Equal Opportunity and Treatment Program*, and AFI 36-1201, *Discrimination Complaints*.
7. A matter not included above which may reflect adversely on the individual's judgment or exercise of authority.

Allegation--A declaration or assertion made concerning an individual or a detrimental condition. An allegation should:

1. Include which person or what process the allegation is against.
2. Include what standard (policy, instruction, etc.) was violated.
3. State facts that, if substantiated, represent adverse information.

★Appointing Authority-- MAJCOM, FOA, DRU, NAF, Center, installation and wing commanders; State Adjutants General; IGs in authorized positions at MAJCOM, FOA, DRU, and NAFs; or any

Installation/Wing or State level IG the commander or State Adjutant General designates in writing to act as Appointing Authority. Appointing Authorities have the authority to direct investigations, appoint Investigating Officers (IOs), and make final determinations on the findings of IG investigations directed under their authority.

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 allegation of wrongdoing and only assistance is required to remedy the problem.

Case File--A *case file* is a compilation of documents relevant to an investigation.

★Category I Investigation--A Category I Investigation is an examination of policy, procedure or facts in the case in order to resolve the complaint through normal staff functions and quickly respond to a complainant's concerns.

1. A Category I Investigation is a determination of the facts by checking records and correspondence, reviewing applicable instructions, examining material evidence, and as deemed necessary, interviewing (using either sworn or unsworn testimony) the complainant and persons having direct knowledge of the matter.
2. IGs may ask functional experts to review a complaint and render an opinion (if required) in order to prepare a response to a complainant. IGs should caution functional experts to protect the identity of the complainant by not revealing anything about the complaint to other personnel without the approval of the IG.
3. Document **all** Category I investigations in a formal report titled *Report of Investigation: Category I* (see Figure 2.7) regardless of the findings of the investigation.
4. **Only IGs or a member of the IG office investigative staff can conduct Category I Investigations** – A letter of appointment is not required.

Category II Investigation--Category II 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). Allegations of reprisal will always be investigated with a Category II investigation.

1. The Appointing Authority will select and appoint the Investigating Officer (IO) and provide guidance for all Category II Investigations. IGs may conduct Category II Investigations, however an appointment letter is still required.
2. The Appointing Authority will determine the scope of the investigation and determine what testimony should be transcribed verbatim. Normally, both the complainant and subject(s) testimony will be transcribed verbatim.
3. For further details on how to conduct an investigation consult SAF/IG *Investigating Officer Guide*.

Chain of Command (Designated to Receive a Protected Disclosure)--Chain of command begins with that officer who has properly assumed or been appointed, in accordance with applicable Air Force, Air Force Reserve, or Air National Guard/National Guard regulations, in immediate command over the individual concerned, and includes all superior commanders over such individuals. This includes section commanders so designated, but **does not** include Command Chief Master Sergeants or First Sergeants.

Closure--An IG Investigation closes after the Appointing Authority approves the case and the complainant receives a final response regardless of any requirements for further higher-level QR. (EXCEPTION: Congressionals and reprisal cases). Note: Higher-level QRs after case closure do not affect the closure date of a case but are part of the life cycle of each particular complaint. Refer to Section 2L for detailed information.

Colonel (or equivalent)--Any Air Force active duty, 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 GM/GS-15. **For purposes of this instruction, these individuals will be referred as *colonels (or equivalent)*.**

★ **Commander Directed Investigations and Inquiries (CDIs)**--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.

Complainant--Any individual making an allegation against an Air Force member, program, or organization. May be any individual including military members, civilian employees, retirees, family members, or other third parties that request to use the IG complaint system.

Complaint--An allegation or set of allegations that assert a wrong or violation of law, regulation, instruction, policy, procedures or rules, or report conditions detrimental to the operation, mission, or reputation of the Air Force.

Complaint Analysis--A preliminary review of allegations and evidence to determine the potential validity and relevance of the allegations to the Air Force and to determine what action, if any, in IG, command, or other channels is necessary.

Contact--The act of receiving a complaint/disclosure (written or oral).

Discovery Requests (Military Justice and Civilian Judicial Proceedings)--Discovery is the disclosure of relevant information between opposing counsel before and during litigation.

Dismiss--A complaint is dismissed if a complaint analysis determines it is not appropriate for IG investigation because:

1. It discloses no recognizable wrong or violation of law, policy, procedures, or regulation.
2. It is not timely – was not filed within 60 days of the complainant learning of the alleged wrong and there are no extraordinary circumstances justifying the delay or any special Air Force interest in the matters alleged.
3. It is without merit, frivolous, and can not be referred.

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 a fact. An investigation is an evidence-gathering exercise to substantiate or not substantiate an allegation.

File Check--A file check is a search for adverse information on Senior Officials and colonels (or 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.

Fourteen Step Complaints Process--The 14-Step Process describes actions required to complete a complaint case from receipt through investigation to closure. The process is divided into three phases, pre-investigation, investigation, and post-investigation (see Table 2.1).

Fraud-- Any intentional deception designed to unlawfully deprive the Air Force of something of value or to secure from the Air Force 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 of 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 Air Force 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)--FOIA is a statutory right of access to government information.

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.

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 supposed to be a stand-alone document and provide all necessary background information.

Improper Conduct--Conduct (acts or omissions) found to violate an identifiable directive, instruction, policy, regulation, rule, statute, or other standard applicable to the Air Force, without regard to knowledge, motive, or intent.

Inappropriate Conduct--Action a reasonable person would consider likely to erode confidence in the integrity of the Air Force, but which does not violate an identifiable directive, instruction, policy, regulation, rule, statute, or other standard applicable to the Air Force.

In-Camera Review--Process in which a judge reviews the requested records to determine the relevancy of the particular records to the case under litigation.

Information Referral--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.

★ **Interrogatories**--A list of written questions prepared by the IO or IG for a witness to read and 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. For the purposes of this instruction and to differentiate between the two types of examination actions and documentation required for each, the terms *Category I* and *Category II Investigation* are used. 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*.

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 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)--Any commissioned officer, senior noncommissioned officer (E-7 and above), or civil service employee (GS-9 and above) appointed by the competent Appointing Authority to conduct an IG *Category II 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. The IO's authority extends to all subordinate echelons of the command and requires the compliance and cooperation of subordinate commanders.

Involuntary Admission--An involuntary, inpatient admission for a mental health evaluation when an individual is found, by a privileged mental health provider, to be suffering from a mental disorder that makes the individual a danger to self, others, or government property.

★ **Lawful Communication (recognized as a *Protected Disclosure*)**--Any communication, including complaints and witness statements or testimony, that does not constitute or admit a violation of the Uniform Code of Military Justice (UCMJ) or other applicable criminal law. If a communication contains both lawful and unlawful portions, only the lawful portion will be extended the protections from reprisal. Unlawful communications are not protected, and may be referred by the recipient of the communication to appropriate authorities who are authorized to take adverse personnel action against the offender.

Legal Review--A review of an IG case by a Staff Judge Advocate to ensure *legal sufficiency* before the Appointing Authority approves the report and its findings, and prior to the commander's review of the report.

★ **Legal Sufficiency**--A review of the ROI (or SROI) to determine whether: (1) the investigation complies with all applicable legal and administrative requirements; (2) the investigation adequately addresses the matters under investigation; (3) the preponderance of evidence supports the findings of the IO or IG; (4) the conclusions are consistent with the findings; and (5) any errors or irregularities exist, and if so, their legal effect, if any.

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 (1) with the knowledge the conduct violates a standard, or willful disregard for that possibility; (2) with the intention to harm another; or (3) for the purpose of personal profit, advantage, or gain.

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 (from documentation and testimony) indicate the complainant was not wronged or no violation occurred.

★ **Official Use Request (OUR)**--OUR is a request for the disclosure of IG records to officials of the agency having a need for the records in the performance of their duties. **EXCEPTION:** IG records may not be provided to Area Defense Counsel (ADC) under an OUR, except in accordance with paragraph 4.5.4.

Personnel Action--Any action taken on a member of the Armed Forces that affects or has a potential to affect (for example a threat) that military member's current position or career. Such actions include (but are not limited to):

1. a demotion
2. a disciplinary or other corrective action
3. a transfer or reassignment
4. a performance evaluation
5. a decision on pay, benefits, awards, or training
6. referral for mental health evaluation under DoDD 6490.1, *Mental Health Evaluations of Members of the Armed Forces*
7. and/or any other significant change in duties or responsibilities inconsistent with the military member's rank.

Preponderance of the Evidence--The standard of proof for IG Investigations. The preponderance standard means that the IO is satisfied that the *greater weight of the credible evidence* supports the findings and conclusions -- it is *more likely than not* that the alleged events have occurred. The weight of the evidence supporting a conclusion is not to be determined by the sheer number of witnesses or the volume of evidentiary matter presented, but rather by the evidence which best accords with reason and probability.

★ **Protected Disclosure (or Communication)**--A protected disclosure (or communication) is:

1. Any *lawful communication* by a member of the Armed Forces to a Member of Congress or an IG (this includes IG office **investigative** staff),
- or**
2. Any *lawful communication* in which a member of the Armed Forces communicates information the member reasonably believes evidences a violation of law or regulation (including laws or regulation prohibiting sexual harassment or unlawful discrimination), *gross mismanagement*, a gross

waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, when such communication is made to:

- a. any member of a DoD audit, inspection, investigation, or law enforcement organization.
- b. any other person or organization designated pursuant to component regulations or other established administrative procedures to receive such communications. This includes: Military Equal Opportunity personnel, Family Advocacy, and certain designated commanders in a member's *chain of command*. Communications made to a Command Chief Master Sergeant or First Sergeant are not protected under the statute.

A protected disclosure also includes circumstances where the military member was preparing a lawful communication or complaint that was not actually delivered, where the member did not actually communicate or complain but was believed to have done so by management officials, or cooperated with or otherwise assisted an IG, Member of Congress, or a member of a DoD audit, inspection, investigation or law enforcement organization by providing information that the military member reasonably believed evidenced wrongdoing.

Communications made by a third party (e.g. spouse, relative, co-worker) to a designated official in which they allege reprisal against a military member, may be covered as protected communications under Title 10 U.S.C. 1034. The test is whether the management official who took the personnel action **believed or suspected** that the protected communication was **made by or on behalf of the military member**.

★ **Redaction (In reference to processing records under FOIA and PA)**--Masking out (blackening) from records, information which is withheld from release usually under the provisions of the Freedom of Information Act (FOIA) and/or Privacy Act (PA). The exemptions for FOIA are in AFI 37-131, *Freedom of Information Act Program*. The Privacy Act is outlined in AFI 37-132, *Air Force Privacy Act Program*.

Referral--A referral is a complaint that is determined to be more appropriately handled by an organization or agency outside the Air Force IG system.

Release Authority--An individual designated to release records in whole according to accepted FOIA and Privacy Act principles. The *Release Authority* is authorized to deny (withhold the release) information to protect the integrity of the system and third party privacy interests. A requester may appeal the Release Authority's decision to deny information through FOIA channels as outlined in AFI 37-131, *Freedom of Information Act Program*.

Reprisal--Reprisal is 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 a protected disclosure.

Responsible Management Official(s)-- The responsible management officials are:

1. The official(s) who influenced or recommended to the deciding official that he/she take, withhold, or threaten the action.
2. The official(s) who decided to take, withhold, or threaten the personnel action.
3. Any other officials who approved, reviewed, or indorsed the action.

★ **Self-Investigation**--Investigating or directing an investigation into allegations pertaining to the Appointing Authority, individuals who report directly to the Appointing Authority, or members of the IG staff. It is critical to the integrity of the IG system to refrain from self-investigation or the appearance of such. Elevate a complaint to the next higher-level IG, if needed, to avoid the appearance of self-investigation.

Senior Officer Unfavorable Information File (SOUIF)--A SOUIF is a written summary of adverse information pertaining to a colonel or a general officer (Senior Official) collected by the Inspector General which the Secretary of the Air Force or designee (SAF/GC) has determined should be made available to a promotion board.

Senior Official--A Senior Official is defined as any Air Force active duty, retired, Reserve, or ANG military officers in grades O-7 (brigadier general) select and above; current and former civilians above the grade of general schedule (GS) or general manager (GM)-15; current or former members of the Senior Executive Service (SES); and current and former Air Force civilian Presidential appointees.

Sexual Harassment--A form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. For more detailed definitions, see AFI 36-1201, *Discrimination Complaints*, or AFI 36-2706, *Military Equal Opportunity and Treatment Program*.

★ **Statement**--A written or verbal declaration of events made to an IO or IG by a witness, subject or suspect. For all reports, type any written statements. The witness should sign the typed statement to certify the validity. Statements are used on a limited basis when IOs or IGs are unable to obtain sworn verbal testimony during an interview.

Subject--A military member or civil service employee against whom allegations of wrongdoing have been made and whose conduct is the focus of an investigation.

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 standards. The facts (from documentation and testimony) indicate the complainant was wronged or a violation occurred.

★ **Summarized Testimony**--A written summary of witness testimony prepared and certified by the IO (the IG for Category I investigations). It normally includes only those items directly related to the matters under examination. The IO/IG must sign all summaries. It is encouraged (not mandatory) that witnesses also sign summarized testimony, if deemed appropriate.

Summary Report of Investigation (SROI)--A *publicly-releasable* version of a Report of Investigation, omitting *names and personal and private* identifying information pertaining to individuals. The SROI should be factual in nature (limited to facts that are pertinent and support the findings) but not list recommendations or specific actions taken.

★ **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 SJA is required before reading rights to a suspect.

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).

Sworn. Obtained from a witness who has taken an oath or affirmation to tell the truth.

Unsworn. Obtained from a witness who has not taken an oath or affirmation to tell the truth.

Third Party Complaint--A complaint made *on behalf of an individual* against an Air Force military member, civil service employee, program, or organization.

