

Section 1-7

Teach and Train

1. Purpose: This section explains the Inspector General Teaching and Training function.

2. Teach and Train: The Teaching and Training function is incorporated into all aspects of an Inspector General's duties. When an Inspector General learns that personnel do not know regulatory requirements, the Inspector General explains the requirements and the reason these requirements were established. Additionally, Inspectors General pass on lessons learned and good ideas (or benchmarks) observed during the conduct of other Inspector General functions (Inspections, etc).

The effectiveness of the Inspector General system is, to a great extent, a function of how receptive non-Inspectors General are to Inspectors General. Therefore, Inspectors General must teach leaders and their Soldiers how Inspectors General contribute to mission accomplishment and search for opportunities to inform them of the Inspector General system's purpose, functions, methods, benefits, and constraints. The bottom line is that while inspecting, assisting, or investigating, Inspectors General contribute to improving the Army by Teaching and Training others in policy and procedures.

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Section 2-2

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. If specific redress procedures are available, the Inspector General will teach and train the complainant on using the appropriate, formally established redress process, and refer him / her to that process (see Chapter 4, Issues with Other Forms of Redress).

Even if the case is not appropriate for Inspector General action, the Inspector General receiving the IGAR will always open a case in the IGARS database, unless the complaint involves a senior official. In this instance, do not open a case in the IGARS database and call SAIG Investigations within two days. If the case is 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 IGARS before closing the case.

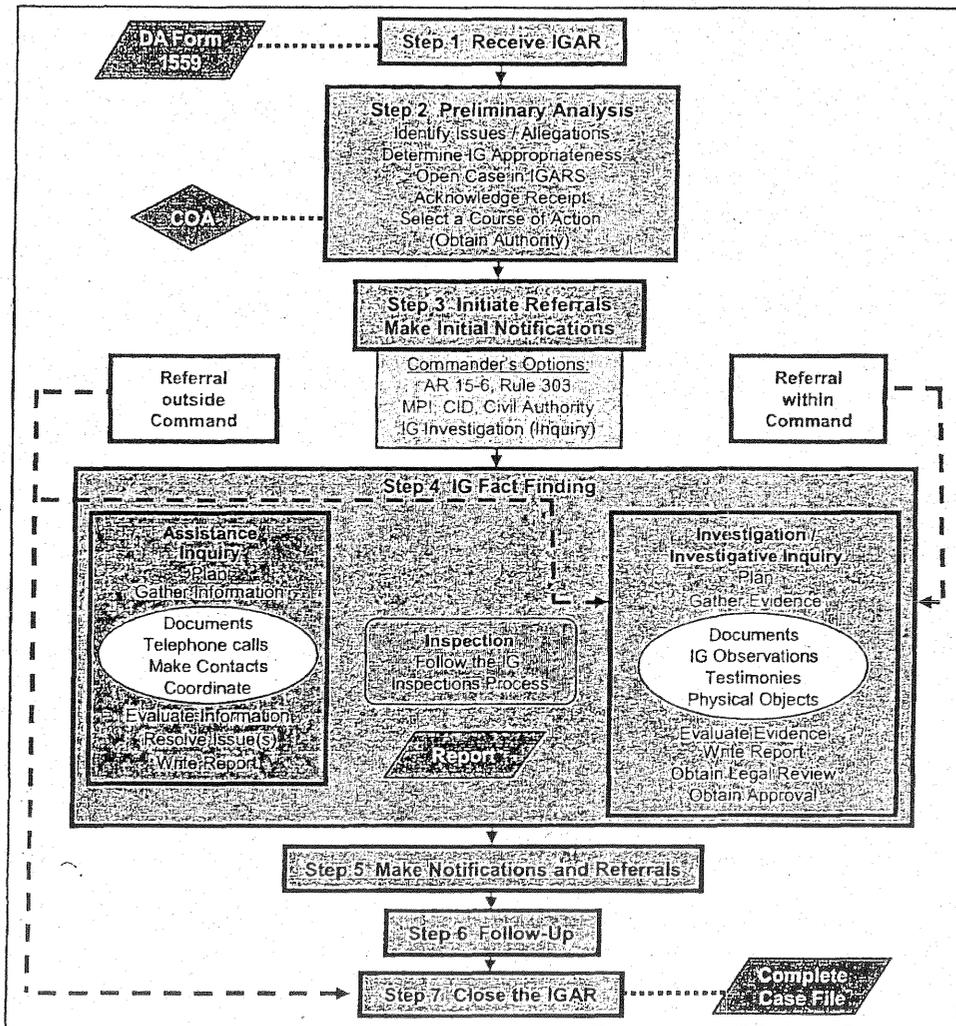
Anyone can submit a complaint, allegation, or request for information or assistance to any Army Inspector General concerning a matter of Army interest. IGARS come from all directions: walk-ins, call-ins, write-ins, emails, and indirectly. An example of an indirect IGAR is an Inspector General shopping 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

