Chapter 2

Seven-Step Inspector General Action Process (IGAP)

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Section 2-1

Step One, Receive the IGAR

1. **Purpose**: This section explains step one in the seven-step Inspector General Action Process.

2. **Step One, Receive the IGAR**: Step one starts the seven-step Inspector General Action Process when an Inspector General receives a request for assistance, a request for information, or a complaint or allegation. These things constitute an IGAR. The receiving Inspector General records all information received during step one on a DA Form 1559, which serves as the base-control document.

The Inspector General will encourage the soldier or civilian employee first to discuss complaints, allegations, or requests for assistance with the commander, chain of command, or supervisor as explained in Army Regulation 600-20, Army Command Policy. If a complainant does not wish to use the chain of command, the Inspector General accepts the IGAR unless specific redress procedures are available.

The Inspector General receiving the IGAR will always open a case in the IGARs database even if the case is not appropriate for Inspector General action. If referred to an agency outside of the chain of command, the Inspector General will close the case. When referring to the chain of command, the Inspector General will keep the case open to monitor the chain of command's actions and to document actions in the IGAR before closing the case.

Anyone can submit a complaint, allegation, or request for information or assistance to any Army Inspector General concerning a matter of Army interest. IGARs come from all directions: walk-ins, call-ins, write-ins, emails, and indirectly. An example of an indirect IGAR is an Inspector General shopping in the Post Exchange (PX) who overhears two individuals discussing double standards in the awards program in their unit. The Inspector General just received an IGAR.

Section 2-1-1

Step One, Receive the IGAR
Walk-In IGAR

1. **Purpose:** This section explains the process of receiving a walk-in IGAR.

2. **Walk-in IGARs:** Walk-in is one of many options to a complainant for requesting assistance from the Inspector General. The Inspector General will conduct an interview with the complainant to capture the essence of that person's complaint. The Inspector General must record information received from the complainant on DA Form 1559. The Inspector General will follow the procedures listed below when interviewing a complainant.

a. **Interview:** The Inspector General will interview the complainant during a walk-in complaint. The key to a successful interview is to establish rapport and to listen actively.

b. **Private Area:** The Inspector General will interview the complainant in a private or semi-private area that affords confidentiality between the Inspector General and the complainant. If there are two or more complainants, the Inspector General will attempt to conduct separate interviews.

c. **Action Desired:** The Inspector General will ask the complainant four basic questions:

(1) What do you want the Inspector General to do for you?
(2) Do you have any supporting documentation?
(3) Have you asked any other agency to assist you?
(4) Is your chain of command aware of your problem?

d. **DA Form 1559:** A complainant may submit an IGAR in any form such as by telephone, in person, or by letter. The preferred method is for the complainant to submit a completed DA Form 1559 because it facilitates the standardization and implementation of IGARs. DA Form 1559 also provides the complainant with Privacy Act information. The Inspector General should read the Privacy Act statement to each complainant. The Inspector General must ensure that DA Form 1559 is completed with as much detail as possible and must give the complainant an opportunity to review the form before signing and departing the Inspector General office. See the example of the Privacy Act statement on the following page.

Privacy Act of 1974

DATA REQUIRED BY THE PRIVACY ACT OF 1974

AUTHORITY: Title 10, USC, Section 3039

PRINCIPAL PURPOSE: To secure sufficient information to make inquiry into the matters presented and to provide a response to the requestor(s) and / or take action to correct deficiencies.

ROUTINE USES: Information is used for official purposes within the Department of Defense; to answer complaints or respond to requests for assistance, advice, or information; by Members of Congress and other Government agencies when determined by The Inspector General and Auditor General to be in the best interest of the Army; and, in certain cases, in trial by courts-martial and other military matters as authorized by the Uniform Code of Military Justice.