Transfer--A complaint is transferred when a complaint analysis determines an IG other than the one receiving the complaint should resolve it.

Unlawful Discrimination--Discrimination on the basis of color, national origin, race, religion, sex, disability (against civilian employees), or age that is not authorized by law or regulation.

Waste--The extravagant, careless, or needless expenditure of Air Force funds or the consumption of Air Force 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.

Witness--Any individual, civilian or military, who is interviewed (or testifies) during the course of an IG investigation.

Attachment 2

FORMAT FOR REPRISAL EVALUATION FORM

SECTION A. (COMPLETED BY THE IO)

1. Information on Complainant:

- a. Full Rank and Name:
- b. Duty Station (*State full address*):
- c. Status (*State whether Active Duty, Reserve, Guard, and so on*):
- d. Initial Protected Disclosure was made to (*Member of Congress, an AF IG, IG, DoD, and so on*):
- e. Date of the Initial Protected Disclosure (*State day/month/ year*):
- f. Initial Protected Disclosure 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 disclosure or believed/suspected the complainant had made a disclosure 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. (*Note: If more than four subjects, add rows with additional names when format is computerized; if format is printed, use an additional form.*)

Subject (s) <i>(Rank, Full Name, Duty Title, Organization)</i>	Date Subject Learned of Complainant’s Protected Disclosure <i>(Day/Month/Year)</i>	Personnel Action(s) Taken, Threatened, or Withheld (<i>Be Specific. List each action associated with the subject.</i>)	Date of Each Personnel Action <i>(Day/Month/Year)</i>	Reprisal <i>(State "Yes" or "No" for each personnel action)</i>
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. Investigating Officer’s (IO) Information:

- a. Full Rank and Name:
- b. Unit and Base Assigned:
- c. DSN and Commercial Numbers:
- d. Signature and Date Completed Section A:

SECTION B. (COMPLETED BY APPOINTING AUTHORITY OR SERVICING IG)

4. Did the Investigating Officer:	Respond “Yes” or “No”
a. Work for any of the subjects (responsible management officials) in the case? (<i>The IO should be free from command influence</i>)	
b. Apply the acid test for each personnel action taken, threatened, or withheld?	
c. Accurately identify <u>all</u> protected disclosures?	
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 disclosure 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 (<i>what was their rationale</i>) 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? (<i>Is the report balanced?</i>)	
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)	

5. Was the Report of Investigation (ROI) reviewed by the Staff Judge Advocate, 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.*)

6. Were there deficiencies, discrepancies, incongruities (contradictions or inconsistencies) in the IO's findings, conclusions?

7. 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) are substantiated.** (*When a case closes at the same level that initiated the case, corrective action may be taken immediately. If a case closes at a higher level, recommend command officials wait to take corrective action until higher headquarters notifies you that the case is closed. Cases will be placed in "Follow-up" status until the closure level receives notification of corrective action.*)

a. List corrective action or remedy for the complainant: (*State briefly what actions command 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 IO's findings and conclusions; and was found legally sufficient by the SJA.

a. Full Rank, Name, and Organization:

b. Date Completed Review:

c. DSN and Commercial Numbers:

d. Signature of Reviewing Official:

SECTION C. (COMPLETED BY NAF/IG, if applicable)

10. IG official completing review: I certify that the attached ROI meets all the requirements outlined in AFI 90-301; supports the IO's findings and conclusions; and was found legally sufficient by the SJA.

a. Full Rank, Name, and Organization:

b. Date Completed Review:

c. DSN and Commercial Numbers:

d. Signature of Reviewing Official:

SECTION D. (COMPLETED BY MAJCOM, 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 IO's findings and conclusions; and was found legally sufficient by the SJA.

- a. Full Rank, Name, and Organization:
- b. Date Completed Review:
- c. DSN and Commercial Numbers:
- d. Signature of Reviewing Official:

SECTION E. (Final Quality Review by SAF/IGS or SAF/IGQ)

- a. Full Rank, Name, and Organization:
- b. Date Completed Review:
- c. Signature of Reviewing Official:

★Attachment 3

★ FORMAT FOR MENTAL HEALTH REFERRAL EVALUATION FORM

CHECKLIST FOR ASSESSING ALLEGATIONS OF VIOLATIONS OF
DoDD 6490.1 AND DoDI 6490.4

SECTION A. (COMPLETED BY THE IO)

1. Information on Complainant:

- a. Full Name and Rank:
- 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 Rank:
- 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 Item 4 and complete information regarding the Investigating Officer. If member alleges reprisal, IO must follow the procedures outlined in AFI 90-301, Chapter 3, Section 3C and complete a *Reprisal Evaluation Form*.

3. Referral Conditions: *(Fill out the section that applies to the complainant's referral to mental health.)*

Part A	GENERAL GUIDELINES: <i>(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)</i>	Response <i>(If yes, complete information requested, if any)</i>
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, F.1.a.(2)). (a) Date Commander consulted with MHP: _____ (b) Rank/Name of MHP contacted: _____	
2	Did the commander make the referral? (DoDI 6490.4, F.1.a.(1)).	
3	Was the member evaluated by a MHP , as defined by DoDI 6490.4? (a) Date evaluation was conducted: _____	

Part A	GENERAL GUIDELINES (Continued) (If yes, complete information requested, if any)	Response
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, Enclosure 5)	
5	Upon request by the member, was a DoD-provided legal counsel appointed to assist the member at no cost to the member? (DoDI 6490.4, F.b.)	
Part B	ROUTINE (NON-EMERGENCY REFERRAL) (Complete if applicable)	(Complete if applicable)
1	Did the commander forward a written request for Mental Health Evaluation (MHE) to the Medical Treatment Facility (MTF)? (DoDI 6490.4, F.1.a.(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, F.1.a.(4) and Enclosure 4) (a) Date member received the notification letter: _____	
3	Did the written notification include: (DoDI 6490.4, F.a.(4) and Enclosure 4)	
	(a) A brief factual description of the behavior and/or actions that led to the referral decision.	
	(b) Name(s) of MHP(s) with whom the commander consulted before making the referral. <i>If a consultation with a MHP was not possible, the memorandum shall state the reason(s) why.</i>	
	(c) Notification of the member's Statement of Rights under Public Law No. 102-484.	
	(d) The date, time, and place the MHE is scheduled and the name and rank of the MHP who will conduct the evaluation.	
	(e) Titles and telephone numbers of other authorities, including attorneys, IG, and chaplains, who can assist the member who wishes to question the necessity of the referral.	
	(f) Name and signature of the commander.	
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, F.1.c.(3)).	
Part C	EMERGENCY REFERRAL (Complete if applicable)	(Complete if applicable)
1	Did the Emergency MHE meet the definition of "Emergency" in DoDI 6490.4, Enclosure 2?	
2	Did the commander take action to safely convey the member to the nearest MHP or MTF? (DoDI 6490.4, F.a.(5).(c))	
3	Did the commander provide the member with a memorandum and statement of rights, as soon as practicable? (DoDI 6490.4, F.a.(5).(d) and Enclosure 4)	
Part D	INVOLUNTARY HOSPITALIZATION FOR PSYCHIATRIC EVALUATION AND/OR TREATMENT (Complete if applicable)	(Complete if applicable)
1	Was the member admitted by a psychiatrist (or if psychiatrist not available, by another MHP or privileged physician)? (a) Rank/Name of admitting provider (professional): _____ (b) Date member was admitted: _____	
2	Did the commander or MHP 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, F.2.(b)). (a) Rank/Name of official who informed member: _____ (b) Date this occurred: _____	

Part D	INVOLUNTARY HOSPITALIZATION FOR PSYCHIATRIC EVALUATION AND/OR TREATMENT (Continued) <i>(Complete if applicable)</i>	<i>(Complete if applicable)</i>
3	Did the commander or MHP inform the member of his/her right to contact a relative, friend, chaplain, attorney, and/or an IG as soon after admission as the member's condition permitted? (DoDI 6490.4, F.2.b.(2)). (a) Rank/Name of official who informed member: _____ (b) Date this occurred: _____	
4	Was member allowed to contact a relative, friend, chaplain, attorney, and/or an IG? (If member was not allowed, explain why) _____ _____	
5	Was the member evaluated by a MHP 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, F.2.b.(3)) (a) Rank/Name of MHP who made the decision: _____ (b) Date decision was made: _____ (c) Date member was released from the hospital: _____	
6	If the MHP recommended continued hospitalization, was the member notified orally and in writing of the reasons for continued hospitalization? (DoDI 6490.4, F.2.b.(4)). (a) Rank/Name of MHP who made the decision: _____ (b) Date member was informed: _____	
Part E	INDEPENDENT REVIEW PROCEDURES FOR CONTINUED INVOLUNTARY PSYCHIATRIC HOSPITALIZATION <i>(Complete if applicable)</i>	<i>(Complete if applicable)</i>
1	IAW DoDI 6490.4, did the MTF commander appoint an independent Reviewing Officer 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, F.2.c.(1)) (a) Rank/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, F.2.c.(2))	
3	Did the Reviewing Officer notify the member of the right to have legal representation during the review, by a DoD judge advocate (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, F.2.c.(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, F.2.c.(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, F.2.c.(5))	
6	Did the Reviewing Officer first confer with the referring commander and the admitting MHP to clarify issues when there is evidence which indicates that the MHE may have been requested or conducted improperly? (DoDI 6490.4, F.2.c.(6))	

Part E	INDEPENDENT REVIEW PROCEDURES FOR CONTINUED INVOLUNTARY PSYCHIATRIC HOSPITALIZATION (Continued) <i>(Complete if applicable)</i>	<i>(Complete if applicable)</i>
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, F.2.c.(6)) (a) Date Reviewing officer reported determination to MTF Commander: _____	
Part F	IMMINENTLY DANGEROUS SERVICE MEMBERS <i>(Complete if applicable)</i>	<i>(Complete if applicable)</i>
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? (DoDI 6490.4, F.3.b.(1)) (a) Date of member's referral: _____ (b) Date unusual behaviors/actions were noted: _____	
2	Did the commander first consult with a MHP prior to making the referral? (DoDI 6490.4, F.3.b.(1)) (a) Rank/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, F.3.d.(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, F.3.d.(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, F.3.f, for precautionary measures to be taken)	

4. Information Concerning the Investigating Officer (IO):

- a. Rank/Name:
- b. Base of Assignment:
- c. Date Appointed IO:
- d. DSN and Commercial Number (CONUS only):
- e. Date This Form Completed:
- f. IO's Signature: _____

SECTION B. (COMPLETED BY APPOINTING AUTHORITY OR IG)

5. Did the IG report to SAF/IGQ within **seven (7)** duty days of receipt of the allegations of improper MHE using AFI 90-301, Figure 3.4? *(YES/NO)*

6. I certify that the attached ROI meets all the requirements outlined in AFI 90-301; supports the IO's findings and conclusions; and was found legally sufficient by the SJA.

- a. Full Name, Rank, and Duty Title:
- b. Date Completed Review:
- c. DSN and Commercial Numbers:
- d. Signature of IG/Appointing Authority: _____

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 IO's findings and conclusions; and was found legally sufficient by the SJA.

- a. Full Name, Rank, and Duty Title:
- b. Date Completed Review:
- c. DSN and Commercial Numbers:
- d. Signature of Reviewing Official: _____

SECTION D. (COMPLETED BY NGB, MAJCOM, 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 IO's findings and conclusions; and was found legally sufficient by the SJA.

- a. Full Name, Rank, 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. Did SAF/IGS or SAF/IGQ notify IG-DoD within 10 workdays 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 IO's findings and conclusions; and was found legally sufficient by the SJA.

- a. Full Name, Rank, and Duty Title:
- b. Date Completed Review:
- c. Signature of Reviewing Official: _____

Attachment 4**SAMPLE COMPLAINT ANALYSIS FOR ALLEGATIONS OF REPRISAL****RECORD OF COMPLAINT ANALYSIS****FOR****ALLEGATIONS OF REPRISAL UNDER 10 U.S.C. 1034**

1. **COMPLAINANT:** MSgt Joe Complainant
2. **ACTS CASE NUMBER:** ABC980001
3. **DATE COMPLAINANT FILED HIS/HER REPRISAL ALLEGATION(S) WITH AN IG:** 1 Jul 98
4. **IG OFFICE EXTENDING 10 U.S.C. 1034 PROTECTION:** [*Where was the complaint filed?; Name of individual/office receiving the complaint*]
5. **DATE OF PRELIMINARY INTERVIEW WITH COMPLAINANT:** 2 Jul 98

6. PROTECTED COMMUNICATIONS:

- a. **Date:** 17 Nov 97

To Whom:

Name: Lt Col Jane Boss

Position/Title: Commander, 9777th Security Forces Squadron, Kirtley AFB, FL

Brief summary of communication: MSgt Complainant informed Lt Col Boss that he intended to file a complaint with both the installation IG and Military Equal Opportunity with allegations of unfair treatment and harassment.

- b. **Date:** 19 Nov 97

To Whom:

Name: Col John Doe

Position/Title: Inspector General, Kirtley AFB, FL

Brief summary of communication: MSgt Complainant met with the IG to express his concerns and allegations of unfair treatment and harassment. Col Doe recommended MSgt Complainant contact Military Equal Opportunity because these matters were not under the purview of the IG. Col Doe offered to arrange for an appointment, but MSgt Complainant stated he would contact Military Equal Opportunity himself. MSgt Complainant never followed up with a visit to Military Equal Opportunity.

