

## **Chapter 11**

### **Special Topic IG Inquiries / Investigations**

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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. 10 USC 1034, implemented by DoD Directive 7050.06, 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. CIGs must report Whistleblower Reprisal allegations to the IGMC without delay. The IGMC is required to report such allegations to the DoDIG. 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 a law or regulation prohibiting sexual harassment or unlawful discrimination, gross mismanagement, a gross waste of funds or other resources, an abuse of authority, or a substantial and specific danger to public health or safety when such communication is **made to any of the following**:

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

(2) **Any person or organization in the chain of command; or any other person designated** pursuant to regulations or other established administrative procedures (i.e. Equal Opportunity Advisor, Safety Officer, etc.) to receive such communications.

2. If, upon presentation, a military member makes a reprisal allegation that appears to meet the criteria outlined in 10 USC 1034, the IG who receives the allegation will forward the complaint to the IGMC without delay using the Whistleblower Advisement (below), Include the name, grade, unit assignment, address, and phone number of the military member (complainant). In turn, the IGMC is responsible for making notification to the IG, DoD. The IG should be prepared to respond to the following specific questions:

a. What PC(s) does the military member 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 military member?

f. Who were the responsible management official(s) (RMOs) alleged by the military member to have taken or threatened the personnel action? Allegations against senior officials (i.e., Col / CAPT (Sel), General Officers, and SES-grade civilians) must be reported to the the IGMC without delay. In turn, the IGMC will make notification to the DoDIG.

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

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

3. Upon receipt of the advisement and the complaint document, the IGMC will forward a letter to the military member formally acknowledging receipt of the complaint and that their complaint was referred to the DoDIG, for further review. The IGMC will also notify the DoDIG, as required. The IGMC will open a case in ODIN documenting all action taken. The CIG will take no further action unless directed by the IGMC. If directed to conduct an investigation by the IGMC, the CIG will then conduct a Preliminary Inquiry (PI) to determine whether the allegations meets the criteria for Whistleblower reprisal (See the example referral memorandum below) or investigation, whichever is appropriate.

4. The IG must answer the following four central questions in order to determine Whistleblower reprisal:

a. Question 1: Did the military member make or prepare a PC?

b. Question 2: Was an unfavorable personnel action taken or threatened, or was a favorable personnel action withheld or threatened to be withheld following the PC?

c. Question 3: Did the official(s) responsible for taking, withholding, or threatening the personnel action know about the PC?

d. Question 4: Does the evidence establish that the personnel action would have been taken, withheld, or threatened if the PC had not been made or prepared?

Additionally, a detailed chronology of the PC(s), unfavorable personnel action(s), and management official knowledge will aid in analyzing the facts and circumstances and in establishing any connection between the PC and the personnel actions. **See DoDIG, Guide 7050.6 (available on the Service IG Web sites) for further information on the four questions and developing interrogatories for your interviews.**

5. A PI will address the first two 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 60 days of when the complainant became aware of the unfavorable personnel action. 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 the DoDIG via the IGMC per the format in this guide. If the evidence indicates there was a PC and an unfavorable personnel action and the complaint was timely, then you must conduct an investigative inquiry or investigation. Submit final Whistleblower reprisal ROIs to the DoDIG via the IGMC, who will in turn conduct a quality-control review of the ROI prior to submission to the DoDIG.

6. In accordance with DoDD 7050.06, the DoDIG, is the final approving authority for cases involving allegations of Whistleblower reprisal. Prepare the ROI / ROII in accordance with Chapter 9 of this guide.

## Whistleblower Reprisal Advisement Format

### Letterhead

5041  
IGA  
Date

MEMORANDUM THRU IGMC

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 ODIN 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  
LtCol, USMC  
Command Inspector General

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## Example IGMC Referral Memorandum

5041  
IGA  
24 August 20XX

MEMORANDUM FOR COMMAND INSPECTOR GENERAL, XXXXXX

SUBJECT: Referral for Whistleblower Reprisal Preliminary Inquiry (PI) UP 10 USC 1034 (LCpl Huffy Duffy, USMC)

1. A military member reported to the Inspector General, Department of Defense a complaint of reprisal. LCpl Duffy alleged that she was reassigned and received an adverse fitness report 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 she has that establishes that 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.** You must record the interview 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 60 days of when the complainant first became aware of the unfavorable personnel action? (Consider each case based on merit, i.e. a military member on 179-day deployment may exceed the 60-day window vs. a military member who waits one to two years to file a reprisal complaint.)

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SUBJECT: Referral for Whistleblower Reprisal Preliminary Inquiry UP 10 USC 1034 (LCpl Huffy Duffy, USMC)

4. If there was no PC or no unfavorable personnel action or the complaint was untimely under 10 USC 1034 criteria - **STOP!!** Complete the PI recommending declination under 10 USC 1034. Attach all evidence (documentation) and forward to the IGMC. The IGMC will then review the PI and submit it to the IG, DoD, for final approval.
5. Once IG, DoD, approves the recommendation for declination, the IGMC will notify you of the findings.
6. Your suspense for completing the PI and forwarding all accompanying documents to the IGMC 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 60 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 and 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. If any senior officials (Col / CAPT (Sel), GO, or SES) are identified, stop your actions and contact the IGMC without delay.
10. You must interview the complainant and any key witnesses, subjects, and / or suspects during your Investigative Inquiry or Investigation. Protect the confidentiality of the complainant in accordance with Chapter 4, Marine Corps Inspector General Program Concept and System Guide.
11. Use the enclosed Report of Investigative Inquiry (ROI) format (Enclosure 2). Provide two copies of the completed ROI with all supporting documentation to the IGMC. Include a chronology for the case as well as an exhibit list.
12. This memorandum is not a directive for the conduct of an IG 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. Include a copy of the Directive as an enclosure in the completed Report of Investigation (ROI).

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

14. The point of contact at the IGMC is the undersigned at DSN xxx-xxxx or commercial (xxx) xxx-xxxx.

Signature Block  
By Direction

Encls:

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## Section 11-2

### **DON Civilian, Non-appropriated Fund, and DON Contractor Employee Allegations of Whistleblower Reprisal**

1. Section 2302(b)(8), Title 5, United States Code (5 USC 2302(b)(8)) provides similar coverage to appropriated fund (DoD civilian) employees as previously discussed for members of the Armed Forces. Likewise, Non-appropriated Fund (NAF) employees are covered under 10 USC 1587, and coverage to DoD contractor employees is provided under Section 2409(a), Title 10, United States Code (10 USC 2409). When a DON civilian, NAF, or DON contractor employee presents an allegation of reprisal for protected disclosure to an IG, you must perform the following actions based on the employee's status:

a. Inform the **appropriated fund civilian employee** of the right to present the reprisal allegation to the **Office of Special Counsel (OSC)**.

b. Advise the **NAF employee** of his or her right to submit reprisal complaints to the **DoDIG**, in accordance with DoDD 1401.3. The IG may take the complaint from the NAF employee; however, the IG must forward the complaint to the DoDIG via the IGMC.

c. Inform **DON contractor employees** that they should make their complaint about reprisal to the **DoDIG**, and inform them that the provisions of 10 USC 2409 govern their rights.

2. If the employee elects not to present a complaint of reprisal to the OSC or DoDIG, but still wants to present the complaint to an IG, obtain that decision in writing and coordinate with the SJA and the commander to determine which type of IG action is appropriate, if any. Notify the IGMC.

## Section 11-3

### Whistleblower Reprisal Preliminary Inquiry (PI) Format

(Letterhead)

5041  
IGA  
DATE

MEMORANDUM THRU IGMC

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

Subject: Whistleblower Reprisal Preliminary Inquiry (PI) (Case #)

**1. Purpose:** To report Preliminary Inquiry results regarding an allegation(s) of Whistleblower Reprisal IAW 10 USC 1034, Military Whistleblower Protection Act, and DoD Directive (DoDD) 7050.06, Military Whistleblower Protection.

**2. Complainant Information:**

- Name / Rank:
- SSN:
- Unit / Work Address:
- Work Phone #:
- Home Address:
- Home Phone #:

**3. Date and Background of Complaint:**

**4. Date and Discussion of the Complainant Interview:**

**5. Was there a Protected Communication(s) and Disposition of PC(s)?:**

- *List date, what it was, and to whom it was reported.*
- *Address action taken on each one of the PCs mentioned above.*

**6. Was there an Unfavorable Personnel Action? What and when?**

**7. List the Unfavorable Personnel Action(s) and RMO(s): Example:**

<u>Date</u>	<u>Personnel Action</u>	<u>Responsible Official</u>
1 Mar 20XX	Article 15	CPT Doo Right

**8. Previous or Current Investigations of the Reprisal Allegation(s) by any Other Agency:**

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**9. Analysis of the Evidence:** *documents, interviews, etc.*

- *Briefly discuss the complaint and the evidence with respect to the "two questions" and the timeliness issue to determine if the case meets the criteria for Whistleblower reprisal.*

- *Could witnesses confirm or deny that the personnel action(s), threat(s), or reprisal action(s) took place based on a PC from the complainant?*

**10. Conclusion:**

**11. Recommendation(s):** *One or more possible recommendations:*

- *(Declination) - The allegation(s) does not meet the criteria outlined in DoD Directive 7050.06, i.e., question 1 or 2 of the complaint clarification process is "no", the complaint was not timely, or action was independent of the protected communication.*

- *(Investigative Inquiry / Investigation) -- That the findings of the PI indicated that a Whistleblower Investigative Inquiry / Investigation be conducted in order to substantiate or not substantiate the allegation(s) of Whistleblower reprisal.*

- *(Refer) -- If the case is declined, analyze to determine appropriate action, i.e., non-Whistleblower IG Investigation / Investigative Inquiry, Command Investigation, Criminal Investigation, etc. All issues must be addressed.*

**12. Contact information:**

Signature Block  
Col, USMC  
Command Inspector General

Encls:

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SJA Coordination: concur / non-concur

Comments:

Signature Block  
Maj, USMC  
JAG

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## Example Preliminary Inquiry (Declination)

### (Letterhead)

5041  
IGA  
DATE

MEMORANDUM THRU IGMC

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

SUBJECT: Whistleblower Reprisal Preliminary Inquiry (PI) (PO2 Swab / Case #XXXX)

**1. Purpose:** To report Preliminary Inquiry results regarding an allegation(s) of Whistleblower Reprisal IAW 10 USC 1034, Military Whistleblower Protection Act, and DoD Directive (DoDD) 7050.06, Military Whistleblower Protection, and recommend declination.

**2. Complainant Information:**

- Name / Rank: Beverly E. Swab / PO2
- SSN: xxx-xx-xxxx
- Unit / Work Address: 2<sup>nd</sup> MarDiv
- Work Phone #: (xxx) xxx-xxxx, DSN: xxx
- Home Address: 2605 Otter Road, Lynchburg, VA 24503
- Home Phone #: (xxx) xxx-xxxx

**3. Date and Background of Complaint:** PO2 Swab filed a Whistleblower reprisal complaint with the CIG Office on 1 February 20xx (Tab 1). CIG forwarded the complaint to the IGMC and, in-turn, the IGMC referred the case back to the CIG on 10 February 2006. PO2 Swab alleged that she received an Article 15 because she filed an EO complaint against her military supervisor.

**4. Date and Discussion of Interview with the Complainant:**

a. On 16 February 20xx, Maj List and CPO Bergerac, CIG office, interviewed PO2 Swab (Tab 2). During the interview PO2 Swab alleged that her military supervisor was a "racist" and the Article 15 was "retaliation" for the EO complaint she (PO2 Swab) filed against him (CPO Bailey).

b. PO2 Swab provided the Article 15 paperwork and stated that there was a commander's inquiry regarding an alcohol incident in the barracks.

c. PO2 Swab could not provide any names of witnesses that could corroborate her allegations.

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SUBJECT: Whistleblower Reprisal Preliminary Inquiry (PI) (PO2 Swab / Case #XXXX)

**5. Was there a Protected Communication(s) and Disposition of PC(s)? Yes,** PO2 Swab filed an EO complaint on 3 January 20xx. PO2 Swab alleged that CPO Bailey discriminated against her because of her race. The EO office investigated the EO complaint and completed it on 27 January 20xx. The findings were not substantiated against CPO Bailey (Tab 3).

**6. Was there an Unfavorable Personnel Action? Yes,** PO2 Swab received an Article 15 on 30 December 2005 (Tab 4).

**7. List the Unfavorable Personnel Action(s) and RMO(s):**

<u>Date</u>	<u>Personnel Action</u>	<u>RMO(s)</u>
30 December 20xx	Article 15	CAPT Doo Right CPO Bailey

**8. Previous or Current Investigations of the Reprisal Allegation(s) by any Other Agency:** None.

**9. Analysis of the Evidence:** The evidence indicated that PO2 Swab and five other military personnel consumed alcohol in the barracks on 10 December 20xx in violation of unit policy. The commander conducted an inquiry, and PO2 Swab and the other five military personnel received Article 15s on 30 December 20xx. On 3 January 20xx, PO2 Swab filed an EO complaint against the CPO claiming racial discrimination. The EO office investigation found that the discrimination complaint was not substantiated. In order to meet the criteria for Whistleblower Reprisal, the unfavorable personnel action must follow the PC. In this case, the evidence indicated that the Article 15 (UPA) occurred before the EO complaint (PC).

**10. Conclusion:** The preponderance of credible evidence indicated the unfavorable personnel action (Article 15) occurred before the PC (EO complaint); therefore, this case does not meet the criteria for Whistleblower reprisal.

**11. Recommendations:** Recommend the case be declined and closed.

**12. Contact Information:** If you have questions or issues regarding the declination, please contact my action officer, Maj List, at commercial: (540) 802-0603 or DSN: 555-0603.

JOHN E. BEGOOD  
Col, USMC  
Command Inspector General

Encls

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SUBJECT: Whistleblower Reprisal Preliminary Inquiry (PI) (PO2 Swab / Case #XXXX)

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Asst SJA: Concur / ~~Nonconcur~~

Comments: I have reviewed the Preliminary Inquiry and the findings are legally sufficient.

I. M. BAILIFF  
Maj, USMC  
JAG

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## Section 11-4

### Example Whistleblower Reprisal Report of Investigative Inquiry (ROI)

#### REPORT OF INVESTIGATIVE INQUIRY (WHISTLEBLOWER REPRISAL) (Case #000XXXX)

(Note: An EXSUM was not used for this ROI; therefore, an introductory paragraph is included before the Consideration of the Allegations.)

#### 1. Introduction:

a. On 30 May 20xx, MGySgt James Miranda, then Section Chief, G-3, Marine Corps Forces Pacific (MCFP), Camp Smith, HI, met with his commander, Col Paul G. Smith, regarding an alleged incident of misconduct in the unit.

b. On 10 June 20xx, MGySgt Miranda was relieved from his duty position as Section Chief by the commander, Col Smith.

c. On 28 August 20xx, MGySgt Miranda visited the MCFP CIG office. His visit to the IG office led to the filing of his reprisal complaint on 2 September 20xx.

d. On 9 September 20xx, MGySgt Miranda received an adverse performance evaluation. The rater for this evaluation was LtCol William C. Jones, G-3 Operations Officer, and the reviewer was Col Richard Power, Deputy G-3.

#### 2. Consideration of the Allegations:

a. Allegation # 1: LtCol Jones improperly reprised against a subordinate through an adverse performance evaluation in violation DoDD 7050.06.

b. Allegation # 2: Col Smith improperly reprised against a subordinate by relieving that person of his duty position in violation DoDD 7050.06.

[IO Note: The allegations were addressed together because of their related nature.]

#### 3. Evidence:

a. Standard: DoDD 7050.06, Military Whistleblower Protection, dated 23 June 2000, stated in paragraph 4.3 that members of the Armed Forces would be free from reprisal for making or preparing a protected communication.

b. Document: MGySgt Miranda's performance evaluation, for the period February 20xx to June 20xx, was a change-of-rater evaluation and reflected that he received "fair"

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ratings for performance and potential from his reviewing official, Col Power. (EXHIBIT C)

c. Testimony:

(1) MGySgt Miranda testified on 12 November 20xx that his performance evaluation was adverse because the evaluation had ratings of "fair" by the reviewing official (Col Powers) for overall performance and potential. With respect to being relieved from his duty position, he testified that while members of their unit were deployed for a Joint training exercise in Korea from 12 May 20xx to 4 June 20xx, they were under a strict alcoholic beverage policy. The policy prohibited military personnel participating in the exercise from drinking any alcoholic beverages during the exercise even when off duty. On three to five occasions, MGySgt Miranda went out to eat dinner with several other enlisted members of the unit. Occasionally, while they were at dinner, the other military personnel would have a pitcher of beer on the table and pour their drinks from the pitcher. MGySgt Miranda said he did not always sit with them at the restaurant, and he did not drink any beer. He testified that every military member knew of the drinking policy. He was relieved of his duty position as on 11 June 20xx because his OIC believed he violated and failed to enforce the drinking policy. (EXHIBIT B)

(2) LtCol William Jones, G-3 Operations Officer, testified on 15 November 20xx that he did not deploy for the training exercise to Korea due to a knee injury shortly before the exercise. For this reason he had no first-hand knowledge of MGySgt Miranda's actions while in Korea. He heard quite a few of the rumors about violations of the drinking policy when the unit came back, and he thought they were just rumors. He was MGySgt Miranda's rater on his two most recent performance evaluation, and he rated MGySgt Miranda's performance as average on both. (EXHIBIT D)

(3) SSgt Alan Moran, HQBN Platoon Sergeant (a witness), MCFP, testified on 16 November 20xx that Col Smith relieved MGySgt Miranda because of his duty performance. He was too much of a 'buddy' with the members of his section. He also testified that Col Smith was upset with MGySgt Miranda at Camp Smith because he did not report the alleged incident of misconduct by an NCO to him, and he was the section's NCOIC. Col Smith felt that he (MGySgt Miranda) was disloyal to him. Col Smith said that in late August, and he (MGySgt Moran) told Col Smith that MGySgt Miranda told him he had gone to the IG. (EXHIBIT E)

(4) Col Smith, a Responsible Management Official (RMO), testified on 22 November 20xx that he was the unit commander and denied that he took adverse personnel actions against MGySgt Miranda in reprisal for his protected communication. He testified that he relieved MGySgt Miranda from his duty position because he lied to him. Each of the other military personnel involved in the violation of the drinking policy incident said that MGySgt Miranda was the senior military person present. Either the four other military personnel were lying or MGySgt Miranda was lying. MGySgt Miranda then admitted that he did lie to the commander and that he did violate the drinking policy. He (Col Smith) no longer felt he could trust him, and he had no confidence in his ability to tell the truth. These were also the reasons why he put the adverse comments on

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MGySgt Miranda's performance evaluation. Col Smith went on to say that he would work with MGySgt Miranda over the next several months to rehabilitate him and that he would send him to a leadership course. He said that he gave MGySgt Miranda a key assignment as the NCOIC of a three-person team sent to support training operations and that he did a great job. He has seen much improvement in his performance over the past several months. (EXHIBIT F)

d. Discussion:

(1) Question 1: Was there a protected communication made or prepared that was protected by Title 10 U.S.C., Section 1034? **Yes.** There were two protected communications. On 30 May 20xx, MGySgt Miranda met with his commander, Col Smith, reference an alleged incident of misconduct in the unit. This meeting qualified as a protected communication because the military member went to his commander and discussed / reported his knowledge of an incident of misconduct by another member of the unit. The second protected communication was made when MGySgt Miranda visited the MCFP CIG in August 20xx. Any lawful communication to an IG was a protected communication.

(2) Question 2: Was there an unfavorable personnel action taken or threatened, or was there a favorable action withheld or threatened to be withheld that affects or had the potential to affect the Service member's current position or career after the protected communication was made or prepared? **Yes.** There were two unfavorable personnel actions: relief from duty position and an adverse performance evaluation. These actions are considered unfavorable personnel actions because they could harm a military member's career and have a negative impact on the military member's potential for future promotions.

(3) Question 3: Did the official(s) responsible for taking, withholding, or threatening the personnel action know about the protected communication(s)? **Yes.** The RMO was MGySgt Miranda's commander, Col Smith, and he testified he was aware of MGySgt Miranda's protected communications.

(4) Question 4: Does the evidence establish that the personnel action would have been taken, withheld, or threatened if the protected communication had not been made? **Yes.** There were actions by MGySgt Miranda that could have been the basis for the personnel actions taken against him. MGySgt Miranda admitted that he allowed members of his team to violate a published drinking policy. He also initially denied knowing of the drinking violations to his commander. The paragraphs below discuss whether these actions were the basis for the RMO's unfavorable personnel actions against MGySgt Miranda.

e. Unfavorable Personnel Action #1, Relieved from Duty Position:

(1) Reasons: Col Smith, MGySgt Miranda's commander, counseled him on 10 June 20xx on the reasons why he relieved him from his current duty position. The reasons included tardiness, making a false statement to the commander, and allowing his subordinates to violate the published drinking policy.

(2) Reasonableness: There were no other military members of the same

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grade as MGySgt Miranda involved in violating the drinking policy. The other military members involved were also given adverse comments on their performance evaluations similar to those given to MGySgt Miranda. MGySgt Miranda actually sat at the table while the other military members drank beer; and, on several occasions, he drove the other military members to and from the restaurant where they violated the policy. It was reasonable to conclude that he would receive a harsher punishment since he was the senior military member involved with the violations of the drinking policy.

(3) Consistency: MGySgt Miranda was the only E-9 and the senior member of the group that included other military members who admitted to violating the drinking policy. The other members of the group included three E-5s and one E-3. All three E-5s received some form of unfavorable personnel action for violating the drinking policy. MGySgt Miranda was the senior member of the group and was the only one relieved from his duty position. There were no other military members of MGySgt Miranda's grade involved in the violation of the drinking policy. The Navy member who was involved in the reported misconduct (improper sexual act and homosexual proposition of an enlisted member in the unit) was the same grade as MGySgt Miranda. This Navy member was administratively discharged from the Navy for his misconduct. This action showed that the command was consistent in taking significant action when a senior enlisted member violated rules and regulations.

(4) Motive: The RMO's motives were to discipline MGySgt Miranda for his part in violating the MCFP drinking policy and not reporting to the chain of command the potential criminal sexual act of another member of the unit. Col Smith was upset because MGySgt Miranda did not bring the issue of misconduct to his attention, and he wanted to ensure he understood that this behavior was not acceptable. Col Smith also wanted to discipline MGySgt Miranda, but he didn't want to be too harsh. Therefore, he did not take the full action he could have by imposing the maximum punishment. The fact that MGySgt Miranda was given a Change-of-Rater evaluation instead of a Relief-for-Cause evaluation was an attempt by Col Smith to discipline the Marine without imposing the maximum punishment. Additionally, an overall attitude of distrust developed in the unit. The unit's leadership had good intentions and could have resolved many of their issues with better communication. Many of the issues that developed in the unit could have been avoided if there was a more formal atmosphere and better communications prior to mobilization.

(5) Procedural Correctness: MGySgt Miranda's Relief for Cause was not procedurally correct. The only documentation involved was the 10 June 20xx counseling statement. Marine Corps regulation required a Relief-for-Cause evaluation when a Marine was relieved regardless of the rating period involved. Relief for Cause was defined as the removal of a Marine from a ratable assignment based on a decision by a member of the Marine's chain of command or supervisory chain. MGySgt Miranda should have received a Relief-for-Cause evaluation for the period of February 20xx to June 20xx instead of a Change-of-Rater evaluation. Col Smith testified that he originally intended to give MGySgt Miranda a Relief-for-Cause evaluation but changed his mind based on advice from the G-3, Col Power, and SgtMaj Strickman, the HQBN, SgtMaj.

f. Unfavorable Personnel Action #2, Adverse performance evaluation:

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(1) Reasons: Col Smith testified the reasons for his adverse comments on MGySgt Miranda's performance evaluation was for the same reasons as his relief. These reasons included: a non-supportive and uncaring attitude, making a false statement to the commander, and allowing his subordinates to violate the published drinking policy. Col Smith showed documentation (counseling statements) to the reviewer, Col Power, to support his rating. Col Power and Col Smith discussed the importance of having documentation to support his rating.

(2) Reasonableness: The violation of the published drinking policy was a significant negative event during MGySgt Miranda's rating period. It was reasonable and appropriate that this event would be documented on his evaluation report. The event was recorded on a counseling statement and later included in his overall performance evaluation. MGySgt Miranda also had several other documented issues that contributed to the overall negative characterization of his duty performance. These issues included tardiness and missing a formation (EXHIBIT O).

(3) Consistency: There were no other military members of MGySgt Miranda's grade involved in the violation of the drinking policy. The military member who was involved in the improper sexual act and homosexual proposition of an enlisted Navy member in the G-3 was the same grade as MGySgt Miranda. This military member was administratively discharged from the Navy for his misconduct, which showed that the command was consistent in taking some sort of significant action when a military member violated rules and regulations. The other military members who were members of MGySgt Miranda's section each received negative comments on their performance evaluation because of their violations of the drinking policy. The negative comments the other three military members received were similar to the ones MGySgt Miranda received, but their ratings of performance and potential were not as low as MGySgt Miranda's. All of the other military members were four or more grades lower than MGySgt Miranda.

(4) Motive: The RMO's motive was to discipline MGySgt Miranda for his part in violating the MCFP drinking policy. Col Smith also wanted to punish MGySgt Miranda, but he didn't want to be too harsh. Consequently, he did not pursue a Relief-for-Cause performance evaluation. He sent a draft copy of his performance evaluation to the HQBN, SgtMaj, SgtMaj Strickman, for his review to ensure that he was giving an appropriate rating. Additionally, an overall attitude of distrust developed in the unit. The unit's leadership had good intentions and could have resolved many of their issues internally with better communications. Many of the issues that developed in the unit could have been avoided if there was a more formal atmosphere and better communications prior to training deployment to Korea.

(5) Procedural Correctness: MGySgt Miranda's performance evaluation was not procedurally correct. The only documentation involved was the 10 June 20xx counseling statement. Marine Corps regulations required a Relief-for-Cause evaluation when a Marine is relieved regardless of the rating period involved. Relief for Cause was defined as the removal of a Marine from a ratable assignment based on a decision by a member of the Marine's chain of command or supervisory chain. MGySgt Miranda Should have been given a Relief-for-Cause performance evaluation with thru dates of

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February 20xx to June 20xx instead of a Change-of-Rater evaluation. Col Smith said that he originally intended to give MGySgt Miranda a Relief-for-Cause evaluation, but he changed it based on advice from Col Power and SgtMaj Strickman.

g. Conclusions:

(1) The allegation that LtCol Jones improperly reprimed against a subordinate through an adverse performance evaluation in violation DoDD 7050.6 was **NOT SUBSTANTIATED**.

(2) The allegation that Col Smith improperly reprimed against a subordinate by relieving him of her duty position in violation DoDD 7050.6 was not substantiated.

**4. Other Matters:** The relief for cause performance evaluation in this case was not executed in accordance with Navy regulations.

**5. Recommendations:**

a. Concur with the conclusions above against LtCol Jones and Col Smith as not substantiated.

b. Forward the case through the IGMC to IG, DoD, for final approval.

c. Ensure the G-1 includes review of the procedures for Relief-for-Cause performance evaluations in accordance with service regulations.

