



# INSPECTOR GENERAL

*United States Marine Corps*



★ HONOR ★ COURAGE ★ COMMITMENT ★

PRESENTED BY: *COL KRISTIN McCANN*, DIRECTOR, ASSISTANCE AND INVESTIGATIONS

## SPECIAL CATEGORIES

# ***ENABLING LEARNING OBJECTIVES***

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1. Know how many business days the Inspector General of the Marine Corps has to report credible Senior Official complaints to the Department of Defense Inspector General.
2. Know the difference between Restriction and Reprisal.
3. Know the difference between Maltreatment and Ostracism.
4. Understand the Command Inspector General's role with Congressional or White House inquiries.
5. Know where to refer civilian Reprisal complaints.
6. Know where to refer complaints with accusations against Specific Professions, or their Professional Advice.



# SPECIAL CATEGORIES – AKA “EXCEPTIONS”

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- Senior Officials (reporting requirements)
- Reprisal/Restriction (reporting requirements) IGMC
- Ostracism and Maltreatment
- Congressional / White House Inquiries
- Request Mast
- Social Media CIG
- Improper Mental Health Referrals
- Civilian Reprisal
- Classified Whistleblower Reprisal
- Civilian Human Resources REFER
- Equal Employment Opportunity (EEO)
- Equal Opportunity (EO)
- Criminal
- Sexual Assault
- Other Forms of Redress



# SENIOR OFFICIAL COMPLAINTS

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## Defined

- General Officer and BGen Selects (Active duty/Retired/Reserve)
- Senior Executive Service or equivalent (Current and former)
- Presidential appointees (Current and former)

## CIG Role

- Immediately notify IGMC
- Do not put anything in CMS and DO Not inform your CG

Why? IGMC has sole authority over Senior Official Investigations

**IGMC has 5 business days from date the complaint was received by any IG to report CREDIBLE Senior Official complaints to DODIG**



# ***MILITARY WHISTLEBLOWER REPRISAL***

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Defined

## **10 U.S.C. §1034**

- **Restriction:** No person may restrict a member of the armed forces in communicating with a Member of Congress or an Inspector General.
- **Reprisal:** No person may take (or threaten to take) an unfavorable or withhold (or threatening to withhold) a favorable personnel action, as reprisal against a member of the armed forces for making or preparing to make, or being perceived as making or preparing to make a protected communication (PC).



# ***MILITARY WHISTLEBLOWER REPRISAL***

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## **CIG Role**

- *Immediately*
  - Open a Case in CMS
  - Send the OC and CMS Case # to the IGMC ORG BOX
- *Within 2-5 Business Days*
  - Upload a Military Reprisal Notification to CMS

Why? IGMC has sole authority over Military Whistleblower Reprisal Intake & Dismiss and Investigations

**IGMC has 10 business days from date the complaint was received by any IG to report ALL Military Reprisal complaints to DODIG**



# ***OSTRACISM AND MALTREATMENT***

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Defined

- **Maltreatment:** Article 92
- **Ostracism:** SECNAVINST 5370.7D

CIG Role

- Open a Case in CMS
- Task to Command for INFORMATION
- Document command action taken in CMS & close case

Why? Ostracism and Maltreatment are Command matters



# CONGRESSIONAL & WHITE HOUSE INQUIRIES

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## Defined

- Congressional
  - Tasked by Office of Legislative Affairs Correspondence (OLAC)
  - Directly from Member of Congress (MOC) – contact OLAC
  - OLA will respond to MOC – MOC will respond to the complainant
- White House
  - White House Liaison Office (WHLO) via DON Tracker
  - Respond to WHLO via DON Tracker





# CONGRESSIONAL & WHITE HOUSE INQUIRIES

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## CIG Role

- Depends on the CG – if tasked to CIG
  - Encouraged, but not required to enter into CMS.
  - If CIG enters these cases in CMS, they WILL NOT be inspected by A&I Division during Hotline Inspections.