DISCLOSURE OF THE SOCIAL SECURITY NUMBER AND OTHER PERSONAL INFORMATION IS VOLUNTARY. HOWEVER, FAILURE TO PROVIDE COMPLETE INFORMATION MAY HINDER PROPER IDENTIFICATION OF THE REQUESTOR, ACCOMPLISHMENT OF THE REQUESTED ACTION (S), AND RESPONSE TO THE REQUESTOR.

e. **Confidentiality:** Inspectors General will ensure complainant confidentiality to the maximum extent possible. The complainant does not necessarily need to request confidentiality; the Inspector General will automatically maintain confidentiality. **However, Inspectors General never guarantee confidentiality because the nature of the complaint may require the Inspector General to reveal the person's name in order to resolve the issue.** If an Inspector General must release a person's identity, he or she will first attempt to notify the complainant before doing so.

f. **Commitments:** The Inspector General will avoid making any promises or commitments. Instead, the Inspector General will inform the complainant that he or she will look into the matter and, when appropriate, respond to the complainant.

g. **Case File:** All information gathered during an interview in Step One, *receive the IGAR, will be included in the Inspector General case file. This* information includes the Inspector General's notes and documents received from the complainant's initial interview. The Inspector General will then make copies of all documents received from complainant but <u>will not</u> take original documents from the complainant.

Section 2-1-2

Step One, Receive the IGAR
Call-In IGAR

1. **Purpose**: This section explains the process of receiving a call-in IGAR.

2. **Call-in IGARs**: Call-in is one of the options to a complainant for requesting assistance from the Inspector General. The Inspector General will conduct an interview with the complainant over the telephone to capture the essence of that person's complaint. The Inspector General will record the information from the complainant on DA Form 1559. Receipt of a telephonic complaint does not mean that the Inspector General must handle it. However, Inspectors General analyze all complaints in accordance with Step Two (Preliminary Analysis) of the seven-step IGAP. The Inspector General will follow the four steps listed below during a call-in interview:

a. **Written Follow-up Documentation**: The Inspector General will ask the complainant to forward any supporting documentation to the Inspector General office.

b. **Privacy Act**: The Inspector General will read the Privacy Act Statement of 1974 to the complainant. The Inspector General must ensure that the complainant understands the Privacy Act statement before the Inspector General begins working the complainant's case.

c. **Read Back DA Form 1559**: The Inspector General will read back to the complainant the information taken during the telephone interview for clarity and accuracy.

d. **Telephonic:** When taking complaints via the telephone, the Inspector General annotates in the signature block the word "Telephonic." Also, the Inspector General will forward to the complainant a copy of DA Form 1559 for that person's records.

Section 2-1-3

Step One, Receive the IGAR
Write-In IGAR

1. **Purpose**: The purpose of this section is to explain the process of receiving a write-in IGAR.

2. **Write-in IGARs**: Inspectors General may receive written complaints, allegations, and requests for Inspector General assistance in a variety of written formats. Upon receipt of a written request for assistance, the Inspector General will attach the document to a blank DA Form 1559 and write in the "action requested" block the words "see attached letter." The following are some types of write-in IGARs.

a. **White House Correspondence**: The Army White House Liaison Office refers selected requests from the President, Vice President, or their spouses to Department of The Army Inspector General Assistance Division (DAIG-AC). The local Inspector General will work case as the office of inquiry and forward all findings to DAIG-AC. DAIG-AC will respond to The Office of the White House. If the command or activity's congressional liaison office receives a case on which the Inspector General is currently working or has already completed an Inspector General inquiry, the local Inspector General must inform the tasking official that the response will be forwarded through Inspector General channels to DAIG-AC.

b. **Congressional Correspondence**: These referrals from Members of Congress include requests from constituents who may be soldiers, family members, or private citizens. The Office of the Chief of Legislative Liaison (OCLL) receives cases from Members of Congress (MoC) and refers them to the Army Staff, the chain of command, Adjutant General (AG) congressional channels, or DAIG-AC. The DAIG Assistance Division normally refers the correspondence through the MACOM Inspectors General to the field Inspectors General for action. The command or state Inspectors General complete the case and return a copy of the report of inquiry or investigation through the MACOM Inspector General to DAIG Assistance Division for reply to the MoC. The MoC then responds to the constituent. If an IG receives congressional correspondence directly from a MoC, the IG must contact DAIG Assistance Division immediately and then forward the correspondence to that office -- even though the IG who received the correspondence may later handle the issue on behalf of DAIG Assistance Division.