F. E. JONES  
Maj, Assistant IG  
HQ, Marine Corps Forces Pacific

B. D. WILLIAMS  
Col, USMC  
Command Inspector General

SJA Coordination: Col Bailiff, concur / non-concur

Comments:

Signature Block

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## Section 11-5

### Improper Referral for Mental Health Evaluation Investigations

1. DoD Directive 6490.1, Mental Health Evaluation of Member of the Armed Forces, and DoD Instruction 6490.4, Requirements for Mental Health Evaluation of Members of the Armed Forces, establish and implement DoD policy, assign responsibility, and prescribe procedures for the referral, evaluation, treatment, and administrative management of Service members who may require mental health evaluation, psychiatric hospitalization, and / or assessment for risk of potentially dangerous behavior. The directive prohibits improper referral as a punitive violation of Article 92, UCMJ, and the instruction requires the Military Departments to notify IG, DoD, within 10 working days after receipt of allegation(s) involving improper referral for a mental health evaluation (MHE) in violation of the directive.

2. **CIGs receiving allegations of improper referral for MHE will notify the IGMC without delay.** This notification will include the name, grade, address or duty location, and phone number of the complainant; a synopsis of the specific allegation(s); any supporting data received by the IG; the name, grade, address, and phone number of the IG action officer; and any other information required during notification in accordance with DoD Instruction 6490.4. The IGMC will open a case file in ODIN and provide a notification letter to the complainant of the action taken. No further action will be taken unless the IGMC, directs the CIG to conduct an inquiry or investigation.

3. CIGs must analyze for reprisal in accordance with 10 USC 1034 all allegations of improper referral for MHE. If, as a result of the initial review by the IG, a possible violation of DoDD 7050.06, Military Whistleblower Protection, cannot be ruled out, then the CIG will also include this information when reporting to the IGMC.

## Section 11-6

### Example Mental Health Evaluation ROII

#### REPORT OF INVESTIGATIVE INQUIRY (MHE) (ODIN Case #)

##### EXECUTIVE SUMMARY

**NAME / POSITION:** Sgt Ima Sane, 1<sup>st</sup> MarDiv, MCB Camp Pendelton, CA.

**AUTHORITY:** On 10 June 20xx, Col Edward J. Columbo, the CIG, authorized Maj Britton to conduct an investigative inquiry.

**BACKGROUND:** The CIG's office conducted an inquiry concerning allegations of an improper mental health evaluation referral for Sgt Sane. Sgt Sane alleged that his chain of command improperly referred him for a non-emergency mental health evaluation (MHE).

##### SUBSTANTIATED ALLEGATIONS:

Lt Boss improperly referred Sgt Sane for a Mental Health Evaluation in violation of DoDD 6490.1.

SgtMag Jones improperly referred Sgt Sane for a Mental Health Evaluation in violation of DoDD 6490.1.

CAPT (Dr.) Smith improperly conducted a Mental Health Evaluation of Sgt Sane in violation of DoDD 6490.1.

**SYNOPSIS:** DoDD 6490.1 contains the policy for command-directed MHE referrals. The key evidence that led the IO to substantiate the allegations were the testimonies from the subjects. All three subjects testified that they were unaware of the proper procedures for referring individuals for an MHE.

On 2 May 20xx, Sgt Sane admitted himself into the Naval mental health clinic to receive counseling for work-related stress. He said that he was working 60-hour weeks in a dysfunctional office. Sgt Sane signed a Privacy Act statement and a consent statement with LT Mindprobe, a physician's assistant.

On 2 May 20xx, Col Lynn Logger, Commander, HQBN, 1<sup>st</sup> MarDiv, called LT Anna Freud, psychologist, about Sgt Sane. Col Logger was concerned about Sgt Sane's mental state as he (Sgt Sane) continuously came by her office and told her stories, which she described as "far-fetched."

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After talking with Col Logger, LT Freud in turn called MSgt Enlistment, Operations Sergeant of the G-2, where Sgt Sane was attached and serving on active duty for special work (ADSW) orders. LT Freud recommended that a psychiatrist evaluate Sgt Sane.

When 1stSgt Enlistment received this recommendation from LT Freud, she talked with her first-line supervisor, SgtMaj Jones, Sergeant Major of HQBN. SgtMaj Jones, in turn, telephoned LtCol Ross P. Boss, the Assistant G-2. SgtMaj Jones explained to LtCol Boss that Dr. Freud had recommended that Sgt Sane receive a mental health evaluation. LtCol Boss acknowledged the recommendation and told SgtMaj Jones to take the appropriate action to help Sgt Sane.

Afterwards, SgtMaj Jones called G-2 (where Sgt Sane was assigned) and spoke to GySgt Three, the operations sergeant of G-2. SgtMaj Jones explained to GySgt Three that Sgt Sane was in need of a psychiatric evaluation. SgtMaj Jones did not inform the commander of HQBN, 1<sup>st</sup> MarDiv (Col Logger), about the MHE referral.

SgtMaj Jones directed MSgt Enlistment to schedule Sgt Sane for a MHE. MSgt Enlistment scheduled this appointment and, upon further instruction from SgtMaj Jones, MSgt Enlistment prepared and signed the MHE referral. LtCol Boss, Assistant G-2, did not sign the MHE request. (EXHIBIT A)

Sgt Sane subsequently underwent his MHE with CAPT (Dr.) Joe Smith, psychiatrist on 20 May 20xx.

[IO Note: The HQBN Command submitted the request for an MHE based upon the recommendation received from LT Freud, Psychologist.]

All three allegations were substantiated.

(Note: This ROII includes an EXSUM; therefore, the introductory paragraph is omitted.)

## **CONSIDERATION OF ALLEGATIONS**

**1. Allegation #1:** That LtCol Boss improperly referred Sst Sane for an MHE in violation of DODD 6490.1.

a. Evidence:

(1) Standard: DODD 6490.1, Mental Health Evaluations of Members of the Armed Forces, dated 1 October 1997, assigned responsibilities for referral, evaluation, and management of Service Members directed for mental health evaluation. (EXHIBIT C)

(2) Documentary evidence:

(a) In a memorandum, subject: Request for MHE, dated 3 May 20xx,

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MSgt Enlistment, Operations NCO, Recruiting and Retention Command, submitted the original request for a psychiatric evaluation for Sst Sane. (EXHIBIT A)

(b) In a memorandum, subject: Request for MHE, dated 7 May 20xx, PO1 Patty Hearst, Detachment X Medical Coordinator, approved the 3 May 20xx MHE request from MSgt Enlistment. (EXHIBIT B)

(c) A memorandum, subject: Request for MHE, dated 20 May 20xx, conveyed the results of Sgt Sane's MHE to LtCol Boss. (EXHIBIT D)

(d) In a memorandum, subject: Counseling with Sgt Sane on 3 May 20xx, dated 18 June 20xx, SgtMaj Jones, SgtMaj of HQBN, related the sequence of events surrounding Sgt Sane's MHE. (EXHIBIT E)

(e) In a memorandum, subject: MHE, dated 20 June 20xx, MSgt Enlistment admitted that he signed the MHE request. There were no signatures on these memorandums from LtCol Boss (G-2) or Col Logger (HQBN).

(3) Testimonial evidence:

(a) Sgt Sane was not interviewed because he was OCONUS and discharged from the service.

(b) MSgt Enlistment, Operations Sergeant of the HQBN, testified on 12 June 20xx that Assistant G-2 (LtCol Boss) did not consult with a mental health professional before referring Sgt Sane for a mental health evaluation. He (MSgt Enlistment) testified Sgt Sane was afforded his rights to speak with a lawyer and the Inspector General; his unit commander did not advise him of these rights. (EXHIBIT A)

(c) LtCol Boss, Assistant G-2, testified on 14 June 20xx that he did not consult with a mental health professional before referring Sgt Sane for an MHE. LtCol Boss did not provide Sgt Sane written notice of the MHE referral. There was no written notice provided to Sgt Sane. However, MSgt Enlistment provided a written notice that included the date and time of the scheduled MHE, factual description of the behavior or verbal expressions, name of the mental health professional, and positions and telephone numbers of authorities, including attorneys and IGs. LtCol Boss did not provide Sgt Sane an opportunity to seek advice from a military attorney or an IG. LtCol Boss did not provide Sgt Sane a choice for evaluation by a mental health professional of his own choosing. LtCol Boss did not restrict Sgt Sane from lawfully communicating with an IG or a member of Congress. LtCol Boss did not allow Sgt Sane at least two business days before the scheduled MHE to meet with an attorney, an IG, a chaplain, or other appropriate party.

b. Discussion: Sgt Sane alleged that his chain of command improperly referred him for a non-emergency MHE. DoDD 6490.1, Mental Health Evaluations of Members of the Armed Forces, prohibited the improper referral of military members for mental health evaluations. LtCol Boss was aware of the MHE referral; in fact, he told SgtMaj Jones to initiate the MHE. However, LtCol Boss was not involved in the referral process IAW DoDD 6490.1 and therefore was in violation of this directive. Specifically, LtCol Boss

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did not advise Sgt Sane of his rights, and LtCol Boss did not sign the MHE referral. LtCol Boss testified that he was unaware of DoDD 6490.1 and that he had no excuse for his actions. The preponderance of credible evidence indicated that LtCol Boss violated DoDD 6490.1.

c. Conclusion: The allegation that LtCol Boss improperly referred Sgt Sane for a Mental Health Evaluation in violation of DoDD 6490.1 was **SUBSTANTIATED**.

**2. Allegation #2:** That SgtMaj Jones improperly referred Sgt Sane for a MHE in violation of DoDD 6490.1.

a. Evidence:

(1) Standard: DoDD 6490.1, Mental Health Evaluations of Members of the Armed Forces, dated 1 October 1997, assigned responsibilities for referral, evaluation, and management of Service members directed for mental health evaluation. (EXHIBIT C)

(2) Documentary evidence:

(a) In a memorandum, subject: MHE, dated 3 May 20xx, MSgt Enlistment, Operations NCO, G-2, submitted the original request for a psychiatric evaluation for Sgt Sane. (EXHIBIT A)

(b) In a memorandum, subject: Counseling with Sgt Sane on 3 May 20xx, dated 18 June 20xx, SgtMaj Jones, SgtMaj of HQBN, related the sequence of events surrounding Sgt Sane's MHE. (EXHIBIT D)

(3) Testimonial Evidence:

(a) Sgt Sane was not interviewed because he was OCONUS and discharged from the service.

(b) MSgt Enlistment testified on 14 June 20xx that SgtMaj Jones did not consult with a mental-health professional before referring Sgt Sane for a mental health evaluation. Sgt Sane was afforded his rights to speak with a lawyer and the Inspector General; he was not advised of these rights by SgtMaj Jones. (EXHIBIT A)

(c) SgtMaj Jones testified on 17 June 20xx that he did not consult with a mental-health professional before referring Sgt Sane for the MHE. He did not provide Sgt Sane written notice of the MHE referral. No written notice was provided by SgtMaj Jones to Sgt Sane. SgtMaj Jones testified that MSgt Enlistment provided a written notice to Sgt Sane that included the date and time of the scheduled MHE, factual description of the behavior or verbal expressions, name of the mental-health professional, and positions and telephone numbers of authorities, including attorneys and IGs. SgtMaj Jones did not provide Sgt Sane an opportunity to seek advice from a military attorney or an IG. SgtMaj Jones did not provide Sgt Sane a choice for evaluation by a mental-health professional of his own choosing. SgtMaj Jones did not

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restrict Sgt Sane from lawfully communicating with an IG or a member of Congress. SgtMaj Jones did not allow Sgt Sane at least two business days before the scheduled MHE to meet with an attorney, an IG, a chaplain, or other appropriate party.

b. Discussion: Sgt Sane alleged that his chain of command improperly referred him for a non-emergency MHE. DoDD 6490.1, Mental Health Evaluations of Members of the Armed Forces, prohibited the improper referral of Service members for mental health evaluations. SgtMaj Jones was aware of the MHE referral, and he told MSgt Enlistment to initiate and write-up the referral. However, SgtMaj Jones was not involved in the referral process IAW DoDD 6490.1 and therefore was in violation of the directive. Specifically, SgtMaj Jones did not advise Sgt Sane of his rights and failed to advise LtCol Boss that the commander was responsible to notify the complainant of his or her rights, and the commander was required to sign the MHE referral. SgtMaj Jones testified that he was unaware of DoDD 6490.1 and that he had no excuse for his actions. The preponderance of credible evidence indicated that SgtMaj Jones violated DoDD 6490.1.

c. Conclusion: The allegation that SgtMaj Jones improperly referred Sgt Sane for a Mental Health Evaluation in violation of DoDD 6490.1 was **SUBSTANTIATED**.

**3. Allegation #3:** CAPT (Dr.) Smith improperly conducted a Mental Health Evaluation of Sgt Sane in violation of DoDD 6490.1.

a. Evidence:

(1) Standard: DoDD 6490.1, Mental Health Evaluations of Members of the Armed Forces, dated 1 October 1997, assigned responsibilities for referral, evaluation, and management of Service members directed for mental health evaluation. (EXHIBIT C)

(2) Documentary evidence:

(a) In a letter, dated 19 May 20xx, from Sgt Sane to Dr. Smith, Sgt Sane expressed worry about leaving the Marine Corps Reserve at the end of his ADSW tour on 31 May 20xx. Sgt Sane also indicated he was nervous about moving to Korea after he got out, even though he had a good contracting job lined up there. (EXHIBIT E)

(b) In a memorandum, subject: Mental Health Evaluation of Sgt Sane, dated 20 May 20xx, Dr. Smith indicated Sst Sane was mentally fit for retention but that Sgt Sane overtly expressed signs of anxiety, which were attributed to his impending departure from service and relocation to Korea. (EXHIBIT F)

(3) Testimonial Evidence.

(a) Sgt Sane was not interviewed because he was OCONUS and discharged from the service.

(b) CAPT Smith, psychiatrist, testified on 18 June 20xx that he did not assess the circumstances surrounding the request for the MHE to ensure that the

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evaluation was not due to reprisal. He did not report to the superior of the referring commander via mental health command channels that the MHE may have been inappropriate. CAPT Smith testified that he was unaware of DoDD 6490.1 and was not aware that Sgt Sane should have been advised of his rights prior to and after the MHE. He did not advise Sgt Sane of the purpose, nature, and likely consequences of the evaluation. He did not make clear to Sgt Sane that the MHE was not confidential. CAPT Smith assessed the mental state of Sgt Sane but did not ask about the procedures leading up to the evaluation.

b. Discussion: Sgt Sane alleged that his chain of command improperly referred him for a non-emergency MHE. DoDD 6490.1, Mental Health Evaluations of Members of the Armed Forces, prohibited the improper referral of Service members for mental health evaluations. CAPT Smith testified he was unaware of his obligations as a privileged physician to advise Sgt Sane of his rights prior to and during the MHE IAW DoDD 6490.1. Also, CAPT Smith should have told Sgt Sane that the results of the MHE were not confidential. The preponderance of credible evidence indicated that CAPT Smith violated the provisions of DoDD 6490.1.

c. Conclusion: The allegation that CAPT Smith improperly conducted a Mental Health Evaluation of Sgt Sane in violation of DODD 6490.1 was **SUBSTANTIATED**.

**4. OTHER MATTERS:** None.

**5. RECOMMENDATIONS:** This report be approved and the case closed.

WILLIAM LUCKY  
MSgt, IG  
Assistant Inspector General

JAMES DOE  
Maj, USMC  
Investigator

NO LEGAL OBJECTION:

OH LETEMGO  
LtCol, USMC  
Staff Judge Advocate

APPROVED:

EDWARD J. COLUMBO  
Col, USMC  
CIG

Encls  
Exhibits

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## Section 11-7

### Example of a DoD Hotline Completion Report

#### E2.1. Report Preparation

The DoD Components shall prepare a Defense Hotline Completion Report documenting the results of hotline inquiries as specified in paragraph 6.2.5 of DoDI 7050.01.

#### E2.2. Report Format

The following format is recommended for completing a Defense Hotline Completion Report:

E2.2.1. Name of Official Conducting Inquiry: (Name of Inspector General who conducted the Inquiry or Investigation, or name of Inspector General who wrote the CR based on information from a command product).

E2.2.2. Rank / Grade of Official:

E2.2.3. Duty Position and Telephone Number:

E2.2.4. Organization:

E2.2.5. Hotline Control Number(s):

E2.2.6. Scope of Inquiry, Findings, Conclusions, and Recommendations: This paragraph should go into sufficient detail concerning the allegation(s) or issue(s), evidence collected, discussion of the evidence, conclusion pertaining to each allegation and / or issue, and any corrective action.

E2.2.6.1. Scope of Inquiry: Contains a statement of the allegations and identifies the organization and location, the person or persons against whom the allegation was made, and the scope, nature, and manner of the inquiry conducted, including documents reviewed, witnesses interviewed, and whether inquiries or interviews were conducted by telephone or in person.

E2.2.6.2. Findings: States the findings as they relate to each allegation. Provides a list of documents and / or evidence collected to support the findings. The identity of interviewees need not be reflected in the report, but should be documented in the official file of the component conducting the inquiry.

E2.2.6.3. Conclusions and Recommendations: For each allegation, states the analysis of the findings and the conclusions made by the official conducting the inquiry. Conclusions must state the results, that is, whether the allegations were substantiated, not substantiated, or unfounded. 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.

E2.2.7. Criminal or Regulatory Violations Substantiated

E2.2.8. Disposition: For inquiries involving economy and efficiency, reports the management actions taken. For inquiries involving criminal or other unlawful acts, includes the results of criminal prosecutions and provides details of all charges and sentences imposed. Also includes the results of administrative sanctions, reprimands, the value of property or money recovered, or other such actions taken to prevent recurrence.

E2.2.9. Specification of Security Classification of Information: Each organization must determine and state, when applicable, the 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.

E2.2.10. Location of Field Working Papers and Files



## **Chapter 12**

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### **IG Records**

Section 12-1 – Overview

Section 12-2 – Nature of IG Records

Section 12-3 – Use of IG Records for Adverse Action

Section 12-4 – Official Use of IG Records within DON

Section 12-5 – Release of IG Records for Official Purposes Outside DON

Section 12-6 – Release of Records for Unofficial (Personal) Use

Section 12-7 – Release of Information to Follow-on Investigating Officers

Section 12-8 – Release of Transcripts

Section 12-9 – Media Requests

Section 12-10 – Response to Subpoena or Court Order

Section 12-11 – Requests Under the Privacy Act to Amend IG Records

Section 12-12 – Disposition of Reports of Investigation and Investigative Inquiry

## Section 12-1

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### Overview

IGs frequently receive requests for information and records. Provisions for handling such requests are covered in Chapter 6, Marine Corps Inspector General Program Concept and System Guide. The most common situations you will face are discussed here. You must be thoroughly familiar with the procedures for safeguarding IG information as the potential exists for the compromise of confidentiality should records be inappropriately released. Study Chapter 6, Marine Corps Inspector General Program Concept and System Guide, and refer to it when you receive requests for information. If you have any questions, consult with the IGMC.

## Section 12-2

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### Nature of IG Records

IG records are the property of the Secretary of the Navy and are held in the custody of the IGP office of record which is either the local CIG or IGMC. The records frequently contain sensitive information and advice. ROIs / ROIs almost always contain sensitive information. Rarely will anyone but you, your legal advisor, and your commander review a complete copy of a ROII / ROI and then only with proper authorization. Release of IG records should be in accordance with Chapter 6, Marine Corps Inspector General Program Concept and System Guide. These rules apply to the release of IG records to other IGs.

## Section 12-3

### Use of IG Records for Adverse Action

IG records may be used for adverse action (see Chapter 6 of Marine Corps Inspector General Program Concept and System Guide). But by authorizing them for such purposes, the commander (or his designated representative) could inadvertently compromise the confidentiality built into the IG fact-finding process. Under legal due process, the suspect or subject will receive copies of the evidence used to support the adverse action, including IG records if they are used as the basis for adverse action. Under certain circumstances (cost, administrative burden, pending separation of the suspect, transfer of witnesses, etc.), your commander may wish to use your records to support an adverse action. In those cases, you must obtain written authority you're your commander for release of the record. Requests must state why a follow-on investigation would be unduly burdensome, unduly disruptive, or futile. Send the records-release request to the CIG describing precisely what IG records are required, why they are required, and the adverse action that is contemplated. Likewise, IGMC records may be used (and are often used) as the basis for an adverse action against a senior official with IGMC approval. The adverse action must ultimately afford the senior official due-process protection.

## Section 12-4

### Official Use of IG Records within the Department of the Navy

1. Many requests for IG records and information are for official use within DON. IG records and information can be used, without redaction, within DON for official purposes. IGs should advise witnesses of this provision during the Pre-tape and Read-in for interviews. You are authorized, with certain restrictions, to release portions of your records for official purposes. During the course of investigations or investigative inquiries, you will frequently uncover systemic problems that need to be fixed. You document these issues / problems in the ROII / ROI in the "Other Matters" paragraph and propose a corrective action with your recommendations. In such cases, you will initiate the release of information and records through an extract from your files to the agency or subordinate commander who will actually fix the problem.
2. Restrictions that apply are as follows:
  - a. IG records may not be used for adverse action without CIG approval.
  - b. IG records are not to be used to compare commands or commanders.
  - c. IG records are not to be cited in evaluation reports, performance appraisals, award recommendations, or other evaluations maintained in personnel records.
  - d. IG records released for official purposes are not to be converted to personal use or further distributed without the authorization of the CIG office of record or the commander if necessary.
  - e. The contents of an ROII / ROI are not to be released to subjects, suspects, or witnesses named in the report (except for their own testimony as discussed below).
  - f. IG records must be safeguarded and marked IAW SECNAVINST 5216.5d, Naval Correspondence Manual.
3. After coordination, provide the minimum records and information to satisfy the official requirement. Ensure that you properly mark all records and extracts.
4. Ensure that the agency receiving the records understands that they are not to reproduce the records without your permission and that they must return them to you when the records have served their purpose. **Emphasize that the records are IG records "on loan" and should not be incorporated into another system of records that is subject to the Privacy Act without approval of the CIG (or commander if necessary).** Remember: only the commander or his designated representative can approve the release of IG records outside DON for any purpose.

## Section 12-5

### **Release of IG Records for Official Purposes Outside the Department of the Navy**

The commander is the release authority for records outside the Command. CIGs forward requests from other Federal Government agencies for IG records for official purposes along with **one copy** of the requested information to the IGMC. Coordinate with the IGMC prior to sending the records. Investigators from the DoDIG; Defense Criminal Investigative Service (DCIS); Government Accounting Office (GAO); Office of the Special Counsel (OSC); or the Merit Systems Protection Board (MSPB) have a statutory right to obtain IG records if they are relevant to one of their ongoing investigations or audits. These agencies must request copies of your records in writing and include the reason that they require copies. Forward these requests to the IGMC. The IGMC must approve the release of the copies to these agencies. Requests for IG records from State, county, or municipal governments are processed under the Freedom of Information Act (FOIA).

## Section 12-6

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### Release of Records for Unofficial (Personal) Use

1. The Freedom of Information Act (FOIA) allows individuals (anyone) to request government records for private purposes. IGs commonly receive FOIA requests from subjects or suspects against whom they substantiate allegations. It is important that you understand how to process requests for information made under the FOIA.
2. Requesters must make their request in writing and must reasonably identify the actual records being sought. No specific format exists; a simple letter will suffice. The request should describe the desired records as accurately as possible and may include a monetary limit on how much in FOIA fees the requester is willing to pay. The request should also furnish as many clues as possible regarding the requested records such as the time, place, persons, events, or other details that will help the FOIA Office respond to the request. The requester should send the request to the command FOIA Office.
3. If someone submits his or her records request directly to the CIG office instead of the FOIA Office, respond to the requester in writing within 10 working days that you received the request and that you have referred it to the FOIA Office for search and direct reply. Simply acknowledge receipt of the request. **Do not inform the requester that you have the records and are forwarding them to the FOIA Office.**
4. **Forward the original FOIA request, one copy of the requested records, and a forwarding memorandum to the command FOIA office within 10 working days.** Advise the SJA of any concerns you or your commander have concerning the release of the records. Also indicate the source of any non-IG records being forwarded. Avoid retaining extraneous documents, notes, or comments in your case files. Once you receive a FOIA request, the file is frozen, and you cannot purge your files. It is a violation of Federal law to purge your files after a FOIA request is received. When you receive a FOIA request, forward all requested documents to the command FOIA office for their review (even if the files are potentially embarrassing to you or your command).
5. The FOIA office processes the requested records for CIG approval. As part of the FOIA office's responsibilities, they review the records, apply FOIA exemptions, redact exempted information, coordinate with the requester regarding processing fees, obtain commander (or his designated representative) approval for release, and then mail the released records to the requester.

## Section 12-7

### Release of Information to Follow-on Investigating Officers

1. If you develop facts that indicate that the allegations in the case on which you are working are going to be substantiated, then consider whether referral to another agency for investigation is appropriate. If the commander elects to resolve the allegation, then the IG may provide the follow-on command investigator with the following:

a. **An oral briefing or written summary of the nature of allegations or matters the CIG office examined.** Be careful to avoid revealing your findings, conclusions, or recommendations. You want the follow-on investigator to conduct an unbiased investigation -- don't prejudice him or her with your opinions.

b. **Commonly available documents.** Release evidence readily available that you did not receive in confidence. Under this category, you may release documents such as vehicle dispatches, personnel and pay records, travel documents, hotel receipts, etc. that DON personnel can obtain in the course of their normal duties. Documents provided to the IG by a complainant are considered to be documents obtained in confidence.

c. **Identify witnesses and explain their relevance to the case .** You can provide a written or verbal list of witnesses and a verbal summary of their testimony. Avoid revealing the identity of the complainant where possible.

2. Do not allow a follow-on investigator to read your transcripts. Limit the information you release to the minimum the investigator needs to complete his or her task -- readily available documents and a summary. The most important facet of your communications to a follow-on investigator is ensuring that you preserve the impartiality of that investigator. Be careful not to be judgmental about the allegations, the credibility of the witnesses, or to reveal your findings.

## Section 12-8

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### Release of Transcripts

1. **Records-Release Requests.** Witnesses, as well as subjects or suspects, commonly request copies of their testimony. Individuals who provided statements or submitted a complaint to the IG that is documented in ODIN must submit a FOIA request to the IG office of record to obtain a copy of their own testimony or statement. Upon receipt of the written FOIA request, the IG office of record must forward one collated copy of the requested records to the IGMC (if appropriate) for action. IG records will only be released after case closure.

2. **Transcript Review by Witnesses.** You may allow witnesses, subjects, or suspects to read their transcript or summarized testimony in your office while the case is in progress. It is in your best interest to allow persons to review their own testimony. You can be open and forthright with the individual. The threat to the confidentiality of your case is low since these individuals already know the questions you asked and the answers provided. Additionally, they may remember new details when they are reviewing their testimony. If someone indicates a desire to change or add to his or her testimony, you can conduct a recall interview on the spot. A word of caution: if you prepared an MFR summarizing an interview, ensure that it contains only the evidence the witness provided. Ensure that any opinions or observations you have about the witness or witness's credibility are contained in a separate MFR (since the MFR is internal IG information, do not show it to the witness).