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7. ADVERSE PERSONNEL ACTION(S) AND RESPONSIBLE MANAGEMENT OFFICIAL(S):

[Asterisk (*) actions not timely under 1034]

(Date, personnel action, responsible official)

Date	Personnel Action	Responsible Management Official
* 12 Jan 98	Disapproval of MSM	Lt Col Jane Boss
* 10 Dec 97	LOC for being late to work	Maj Larry Supervisor (Section Chief)
11 May 98	LOR for disrespect to a superior officer (Maj Supervisor)	Lt Col Jane Boss
28 May 98	LOR/UIF for dereliction of duties	Lt Col Jane Boss
17 Jun 98	Non-recommendation for promotion	Lt Col Jane Boss

8. RESPONSIBLE MANAGEMENT OFFICIAL(S) KNOWLEDGE PER COMPLAINANT:**Did the responsible management officials know about the protected communications before they took the adverse personnel action?**

On 17 Nov 97, MSgt Complainant informed Lt Col Boss of his intentions to go to the IG and Military Equal Opportunity concerning the allegations of unfair treatment and harassment. This meeting constituted the original protected communication. On 19 Nov 97, Capt Complainant informed Lt Col Boss about his visit to the IG.

Maj Supervisor denies any prior knowledge of either protected communication. Lt Col Boss does not remember ever informing Maj Supervisor about the protected communications.

9. PREVIOUS OR CURRENT INVESTIGATIONS ON THESE MATTERS: NO [YES/NO (If yes, who conducted, date, disposition)]**10. ANALYSIS OF COMPLAINT:**

MSgt Complainant alleges the 11 May 98 LOR was issued in reprisal for his protected communications. On 11 May 98, MSgt Complainant and Maj Supervisor had a discussion about job-related matters which turned into a strong, loud exchange of words. Maj Supervisor felt that MSgt Complainant was insubordinate and informed Lt Col Boss. There were other people present during the discussion but were not interviewed as part of this analysis.

MSgt Complainant alleges the 28 May 98 LOR was issued in reprisal for his protected communications. On 26 May 98, MSgt Complainant went to sick call due to severe back pain. After receiving medication, and in accordance with the doctor's recommendation, he then went home to rest instead of returning to work. MSgt Complainant claims he did not contact Maj Supervisor because he was well aware of MSgt Complainant's medical condition and should not have expected him to return to work. Further, MSgt Complainant stated he assumed he was on quarters and the hospital would inform his duty section.

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MSgt Complainant also alleges that he was non-recommended for promotion in reprisal for his protected disclosures. The official stated reason for the non-recommendation was "...failure to meet minimum standards of conduct." The chain of command claims that MSgt Complainant had trouble with authority and in the past year had received one LOC and 2 LORs. Of note, MSgt Complainant was pending a Medical Evaluation Board because of his back problems when the non-recommendation was issued.

In addition to the adverse personnel actions covered under 10 U.S.C 1034, MSgt Complainant also alleged two other actions were taken in reprisal that were found to be untimely (disapproval of an MSM and LOC for being late for duty. MSgt Complainant first alleged reprisal in 1 Jul 98 -- more than six months after both actions were taken.

11. DETERMINATION:

I have determined there is a need for an investigation into the allegations of reprisal under 10 U.S.C. 1034.

*[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]*

12. IG COMPLETING ANALYSIS:

- a. Full Name, Rank, and Organization:
- b. Date Completed Analysis:
- c. DSN and Commercial Phone Numbers:
- d. Signature:

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Attachment 5**IC 99-1 TO AFI 90-301, INSPECTOR GENERAL COMPLAINTS**

12 AUGUST 1999

★ [First paragraph of Purpose Statement]

This instruction implements Air Force Policy Directive (AFPD) 90-3, *Inspector General -- Complaints Program*; Department of Defense (DoD) Directive 5505.6, *Investigations of Allegations Against Senior Official of the Department of Defense*; DoD Directive 7050.6, *Military Whistleblower Protection*; DoD Directive 6490.1, *Mental Health Evaluations of Members of the Armed Forces*; DoD Directive 7050.1, *Defense Hotline Program*; DoDI 7050.7, *Defense Hotline Procedures*; DoDI 7050.8, *Defense Hotline Quality Assurance Review (QAR) Program*; DoDI 6490.4, *Requirements for Mental Health Evaluations of Members of the Armed Forces*; and President's Council on Integrity and Efficiency, *Quality Standards for Investigations, September 1997*. It applies to all military personnel subject to the Uniform Code of Military Justice (UCMJ) including Air Force Reserve personnel, to the Air National Guard, and to all Air Force civil service personnel subject to civilian administrative or disciplinary action under applicable directives or implementing instructions. Military members who violate the prohibition against reprisal in paragraph 3.16 of this instruction are subject to prosecution under Article 92 of the UCMJ. ANG personnel not on federal status are subject to the applicable State military code or administrative action, as appropriate. Civilians who violate this prohibition are subject to administrative or disciplinary action under applicable directives or implementing instructions governing civilian disciplinary or administrative action.

★ **SUMMARY OF REVISIONS**

This change incorporates interim change (IC) 99-1 which provides guidance on the source of authority of the Air Force Inspector General; makes commanders the release authority for commander-directed investigations unless they pertain to Senior Officials; makes Appointing Authorities the release authority for Official Use Requests submitted by commanders for the purpose of determining appropriate command action; clarifies procedures for complaints simultaneously filed with different levels and complaints which have been previously addressed; clarifies the definition of the terms Assist, Category I investigation, Appointing Authority, self-investigation, and protected communication (disclosure); eliminates the use of the HCR format to document Category I investigations; implements a standard ROI format and case file for Category I investigations; combines the Findings, Analysis, and Conclusion portions of the ROI for Category II investigations; clarifies the requirements for notification of subjects upon completion of IG investigation; requires additional legal review when a higher-level IG changes findings of a lower-level investigation; clarifies the right of a civil service employee to have union representation during an interview and the rights advisement requirements concerning civilian witnesses; clarifies notification requirements for congressionals received at lower levels; updates Attachment 3 (Mental Health Referral Evaluation Form); and changes the term "Social Actions" to "Military Equal Opportunity" throughout the publication. See last attachment of the publication, IC 99-1, for the complete IC. A star indicates revision from the previous edition.

★ 1.2.1. In accordance with 10 U.S.C. 8014, the Secretary of the Air Force has sole responsibility for the function of The Inspector General of the Air Force (SAF/IG).

- ★ 1.2.2. In accordance with 10 U.S.C. 8020, and when directed by the Secretary of the Air Force or the Chief of Staff, SAF/IG has the authority to inquire into and report upon the discipline, efficiency, and economy of the Air Force and perform any other duties prescribed by the Secretary or the Chief of Staff.
- ★ 1.2.3. Authority to investigate IG complaints within the Air Force is hereby delegated to IG offices at all organizational levels.
- ★ 1.4.6. Inspectors General (IG) in authorized positions at MAJCOM, FOA, and DRU, and NAFs.
- ★ 1.4.7. IGs in authorized positions at installations and wings, and at State level, **if designated in writing by the installation/wing commander, or Adjutant General**, respectively.
- ★ 1.11.3. 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 from SAF/IGQ level.
- ★ 1.18.3. DELETED
- ★ 1.18.3.1. DELETED
- ★ 1.18.3.2. DELETED
- ★ 1.18.3.3. DELETED
- ★ 1.18.3.4. DELETED
- ★ 1.22.3.2. IGs may, exercising good judgment and weighing the desire to preserve confidentiality, refer a complaint to another channel (including command channels) 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.
- ★ 1.23.5.3. Investigate allegations of reprisal or improper mental health referral. Commanders will refer such allegations to the IG for investigation.
- ★ 1.23.7.1. The commander is the release authority for commander-directed investigative reports unless the allegations pertain to Senior Officials.
- ★ 1.23.7.2. SAF/IG (or designee) is the release authority for all CDIs involving Senior Officials.
- ★ ***Section IG -- Reporting Requirements for Allegations Against Senior Officials and Colonels (or equivalent)***

★ **Figure 1.1. Notification Memorandum for Reporting Allegations Against a Senior Official.**

MEMORANDUM FOR SAF/IGS

1140 Air Force Pentagon
Washington DC 20330-1140

FROM: (Full Official Address)

SUBJECT: Notification of Allegations Against a Senior Official

According to AFI 90-301, the following information is provided: *(Separate list for all subjects)*

- a. Subject's Name (Last, First, MI) and Rank:
- 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 Rank:
- 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 received by the commander:
- h. MAJCOM & installation POCs and phone numbers: *(commercial and DSN)*

SIGNATURE BLOCK

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★ **Figure 1.2. Notification Memorandum for Reporting Allegations Against a Colonel (or equivalent).**

<p>MEMORANDUM FOR MAJCOM/IG SAF/IGQ <u>IN TURN</u></p> <p>FROM: (Full Official Address)</p> <p>SUBJECT: Notification of Allegations Against a Colonel, Colonel-select or GS/GM-15</p> <p>According to AFI 90-301, the following information is provided: <i>(Separate list for all subjects)</i></p> <p>a. ACTS File Reference No (FRNO) <i>(provided by local or MAJCOM/IG)</i>:</p> <p>b. Subject's Name (Last, First, MI) and Rank:</p> <p>c. Subject's SSN: Subject's Duty Title: Organization: Base of Assignment:</p> <p>d. Location (Base) Where Allegation(s) Occurred:</p> <p>e. Complainant's Name (Last, First, MI) and Rank:</p> <p>f. Complainant's Duty Title: Organization: Base of Assignment:</p> <p>g. Brief synopsis of allegations:</p> <p>h. Date the allegations were made:</p> <p>i. Official to whom allegations were made:</p> <p>j. MAJCOM & installation POCs and phone numbers: <i>(commercial and DSN)</i></p> <p style="text-align: center;">SIGNATURE BLOCK</p> <p style="text-align: center;">This is a privileged 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.</p> <p style="text-align: center;">FOR OFFICIAL USE ONLY</p>
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★ **Table 1.1. Documents Required by SAF/IGQ for non-IG Cases on Colonels (or equivalent).**

R U L E	A	B
	IF the allegations are resolved by:	THEN SAF/IGQ requires the following documents to close the case:
1	A commander-directed investigation or inquiry (CDI)	<ol style="list-style-type: none"> 1. Copy of CDI report 2. Copy of legal review (if available) 3. Copy of any command actions including Article 15s, LORs, LOCs, 4. LOAs, memorandums counseling the subject, or a memorandum documenting verbal counseling of the subject 5. Any rebuttal or statement provided by the subject
2	Commander's inquiry with no documentation or report	<ol style="list-style-type: none"> 1. A memorandum, signed by the commander, outlining how the allegations were addressed 2. Copy of legal review (if available) 3. Copy of any command actions including Article 15s, LORs, LOCs, LOAs, memorandums counseling the subject, or a memorandum documenting verbal counseling of the subject 4. Any rebuttal or statement provided by the subject
3	An EOT or EEO investigation (SEE NOTE)	<ol style="list-style-type: none"> 1. Copy of EOT or EEO investigation report 2. Copy of legal review (if available) 3. Copy of any command actions including Article 15s, LORs, LOCs, LOAs, memorandums counseling the subject, or a memorandum documenting verbal counseling of the subject 4. Any rebuttal or statement provided by the subject
4	Any civilian complaint process with or without mediation	<ol style="list-style-type: none"> 1. Copy of settlement or mediation agreement 2. Copy of allegations of wrongdoing by a colonel (or equivalent) 3. Copy of legal review (if any) 4. Copy of any actions taken against subject as a result of the allegations, and any rebuttal or statement provided by the subject
5	Courts-Martial	<ol style="list-style-type: none"> 1. Copy of charges preferred 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	<ol style="list-style-type: none"> 1. Copy of investigative report 2. Copy of command actions taken upon completion of investigation 3. Any rebuttal or statement provided by the subject
7	Clinical Privileges Peer Review	<ol style="list-style-type: none"> 1. Copy of investigative report 2. Copy of legal review (if available) 3. Copy of command actions taken upon completion of investigation 4. Any rebuttal or statement provided by the subject
8	Anti-Deficiency Act Investigation.	<ol style="list-style-type: none"> 1. Copy of investigative report 2. Copy of legal review (if available) 3. Copy of command actions taken upon completion of investigation 4. Any rebuttal or statement provided by the subject
9	Article 138	<ol style="list-style-type: none"> 1. Copy of findings from Subject's Commander 2. Copy of legal review (if available) 3. Copy of command actions taken upon completion of appropriate review (if applicable) 4. Any rebuttal or statement provided by the subject

NOTE: For civilian EEO or military MEO pre-complaints (informal complaint), if any settlement agreement is reached, a copy of the agreement **must** be forwarded to SAF/IGQ.

- ★ 1.35.2.4. Mark all documents provided by the complainant during the course of the investigation as “COMPLAINANT PROVIDED” in the lower right hand corner of each page.
- ★ 1.37.5. When an IG investigation is halted because it is determined another type of investigation is warranted, protect the privileged nature of the IG records involved.
- ★ 1.38.7.3. **EXCEPTION:** If command action has been taken but included a court-martial, coordinate with the SJA before erasing, demagnetizing, or destroying audio tapes to determine if they must be retained for a longer period.
- ★ 1.39.1. Air Force military and civilian members have a duty to promptly report FWA or gross mismanagement; a violation of law, policy, procedures, or regulations; an injustice; abuse of authority, inappropriate conduct, or misconduct (as defined by this instruction); and a deficiency or like condition, to an appropriate supervisor or commander, to an IG or other appropriate inspector, or through an established grievance channel. FWA complaints may be reported to the AFAA, AFOSI, security forces, or other proper authority. All military and civilian members must promptly advise the AFOSI of suspected criminal misconduct or fraud.
- ★ 1.39.4. When complainants send the same or a similar complaint to several levels of the government, the highest level with which the complainant corresponds will **normally** reply, unless determined otherwise by the higher-level office. If it is decided that a higher 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.
- ★ 1.41.7. Any individual can submit a complaint if they reasonably believe inappropriate conduct has occurred, or a wrong or violation of law, policy, procedure, or regulation has been committed, even if the complainant is not the wronged party or was not affected by the alleged violation. They can also submit a complaint on behalf of another individual (third-party).
- ★ 1.41.9. Allegations that have been previously investigated and reviewed by a higher level IG office in accordance with paragraph 1.41.4 may be dismissed if the current complaint does not provide new information or evidence that justifies further investigation.
- ★ **1.44. When to Use.** Use these procedures when you have a complaint you reasonably believe is appropriate for IG resolution.