c. **Secretary of Defense, Secretary of the Army, and Army Chief of Staff Correspondence:** The Army Administrative Assistant and the Office of Executive Communications and Control (ECC) receive referrals from the Secretary of Defense, Secretary of the Army, Army Chief of Staff, and other senior leaders. ECC reviews the information provided and refers the case to the Army agency or headquarters best able to gather the facts and respond. At the installation level, the field Inspector General may receive this type of referral from the local chain of command. These

referrals normally include instructions as to the type of action requested and the desired form of reply. The Inspector General should advise the command of the Inspector General's policy that DAIG-AC answer all investigative work done by an Inspector General for those types of cases.

d. **Department of Defense (DoD) Hotline Correspondence**: DoD Hotline cases come through DAIG-AC. The coordinator at DAIG-AC refers all DoD Hotline cases to the field Inspector General offices for appropriate action and reply in a specific format. The format for this report is in Department of Defense Directive (DoDD) 7050.1, Defense Hotline Program. The Inspector General must meet the suspense established for DoD Hotline cases or put in writing a request for extension. See the example of a Department of Defense Hotline Report on the next page.

SAMPLE HOTLINE COMPLETION REPORT
(as of 3 January 2002)

1. Name of Examining Official: (Name of Inspector General who conducted the Inquiry / Investigation or name of Inspector General who wrote the Completion Report (CR) based on information from a command product).

2. Rank / Grade of Examining Official:

3. Duty Position and Telephone of Examining Official:

4. Organization of Examining Official:

5. Hotline and DIH Control Numbers:

6. Scope of Examination, Findings, Conclusions, and Recommendations: This paragraph should include sufficient detail concerning the allegation (s) or issue (s), evidence collected, discussion of evidence, conclusion pertaining to each allegation and / or issue, and any corrective action.

a. Background: Specify what the complaint is about, when the complaint was received, if the Inspector General conducted the Inquiry upon which the CR is based, if a command product was the only evidence used to write the CR, any follow-on Inquiries by the Inspector General, etc.

b. The following people were interviewed by (select one: Inspector General or command product Investigation Officer) during this (select one: Investigative Inquiry / Assistance Inquiry / Investigation). Indicate if the interview was in person or by phone and whether release of testimony was authorized outside of official channels in accordance with Freedom of Information Act (FOIA).

(1) Complainant.

(2) Subject.

c. The following documents were reviewed by (select one: Inspector General or command product Investigating Officer) during this (select one: Investigative Inquiry, Assistance inquiry or Investigation):

(1) Complainant's letter.

(2) Specify the document containing the standard.

d. Allegation 1: That someone improperly did something in violation of a standard. (Replace someone, did something, and standard with the specifics).

(1) Presentation of evidence: Present the key evidence provided by each of the interviewees and documents. Be sure to specify what the standard says.

(2) Discussion: Discussion paragraphs are used to tie the items of evidence together. The Inspector General should discuss the lowest levels of evidence and build toward the combination of facts, which will support the Inspector General's decision. The last part of this section should be a statement explaining why the allegation was or was not substantiated.

(3) Conclusion: Repeat the allegation using the same wording as you wrote it earlier in paragraph six. The allegation that someone improperly did something in violation of a standard was / was not substantiated. Include corrective action taken by the command if substantiated.

e. Allegation 2: Follow the same process as with Allegation 1 from above.

7. Cite Criminals or Regulatory Violations Substantiated:

8. Disposition: Recommend this case be closed and that no further action is necessary.

9. Security Classification of Information: This report is FOR OFFICIAL USE ONLY as an Inspector General report.

10. Location of Field Working Papers and Files (e.g. , 90th Regional Readiness Command, 8000 Camp Robinson Road, North Little Rock, AR 72118, ATTN: AFRC-CPA-IG)

11. Additional Notification Information:

a. All subject / suspect mailing addresses (whether or not allegations were substantiated).

b. Was Assistance Inquiry, Investigative Inquiry or Investigation conducted? (specify one)

c. Was the appropriate Commander notified if an Inquiry or Investigation was to be conducted? (yes or no)

d. Name and mailing address of Commander of subject / suspect.

James Jones
LTC, US Army
Inspector General

e. **Normal Correspondence**: These are letters written to the Inspector General presenting an allegation, concern, or request for assistance. Enter "see attached" in the specific "action requested" block rather than transferring the contents of the correspondence onto the form.