Inspector General Action Process (IGAP) Chart

1. Purpose: This section explains the Inspector General Action Process (IGAP) Chart.

Inspector General Action Process Chart



2. The Inspector General Action Process Chart: This chart covers seven steps beginning with receiving the IGAR in Step One to closing the IGAR in Step Seven. The IGAP Chart will assist Inspectors General in following a logical sequence in which to process an IGAR from beginning to end. The process does not require a dogmatic, sequential application of each step for every case, but using this process allows the Inspector General to accomplish all critical tasks in resolving complaints. Subsequent pages will explain each of the seven steps.

Section 2-3-3

Step Two, Conduct Inspector General Preliminary Analysis Open a Case in IGARS

1. **Purpose:** This section provides an overview of the Inspector General Action Request System (IGARS).

2. **Inspector General Action Request System (IGARS):** IGARS is a database accessed through Thin Client that stores all cases entered into it as a complete record of all issues and allegations presented to an IG. This database facilitates the identification of trends and helps IGs in the field to monitor and track open cases and refer back to closed cases as necessary. For technical instructions on how to use the IGARS, see the IGARS User Manual, available on the Thin Client's desktop screen (Cirtix MetaFrame applications window) and on the SAIG home page (click on "Highlight", "IGARS Updates").

3. **When to Open a Case in IGARS:** The IG will open a case in the IGARS database prior to completing Step 2, Preliminary Analysis.

a. The only time the IG will not open a case in IGARS is when the complaint includes allegations against SOs (see Section 3-6) or against members of SAPs and SAs (see Section 3-7). In these cases, the IG will call DAIG Investigations Division or DAIG Intelligence Oversight Division within two working days.

b. All other complaints will be logged in the IGARS database. Even if the case is referred to another agency outside the command such as CID – or falls under civilian IGARS not appropriate for IG action and also referred to another agency – the IG will still open a case and annotate all actions taken, for instance the referral to the appropriate agency (CID, EEO, CPAC, etc.).

4. **Entries:** This database has several entry fields to identify and track all pertinent information for each particular case. Some fields are explained below.

a. **Function Codes:** The function code explains the allegation, issue, or complaint. Each functional area has sub-categories that provide a more detailed explanation. Accurate and specific entries make the database useful and the information gleaned from it meaningful. Complaints are grouped into various functions, which are assigned a specific letter or number. For example, all finance issues are grouped under the function code "K," Finance and Accounting, and all health- and medical-related issues under "H," Health Care. Further characters identify more specific categories to provide a better trends-analysis tool. Hence, the function code for an active-duty Soldier requesting assistance to correct his base pay will have a function code of "KAC."

K - Finance and Accounting

KA - Military Pay / Allowances - Active

KAC - Issues regarding basic pay or its computation

b. **Agency / Command Code:** The agency or command that best defines where the allegation, issue, or complaint resides. The first position designates the major command and further positions the subordinate command.

c. **Determination Codes:** Shows the final determination of the allegation as either S (Substantiated) or N (Not Substantiated) or indicates that the case is A (Assistance).

d. **Case Notes:** Case notes should be a detailed chronological listing of everything pertaining to the case. They should include, at a minimum --

- phone calls, including names, phone numbers, summary of topic / discussion
- notifications, if verbal or written
- coordination with staff / command (who, what, ...)
- legal reviews
- any e-mails, faxes, or correspondence received or sent
- additional information as required