## Section 12-9

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### Media Requests

Do not discuss specific investigations or investigative inquiries with media representatives. **Refer them to your local Public Affairs Office.** Neither confirm nor deny that a specific individual or topic is under investigation or inquiry. Should media representatives request IG records, advise them of the FOIA.

## Section 12-10

### **Response to Subpoena or Court Order**

1. **IGs and IG records are sometimes subpoenaed. Do not ignore a subpoena or court order.** The Staff Judge Advocate or the Command Civilian Counsel are the proponents for litigation involving DON personnel. Should you receive a subpoena, a court order, or have reason to believe either is imminent, immediately contact your local SJA, Command Civilian Counsel, or Legal Advisor. Official information shall be made available to Federal or State courts. However, the commander (or his designated representative) is the release authority for IG records outside the command, including IG records requested by courts.

## **Section 12-11**

### **Requests Under the Privacy Act to Amend IG Records**

The CIG can amend facts in a record such as a misspelled name, an incorrect Social Security Account Number, or an address. Only the Commander or Directing Authority can amend records pertaining to areas of judgment such as IG opinions, conclusions, and recommendations. Contact the CIG if you must amend an IG record.

## Section 12-12

### Disposition of Reports of Investigation and Investigative Inquiry

1. **Overview.** IG records include ROIs, extracts of ROIs and other supporting records and summaries. All IG records, regardless of where initiated, are the property of the Secretary of the Navy.

a. As an advisor to your commander, it is imperative that you maintain the confidentiality of your reports. However, under some conditions, you may provide some information contained in IG reports to commanders or a higher military authority in the discharge of their official duties.

b. Nothing prevents a senior commander or higher military authority from acquiring a copy of a completed ROI following a proper request for official use.

c. **An ROI is NOT normally provided to anyone who is not a member of the Directing Authority's command or higher authority** for the following reasons:

(1) The ROI contains recommendations made in confidence by a subordinate (you) to a superior (your Directing Authority);

(2) The ROI contains allegations or accusations that may be substantiated by IG standards but may not provide proof beyond a reasonable doubt in a court of law.

(3) The ROI is advisory in nature and the conclusions and recommendations are not binding upon the commander.

(4) The ROI may have your comments and conclusions and may contain the personal opinions or the conclusions of witnesses. **Therefore, whenever practicable you should furnish information summaries rather than the ROI itself.**

d. Providing an extract from the ROI, or a summary of the pertinent information to a staff or higher headquarters, may be preferable to providing the complete report. A summary or extract allows the staff agency or headquarters to focus on their problem without the possibility of a breach of confidentiality concerning witness testimony.

#### 2. Release of ROIs Outside of the command.

a. IGs will not furnish IG reports, including any witnesses' testimony and exhibits, to any agency or individual outside the command unless approved by the commander or his designated representative.

b. Requests for complete or partial IG records are forwarded to the CIG.

#### 3. Use of Reports For Official Purposes Within the command.

a. Distribution of ROIs / ROIs is restricted to the absolute minimum consistent with the effective management of the command. ROIs / ROIs will be used within the command.

b. When a commander or the IG office of record finds it is necessary to use items of information contained in ROIs, they may provide such information to agencies within their command. IGs will use information summaries whenever practicable (see below). Use the transmittal format letters in Appendix B of this guide to convey these information summaries to commanders and staff agencies.

4. **Summaries.** Summaries are factual and complete. The following information is not normally included:

a. Classified material, except on a need-to-know basis to personnel possessing the appropriate security clearance and access.

b. Information received from agencies outside the command, particularly that received from the Federal Bureau of Investigation, unless approval of the pertinent agency is obtained.

c. Information revealing investigative techniques, to include:

(1) The identity of confidential informants or sources of information.

(2) The name(s) of the IG who conducted the investigation.

(3) IG opinions, conclusions, or recommendations.

(4) Any other information that would involve a breach of faith or violate a moral obligation to keep the information confidential.

(5) Derogatory testimony toward a superior that could result in adverse action against a witness.

## **Chapter 13**

### **Professional Development of Investigator Personnel**

Section 13-1 – Background

Section 13-2 – Command Inspectors General

Section 13-3 – Certification of IGP Personnel

Section 13-4 – IG Manning Requirements

Section 13-5 – Credentialing Investigators

Section 13-6 – Detailing Investigators

## **Section 13-1**

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### **Background**

MCO 5430.1 (Marine Corps Inspector General Program) established the Marine Corps Inspector General Program (IGP) and the position of Command Inspector General (CIG). The IGP is composed of the IGMC, IGMC staff personnel, CIGs, and CIG staff personnel. Many of the staff personnel assigned to the IGMC and CIG staffs perform investigative functions. Standardization of training and manning are desirable goals in professionalizing the IGP.

## Section 13-2

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### Command Inspectors General

All MSCs, commanded by a general officer, are required to establish the special staff officer billet of CIG. CIGs should be commissioned officers in the grade of lieutenant colonel or higher, or, if a civilian, in the pay grade of GS-14 or higher (NSPS Standard Career Group Professional/Analytical YA-3). Regardless of grade, within their command or activity the CIG shall report directly to the Commander. Reporting to the Deputy Commander at those commands wherein all primary and special staff report to the Deputy Commander is authorized. Assignment to other duties shall be on an exception basis. The Staff Judge Advocate (SJA) or Command Counsel (OGC) may not serve as the IG at any level of command, as this creates an inherent conflict of interest.

## Section 13-3

### Certification of IGP Personnel

1. All personnel included in the IGP assigned to investigative duties, which includes reviewing investigations, shall be certified as IG Investigators. Initial certification may be issued by the IGMC / CIG upon successful completion of an IG school conducted by one of the following: Naval Inspector General (NAVINSGEN), the Inspector General of the Army, and the Inspector General of the Air Force. Requests for seat assignments to IG schools should be coordinated through the IGMC, A&I Training Officer. MSCs must bear the expense associated with certification training.

2. It is the goal to have all investigative IGP personnel trained within six months of being assigned to the IGMC or CIG office.

3. Personnel whose primary duties involve investigative functions must complete annual proficiency requirements established by the IGMC. Annual proficiency requirements can be accomplished either by attendance at approved courses of instruction, by teaching an approved course of instruction, or by conducting inspections dealing with FWM Program Oversight or Hotline Program Quality Assurance Reviews (QAR). This annual proficiency requirement is mandatory for investigators to maintain their professional certification as IG investigators.

a. A list of approved courses of instruction for annual certification is maintained by the IGMC, A&I Division Training Officer. A list of these courses can also be found on the IGMC website. Requests for seat assignments for annual certification should be coordinated through the IGMC, A&I Training Officer. MSCs must bear the expense associated with this training.

b. For experienced personnel, teaching an investigative course of instruction as an instructor for a DoDIG, Joint IG, Service IG, or IGMC Mobile Training Team (MTT) may be used to satisfy the annual proficiency requirement.

c. For experienced personnel, conducting inspections dealing with processes and procedures of FWM and/or hotline program oversight as part of a Quality Assurance Review (QAR) or an IGMC Commanding General Inspection Plan (CGIP) visit may be used to satisfy the annual proficiency requirement.

4. The IGMC and CIGs will maintain training records of the initial and annual certification requirements.

## Section 13-4

### IG Manning Requirements

1. All MSCs required to have a full-time CIG are also required to have sufficient IG staff personnel to fulfill the IG mission. If the IGMC determines the level of staffing at an MSC is insufficient, the IGMC may recommend that the CMC direct the MSC to increase the staffing level. Staffing should be sufficient to complete investigations within 90 days of receipt of a complaint as required by DoD standards.

2. At a minimum, MSCs required to have a CIG are encouraged to have at least one GS-18xx series civilian investigator. As a general guide, staffing requirements are normally based on the number of hotline cases an activity receives annually. For calculating the number of cases, the following cases fall under the auspices of the Hotline Program: requests for assistance, allegations of FWM, Congressional interest cases (tasked to the IG), special interest (SPLINT) cases, whistleblower reprisal cases, and senior official cases. Below is a guide to assist commands in determining the appropriate number of full time employed (FTE) investigators they should employ:

0 - 10	opened monthly	FTE 1
11 - 20	"	FTE 2
21 - 30	"	FTE 3
31 - 40	"	FTE 4
41 - 50	"	FTE 5
51 - 60	"	FTE 6
61 - 70	"	FTE 7
71 - 80	"	FTE 8
81 - 90	"	FTE 9
91 -100	"	FTE 10

## **Section 13-5**

### **Credentialing Investigators**

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1. Certified investigators assigned to the IGMC, will be issued credentials signed by the Secretary of the Navy.
2. Certified investigators assigned to a CIG, may be issued locally produced and funded credentials signed by their commanding generals. Such credentials will limit the authority of the bearer to that command only.

## Section 13-6

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### Detailing investigators

1. Certified IG Investigators shall, to the maximum extent possible, conduct all investigations performed under the auspices of the Marine Corps Hotline Program.
2. When referring a hotline inquiry / investigation to a major subordinate command (MSC) the CIG shall ensure that the subordinate activity is capable of conducting a professional investigation before tasking them with a hotline inquiry / investigation. Assignment of a non-certified service member or employee as a hotline investigator, for a single case, must be approved by the CIG having responsibility of the case. Approval is discretionary. The IG must be satisfied that the intended investigator, by demeanor, experience, and position, is capable of conducting a professional investigation and producing a report that satisfies the standards of independence, completeness, timeliness, and accountability.



## **Chapter 14**

### **Quality Assurance Reviews (QARs)**

Section 14-1 – Background

Section 14-2 – QAR Procedures

## Section 14-1

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### Background

1. All Marine Corps Hotline Program case files are subject to Quality Assurance Reviews (QARs) by the IGMC. Marine Corps Hotline Program cases include all DoDIG, DON, IGMC, and local CIG files dealing with requests for assistance, allegations of FWM, and congressional inquiries under the cognizance of the IGMC/CIGs. Case files include the basic report, all supporting documents, endorsements, legal reviews, technical expert reviews, and case file notes. The DoDIG also conducts QARs of IGMC submitted investigative products upon receipt and as well as conducting periodic reviews of IG case files in the field.

## Section 14-2

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### QAR Procedures

1. The QAR is an analysis of the quality of the inquiry based on a review of the documentation contained in the completed hotline case file and an evaluation of the timeliness, independence, completeness, accountability, and adequacy of procedures and controls.
2. The QAR examines hotline inquiries completed during the previous 18–24 months and includes cases referred to the MSC by the IGMC as well as cases generated via local CIG Hotline Program. The analysis shall focus on compliance with policy and procedures and identification of systemic strengths or weaknesses in the manner in which the MSC conducts its inquiries.
3. The IGMC shall select the MSCs for review and determine whether the review will be conducted in person or by correspondence.
4. **QAR NOTIFICATION:** The IGMC shall conduct QARs on a no notice or short notice basis. QARs may be conducted as a singular event or in conjunction with IGMC Mobil Training Teams (MTT) or Command Inspection Program (CIP) visits.
5. **QAR TEAM COMPOSITION:** The QAR team will consist of one to three IGMC Hotline Program investigator personnel.
6. **SELECTION OF CASES:** The MSC selected for review shall provide the QAR Team with a summary listing all hotline cases closed during the previous 18-24 months. The list will be organized into three categories: assistance cases, allegations of FWM, and congressional inquiries. The summary listing shall contain sufficient information for the QAR Team to determine the nature of the request/allegation(s) and the results of the inquiry. The QAR Team shall select the cases to be reviewed. Cases selected for review will usually contain issues or allegations of FWM that could have significant impact on Marine Corps programs, personnel, and/or policies within the MSC. The MSC CIG shall provide the QAR Team the case files to include all supporting documentation of all cases selected for review.
7. **ENTRANCE AND EXIT BRIEFING:** It is normal procedure for the QAR Team to offer an entrance and exit brief to the Commander, Chief of Staff, and/or CIG depending on circumstances and availability.
8. **QAR REVIEW ANALYSIS REPORT:** When the QAR Team has completed their analysis of the case files, the IGMC shall prepare the final written report with the review findings and recommendations. The report is signed by the IGMC, and issued to the MSC Commander with a copy to the CIG.
9. **QAR EVALUATION CRITERIA:** QARs will be conducted using the IGMC Hotline Program Quality Assurance Review Evaluation Criteria forms for Allegations of FWM, Assistance, and Records Management.



## Appendix A

### Process of the IG Investigation Forms

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<b>INSPECTOR GENERAL ACTION REQUEST IGMC / CIG</b>				Case #:	
<p><b>AUTHORITY:</b> SECNAVINST 5430.57_ and SECNAVINST 5370.5_  <b>PRINCIPAL PURPOSE(S):</b> To register a personal complaint relating to individual injustices or suspected Fraud, Waste and Abuse.  <b>ROUTINE USE(S):</b> Data provided are furnished to supervisors, commanders or inspectors in response to queries for resolution of complaints and to eliminate conditions considered detrimental to the efficiency or reputation of the United States Marine Corps or Naval Services .  <b>DISCLOSURE:</b> Disclosure of your identity is voluntary and not required. Failure to provide the information will not adversely affect the resolution of your complaint but may delay the investigating officer in resolving the issue.</p>					
<b>Section I- TO BE COMPLETED BY COMPLAINANT:</b>					
NAME (Last, First, Middle initial) (optional):					
Grade:	Organization:	Sex: male / female	Have you asked your immediate commander/ supervisor for assistance with this problem?	<b>Yes</b>	<b>No</b>
ADDRESS (Where response to this complaint will be sent.)			Is this a request for Assistance?	<b>Yes</b>	<b>No</b>
			Are you making a HOTLINE Complaint?	<b>Yes</b>	<b>No</b>
			NAMES AND/OR POSITIONS OF OFFICIALS YOU HAVE CONTACTED (or others having knowledge of your complaint.)  1.  2.  3.  4.  5.		
Email:					
Home Telephone Number:	Work Telephone Number:				
Description of Complaint or Issues that require Assistance or Inquiry: (Please detail the nature of the problem or issue and include who, what, where, when, and how. Continue on reverse)					
What exactly do you want the IGMC /CIG to do for you to resolve this complaint?					
<b>Section II- To be completed by IG Receiving Request:</b>					
Official Receiving Request	Telephone#:		Investigating Official/Agency:	Telephone #:	

Date Opened:		Date Closed:		Office Symbol/Command:		Are there other similar complaints regarding this issue?		Yes
								No
<b>Complainant status:</b>				<b>Special Interest Complaints:</b>				
Active Duty		Civilian Government Employee		WB Reprisal		Senior Official		Other
Reserve		Dependent/Relative		Mental Health		FWA		
Midshipmen/Candidate		Civilian		<b>Grievance Channel:</b>				
Retired Military		Other Service:		USN USA USAF USCG		Congressional		CMC
<b>Complainant's Command:</b>		<b>Subject's Command:</b>		IG		DoD HOTLINE		USMC HOTLINE
				<b>Most Significant Complaints/Allegations:</b>				
IGMC Complaint Registration Form/version(1) dtd March 2004 <b>ACTION:</b>				Complaint:		Finding Codes:		Code:
Assist		Referred for Info				R= Resolved S = substantiated NS=not-substantiated I = inconclusive		
Transferred for Action		Transferred to External Agency						
IGMC Investigation		Command Inspector Investigation						
Referred /Transferred/ Tasked to:								

**PERSONAL AND FRAUD, WASTE & ABUSE COMPLAINT REGISTRATION FORM (Continued):**



### PRIVACY ACT INFORMATION

Data Required by the Privacy Act of 1974 PRIVACY ACT STATEMENT For Personal Information Taken During Inspector General Interviews

AUTHORITY: Title 10 US Code, Sections 5014 and 5020.

PURPOSE: To determine the facts and circumstances surrounding allegations or complaints against Navy/Marine Corps personnel and/or activities. To present findings, conclusions and recommendations developed from investigations and other inquiries to the Secretary of the Navy, CNO, CMC, or other appropriate commanders. Disclosure of Social Security Account Number is voluntary, and if requested, is used to further identify the individual providing the information.

ROUTINE USES: The information is used for the purpose set forth above and may be:

- a. forwarded to federal, state or local law enforcement agencies for their use;
- b. used as a basis for summaries, briefings or responses to Members of Congress or other agencies in the Executive Branch of the Federal Government;
- c. provided to Congress or other federal, state and local agencies, when determined necessary.

#### MANDATORY OR VOLUNTARY DISCLOSURE AND EFFECT ON INDIVIDUAL NOT PROVIDING INFORMATION:

For Military Personnel: Disclosure of personal information is mandatory and failure to do so may subject the individual to disciplinary action.

For Department of the Navy Civilians: Failure to disclose personal information in relation to your position responsibilities may subject the individual to adverse personnel action.

For All Other Personnel: Disclosure of personal information is voluntary and no adverse action can be taken against individuals for refusing to provide information about themselves.

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#### ACKNOWLEDGMENT

I understand the provisions of the Privacy Act of 1974 as related to me through the foregoing statement.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**SUBJECT NOTIFICATION CONTACT FORMAT**

To (Rank and Name): \_\_\_\_\_

Position/Organization: \_\_\_\_\_

Phone (DSN/Comm): \_\_\_\_\_ (CHECK WHEN DONE)

1. (Title) \_\_\_\_\_, this is \_\_\_\_\_ from the \_\_\_\_\_ (IG office) \_\_\_\_\_. We have been directed by (directing authority) to investigate allegations that you: (state allegations).

2. It will be necessary to interview you regarding these matters (Choose [a] or [b] below):

a. You will be contacted by (IG[s]) to make necessary arrangements; or

b. We want to interview you at (time) on (date) at (location). Our telephone number is \_\_\_\_\_.

3. You are a subject in this investigation. Although the allegation(s) against you is/are non-criminal, you do not have to answer questions that may tend to incriminate you. The investigator(s) will give you an opportunity to respond to the allegation(s). You have the right to consult with an attorney before being questioned, but you do not have the right to have an attorney present during the interview.

4. (Subject's Commander) has been notified of this investigation.

5. To help protect the confidentiality and the rights, privacy, and reputations of all parties involved in IG Investigations, we ask each party not to discuss or reveal matters under investigation. Accordingly, we ask that you not discuss this matter with anyone except your attorney, if you choose to consult one.

6. (Subject) was (telephonically/ personally) notified of the above at (time) on (date).

\_\_\_\_\_  
(Signature of Notifying Official)

**WITNESS CONTACT FORMAT**

To (Rank and Name): \_\_\_\_\_

Position/Organization: \_\_\_\_\_

Phone (DSN/Comm): \_\_\_\_\_ (CHECK WHEN DONE)

1. \_\_\_\_\_, this is \_\_\_\_\_ from the (IG Office). We have been directed by (directing authority) to investigate the allegations of: (as stated in directive)\*.

\*Note: Use the general wording from the directive. If you need to be more specific, use the wording from the action memorandum.

2. You are not suspected of wrongdoing in this matter, but we believe you have information relevant to the investigation and we need to interview you as a witness. We would like to interview you at (time) on (date) at (location). The investigator(s) is/are \_\_\_\_\_ and \_\_\_\_\_. Our telephone number is \_\_\_\_\_.

3. (Witness' Commander/Supervisor) has been notified of the investigation. (Note: omit for non-DoD civilians.)

4. To protect the confidentiality and the rights, privacy, and reputations of all parties involved in IG Investigations, we ask each party not to discuss or reveal matters under investigation. Accordingly, we ask that you not discuss this matter with anyone except your attorney, if you choose to consult one.

5. (Witness) was (telephonically/personally) notified of the above at (time) on (date).

\_\_\_\_\_  
(Signature of Notifying Official)

**COMMAND NOTIFICATION FORMAT**

To (Rank and Name): \_\_\_\_\_

Position/Organization: \_\_\_\_\_

Phone (DSN/Comm): \_\_\_\_\_ (CHECK WHEN DONE)

1. \_\_\_\_\_, this is \_\_\_\_\_ from the  
(IG Office). I am calling to inform you that (directing authority) has directed this office to  
investigate allegations that (See action memo)\*:

\_\_\_\_\_  
\_\_\_\_\_

\* Note: Commanders should normally be made aware of exactly what is being investigated.

2. It may be necessary to interview members of your organization regarding this/these matter(s).  
(IG Name) from this office will arrange the witness interviews.

3. (You may)/(I will) notify intermediate commander(s)/ supervisor(s) of this investigation.

4. To protect the confidentiality and the rights, privacy, and reputations of all parties involved in  
IG Investigations, we ask each party not to discuss or reveal matters under investigation.  
Accordingly, we ask that you not discuss this matter with anyone.

5. (Command Official) was (telephonically/ personally) notified of the above at (time) on (date).

\_\_\_\_\_  
(Signature of Notifying Official)

**INTERVIEW GUIDE WITNESS READ-IN**

1. The time is \_\_\_\_\_. This recorded interview is being conducted on (date), at (location; if telephonic, state both locations). Persons present are the witness (name); the investigating officer(s) \_\_\_\_\_; (court reporters, attorney, union representative, others) .

This (investigation/inquiry) has been directed by \_\_\_\_\_ concerning allegations that (as stated in directive): \_\_\_\_\_

Note: Inform witness to identify classified material and that the report will be properly classified. Advise the witness of the security clearances held by IG personnel.

2. An inspector general is an impartial fact finder for the commander. Testimony taken by an IG and reports based on the testimony may be used for official purposes. Access is normally restricted to persons who clearly need the information to perform their official duties. In some cases, disclosure to other persons may be required by law or regulation, or may be directed by proper authority. Upon completion of this interview, I will ask you whether you consent to the release of your testimony if requested by members of the public pursuant to the Freedom of Information Act.

3. Since I will ask you to provide your social security number to help identify you as the person testifying, I am providing you a Privacy Act Statement. (If telephonic, it may be necessary to read the Privacy Act Statement.) Do you understand it?

4. You are not suspected of any criminal offense and are not the subject of any unfavorable information.

5. Before we continue, I want to remind you of the importance of presenting truthful testimony. It is a violation of Federal law to knowingly make a false statement under oath. Do you have any questions before we begin? Please raise your right hand so I may administer the oath.

Do you swear (or affirm) that the testimony you are about to give shall be the truth, the whole truth and nothing but the truth so help you God?

Note: The witness should audibly answer, "yes" or "I do." The phrase "so help me God" may be omitted.

6. Please state your (as applicable):

Name

Rank (Active/Reserve/Retired)

Grade/Position

Organization

Social security number (voluntary)

Address (home or office)

(QUESTIONING)

7. Question the witness. See Chapter 9 (Interviewing) of the IGMC Assistance & Investigations Manual.

a. If during this interview the witness suggests personal criminal involvement, the witness must be advised of his/her rights using the Rights Warning Procedure/Waiver Statement (Appendix D). Unless rights are waived, the interview ceases. If during the interview you believe the witness has become a subject, advise him/her that he/she need not make any statement which may incriminate him/her.

b. If, during the interview, it becomes necessary to advise a witness about making false statements or other false representations, read the following statement to the witness, as applicable.

1. Active duty personnel or USMCR subject to UCMJ. "I consider it my duty to advise you that any person subject to the UCMJ who, with intent to deceive, signs any false record, return, regulation, order, or other official document, knowing the same to be false, may be subject to action under the provisions of UCMJ, Art. 107. Additionally, under the provisions of UCMJ, Art. 134, any person subject to the UCMJ who makes a false statement, oral or written, under oath, believing the statement to be untrue, may be punished as a court-martial may direct." Do you understand?

2. Civilian/personnel not subject to UCMJ. "I consider if my duty to advise you that under the provisions of section 1001, United States Code, whoever in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up by a trick, scheme, or device, a material fact, or makes any false, fictitious, or fraudulent statement or representation, shall be fined not more than \$10,000 or imprisoned for not more than five years, or both. Additionally, any person who willfully and contrary to his/her oath testifies falsely while under oath may be punished for perjury under the provisions of Title 18, US Code Section 1621." Do you understand?

(READ-OUT)

8. Do you have anything else you wish to present?

9. Who else do you think we should talk to, and why?

10. To protect the confidentiality of IG investigations and the rights, privacy, and reputations of all people involved in them, we ask people not to discuss or reveal matters under investigation. Accordingly, we ask that you not discuss this matter with anyone except your attorney, if you choose to consult one. Note: Others present should also be advised against disclosing information.

11. Your testimony may be made part of an official inspector general record. Earlier, I advised you that while access is normally restricted to persons who clearly need the information to perform their official duties, your testimony may be released outside official channels. Individual members of the public who do not have an official need to know may request a copy of this record, to include your testimony. If there is such a request, do you consent to the release of your testimony outside official channels (Witness must state "yes" or "no.")

12. Do you have any questions? The time is \_\_\_\_\_, and the interview is concluded. Thank you.

**INTERVIEW GUIDE SUBJECT READ IN**

1. The time is \_\_\_\_\_. This recorded interview is being conducted on (DATE), at (location; if telephonic, state both locations). Persons present are the subject (name) ; the investigating officer(s) \_\_\_\_\_; and (court reporters, attorney, union representative, others). This (investigation/inquiry) has been directed by \_\_\_\_\_ concerning allegations that (as stated in directive):

\_\_\_\_\_ .

Note: Inform the subject to identify classified material and that the report will be properly classified. Advise the subject of the security clearances held by IG personnel.

2. An Inspector General is an impartial fact finder for the commander. Testimony taken by an IG and reports based on the testimony may be used for official purposes. Access is normally restricted to persons who clearly need the information to perform their official duties. In some cases, disclosure to other persons may be required by law or regulation, or may be directed by proper authority. Upon completion of this interview, I will ask you whether you consent to the release of your testimony if requested by members of the public pursuant to the Freedom of Information Act.

3. Since I will ask you to provide your social security number to help identify you as the person testifying, I am providing you a Privacy Act Statement. (If telephonic, it may be necessary to read the Privacy Act Statement.) Do you understand it?

4. While you are not suspected of a criminal offense, we have information which may be unfavorable to you. We are required to give you the opportunity to comment on these matters. However, you do not have to answer any question that may tend to incriminate you. The information is that: \_\_\_\_\_.

5. Before we continue, I want to remind you of the importance of presenting truthful testimony. It is a violation of Federal law to knowingly make a false statement under oath. Do you have any questions before we begin? Please raise your right hand so I may administer the oath. Do you swear (or affirm) that the testimony you are about to give shall be the truth, the whole truth and nothing but the truth so help you God? Note: The subject should audibly answer, "yes" or "I do." The phrase "so help me God" may be omitted.

6. Please state your (as applicable):

Name

Rank (Active/Reserve/Retired)

Grade/Position

Organization

Social security number (voluntary)

Address (home or office)

(Questioning)

7. Question the subject. See Chapter 9 (Interviewing) of the IGMC Assistance & Investigations Manual.

a. If during this interview the subject suggests personal criminal involvement, the individual must be advised of his/her rights using the Rights Warning Procedure/Waiver Statement (Appendix D). Unless rights are waived, the interview ceases.

b. If, during the interview, it becomes necessary to advise the subject about making false statements or other false representations, read the following statement to the subject, as applicable.