Section 2-1-4

Step One, Receive the IGAR
E-Mail IGAR

1. **Purpose**: This section explains the process of receiving an e-mail IGAR.

2. **E-Mail IGARs**: Inspectors General may receive complaints, allegations, and requests for Inspector General assistance via electronic mail (e-mail). Upon receipt of an e-mail request for assistance, the Inspector General will acknowledge receipt by sending a generic e-mail if the complainant did not provide a mailing address or phone number. When using e-mail to acknowledge receipt, the Inspector General must use a generic subject line to ensure confidentiality of the complainant. Never respond to the actual message; develop and send a new message so that you do not inadvertently send any confidential information through an open e-mail server. Also, there is no way for the Inspector General to know if the person making the complaint is actually the same person on the e-mail address line. The Inspector General should make every attempt to speak with the complainant by phone. The bottom line is that the Inspector General receiving the case should treat e-mail IGARs just like a call-in IGAR and ask the complainant to confirm the issue(s) or allegation(s) in writing. If the complainant refuses to reply in writing or to call the Inspector General, treat the case just like an anonymous one and work it if there is enough information. If the complainant did not provide sufficient information, then close the case. The following is an example of an e-mail IGAR sent to the Inspector General for action from a complainant.

Sample E-Mail IGAR

From: Doe, SGT Jane
Sent: Monday, June 20, 2003 3:19 PM
To: Britton, MAJ Richard (IG)
Subject: My IG Complaint

Dear IG

I am making this complaint because I cannot live with my conscience anymore. I just returned from having sex with my 1SG in his quarters.

What can you do about this?

Jane

The e-mail listed below is in response to SGT Jane Doe's e-mail message to the Inspector General regarding an improper relationship with the first sergeant. Notice the subject line and the content of this reply e-mail. Send a new message; do not reply to the message sent to you so that you do not transmit this person's IGAR through the e-mail system once again unnecessarily.

Sample E-Mail IGAR

Subject: Your E-Mail

We are in receipt of your e-mail dated June 20, 2003. Please give us a call at (xxx) xxx-xxxx or e-mail us back with your mailing address or phone number so that we can discuss this matter with you. By policy, the Inspector General will not initiate an inquiry on your behalf based upon an e-mail message. To ensure that you are the one presenting these matters, we request that you provide us with a signed Inspector General Action Request (IGAR). You may fax or mail this request to our office. Our fax number is (xxx) xxx-xxxx, and our mailing address is Iron Mountain Road, Suite 2222, Fort Belvoir, VA 22060.

Sincerely,

MAJ Richard Britton
Deputy Inspector General
(xxx) xxx-xxxx

Section 2-1-5

Step One, Receive the IGAR
Anonymous IGAR

1. **Purpose:** This section explains the process of receiving an anonymous IGAR.

2. **Anonymous IGAR:** Inspectors General will always look into anonymous IGARs. The substantiation rate for anonymous allegations is slightly higher than signed Inspector General Action Requests (IGARs). Inspectors General will take action to resolve anonymous IGARs and protect the interests of the government. When processing anonymous allegations and complaints, Inspectors General should not create the appearance of unduly trying to identify a complainant. The determination of the facts and circumstances related to the IGAR is the Inspector General's primary concern.

If the Inspector General does not have enough information to work the case, the Inspector General should close the case and annotate that fact in the synopsis. Since the complaint is anonymous, there is no need for the Inspector General to reply to the complainant even if the Inspector General discovers the identity of the complainant.

Section 2-1-6

Step One, Receive the IGAR
Pen- and Phone-Pal IGARs

1. **Purpose:** This section explains the process of receiving a pen- and phone-pal IGARs.

2. **Pen- and Phone-Pal IGARs:** Some complainants will repeatedly bring complaints to an Inspector General. Some complaints will be new and others will be issues previously handled by the Inspector General. The Inspector General must thoroughly analyze all issues and allegations to ensure that no new information is present. If the Inspector General has worked the case before, he may choose not to reopen the case unless the complainant has presented new and relevant information to the case. If there is new information, the Inspector General will either need to reopen the case or initiate a new case.