IGARS allows more than one IG to input data into the same case file. IGs should make use of that capability and update cases notes, even if he or she is not the primary IG working a particular case but merely answered or processed information on behalf of -- or during the absence of -- the primary action officer. Case notes should be in the following format:

Date (IG Name) Notes

Example:

21 Dec 05 (Jones): Received conformation from FVS (Fort Von Steuben) finance office, Mr. Dollars, that SPC Poor was paid.

e. **Synopsis:** The synopsis is a concise summary of everything pertaining to the case. The synopsis should be detailed enough to stand alone. An example format is as follows:

First Part

"The complainant / initiator (name, rank / grade) assigned to (unit, agency, command, location, etc.), status (AC, USAR, NG, mobilized, civilian, contractor, DAC, etc.).

or:

the spouse / parent (or whatever the relationship) of (name, rank / grade) assigned to (unit, agency, command, location, etc.), status (AC, USAR, NG, mobilized, civilian, contractor, DAC, etc.).

and:

contacted / wrote / faxed (whoever DAIG, USARC, congressman XXX, etc.) alleging someone acted improperly by (whatever) or complaining of (what) or requesting (what).

Second Part

Assistance / investigation / inquiry was completed by (whom). Include if the IG used any Command Products (AR 15-6, MP / CID Reports, EO Inquiries, etc.), and if they sufficiently answered all issues / allegations, or if the IG used other additional resources / findings.

Third Part (Summary of IG Conclusion)

The allegation that (name, rank / grade) improperly did / did not do something in violation of a standard was / was not substantiated.

Summarize the complaint and key evidence that led to your conclusion.

Issue of (what) was resolved by coordinating with / processing paperwork / documents through (command, staff, agency, etc.).

Fourth Part

Case was closed by (describe method of case closure and final assistance provided).

Annotate legal review (if conducted) and final notifications including addresses of subject, complainant, and commander.

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.

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Section 11-1

Service Member Whistleblower Reprisal Inquiries / Investigations

1. Section 1034 of Title 10, United States Code (10 USC 1034), revised by The Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, 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 one level above that of the IG servicing the complainant such as MACOM, corps, armies, etc.) 10 USC 1034, implemented by DoD Directive 7050.6, 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 (PC)** 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 person or organization in the chain of command (see AR 600-20 for the definition of chain of command). (Note: DoDD 7050.6 also includes the NCO support chain in the chain of command.)

(3) Any other person or organization designated under Component regulations or other established administrative procedures (i.e. Equal Opportunity Advisor, Safety Officer) to receive such communications.

2. If, upon presentation, a Soldier makes a reprisal allegation that appears to meet the criteria outlined in 10 USC 1034, the IG who receives the allegation will contact the Whistleblower Investigation and Oversight Branch (WIOB), DAIG Assistance Division, within two working days using the Whistleblower Advisement (below). Include the name, grade, unit assignment, address, and phone number of the Soldier (complainant). IGs serving below the MACOM level will also inform the MACOM IG about the reprisal allegation. The field IG should be prepared to respond to the following specific questions:

a. What PC(s) does the Soldier claim that he or she made or prepared?

b. To whom were they made?

- c. When were they made?
- d. What matters were addressed in the PC (i.e. gross mismanagement, waste, public safety, abuse, etc.)?
- e. What were the unfavorable personnel actions alleged by the Soldier?
- f. Who were the responsible management official(s) (RMOs) alleged by the Soldier to have taken or threatened the personnel action? Allegations against senior Army officials (i.e., COL(P)s, 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?

3. Upon receipt of the advisement and the complaint document, WIOB will forward a letter to the Soldier formally acknowledging receipt of the complaint and will also notify the IG, DoD, as required. WIOB will then refer the case to the appropriate IG for Preliminary Inquiry (PI) to determine whether the allegation meets the criteria for Whistleblower reprisal. (See the example referral memorandum below.)