1. (For active duty personnel or USMCR subject to UCMJ). "I consider it my duty to advise you that any person subject to the UCMJ who, with intent to deceive, signs any false record, return, regulation, order, or other official document, knowing the same to be false, may be subject to action under the provisions of UCMJ, Art. 107. Additionally, under the provisions of UCMJ, Art. 134, any person subject to the UCMJ who makes a false statement, oral or written, under oath, believing the statement to be untrue, may be punished as a court-martial may direct." Do you understand?

2. (For civilian/personnel not subject to UCMJ). "I consider if my duty to advise you that under the provisions of section 1001, United States Code, whoever in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up by a trick, scheme, or device, a material fact, or makes any false, fictitious, or fraudulent statement or representation, shall be fined not more than \$10,000 or imprisoned for not more than five years, or both. Additionally, any person who willfully and contrary to his/her oath testifies falsely while under oath may be punished for perjury under the provisions of Title 18, US Code Section 1621." Do you understand?

(READ-OUT)

8. Do you have anything else you wish to present?

9. Who else do you think we should talk to, and why?

10. To protect the confidentiality of IG investigations and the rights, privacy, and reputations of all people involved in them, we ask people not to discuss or reveal matters under investigation. Accordingly, we ask that you not discuss this matter with anyone except your attorney, if you choose to consult one. Note: Others present should also be advised against disclosing information.

11. Your testimony may be made part of an official inspector general record. Earlier, I advised you that while access is normally restricted to persons who clearly need the information to perform their official duties, your testimony may be released outside official channels. Individual members of the public who do not have an official need to know may request a copy of this record, to include your testimony. If there is such a request, do you consent to the release of your testimony outside official channels (Witness must state "yes" or "no.")

12. Do you have any questions? The time is \_\_\_\_\_, and the interview is concluded. Thank you.

**ARTICLE 31 RIGHTS WARNING FORM SUBJECT (SUSPECTED OF WRONGDOING)**

This form is issued to Rank, Name, SSN/MOS Component as part of IGMC Investigation into alleged: \_\_\_\_\_

**Rights Warning**

\_\_\_\_\_ 1. You are suspected of violating Article ( ), UCMJ, ....., in that, .....

\_\_\_\_\_ 2. You have the right to remain silent.

\_\_\_\_\_ 3. Any statement you make may be used against you in a trial by court-martial.

\_\_\_\_\_ 4. You have the right to consult with a lawyer before any questioning. The lawyer may be a civilian lawyer retained by you at your own expense, a military lawyer appointed to act as your lawyer without cost to you, or both.

\_\_\_\_\_ 5. You have the right to have such a retained civilian lawyer and/or appointed military lawyer present during this interview.

\_\_\_\_\_ 6. If you decide to answer questions now, without a lawyer present, you have the right to stop this interview at any time. You also have the right to stop answering questions at any time in order to obtain a lawyer.

**Rights Waiver**

1. Do you want a lawyer? Yes\_\_\_\_\_ No\_\_\_\_\_

If yes, provide the lawyers name and have them provide their signature to verify you spoke to them prior to answering any questions.

Lawyer Name \_\_\_\_\_

Lawyer Signature\_\_\_\_\_

2. Do you understand that if you should decide to answer questions, you may stop answering at any time?

Yes\_\_\_\_\_ No\_\_\_\_\_

3. Do you want to answer questions and provide a statement?

Yes\_\_\_\_\_ No\_\_\_\_\_

Date:

Name (print)\_\_\_\_\_ Signature\_\_\_\_\_

Rank\_\_\_\_\_ SSN\_\_\_\_\_

**ARTICLE 31 RIGHTS WARNING FORM SUBJECT (NOT SUSPECTED OF WRONGDOING)**

This form is issued to Rank, Name, SSN/MOS, Component as part of IGMC Investigation into allegations that: \_\_\_\_\_

You are the Subject of this investigation, however, you are not suspected of wrongdoing at this time.

**Rights Warning**

\_\_\_\_\_ 1. Although you are not suspected of committing a criminal offense, or violating the UCMJ, the information you provide during your testimony may be unfavorable towards you.

\_\_\_\_\_ 2. You have the right to remain silent.

\_\_\_\_\_ 3. Any statement you make may be used against you in a trial by court-martial.

\_\_\_\_\_ 4. You have the right to consult with a lawyer before any questioning. The lawyer may be a civilian lawyer retained by you at your own expense, a military lawyer appointed to act as your lawyer without cost to you, or both.

\_\_\_\_\_ 5. You have the right to have such a retained civilian lawyer and/or appointed military lawyer present during this interview.

\_\_\_\_\_ 6. If you decide to answer questions now, without a lawyer present, you have the right to stop this interview at any time. You also have the right to stop answering questions at any time in order to obtain a lawyer.

**Rights Waiver**

1. Do you want a lawyer? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, provide the lawyers name and have them provide their signature to verify you spoke to them prior to answering any questions.

Lawyer Name \_\_\_\_\_

Lawyer Signature \_\_\_\_\_

2. Do you understand that if you should decide to answer questions, you may stop answering at any time?

Yes \_\_\_\_\_ No \_\_\_\_\_

3. Do you want to answer questions and provide a statement?

Yes \_\_\_\_\_ No \_\_\_\_\_

Date:

Name (print) \_\_\_\_\_ Signature \_\_\_\_\_

Rank \_\_\_\_\_ SSN \_\_\_\_\_

**ARTICLE 31 RIGHTS WARNING FORM WITNESS (POTENTIAL WRONGDOING)**

This form is issued to Rank, Name, SSN/MOS, Component as part of DNIGMC Investigation into allegations that:\_\_\_\_\_

Rights Warning

\_\_\_\_\_ 1. Although you are not suspected of committing a criminal offense, or violating the UCMJ, the information you provide during your testimony may be unfavorable towards you.

\_\_\_\_\_ 2. You have the right to remain silent.

\_\_\_\_\_ 3. Any statement you make may be used against you in a trial by court-martial.

\_\_\_\_\_ 4. You have the right to consult with a lawyer before any questioning. The lawyer may be a civilian lawyer retained by you at your own expense, a military lawyer appointed to act as your lawyer without cost to you, or both.

\_\_\_\_\_ 5. You have the right to have such a retained civilian lawyer and/or appointed military lawyer present during this interview.

\_\_\_\_\_ 6. If you decide to answer questions now, without a lawyer present, you have the right to stop this interview at any time. You also have the right to stop answering questions at any time in order to obtain a lawyer.

Rights Waiver

1. Do you want a lawyer? Yes\_\_\_\_\_ No\_\_\_\_\_

If yes, provide the lawyers name and have them provide their signature to verify you spoke to them prior to answering any questions.

Lawyer Name \_\_\_\_\_

Lawyer Signature\_\_\_\_\_

2. Do you understand that if you should decide to answer questions, you may stop answering at any time?

Yes\_\_\_\_\_ No\_\_\_\_\_

3. Do you want to answer questions and provide a statement?

Yes\_\_\_\_\_ No\_\_\_\_\_

Date:

Name (print)\_\_\_\_\_ Signature\_\_\_\_\_

Rank\_\_\_\_\_ SSN\_\_\_\_\_

**INTERVIEW FORM WITNESS**

1. This interview is required as part of an Inspector General Investigation/Inquiry into allegations of . . .

2. The official conducting this inquiry is a credentialed assistant inspector general for investigations. A credentialed investigator is an impartial fact finder for the Secretary of the Navy, Commandant of the Marine Corps, or Deputy Naval Inspector General for Marine Corps Matters. Testimony taken for Inspector General reports may be used for official purposes. Access is normally restricted to persons who clearly need the information to perform their official duties. In some cases, disclosure to other persons may be required by law or regulation, or may be directed by proper authority.

**2. You are not suspected of any criminal offense or violation of the UCMJ, and are not the subject of any unfavorable information.** However, you must be reminded of the importance of presenting truthful testimony and that it is a violation of the UCMJ to knowingly make a false official statement. You must also be reminded it is your duty to truthfully answer the questions presented to you.

3. Please provide your: (as applicable)  
Name Rank \_\_\_\_\_  
Organization \_\_\_\_\_  
Address (home or office) \_\_\_\_\_  
Phone number \_\_\_\_\_

4. In answering the questions of the investigator remember to provide the following specific information:

- a. Do you have any first hand knowledge?
- b. Do you know of anyone else who may have information?
- c. If you have knowledge provide a complete description of the event to include the Who, What, When, Where and Why type answers.

5. Questions:

6. Please provide any additional information you wish to present and the names of anyone else you think who should be interviewed.

7. The Inspector General is required to protect the confidentiality of Inspector General investigations/inquiries and the rights, privacy, and reputations of all people involved in them. You are requested not to discuss or reveal matters under investigation or inquiry. Accordingly, we ask that you not discuss this matter with anyone except your attorney, if you choose to consult one, without permission of the inquiry officer.

8. Please fill out this interview form including your signature and date. In addition, your responses to questions should be provided on a separate sheet(s) of paper dated and signed. Return this interview form and your answer sheets to the DNIGMC in the envelope provided.

\_\_\_\_\_ (Signature of interviewee)  
(Date)



**EMPLOYEE ADVISEMENT OF RIGHTS  
(CRIMINAL/NON-CUSTODIAL)  
GARRITY WARNINGS**

You are being asked to provide information as part of an investigation being conducted by the Office of the Inspector General into alleged misconduct and/or improper performance of official duties. This investigation is being conducted pursuant to SECNAVINST 5340.57G.

This is a voluntary interview. Accordingly, you do not have to answer questions. No disciplinary action will be taken against you solely for refusing to answer questions.

Any statement you furnish may be used as evidence in any future criminal proceeding or agency disciplinary proceeding, or both.

**ACKNOWLEDGEMENT**

I understand the warnings and assurances stated above and I am willing to make a statement and answer questions. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

\_\_\_\_\_  
Investigator  
Office of the Inspector General

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
(Print Name)

Witness: \_\_\_\_\_  
Time: \_\_\_\_\_

Date: \_\_\_\_\_  
Location: \_\_\_\_\_

	<p><b>EMPLOYEE ADVISEMENT OF RIGHTS AND OBLIGATIONS</b> (ADMINISTRATIVE/NON-CUSTODIAL) KALKINES WARNINGS</p>
---	--

You are going to be asked a number of specific questions concerning the performance of your official duties within the Department of the Navy.

You have a duty to reply to these questions, and agency disciplinary proceedings resulting in your discharge may be initiated as a result of your answers.

However, neither your answers nor any information or evidence which is gained by reason of such statements can be used against you in any criminal proceedings.

You may be subject to dismissal if you refuse to answer or fail to respond truthfully and fully to any question.

**ACKNOWLEDGEMENT**

I have read or have had read to me the above advisement of my rights and obligations as an employee of the Department of the Navy. I understand these rights.

\_\_\_\_\_  
Investigator  
Office of the Inspector General

\_\_\_\_\_  
Employee ' s Signature  
\_\_\_\_\_  
(Print Name)

Witness: \_\_\_\_\_  
Time: \_\_\_\_\_

Date: \_\_\_\_\_  
Location: \_\_\_\_\_

	<b>EMPLOYEE NOTIFICATION REGARDING UNION REPRESENTATION</b> <b>Weingarten Warnings</b>
---	---

Pursuant to 5 USC 7114(a)(2)(B) you have the right to be represented during the interview about to take place by a person designated by the exclusively recognized labor organization for the unit in which you work, if you reasonably believe that the results of this interview may result in disciplinary action against you and you request representation.

**ACKNOWLEDGEMENT**

I acknowledge receipt of this notification of my right to union representation.

\_\_\_\_\_  
Investigator  
Office of the Inspector General

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
(Print Name)

Witness: \_\_\_\_\_  
Time: \_\_\_\_\_

Date: \_\_\_\_\_  
Location: \_\_\_\_\_



## Appendix B

### Sample Letter Formats

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5000  
IGA

NAME  
123 ANY STREET  
ANYCITY, ANYSTATE 55555

Dear NAME:

SUBJECT: INSPECTOR GENERAL OF THE MARINE CORPS CASE #0000XXX

This is in reply to your facsimile to the Inspector General of the Marine Corps (IGMC) of June 5, 2007 concerning an incident at Marine Corps Base Camp Pendleton.

The IGMC forwarded your complaint to Command Inspector General, Marine Corps Base Camp Pendleton. You will be provided more information as expeditiously as possible.

Thank you for bringing this matter to our attention. The point of contact at Headquarters Marine Corps for inquiries related to this matter is RANK NAME at (703) 614-1348.

Sincerely,

NAME  
Deputy Director  
Assistance and Investigations  
Division

ACKNOWLEDGMENT LETTER

5000

IGA

Name  
(Via email:  
*marinemom@hotmail.com*)

Dear Name,

SUBJECT: INSPECTOR GENERAL OF THE MARINE CORPS CASE #000XXXX

This is in reply to your correspondence to the Inspector General of the Marine Corps (IGMC) dated April 1, 2006. Because the IGMC wants to be fully responsive, we request that you provide the IGMC with additional information regarding your complaint and what type of response you want from the IGMC.

Contact information for the IGMC is provided:

Office of the Inspector General of the Marine Corps  
2 Navy Annex (Room 2232)  
Washington, D.C. 20380-1775

Tel: 703.614.1349  
Fax: 703.697.6690  
Web: <http://hqinet001.hqmc.usmc.mil/ig/index.htm>  
Email: [orgmb.igmc.hotline@nmci.usmc.mil](mailto:orgmb.igmc.hotline@nmci.usmc.mil)

The point of contact at Headquarters Marine Corps for inquiries related to this matter is Rank Name at (703) 614-1349.

Sincerely,

NAME  
Deputy Director  
Assistance and Investigations  
Division

ACKNOWLEDGMENT LETTER:  
REQUEST MORE INFO

5000

IGA

Jane Doe  
(Via e-mail:  
*janedoe@IP.com*)

Dear Ms. Ralston:

SUBJECT: INSPECTOR GENERAL OF THE MARINE CORPS CASE #0002021

This is in reply to your August 13, 2007 e-mail to the Inspector General of the Marine Corps (IGMC) concerning an e-mail scam involving the use of a deceased veteran's name.

The appropriate agency to resolve such matters is the Federal Trade Commission, whose contact information is provided:

Federal Trade Commission  
600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20580  
[www.ftc.gov](http://www.ftc.gov)  
1-877-FTC-HELP

The IGMC hopes this information will help resolve your issue and considers this case closed. The point of contact for inquiries related to this matter is GRADE NAME at (703) 614-1349.

Sincerely,

NAME  
Deputy Director  
Assistance and Investigations  
Division

CLOSURE LETTER TO COMPLAINANT:  
REFERRAL TO OUTSIDE AGENCY

5041

IGA

NAME  
STREET  
CITY, STATE 55555

Dear NAME:

SUBJECT: INSPECTOR GENERAL OF THE MARINE CORPS CASE #000XXXX

This is in reply to your letter dated February 6, 2006 to the Inspector General of the Marine Corps (IGMC) concerning [SUBJECT OF COMPLAINT].

As you are aware from the March 10, 2006 IGMC letter to you, your concerns were forwarded to the II Marine Expeditionary Force Command Inspector General for appropriate action. You were also advised that you would receive more information from our office as expeditiously as possible.

During the course of the inquiry, we were made aware that [SENATOR] has intervened on your behalf. The results of that inquiry will be provided to [SENATOR] rather than directly to you. This policy ensures you will receive a fully responsive reply which may be based partially on information obtained from sources from other than this office.

If you have questions regarding this matter we recommend you contact your Congressional Representative.

Sincerely,

NAME  
Deputy Director  
Assistance and Investigations  
Division

CLOSURE LETTER TO COMPLAINANT:  
CONGRESSIONAL INTERVENTION

5000

IGA

From: Inspector General of the Marine Corps  
To: Commanding General, 2d Marine Aircraft Wing,  
PSC Box 8050, Cherry Point, NC 28533  
(Attn: Command Inspector General)

Subj: IGMC CASE #0000XXX

Ref: (a) MCO 5430.1  
(b) IGMC Investigations Manual

Encl: (1) Hotline Complaint #0000XXX

1. Per the references, this case is referred to your command as a matter under your cognizance. The enclosure may lack sufficient detail or significant subject matter to warrant formal inquiry. If administrative or disciplinary action is taken, please provide documentation to the Inspector General of the Marine Corps.

2. The point of contact at Headquarters Marine Corps for inquiries related to this matter is RANK NAME, DSN 224-1349 or commercial (703) 614-1349.

NAME  
By direction

## INFORMATION LETTER (ASSISTANCE)

5000  
IGA

From: Inspector General of the Marine Corps  
To: Commanding General, Marine Corps Combat Development  
Command, 3250 Catlin Ave., Suite 116, Quantico, VA 22134  
(Attn: Command Inspector General)

Subj: IGMC CASE #000XXXX

Ref: (a) MCO 5430.1  
(b) IGMC Assistance and Investigations Manual

Encl: (1) Hotline Complaint #000XXXX

1. In accordance with the references, the enclosure is forwarded to your command for action as you deem appropriate. At a minimum, inquire into the following:

a. Whether . . .

2. This matter is of Special Interest to the Inspector General of the Marine Corps. It is requested that continued written updates on the status of the matter and/or actions by your command be provided, and that a written description of the final case action be forwarded to this office for our records.

3. The point of contact for inquiries related to this matter is GRADE NAME, DSN 224-1349 or commercial 703-614-1349.

NAME  
By direction

## SPECIAL INTEREST LETTER (ASSISTANCE)

5041

IGA

From: Inspector General of the Marine Corps  
To: Commanding General, 1st Marine Division, Box 555380,  
Camp Pendleton CA 92055-5380  
(Attn: Command Inspector General)

Subj: IGMC CASE #000XXXX

Ref: (a) MCO 5430.1  
(b) IGMC Investigations Manual

Encl: (1) IGMC CASE #000XXXX

1. In accordance with the references, the enclosure is forwarded as a matter under your cognizance. At a minimum, the following allegation must be investigated:

a. That Chief Warrant Officer 2 John Doe, USMC, misused his official position for his own private gain or for that of persons or organizations with which he is associated personally, in violation of 5 CFR 2635, Standards of Ethical Conduct for Employees of the Executive Branch, on or about January 2007.

2. Appendix C of reference (b) outlines the format for a Hotline Completion Report (HCR). Provide this Headquarters a command HCR by 11 June 2007. Requests for extension must be submitted via email and should clearly identify the specific reason(s) for the request and the projected completion date.

3. Upon completion of the investigation and pursuant to paragraphs 0319 and 0551 of reference (b), a legal review and a command endorsement expressing concurrence or nonconcurrence with the investigating officer's conclusions and recommendations should be forwarded with the HCR to IGMC.

4. If the matter is referred to the Naval Criminal Investigative Service or the Criminal Investigative Division, advise IGMC of the NCIS/CID case control number.

5. At the conclusion of any administrative, judicial, nonjudicial, or other corrective action(s), please provide any

Subj: IGMC CASE #000XXXX

final disposition(s) by separate correspondence. Do not delay the submission of the HCR pending completion of command action.

6. The point of contact at Headquarters Marine Corps for inquiries related to this matter is GRADE NAME, at DSN 224-1349 or commercial 703-614-1349.

NAME

By direction

## TASKING LETTER

5041  
IGA

NAME  
123 ANY STREET  
ANYCITY, ANystate 55555

Dear NAME,

SUBJECT: INSPECTOR GENERAL OF THE MARINE CORPS CASE #000XXXX

This is in reply to your April 1, 2006 letter to the Inspector General of the Marine Corps (IGMC) concerning [issue/complaint raised].

The IGMC forwarded your complaint to the Command Inspector General, Marine Corps Recruiting Command (MCRC) for appropriate action. The Commanding General, MCRC appointed an investigating officer to conduct a thorough inquiry into the allegations raised by your letter. As a result of the inquiry, we did not substantiate your allegations.

Thank you for bringing this matter to our attention. The IGMC considers this case closed. The point of contact at Headquarters Marine Corps for inquiries related to this matter is RANK NAME at (703) 614-1349.

Sincerely,

NAME  
Deputy Director  
Assistance & Investigations  
Division

**CLOSURE LETTER TO COMPLAINANT:  
ALLEGATIONS NOT SUBSTANTIATED**

5041

IGA

NAME  
123 ANY STREET  
ANYCITY, ANystate 55555

Dear NAME:

SUBJECT: INSPECTOR GENERAL OF THE MARINE CORPS CASE #000XXXX

This is in reply to your April 1, 2006 letter to the Inspector General of the Marine Corps (IGMC) concerning [issue/complaint raised].

The IGMC forwarded your complaint to the Command Inspector General, Marine Corps Installations East for appropriate action. The Commanding General, Marine Corps Installations East appointed an investigating officer to conduct a thorough inquiry into the allegations raised by your letter.

As a result of the inquiry, we substantiated your allegations. In addition, we have been informed by the Command Inspector General, Marine Corps Installations East that appropriate action has been taken in this matter. Thank you for bringing this matter to our attention.

The IGMC considers this case closed. The point of contact at Headquarters Marine Corps for inquiries related to this matter is RANK NAME at (703) 614-1349.

Sincerely,

NAME  
Deputy Director  
Assistance & Investigations  
Division

CLOSURE LETTER TO COMPLAINANT:  
ALLEGATIONS SUBSTANTIATED

5041  
IGA

Name  
Street  
City, State Zip

Dear Name:

SUBJECT: INSPECTOR GENERAL OF THE MARINE CORPS CASE #0000XXX

This letter responds to your (letter/email/facsimile) to the Inspector General of the Marine Corps (IGMC) concerning (Insert Matter). The IGMC completed a thorough review of this matter and determined that it is pending judicial action.

The IGMC will not initiate inquiries based on matters that are still undergoing administrative, non-judicial, or judicial action. This office does not substitute its judgment for that of such proceedings, and avoids any potential for command influence on such proceedings. Each case is decided upon its own merits, and determination of guilt and any resulting punishment is the duty of the jury, military judge, or presiding officer. The results may be appealed according to established due process procedures to protect a Marine's rights, and to preserve the fundamental fairness of each process.

Accordingly, I regret to advise you that your complaint provides no basis for investigation by IGMC. It is recommended that you inform your counsel of this matter. The IGMC considers this case closed. The point of contact for inquiries related to this matter is NAME at (703) 614-1349.

Sincerely,

NAME  
Deputy Director  
Assistance and Investigations  
Division

CLOSURE LETTER TO COMPLAINANT:  
PENDING JUDICIAL ACTION

5041  
IGA

NAME  
123 ANY STREET  
ANYCITY, ANYSTATE 55555

Dear NAME,

SUBJECT: INSPECTOR GENERAL OF THE MARINE CORPS CASE #000XXXX

This is in reply to your correspondence of June 24, 2005 alleging that a Marine incurred a debt to you through an eBay auction.

This office analyzed your complaint and determined that the Marine's chain of command has appropriately investigated and addressed this matter. Additionally, your complaint provides no new evidence or information that would justify further investigation.

Therefore, the Inspector General of the Marine Corps will close this case. The point of contact for inquiries related to this matter is RANK NAME at (703) 614-1349.

Sincerely,

NAME  
Deputy Director  
Assistance and Investigations  
Division

CLOSURE LETTER TO COMPLAINANT:  
NO NEW INFORMATION

5000  
IGA

Mr. and Mrs. John Doe  
(Via email:  
johndoe@IP.com)

Dear Mr. and Mrs. Doe:

SUBJECT: INSPECTOR GENERAL OF THE MARINE CORPS CASE #000xxxx

This is in reply to your email of June 28, 2006 to the Inspector General of the Marine Corps (IGMC) concerning circumstances surrounding the enlistment of your son, Private First Class John Doe, Jr., USMCR. Because the IGMC wants to be fully responsive, we conducted a thorough analysis of your concerns.

Legislation regarding an individual's right to privacy restricts us from releasing information on an individual's personal affairs to third parties without consent. Therefore, we are precluded from providing a complete reply to you without Private First Class Smith's consent.

The point of contact at Headquarters Marine Corps for inquiries related to this matter is RANK NAME at (703) 614-1349.

Sincerely,

NAME  
Deputy Director  
Assistance and Investigations  
Division

CLOSURE LETTER TO COMPLAINANT:  
3RD PARTY

## Appendix C

### Investigative Report Formats

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Hotline Completion Report (Template)	C-13

## Letter Report Format

### 1. Guidelines:

a. Use the Letter Report (LR) when your conclusions are based on clear, convincing and undisputed direct evidence and you do not have to discuss and weigh the evidence or circumstances of any allegation to explain why you arrived at your conclusion. Accordingly, the LR may be considered when the determination is Substantiated, Unfounded, or lacked investigative merit. The LR may not be used when the finding is Not Substantiated or Substantiated where the IO must weigh and discuss the evidence;

[Note: This condition must always exist for all allegations for you to submit the investigative results in the LR format. Where the finding for at least one allegation is unclear and you must weigh and discuss the evidence, then the Report of Investigation (ROI) format must be used to submit the results for all allegations.]

b. The IO was unable to associate a standard with an allegation; and/or, the action occurred as described in the allegation, but did not violate any standard; and/or,

c. The IO concluded that an allegation contained in the complaint was either substantiated or not substantiated based on the existence of another investigation, i.e., JAGMAN, command directed, NCIS report.

[Note: If a conclusion is based on an inquiry or another investigation that substantiated an allegation, you should consider interviewing the subject to record their explanation of why they did it and to offer mitigating factors, especially if there is the possibility of further accountability action.]

2. For Official Use Only: Place on the bottom of the first and last page of the LR the following statement:

FOR OFFICIAL USE ONLY – PRIVACY SENSITIVE  
Any misuse or unauthorized disclosure may result  
In both civil and criminal penalties

### 3. Letter Report Sections:

a. Section 1 is the Administrative Section where you discuss the complaint in general terms; list the investigating official(s), location of the case file, and hotline control numbers.

b. Section 2 is the Background and Summary Section (Optional). Include a summary of the allegation, optional information that may help the reader to understand the case, the Findings of the case, and a list of allegations.

c. Section 3 introduces the First Allegation. State the allegation and whether it was Substantiated, Unfounded, or lacked investigative merit. Present the facts, discuss your conclusion, make a recommendation (if applicable), and state the disposition (if applicable) to document the corrective action the responsible authority took regarding any substantiated allegations. If additional allegations follow, address each in the same way in subsequent paragraphs.

#### 4. Details for the Letter Report Sections:

a. Section 1, Administrative Information has three subparts:

(1) Open the paragraph with an overview of the investigation/inquiry to include a general statement concerning the allegation(s). The initial paragraph should end with the words: "Subsequently, we conclude that the facts in this case were unequivocal and undisputed and that further (inquiry or investigation) is unwarranted."

(2) Subpart a – List all of the investigators, not just the lead investigator. Include the full name, rank/grade, command, position in the command, telephone number, and e-mail address.

(3) Subpart b – Provide the exact location of the case file. Include the command, office, and address, to include the room number.