If the Inspector General reopens the case and amends an opinion, judgment, or conclusion, the Inspector General must get approval from the TIG prior to doing so. The Inspector General forwards requests to the DAIG Records Release Office for referral to the appropriate division within DAIG for review prior to action by TIG. The file includes one copy of the requested amendment for the record, any recommendations concerning whether to grant or refuse the amendment, and any supporting rationale.

If the Inspector General reopens a case and, upon review of the new information finds nothing new, the Inspector General may close the case without TIG approval. Do not automatically reject the complainant's communication without first analyzing the correspondence for new matters.

Section 2-2

Step 2, Conduct Inspector General Preliminary Analysis (IGPA)

1. **Purpose:** This section describes step two, Conduct Inspector General Preliminary Analysis (IGPA).

2. **Step 2, Conducting Inspector General Preliminary Analysis (IGPA):**

a. Inspector General Preliminary Analysis (IGPA) is a process used by an Inspector General to determine how best to proceed with a case. IGPA may take a few moments, hours, or days. This process helps identify the issues and / or allegations, determines whether those issues or allegations are appropriate for Inspector General action, acknowledges receipt to the complainant, and assists the Inspector General in developing a course of action. It helps the Inspector General determine who should resolve the problem and how to solve it. IGPA is the beginning of a process that may result in several courses of action for the Inspector General. The Inspector General may provide Assistance; conduct an Inspector General Inspection or Investigation; refer the case to another Inspector General or agency; or recommend a follow-on Investigation using another Investigative processes such as a commander's inquiry, Army Regulation 15-6 Investigation, Military Police Investigation (MPI), or Criminal Investigation Division (CID) Investigation. An Inspector General is usually in IGPA until he or she selects a course of action.

b. Inspectors General always look for the central issues at the core of a problem (or problems) when formulating allegations and providing assistance. Many Assistance cases require the Inspector General to turn a matter of concern over to another individual or agency. This referral process requires the Inspector General to be aware of the possible implications concerning the confidentiality of the complainant. A soldier who asks for help may not want his first sergeant to know that he made a complaint to the Inspector General. While interviewing the complainant, the Inspector General should determine the circumstances and act accordingly. Referring the complaint to another agency usually means the Inspector General will need to follow-up to determine the action taken and whether or not it addressed the complaint. The Inspector General should request that the individual or agency provide the response back to the Inspector General. The Inspector General reviews the response to ensure that he addresses each concern before the complainant receives a final response. A response provided directly to a complainant, if not complete, may require additional time to resolve completely and may decrease the credibility of the Inspector General.

Section 2-2-1

Step Two, Conduct Inspector General Preliminary Analysis Analyze for Issue(s) and Allegation(s)

1. **Purpose:** This section explains the process of analyzing complaints or requests for assistance for issues and allegations.

2. **Analyzing for Issues and Allegations:** Inspectors General will analyze the information presented by the complainant and determine whether that information is a systemic issue, an allegation of impropriety, a request for help (assistance), or a combination of two or more of these elements. For example, a soldier who complains about not receiving a paycheck is a request for help, but it could also be a systemic problem if trends indicate that the same problem may be pervasive throughout the organization. The Inspector General will determine the assistance requested and what issues or allegations the complainant presented.

The Inspector General must identify all requests for help and matters of concern, even if the complainant did not specifically mention them. The Inspector General should contact the complainant to clarify the issues, allegations, or concerns. The Inspector General may later refer the complainant to the chain of command or an appropriate staff agency for action. For example, a soldier with a pay complaint who has not initiated the complaint with his or her chain of command or servicing Personnel Administration Center should do so first. The Inspector General will follow-up referrals to ensure that the complainant receives the appropriate assistance.

Section 2-2-1-1

Step Two, Conduct Inspector General Preliminary Analysis What is an Issue?

1. **Purpose:** This section explains what an Inspector General determines to be an Inspector General issue.

2. **An Issue:** An issue is a complaint, request for information, or request for assistance to the Inspector General that does not list a who as the violator of a standard or policy. The Inspector General determines the issues and allegations, not the complainant. If the information from the complaint has a who for the violator, then this complaint is an allegation, and the Inspector General must conduct an Investigative Inquiry or Investigation.

