

**JUDICIAL PROCEEDINGS PANEL
REQUEST FOR INFORMATION SET # 5**

98. DOD IG and the Services: Are the Services reporting all Military Whistleblower Protection Act complaints to DoD IG? What authority does DoD IG have over the Service IGs to make ensure the reporting occurs?

DoD	<p>(DoD IG) By statute and regulation, the Services must report all MWPA complaints to DoD IG. Section (c)(4) of 10 U.S.C. 1034 provides:</p> <p>(4)(A) An Inspector General receiving an allegation as described in paragraph (1) shall expeditiously determine, in accordance with regulations prescribed under subsection (h), whether there is sufficient evidence to warrant an investigation of the allegation.</p> <p>(B) If the Inspector General receiving such an allegation is an Inspector General within a military department, that Inspector General shall promptly notify the Inspector General of the Department of Defense of the allegation. Such notification shall be made in accordance with regulations prescribed under subsection (h).</p> <p>(C) If an allegation under paragraph (1) is submitted to an Inspector General within a military department and if the determination of that Inspector General under subparagraph (A) is that there is not sufficient evidence to warrant an investigation of the allegation, that Inspector General shall forward the matter to the Inspector General of the Department of Defense for review.</p> <p>(D) Upon determining that an investigation of an allegation under paragraph (1) is warranted, the Inspector General making the determination shall expeditiously investigate the allegation. In the case of a determination made by the Inspector General of the Department of Defense, that Inspector General may delegate responsibility for the investigation to an appropriate Inspector General within a military department.</p> <p>(E) In the case of an investigation under subparagraph (D) within the Department of Defense, the results of the investigation shall be determined by, or approved by, the Inspector General of the Department of Defense (regardless of whether the investigation itself is conducted by the Inspector General of the Department of Defense or by an Inspector General within a military department).</p> <p>GAO found, in its May 2015 report on DoD IG’s oversight of Service reprisal cases, that the Services were not always notifying DoD IG of reprisal allegations.</p>
USA	<p>(DAIG) Pursuant to 10 USC 1034 and DoDD 7050.06, DAIG reports all complaints to DoD IG that have a protected communication (PC), followed by an unfavorable personnel action (UPA) taken or threatened, and where either the responsible management official (RMO) was aware of the PC or the information available is not sufficient to indicate the RMO was not aware of any PC.</p>
USAF	<p>(SAF/IG) Yes. The Inspector General Act of 1978, 10 USC 1034 and DODI 7050.06 are the governing documents. DoD Directive 7050.06, MILITARY WHISTLEBLOWER PROTECTION, as implemented by AFI 90-301, INSPECTOR GENERAL COMPLAINTS RESOLUTION, requires each service IG to notify DoD IG within 10 working days of all allegations of reprisal, including allegations stemming from an alleged sexual assault. DoDD 7050.06 is DoD IG’s authority to</p>

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	ensure reporting occurs.
USN	Yes. DoD IG has oversight authority over investigations involving 10 U.S.C. 1034, Military Whistleblower Protection Act. However, reports of retaliation and ostracism under National Defense Authorization Act for Fiscal Year 2014, Section 1709, Prohibition of Retaliation Against Members of the Armed Forces for Reporting a Criminal Offense (1709), are referred to the chain of command as command climate issues. Such issues are reviewable by higher authority through normal channels, (e.g. Article 138, UCMJ, Navy Regulations Art. 1150, etc.) The resolution, or lack thereof, of command climate issues is reviewed via the required command climate survey process and by each commander's senior chain of command.
USMC	Yes. The IGMC reports all prima facie cases of Military Whistleblower Reprisal (MWR) to DoD IG per the requirements of the statute, 10 USC 1034, implemented by DoD Directive 7050.06 (April 2015). This reporting is done within 10 days of receipt of the complaint and includes copies of the Original Complaint, Protected Communication(s), Personnel Action(s), and a list of the Responsible Management Official(s) as enclosures. IGMC policy requires subordinate Command Inspectors General to report all reprisal complaints to IGMC upon receipt.
USCG	Unlike each of the other armed services that has its own IG, the DHS IG serves the Coast Guard. The Coast Guard Whistleblower Protection Regulation, 33 C.F.R. Part 53, establishes policy and implements Title 10 U.S.C. § 1034 to provide protections against reprisal to members of the Coast Guard. Military Whistleblower complaints are made directly to DHS IG. If CGIS receives such a complaint, it will refer it directly to DHS IG.