(4) Subpart c – List all of the Hotline Control Numbers.

b. Section 2, Background and Summary: Section 2 is an optional paragraph and may contain any background or optional information to help explain the circumstances surrounding the investigation/inquiry or an explanation that may assist the reader in understanding the report. It may contain the results of the Preliminary Inquiry (PI) and if any allegations were referred to the command or other process for investigation. You may also use this section to discuss any problems you encountered during the investigation.

c. Section 3, First Allegation:

(1) Section 3 is the "meat of your letter," and your Investigative Plan is the blueprint for the report. In the Plan, you have documented all of the information you will need to discuss each allegation, to include the applicable rules and regulations.

(2) When preparing the report, place the allegations in the order you intend to discuss them. The order depends on a number of factors. Consider organizing and discussing the allegations in one of these ways:

(a) In chronological order, if the timeline of events is essential to the overall understanding and flow of the report;

(b) Conceptually linked or that share common facts;

(c) Beginning with substantiated allegations, then unfounded allegations, and finally any allegations lacking investigative merit;

(d) More serious to less serious or sensitive subject matter;

(e) State the standard first then the chronology of events;

(f) State the facts supporting the allegation and/or the facts refuting the allegation.

(3) You are now prepared to introduce the first allegation and discuss it:

(a) State the first allegation in the proper format and whether it was Substantiated, Unfounded, or lacked investigative merit.

(b) Present the facts related to the allegation.

(c) Conclude whether the allegation was substantiated, unfounded, or lacked investigative merit.

(d) Make recommendation(s) (when appropriate).

(e) State the disposition (corrective or administrative action taken as a result of a substantiated allegation).

SAMPLE LETTER REPORT FORMAT

IN REPLY REFER TO:  
5041  
CMC-IG  
(date)

From: Inspector General of the Marine Corps  
To: (Command)

Subj: INQUIRY/INVESTIGATION INTO AN ALLEGATION AGAINST XXX XXXX X. XXXX  
(MCHL CASE #XXXXXXXX)

Ref: (a) DoD Memo of x xxx xx  
(b) MCO 5370.8 (Marine Corps Hotline Program)  
(c) IGMC A&I Manual of xx xxx 08  
(d) (others as required)

1. Reference (a) forwarded an anonymous DoD complaint that alleged one allegation. Per references (b) and (c), we reviewed the complaint and conducted an investigation/inquiry to determine the truth in the matter. Subsequently, we concluded that the facts in this case are unequivocal and undisputed and that further investigation/inquiry is unwarranted. (example paragraph)

a. Investigator(s) and Identifying Information.

Mr. John Doe, YA 1811 03, Special Investigator, Office of the Inspector General of the Marine Corps (IGMC), Tel: (703) 614-1348, ext 123, e-mail: [john.doe@usmc.mil](mailto:john.doe@usmc.mil). (example)

b. Location of Case File. IGMC (Attn: A&I Division), 2 Navy Annex (Room 3232-A), Washington, D.C. 20380-1775 (example)

c. The hotline control numbers is/are:

DoD Hotline #xxxxxx – Received complaint xx xxxx 20xx (sample)  
MCHL Case #xxxxxx Received complaint on xx xxxx 20xx (sample)

2. [Background and summary paragraph] (optional)

3. Allegation #1: (state the allegation with conclusion in **Bold**)

a. (sub-paragraphs as necessary)

4. The IGMC considers this case closed.

X. X. XXXXXXXX

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MARINE CORPS HOTLINE REPORT  
REPORT OF INVESTIGATION  
CASE #XXXXXXX  
As of (Date ROI is signed by IO)

1. Investigator(s) and Identifying Information and Location of Case File.
  - a. Investigator(s) and Identifying Information.
  - b. Location of case file.
2. Background and Summary.
  - a. Hotline control #s.
  - b. Origin of Complaint.
  - c. Summary of Complaint.
  - d. Notifications.
  - e. Scope of the IGMC (CIG) Action.
  - f. Summary of outcome of investigation.
  - g. Additional Information.
3. Allegation #1:
  - a. Facts.
    - (1)
    - (2)
    - (3)
  - b. Analysis/Discussion/Conclusion.
    - (1)
    - (2)
    - (3)

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c. Recommendations.

(1)

(2)

(3)

4. Personnel Interviewed

a.

b.

c.

X. X. XXXXXXXX

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**[SAMPLE ROI]**  
MARINE COPRS HOTLINE REPORT  
REPORT OF INVESTIGATION  
CASE #XXXXXXX  
As of (Date ROI is signed by IO)

1. Investigator(s) and Identifying Information and Location of Case File.

a. Investigator(s) and Identifying Information.

Mr. John Doe, YA 1811 03, Special Investigator, Office of the Inspector General of the Marine Corps (IGMC), Tel: (703) 614-1348, ext 123, e-mail: [john.doe@usmc.mil](mailto:john.doe@usmc.mil). (example)

b. Location of case file:

IGMC (Attn: A&I Division), 2 Navy Annex (Room 3232-A), Washington, D.C. 20380-1775

2. Background and Summary.

a. Hotline control # and Origin of Complaint.

(1) MCHL #000xxxx

(2) The IGMC received the complaint on 10 May 20xx via telephone, mail, email, fax, DoD, Legislative Affairs, or other. (example)

b. Origin of Complaint.

(1) On 25 January 2008, the IGMC received a DoDIG hotline referral (#07-xyz) concerning matters contained in a hotline complaint. Accordingly, a complaint analysis was conducted. As a result, the IGMC directed a hotline investigation to be opened. The IGMC elected to retain this case because the allegations dealt with issues from the Subject's former duty station, MCB Quantico, VA.

(2) SSgt John J. Jones, USMC was identified as the subject of this investigation.

(3) SSgt Jones is a member of, x company, 1stBn, 5<sup>th</sup> Marines, 1<sup>st</sup> MARDIV, MCB CP, CA formerly a member of HQBN, MCB Quantico, VA.

(4) The Complainant was anonymous.

c. Summary of Complaint. (what issues, complaints, or allegations did the complainant bring to the IG)

d. Notifications.

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(1) On 27 January 2008, the CIG, 1<sup>st</sup> MARDIV was notified that the IGMC had a hotline investigation in progress dealing with SSgt Jones.

(2) On 27 January 2008, the CIG, MCB Quantico was notified that the IGMC had a hotline investigation in progress dealing with personnel assigned to Quantico.

(3) On 27 January 2008, SSgt Jones was notified by the IO that he was the Subject of a Hotline investigation.

e. Scope of the IGMC Action.

(1) The IGMC directed a hotline investigation concerning two allegations against SSgt Jones.

(2) Allegations:

(a) Allegation #1: That ... The allegation should specify Who, did What, to Whom, in violation of What order, regulation, or policy, and When. Example: That Staff Sergeant John J. Jones, USMC (Who), did establish an inappropriate relationship with a subordinate (What), Lance Corporal Jill C. Kelly, USMC (Who), in violation of MCO 1700.28 (Hazing) (What), between February through May 200xx (When). (example)

(b) Allegation #2: That ... The allegation should specify Who, did What, to Whom, in violation of What order, regulation, or policy, and When. Example: That Staff Sergeant John Jones, USMC, . . .

f. Summary of Outcome of Investigation. The results of the investigation were one allegation Substantiated and one allegation Not Substantiated. A copy of the ROI was provided to the CG, 1<sup>st</sup> MARDIV for review and any action deemed appropriate.

g. Additional Information. Review of IG records did not reveal any adverse information on SSgt Jones.

3. Allegation #1: That ... The allegation should specify Who, did What, to Whom, When, in violation of What order, regulation, or policy. Example: That Staff Sergeant Jack R. Uphill, USMC (Who), did establish an inappropriate relationship with a subordinate (What), Lance Corporal Jill R. Downhill, USMC (Who), between February through May 200xx (When), in violation of MCO 1700.28 (Hazing) (What). **Substantiated**. (example)

a. Facts.

(1)

(2)

(3)

b. Analysis/Discussion/Conclusion.

(1)

(2)

(3)

c. Recommendations.

(1)

(2)

(3)

4. Allegation #2: That ... The allegation should specify Who, did What, to Whom, in violation of What order, regulation, or policy, and When. Example: That Staff Sergeant Jack Uphill, USMC, . . . . **Not Substantiated**.

a. Facts.

(1)

(2)

(3)

b. Analysis/Discussion/Conclusion.

(1)

(2)

(3)

c. Recommendations.

(1)

(2)

5. Personnel Interviewed

a.

b.

X. X. XXXXXXXX

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## Inspector General of the Marine Corps

---

Marine Corps Hotline  
Case #000xxxx

[date]

This report has been approved by the IGMC

(signature)  
I. G. GENERAL

### WARNING

This is an Inspector General, Program (IGP) document and may contain information that could identify a hotline source of information. The Inspector General Act of 1978, as amended, §7(b), requires the Inspector General to protect the identity of IG sources of information. Do not disclose the identity of any IG source outside the Hotline Program without the consent of the source, IGMC approval, or legal proceedings requiring disclosure. You may give other federal personnel copies of this document or information from this document, *only for their official use, and only after removal of information identifying IG sources*. In all other cases, consultation with the IGMC before release is *mandatory*. Requests for access to redacted information may be submitted in writing with a justification to the IGMC.

All DoD uniformed or civilian personnel are subject to both civil and criminal penalties for misuse or unauthorized disclosure of personal privacy information pursuant to the Privacy Act of 1974, 5 U.S.C. §552a, as amended; DoD 5400.11-R; and SECNAVINST 5211.5E.

Further, because information in this document may be exempt from public release under the Freedom of Information Act (FOIA), 5 U.S.C. §552, it is designated "FOR OFFICIAL USE ONLY." Access to this information in this document is limited to persons with the need-to-know. *Refer all FOIA or Privacy Act requests for release, reproduction, or dissemination of this document (in whole or in part) or any of its contents to the IGMC.*

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## Command Inspector General

---

Command Hotline  
Case #000xxxx

[date]

This report has been approved by the Commanding General

(signature)  
Commander' Name

### WARNING

This is an Inspector General, Program (IGP) document and may contain information that could identify a hotline source of information. The Inspector General Act of 1978, as amended, §7(b), requires the Inspector General to protect the identity of IG sources of information. Do not disclose the identity of any IG source outside the Hotline Program without the consent of the source, Command Inspector General (CIG) approval, or legal proceedings requiring disclosure. You may give other federal personnel copies of this document or information from this document, *only for their official use, and only after removal of information identifying IG sources*. In all other cases, consultation with the CIG before release is *mandatory*. Requests for access to redacted information may be submitted in writing with a justification to the CIG.

All DoD uniformed or civilian personnel are subject to both civil and criminal penalties for misuse or unauthorized disclosure of personal privacy information pursuant to the Privacy Act of 1974, 5 U.S.C. §552a, as amended; DoD 5400.11-R; and SECNAVINST 5211.5E.

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## HOTLINE COMPLETION REPORT (HCR)

1. **Name of Official Conducting Inquiry:** First and Last Name
2. **Rank of Official:** Military/ Civil Service Grade
3. **Duty Position and Telephone Number:** (Example: Assistant Inspector General for Investigations: (703) 614-1348/1349/1698)
4. **Organization:** (Example: Office of the Inspector General of the Marine Corps)
5. **Hotline Control Number:** 0000000 (ODIN assigned number)
6. **Scope, Findings of Fact, Conclusions, and Recommendations:**

a. **Scope.**

(1) Explain the type of investigation/inquiry, the authority for the investigation/inquiry, applicable directives, and any constraints

(2) Identify the allegations:

(a) ALLEGATION #1: That (Who, did What, in violation of What, When). . .

(b) ALLEGATION #2: That . . .

(3) Enclosures: Provide a list of documents used to support the findings of fact (FOF) contained in this investigation/ inquiry. When these enclosures include witness statements/ testimonies, it should be annotated how these statements/testimonies were obtained (i.e., personal interview, phone call, questionnaire, and etc.). [Note: These enclosures should not be physically forwarded with the report, but should be identified at this point in the report.]

b. **Findings of Fact allegation 1.**

[Note: The FOFs that follow should pertain to this particular allegation. Every finding must be supported by documentary or other evidence and listed as an enclosure.

(1) **Analysis:** Describe the investigator's analysis of the findings of fact that led them to the conclusions.]

(2) **Conclusions:**

[Note: Each allegation must have a finding. Acceptable findings are Substantiated (S), Not substantiated (NS), or Unfounded (UN). [See Appendix F, Glossary under Allegation for definitions of S, NS, and UN.]

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7. **Criminal or Regulatory Violations Substantiated**: (*Example*: None, or JFTR SECTION 23, PARA B)

8. **Disposition**: Include the results of punitive and/or administrative sanctions, reprimands, value of property recovered, or other such actions taken to preclude recurrence. [If disposition is not available at the time the report is completed include Note: "To be provided" and submit a HCR update when the information becomes available.]

9. **Security Classification**: Specify security classification of information.

10. **Location of working papers**: The command inspector generals' office responsible for the HCR must maintain the file unless otherwise agreed upon.

SIGNATURE BLOCK

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## Appendix D

### Quality Control Formats

<u>Form</u>	Page
Quality Assurance Checklist	D-2
Quality Assurance Review Evaluation Criteria for Allegations of FWM	D-4
AIRS Detailed Inspection Checklist for Functional Area 316	D-6

## QUALITY ASSURANCE CHECKLIST

IGMC Hotline # 000XXXX

Yes	No	N/A	<b>Timeliness</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	IO submitted report to Directing Authority before the assigned due date?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If not, did the IO request a due date extension(s) from the Directing Authority?
Yes	No	N/A	<b>Independence of Investigating Officer</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	IO included name, rank/grade, position, organization, telephone # and any other identifying information to assist the tasking authority to ascertain independence?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	IO was independent, i.e. free from bias, free from command influence and senior to subject?
Yes	No	N/A	<b>Completeness of the HCR or Report of Investigation</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	IO addressed all tasked and emerging allegations?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The HCR or ROI is formatted in accordance with Appendix C of the Assistance and Investigations Manual?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	IO interviewed the complainant (mandatory if complainant is named)?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	IO interviewed the subject(s)?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	IO interviewed key witnesses?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	IO collected all evidence including documents (cited title, originator, date) and interviews (name, grade, position, and method of interview).
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The allegations are properly framed (a wrong must be alleged and when appropriate, reframed during the course of the investigation)?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	IO wrote emerging allegations in the proper format?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All allegations are fully addressed both in the investigative process and in the HCR or ROI.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	IO clearly cited and discussed the rules, regulations and statutes?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Findings of Fact are supported by the evidence?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Findings of Fact are supported by the evidence?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Analyses are supported by the Findings of Fact?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Conclusions are supported by the Analyses?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	IO properly applied the preponderance of the evidence standard?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	IO discussed mitigating circumstances, if applicable?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The HCR or ROI is a stand alone document that, without referring to supporting documents, fully addresses the matters under investigation?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	IO obtained a legal review of the HCR or ROI?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The completed HCR or ROI was forwarded to the Directing Authority with all appropriate command endorsements?
Yes	No	N/A	<b>Accountability</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	IO correctly documented disposition, i.e., for not-substantiated allegations, "no further action necessary;" for substantiated allegations, "forwarded to higher authority for appropriate administrative and/or corrective action" or "corrective action completed" (include type of action, who directed and date)?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The HCR or ROI provides sufficient information to permit responsible authorities to hold subordinates accountable for their actions and to correct systemic failures.
Recommended Action:			
<input type="checkbox"/>	Close	<input type="checkbox"/>	Rework
<input type="checkbox"/>	Other	<input type="checkbox"/>	Monitor

## **QUALITY ASSURANCE REVIEW EVALUATION CRITERIA FOR ALLEGATIONS OF FWM**

**1. INDEPENDENCE OF INVESTIGATORS.** The President's Council on Integrity and Efficiency/Executive Council on Integrity and Efficiency handbook, Quality Standards for Investigations, require individuals assigned to conduct inquiries to possess the knowledge, skills, and abilities necessary to perform the investigative tasks. In addition, the organizations in which they work must maintain an independent attitude, be organizationally independent, and free, both in fact and appearance from impairments to independence.

### **2. COMPLETENESS OF THE INQUIRIES.**

a. Case File Documentation. Paragraph 1204 requires that the results of inquiries be documented in the case file in a timely, accurate, and complete manner. The documentation contained in the case file must support the findings and conclusions stated in the Hotline Completion Report (HCR). The documentation shall include the Hotline referral or the initial hotline allegations received, a copy of the HCR, the complete identity of all witnesses interviewed (including the date and information related during interview, specific details and locations of all documents reviewed during the inquiry, and any other actions the investigator took as a result of the inquiry).

b. Adequacy of Inquiries. The following are examples of questions Inspectors will use to review Hotline case files during the QAR.

(1) Did the investigating official identify the governing directives applicable to the allegations and apply them as the investigative standard.

(2) Were all the allegations in the basic complaint addressed?

(3) Were all key individual witnesses and subjects interviewed?

(4) Were all relevant questions asked?

(5) Did the investigating official collect and review all pertinent documentation needed to support the findings and conclusions?

(6) Were legal opinions or technical expertise solicited when appropriate?

(7) Did the investigating official demonstrate a "common sense" approach while conducting the inquiry?

**3. TIMELINESS OF INQUIRIES.** Paragraph 0208 requires timeliness in the conduct of Hotline Inquiries. Are Hotline cases being completed within the time allotted by the Directing Authority?

**4. ACCOUNTABILITY ADDRESSED IN HCRs AND COMMAND ENDORESMENTS.** In cases with substantiated allegations, did the investigating official fix responsibility in the HCR, and did command endorsements address corrective actions taken in reference to substantiated allegations against individuals and corrections to identified systemic problems?

AIRS DETAILED INSPECTION CHECKLIST

FA SC STMT TEXT

## 316 F W A OVERSIGHT AND HOTLINE

Functional Area Manager: IGA

Point of Contact: MAJOR G. HIGHTOWER DSN 224-1348/9  
(COML) 703-614

Date Last Revised: 15 July 2008

## 316 01 RESPONSIBILITIES

316 01 001 Are SSIC 5041 records and all supporting documentation retained on site for a minimum of 2 years after the date of final action, then either retained or sent to a government storage facility for an additional 8 years, and then destroyed?

Reference

MCO 7510.5A, PAR 6.G(2)

316 01 003 Has the command designated a senior management official to coordinate and oversee fraud, waste and abuse prevention, detection and remedies?

Reference

MCO 7510.5A, PAR 6.G(4)

316 01 004 Has the command ensured that all incidents of a criminal nature are reported immediately to the PMO and investigated or referred to NCIS, as appropriate?

Reference

MCO 7510.5A, PAR 6.G(5)

316 01 005 Has the Command Inspector General reported all significant cases to the IGMC?

Reference

MCO 7510.5A, PAR 6.G(5) AND ENCL (1)

316 01 006 Has the Command Inspector General established a local FWA hotline system?

Reference

MCO 5370.8 4.B(2)(B)5

316 01 007 Has the command published FWA program results in local command newspapers?

Reference

MCO 7510.5A, PAR 6.G(8)

316 01 008 Has the command conducted periodic fraud awareness briefings?

Reference

MCO 7510.5A, PAR 6.G(9)

316 01 009 Has the command made wide dissemination of HQMC and DOD fraud and waste-related publications and correspondence?

Reference

MCO 5370.8 4.B(5)

316 01 010 Has the Command Inspector General ensured the quality of HCRs forwarded to the IGMCM?

Reference

MCO 5370.8 4.B(5)

## 316 02 RECORDS MANAGEMENT

316 02 001 Are SSIC 5000 records and all supporting documentation retained for 2 years after the date of final action and then destroyed?

Reference

SECNAV-M 5210.1, PAR 5000

316 02 002 Are SSIC 5041 records and all supporting documentation retained on site for a minimum of 2 years after the date of final action, then either retained or sent to a government storage facility for an additional 8 years, and then destroyed?

Reference

SECNAV-M 5210.1, PAR 5041

## 316 03 DEFENSE HOTLINE PROGRAM

316 03 001 Are defense hotlines investigated brought to a conclusion within the required period?

Reference

SECNAVINST 5370.5B

316 03 002 Are the hotline allegations examined by Command Inspector General personnel independent of, and responsible to oversight, the specific unit, office, staff element, operations, etc., in which the complaint was alleged to have occurred?

Reference

SECNAVINST 5370.5B

316 03 003 Do the working papers contained in the file support the findings of fact and conclusions?

Reference

SECNAVINST 5370.5B

316 03 004 Are controls established which would provide maximum protection for the identity of all persons using the defense hotline?

Reference

SECNAVINST 5370.5B

316 04 WHISTLEBLOWER PROTECTION PROGRAM

316 04 001 Are whistleblowers afforded the appropriate protection?

Reference

MCO 1700.23F

MCO 5370.8



## Appendix E

### Document Naming Protocols

The following are the appropriate naming abbreviations.

#### Most Common Documents

<u>Document</u>	<u>Naming Convention</u>	<u>Example</u>
Original Complaint	Case # Subject Last Name <b>OC</b>	0000567 Jones OC
Acknowledgement Letter	Case # Subject Last Name <b>ACK</b>	0000567 Jones ACK
Information Letter	Case # Subject Last Name <b>IL</b>	0000567 Jones IL
Tasking Letter	Case # Subject Last Name <b>TL</b>	0000567 Jones TL
Special Interest Letter	Case # Subject Last Name <b>SPLINT</b>	0000567 Jones SPLINT
Referral Letter	Case # Subject Last Name <b>RL</b>	0000567 Jones RL
Notification Letter	Case # Subject Last Name <b>NL</b>	0000567 Jones NL
Preliminary Inquiry/Analysis	Case # Subject Last Name <b>PI/PA</b>	0000567 Jones PI/PA
Report of Investigation	Case # Subject Last Name <b>ROI</b>	0000567 Jones ROI
Hotline Completion Report	Case # Subject Last Name <b>HCR</b>	0000567 Jones HCR
Closure Letters:		
Complainant	Case # Subject Last Name <b>END_OC</b>	0000567 Jones END_OC
Command	Case # Subject Last Name <b>END_CMD</b>	0000567 Jones END_CMD
Department of Defense	Case # Subject Last Name <b>END_DOD</b>	0000567 Jones END_DOD

#### Other Common Documents

<u>Document</u>	<u>Naming Convention</u>	<u>Example</u>
Nonspecific Command Response	Case # Subject Last Name <b>CMD_RES</b>	0000567 Jones CMD_RES
ROI w/Supporting Documents	Case # Subject Last Name <b>ROI/SD</b>	0000567 Jones ROI/SD
Executive Summary	Case # Subject Last Name <b>Exec</b>	0000567 Jones Exec
Staff Memo Papers	Case # Subject Last Name <b>Memo</b>	0000567 Jones Memo
Memorandum for Record	Case # Subject Last Name <b>MFR</b>	0000567 Jones MFR
Rework HCR Letter	Case # Subject Last Name <b>Rework</b>	0000567 Jones Rework
Information Paper	Case # Subject Last Name <b>IP</b>	0000567 Jones IP
Trip Report	Case # Subject Last Name <b>TR</b>	0000567 Jones TR
Routing Sheets	Case # Subject Last Name <b>RS</b>	0000567 Jones RS
Emails	Case # Subject Last Name <b>EM</b>	0000567 Jones EM
Fax	Case # Subject Last Name <b>Fax</b>	0000567 Jones Fax
Investigator Notes	Case # Subject Last Name <b>Notes</b>	0000567 Jones Notes

**Note:** Any data file not specifically detailed above will be named by case #, Name of Subject (for investigations) or Complainant (for assistance cases), and free text characters that will easily identify the document. Example:

PowerPoint Brief to CMC concerning a case:	Case # Subject Last Name <i>free text</i>	0000567 Jones CMC BRIEF JUNE05
--	---	--------------------------------

**CASE FILE MANAGEMENT  
CASE FILE ORGANIZATION**

**ASSISTANCE CASES**

Two-sided folders

Label with Case Number only (i.e., 0009999); do not label by name

Left Side:

Original complaint and/or complaint intake form

Right Side:

Letterhead correspondence (in chronological order)

All documents used in resolving the matter including e-mails printed out that pertain to substantive issues (in chronological order)

**INVESTIGATIONS**

Six-sided letter-sized folders

Label with Case Number only (i.e., 0009999); do not label by name

Side 1:

Original complaint

Side 2:

Tasking letter (and extension correspondence)

Side 3:

Correspondence on letterhead (in chronological order)

Side 4:

All e-mails printed out that pertain to substantive issues (in chronological order)

Side 5:

HCR

Side 6:

Closing letter(s) and notifications

**SOI/ MWBR/ MHE/ HOTLINES (INVESTIGATED BY IGMC)**

Letter size expanding folders

Label with case number only on outside flap

**TAB I – ADMINISTRATIVE (RED)**

- a. Appointing order/ tasking letter
- b. Letters of Notification and (INITIAL) to Command/ Subject/ Complainant
- c. Privacy Act Releases (if applicable)
- d. Rights Advisory Forms (if applicable)
- e. Letter of Notification (FINAL) to Complainant

**TAB II – REPORT OF INVESTIGATION (GREEN)**

- a. ROI/ HCR
- b. Legal Review
- c. First Endorsement
- d. Second Endorsement

**TAB III – SUPPORTING DOCUMENTS (YELLOW)**

- a. Original complaint
- b. Index of supporting documents: All documents used (previously called enclosures)

**TAB IV – WORKING PAPERS (BLUE)**

- a. Legal Review Draft (w/ Supporting documents identified)
- b. Investigative Plan
- c. Investigator Notes

**TAB V – CORRESPONDENCE (ORANGE)**

- a. E-mail messages printed out - administrative matters (sorted chronologically)
- b. E-mail messages printed out - substantive matters (sorted chronologically)



## Appendix F

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### Glossary

The following definitions are provided for Assistance and Investigations purposes only; they may have other meanings in other contexts:

#### Section I. ABBREVIATIONS

CID	Marine Corps Criminal Investigation Division
CIG	Command Inspector General
CL	General Counsel
DNIGMC	Deputy Naval Inspector General for Marine Corps Matters
DoDIG	Department of Defense Inspector General
DoD	Department of Defense
FOIA	Freedom of Information Act
FOUO	For Official Use Only
IA	Initial Analysis
IG	Inspector General
IGAR	Inspector General Action Request
IGP	Inspector General Program
IGPA	Inspector General Preliminary Analysis
IO	Investigating Officer / Official
IGAP	Inspector General Action Process
IGMC	Inspector General of the Marine Corps
ODIN	Online Database and Inspector Network
MFR	Memorandum For Record
MP	Military Police
MPI	Military Police Investigator
NAVINSGEN	Naval Inspector General

NCIS	Naval Criminal Investigative Service
PA	Privacy Act or Preliminary Analysis
ROI / ROII	Report of Investigation or Investigative Inquiry
SES	Senior Executive Service
SJA	Staff Judge Advocate

## Section II. TERMS

**“Abuse”** means intentional improper use of government resources. Examples include misuse of rank, position, authority, resources, or equipments.

**“Accountability”** is one of the four standards for conduct of IG investigations. Commanders, commanding officers, and supervisors must hold their subordinates accountable for their actions and to correct system faults. Any corrective action must be documented in the ROI to meet this standard.