However, there are times when the complainant will express dissatisfaction, resentment, or discontent that does not necessarily imply a violation of a standard but is more appropriate for the chain of command. If the IGAR involves more than simple assistance, the Inspector General must determine the action necessary to resolve the issues -- referral, Assistance Inquiry, or an Investigative Inquiry. The following are some examples of issues:

a. A request for pay by a soldier.

b. A request to locate a soldier's missing household goods.

c. A request for a copy of a soldier's travel voucher.

d. The finance office improperly failed to process a soldier's TDY voucher in a timely manner in violation of the 66th ID Finance Battalion SOP.

3. **IG Appropriateness**: As a rule, not all matters presented to the Inspector General are appropriate for Inspector General action. The following are examples of issues that are not appropriate for Inspector General involvement:

a. Serious criminal allegations (murder, rape, etc.).

b. Issues that have other means of redress. There are many situations for which law or regulation provides soldiers a remedy or means of redress. Soldiers must seek the prescribed redress or remedy before an Inspector General can provide assistance. If the soldier has used the available redress procedures, the Inspector General will limit his review of the situation to determine if the soldier received due process by law or regulation.

c. When presented with non-Inspector General matters of concern, the Inspector General should advise the complainant of the appropriate means to resolve the complaint, complete the DA Form 1559, and enter it into the IGARs database detailing what the Inspector General advised.

d. If the Inspector General determines that the matters of concern are appropriate for Inspector General involvement, the Inspector General should ask the following questions:

(1) Is the matter of concern clearly systemic in nature? If so, does the Inspector General need to conduct an Inspection?

(2) Is there any indication of general officer or senior executive service misconduct or violations of 18 U.S.C., 207(a), (b), or (c) (post employment violations)? Refer these allegations directly to the DAIG Investigations Division, by rapid and confidential means, within **two working days** of receipt. Paragraph 8-3i, Army Regulation 20-1, Inspector General Activities and Procedures, provides guidance on allegations against general officers and senior executive service civilians.

(3) Do the matters of concern involve an allegation against an Inspector General? If so, refer them, within **two working days** of receipt, to that Inspector General's next higher-echelon Inspector General for appropriate action while also informing DAIG Assistance Division. Paragraph 8-3h, Army Regulation 20-1, Inspector General Activities and Procedures, provides guidance on Inspector General action for allegations against other Inspectors General.

(4) Are the concerns within the purview of the Inspector General's Directing Authority? If not, refer them to the Inspector General of the appropriate organization.

Section 2-2-1-2

Step Two, Conduct Inspector General Preliminary Analysis What is an Allegation?

1. **Purpose:** This section explains what represents an allegation to an Inspector General.

2. **Allegation:** The Inspector General will analyze all requests for assistance, requests for information, and allegations. The Inspector General will take the information provided by the complainant and form the allegation, which must identify a who. The Inspector General is responsible to place the allegation into the proper allegation format. The Inspector General should use the investigative process when the information from the complaint has the following four elements:

a. **Who**? - - The complaint involves an individual. For example, my company commander, CPT Smith. If no name is given, the Inspector General can also learn the company commander's name.

b. **Improperly**? - - The complainant alleges subject or suspect to have committed an improper action. For example, the company commander, CPT Smith, improperly.

c. **Did or did not do what**? - - Describing of improper behavior. For example, the company commander, CPT Smith, improperly used a government vehicle.

d. **In violation of what standard**? - - There is a policy, regulation, or law that has allegedly been violated. For example, the company commander, CPT Smith, improperly used a government vehicle in violation of the Joint Ethics Regulation (JER).

A correctly worded allegation by an Inspector General must contain all four parts: who improperly did or did not do something in violation of an existing standard. For example, CPT Smith improperly used a government vehicle to transport his girlfriend to the movies in violation of the JER.

Inspectors General should always look for larger systemic problems, implied allegations, and the condoning of wrongdoing. If the preliminary analysis resulted in a decision to conduct an Investigative Inquiry or Investigation, use Part Two, Chapter Two, of this guide, as well as Army Regulation 20-1, Inspector General Activities and Procedures, for the correct procedures.

Section 2-2-1-3

Step Two, Conduct Inspector General Preliminary Analysis What is a Complaint?

1. **Purpose:** This section explains what an Inspector General determines to be a complaint.