Why? Very often a Complainant will make the same complaint to multiple venues. IGMC can reduce redundant tasking to CIGs.



# REQUEST MAST

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## Defined

- NAVMC 11296 (6-97)
- Filled out, signed & dated (Sealed “Eyes Only”)

## CIG Role

- Facilitate Administration of the Process
- DO NOT enter into CMS
- DO NOT attempt to resolve
- DO NOT deny or conduct a RM Hearing

Why? RM is a Commander’s program – Not an IG Function



# ***SOCIAL MEDIA COMPLAINTS***

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## Defined

- MARADMIN 365/10 prohibits posting any defamatory, libelous, abusive, threatening, racially or ethically hateful or otherwise offensive or illegal content
- ALMAR 008/17 refers to Articles 88-91,92,93,120c, 133, and 134 of the UCMJ as possible authorities in the punishment of misconduct.



# SOCIAL MEDIA COMPLAINTS

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## CIG Role

- Open a Case in CMS
- Refer COMPLAINT to NCIS – if declined
- Refer COMPLAINT to CID – if declined
- Task to Command for INFORMATION
- Document command action taken in CMS & close case

Why? Social Media Misconduct can be criminal and is a Command Matter



# IMPROPER MENTAL HEALTH EVALUATION REFERRALS

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## Defined

- DODI 6490.04 defines MHE as: *A psychiatric examination or evaluation, a psychological examination or evaluation, an examination for psychiatric or psychological fitness for duty, or any other means of assessing the mental health of a Service member.*

## CIG Role

- Open a Case in CMS
- Task to Command for INFORMATION
- Document command action taken in CMS & close case

Why? IMHE Referral is a Command Matter

EXCEPT if alleged it was a PA in a Reprisal complaint



# DoDI 6490.4

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Does NOT apply to:

- Voluntary self-referrals
- Required pre and post deployment assessments
- Responsibility/competency inquiries for CM
- Family Advocacy Program interviews
- Drug/Alcohol abuse rehab programs
- Clinical referrals by healthcare providers w/consent
- Evaluations under law enforcement or corrections procedures
- Evaluations for Special duties or occupations



# ***CIVILIAN COMPLAINTS OF REPRISAL***

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## Defined

- Retaliation against a USMC Civilian employee

## CIG Role:

- Open a Case in CMS
- Refer the **COMPLAINANT** – Based on Complainant's Status

Why? Civilian Reprisal is not an IG matter



# ***CIVILIAN REPRISAL – COMPLAINANT'S STATUS***

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- **Appropriated Fund Employees**
  - Title 5, USC §2302 (b)(8)
  - Refer to Office of Special Counsel (OSC) (800-872-9855) / <https://osc.gov/pages/file-complaint.aspx>
- **Non-Appropriated Fund Employees**
  - DoDI 1401.3, Personnel Policy for Non-Appropriated Fund Instrumentalities (NAFIs)
  - Refer to DODIG Hotline (800-424-9098) / [www.dodig.mil/hotline/reprisalcomplaint.html](http://www.dodig.mil/hotline/reprisalcomplaint.html)
- **DoD Contractors**
  - Title 10, USC §2409
  - Refer to DoDIG Hotline (800-424-9098)
  - [www.dodig.mil/hotline/reprisalcomplaint.html](http://www.dodig.mil/hotline/reprisalcomplaint.html)
- **Intelligence Community (Civ & Mil)**
  - Refer to DODIG Hotline (800-424-9098)
  - [www.dodig.mil/hotline/reprisalcomplaint.html](http://www.dodig.mil/hotline/reprisalcomplaint.html)
- **Local / Foreign Nationals**
  - Status of Forces Agreement (SOFA)





# CLASSIFIED WHISTLEBLOWER REPRISAL

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## Defined

- Retaliation against employees serving in the Intelligence Community (IC) or who are eligible for access to classified information can effectively report waste, fraud, and abuse while protecting classified national security information