★ **Table 1.2. How to File a Complaint.**

Step	Action
1	If you believe you are unable to resolve your complaint in command channels, review Table 2.5 to determine if the complaint should be filed with the IG. You may file a complaint if you reasonably believe inappropriate conduct has occurred or a violation of law, policy, procedure, or regulation has been committed.
2	Complete the personnel data information on an AF Form 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 Form 102.
4	List the allegations of wrongdoing <u>BRIEFLY</u> , in general terms and provide supporting narrative detail and documents later when interviewed. Allegations should be written as bullets and should answer: 1. Who committed the violation? 2. What violation was committed? 3. What law, regulation, procedure, or policy was violated? 4. When did the violation occur?
5	Submit the completed AF Form 102 to any Air Force IG and setup a follow-on meeting to discuss the complaint.
6	If the IG is named in the complaint, contact the next higher level IG.

- ★ 1.46.4.2.2. Allegations allege a violation of law, regulation, procedure, or policy.
- ★ 1.46.6.2. Article 15s are served against Senior Officials and colonels or colonel selects. Copies of the final actions and any appeal documents must be provided upon completion of the action.
- ★ 1.46.6.3. Court-martial charges are preferred against Senior Officials and colonels or colonel selects. Follow-on notification must also be made when the charges are referred to trial and again at the conclusion of the trial.
- ★ 1.49.7. Notifying SAF/IGQ when allegations of violations of EEO or MEO policies are made against colonels (or equivalent).
- ★ 1.49.7.1. Providing SAF/IGQ status reports of all EEO, MEO, or other grievance cases involving allegations against colonels (or equivalent) as required by paragraphs 3.2.1.3 and 3.8.3, as appropriate.
- ★ 1.49.7.2. Providing SAF/IGQ with EEO/MEO case closure documents on finalized cases regardless of the findings.
- ★ 1.49.7.3. Providing SAF/IGQ a copy of settlement or mediation agreements for civilian grievances and EEO or MEO complaints resolved through settlement, mediation, or similar means.
- ★ **1.50. Military Equal Opportunity Office** personnel at every level assist IGs by:
- ★ 1.53.2.1. Providing SAF/IGQ interim reports on investigations into allegations of fraud made through the Defense Hotline as prescribed in Chapter 2 of this instruction.
- ★ **1.55. The Secretary of the Air Force, Office of Public Affairs (SAF/PA)** assists SAF/IG by designating a point of contact to handle news media questions about IG cases. SAF/PA is responsible for informing media officials of the proper procedures for obtaining IG records through the Freedom of Information Act.

★ 1.57.1. Notifying SAF/IGS (for Senior Officials) or SAF/IGQ (for colonel, or colonel-select) when completing actions to suspend, limit, or revoke clinical privileges as governed by AFI 44-119, *Medical Service Clinical Quality Management*, and forwarding a copy of the final report to the appropriate SAF/IG directorate.

★ 1.57.2. Conducting Medical Incident Investigation (MII), 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).

★ **2.7. Complaint Clarification Procedures.** Use the complaint clarification procedures in Table 2.2 to determine whether a complaint is appropriate for IG action.

★ **Table 2.2. 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 Form 102.
3	Find out if the complaint was filed with another agency/individual.
4	If the complainant has not talked to their supervisor, first sergeant, or commander, find out why. Unless the circumstances warrant otherwise, encourage the complainant to attempt resolution in supervisory or command channels first. Explain why this is the preferred approach (faster resolution, command has the authority to remedy the situation, etc.). Explain that, if the matter is clearly a command issue and not within the purview of the IG, the complaint could be referred to command channels regardless of the desires of the complainant.
5	Determine if the individual has sought assistance from an appropriate source for the information (for example, military personnel flight, finance, or military equal opportunity office). Refer them to that source if they have not.
6	If it has been more than 60 days since the complainant learned of the alleged wrong, tell 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 in filing the complaint and if there were any compelling circumstances.
7	Ask the complainant to clarify their allegations, 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 complainants allege reprisal, explain to them of the whistleblower protection afforded by 10 U.S.C 1034, that you (or any IG) can extend that protection without any further request to IG, DoD is necessary. Follow the procedures in Section 3C for processing the complaint.
8	Ask the complainants what remedy they are seeking.
9	Explain the steps involved in processing an IG complaint and/or conducting an investigation (both Cat I and Cat II).
10	Inform the individual when you expect to get back to them (normally this will be an interim reply).

★ **2.9. Requirements.** In each case, IGs at every level will conduct a thorough complaint analysis prior to beginning an investigation to determine **if** the complaint is appropriate for IG action and, if appropriate, whether to conduct a Category I or Category II investigation. A complaint analysis is required when the complaint alleges facts that, if true, could constitute a prima facie case of wrongdoing. In such cases, the simple process of *assistance* will not suffice to resolve the matter.

★ **Table 2.4. Processing Special Interest Complaints.**

R U L E	A	B
	IF the complainant makes allegation(s) . . .	THEN immediately . . .
1	Against a Senior Official	Report and transfer the allegations through your IG structure to SAF/IGS by using Figure 1.1.
2	Against a colonel (or equivalent)	Report the allegations through your IG structure to SAF/IGQ (use Figure 1.2) and follow the procedures in Section 3B.
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 he/she was reprimanded against for making a protected disclosure	Advise complainants of their right for whistleblower protection under 10 U.S.C. 1034 (See Note), continue with complaint analysis, and follow the procedures in Chapter 2 and Section 3C.
5	That a military member was improperly referred for a Mental Health Evaluation	Notify SAF/IGQ through your IG structure and continue with analysis, following the procedures in Chapter 3, Section 3D.
6	Of violations of Military Equal Opportunity and Treatment (EOT) policy	Immediately refer the complainant to the Military Equal Opportunity office for a complaint clarification.
7	Of fraud, espionage, sabotage, treason, subversion, disloyal statements, disaffection, or other criminal offenses	Immediately consult with the SJA and local AFOSI office to determine whether the allegations should be handled through AFOSI or IG channels.

NOTE: All IGs at every level can extend whistleblower protection to complainants (Section 3C).

★ **2.13. Conducting a Complaint Analysis.** A complaint analysis is a preliminary review of allegations and evidence to determine the potential validity and relevance of the allegations to the Air Force and to determine what action, if any, is necessary within IG, command, or other channels. A formal analysis is **not** required when no allegations or evidence of wrongdoing exist and the issue can be handled through IG *assistance*. A complaint analysis will always result in one of the following: investigation, dismissal, or transfer of the complaint.

★ 2.13.1.3. What law, regulation, procedure, or policy was violated?

★ **Table 2.5. Matters Not Appropriate for the IG Complaint System.**

R U L E	A	B
	Type of Complaint	Referral Agency
1	<i>Civilians</i> -- Conditions of employment (personnel policies, practices, and matters affecting working conditions) or, EEO issues (discrimination based on age, race, color, sex, religion, disability, or national origin), or reprisal against a civil service employee	Refer to the servicing Civilian Personnel Flight (CPF) for action in accordance with civilian grievance system (either Administrative IAW AFI 36-1203 or Negotiated IAW locally negotiated agreements). EEO Complaints should be referred to the Chief EEO Counselor for processing IAW AFI 36-1201.
2	<i>Civilians</i> -- Nonappropriated Fund (NAF) employee conditions of employment issues or reprisal	Servicing NAF Employment Office (conditions of employment) or the IG, DoD for reprisal allegations
3	Military Equal Opportunity and Treatment (EOT) Issues	Refer to local Military Equal Opportunity office -- AFI 36-2706
4	Administrative Separations	Refer to local Military Personnel Flight (MPF)--AFI 36-3208 (Enlisted), AFI 36-3207 (Officers), AFI 36-3209 (Reserves & ANG)
5	Air Force Reserve Assignment matters	Refer to HQ AFRC/DP -- AFI 36-2115
6	Equal Opportunity in off-base housing	Refer to the Housing Referral Office--AFPD 32-60
7	Landlord or tenant disputes	Refer to Commander -- AFI 32-6001
8	Claims against the Government	Refer to SJA -- AFI 51-502
9	Correction of military records	Refer to SAF/MIBR (AFBCMR process) -- AFI 36-2603
10	Appeal of an Officer Performance Report (OPR), Enlisted Performance Report (EPR), or Promotion Recommendation Form (PRF)	Refer to SAF/MIBR (AFEARB process) -- AFI 36-2401
11	Support of Dependents and Private Indebtedness	Refer to subject's commander or DFAS -- AFI 36-2906
12	Suggestions	Refer to local Suggestion Monitor or AF/PE -- AFI 38-401
13	Change to an Instruction/Regulation or current policy guidance	Refer to appropriate HQ USAF OPR -- AFI 33-360, Vol 1
14	LOC, LOR, or Article 15 (other than discrimination/reprisal)	Refer to chain of command or Area Defense Counsel (ADC) (or HQ AFLSA/JAJM)
15	Punishment under UCMJ	Refer to ADC or HQ AFLSA/JAJM -- AFI 51-201
16	Article 138, UCMJ (Complaint of Wrong)	Refer to Legal channels -- AFI 51-904
17	Hazardous Working Conditions (unsafe or unhealthy)	Refer to SE -- AFI 91-301
18	Elimination From Training	Refer to HQ AETC/IG (AETC directives)
19	Medical Treatment	Refer to SG for Quality Assessment or Medical Incident Investigation (MII), AFI 44-119
20	Tricare Complaints	Refer to Tricare Benefits Services Office
21	Allegations of homosexual conduct	Refer to Commander -- AFI 36-3208 (Enlisted), AFI 36-3207 (Officers), AFI 36-3209 (Reserves & ANG)
22	Misuse or abuse of government vehicles	Refer to LGT --AFI 24-301
23	Unprofessional Relationships/Adultery	Refer to Commander -- AFI 36-2909
24	Allegations regarding non-AF organizations or agencies	Refer to specific agency or Service IG or to Defense Hotline
25	Allegations of reprisal by DoD contractors	Refer to IG, DoD
26	Allegations against Military Defense Counsel	Refer to Chief Circuit Defense Counsel
27	Anti-Deficiency Act violations	Refer to SAF/FM -- AFI 65-608

★ **Table 2.7. When to Transfer A Complaint to Another IG.**

R U L E	A	B	C
	IF...	AND...	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
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
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 Appointing Authority or a member of his/her immediate staff, or an IG staff member		Transfer the complaint to the next higher level IG
5	The subject is an AFOSI agent	The complaint is received by any IG other than SAF/IGQ or AFOSI/IG	Transfer the complaint to SAF/IGQ
6	The subject (person, process, or agency) is assigned to a higher level of the Air Force or another MAJCOM (or equivalent) than the IG receiving the complaint	The complaint is appropriate for IG action, but the alleged wrongs happened in a unit under the other MAJCOM or higher IG's jurisdiction	Transfer the complaint to the IG at the same level and command as the subject or where the alleged wrongs happened
7	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).
8		The subject (person, process or agency) is assigned to an associate unit	Transfer to the associate Inspector General or Wing Commander (as appropriate) responsible for the subject, process, or agency, and provide technical support and ROI quality review if requested to do so.

★ **2.20. Dismissing a Complaint.** Table 2.9 assists IGs in determining if a complaint should be dismissed.

★ **Table 2.9. When to Dismiss a Complaint.**

R U L E	A	B	C
	IF	AND...	THEN ...
1	If the complaint analysis discloses no recognizable wrong, or violation of law, regulation, or policy		Dismiss the complaint
2	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	There are no extraordinary circumstances justifying the delay or special Air Force interest in the matters alleged	Dismiss the complaint (Note 1)
3	The complainant refuses to provide sufficient evidence to properly conduct the complaint analysis		Dismiss the complaint
4	The complainant files a complaint under Article 138, UCMJ	The Article 138 complaint addresses the same matters addressed in the IG complaint	Dismiss the complaint
5	The IG deems the complaint frivolous or an IG investigation would not appreciably affect the outcome or remedy sought		Dismiss the complaint (Note 2)
6	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

Notes:

1. The most important consideration in dismissing a complaint based on timeliness is the potential to gather sufficient facts to determine the facts and circumstances surrounding the alleged wrongdoing.
2. Generally, a complaint is **not frivolous** if it pertains to an Air Force person, organization, program or policy and identifies a violation of law, regulation, policy, or procedure.

★ **2.22. Assisting a Complainant.** When there is no evidence or allegation of wrongdoing and assistance alone is needed 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. In these cases, a formal complaint analysis is not required. Table 2.11 tells IGs how to assist a complainant.

★ **2.23. Policy for Conducting Category I and Category II Investigations.** The decision to conduct an IG investigation should only be made after a thorough complaint analysis of the allegations presented in the complaint is completed.

★ 2.23.1. IGs may conduct Category I investigations to address complaints that can be quickly resolved through normal staff functions; that is, by checking records and correspondence, reviewing applicable instructions, examining material evidence, and, as deemed necessary, interviewing (using either sworn or unsworn testimony) the complainant, subjects, and persons having direct knowledge of the matter. A Category I Investigation **will not** be used to resolve complaints against Senior Officials or allegations concerning reprisal, improper mental health referrals, or other complex allegations, which, if substantiated, could have serious consequences for the subject.