**“Admissions”** are voluntary statements acknowledging involvement in a matter under investigation.

**“Adverse Action”** means any administrative or punitive action that takes away an entitlement, results in an entry or document added to the affected individual’s official personnel records which could be considered negative by boards or superiors, or permits the affected individual to rebut or appeal the action. Adverse action includes unfavorable information, personnel action, and disciplinary action.

**“Adverse Personnel Action”** is any action taken on a member of the Armed Forces that affects or has the potential to affect that military member’s current position or career.

**“Allegations”** are statements offered for proof through an IG investigation. They usually take the form of unsupported accusations of wrongdoing. No presumption of veracity or accuracy attaches to an allegation unless some evidence tending to support the allegation is submitted with it or developed during the investigation. The investigator’s job is to obtain evidence sufficient to sustain or refute the allegation or explain why it is not possible to do either. The conclusions in an inquiry or investigation of allegations are expressed as follows:

a. **Unfounded (UN)** – The evidence conclusively establishes that the allegation had no factual basis. Unfounded is a clear exoneration of the subject and is more commonly found in a report of investigative inquiry (ROII).

b. **Not Substantiated (NS)** – There is insufficient credible evidence to substantiate the allegation. “Ties go to the runner.” Not substantiated is not necessarily a clear exoneration of the subject. Not substantiated simply means that sufficient credible evidence that establishes a violation of law, regulation, or other accepted standard could not be gathered. The subject can still be left tainted and reasonable doubt can still exist in the decision makers mind.

c. **Substantiated (S)** – The allegation is supported by the preponderance of credible evidence and shows that there was a violation of law, regulation, or other accepted standard. In other words, the subject did what was proffered in the allegation. [Note: This is the strongest conclusion in support of the complainant.]

**“Allegations List”** is a component of the investigative plan.

**“Alternate Resolution Process”** is a different venue or “avenue” available to complainants where certain issues are more appropriately addressed than with the IG.

**“Anonymity”** means nondisclosure by the individual of his or her identity when making a complaint to the IG or chain of command.

**“Article 31(b) UCMJ Warnings”** are for military members suspected of possible criminal misconduct advising them of certain rights, such as the right to remain silent and retain counsel.

**“Assistance Function”** means the process of receiving, inquiring, recording, and responding to complaints or requests either brought directly to the IG or referred to the IG for action. Usually does not involve misconduct.

**“Assistance Inquiry”** means an informal fact-finding process used to address or respond to a complaint involving a request for help or information and not allegations of impropriety or wrongdoing.

**“Audit”** is an independent appraisal of financial, accounting, and other fiscal operations, as a basis for protective and constructive service to command and management at all levels.

**“Background”** is a component of the investigative plan and report of investigation.

**“BCNR”** means the Board for Correction of Naval Records.

**“Bookfiled”** refers to the maintenance of records for an allegation that is not significant enough to warrant an investigation but must be documented for record purposes.

**“Chronology of Events”** is a component of the investigative plan.

**“CIG”** means Command Inspector General. MCO 5430.1 established the requirement for all MSCs, commanded by a general officer, to have a special staff officer billet of CIG. Although CIGs work for and are responsible to their commander, CIGs are also considered a functional extension of the IGMC with an important role in the Marine Corps IGP.

**“Circumstantial Evidence”** is evidence used to prove or disprove a fact through the (presumed) existence of a logical relationship between the evidence and the fact at issue. The logical relationship itself may be subject to question, usually must be explained, and sometimes leaves room for interpretation or controversy. Therefore, you

must evaluate circumstantial evidence critically and attempt to corroborate it with other evidence.

**"Complainants"** are people who present complaints, allegations, grievances, or requests for assistance to an IG.

**"Complaint"** is an expression of dissatisfaction or discontent with a process or system.

**"Completeness"** is one of the four standards for conduct of IG investigations. Investigators must address all allegations, state the applicable rules and regulations and apply them to the facts, and provide a thorough analysis of how they reached their conclusions.

**"Conclusion"** is a reasoned judgment or inference derived from the information present.

**"Confessions"** are voluntary statements admitting acts or omissions that violate a federal or state law, rule or regulation, including DoD, DON, or Marine Corps regulations, directives, instructions, or other written policy. Confessions may be oral or written, and usually provide details of the acts or omissions.

**"Confidentiality"** means the nondisclosure by the IG of an individual's identity (normally the complainant), although the identity of the complainant is known to the IG.

**"Contact List"** is a component of the investigative plan.

**"Convening Authority"** is a commissioned officer who is authorized to convene a court-martial to try a person subject to the Uniform Code of Military Justice (UCMJ). Only general court-martial convening authorities are authorized to grant formal immunity from prosecution under the UCMJ.

**"Corrective Action"** is action taken to remedy systemic problems or rectify a given situation in order to minimize the likelihood that undesirable activity identified during an IG investigation will reoccur. Establishment or augmentation of procedures, checks and balances, and training are typical corrective responses.

**"Court-Martial"** is the exercise of military jurisdiction over criminal offenses as prescribed by law and regulation. A court martial is a court of limited duration and jurisdiction consisting of a military judge, a panel of members, or both, or a single officer detailed as a summary court-martial. There are three types of courts-martial: general courts-martial, empowered to impose any sentence prescribed by law, including death; special court-martial, empowered to impose lesser punishment, including not more than six months confinement; and summary court-martial, which may impose limited punishment, including not more than 30 days confinement. Conviction by a general or special court-martial creates a Federal criminal record. Conviction by a summary court-martial creates only an administrative record.

**"Criminal Prosecution"** is the process by which persons charged with violating criminal provisions of the United States Code (including the UCMJ) or state law are tried for their alleged offenses in a United States district court, a state court, or a general or special court-martial.

**"Custodial Interrogation"** is interrogation conducted by a law enforcement officer after a person has been taken into custody or otherwise deprived of freedom of action in a significant way. As a general policy, IG personnel do not conduct custodial interrogations.

**"Custodial Setting"** is established when an interviewee has reason to believe his/her freedom or action has been deprived in a significant way.

**"Declaration"** is a written statement summarizing testimony given during an interview, signed by the interviewee declaring under penalty of perjury that their statement is true and correct. A form of sworn testimony.

**"Deputy Naval Inspector General for Marine Corps Matters"** (DNIGMC) is a position established within the Office of the Naval Inspector General (NAVINSGEN) by SECNAVINST 5430.57G (Mission and Functions of the NAVINSGEN). The DNIGMC is responsible to the Secretary of the Navy (SECNAV) and Commandant of the Marine Corps (CMC) for the IG functions within the Marine Corps. For internal Marine Corps purposes, the DNIGMC is identified using the traditional title "Inspector General of the Marine Corps (IGMC)" in MCO 5430.1 (Marine Corps IGP).

**"Direct Evidence"** is evidence tending to prove or disprove a fact through the first-hand knowledge or observation of a witness, through the text, pictures, or graphics of a document, or through the existence and characteristics of a physical object.

**"Directing Authority"** means an official who has authority to direct an IG investigation or inquiry be conducted. For the IGMC, directing authorities include the DoDIG, SECNAV, CMC, and the IG. Commanders who are authorized a CIG on their staffs may direct such investigations and inquiries within their commands.

**"Directive"** refers to defining the scope of an IG investigation or inquiry. It is the investigator's authority to investigate or inquire into specific allegations or issues.

**"Disciplinary Action"** is action, short of criminal prosecution, taken against a person found to have engaged in wrongdoing, other than training, counseling or a performance-based action. Disciplinary action runs the spectrum from letters of censure to removal or dismissal, including such actions as: admonition, reprimand and other nonjudicial punishment; suspension; demotion or reduction in rank; and summary court-martial.

**"Discrimination"** refers to the act, policy, or procedure that arbitrarily denies equal opportunity because of age, color, national origin, race, ethnic group, religion or gender to an individual or group of individuals.

**"Document List"** is a component of the investigative plan.

**"DoDIG"** means the Inspector General of the Department of Defense.

**"DON"** means the Department of the Navy.

"**DON IG organization**" means every organization formally assigned to perform IG functions on a regular basis within the DON. It includes NAVINSGEN, Navy Echelon II and III IGs, the IGMC, Marine Corps MSCs with CIGs, and any other organization, such as a command evaluation office, that performs IG functions as part of its normal duties.

"**EEOC**" means the Equal Employment Opportunity Commission.

"**EEO**" refers to the equal employment opportunity program through which the Marine Corps implements its policy to provide equal opportunity in employment for all qualified civilian personnel.

"**EO**" means equal opportunity for military personnel to participate in, and benefit from, programs and activities for which they are qualified. These program and activities will be free from social, personal, or institutional barriers that prevent people from rising to the highest level of responsibility possible. Persons will be evaluated on individual merit, fitness, and capability, regardless of color, national origin, race, ethnic group, religion or gender.

"**Evidence**" refers to information and objects which are used to prove or disprove matters of alleged fact. In IG investigations, evidence includes testimonial, documentary, and physical evidence.

"**Excerpt**" means a verbatim quotation taken from an order, directive, or other document pertinent to the inquiry or investigation.

"**Extract**" means a verbatim quotation from a report of an inspection or investigation.

"**FOIA**" means the Freedom of Information Act.

"**Frivolous**" means an allegation that fails to allege facts that, if true, would constitute a violation of a standard whether defined by statute, regulation, or custom of Service.

"**Fraud**" means any intentional deception designed to unlawfully deprive the United States of something of value or to secure an individual a benefit, privilege, allowance, or consideration to which he or she is not entitled.

"**Free Narrative Question**" is a type of question that elicits an orderly, continuous account of an event or incident without prompting.

"**GCM**" means general court-martial.

"**Hearsay Evidence**" is a form of circumstantial evidence, which is related to the investigator by a third-party as the truth. Hearsay may be used in your investigation; however, you should try to corroborate hearsay by interviewing others who may have more direct, or first-hand, knowledge of the facts in question.

"**Hotline caseworkers**" are people who have initial contact with hotline complainants, in-person or over the telephone. Hotline caseworkers may be IG investigators, but in most cases are not the people assigned to perform the principal investigation.

**"Hotline Program"** refers to the Marine Corps Hotline Program (MCO 5270.8) which is a functional component of the Marine Corps Inspector General Program (IGP) (MCO 5430.1) and is the primary tool for the IGMC and CIGs to use in combating FWM by providing an alternative to the normal chain of command for Marines, Sailors, and civilian personnel with concerns or allegations dealing with inefficiency, misconduct, impropriety, mismanagement, or violations of law within the Marine Corps.

**"IG"** means Inspector General.

**"IG Function"** means any task or function that is customarily performed by an Inspector General, including those set forth in SECNAVINST 5430.57G, (Mission and Functions of the Naval Inspector General) or MCO 5430.1 (Marine Corps Inspector General Program). However, for the purpose of this manual, an audit is not an IG function.

**"IG Office"** is a generic term meaning any office within the Marine Corps IGP that performs IG functions.

**"IGMC"** means the Office of the Inspector General of the Marine Corps. "The IGMC" refers to the person who is the Inspector General of the Marine Corps.

**"IG Organization"** or IGP Organization refers to every IG organization formally assigned to perform IG functions on a regular basis within the Marine Corps. It includes the IGMC and MSC CIGs that perform IG functions as part of their normal duties. MCO 5430.1 (IGP) requires all MSCs commanded by a general officer to have a CIG and sufficient support staff to accomplish the IG mission.

**"IGP"** means the Marine Corps Inspector General Program which was established in MCO 5430.1. The IGP is composed of the IGMC, IGMC staff personnel, CIGs, and CIG staff personnel.

**"IG Records"** are reports, or extracts and summaries of them, made by IGs.

**"Imminently Dangerous Service Member"** is a term used when evaluating a situation for possible referral for a Mental Health Examination. This term describes an individual at substantial risk of committing an act that would result in serious injury or death to his/herself or others; or of destroying property under circumstances likely to lead to serious personal injury or death. The individual must manifest the intent and ability to carry out that action.

**"Immunity"** refers to circumstances in which the Government agrees not to prosecute an individual in consideration for his/her testimony as a witness in an investigation. The two types of immunity are "Use" and "transactional."

**"Improper Conduct"** is conduct (acts or omissions) found to violate an identifiable directive, instruction, policy, regulation, rule, statute, or other standard applicable to the DON, without regard to knowledge, motive, or intent. Compare to "inappropriate conduct" and "misconduct" defined below. Normally, commanders respond to findings of improper conduct would include: corrective or remedial action, counseling, caution or reprimand that does not become a part of a permanent record, and performance-based actions.

**“Impropriety”** means an action or statement not in accordance with truth, fact, or lawful regulation.

**"Inappropriate Conduct"** refers to action a reasonable person would consider likely to erode confidence in the integrity of the Marine Corps, but which does not violate an identifiable directive, instruction, policy, regulation, rule, statute, or other standard applicable to the Marine Corps. Sections 5 and 6 of Chapter 12 of DoD 5700.7-R, "Department of Defense Joint Ethics Regulation," provide guidance for identifying inappropriate conduct. Note, however, that violation of the general principles set forth at 5 CFR 2635.101 (Office of Government Ethics Standards of Ethical Conduct) is improper conduct. Because inappropriate conduct involves questions of ethics about which reasonable people may differ, the ethical considerations that underlie a finding of inappropriate conduct must be set forth and discussed in the investigative report.

**“Independence”** is one of the four standards for conduct of IG investigations. For this standard to be met, the individuals and organizations conducting an IG investigation must be free, in fact and appearance, from any impairment of objectivity and partiality.

**“Inference”** means a conclusion logically derived from facts or premises; implies arriving at a conclusion by reasoning from evidence. Information on which to base a reply. Those facts, judgments, and/or opinions submitted to the requester (usually the IG) which will permit preparation of a comprehensive and responsive reply on the matter of concern to the complainant. The information may be based on an IG investigation; or it may be obtained by more informal means, depending upon the nature of the issue.

**“Information on which to Base a Reply”** means those facts, judgments, and / or opinions submitted to the requester, which will permit preparation of a comprehensive and responsive reply on the matter of concern. The information may be based on an IG report of investigation and may be obtained by more informal means, depending upon the complexity and sensitivity of the issue.

**"Inquiry"** is a general term used to refer to any form of examination into a matter or issue, including inspections, investigations, area visits and surveys, but not including audits. Compare to "preliminary inquiry" defined below.

**“Inspector General Action Request”** (IGAR) is the process of receiving, inquiring into, recording, and responding to complaints or requests either brought directly to the IG or referred to the IG for action.

**"Interview"** is a controlled conversation conducted for the purpose of obtaining information from individuals who may be complainants, witnesses, subjects or suspects.

**"Interviewing"** is a specialized pattern of verbal communication conducted for the purpose of obtaining and furnishing information.

**“Interview Plan”** is a tool used to prepare for an interview which outlines the objective or purpose, and takes into account such factors as the type of witness, questioning techniques, etc.

**"Interrogation"** is a demand for information, or the process of obtaining information by interview, from an unwilling or uncooperative person, usually for the purpose of obtaining admissions or confessions.

**"Interrogatory"** refers to a list of written questions which are used to obtain information from a witness. Generally, interrogatories are a method used to obtain information prior to the investigator conducting a planned interview.

**"Investigating Officer / Official"** means an IG assigned the responsibility to conduct an IG investigation.

**"Investigator"** refers to the person assigned the responsibility of conducting an IG investigation or inquiry.

**"Investigation"** means any form of examination into specific allegations of wrongdoing. An investigation is one form of an IG inquiry. Investigations involve the systematic collection and examination of testimony and documents, and may incorporate physical evidence to determine the facts and to draw conclusion. The results are reported in a Report of Investigation (ROI).

**"Investigative Inquiry"** means a fact-finding examination by an IG into allegations, issues, or adverse conditions. The investigative inquiry is the fact-finding process used by IGs to gather information needed to address allegations of impropriety against an individual that do not require an investigation. The process for an investigative inquiry is addressed in Chapter 9 of this guide.

**"Investigative Plan"** is a written outline of how the IO intends to carry out the investigation. It serves as a checklist to ensure that all necessary points are covered.

**"Issue"** means a 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.

**"JA"** means Judge Advocate.

**"JAG"** means Judge Advocate General.

**"JAGC"** means the Judge Advocate General's Corps of the DON.

**"JAGMAN investigation"** means a fact finding investigation convened and conducted pursuant to the Manual of the Judge Advocate General of the Navy (JAGMAN).

**"Mental Health Evaluations"** or MHE is generally a clinical assessment of a service member for a mental, physical, or personality disorder to determine the member's clinical mental health status and or fitness and/or suitability for service. This definition does not apply to voluntary self-referrals; diagnostic referrals requested by non-mental health care providers not part of the service member's chain of command as a matter of independent clinical judgment and when the service member consents to the evaluation; responsibility and competency inquiries conducted under the Rule for Court Martial of the Manual for courts-Martial; interviews conducted under the Family Advocacy

Program; interviews conducted under drug or alcohol abuse rehabilitation programs; and evaluations expressly required by the Navy for special duties or occupational classifications.

**"Mismanagement"** refers to a collective term covering acts of waste and abuse. Abuse of authority or similar actions that do not involve criminal fraud are also considered a type of mismanagement.

**"Misconduct"** is improper conduct undertaken (1) with the knowledge that the conduct violates a standard, or with willful disregard for that possibility; (2) with the intention to harm another; or (3) for the purpose of personal profit, advantage, or gain. Gross negligence is misconduct under this definition; simple negligence is not.

**"MSPB"** means the Merit Systems Protection Board.

**"NAVINGEN"** means the Office of the Naval Inspector General. "The NAVINGEN" refers to the person who is the Naval Inspector General.

**"NCIS"** means the Naval Criminal Investigative Service.

**"NDRB"** means Naval Discharge Review Board.

**"NJP"** means non-judicial punishment.

**"Off the Record"** is a term that does not refer to IG personnel. IG personnel are never "off the record." Any discussion between IG personnel and any other person (to include witnesses or subjects in an IG investigation) may be used as evidence or facts to support an IG record (report of inquiry, investigation, and inspection). It is not unusual for someone to tell IG personnel that they would like to go "off the record." This most often happens during interviews, but can apply to any informal discussion. In these cases, the individual should be told that IGs are never "off the record" and that anything discussed can be used by the IG.

**"Office of Record"** is the IG office where the requirement to prepare a record was generated through a directive, Congressional inquiry, or other correspondence. The office of record is the IG office at the highest command level which takes action regarding a record, or making a direct reply to a person outside IG channels. For every IG record, there should be only one office of record, even though more than one IG office may have contributed and may maintain a copy of the record.

**"OGC"** means the Office of the General Counsel of the DON.

**"OSC"** means the Office of the Special Counsel.

**"Other Marine Corps IG organizations"** means every Marine Corps IG organization except IGMC.

**"PA"** Means the Privacy Act.

**"Preliminary Analysis"** is a term referring to an initial review and analysis conducted by IG personnel of a particular allegation, situation, or condition to determine if the circumstances of the case are of sufficient magnitude, seriousness, or validity to warrant either an IG inquiry or investigation or some other form of action.

**"Preliminary Inquiry"** means the initial phase of an IG investigation.

**"Prejudice"** is an attitude, judgment or opinion, without regard to pertinent fact, that is typically expressed in suspicion, fear, hostility, or intolerance of certain people, customs, and ideas.

**"Principal investigation"** means the main phase of an IG investigation.

**"Protected communication"** means the transmission of information that may be disclosed under a whistleblower protection statute by a person the statute allows to transmit such information, provided the information is disclosed to someone authorized by the statute to receive it. Except for some communications of military personnel to an IG or member of Congress, protected communications must also be whistleblower communications (defined below). However, not all whistleblower communications are protected communications.

**"Referral"** is the process of transferring issues or allegations to another agency or command for resolution. This is normally done in writing.

**"Referral Memorandum"** is a memorandum used by a CIG or the IGMC to refer IGARs to another IG.

**"Remedial action"** is action taken to restore individuals who have been harmed by the wrongdoing of others, or injured by unintended consequences of "the system," to their prior circumstances.

**"Report of Investigation"** or ROI is a document used to determine whether the allegations investigated were or were not substantiated. Provides responsible authority information to assist in making a decision whether or not to take corrective action.

**"Reprisal"** is taking, or threatening to take, an unfavorable personnel action; or withholding, or threatening to withhold a positive personnel action, against any military or civilian member of the DON for making, or preparing, a protected communication to a Member of Congress, an Inspector General, a member of a DoD audit, inspection, investigation, or law enforcement organization; or any other person or organization (including any person or organization in the chain of command) designated under component regulations or other established administrative procedures to receive such communications.

**"Request for Assistance"** is a term referring to personnel who present information to an IG for the purpose of seeking information, advice, or assistance.

**"Requester"** means any person or organization submitting a request to an IG for action or assistance. The person can be anyone: a Marine, family member, member of another

Service, government employee, or member of the general public. The organization can be any public or private entity.

**“Resolution Process”** is the process by which IGs resolve Inspector General Action Requests.

**“Responsible Authorities”** are people who have authority and responsibility to take corrective, remedial, or disciplinary action based on the findings of an IG investigation.

**“Results of Interview”** or **“Memorandum of Interview”** is a written record of what was said and what occurred during an interview, derived from notes and memory of the interviewer.

**“SCM”** means summary court-martial.

**“SECNAV”** means the Secretary of the Navy.

**“Senior Officials”** are active duty, retired, or reserve military officers in, or selected for, the grade of brigadier general (or rear admiral lower half) and above; current or former members of the Senior Executive Service (SES) or equivalent civilian positions such as: Senior Intelligence Executive Service (SIES), Senior Leader (SL), Senior Intelligence Professional (SIP), Senior Technical (ST), or Non appropriated Fund Level Six (NF-6).

**“Sexual Harassment”** is a form of discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

Submission to such conduct is made either explicitly or implicitly a term or condition of a person’s job, pay, career, or,

Submission to or rejection of such conduct by a person is used as a basis for career, or employment decisions affecting that person, or,

Such conduct has the purpose or effect of unreasonable interfering with an individual’s work performance or creates an intimidating, hostile, or offensive working environment.

The above definition emphasizes that workplace conduct, to be actionable as “abusive work environment” harassment, need not result in concrete psychological harm to the victim, but rather need only be so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the work environment as hostile or abusive [Note: “workplace” is an expansive term for military members and may include conduct on or off duty, 24 hours a day.]

Any person in a supervisory or command position who uses or condones implicit or explicit sexual behavior to control, influence, or affect the career, pay, or job of a military member or civilian employee is engaging in sexual harassment. Similarly, any military member or civilian employee who makes deliberate or repeated unwelcome verbal

comments, gestures, or physical contact of a sexual nature in the workplace is also engaging in sexual harassment.

"**SPCM**" means special court-martial.

"**Standards for IG Investigations**" are the four pillars of professional competence required in all IG investigations: Independence, completeness, timeliness, and accountability.

"**Standard of Proof**" means the degree of certainty necessary to decide that an allegation should be sustained when all of the credible evidence, pro and con, developed during the investigation is weighed together. For most IG investigations, the standard of proof is "preponderance of the credible evidence," meaning that it is "more likely than not" that an event occurred. This is sometimes quantified as a 51% or greater likelihood. This is the standard most often used in civil litigation. Compare to the standard of proof "beyond a reasonable doubt" used in criminal prosecution (approaching a "moral certainty" or a percentage in the high 90's). An intermediate standard that is applied in some instances, such as civilian employee whistleblower reprisal cases, is "clear and convincing evidence."

"**Statement**" is an oral or written account of an event not made under an oath or affirmation to tell the truth.

"**Statements Against Interests**" refers to statements made by personnel (usually Subjects or Witnesses) interviewed by IG investigators that are admissions detrimental to their own interests.

"**Status**" The component of which a person is part for pay purposes (i.e. Active duty, Reserve, retired etc.).

"**Subject**" is a person against whom allegations of wrongdoing have been made. Used loosely, the term includes people accused of either criminal or non-criminal conduct. More precisely, subjects are those accused of non-criminal wrongdoing. Compare to suspects, defined below.

"**Subject Commands**" are those organizations in which wrongdoing is alleged to have occurred.

"**Summarized Testimony/Statement**" is a paraphrased version of testimony or a statement. Normally, it includes only those items directly related to the matter under investigation or inquiry.

"**Suspect**" is a person against whom sufficient evidence has been developed to warrant the belief that criminal prosecution would be reasonable and appropriate under the circumstances. Because most IG investigations are conducted after appropriate authority has determined not to pursue criminal sanctions, IG investigations seldom involve suspects as so defined.

"**Sworn Statement**" (Affidavit or Declaration) is a written or printed declaration or statement of facts made voluntarily. An affidavit is confirmed by the oath or affirmation of

the party making it, before a person having authority to administer such oath. A declaration is made pursuant to 28 USC 1746 and need not be notarized before being introduced in an administrative or judicial proceeding.

**“Systemic Issues or Problems”** refers to any rule, regulation, policy, procedure, system, equipment, part, machinery, supplies or other government apparatus affecting readiness, efficiency, safety and operation of the entire system such as: defective aircraft, ship or weapons parts; inadequate maintenance procedures; deficient safety instructions; deficient personnel procedures, etc.

**“Tasking Authority”** is that person who has the authority to direct an IG organization to conduct a particular investigation. Also know as, “Directing Authority.”

**“Testimony”** is any oral statement given in response to questions by an IG. This may be the product of a formal interview in which the IG takes sworn, recorded testimony using the read-in/out scripts or an informal interview after which the IG summarizes what was said in a memorandum for the record (MFR)

Sworn Testimony is testimony given when the witness has taken an oath or affirmed to tell the truth.

Unsworn Testimony is testimony given when the witness has not taken an oath or affirmed to tell the truth.

**“Timeliness”** is one of the four standards for conduct of IG investigations. Investigators will initiate, conduct, and complete an investigation within the established due dates, generally within 90 days of receipt of the complaint. Any corrective action must also be completed in a timely manner, generally within 30 days of the completion of the investigation.

**“Transfer”** is the action taken when analysis of the IGAR determines that another CIG other than the one receiving the IGAR is better suited to resolve the matters presented.

**“UCMJ”** means the Uniform Code of Military Justice.

**“Unfavorable Information”** is any credible, derogatory information that may reflect adversely on an individual’s character, integrity, trustworthiness, or reliability.

**“USC”** means the United States Code. The USC is a topical, rather than chronological, compilation of US law.

**“Verbatim Testimony”** is a word-for-word transcript of a recorded interview (questions and answers). This transcript should be certified as correct by the IG who conducted the interview or an authorized court reporter.

**“Waste”** is extravagant, careless, or needless expenditure of government funds, or the consumption of government property that results from deficient practices, systems, controls or decisions. The term also includes improper practices not involving prosecutable fraud.

**"Whistleblowers"** are those people who disclose information they reasonably believe is evidence of a violation of any law, rule or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial or specific danger to public health or safety.

**"Whistleblower communications"** are disclosures of information by people who reasonably believe the information they disclose is evidence of a violation of any law, rule or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial or specific danger to public health or safety.

**"Witness"** is a person selected for interview during an IG investigation because they may have information that tends to support or refute an allegation, or information that may lead to the discovery of such information.