## CIG Role:

- Open a Case in CMS
- Refer the COMPLAINANT

Why? IGMC and CIG Hotlines are not authorized to take Classified complaints



# CLASSIFIED WHISTLEBLOWER REPRISAL

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## DoD OIG

*Secret: SIPR Website: <http://www.dodig.smil.mil/hotline>*

*(please contact the DoD Hotline at 1.800.424.9098 prior to sending)*

*Top Secret: JWICS at <http://www.dodig.ic.gov/hotline/index.html>*

*(please contact the DoD Hotline at 1.800.424.9098 prior to sending)*

## IGMC SIPR Website

<http://gccsportal.mcw.ad.usmc.smil.mil/sites/igmc/default.aspx>

OR

Contact Mr. Ed Vogt via SIPR @ [edwin.vogt@usmc.smil.mil](mailto:edwin.vogt@usmc.smil.mil)

*(please contact the IGMC Hotline prior to sending)*



# ***CIVILIAN HUMAN RESOURCES COMPLAINTS***

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## Defined

- Termination/ Reduction in grade or pay
- Suspension
- Reduction-in-Force

## CIG Role

- Open a Case in CMS
- Refer the COMPLAINANT to CHRO or Merit System Protection Board (MSPB)

Why? Civilian HRO is not an IG function



# ***EQUAL EMPLOYMENT OPPORTUNITY (EEO) COMPLAINTS***

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## Defined

- CIVILIAN Complainant
- Sexual Harassment Complaints
- Discrimination Complaints

## CIG Role

- Open a Case in CMS
- Refer the COMPLAINANT to EEO

Why? EEO is not an IG matter



# ***EQUAL OPPORTUNITY COMPLAINTS***

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## Defined

- MILITARY Complainant
- Sexual Harassment Complaints
- Discrimination Complaints

## CIG Role

- Open a Case in CMS
- Refer the COMPLAINANT to EO Advisor/EO Representative

Why? EO is not an IG matter – it is a Commander's program



# CRIMINAL COMPLAINTS

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## CIG Role

- Open a Case in CMS
- Consult with your SJA
- Refer the COMPLAINT to NCIS/ CID/ PMO to investigate or decline -- if declined
- Task to Command for INFORMATION
- Maintain case in open status until PI or investigation is concluded and document action taken & close case



# ***SEXUAL ASSAULT COMPLAINTS***

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## Defined

- Unrestricted Reporting
  - Uniformed Victim Advocate (UVA)
  - Sexual Assault Response Coordinator (SARC)
  - Chain of Command
  - Law Enforcement
- Restricted Reporting
  - UVA
  - SARC
  - Health Care Provider / Counselor
  - Chaplain



# SEXUAL ASSAULT COMPLAINTS

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## CIG Role

Do NOT report to Law Enforcement

- Refer COMPLAINANT to the unit UVA / SARC
- Victim's Legal Counsel can be present for all IG meetings





# ***ISSUES WITH OTHER FORMS OF REDRESS***

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## Defined

- The Complaint is not IG appropriate because another avenue of redress exists (e.g.)
  - Claims
  - Non-judicial punishment
  - Fitness Reports
  - Records Changes
  - Security Clearances

## CIG Role

- Teach and Train complainant about other forms of redress
- Open a case in CMS
- Refer COMPLAINANT to appropriate agency



# ***ISSUES WITH OTHER FORMS OF REDRESS***

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- Accusations against Specific Professions/Professional Advice

Lawyers - Legal Advisor to Senior Counsel

IGs - IGMC within 2 workdays after receipt

Chaplains - Next higher supervisory Chaplain

Medical - Appropriate medical agency or Command IG

NCIS Investigative Agents - NCIS IG

CID Investigative Agents - Appropriate commander

## **CIG Role**

- Open a case in CMS
- Refer **COMPLAINANT** to appropriate agency



# QUESTIONS?

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