★ 2.26.3. Commanders at wing/installation level and higher may designate in writing individuals such as the Installation IG to serve as an "Appointing Authority" for their organization.

★ **Figure 2.2. Sample Progress Report.**

<p>MEMORANDUM FOR [applicable Appointing Authority or higher-level IG office]</p> <p>FROM: [applicable office]</p> <p>SUBJECT: Progress Report - [Type of Case (<i>Defense Hotline FWA, Air Force FWA, Personal Complaint - IG/Congressional/White House/High Level, DoD 1034 Reprisal, Violation of DoD Directive 6490.1 and so forth</i>)]</p> <ol style="list-style-type: none"> 1. Complainant's or Subject's name and ACTS Number: 2. Grade/rank and full name of official conducting the investigation: 3. Organization, duty position and contact telephone number (<i>provide commercial and DSN numbers</i>): 4. Date complaint initially received by IG: 5. Date IO appointed: 6. Status of Investigation: <ol style="list-style-type: none"> a. Summary of Investigation to date: (<i>brief summary of interviews, document reviews, and any pertinent information obtained by the examination</i>): b. Status of case: (i.e. under investigation, in legal review, etc.) <p>Reason for delay in completing case: (<i>Be specific</i>)</p> <p>Final action(s) to be completed:</p> <p>Expected completion date (ECD) of case to Higher-level IG: (<i>ECD is date the case will arrive at next level</i>)</p> 7. Grade/rank, Name and Duty telephone number of IG point of contact (POC): <p style="text-align: right;">SIGNATURE BLOCK</p> <p style="text-align: center;">This is a privileged 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.</p> <p style="text-align: center;">FOR OFFICIAL USE ONLY</p>

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- ★ 2.34.10. Not promise confidentiality without the written permission of the IG.
- ★ 2.34.11.1. Not releasing the complaint document or revealing the complainants', witnesses', or subjects' identity to anyone except IG or JA officials, or IG-appointed technical advisors.
- ★ 2.36.4.1. Conduct the proper read-in/rights advisement for a subject/suspect prior to the interview/reinterview. Refer to paragraph 2.39 for further rules regarding rights advisement.
- ★ 2.36.4.2. The Appointing Authority will determine whether any additional alleged misconduct will be investigated separately, or there is a need to expand the IO's charter. The IO will take no further action until consulting with the Appointing Authority and SJA.
- ★ 2.36.5. Witnesses who are military members or federal civilian employees may refuse to testify only if they believe they might incriminate themselves (refer to paragraph 2.39 of this instruction). If self-incrimination is not a concern, witnesses may be ordered to testify. Further refusal may be the basis for disciplinary action.
- ★ 2.38.3. 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 local SJA 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 Investigating Officer has authority to terminate the interview if he or she determines the union representative is impeding or attempting to impede the investigation.
- ★ **2.39. Policy Regarding Rights Advisements.** If during the course of an investigation, the IO discovers information leading them to believe matters of a criminal nature have occurred and a witness or subject becomes a suspect, the IO must stop the interview, immediately consult with the Appointing Authority and the legal advisor, and (if allowed to proceed) advise the suspects of their rights. If after rights advisement, the witness refuses to testify based upon their right against self-incrimination or if they express a desire to speak to an attorney, then the interview **must stop**.
- ★ 2.39.2. In regards to Reserve and Air National Guard personnel, IOs need to determine the status of the suspect at the time of the occurrence and at the time of the scheduled interview. Consult with the SJA to determine what, if any, rights advisement is required.
- ★ 2.39.3. Civilian witnesses, even if suspected of an 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 interviewee is not free to leave at will). Interviews by an IG investigating officer under authority of this instruction do not meet that threshold requirement. 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.
- ★ 2.41.4. When subjects or witnesses invoke their Article 31 rights during an interview, the commander, 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.

- ★ 2.45.1. All IG investigations (and their findings) must be documented in an accurate and impartial manner. 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 that a reviewer can arrive at a determination without reference to information outside the report.
- ★ 2.45.1.1. The IO (the IG or IG investigative staff member for Category I investigations) must sign the last page of the ROI.
- ★ 2.45.1.2. For Category II investigations, the Appointing Authority approves and signs at Section II, Tab D.
- ★ 2.45.4. For Category II investigations, Appointing Authorities should refer IOs to the SAF/IG *IO Guide* for more specifics on how to write the report.
- ★ 2.45.5. All IG case files must comply with the standardized IG case file format described in paragraphs 2.47 and 2.48, and Figures 2.3, 2.4, 2.5, and 2.7, as applicable.
- ★ **2.47. Case File Format.** A *case file* is a compilation of documents relevant to an IG investigation. All IG investigative case files must be standardized.
- ★ 2.47.1. Figure 2.3 shows the standard IG case file format for Category II investigations.
- ★ 2.47.2. Case files for Category I investigations should be organized according to Figure 2.3, 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.**
- ★ 2.47.3. As a minimum, Category I case files should 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); SROI (if accomplished); the testimony (transcribed or summarized, if taken); copy of response to complainant; copy of notification to the subject's commander; copy of command's action (if applicable); and administrative documents including memos, progress reports, complaint acknowledgment or interim memos to the complainant.

★ **Figure 2.3. Case File Format (Table of Contents) for Non-Senior Official Investigations. (Notes 7 and 8)**

Section I. Administrative File	
Tab A	SROI and/or HCR (NOTE 1)
Tab B	Legal Reviews
Tab C	Technical Reviews (if applicable)
Tab D	Recommendations (if requested by Appointing Authority) (NOTE 2)
Tab E	Command Actions (if applicable)
Tab F	Letter of Notification to Subject's Commander
Tab G	Complainant Notification Letter
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 DoD 1034 Cases
Tab K	Administrative Documents: Memos, Progress Reports, Acknowledgment and Interim Letters (not forwarded to higher headquarters for review)
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 and Command Position
Section III. Support Documentation	
Tab A	Appointment and Tasking Letters (NOTE 3)
Tab B	Complaint with Attachments (May be an AF Form 102) (NOTE 4)
Tab C	Chronology of Events
Tab D	Index of Witnesses (NOTE 5)
	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 6)

NOTES

- ★ 1. An SROI is a stand-alone document used for reply to the complainant. An SROI is not required for IG, DoD 1034 cases, Defense Hotlines or Air Force Fraud, Waste, and Abuse (FWA) cases, and anonymous personal complaint cases. **However**, SROIs are required when the complainant is anonymous and the subject is a colonel (or equivalent) or when responding to a congressional or White House tasking. Defense Hotline and Air Force FWA cases require HCRs unless otherwise tasked.
- 2. Recommendations are optional and at the discretion of the Appointing Authority (Cat II). Refer to paragraph 2.45.3.
- 3. Include all tasking letters -- from the level initiated to the Investigating Officer's appointment letter.
- 4. Attach the complaint and any documentation provided by the complainant. Stamp or mark "Complainant Provided" in the lower right hand corner of each page.
- ★ 5. Type an index of all the witness statements (complainant, subject(s), and witness(es) and an index of all exhibits.
- 6. For investigations into violations of DoDD 7050.6 and/or violations of DoDD 6490.1 include the appropriate checklist/form (reprisal or MHE) shown in Attachments 2 and 3 of this instruction.
- ★ 7. **For Category II Investigations:** When the IO doesn't use a specific "Tab" or "Section," the IO should annotate this on the tab or table of contents. Do not delete the tab, place a single sheet of paper with the words: "THIS SECTION (OR TAB) NOT USED" in the center of the page.
- ★ 8. **For Category I Investigations:** Organize and tab Category I case files using the tabs applicable in each situation. As a minimum, Category I case files should 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); SROI (if accomplished); the testimony (transcribed or summarized, if taken); copy of response to complainant; copy of notification to the subject's commander; copy of command's action (if applicable); and administrative documents including memos, progress reports, complaint acknowledgment or interim memos to the complainant.

★ **2.48. Report of Investigation (ROI) Format.**

★ **2.48.1. Category II Investigations.**

★ 2.48.1.1. Category II Investigations require formal collection of evidence, taking sworn testimony from complainant, witnesses and subjects, and documentation of the findings in an ROI.

★ 2.48.1.2. For specific guidance on how to write an ROI, Appointing Authorities must refer IOs to this instruction and the SAF/IG *IO Guide*.

★ 2.48.1.3. The complete report is Sections II (ROI) and III of the finalized IG case file. Figures 2.4 and 2.5 show the proper ROI format.

★ **Figure 2.4. ROI Title Page for Non-Senior Official Investigations.**

<p>FOR OFFICIAL USE ONLY</p> <p>REPORT OF INVESTIGATION</p> <p><i>(NOTE)</i></p> <p>PREPARED BY</p> <p>COLONEL IMA I. OFFICER</p> <p>AIR COMBAT COMMAND</p> <p>CONCERNING ALLEGATIONS OF REPRISAL</p> <p>WITHIN THE 3005TH COMMUNICATION SQUADRON</p> <p>JANUARY 1, 1998</p> <p>This is a privileged 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.</p> <p>FOR OFFICIAL USE ONLY</p>
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(FOR OFFICIAL USE ONLY WHEN COVERING A COMPLETED REPORT)

★ **NOTE:** Add the words "CATEGORY I" when applicable.

★ **Figure 2.5. ROI Format for Non-Senior Official Category II Investigations.**

[Section II is divided into four tabs (Tab A – Tab D)]

Section II, Tab A -- Authority and Scope. Include the following 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, 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*, 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 rank, name, and duty title) appointed (Investigating Officer's rank and name) on (date of the appointment letter) to conduct the Investigation into (complainant's rank and name)'s allegations. (Complainant's rank 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, their analysis, and conclusions in the same order as the allegations in "Section I, 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 evidence is in conflict and cannot be reconciled, that means that the facts did not satisfy the proof by a preponderance of the evidence standard and that, therefore, the allegations could not be 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.

Section II, Tab D -- Appointing Authority Approval and Command Position. 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).

★ 2.48.2. **Category I Investigations.**

★ 2.48.2.1. Category I investigations are normally used to address complaints that can be quickly resolved through normal staff functions. Category I investigations can only be conducted by an IG or IG office investigative staff member. Refer to Attachment 1 for a detailed definition.

★ 2.48.2.2. Document **all** Category I investigations in a formal report titled *Report of Investigation: Category I* regardless of the findings on the investigation. Figures 2.4 and 2.7 show the proper ROI format for Category I investigations.

★ 2.48.3. DELETED

★ 2.48.4. DELETED

★ 2.48.5. DELETED

★ **Figure 2.7. ROI Format for Category I Investigations.**

<p>REPORT OF INVESTIGATION (ROI): CATEGORY I <i>[Dates of Investigation]</i></p>
<p>1. IG Investigator . <i>(Enter the IG’s grade, full name, and duty title.) Remember that only IGs or IG office investigative staff can conduct Category I investigations.</i></p>
<p>2. Grade and Name of Complainant (and ACTS number). <i>(Self-explanatory)</i></p>
<p>3. Authority and Scope of Investigation. <i>(Add the following statement)</i></p> <p>"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, 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, <i>Inspector General Complaints</i>, authority to investigate IG complaints within the Air Force flows from SAF/IG to IG offices at all organizational levels."</p> <p>(In a second consecutive paragraph describe the scope of the investigation, using a statement similar to the following:)</p> <p>"The objective of this investigation was to determine the facts and circumstances bearing on a complaint submitted by SSgt John Doe alleging three different EES violations on the part of his supervisor, MSgt Jane Doe, XX MSS, Craig AFB AL."</p>
<p>4. Chronology of Events. <i>(A chronology of events is essential to a thorough, in-depth ROI. The chronology should include the complete chain of events pertaining to the various allegations contained in the complaint Events not pertinent to the allegations need not be included.)</i></p>
<p>5. Allegations and Findings. <i>(List each allegation and its finding)</i></p> <p>a. Allegation. <i>(State the first allegation contained in the complaint.)</i></p> <p>b. Finding, Analysis, and Conclusion. <i>(State whether the allegation was substantiated or not based on the evidence. Do not use "substantiated" when wrongdoing is not present. State how the facts were determined [such as witness testimony or documentary evidence, etc.]. Explain the rationale for the conclusion. Comment on any corrective actions already taken. Give the current status of the complainant and describe any options or alternatives management has given or those still available to the complainant).</i></p>
<p>6. Recommendations. <i>(Include your recommendations, if deemed necessary. Provide for short-term and long-term fixes. Do not recommend specific disciplinary actions for individuals.)</i></p>
<p>SIGNATURE</p>
<p><i>(Stamp or mark the bottom of each page of the report as follows:)</i></p> <p>This is a privileged 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.</p>

★ **2.50. Hotline Completion Report (HCR).** Complaints filed with IG, DOD through the Defense Hotline are answered by completing a Hotline Completion Report (HCR). An HCR is supposed to be a stand-alone document and provide all necessary background information. For instructions on how to complete an HCR, refer to Figure 3.5.

2.50.1. DELETED

2.50.2. DELETED

★ 2.51.2. **Mental Health Referral Evaluation Form.** For cases involving improper referral of military members for a Mental Health Evaluation (MHE), the IO must complete an MHE Referral Evaluation Form when case is finalized. For specific guidance on how to complete this form, see Attachment 3.

★ 2.55.1.1. Legal sufficiency is a review of the ROI (and supporting documentation) to determine whether:

★ 2.55.4. If MAJCOMs, FOAs, DRUs want to adopt a lower level legal review, they may do so. **EXCEPTION:** Reprisal cases and investigations containing allegations against colonels (or equivalent) require a MAJCOM, FOA, DRU legal review.

★ 2.58.1. The Appointing Authority will sign and approve the report in writing, and the approval will be included in Section II, Tab D of the IG case file.