2. **Complaint:** A complaint is an expression of dissatisfaction or discontent with a process or system such as leave policies or the pay system. In some cases, the Inspector General may not be able to assist the complainant with his or her complaint. The Inspector General will conduct some teaching and training with the complainant and explain the role of the Inspector General. Even though the Inspector General knows that the complaint is not appropriate for the Inspector General, the Inspector General must still analyze the entire complaint for any issues and / or allegations. The following is an example of a complaint.

Sample Complaint

LTC Jones complains to the Inspector General about the Basic Allowance for Housing (BAH). He is dissatisfied with the amount that he is receiving based upon the zip code for Arkansas. He feels that he should be getting more.

The Inspector General's job is to teach and train the individual while at the same time analyzing the complaint for larger issues. In this case, the Inspector General must explain the BAH process to the complainant and, if necessary, refer the complainant to either the Housing or Finance office for a more informed explanation. If the complainant is receiving BAH in accordance with approved rates, then the Inspector General can refer his dissatisfaction about the approved BAH rate to the chain or command or recommend that the complainant use another established appeal or grievance process (if one exists). Many complaints presented to the Inspector General will have an established appeal process. If so, the complaints are not appropriate for Inspector General action until the complainant uses the established process. If the complainant is still dissatisfied, the Inspector General can check the appeal action for due process.

Section 2-2-2

Step Two, Conduct Inspector General Preliminary Analysis Determine IG Appropriateness

1. **Purpose:** This section explains what issues are appropriate for Inspector General action.

2. **Determining Inspector General Appropriateness:** If the results of preliminary analysis indicate that the IGAR received is appropriate for Inspector General action, the Inspector General will accept the IGAR and open a case file. If not appropriate for Inspector General action, the Inspector General will still open the case, state why the issue is not appropriate for Inspector General action, and state / explain what the Inspector General did with the IGAR. The Inspector General will then close the case in the IGARS database. Chapter 3 provides instructions on how to use the IGARS Version 4.0 database. Inspector General action includes, but is not limited to, an Investigative Inquiry, Inspection, Assistance, Investigation, and a referral. Inspectors General could also determine that the case should be forwarded to another Inspector General agency or recommend a follow-on investigation. Complaints or requests for assistance may be referred for appropriate action to the responsible Army leader, commander, or management official within the Inspector General's command; to other Army Inspectors General using Inspector General technical channels; to the Inspector General, DoD; Inspectors General in other Services; or to other DoD, Army, and non-military agencies.

When presented with non-Inspector General matters of concern, Inspectors General will advise complainants of the appropriate agency that can resolve the complaint and normally allow complainants to present their issues to that agency directly. Inspectors General may elect to refer the issue to the appropriate agency on behalf of the complainant but must be mindful of confidentiality concerns. Inspectors General will provide the necessary information to the agency and determine whether to monitor the action until completion. For example, if an individual alleges criminal activity, Inspectors General will refer the case to the local U. S. Army Criminal Investigation Command (USACIDC) investigative office. The bottom line is that if the Inspector General knows of this problem (whether it is appropriate for Inspector General action or not), he must act on what he knows. This action could be the Inspector General's own work or referral to another agency.

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Section 6-4

Facts

IG investigations and investigative inquiries constitute fact finding. Facts include events that are known to have happened and things that are known to be true. Some matters are easily established as facts while others are difficult. In solving a disputed issue, use judgment, common sense, and your own experience to weigh the evidence, consider its probability, and base your conclusions on what is the most credible. A general guide in establishing facts is to obtain the testimony of two or more sworn, competent witnesses who independently agree on a single point. A fact is also established by a combination of testimony, documentary evidence, and physical evidence that all agree on a single point.