4. A PI will address the questions of whether a PC was made or prepared and if an unfavorable personnel action was taken or threatened, if a favorable personnel action was withheld or threatened to be withheld, and if the reprisal complaint was submitted within 120 days of when the complainant became aware of the unfavorable personnel action. AR 20-1 and the current DoD Directive 7050.6 indicate a 60-day submission requirement, but the draft DoDD 7050.6 and current IG, DoD, guidance specify 120 days. Therefore, Army IGs follow the 120-day requirement. A PI can only result in a recommendation that the case be declined or that more investigation is required. A declination would be indicated if there was no PC or no unfavorable personnel action or if the complaint was untimely. Submit a declination memorandum to SAIG-AC per the format in this guide. If the evidence indicates there was a PC and there was an unfavorable personnel action and the complaint was timely, then you must conduct an investigative inquiry or investigation. WIOB will maintain oversight of all Whistleblower cases.

5. In accordance with DoDD 7050.6, IG, DoD, is the final approving authority for cases involving allegations of Whistleblower reprisal. The command or State IG can direct an investigative inquiry; however, a written directive from the directing authority is required for an investigation. The investigating IG will obtain the directing authority's concurrence or non-concurrence with the conclusions and recommendations of the investigative inquiry / investigation and will forward the ROI / ROII through IG channels to DAIG. Each intermediate IG will review the ROI / ROII and obtain his or her commander's endorsement regarding the conclusions and recommendations. The ROI / ROII will be prepared in accordance with AR 20-1, paragraph 8-7, and Chapter 9 of this guide.

Whistleblower Reprisal Advisement Format

Letterhead

Office Symbol

Date

MEMORANDUM THRU (FIRST ADDRESSEE - MACOM IG)

THRU Inspector General, Department of the Army (SAIG-AC), 1700 Army Pentagon,
Washington DC 20310-1700

FOR Inspector General, Department of Defense, Directorate for Military Reprisal
Investigations, 400 Army Navy Drive, Arlington, VA 22202-2884

SUBJECT: Advisement of 10 USC, Section 1034 Complaint

1. In accordance with Title 10 USC, Section 1034 (Military Whistleblower Protection),
we provide the enclosed allegation(s) of reprisal:

- a. Complainant Info: **Name, Rank, Unit, Home Address, Phone Number**
- b. Complaint Received: **Date complaint was received**
- c. Protected Communication(s): **List PC(s) and date(s)**
- d. Personnel Actions: **List all personnel actions**

2. Responsible Management Official(s): List RMOs and required IGARS information, if
known, at the time the complaint is filed. **If RMOs are unknown, leave blank. Do not
hold up advisement.** Provide RMO information / notification when known.

3. A copy of the complaint and documentation provided by the complainant are
enclosed. If you have additional issues regarding the complaint, please contact my
action officer (Name, Phone Number).

Signature Block
LTC, IG
Inspector General

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Example WIOB Referral Memorandum

S: 30 November 20XX

SAIG-AC

24 August 20XX

MEMORANDUM FOR INSPECTOR GENERAL, XXXXXX

SUBJECT: Referral for Whistleblower Reprisal Preliminary Inquiry (PI) UP 10 USC 1034 (SFC Huffy Duffy / DIH-06-60XX)

1. A military member reported to the Department of the Army Inspector General a complaint of reprisal. SFC Duffy alleged that she was reassigned and received an adverse NCOER in reprisal for her protected communication (PC) to the EO Advisor. The enclosed documentation (Enclosure 1) is forwarded for PI IAW 10 USC 1034 into the matters presented.
2. You must interview the complainant to clarify the allegations and issues. When you set up the interview, ask the complainant to furnish any documentation that he / she has which establishes that he or she prepared or made a PC and any documentation that the individual has regarding the personnel action. **A questionnaire filled out by the complainant does not replace an interview.** The interview must be recorded in your files as a verbatim transcription or as summarized testimony. Key questions for the complainant include: Who do you believe is responsible for the personnel action? Why do you believe the Responsible Management Official (RMO) knew you had prepared or made a PC before he or she took the action or made the threat? Whom did you tell about making or preparing a PC? Who can testify or provide documents to show the RMOs were aware of the PC?
3. Begin your PI to determine how far you must proceed by answering the following questions:
 - a. Question 1: Was there a PC made or prepared under the provisions of 10 USC 1034?
 - b. Question 2: Was there an unfavorable personnel action taken or threatened, or was there a favorable action withheld or threatened to be withheld following the PC that affects or has the potential to affect the service member's current position or career?
 - c. Was the reprisal complaint submitted within 120 days of when the complainant first became aware of the unfavorable personnel action? (Each case should be considered based on merit, i.e. a Soldier on 179-day deployment may exceed the 120-day window vs. a Soldier who procrastinates and waits 1-2 years to file a reprisal complaint.)