★ 2.58.2. In cases where the Appointing Authority disagrees with the IO's findings and conclusions, the Appointing Authority will non-concur with the report in writing in an Addendum to the ROI and a revised SROI. Merely deferring to or referencing the legal review (if applicable) is insufficient, rather, the Addendum must clearly explain the reasons for the disagreement and the rationale for the new finding. Both the IO's findings and the Appointing Authority's determination will be retained as part of the investigation case file.

★ **Table 2.15. Notification Matrix for Closure of Investigation on Lt Cols (not colonel-selects) and Below.**

R U L E	A	B	C
	If the investigation is a...	and the allegations are...	then ...
1	Category I	Substantiated	1. IG notifies the subject’s commander, in writing. 2. Commander notifies the subject, in writing. 3. Commander notifies the IG of command or corrective action. 4. IG provides final response to complainant.
		Not Substantiated	1. IG notifies subject’s commander, in writing. 2. Commander notifies subject, in writing. 3. IG provides final response to complainant.
3	Category II	Substantiated	1. Appointing Authority notifies subject’s commander, in writing. 2. Commander notifies subject, in writing. 3. Commander notifies Appointing Authority or IG of command or corrective action. 4. Appointing Authority or IG provides final response to complainant. (NOTE)
		Not Substantiated	1. Appointing Authority notifies subject’s commander, in writing. 2. Commander notifies subject, in writing. 3. Appointing Authority or IG provides final response to complainant. (NOTE)

NOTE: See paragraph 3.24 for instructions on responding to complainants for reprisal investigations. See paragraph 3.34 for responses for congressional complaints.

★ 2.60.2. The Appointing Authority (the IG for Category I investigations) 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 or other subjects of the investigation. Refer to Figure 2.8 for a sample notification letter.

★ 2.60.3. The Appointing Authority (the IG for Category I investigations) may also provide the subject’s commander a copy of the ROI (without attachments) when the allegations are substantiated, so that appropriate command action can be considered. Recipients must comply with paragraph 4.6 of this instruction.

★ **Figure 2.8. Sample Notification Memorandum to Subject's Commander**

MEMORANDUM FOR 999 SWGp/CC

FROM: 999 BW/IG

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 rank, 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, paragraph 2.60.2, 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, add:** A copy of the Report of Investigation (without attachments) is provided for your review to determine appropriate command action. IG records are privileged documents. 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.

**APPOINTING AUTHORITY
SIGNATURE**

1st Ind, 999 SWGp/CC

MEMORANDUM FOR LT COL JANE BOSS

IAW AFI 90-301, 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

★ 2.61.7. Third-party complainants are not entitled to a response regarding alleged wrongs not directly affecting them. They are only entitled to that information which is publicly releasable under the FOIA/Privacy Act. For further information, refer to Section 4D.

- ★ 2.64.1. Obtain an additional legal review before determining the final finding (substantiated or not substantiated) for each allegation contained in the complaint.
- ★ 2.64.2. Document any discrepancies/new findings in writing with an Addendum to the ROI, fully explaining the rationale for the new findings, and addressing any disagreements between IOs, legal officials, commanders, or reviewers.
- ★ 2.65.6.1. Obtain an additional legal review before determining the final finding (substantiated or not substantiated) for each allegation contained in the complaint.
- ★ 2.65.6.2. 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.
- ★ 3.2.1.3. Civilian Personnel and EEO offices must provide SAF/IGS the same information provided to SAF/IGQ in paragraph 3.8.3 when they receive complaints containing allegations against Senior Officials.
- ★ 3.8.2. IGs at all levels must **promptly** conduct a complaint analysis when **allegations** are received against a colonel (or equivalent).
- ★ 3.8.3. The following applies to Civilian Personnel, EEO, and MEO offices :
 - ★ 3.8.3.1. Immediately notify SAF/IGQ when they receive a formal complaint containing allegations against colonels (or equivalent). Forward notifications to: SAF/IGQ, 1140 Air Force Pentagon, Washington DC, 20330-1140.
 - ★ 3.8.3.2. Civilian Personnel and MEO offices must provide status reports to SAF/IGQ 90 days after receipt of allegations and on the first of every month thereafter until case is finalized. EEO offices must provide status reports every 90 days. For all cases, please follow the format prescribed in Figure 2.2 of this instruction. Forward status updates to the address provided above.
 - ★ 3.8.3.3. Provide SAF/IGQ a copy of the closure documents as required by Table 1.1, rules 3 and 4 (regardless of the finding) upon completion for review and consideration for a possible SOUIF.
 - ★ 3.8.3.4. Provide SAF/IGQ a copy of documents required by Table 1.1, rule 3 (note) when a civilian grievance, EEO complaint, or MEO complaint was resolved through settlement, mediation, or similar means.

★ **Table 3.2. Notification Matrix for Colonels (or equivalent) Cases.**

R U L E	A	B	C
	If ...	and ...	Then ...
1	in Pre- Investigation Phase		IG notifies SAF/IGQ (through MAJCOM, FOA, DRU IG)
2		complaint analysis identified the need for an IG investigation	1. IG notifies Appointing Authority 2. Appointing Authority appoints IO
3		complaint analysis identified an investigation is not warranted	IG notifies SAF/IGQ (through MAJCOM, FOA, DRU IG) of case dismissal and annotates actions in ACTS
4	in Investigation Phase	investigation is ongoing	1. IO (or IG) notifies subject's commander of scope of investigation (in general terms) 2. Commander notifies subject and witnesses 3. Appointing Authority (or IG) provides interim response to complainant 45 days after receipt of complaint, and every 60 days thereafter 4. Appointing Authority (or IG) provides PRs to SAF/ IGQ at the 90-day point on the first of every month thereafter
5		investigation is finished	IO provides Appointing Authority with ROI and supporting documentation for review and approval
6	in Post- Investigation Phase	allegations were substantiated	1. Appointing Authority notifies subject's Commander, in writing 2. Commander notifies subject (in writing) and takes disciplinary/corrective action 3. Commander notifies Appointing Authority (or IG) of action taken and provides copies of all actions 4. If no action was taken, Commander must forward a letter his/her decision and rationale 5. Appointing Authority (or IG) provides final response to complainant (NOTE) 6. Appointing Authority (or IG) notifies SAF/IGQ of findings and forwards required documents (see Table 3.3)
7		allegations were not substantiated	1. Appointing Authority notifies subject's Commander, in writing 2. Commander notifies subject, in writing 3. Appointing Authority (or IG) provides final response to complainant (NOTE) 4. Appointing Authority (or IG) notifies SAF/IGQ of findings and forwards required documents (see Table 3.3)

NOTE: Refer to paragraph 3.12.2 for exceptions.

- ★ 3.11.2. All IG investigations (both Category I and Category II) against colonels (or equivalent) must have at least one legal review due to the need for a SOUIF determination or for disclosure of information to the Senate if individual gets promoted to general officer ranks. MAJCOM, FOA, DRU IGs **must** also comply with the requirements of paragraph 3.12.3.1.
- ★ 3.13.2. The commander, not the IG, is the release authority for CDI reports unless they pertain to Senior Officials. **SAF/IG (or designee) is the release authority for these cases.**
- ★ 3.16.1.1. A member of Congress or an IG (this includes IG office **investigative** staff).
- ★ 3.16.1.2.1. This includes Military Equal Opportunity personnel, Family Advocacy, and designated commanders in a member's *chain of command*.
- ★ 3.16.5. In order to gain full statutory protection of the law, the Air Force member must file the complaint with any IG within 60 days of becoming aware of the personnel action that is the subject of the allegations. Any IG may waive this requirement **if** they determine that there are extraordinary circumstances justifying the delay in filing the complaint or there is special Air Force interest in the matter.
- ★ 3.17.1. Air Force IGs **must** process complaints containing allegations of reprisal made by military members assigned to Air Force units.
- ★ 3.17.1.1. Air Force IGs **must** immediately advise military members alleging reprisal of the provisions of 10 U.S.C. 1034 and DoDD 7050.6, and of the rights afforded to complainants under the whistleblower protection statute. IGs must use the Reprisal Rights Advisement at Figure 3.1 to assist them.
- ★ 3.17.1.5. IAW 10 U.S.C. 1034, IGs may dismiss allegations without completing a complaint analysis if the complaint was submitted more than 60 days from the date the complainant became aware of the personnel action that is the subject of the allegations. Before dismissing a complaint without further analysis, the IG should consider any extraordinary circumstances justifying the delay or any special Air Force interest in the matter.

★ **Figure 3.1. Reprisal Rights Advisement.**

**WHISTLEBLOWER RIGHTS
UNDER
TITLE 10 UNITED STATES CODE,
SECTION 1034 (10 U.S.C. 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 lawful communication to a Member of Congress, an Inspector General (IG), or any member of an audit, inspection, investigation or law enforcement organization within DoD, any Military Equal Opportunity Office, or to their chain of command as defined by Air Force Instruction (AFI) 90-301, *Inspector General Complaints*, may file a complaint with the Air Force Inspector General (or subordinate level IG) under the provisions of Title 10, United States Code, Section 1034 (10 U.S.C 1034), Department of Defense Directive (DoDD) 7050.6, *Military Whistleblower Protection*, and AFI 90-301.
2. This office will explain the definitions and provisions of 10 U.S.C. 1034, DoDD 7050.6, and AFI 90-301 to you. You are advised the AF definition of protected communication includes a communication to any established Air Force grievance channels (including Military Equal Opportunity, Family Advocacy, etc.) and communications made to the chain of command **as defined in AFI 90-301**.
3. It is of utmost importance for all military members to understand that they can receive whistleblower protection under 10 U.S.C. 1034 when submitting a complaint with any IG and that IGs **at every level** can extend such protection. Therefore, you are advised that this office can extend you the requested protection and will promptly notify the IG, DoD of your request.
4. 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. IG, DoD reserves the right to reverse the Air Force's decision.
5. If a reprisal investigation is warranted, this office will conduct the investigation, unless otherwise directed by higher-level IG office.
6. IG, DoD will maintain oversight throughout the conduct of any investigation into allegations of reprisal.
7. 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.
8. Be advised that acceptance of your complaint under 10 U.S.C. 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; 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 U.S.C. 1034 and proper reprisal complaint procedures.

(Signature and date)

Print: (Grade, Name)_____

(Full Organization Address)_____

(DSN)_____ (Home Number with Area Code)_____

★ **Figure 3.2. Notification of Allegations of Reprisal Protected under 10 U.S.C. 1034.**

<p style="text-align: center;">MEMORANDUM FOR MAJCOM/IG SAF/IGQ IN TURN</p> <p>FROM: (Full Official Address)</p> <p>SUBJECT: Report of Allegations of Reprisal and Extension of Whistleblower Protection Under 10 U.S.C. 1034 (ACTS Number)</p> <p>According to AFI 90-301, the following information is provided: <i>(Separate list for all subjects)</i></p> <p>a. Subject's Name (Last, First, MI), Rank, and SSN <i>(if colonel or equivalent)</i>: Subject's Duty Title: Organization: Base of Assignment:</p> <p>b. Location (Base) Where Allegation(s) Occurred:</p> <p>c. Complainant's Name (Last, First, MI) and Rank: Complainant's Organization: Base of Assignment:</p> <p>d. Brief synopsis of allegation(s):</p> <p>e. Date the IG Received the Complaint and Whistleblower Protection was extended:</p> <p>f. Rank, Name, and duty location of the Investigating Officer <i>(if applicable)</i>:</p> <p>g. IG POC and phone number: <i>(commercial and DSN)</i></p> <p style="text-align: right;">[SIGNATURE BLOCK]</p> <p>Attachment: Copy of Reprisal Complaint</p> <p style="text-align: center;">This is a privileged 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.</p> <p style="text-align: center;">FOR OFFICIAL USE ONLY</p>

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★ **3.19. Conducting a Complaint Analysis on Allegations of Reprisal.** The IG receiving the complaint must expeditiously conduct a thorough complaint analysis to determine whether an investigation under 10 U.S.C. 1034 is warranted. The IG must notify SAF/IGQ (through MAJCOM, FOA, DRU IG), **within 30 days after receipt of the complaint**, of the results of the complaint analysis. Follow the format shown in Attachment 4 when completing a complaint analysis into allegations of reprisal.

★ 3.20.2. If an investigation into allegations of reprisal is warranted, you **must** conduct a Category II investigation.

★ 3.20.6. Final case file (Figure 2.3) must contain a chronology of events beginning at least with the complainant's **initial** protected disclosure.

★ **Figure 3.3. Format for Acid Test for Reprisal.**

1q. Did the military member make or prepare a disclosure protected by statute or DoD Directive (to an IG, Member of Congress, or a member of a DoD audit, inspection, investigation, or law enforcement organization) or by Air Force directives (disclosure to a member of an IG office investigative staff, Military Equal Opportunity personnel, Family Advocacy, or to designated individuals of a member's chain of command)?

1a. Answer Yes or No. *[Providing details including the dates of protected communication; who the member made the protected disclosure to; and what the protected disclosure 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 disclosure?

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, or threatening 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 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 evidence establish that the personnel action would have been taken, withheld, or threatened if the protected disclosure 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** stated by the responsible official for taking, withholding, or threatening the action; (2) **Reasonableness** of the action taken, withheld, or threatened considering the complainant's performance and conduct; (3) **Consistency** of the actions of responsible management officials with past practice; (4) **Motive** of the responsible management official for deciding, taking, or withholding the personnel action; (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 there are no *protected disclosures*, then reprisal cannot be substantiated. If there is a question about whether or not a confirmed communication is a "protected" disclosure, 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, or threatening the personnel action *did not know* about the protected communication, then reprisal cannot be substantiated. However, the IO should nonetheless proceed with the 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 Staff Judge Advocate.

★ 3.23.1. Appointing Authorities should notify the subject's commander of the investigation findings when they approve the case, and inform them that **final** approval rests with IG, DoD. Commanders should take appropriate command action for substantiated findings of reprisal even if IG, DoD has not finalized the case.