Section 11-1

Service Member and Non-Appropriated Fund Employee Whistleblower Reprisal Investigations

1. Section 1034 of Title 10, United States Code (10 U.S.C. 1034), revised by The Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, effective 16 October 1998, extended authority to Inspectors General within the Military Departments to grant Whistleblower protection for reprisal allegations presented directly to them by service members (Note: TIG has limited this authority to MACOM and higher-level IGs). 10 U.S.C. 1034, implemented by DoD Directive 7050.6, effective 23 June 2000, requires Service IGs to investigate allegations of individuals taking, or threatening to take, unfavorable personnel actions or withholding or threatening to withhold favorable personnel action as reprisal against a member of the Armed Forces for making or preparing a protected communication. A **protected communication** is:

a. Any **lawful communication to a Member of Congress** or an IG.

b. A communication in which **a member of the Armed Forces communicates information that the member reasonably believes is evidence of a violation of law or regulation** (including sexual harassment or unlawful discrimination, gross mismanagement, a gross waste of funds or other resources, an abuse of authority, or a substantial and specific danger to public health or safety) when such a communication is **made to any of the following**:

(1) **A Member of Congress**; an **IG**; or a **member of any DoD audit, inspection, investigation, or law-enforcement organization.**

(2) **Any other person or organization** (including any person or organization in the chain of command) **designated** under Component regulations or other established administrative procedures (i.e. Equal Opportunity Advisor, Safety Officer) **to receive such communications** (see AR 600-20 for a definition of the chain of command).

2. If, upon presentation, a soldier makes a reprisal allegation that appears to meet the criteria outlined in 10 USC, Section 1034, the IG who receives the allegation will contact the Whistleblower Investigation and Oversight Branch (WIOB), DAIG Assistance Division, promptly by telephone (within two working days) for specific instructions regarding how to proceed. The field IG should be prepared to discuss the timeliness of the allegation (an allegation of Whistleblower reprisal may be determined to be untimely if the allegation is made more than 60 days after the service member became aware of an adverse personnel action that he or she believes was taken in reprisal), the protected communications made by the soldier, and the personnel actions alleged by the soldier to be acts of reprisal. The name, grade, SSAN, unit assignment, address, and phone number of the soldier will also be required. The IG should be prepared to respond to the following specific questions:

a. What protected communications does the soldier claim that he or she made?

b. To whom were they made?

c. When were they made?

d. What matters were addressed in the protected communication (i.e. gross mismanagement, waste, public safety, abuse, etc.)?

e. What were the personnel actions alleged by the soldier?

f. Who were the responsible Army officials alleged by the soldier to have taken or threatened the personnel action? Allegations against senior Army officials (i.e., General Officers and SES-grade civilians) must be reported to the DAIG Investigations Division within two days of receipt.

g. When were the personnel actions against the soldier taken or threatened?

h. When did the soldier first become aware of the personnel actions?

4. Based on the results of the coordination between WIOB and the IG receiving the complaint, WIOB will forward a letter to the soldier formally acknowledging receipt of the complaint and will also notify the IG, DoD, as required.

5. If, as a result of the coordination with WIOB, it is determined that the soldier's allegations appear to meet the criteria for coverage under the law, then the IG receiving the complaint will be directed by WIOB to forward the case to either their MACOM IG or to WIOB for IG preliminary analysis (IGPA). If the initial complaint is received at the MACOM, the MACOM will retain the complaint and perform IGPA (reporting requirements IAW paragraph c(2), AR 20-1, still apply). The MACOM's IGPA will determine whether the complaint meets the criteria for coverage under the law and whether a formal investigation is warranted. If it is determined during IGPA that the soldier's allegations do not appear to meet the criteria, then the MACOM IG will forward the case via IG channels to WIOB for further review and reporting to IG, DoD. If the IGPA determines that the soldier's allegations meet the criteria, then the MACOM IG will coordinate with WIOB to determine which Whistleblower investigation strategy to use and then proceed with that strategy IAW DoDI 7050.6. MACOMs will coordinate all notification and reporting requirements with WIOB. WIOB will maintain oversight on all Whistleblower cases.

6. In accordance with DoD Directives 7050.6 and 6490.1, IG, DoD, is the final approving authority for cases involving allegations of Whistleblower reprisal and the improper referral for Mental Health Evaluation (see paragraph 8-9 e (2), AR 20-1). The command or State IG who investigates the reprisal allegations will obtain a directive authorizing the investigation from his Directing Authority. The investigating IG will obtain the Directing Authority's concurrence or nonoccurrence with the findings and conclusions of the investigation and will forward the ROI through IG channels to DAIG. Each intermediate IG will review the ROI and obtain his commander's endorsement regarding the findings and conclusion. ROIs will be prepared IAW the instructions in DoD Directive 7050.6.