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SUBJECT: Referral for Whistleblower Reprisal Preliminary Inquiry UP 10 USC 1034
(SFC Huffy Duffy / DIH-06-60XX)

4. If there was no PC or no unfavorable personnel action or the complaint was untimely under 10 USC 1034 criteria - **STOP!!** Do not progress any further under the statute. Complete the PI recommending declination under 10 USC 1034. Attach all evidence (documentation) and forward to SAIG-AC, Whistleblower Investigations Oversight Branch (WIOB). WIOB will then review the PI and submit through IG, DoD, for final approval.

5. When completing the DA Form 1559 under the declination rule, ensure you use the "A" code in the *DETER box of the Function Information. You can then close your case in IGARS. Once IG, DoD, approves the recommendation for declination, SAIG-AC will notify you of the findings.

6. Your suspense for completing the PI and forwarding all accompanying documents to SAIG-AC is not later than 30 days from the date of receipt of this referral memorandum. The suspense for an Investigative Inquiry or Investigation is provided on the top right corner of this referral memorandum.

7. A PI can only result in a recommendation that the case be declined or more investigation is required. A declination would be based on a "No" to either question 1 or 2; the complaint was not filed within 120 days after the complainant first became aware of the unfavorable personnel action; or the action was independent of the protected communication. You cannot recommend a finding of "substantiated" or "not substantiated" based on a preliminary inquiry. **If you cannot determine whether there was RMO knowledge or that the action was independent of the PC based upon the documentation that you acquired during the preliminary inquiry, then you must conduct an Investigative Inquiry or Investigation.**

8. If the answer to questions 1 & 2 above is "yes" and the complaint is timely, continue your analysis regarding the last two questions.

a. Question 3: Did the RMOs know or suspect a PC was prepared or made?

b. Question 4: Would the personnel action have occurred absent the PC?

9. You must report any field-grade officer or senior NCO (E-8 / 9) identified as a RMO during the course of your Investigative Inquiry or Investigation to DSN: 329-1060. Additionally, if any senior officials (COL(P), GO, SES) are identified, stop your actions, and contact SAIG-IN, DSN: 329-1000, within two working days.

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SUBJECT: Referral for Whistleblower Reprisal Preliminary Inquiry UP 10 USC 1034
(SFC Huffy Duffy / DIH-06-60XX)

10. You must interview the complainant and any key witnesses or suspects during your Investigative Inquiry or Investigation. RMOs are treated as suspects when interviewed. If you are questioning a RMO about an allegation of reprisal, you must inform that person of his or her rights. Ensure you ask the individuals you interview for a decision on whether they authorize or deny the release of the information they provide outside of official channels. Protect the confidentiality of the complainant IAW AR 20-1, paragraph 1-11.

11. Use the enclosed Report of Investigative Inquiry (ROI) format (Enclosure 2). Provide two copies of the completed ROI with all supporting documentation to SAIG-AC (WIOB). Include a chronology for the case as well as an exhibit list.

12. This memorandum is not a directive for the conduct of an Inspector General investigation. If an investigation is conducted as a result of the PI, the investigating officer must obtain an investigation directive signed by the proper directing authority. A copy of the directive must be included as an enclosure in the completed Report of Investigation (ROI).

13. DAIG is the IGARS office of record and will make the record IGARS entry. Enter this as a referred case on your IGARS database. Reference the originator code and case number listed above in all correspondence and in your synopsis.

14. The point of contact at DAIG Assistance Division is the undersigned at DSN 329-1060 or commercial (703) 601-1060.

FOR THE INSPECTOR GENERAL:

Encls

Signature Block
Assistant Inspector General

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