★ **3.24. Final Approval and Notification Requirements.** IG, DoD will notify SAF/IGQ upon approval of the investigation's findings.

★ 3.24.2.2. If applicable, complainants should also be advised of proper procedures for OPR/EPR appeal, the Evaluation Report Appeal Board (ERAB). Complainants should be referred to their local MPF for assistance.

★ 3.24.2.4. MAJCOM, FOA, DRU IGs will provide SAF/IGQ with a copy of the final response to the complainant. SAF/IGQ will forward a copy of the response to OSD, and IG, DoD.

★ 3.24.2.5. SAF/IGQ will provide final response to complainants for ANG reprisal cases done at State level. SAF/IGQ is responsible for redacting the ROI and providing a copy to the complainant.

★ 3.24.3. MAJCOM, FOA, 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 findings on the case. The commander will notify the subject.

★ 3.24.4. DELETED

★ **Figure 3.4. Notification of Allegations of Improper MHE Referral.**

<p>MEMORANDUM FOR MAJCOM/IG SAF/IGQ IN TURN FROM: (Full Official Address)</p> <p>SUBJECT: Report of Alleged Violations of DoD Directive 6490.1, <i>Mental Health Evaluations of Members of the Armed Forces</i>, (ACTS Number)</p> <p>According to AFI 90-301, the following information is provided: <i>(Separate list for all subjects)</i></p> <p>a. Subject's Name (Last, First, MI) and Rank:</p> <p>b. Subject's Duty Title: Organization: Base of Assignment:</p> <p>c. Location (Base) Where Alleged Violations Occurred:</p> <p>d. Complainant's Name (Last, First, MI) and Rank:</p> <p>e. Complainant's Duty Title: Organization: Base of Assignment:</p> <p>f. Brief synopsis of allegation(s):</p> <p>g. Date the IG Received the Complaint:</p> <p>h. Rank, Name, and duty location of the Investigating officer:</p> <p>i. IG POC and phone number: <i>(commercial and DSN)</i></p> <p style="text-align: center;">SIGNATURE BLOCK</p> <p style="text-align: center;">This is a privileged 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.</p> <p style="text-align: center;">FOR OFFICIAL USE ONLY</p>
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★ **3.31. Mental Health Referral Evaluation Form.** A Mental Health Referral Evaluation Form must be completed for all Improper MHE Referral cases.

★ 3.32.1. In those instances when a congressional member contacts an IG, at any level, with an inquiry that requests an IG investigation, the IG will notify SAF/IGQ through MAJCOM, FOA, DRU IG who will, in turn, notify SAF/LLI, within 24 hours of receipt of congressional inquiry. A follow up notification of their intended action (e.g. investigate, dismiss, refer, etc.) must follow within 10 working days. SAF/IGQ will update SAF/LLI as appropriate.

- ★ 3.34.1. MAJCOM, FOA, and DRU will provide final response to complainants for IG investigations conducted as a result of congressional complaints, regardless of the level in which the complaint was received or the level conducting the investigation.
- ★ 3.34.1.3. For congressional complaints containing allegations of reprisal, the MAJCOMs must comply with the requirements of Section 3C of this instruction.
- ★ 3.34.2.1. Provide the complainant a written response with a copy of the SROI attached. If an SROI is not available, the response letter must address all relevant allegations, providing a finding for each allegation and supporting rationale for the finding. **EXCEPTION:** For investigations containing allegations of reprisal, the final response to the complainant must include a redacted ROI.
- ★ 3.36.1. Military Equal Opportunity is the office of primary responsibility (OPR) for complaints regarding allegations of violations of Equal Opportunity and Training (EOT) policies.
- ★ 3.36.2. IGs at all levels must immediately refer any allegations of violations of EOT or sexual harassment policy to their respective Military Equal Opportunity office. **EXCEPTION:** Allegations against Senior Officials must be referred to SAF/IGS.
- ★ 3.36.3. If a complaint contains both EOT and other non-EOT allegations, separate the EOT allegations and refer these to Military Equal Opportunity for resolution.
- ★ 3.37.1. Military Equal Opportunity (MEO) is the office of primary responsibility (OPR) for complaints regarding allegations of violations of sexual harassment policies.
- ★ 3.37.2. All sexual harassment complaints filed through IG channels will be immediately referred to the local MEO office for mandatory reporting (as required by 10 U.S.C. 1561) and resolution. **EXCEPTION:** Complaints against Senior Officials **will** be handled and reported by SAF/IGS.
- ★ 3.37.4. The MEO office will provide a technical expert to assist the IO throughout the investigation. The MEO office will be responsible for completing follow up reports as required by law.
- ★ 3.37.5. Once the investigation is completed, the IG will provide the MEO office a copy of the SROI and a report explaining any command action taken as a result of the investigation.
- ★ 3.38.2. DoDI 7050.7, *Defense Hotline Procedures*
- ★ 3.38.3. DoDI 7050.8, *Defense Hotline Quality Assurance Review (QAR) Program*
- ★ 3.43.2. DoDI 7050.7, *Defense Hotline Procedures*
- ★ 3.43.3. DoDI 7050.8, *Defense Hotline Quality Assurance Review (QAR) Program*

- ★ 3.46.3. Receive and evaluate DoD Informational Taskings and forward to appropriate IG or agency as a matter of possible interest to the MAJCOM or subordinate installation. **NOTE:** Action is not required, but if taken, the IG must provide SAF/IGQ (through MAJCOM, FOA, DRU) with a copy of SROI or HCR.
- ★ 3.46.7. Submit an HCR within 60 days from the date the complaint was transmitted by SAF/IGQ. When a report cannot be completed within 60 days (90 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.
- ★ 3.48.2. Complaints filed with IG, DOD through the Defense Hotline are answered by completing a Hotline Completion Report (HCR). An HCR should be a stand-alone document and provide all necessary background information. In some cases IG, DoD will accept an AFOSI Report of Investigation (for criminal fraud cases).
- ★ 3.48.3. Follow the procedures in Figure 3.5 for completing an HCR.
- ★ 3.48.4. DELETED

★ Figure 3.5. HCR Format.

HOTLINE COMPLETION REPORT (DATE)	
1. Name of Official (IO or IG) Conducting the Investigation:	
2. Rank or Grade of Official (IO or IG):	
3. Duty Position and Contact Telephone Number of Official (IO or IG):	
4. Organization of Official (IO or IG):	Fully identify the title of the organization and location without abbreviations. (You may include authorized abbreviations or symbols in parentheses.)
5. Defense Hotline Control Number and ACTS Case Number:	
6. Scope of Investigation, 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.)
<i>a. <u>Scope of Investigation.</u></i>	<i>Identify the allegations; the applicable organization and location; the person(s) or organization(s) against whom the allegation was made; the scope, nature and manner of the investigation conducted; documents reviewed, witnesses interviewed and whether interviews were conducted by telephone or in person (the identity of the interviewees need not be reflected in the report, but should be documented in the official file of the agency conducting the investigation).</i>
<i>b. <u>Findings.</u></i>	<i>Report the findings as they relate to each allegation. Provide a list of documents and/or evidence collected to support the findings and their location.</i>
<i>c. <u>Conclusions and Recommendations.</u></i>	<i>For each allegation, state the analysis of the findings and the conclusions made by the IO. This section also should include comments as to the adequacy of existing policy or regulations, noted weaknesses in systems of internal controls, and any recommended corrective actions.</i>
7. Cite Any Criminal or Regulatory Violation(s) Substantiated:	
8. 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.
9. Specify Security Classification of Information:	Determine and state, when applicable, any security classification of information included in the report that might jeopardize national defense or otherwise compromise security if the contents were disclosed to unauthorized sources.
10. Location of Field Working Papers and Files.	
IO or IG Signature Block	
This is a privileged 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.	
FOR OFFICIAL USE ONLY	

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★ **4.3. Release Authority for OURs.** SAF/IG is release/denial authority for all IG records requested under OUR. **EXCEPTION:** The Appointing Authority is the release authority for OUR requests made by the commander or SJA advising the commander **for the purpose of making a determination regarding command action.**

★ 4.3.2. The Director, Inquiries Directorate (SAF/IGQ) is hereby delegated authority as a Release Authority for colonel (or equivalent) and below IG investigative records. **EXCEPTION:** The Appointing Authority is the release authority for OUR requests made by the commander or SJA advising the commander **for the purpose of making a determination regarding command action.**

★ **4.4. Policy Regarding OURs.** Requests made by a **commander or SJA advising the commander** for the purpose of determining appropriate command action should be submitted to the Appointing Authority for release determination. All **other requestors** must send their request through MAJCOM, FOA, DRU IG office to SAF/IGQ or SAF/IGS, as appropriate, for release determination. In every case, the following guidance applies.

★ 4.4.2. To make an OUR for IG records, requestors should:

★ 4.4.2.1. Submit all OURs **in writing.**

★ 4.4.2.4. Be specific as to when the records are needed and, if the records are needed for command action, how immediate the commander's or SJA's need is for a release determination.

★ **4.5. Commanders and OUR.** An Appointing Authority or IG may provide commanders (or their SJA) with a copy of the ROI (without attachments) when a case contains substantiated allegations. The purpose of such release is for the commander and the SJA to review the report to determine appropriate command action. Recipients of such releases shall comply with paragraph 4.6 of this instruction. The Appointing Authority or IG will inform commanders, in writing, of applicable restrictions.

★ 4.5.1. The commander **must** submit an OUR to the Appointing Authority if it's necessary to provide extracts of the ROI to the Subject of any proposed command action.

★ 4.5.2. If a commander or SJA determines that it is necessary to review specific attachment(s) (i.e. witness testimony and/or exhibits in the case file) to determine appropriate command action, the commander or the SJA must submit an OUR to the Appointing Authority. Figure 4.1 shows a sample request from a commander. Figure 4.2 shows an OUR release letter signed by the Appointing Authority. The wording in paragraphs two, three, and four **must** be used verbatim.

★ **Figure 4.1. Sample OUR from Commander.**

MEMORANDUM FOR [*Appointing Authority*]

FROM: 123 MSSQ/CC

SUBJECT: Official Use Request for IG Records -- [*ACTS Number*]

1. On 1 Mar 98, I was provided with the Report of Investigation (without attachments) for review and to determine if command action is appropriate against the subject of the investigation.
2. In accordance with AFI 90-301, 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 99. If you have any questions, you can reach me at DSN XXX-XXXX.

SIGNATURE

★ **Figure 4.2. OUR Release Memorandum**

MEMORANDUM FOR 123 MSSQ/CC

FROM: [*Appointing Authority*]

SUBJECT: Official Use Request of IG Records -- [*ACTS Number*]

1. In accordance with AFI 90-301, Inspector General Complaints, your 2 Mar 98 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 privileged documents. They may not be used as advisories or released, reproduced, 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 U.S.C. 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. Please [*destroy or return*] these records upon completion of your proceedings. If you have any questions, please contact [IG] at XXX-XXXX.

***APPOINTING AUTHORITY
SIGNATURE***

Attachments:

- 1.
- 2.

FOR OFFICIAL USE ONLY

(FOR OFFICIAL USE ONLY WHEN FORM IS COMPLETED)

- ★ 4.5.4.1. The commander may release additional information relevant to the substantiated allegations if the information is from the records previously released by the Appointing Authority to the commander as stipulated in paragraph 4.5.
- ★ 4.6.1. Do not use IG records as attachments or exhibits to other official records without the written approval of the release authority, as identified in paragraph 4.3 of this instruction.
- ★ 4.6.2. IG records must be destroyed or returned to the release authority upon completion of stated need.

- ★ 4.6.6. Comply with the provisions and restrictions of 10 U.S.C. 1102 in using any records obtained as part of a Surgeon General Quality Assurance Review. This requires special care be taken to protect the confidentiality of any medical quality assurance records generated by federal hospital committees that review the quality and standards of care provided to patients treated by the medical facility.
- ★ 4.7.2. SAF/IGQ is the release/denial authority for IG cases on colonels (or equivalent) and below.
- ★ **4.8. Policy Regarding Discovery Requests.** Discovery is the disclosure of relevant information between opposing counsel before and during litigation. **CAUTION:** This section does not apply to records released to a defense counsel by a commander in accordance with paragraph 4.5.4, above.
- ★ 4.9.1.2. SAF/IGQ is the release and initial denial authority for all IG investigations closed at SAF/IGQ level. SAF/IGQ is also release and initial denial authority for all substantiated colonel (or equivalent) IG investigations regardless of the level at which they were initiated or closed.
- ★ 4.9.2. MAJCOM, FOA, or DRU IGs are the release authority for IG records when AFPD 90-3 and this instruction govern those records, and pertain to IG actions finalized (closed) at their level and below. **EXCEPTION:**
 - ★ 4.9.2.1. Colonel (or equivalent) cases as specified on paragraph 4.9.1.2 of this instruction.
 - ★ 4.9.2.3. SAF/IGQ will act as MAJCOM release authority for all ANG IG investigations.
- ★ 4.10.4. Complainants, witnesses, and subjects do not have unrestricted access to reports (including testimony and exhibits), or any other case file information.
 - ★ 4.10.4.1. The complainant, subject, and third parties may request release of IG records pursuant to the provisions of the FOIA.
 - ★ 4.10.4.2. Third party complainants are not entitled to personal information or other information not releasable to the public under the FOIA/Privacy Act.
- ★ 4.12.1.1. At MAJCOM, FOA, and DRU level, the IG is responsible for documentation, maintenance and disposition of IG records processed under FOIA.
- ★ **4.13. Official Use Requests from Other DoD Agencies.**
 - ★ 4.13.1. All records requests from IG, DoD, the Office of the Secretary of Defense, the Joint Staff, Unified Commands, Defense Agencies and Field Activities, and the other Service components (includes National Guard and Reserves) must be forwarded to SAF/IG, SAF/IGQ or SAF/IGS for release determination.