**"Wrongdoing"** is a generic term for activity that may be the subject of an IG investigation, and includes misconduct, improper conduct, and inappropriate conduct.



## Appendix G

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### Credentials Guidance

In conjunction with publishing of MCO 5430.1, Marine Corps Inspector General Program, IGMC has emphasized the goal of having "credentialed" Command Inspector Generals (CIG). In order for CIGs to obtain actual credentials issued by Commanding Generals, they must attend one of the service level IG courses. These courses are available year round, normally 2 to 3 weeks in length and provide a sufficient level of IG proficiency for credentialing. Although credentials are not mandatory for CIG personnel, possessing them facilitates access, identification and execution of CIG responsibilities.

The following steps are required to attain CIG credentials issued by Commanding Generals;

- Assignment to primary billets within the CIG program.
- Certified "SECRET" clearance or higher.
- Attend one of the service level IG courses offered during the calendar year. (Contact IGMC/IGA Division for dates and locations available). CIG attendance is at the expense of each command.
- Provide a copy of completion certificate and digital photo to COS for CG's signature.

All credentials issued by Commanding Generals should be accounted for and/or serialized and must be returned to the issuing command once an individual no longer serves in any capacity of the CIG program.

CIG personnel bearing credentials may administer oaths and take testimony under oath.

IG personnel shall have unrestricted access to all persons, unclassified information, and spaces within their respective commands the CIG deems necessary to accomplish CIG's taskings. Subject to compliance with Marine Corps requirements for handling classified material, CIG personnel shall be provided copies, in an appropriate form, of all recorded information the CIG deems necessary to accomplish the CIG mission.

CIG personnel bearing command credentials shall not be routinely required to sign in or out of, or to obtain other identification for entry or access to all areas under control of the issuing Commanding General. If cooperation and access is needed outside of the CIG's jurisdiction, they will work with the respective CIG's to facilitate cooperation and access. Personnel properly identifying themselves as credentialed representatives of the CIG shall, in the course of official business, be exempt from all routine searches of their person, briefcases, other possessions and materials used by them, their vehicles, and all occupants therein.

There are two documents that comprise Command Inspector General credentials. Figure 1, are sample credentials "part one" for the Command Inspector General (front and back) Figure 2, are sample credentials "part two" photo I.D. signed by Commanding General and states CIG's jurisdiction IAW MCO 4530.1

<p align="center"><b>DEPARTMENT OF THE NAVY UNITED STATES MARINE CORPS</b></p> <p align="center">This is to certify</p> <p align="center"><b>Colonel John Doe</b></p> <p align="center">whose photo and signature appear below is an</p> <p align="center"><b>COMMAND INSPECTOR GENERAL OFFICE OF THE COMMANDING GENERAL XX MARINE EXPEDITIONARY FORCE</b></p> <p align="right">0001</p>	<p align="center"><b>WARNING</b></p> <p align="center"><b>UNAUTHORIZED USE OR POSSESSION OF THESE CREDENTIALS WILL MAKE THE OFFENDER LIABLE FOR PROSECUTION UNDER 18 U.S.C. 499,506, AND 701</b></p> <p align="center">IF FOUND, DROP IN ANY U.S. MAILBOX. RETURN POSTAGE GUARANTEED</p> <p align="center">OFFICE OF INSPECTOR GENERAL UNITED STATES MARINE CORPS 2 NAVY ANNEX, ROOM 2231 WASHINGTON, D.C. 20380-1775</p>
<p>In accordance with Marine Corps Order 5430.1 the bearer is authorized under the laws of the United States of America to conduct inspections and investigative activities, including interviewing witnesses, collecting evidence, and entering such places to inspect records, as necessary. The bearer's authority is limited to personnel and facilities under the jurisdiction of the Commanding General of XX MEF.</p> <p align="right"><i>John Doe</i> SIGNATURE OF BEARER</p> <p align="right"> 0001</p> <p align="right"><i>Steven B. Williams</i> COMMANDING GENERAL, XX MEF</p>	<p align="center"><b>WARNING</b></p> <p align="center"><b>UNAUTHORIZED USE OR POSSESSION OF THESE CREDENTIALS WILL MAKE THE OFFENDER LIABLE FOR PROSECUTION UNDER 18 U.S.C. 499,506, AND 701</b></p> <p align="center">IF FOUND, DROP IN ANY U.S. MAILBOX. RETURN POSTAGE GUARANTEED</p> <p align="center">OFFICE OF INSPECTOR GENERAL UNITED STATES MARINE CORPS 2 NAVY ANNEX, ROOM 2231 WASHINGTON, D.C. 20380-1775</p>

## **Appendix H**

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### **Interview Guides**

- 1 - Witness (Telephone) Pre-Tape Script (page A-2)
2. Suspect (Face-to-Face) Pre-Tape Script (page A-5)
- 3 - Witness Interview Script (page A-7)
- 4 - Witness (Recall) Interview Script (page A-10)
- 5 - Subject Interview Script (page A-12)
- 6 - Subject (Recall) Interview Script (page A-15)
- 7 - Suspect Interview Script (page A-17)
- 8 - Suspect (Recall) Interview Script (page A-20)

**WITNESS (TELEPHONE) PRE-TAPE SCRIPT**

1. Hello, this is \_\_\_\_\_. Are you still available for this interview? Can you speak freely and privately on this line? Great. Let's proceed. Today I'm being assisted by \_\_\_\_\_, who is with me now. We're communicating with you on a speakerphone so that we can take notes and tape record this interview. Although we haven't started the tape recorder, we're still on the record. We'll tell you when the tape recorder is started. Again, we've contacted you because we believe you may have information pertaining to the matter under inquiry. You are considered a witness in this inquiry, are not suspected of any wrongdoing, and are not the subject of any unfavorable information. Throughout this interview we'll be reading from standardized scripts designed to ensure that we follow approved procedures.
2. This will be a four-part interview. We're now in Part 1, which provides you an explanation of the process and procedures we'll follow and is designed to ensure that you understand your rights pursuant to the Privacy Act of 1974 and the Freedom of Information Act. Part 2, the formal read-in, is a tape-recorded preliminary session that will include an oath of truthfulness. Part 3 is a tape-recorded questioning session. Part 4, the formal read-out, is a tape-recorded conclusion.
3. Inspectors General are confidential fact-finders for the Directing Authority. Our Directing Authority for this inquiry is \_\_\_\_\_. IGs collect and examine all pertinent evidence and make complete and impartial representation of all evidence to the Directing Authority. IGs have no authority to make legal findings, impose punishment, or direct corrective action. In investigations and inquiries, IGs establish the truth of allegations or establish that allegations are not true.
4. While one of our most important tenets is to protect the confidentiality of everyone involved, we cannot guarantee it. In order to protect the confidentiality of everyone involved, we do not reveal our sources of information. Accordingly, we will not tell other witnesses or the subject / suspect with whom we have spoken or with whom we plan to speak. Finally, we will not tell you the specific allegations.
5. The following rules apply during this interview:
  - a. We'll take sworn and taped testimony, which later will be transcribed verbatim.
  - b. All of your answers must be spoken since the tape recorder will not record non-verbal responses.
  - c. For accuracy, we'll ask you to spell any names or abbreviations you use.
  - d. We cannot discuss classified information during the interview on this telephone line. If it becomes necessary for you to discuss classified information, tell us and we'll make arrangements to interview you using secure communications.
  - e. We can go off tape for breaks, but when we're back on tape, we'll introduce questions pertaining to any off-tape remarks you make.
  - f. Regardless of whether we're on or off tape, we are never off the record. Everything you say will become part of the interview record.

6. Under the Freedom of Information Act, or FOIA, any member of the public can request the IG record pertaining to this case. This record will include your testimony. During the read-out phase, \_\_\_\_\_ will ask you if you consent to the release of your testimony but not your personal identifying information such as name, social security number, home address, or phone number to members of the public pursuant to FOIA. In this regard, it's your voluntary choice to grant consent for release of your testimony pursuant to FOIA. When \_\_\_\_\_ asks you this question during the read-out phase, all we need is a "yes" or "no" answer. Your decision has no impact on the weight or perceived credibility of your testimony.

7. Because we need to ask you for your social security number and other personal information, we're required to ensure that you understand your rights pursuant to the Privacy Act of 1974. To ensure you do, I'll now read you a short explanation of the Privacy Act.

#### **READ PRIVACY ACT STATEMENT.**

**AUTHORITY:** Title 5 US Code, Section 552a.

**PRINCIPLE PURPOSE(s):** Information is collected during an inquiry to aid in determining facts and circumstances surrounding allegations / problems. The information is assembled in report format and presented to the official directing the inquiry as a basis for Department of Defense decision-making. The information may be used as evidence in judicial or administrative proceedings or for other official purposes within the Department of Defense. Disclosure of social security number, if requested, is used to identify further the individual providing the testimony.

**ROUTINE USES:** The information may be --

- a. Forwarded to Federal, State, or local law-enforcement agencies for their use.
- b. Used as a basis for summaries, briefings, or responses to members of Congress or other agencies in the Executive Branch of the Federal Government.
- c. Provided to Congress or other Federal, State, and local agencies when determined necessary by the COCOM Inspector General.

#### **MANDATORY OR VOLUNTARY DISCLOSURE AND THE IMPACT ON THE INDIVIDUAL FAILING TO PROVIDE THE INFORMATION:**

**For Military Personnel:** The disclosure of the social security number is voluntary where requested. Disclosure of other personal information is mandatory, and failure to do so may subject the individual to disciplinary action.

**For Department of Defense Civilians:** The disclosure of the social security number is voluntary. However, failure to disclose other personal information in relation to your position and responsibilities may subject you to adverse personnel action.

For All Other Personnel: The disclosure of your social security number, where requested, and other personal information is voluntary, and no adverse action can be taken against you for refusing to provide information about yourself.

Do you understand the Privacy Act?

8. During the read-in phase, \_\_\_\_\_ will administer to you an oath to obtain your pledge to provide truthful testimony. Unless you prefer the word "affirm," we'll use the word "swear." Do you have a preference? Do you object to the use of the phrase "so help me God?"

9. This inquiry is an administrative procedure and not a court of law. We are interested in what you know about the matters under inquiry regardless of whether your knowledge is direct, hearsay, or opinion. However, it's important that you make the source of your information clear to us, so we'll ask you if it is not.

10. To keep this matter as confidential as possible, we ask that you not discuss your testimony with anyone without our permission except your attorney if you choose to consult one. Again, you are a witness in this inquiry and are not suspected of any wrongdoing nor are you the subject of any unfavorable information.

11. Could you please confirm your present status?

12. Unless you have any questions, we're now turning on our tape recorders, and \_\_\_\_\_ will start the read-in.

**SUSPECT (Face-to-Face) PRE-TAPE SCRIPT**

1. Thank you for coming in today. I'm \_\_\_\_\_, and this is \_\_\_\_\_. These are our ID cards and credentials, if you would like to look at them, and this is our Directive for the investigation. (Present ID cards, credentials, and Directive to the suspect for review.)
2. At this time let me go over the interview process. This will be a four-part interview. We're now in Part 1, which provides you an explanation of the process and procedures we'll follow and is designed to ensure that you understand your rights pursuant to the Privacy Act of 1974 and the Freedom of Information Act. Part 2, the formal read-in, is a tape-recorded preliminary session that will include an oath of truthfulness. Part 3 is a tape-recorded questioning session; and Part 4, the formal read-out, is a tape-recorded conclusion.
3. Although we haven't started the tape recorder, we're still on the record. We'll tell you when the tape recorder is started. During the read-in and read-out, we'll be reading from standardized scripts designed to ensure that we follow approved procedures.
4. Inspectors General are confidential fact-finders for the Directing Authority. Our Directing Authority for this inquiry / investigation is \_\_\_\_\_. We collect and examine all pertinent evidence and make complete and impartial representation of all evidence to the Directing Authority. IGs have no authority to make legal findings, impose punishment, or direct corrective action. In investigations and inquiries, IGs establish the truth of allegations or establish that allegations are not true.
5. While one of our most important tenets is to protect the confidentiality of everyone involved, we cannot guarantee it. In order to protect the confidentiality of everyone involved, we do not reveal our sources of information. Accordingly, we will not tell you or other witnesses with whom we have spoken or with whom we plan to speak.
6. Now, I'd like to go over the ground rules that apply during this interview:
  - a. We'll take sworn and taped testimony, which later will be transcribed verbatim.
  - b. All of your answers must be spoken since the tape recorder will not record non-verbal responses.
  - c. For accuracy, we ask that you spell out any proper names or abbreviations you use.
  - d. If classified information comes up, please let us know. We will pause the tape and discuss it off tape first.
  - e. We can go off tape for breaks, but when we're back on tape, we may introduce questions pertaining to off-tape remarks you make. Regardless of whether we're on or off tape, we are never off the record. Everything you say will become part of the interview record.

f. (If the suspect has an attorney present, remind the suspect that brief consultation with the attorney is permitted; but, if a more lengthy discussion is required, we will pause the interview until the discussion is complete.)

7. Regarding release of your testimony, the last question we ask during the read-out phase is whether you consent to release your testimony under the Freedom of Information Act, or FOIA. Under FOIA, any member of the public can request the IG record pertaining to this case. This record will include your testimony. It is your choice whether you want to protect your testimony from release outside the Federal Government. In this regard, it's your voluntary choice to grant consent for release of your testimony pursuant to FOIA. When we ask you this question during the read-out phase, all we need is a "yes" or "no" answer. Your decision has no impact on the weight or perceived credibility of your testimony. A "yes" answer means you do consent to the release of your testimony but not your personal identifying information such as name, social security number, home address, or phone number to members of the public; a "no" means you do not consent. Our report, including your testimony, will be used as necessary for official government purposes.

8. Because we need to ask you for your social security number and other personal information, we're also required to ensure that you understand your rights pursuant to the Privacy Act of 1974. Please review this copy of the Privacy Act. (Pause and provide copy to suspect.) Do you understand the Privacy Act?

9. Another form we use is the Testimony Information Sheet to record proper names, abbreviations, acronyms, and the like to aid in preparing an accurate transcript. Please verify the information on the form. (Slide form across the table for review.) Thank you.

10. Can you please tell us your current status?

11. Next, since you are considered a suspect in this matter, we will go over the Rights Warning / Waiver Certificate. Follow the guidance in Section 7-8 of the guide, including signature in the appropriate block.

12. Lastly, to sum up the pre-tape portion of the interview, this is an administrative procedure, not a court of law. We can accept and use both hearsay and opinion. Also, confidentiality is one of the tenets of the Inspector General Program; however, we cannot guarantee confidentiality. To keep this matter as confidential as possible, we will ask that you not discuss this case with anyone without our permission, except for your attorney, if you choose to consult with one.

13. Unless you have any questions, we'll turn on our tape recorders and begin the read-in.

**WITNESS INTERVIEW SCRIPT**

(BEGIN READ-IN. DO NOT USE YOUR OWN WORDS.)

1. The time is \_\_\_\_\_. This tape-recorded interview is being conducted on (date) \_\_\_\_\_ at (location) \_\_\_\_\_ (if telephonic, state both locations). Persons present are the witness (name) \_\_\_\_\_, the investigating officers \_\_\_\_\_, \_\_\_\_\_, (court reporters, attorney, union representative, others) \_\_\_\_\_. This (investigation / inquiry was directed by \_\_\_\_\_) and concerns allegations that: (as stated in directive)

NOTE: If the investigation concerns classified information, inform the witness that the report will be properly classified, and advise the witness of security clearances held by the IG personnel. Instruct the witness to identify classified testimony.

2. An Inspector General is an impartial fact-finder for the commander. Testimony taken by an IG and reports based on the testimony may be used for official purposes. Access is normally restricted to persons who clearly need the information to perform their official duties. In some cases, disclosure to other persons, such as the subject of an action that may be taken as a result of information gathered by this inquiry / investigation, may be required by law or regulation, or may be directed by proper authority. Upon completion of this interview, I will ask you whether you consent to the release of your testimony but not your personal identifying information such as name, social security number, home address, or home phone number, if requested by members of the public pursuant to the Freedom of Information Act.

3. Since I will ask you to provide your social security number to help identify you as the person testifying, I provided you a Privacy Act Statement. (If telephonic, it may have been necessary to read the Privacy Act Statement.) Do you understand it? (Witness must state yes or no)

4. You are not suspected of any criminal offense and are not the subject of any unfavorable information.

5. Before we continue, I want to remind you of the importance of presenting truthful testimony. It is a violation of Federal law to knowingly make a false statement under oath. Do you have any questions before we begin? Please raise your right hand so that I may administer the oath.

“Do you swear that the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth so help you God?”

NOTE: The witness should audibly answer "yes" or "I do." If the witness objects to the oath, the word "swear" may be changed to the word "affirm," and the phrase "so help me God" may be omitted.

6. Please state your: (as applicable)

- Name
- Rank (Active / Reserve / Retired)
- Grade / Position
- Organization
- Social Security Number (voluntary)
- Address (home or office)
- Telephone number (home or office)

(END READ-IN)

XX

7. Question the witness.

NOTE: (1) If during this interview the witness suggests personal criminal involvement, the witness must be advised of his or her rights using a Rights Warning Procedure / Waiver Certificate. Unless the witness waives his or her rights, the interview ceases. If during the interview you believe the witness has become a subject, advise him or her that he or she need not make any self-incriminating statements.

NOTE: (2) During the interview, if it becomes necessary to advise a witness about making false statements or other false representations, read the following statement to the witness as applicable:

7a. For active-duty or reserve personnel subject to UCMJ:

I consider it my duty to advise you that any person subject to the UCMJ who, with intent to deceive, signs any false record, return, regulation, order, or other official document, knowing the same to be false, may be subject to action under the provisions of UCMJ, Article 107. Additionally, under the provisions of the UCMJ, Article 134, any person subject to the UCMJ who makes a false statement, oral or written, under oath, believing the statement to be untrue, may be punished as a courts-martial may direct.

Do you understand? (Witness must state "yes" or "no.")

7b. For reserve and civilian personnel not subject to UCMJ:

I consider it my duty to advise you that under the provisions of Section 1001, Title 18, United States Code, whoever in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies; conceals; or covers up by a trick, scheme, or device a material fact, or makes any false, fictitious, or fraudulent statement or representation, shall be fined not more than \$10,000 or imprisoned for not more than five years, or both. Additionally, any person who willfully and contrary to his oath testifies falsely while under oath may be punished for perjury under the provisions of Section 1621, Title 18, United States Code.

Do you understand? (Witness must state "yes" or "no.")

XX

(BEGIN READ-OUT)

8. Do you have anything else you wish to present?

9. Who else do you think we should talk to and why?

10. We are required to protect the confidentiality of IG investigations and the rights, privacy, and reputations of all people involved in them. We ask people not to discuss or reveal matters under investigation. Accordingly, we ask that you not discuss this matter with anyone without permission of the investigating officers except your attorney if you choose to consult one.

NOTE: Advise others who are also present against disclosing information.

11. Your testimony may be made part of an official Inspector General record. Earlier, I advised you that while access is normally restricted to persons who clearly need the information to perform their official duties, your testimony may be released outside official channels. Individual members of the public who do not have an official need to know may request a copy of this record, to include your testimony. If there is such a request, do you consent to the release of your testimony, but not your personal identifying information such as name, social security number, home address, or home phone number, outside official channels? (Witness must state "yes" or "no.")

12. Do you have any questions? The time is \_\_\_\_\_, and the interview is concluded. Thank you.

XX

(END READ-OUT)

**WITNESS (RECALL) INTERVIEW SCRIPT**

(BEGIN READ-IN. DO NOT USE YOUR OWN WORDS.)

1. The time is \_\_\_\_\_. This tape-recorded recall interview is being conducted on (date) \_\_\_\_\_ at (location) \_\_\_\_\_(if telephonic, state both locations). The persons present are the witness (name) \_\_\_\_\_, the investigating officers \_\_\_\_\_, \_\_\_\_\_, (court reporter, attorney, union representative, others) \_\_\_\_\_. This is a continuation of an interview conducted on (date)\_\_\_\_\_ as part of a (investigation / inquiry) directed by \_\_\_\_\_) concerning allegations of: (as stated in directive)

NOTE: If the investigation concerns classified information, inform the witness that the report will be properly classified, and advise the witness of security clearances held by IG personnel. Instruct the witness to identify classified testimony.

2. You were previously advised of the role of an Inspector General, of restrictions on the use and release of IG records, and of the provisions of the Privacy Act. Do you have any questions about what you were previously told? (Witness must state "yes" or "no.")

3. You were also informed you are not suspected of any criminal offense and are not the subject of any unfavorable information. During the previous interview, you were put under oath before giving testimony and were reminded that it is a violation of Federal law to knowingly make a false statement under oath. You are still under oath.

4. For the record, please state your: (as applicable.)

- Name
- Rank (Active, Reserve, Retired)
- Grade / Position
- Organization
- Social Security Account Number (voluntary)
- Address / Telephone (home or office)

(END READ-IN)

5. Question the witness.

NOTE: During this interview, if the witness suggests personal criminal involvement, you must advise the witness of his or her rights using a Rights Warning Procedure / Waiver Certificate. Unless the witness waives his or her rights, the interview ceases. During the interview, if you believe the witness has become a subject, advise him or her that he or she need not make any statement that may be self-incriminating. See the Witness Read-In Script for dealing with false statements.

XX

(BEGIN READ-OUT)

6. Do you have anything else you wish to present?

7. Who else do you think we should talk to and why?

8. We are required to protect the confidentiality of IG investigations and the rights, privacy, and reputations of all people involved in them. We ask people not to discuss or reveal matters under investigation. Accordingly, we ask that you not discuss this matter with anyone without permission of the investigating officers except your attorney if you choose to consult one.

NOTE: Advise others who are also present against disclosing information.

9. In our first interview, I advised you that your testimony may be made part of an official Inspector General record and that, while access is normally restricted to persons who clearly need the information to perform their official duties, any member of the public could ask the Inspector General for a copy of these records. You (did / did not) consent to the release of your testimony. Do you consent to the release of the testimony you gave today but not your personal identifying information such as name, social security number, home address, or home phone number? (Witness must state "yes" or "no.")

10. Do you have any questions? The time is \_\_\_\_\_, and this recall interview is concluded. Thank you.

(END READ-OUT)

XX

**SUBJECT INTERVIEW SCRIPT**

(BEGIN READ-IN. DO NOT USE YOUR OWN WORDS)

1. The time is \_\_\_\_\_. This tape-recorded interview is being conducted on (date) \_\_\_\_\_ at \_\_\_\_\_ (location) \_\_\_\_\_ (if telephonic, state both locations). Persons present are (subject's name) \_\_\_\_\_, the investigating officers \_\_\_\_\_, \_\_\_\_\_, (court reporters, attorney, union representative, others) \_\_\_\_\_. \_\_\_\_\_ directed this (investigation / inquiry) concerning allegations that: (as stated in action memorandum)

NOTE: If the investigation concerns classified information, inform the subject that the report will be properly classified, and advise the subject of security clearances held by IG personnel. Instruct the subject to identify classified testimony.

2. An Inspector General is an impartial fact-finder for the commander. Testimony taken by an IG and reports based on the testimony may be used for official purposes. Access is normally restricted to persons who clearly need the information to perform their official duties. In some cases, disclosure to other persons, such as the subject of an action that may be taken as a result of information gathered by this inquiry / investigation, may be required by law or regulation, or may be directed by proper authority. Upon completion of this interview, I will ask you whether you consent to the release of your testimony but not your personal identifying information such as name, social security number, home address, or home phone number if requested by members of the public pursuant to the Freedom of Information Act.

3. Since I will ask you to provide your social security number to help identify you as the person testifying, I provided you a Privacy Act Statement. (If telephonic, it may be necessary to read the Privacy Act Statement.) Do you understand it?

4. While you are not suspected of a criminal offense, we have information that may be unfavorable to you. We are required to give you the opportunity to comment on these matters. However, you do not have to answer any question that may tend to incriminate you. The information is that:

5. Before we continue, I want to remind you of the importance of presenting truthful testimony. It is a violation of Federal law to knowingly make a false statement under oath. Do you have any questions before we begin? Please raise your right hand so I may administer the oath.

“Do you swear that the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth so help you God?”

NOTE: The subject should audibly answer "yes" or "I do." If the subject objects to the oath, the word "swear" may be changed to the word "affirm," and the phrase "so help me God" may be omitted.

6. Please state your: (as applicable)

- Name
- Rank (Active, Reserve, Retired)
- Grade / Position
- Organization
- Social Security Number (voluntary)
- Address / Telephone (home or office)

(END READ-IN)

XX

7. Question the subject.

NOTE: (1) If during this interview the individual suggests personal criminal involvement, you must advise the individual of his or her rights using the appropriate service Rights Warning Procedure / Waiver Certificate. Unless the subject waives his or her rights, the interview ceases.

NOTE: (2) During the interview, if it becomes necessary to advise a subject about making false statements or other false representations, read the following statement to the subject:

7a. For active-duty or reserve personnel subject to UCMJ:

I consider it my duty to advise you that any person subject to the UCMJ who, with intent to deceive, signs any false record, return, regulation, order, or other official document, knowing the same to be false, may be subject to action under the provisions of UCMJ, Article 107. Additionally, under the provisions of UCMJ, Article 134, any person subject to the UCMJ who makes a false statement, oral or written, under oath, believing the statement to be untrue, may be punished as a courts-martial may direct.

Do you understand? (Subject must state "yes" or "no.")

7b. For reserve or civilian personnel not subject to UCMJ:

I consider it my duty to advise you that under the provision of Section 1001, Title 18, United States Code, whoever in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies; conceals; or covers up by a trick, scheme, or device, a material fact; or makes any false, fictitious, or fraudulent statement or representation, shall be fined not more than \$10,000 or imprisoned for not more than five years, or both. Additionally, any person who willfully and contrary to his oath testifies falsely while under oath may be punished for perjury under the provisions of Section 1621, Title 18, United States Code.

Do you understand? (Subject must state "yes" or "no.")

XX

(BEGIN READ-OUT)

8. Do you have anything else you wish to present?

9. Who else do you think we should talk to and why?

10. We are required to protect the confidentiality of IG investigations and the rights, privacy, and reputations of all people involved in them. We ask people not to discuss or reveal matters under investigation. Accordingly, we ask that you not discuss this matter with anyone without permission of the investigating officers except your attorney if you choose to consult one.

NOTE: Others present should also be advised against disclosing information.

11. Your testimony may be made part of an official Inspector General record. Earlier, I advised you that while access is normally restricted to persons who clearly need the information to perform their official duties, your testimony may be released outside official channels. Individual members of the public, who do not have an official need to know, may request a copy of this record, to include your testimony. If there is such a request, do you consent to the release of your testimony but not your personal identifying information such as name, social security number, home address, or home phone number, outside official channels? (Subject must state "yes" or "no.")

12. Do you have any questions? The time is \_\_\_\_\_, and the interview is concluded. Thank you.

(END READ-OUT)

XX

**SUBJECT (RECALL) INTERVIEW SCRIPT**

(BEGIN READ-IN. DO NOT USE YOUR OWN WORDS.)