Attachment 1

GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION

References

- ★ DoDI 7050.7, *Defense Hotline Procedures*

- ★ DoDI 7050.8, *Defense Hotline Quality Assurance Review Program*
- ★ AFI 37-124, *The Information Collections and Reports Management Program; Controlling Internal, Public, and Interagency Air Force Information Collections*
- ★ AFI 91-301, *Air Force Occupational and Environmental Safety, Fire Protection, and Health (AFOSH) Program*
- ★ President's Council on Integrity and Efficiency, *Quality Standards for Investigations*, September 1997

Abbreviations and Acronyms

MEO—Military Equal Opportunity

Terms

★ **Appointing Authority**-- MAJCOM, FOA, DRU, NAF, Center, installation and wing commanders; State Adjutants General; IGs in authorized positions at MAJCOM, FOA, DRU, and NAFs; or any Installation/Wing or State level IG the commander or State Adjutant General designates in writing to act as Appointing Authority. Appointing Authorities have the authority to direct investigations, appoint Investigating Officers (IOs), and make final determinations on the findings of IG investigations directed under their authority.

★ **Category I Investigation**--A Category I Investigation is an examination of policy, procedure or facts in the case in order to resolve the complaint through normal staff functions and quickly respond to a complainant's concerns.

1. A Category I Investigation is a determination of the facts by checking records and correspondence, reviewing applicable instructions, examining material evidence, and as deemed necessary, interviewing (using either sworn or unsworn testimony) the complainant and persons having direct knowledge of the matter.
2. IGs may ask functional experts to review a complaint and render an opinion (if required) in order to prepare a response to a complainant. IGs should caution functional experts to protect the identity of the complainant by not revealing anything about the complaint to other personnel without the approval of the IG.
3. Document **all** Category I investigations in a formal report titled *Report of Investigation: Category I* (see Figure 2.7) regardless of the findings of the investigation.
4. **Only IGs or a member of the IG office investigative staff can conduct Category I Investigations** – A letter of appointment is not required.

★ **Commander Directed Investigations and Inquiries (CDIs)**--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.

★ **Interrogatories**--A list of written questions prepared by the IO or IG for a witness to read and answer. The questions are revised and updated as facts are developed.

★ **Lawful Communication (recognized as a Protected Disclosure)**--Any communication, including complaints and witness statements or testimony, that does not constitute or admit a violation of the

Uniform Code of Military Justice (UCMJ) or other applicable criminal law. If a communication contains both lawful and unlawful portions, only the lawful portion will be extended the protections from reprisal. Unlawful communications are not protected, and may be referred by the recipient of the communication to appropriate authorities who are authorized to take adverse personnel action against the offender.

★ **Legal Sufficiency**--A review of the ROI (or SROI) to determine whether: (1) the investigation complies with all applicable legal and administrative requirements; (2) the investigation adequately addresses the matters under investigation; (3) the preponderance of evidence supports the findings of the IO or IG; (4) the conclusions are consistent with the findings; and (5) any errors or irregularities exist, and if so, their legal effect, if any.

★ **Official Use Request (OUR)**--OUR is a request for the disclosure of IG records to officials of the agency having a need for the records in the performance of their duties. **EXCEPTION:** IG records may not be provided to Area Defense Counsel (ADC) under an OUR, except in accordance with paragraph 4.5.4.

★ **Protected Disclosure (or Communication)**--A protected disclosure (or communication) is:

1. Any *lawful communication* by a member of the Armed Forces to a Member of Congress or an IG (this includes IG office **investigative** staff),

or

2. Any *lawful communication* in which a member of the Armed Forces communicates information the member reasonably believes evidences a violation of law or regulation (including laws or regulation prohibiting sexual harassment or unlawful discrimination), *gross mismanagement*, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, when such communication is made to:

a. any member of a DoD audit, inspection, investigation, or law enforcement organization.

b. any other person or organization designated pursuant to component regulations or other established administrative procedures to receive such communications. This includes: Military Equal Opportunity personnel, Family Advocacy, and certain designated commanders in a member's *chain of command*. Communications made to a Command Chief Master Sergeant or First Sergeant are not protected under the statute.

A protected disclosure also includes circumstances where the military member was preparing a lawful communication or complaint that was not actually delivered, where the member did not actually communicate or complain but was believed to have done so by management officials, or cooperated with or otherwise assisted an IG, Member of Congress, or a member of a DoD audit, inspection, investigation or law enforcement organization by providing information that the military member reasonably believed evidenced wrongdoing.

Communications made by a third party (e.g. spouse, relative, co-worker) to a designated official in which they allege reprisal against a military member, may be covered as protected communications under Title 10 U.S.C. 1034. The test is whether the management official who took the personnel action **believed or suspected** that the protected communication was **made by or on behalf of the military member**.

★ **Redaction (In reference to processing records under FOIA and PA)**--Masking out (blackening) from records, information which is withheld from release usually under the provisions of the Freedom of Information Act (FOIA) and/or Privacy Act (PA). The exemptions for FOIA are in AFI 37-131, *Freedom of Information Act Program*. The Privacy Act is outlined in AFI 37-132, *Air Force Privacy Act Program*.

★ **Self-Investigation**--Investigating or directing an investigation into allegations pertaining to the Appointing Authority, individuals who report directly to the Appointing Authority, or members of the IG staff. It is critical to the integrity of the IG system to refrain from self-investigation or the appearance of such. Elevate a complaint to the next higher-level IG, if needed, to avoid the appearance of self-investigation.

★ **Statement**--A written or verbal declaration of events made to an IO or IG by a witness, subject or suspect. For all reports, type any written statements. The witness should sign the typed statement to certify the validity. Statements are used on a limited basis when IOs or IGs are unable to obtain sworn verbal testimony during an interview.

★ **Summarized Testimony**--A written summary of witness testimony prepared and certified by the IO (the IG for Category I investigations). It normally includes only those items directly related to the matters under examination. The IO/IG must sign all summaries. It is encouraged (not mandatory) that witnesses also sign summarized testimony, if deemed appropriate.

★ **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 SJA is required before reading rights to a suspect.

★ Attachment 3

★ FORMAT FOR MENTAL HEALTH REFERRAL EVALUATION FORM

CHECKLIST FOR ASSESSING ALLEGATIONS OF VIOLATIONS OF DoDD 6490.1 AND DoDI 6490.4

SECTION A. (COMPLETED BY THE IO)

1. Information on Complainant:

- a. Full Name and Rank:
- 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 Rank:
- 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 Item 4 and complete information regarding the Investigating Officer. If member alleges reprisal, IO must follow the procedures outlined in AFI 90-301, Chapter 3, Section 3C and complete a *Reprisal 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)
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, F.1.a.(2)). (a) Date Commander consulted with MHP: _____ (b) Rank/Name of MHP contacted: _____	
2	Did the commander make the referral? (DoDI 6490.4, F.1.a.(1)).	
3	Was the member evaluated by a MHP , as defined by DoDI 6490.4? (a) Date evaluation was conducted: _____	

Part A	GENERAL GUIDELINES (Continued) <i>(If yes, complete information requested, if any)</i>	Response
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, Enclosure 5)	
5	Upon request by the member, was a DoD-provided legal counsel appointed to assist the member at no cost to the member? (DoDI 6490.4, F.b.)	
Part B	ROUTINE (NON-EMERGENCY REFERRAL) <i>(Complete if applicable)</i>	<i>(Complete if applicable)</i>
1	Did the commander forward a written request for Mental Health Evaluation (MHE) to the Medical Treatment Facility (MTF)? (DoDI 6490.4, F.1.a.(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, F.1.a.(4) and Enclosure 4) (a) Date member received the notification letter: _____	
3	Did the written notification include: (DoDI 6490.4, F.a.(4) and Enclosure 4)	
	(a) A brief factual description of the behavior and/or actions that led to the referral decision.	
	(b) Name(s) of MHP(s) with whom the commander consulted before making the referral. <i>If a consultation with a MHP was not possible, the memorandum shall state the reason(s) why.</i>	
	(c) Notification of the member's Statement of Rights under Public Law No. 102-484.	
	(d) The date, time, and place the MHE is scheduled and the name and rank of the MHP who will conduct the evaluation.	
	(e) Titles and telephone numbers of other authorities, including attorneys, IG, and chaplains, who can assist the member who wishes to question the necessity of the referral.	
	(f) Name and signature of the commander.	
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, F.1.c.(3)).	
Part C	EMERGENCY REFERRAL <i>(Complete if applicable)</i>	<i>(Complete if applicable)</i>
1	Did the Emergency MHE meet the definition of "Emergency" in DoDI 6490.4, Enclosure 2?	
2	Did the commander take action to safely convey the member to the nearest MHP or MTF? (DoDI 6490.4, F.a.(5).(c))	
3	Did the commander provide the member with a memorandum and statement of rights, as soon as practicable? (DoDI 6490.4, F.a.(5).(d) and Enclosure 4)	
Part D	INVOLUNTARY HOSPITALIZATION FOR PSYCHIATRIC EVALUATION AND/OR TREATMENT <i>(Complete if applicable)</i>	<i>(Complete if applicable)</i>
1	Was the member admitted by a psychiatrist (or if psychiatrist not available, by another MHP or privileged physician)? (a) Rank/Name of admitting provider (professional): _____ (b) Date member was admitted: _____	
2	Did the commander or MHP 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, F.2.(b)). (a) Rank/Name of official who informed member: _____ (b) Date this occurred: _____	

Part D	INVOLUNTARY HOSPITALIZATION FOR PSYCHIATRIC EVALUATION AND/OR TREATMENT (Continued) <i>(Complete if applicable)</i>	<i>(Complete if applicable)</i>
3	Did the commander or MHP inform the member of his/her right to contact a relative, friend, chaplain, attorney, and/or an IG as soon after admission as the member's condition permitted? (DoDI 6490.4, F.2.b.(2)). (a) Rank/Name of official who informed member: _____ (b) Date this occurred: _____	
4	Was member allowed to contact a relative, friend, chaplain, attorney, and/or an IG? (If member was not allowed, explain why) _____ _____	
5	Was the member evaluated by a MHP 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, F.2.b.(3)) (a) Rank/Name of MHP who made the decision: _____ (b) Date decision was made: _____ (c) Date member was released from the hospital: _____	
6	If the MHP recommended continued hospitalization, was the member notified orally and in writing of the reasons for continued hospitalization? (DoDI 6490.4, F.2.b.(4)). (a) Rank/Name of MHP who made the decision: _____ (b) Date member was informed: _____	
Part E	INDEPENDENT REVIEW PROCEDURES FOR CONTINUED INVOLUNTARY PSYCHIATRIC HOSPITALIZATION <i>(Complete if applicable)</i>	<i>(Complete if applicable)</i>
1	IAW DoDI 6490.4, did the MTF commander appoint an independent Reviewing Officer 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, F.2.c.(1)) (a) Rank/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, F.2.c.(2))	
3	Did the Reviewing Officer notify the member of the right to have legal representation during the review, by a DoD judge advocate (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, F.2.c.(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, F.2.c.(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, F.2.c.(5))	
6	Did the Reviewing Officer first confer with the referring commander and the admitting MHP to clarify issues when there is evidence which indicates that the MHE may have been requested or conducted improperly? (DoDI 6490.4, F.2.c.(6))	

Part E	INDEPENDENT REVIEW PROCEDURES FOR CONTINUED INVOLUNTARY PSYCHIATRIC HOSPITALIZATION (Continued) <i>(Complete if applicable)</i>	<i>(Complete if applicable)</i>
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, F.2.c.(6)) (a) Date Reviewing officer reported determination to MTF Commander: _____	
Part F	IMMINENTLY DANGEROUS SERVICE MEMBERS <i>(Complete if applicable)</i>	<i>(Complete if applicable)</i>
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? (DoDI 6490.4, F.3.b.(1)) (a) Date of member's referral: _____ (b) Date unusual behaviors/actions were noted: _____	
2	Did the commander first consult with a MHP prior to making the referral? (DoDI 6490.4, F.3.b.(1)) (a) Rank/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, F.3.d.(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, F.3.d.(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, F.3.f, for precautionary measures to be taken)	

4. Information Concerning the Investigating Officer (IO):

- a. Rank/Name:
- b. Base of Assignment:
- c. Date Appointed IO:
- d. DSN and Commercial Number (CONUS only):
- e. Date This Form Completed:
- f. IO's Signature: _____

SECTION B. (COMPLETED BY APPOINTING AUTHORITY OR IG)

5. Did the IG report to SAF/IGQ within **seven (7)** duty days of receipt of the allegations of improper MHE using AFI 90-301, Figure 3.4? *(YES/NO)*

6. I certify that the attached ROI meets all the requirements outlined in AFI 90-301; supports the IO's findings and conclusions; and was found legally sufficient by the SJA.

- a. Full Name, Rank, and Duty Title:
- b. Date Completed Review:
- c. DSN and Commercial Numbers:
- d. Signature of IG/Appointing Authority: _____

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 IO's findings and conclusions; and was found legally sufficient by the SJA.

- a. Full Name, Rank, and Duty Title:
- b. Date Completed Review:
- c. DSN and Commercial Numbers:
- d. Signature of Reviewing Official: _____

SECTION D. (COMPLETED BY NGB, MAJCOM, 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 IO's findings and conclusions; and was found legally sufficient by the SJA.

- a. Full Name, Rank, 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. Did SAF/IGS or SAF/IGQ notify IG-DoD within 10 workdays 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 IO's findings and conclusions; and was found legally sufficient by the SJA.

- a. Full Name, Rank, and Duty Title:
- b. Date Completed Review:
- c. Signature of Reviewing Official: _____