1. The time is \_\_\_\_\_. This tape-recorded recall interview is being conducted on (date) \_\_\_\_\_ at (location) \_\_\_\_\_; (if telephonic, state both locations). The persons present are (subject's name) \_\_\_\_\_, the investigating officers \_\_\_\_\_, (court reporter, attorney, union representative, others) \_\_\_\_\_. It is a continuation of an interview conducted on (date) \_\_\_\_\_ as part of a (investigation / inquiry) directed by \_\_\_\_\_ concerning allegations of: (as stated in action memorandum)

NOTE: If the investigation concerns classified information, inform the subject that the report will be properly classified, and advise the subject of security clearances held by IG personnel. Instruct the subject to identify classified testimony.

2. You were previously advised of the role of an Inspector General, of restrictions on the use and release of IG records, and of the provisions of the Privacy Act. Do you have any questions about what you were previously told? (Subject must state "yes" or "no.")

3. You were also informed you are not suspected of any criminal offense. Therefore, I am not advising you of the rights to which such a person is entitled. I do want to remind you that you do not have to answer any question that may tend to incriminate you. I am reminding you that it is a violation of Federal law to knowingly make a false statement under oath.

4. Since our previous interview, our investigation has developed unfavorable information about which you have not yet had the opportunity to testify or present evidence. The unfavorable information is:

5. Earlier, we placed you under oath. You are advised that you are still under oath.

6. For the record, please state your: (as applicable)

- Name
- Rank (Active, Reserve, Retired)
- Grade / Position
- Organization
- Social Security Number (voluntary)
- Address / Telephone (home or office)

(END READ-IN)

XX

7. Question the subject.

NOTE: See notes in Subject Read-In Script for dealing with false statements and Suspect Read-In Script for dealing with suggested criminal involvement.

XX

(BEGIN READ-OUT)

8. Do you have anything else you wish to present?

9. Who else do you think we should talk to and why?

10. We are required to protect the confidentiality of IG investigations and the rights, privacy, and reputations of all people involved in them. We ask people not to discuss or reveal matters under investigation. Accordingly, we ask that you not discuss this matter with anyone without permission of the investigating officers except your attorney if you choose to consult one.

NOTE: Others present should also be advised against disclosing information.

11. In our first interview, I advised you that your testimony may be made part of an official Inspector General record and that any member of the public could ask the Inspector General for a copy of these records. You (did / did not) consent to the release of your testimony. Do you consent to the release of the testimony you gave today but not your personal identifying information such as name, social security number, home address, or phone number? (Subject must state "yes" or "no.")

12. Do you have any questions? The time is \_\_\_\_\_, and this recall interview is concluded. Thank you.

(END READ-OUT)

XX

**SUSPECT INTERVIEW SCRIPT**

(BEGIN READ-IN. DO NOT USE YOUR OWN WORDS)

1. The time is \_\_\_\_\_. This tape-recorded interview is being conducted on (date) \_\_\_\_\_ at \_\_\_\_\_ (location) (If telephonic, state both locations). Persons present are (suspect's name) \_\_\_\_\_, the investigating officers \_\_\_\_\_, \_\_\_\_\_, (court reporters, attorney, union representative, others) \_\_\_\_\_ directed this (investigation / inquiry) concerning allegations: (as stated in action memorandum)

NOTE: If the investigation concerns classified information, inform the suspect that the report will be properly classified, and advise the suspect of security clearances held by IG personnel. Instruct the suspect to identify classified testimony.

2. An Inspector General is an impartial fact-finder for the commander. Testimony taken by an IG and reports based on the testimony may be used for official purposes. Access is normally restricted to persons who clearly need the information to perform their official duties. In some cases, disclosure to other persons, such as the subject of an action that may be taken as a result of information gathered by this inquiry / investigation, may be required by law or regulation, or may be directed by proper authority. Upon completion of this interview, I will ask you whether you consent to the release of your testimony but not your personal identifying information such as name, social security number, home address, or home phone number if requested by members of the public pursuant to the Freedom of Information Act.

3. Since I will ask you to provide your social security number to help identify you as the person testifying, I provided you a Privacy Act Statement. (If telephonic, it may have been necessary to read the Privacy Act Statement.) Do you understand it? (Suspect must state "yes" or "no.")

4. You are advised that you are suspected of the following allegations, which we want to question you about:

(Advise the suspect of general nature of all allegations made against him. Refer to the Action Memorandum.)

5. I previously advised you of your rights, and you signed a waiver certificate.

"Do you understand your rights?" (Suspect must state "yes" or "no.")

"Do you agree to waive your rights at this time?" (Suspect must state "yes" or "no.")

6. Before we continue, I want to remind you of the importance of presenting truthful testimony. It is a violation of Federal law to knowingly make a false statement under oath. Do you have any questions before we begin? Please raise your right hand so that I may administer the oath.

“Do you swear that the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?”

NOTE: The suspect should audibly answer "yes" or "I do." If the suspect objects to the oath, the word "swear" may be changed to the word "affirm," and the phrase "so help me God" may be omitted.

7. Please state your: (as applicable)

- Name
- Rank (Active / Reserve / Retired)
- Grade / Position
- Organization
- Social Security Number (voluntary)
- Address / Telephone number (home or office)

(END READ-IN)

XX

8. Question the suspect.

NOTE: During the interview, if it becomes necessary to advise suspect about making false statements or other false representations, read the following statement to the suspect as applicable.

8a. For active-duty or reserve subject to UCMJ:

I consider it my duty to advise you that any person subject to the UCMJ who, with intent to deceive, signs any false record, return, regulation, order, or other official document, knowing the same to be false, may be subject to action under the provisions of UCMJ, Article 107. Additionally, under the provisions of UCMJ, Article 134, any person subject to the UCMJ who makes a false statement, oral or written, under oath, believing the statement to be untrue, may be punished as a courts-martial may direct. Do you understand? (Suspect must state “yes” or “no.”)

8b. For reserve or civilian personnel not subject to UCMJ:

I consider it my duty to advise you that under the provisions of Section 1001, Title 18, United States Code, whoever in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies; conceals; or covers up by a trick, scheme, or device, a material fact; or makes any false, fictitious, or fraudulent statement or representation, shall be fined not more than \$10,000 or imprisoned for not more than five years, or both. Additionally, any person who willfully and contrary to his oath testifies falsely while under oath may be punished for perjury under the provisions of Section 1621, Title 18, United States Code. Do you understand? (Suspect must state “yes” or “no.”)

NOTE: During this interview, if the IG suspects the individual of having committed an additional criminal offense, re-advise the suspect of his or her rights concerning the additional offense.

XX

(BEGIN READ-OUT)

9. Do you have anything else you wish to present?

10. Who else do you think we should talk to and why?

11. We are required to protect the confidentiality of IG investigations and the rights, privacy, and reputations of all people involved in them. We ask people not to discuss or reveal matters under investigation. Accordingly, we ask that you not discuss this matter with anyone without permission of the investigating officers except your attorney if you choose to consult one.

Note: Others present should also be advised against disclosing information.

12. Your testimony may be made part of an official Inspector General record. Earlier, I advised you that while access is normally restricted to persons who clearly need the information to perform their official duties, your testimony may be released outside official channels. Individual members of the public who do not have an official need to know may request a copy of this record, to include your testimony. If there is such a request, do you consent to the release of your testimony but not your personal identifying information such as name, social security number, home address, or home phone number, outside official channels? (Suspect must answer "yes" or "no.")

13. Do you have any questions? The time is \_\_\_\_\_, and the interview is concluded. Thank you.

XX

(END READ-OUT)

**SUSPECT (RECALL) INTERVIEW SCRIPT**

(BEGIN READ-IN. DO NOT USE YOUR OWN WORDS)

1. The time is \_\_\_\_\_. This tape-recorded recall interview is being conducted on (date)\_\_\_\_\_ at (location) \_\_\_\_\_ (if telephonic, state both locations). The persons present are (suspect's name) \_\_\_\_\_, the investigating officers \_\_\_\_\_, \_\_\_\_\_, (court reporter, attorney, union representative, others) \_\_\_\_\_. It is a continuation of an interview conducted on (date)\_\_\_\_\_ as part of a (investigation / inquiry) directed by \_\_\_\_\_ concerning allegations of: (as stated in action memorandum)

NOTE: If the investigation concerns classified information, inform the suspect that the report will be properly classified, and advise the suspect of security clearances held by IG personnel. Instruct the suspect to identify classified testimony.

2. You were previously advised of the role of an Inspector General, of restrictions on the use and release of IG records, and of the provisions of the Privacy Act. Do you have any questions about what you were previously told?

3. During our previous interview, you were advised that you were suspected of:

You were warned of your rights, and you signed a form in which you consented to answer questions. I will show you that form now. You are reminded that it is a violation of Federal law to knowingly make a false statement under oath.

NOTE: Show the form to the suspect.

4. Since our previous interview, I have obtained new information about which you have not yet had the opportunity to comment.

NOTE: If new information is criminal, re-advise the suspect of his rights and annotate / initial the form. If new information is unfavorable, advise the suspect that he does not have to answer any question that may incriminate him.

5. Earlier, we placed you under oath. You are advised that you are still under oath.

6. For the record, please state your: (as applicable)

- Name
- Rank
- Grade / Position
- Organization
- Social Security Number (voluntary)
- Address / Telephone (home or office)

(END READ-IN)

XX

7. Question the suspect.

XX

(BEGIN READ-OUT)

8. Do you have anything else you wish to present?

9. Who else do you think we should talk to and why?

10. We are required to protect the confidentiality of IG investigations and the rights, privacy, and reputations of all people involved in them. We ask people not to discuss or reveal matters under investigation. Accordingly, we ask that you not discuss this matter with anyone without permission of the investigating officers except your attorney if you choose to consult one.

NOTE: Advise others who are also present against disclosing information.

11. In our first interview, I advised you that while access is normally restricted to persons who clearly need the information to perform their official duties, your testimony may be made part of an official Inspector General record and that any member of the public could ask the Inspector General for a copy of these records. You (did / did not) consent to the release of your testimony. Do you consent to the release of the testimony you gave today but not your personal identifying information such as name, social security number, home address, or phone number? (Suspect must answer "yes" or "no.")

12. Do you have any questions? The time is \_\_\_\_\_, and this recall interview is concluded. Thank you.

(END READ-OUT)



## Appendix I

### Adverse Personnel Actions

1. Adverse actions are any administrative or punitive action that takes away an entitlement, results in an entry or document added to the affected person's personnel records that boards or supervisors could consider negative, or permits the affected person to rebut or appeal the action. Adverse action includes 'unfavorable information' administrative actions governed by service regulations; UCMJ action; or, with regard to civilian employees, personnel or disciplinary action as defined in 5 USC 2302.

2. Listed below are some (not all) of the adverse personnel actions for which a right of confrontation (a right to see the evidence) is required in some measure. If Inspector General reports or records are used as the basis for these actions, those IG records or applicable portions of the records may be made available to the individual against whom the adverse action is directed. This list is not complete and is provided to help further define an "adverse action." Your local Staff Judge Advocate (SJA) can provide further guidance. Contact your SJA or Legal Division in all instances involving the potential use of IG records for possible adverse action.

#### 3. Disciplinary Actions

- General Courts-Martial
- Special Courts-Martial (empowered to adjudge a Bad-Conduct Discharge)
- Special Courts-Martial
- Summary Courts-Martial
- Field-Grade Article 15
- Company-Grade Article 15

#### 4. Administrative Actions

##### a. Rank Indiscriminate

- Revocation of Security Clearance
- Letter of Reprimand
- Financial Liability Investigations of Property Loss
- Line of Duty Investigation
- Conscientious Objection

- Academic Evaluation Report

b. **Officer Personnel**

- Adverse Fitness Report
- Relief from Command
- Relief for Cause
- Show Cause Board
- Removal from Promotion, School, or Command List

c. **Enlisted Personnel**

- Elimination for Alcohol / Drug Abuse
- Elimination for Unsatisfactory Performance
- Elimination for Good of the Service
- Entry-Level Separation
- Elimination for Misconduct
- Administrative Reduction
- Bar to Reenlistment
- Military Occupational Specialty Reclassification
- Special Adverse Non-Commissioned Officer Evaluation Report
- Removal from School or Promotion List

d. **Civilian Personnel Actions**

- Removal (5 USC 7512, 7532)
- Involuntary Resignation
- Suspension (5 USC 7503, 7512, 7532)
- Reduction in Grade (5 USC 7512)
- Reduction in Pay (5 USC 7512)
- Reclassification (5 USC 5362)

In addition, other adverse or grievance actions may be set out in local bargaining agreements. These agreements may establish their own procedural requirements, and IGs must be familiar with them.



## **Appendix J**

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### **Mental Health Evaluation Document Formats**

1 – Commanding Officer Request for Routine (NON-EMERGENCY) Mental Health Evaluation (page D-2)

2 – Service Member Notification of Commanding Officer Referral for Mental Health Evaluation (page D-4)

3 – Memorandum from Mental Health Care Provider to Service Member's Commanding Officer (page D-7)

4 – Guidelines from Mental Health Evaluation for Imminent Dangerousness (page D-10)

**Commanding Officer Request for Routine (NON-EMERGENCY) Mental Health Evaluation**

Office Symbol

&lt;Date&gt;

MEMORANDUM FOR (Name of Medical Treatment Facility (MTF) or Clinic)

SUBJECT: Command Referral for Mental Health Evaluation of (Service Member Rank, Name, Branch of Service, and SSN)

- References:
- a. DoD Directive 6490.1, Mental Health Evaluations of the Armed Forces, dated 1 October 1997
  - b. DoD Instruction 6490.4, Requirements for Mental Health Evaluations of Members of the Armed Forces, dated 28 August 1997
  - c. Section 546 of Public Law 102-484, National Defense Authorization Act for Fiscal Year 1993, dated October 1992
  - d. DoD Directive 7050.06, Military Whistleblower Protection, dated 23 July 2007

1. In accordance with references (a) through (d), I hereby request a formal mental health evaluation of (rank and name of Service Member).
2. (Name and rank of Service member) has (years) and (months) active-duty service and has been assigned to my command since (date). Armed Services Vocational Aptitude Battery (ASVAB) scores upon enlistment were: (list scores). Past average performance marks have ranged from \_\_\_\_ to \_\_\_\_ . Legal action is / is not currently pending against the Service member. (If charges are pending, list dates and UCMJ articles). Past legal actions include: (List dates, charges, non-judicial punishments and / or Courts-Martial findings.)
3. I have forwarded to the Service member a memorandum that advises (rank and name of Service member) of his (or her) rights. This memorandum also states the reasons for this referral; the name of the mental health care provider(s) with whom I consulted; and the names and telephone numbers of judge advocates, DoD attorneys and / or Inspector General who may advise and assist him (or her). A copy of this memorandum is attached for your review.
4. (Service member's rank and name) has been scheduled for evaluation by (name and rank of mental health care provider) at (name of MTF or clinic) on (date) at (time).
5. Should you wish additional information, you may contact (name and rank of the designated point of contact) at (telephone number).

6. Please provide a summary of your findings and recommendations to me as soon as they are available.

Attachment

(Signature)  
Rank and Name of Commanding Officer

## Service Member Notification of Commanding Officer Referral for Mental Health Evaluation

Office Symbol

<Date>

MEMORANDUM FOR (Service Member.....)

SUBJECT: Notification of Commanding officer Referral for Mental Health Evaluation  
(Non Emergency)

- References:
- a. DoD Directive 6490.1, Mental Health Evaluations of the Armed Forces, dated 1 October 1997
  - b. DoD Instruction 6490.4, Requirements for Mental Health Evaluations of Members of the Armed Forces, dated 28 August 1997
  - c. Section 546 of Public Law 102-484, National Defense Authorization Act for Fiscal Year 1993, dated October 1992
  - d. DoD Directive 7050.06, Military Whistleblower Protection, dated 23 July 2007

1. In accordance with references (a) through (d), this memorandum is to inform you that I am referring you for a mental health evaluation.
2. The following is a description of your behaviors and /or verbal expressions that I considered in determining the need for a mental health evaluation: (Provide dates and a brief factual description of the Service member's actions of concern). Before making this referral, I consulted with the following mental health care provider(s) about your recent actions: (list rank, name, and medical corps branch of each provider consulted) at (name of Medical Treatment Facility (MTF) or clinic) on (date(s)). (Rank(s) and name(s) of mental healthcare provider(s) concur(s) that this evaluation is warranted and is appropriate.

**OR**

3. Consultation with a mental health care provider prior to this referral is (was) not possible because (give reason; e.g., geographic isolation from available mental health care provider, etc.).
4. Per references (a) and (b), you are entitled to the rights listed below:
  - a. The right, upon your request, to speak with an attorney who is a member of the Armed Forces or employed by the Department of Defense and who is available for the purpose of advising you of the ways in which you may seek redress should you question this referral.
  - b. The right to submit to your Service Inspector General or to the Inspector General of the Department of Defense (DoDIG) for investigation an allegation that your

mental health evaluation referral was in reprisal for making or attempting to make a lawful communication to a Member of Congress; any appropriate authority in your chain of command; an IG; or a member of a DoD audit, inspection, investigation or law-enforcement organization or in violation of (reference (a)), (reference (b)), and / or any applicable Service regulations.

c. The right to obtain a second opinion and to have a mental health care provider of your own choosing evaluate you at your own expense if reasonably available. Such an evaluation by an independent mental health care provider shall be conducted within a reasonable period of time (usually within 10 business days) and shall not delay or substitute for an evaluation performed by a DoD mental health care provider.

d. The right to communicate without restriction with an IG, attorney, Member of Congress, or others about your referral for a mental health evaluation. This provision does not apply to a communication that is unlawful.

e. The right, except in emergencies, to have at least two business days before the scheduled mental health evaluation to meet with an attorney, IG, chaplain, or other appropriate party. If I believe that your situation constitutes an emergency or that your condition appears potentially harmful to your well being, and I judge that it is not in your best interest to delay your mental health evaluation for two business days, I shall state my reasons in writing as part of the request for the mental health evaluation.

5. If you are assigned to a naval vessel, deployed, or otherwise geographically isolated because of circumstances related to military duties that make compliance with any of the procedures in paragraphs (3) and (4) above impractical, I shall prepare and give you a copy of the memorandum setting forth the reasons for my inability to comply with these procedures.

6. You are scheduled to meet with (name and rank of the mental health care provider) at (name of MTF or clinic) on (date) at (time).

7. The following authorities are available to assist you if you wish to question this referral:

a. Military Attorney: (Provided rank, name, location, telephone number, and available hours.)

b. Inspector General: (Provided rank / title, name, address, telephone number, and available hours for Service and DoDIG. The DoDIG, number is 1-800-424-9098.)

c. Other available resources: (Provide rank, name, and medical corps branch / title of chaplains or other resources available to counsel and assist the Service member.)

(Signature)

Rank and Name of Commanding Officer

I have read the memorandum above and have been provided a copy.

Service member's signature: \_\_\_\_\_ Date: \_\_\_\_\_

**OR**

The Service Member declined to sign this memorandum, which includes the Service Member's Statement of Rights because (give reason and / or quote Service member).

Witness's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Witness's rank and name: \_\_\_\_\_ Date: \_\_\_\_\_

(Provide a copy of this memorandum to the Service member.)

**Memorandum from Mental Health Care Provider to Service Member's  
Commanding Officer**

Office Symbol

<Date>

MEMORANDUM THRU COMMANDING OFFICER, (Name of Subject's Command)

FOR COMMANDING OFFICER, (Medical.....)

THROUGH: COMMANDING OFFICER, (Medical Treatment Facility (MTF) or Clinic)

SUBJECT: Health Evaluation in the Case of (Service Members Rank, Name, SSN)

References: a. DoD Directive 6490.1, Mental Health Evaluations of the Armed Forces, dated 1 October 1997

b. DoD Instruction 6490.4, Requirements for Mental Health Evaluations of Members of the Armed Forces, dated 28 August 1997

1. The above named Service member was seen on (date) at (location) by (mental health care provider's rank and name) after referral by (rank and name of Service member's commanding officer) for an emergency evaluation because of (brief summary of pertinent facts).

**OR**

for a non-emergency, command-directed evaluation because of (brief summary of pertinent facts).

2. The evaluation revealed (brief description of findings).

3. The Diagnosis(es) is / are

Axis I  
Axis II  
Axis III

4. The Service member's diagnosis(es) do(es) not meet retention standards for continued military service, and his / her case will be referred to the Physical Evaluation Board for administrative adjudication.

**OR**

The Service member is deemed unsuitable for continued military service on the basis of the above diagnosis(es). (Provide explanation on how the Service member's personality disorder or substance abuse, for example, is maladaptive to adequate performance of duty.)

5. This Service member is considered (Imminently Dangerous OR Potentially Dangerous) based upon (summary of clinical data to support this determination).

6. The following clinical treatment plan has been initiated:

a. The Service member has been admitted to (ward and name of Medical Treatment Facility (MTF) or hospital) for further evaluation / observation/treatment. His / her physician is (rank / title and name) and may be reached at (telephone number).

**OR**

b. The Service member has been scheduled for outpatient follow-up (or treatment) on (date and time) at (name of MTF or mental health clinic) with (rank / title and name of privileged mental health care provider) who may be reached at (telephone number).

7. RECOMMENDATIONS TO THE COMMANDING OFFICER: The Service member is returned to his / her Command with the following recommendations (for potentially dangerous Service members, only):

a. Precautions: (e.g., order to move into military barracks; prevent access to weapons; consider liberty / leave restrictions; issue restraining order, etc.)

**AND / OR**

b. Process for expeditious administrative separation in accordance with applicable Service directive). The Service member does not have a severe mental disorder and is not considered mentally disordered. However, he / she manifests a long-standing disorder of character, behavior, and adaptability that is of such severity so as to preclude adequate military service. Although not currently at significant risk for suicide or homicide, due to his / her lifelong pattern of maladaptive responses to routine personal and / or work-related stressors, he / she may become dangerous to himself / herself or others in the future.

**AND / OR**

c. The Service member (is / is not) suitable for continued access to classified material and his / her (Secret / Top Secret / Top Secret Special Compartmentalized Clearance) should be (retained / rescinded).

**AND / OR**

d. Other \_\_\_\_\_(describe).

8. The above actions taken and recommendations made have been discussed with the Service member, who acknowledged that he / she understood them.

**OR**

The Service member's condition (diagnosis(es)) prevent(s) him / her from understanding the actions taken and recommendations made above.

9. If you do not concur with these recommendations, DoD Directive 6490.1, Mental Health Evaluations of Members of the Armed Forces, dated 1 October 1997, (reference

(a) requires that you notify your next senior commanding officer within two business days explaining your decision to act against medical advice regarding administrative management of the Service member.

(Signature)

Mental Health Care Provider's Rank, Name, and Medical Corps Branch

## Guidelines from Mental Health Evaluation for Imminent Dangerousness

Clinical evaluation should include:

### 1. Record Review

- a. Medical Record
- b. History of pertinent medical problems and treatment
- c. History of substance abuse evaluations and / or treatment
- d. History of mental health evaluation and / or treatment
- e. Family Advocacy Program (if applicable)
- f. Service Personnel Record (if applicable)
- g. Review documentation for disciplinary problems and counseling

### 2. History

- a. History as obtained from the Service member and assessment of reliability
  - 1) History of past violence towards others: ("Have you ever hurt anyone physically? Who? What did you do? How badly was the person hurt? How did you feel about it afterward? How do you feel about it now?")
  - 2) Alcohol and illicit substance abuse / dependence
  - 3) Personal / marital problems
  - 4) Recent losses (job / family)
  - 5) Legal / financial problems
  - 6) History of childhood emotional, sexual, and / or physical abuse (or witnessing abuse)
  - 7) Past psychiatric history
  - 8) Past medical history and current / recent medications
- b. Information from command representative on Service member's behavior, work performance, and general functioning
- c. Pertinent information from family or friends

### 3. Mental Status Examination (emphasis on abnormal presentation)

- a. Appearance (ability to relate to the examiner, eye contact, hygiene, grooming)

- b. Behavior (psychomotor agitation or retardation)
  - c. Speech (rate, rhythm)
  - d. Mood (Service member's stated predominant mood)
  - e. Affect
    - 1) Is examiner's observations of member's affect consistent with stated mood?
    - 2) If inconsistent, in what way?
  - f. Thought Processes
    - 1) Is there evidence of psychotic symptoms, paranoid thoughts, or feelings?
  - g. Thought Content
    - 1) What does the Service member talk about spontaneously when allowed the opportunity? How does the Service member respond to specific questions about the facts or issues that led to his or her psychological evaluation? Is there evidence of an irrational degree of anger, rage, or jealousy?
  - h. Cognition
    - 1) Is the Service member oriented to person, place, time, date, and reason for the evaluation? Can he / she answer simple informational questions and do simple calculations?
  - i. Assessment of Suicide Potential
    - 1) Ideation: Do you have, or have you had, any thoughts about dying or hurting yourself?
    - 2) Intent: Do you wish to die?
    - 3) Plan: Will you hurt yourself or allow yourself to be hurt "accidentally" or on purpose?
  - j. Do you have access to weapons at work or at home?
    - 1) Behaviors: Have you taken any actions towards hurting yourself; for example, obtaining a weapon with which you could hurt yourself?
    - 2) Attempts: Have you made prior suicide attempts? When? What did you do? How serious was the injury? Did you tell anyone? Did you want to die?
  - k. Assessment of Current Potential for Future Dangerous Behavior
    - 1) Ideation: Do you have, or have you recently had, any thoughts about harming or killing anyone?
    - 2) Intent: Do you wish anyone were injured or dead?
    - 3) Plan: Will you hurt or try to kill anyone?
    - 4) Behaviors: Have you verbally threatened to hurt or kill anyone? Have you obtained any weapons?
    - 5) Attempts: Have you physically hurt anyone recently? (Describe)
4. Psychological Testing Results (if applicable)

5. Physical Examination and Laboratory Test Results (if applicable)
6. Assessment Shall Include:
  - a. Axis I through III diagnoses, as indicated, and Axis IV and V assessments
  - b. A statement of clinical assessment of risk for dangerous behavior supported by history obtained from the Service member and others; the mental status examination; pertinent actuarial factors; and, if pertinent, the physical examination and laboratory studies results.
7. Recommendation / Plans Shall Address:
  - a. Further clinical evaluation and treatment, as indicated,
  - b. Precautions taken by the provider and recommendations to the Service member's commanding officer per DoD Directive 6490.1 (reference(a)) and DoD Instruction 6490.4 (reference (b)),
  - c. Recommendations to the Service member's commanding officer for administrative management.
8. Documentation
  - a. Documentation of the history, mental status examination, physical findings, assessment, and recommendations shall be recorded on Standard Forms for inpatient or outpatient care.
  - b. In those cases of individuals clinically judged to be imminently or potentially dangerous, a memorandum documenting the summary of clinical findings, precautions taken by the provider, verbal recommendations made to the Service member's commanding officer, and current recommendations shall be forwarded by the mental health care provider via the Medical Treatment Facility commanding officer to the Service member's commanding officer within one business day after the evaluation is completed.

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