

Department of the Army Inspector General

WBR / MHE Case Receipt Processing Checklist & Questionnaire

- **While accepting the complaint, quickly determine what supporting documents are required to resolve the complaint. The more information you can provide with the notification, the more efficiently we can conduct a preliminary inquiry and either resolve the complaint or rapidly refer the case for investigation.**

- Explain what a protected communication is, as defined by DODD 7050.06, "Whistleblower Protection Act." Ask the complainant to give you detailed information regarding their PCs (specifically, **when** and **where** they were made, **to whom**, about **what**, and **how**). Do they know the outcome or end result of their PCs? For example, if an EO complaint was made, was there an investigation? If the allegation was founded, what punishment was given?

- Explain what an unfavorable personnel action is. Ask the complainant for all of the information they have regarding their alleged UPAs (**what** actions were taken, **by whom**, **when** were the actions taken, **how** were they notified?). Also, was the complainant given an opportunity for a rebuttal or to seek redress?

- Briefly explain the way DODD 7050.06 defines Whistleblower reprisal. Ask the complainant why they believe the actions were taken against them in reprisal and were not appropriate as consequences of their own conduct and actions.
 - NOTE: If, during the initial interview with the complainant, they decide they do not wish to pursue the complaint as WBR, be sure to annotate that as such in the IGAR, and handle the other issues appropriately. No notification is necessary to DAIG. If the complainant does wish to still pursue the case as WBR, but you believe **the case does not warrant further inquiry**, be sure to submit appropriate documentation to DAIG that will suffice to **show why no further inquiry is required**.

- Have the complainant fill out a WBR Questionnaire, complete with the Privacy Act Release Form. Review the answers provided by the complainant, to ensure that each one sufficiently answers the posed question, and to ensure that what they wrote accurately depicts what they already told you. Remember, we cannot conduct a thorough analysis of the complaint without the Privacy Act Release and the appropriate documentation.

- ❑ **Contact DAIG Whistleblower Investigations Oversight Branch (WIOB, Commercial: (703) 545-1845; DSN: 865-1845) for guidance on the new case, if necessary. A phone call to briefly discuss the case may benefit all parties involved by maximizing the efficiency of the field IG's information requests from the unit. Also, be sure to notify your ACOM/ASCC IG office accordingly regarding the new case.**

- ❑ Refer to the attached checklist of applicable documents to include for a WBR or improper MHE complaint. Contact the appropriate chain of command /organization to get official copies of supporting documentation. If applicable, give the complainant a list of the documentation that you need from them and a deadline of when you need it back.

- **Open the case in IGARS, IAW with local naming convention.**

- ❑ Attach any relevant documentation that the complainant submitted up to this point, along with the WBRQ, to the IGAR.

- ❑ Prepare a 1034 Advisement Memo IAW Page II-9-6 of the January 2012 Assistance & Investigations Guide. Attach this signed document to the IGAR as well.

- ❑ Send an email to the DAIG WBR mailbox (usarmy.pentagon.hqda-otig.mbx.ignet-saig-ac-whistleblower-rep@mail.mil). Be sure to include the case number, and any documentation that you were not able to attach to the IGAR. NOTE: As of 27 March 2012, DOD will no longer accept notifications of WBR/MHE cases from field IGs.

- ❖ **You will receive a confirmation email once the case has been opened at DAIG. At that point, the case is officially in the DAIG Preliminary Inquiry phase, and will be processed as outlined on the attached DA WBR Complaint/Case Processing Flowchart. Requests for Information (RFIs) will be sent back to field IGs as necessary. Gather the requested information as thoroughly and efficiently as possible in order to ensure that there are no unnecessary delays in working the case.**

**Supporting Documentation for Initial Whistleblower Reprisal / Improper
Mental Health Evaluation Notifications***

(*For Notifications Initiated Before 4 March 2013)

Complainant & Complaint Information:

- WBR Questionnaire (Review with the Complainant and ask pertinent follow-up questions!)
- Privacy Act Release (This is attached to the WBRQ, but is commonly overlooked.)
- 1034 Advisement memo (IAW Section II-9-6 of the January 2012 A&I Guide)
- Name, rank, status (AC, USAR, ARNG), SSN of complainant
- Contact Information (preferred phone, email, home address)
- ORB / ERB

A copy of each PC & Resolution:

- All related IGARS and results (ROIs)
- EO complaints with completed inquiry / legal review
- Congressional Inquiries with responses
- Copies of relevant emails

* Be sure to develop a chronology!

A copy of each UPA taken or threatened; also any favorable action withheld:

- OERs / NCOERs (plan on last five evaluations)
- Complete local counseling file
- Flagging documents (DA Form 268, etc)
- Commander's Inquiry / Article 15 / AR 15-6 Investigation related to the situation
- Separation / Chapter Packets
- Administrative actions (GOMORs, LORs, etc)
- Related Personnel Action Requests (DA 4187s)
- Award Recommendations or Orders

Previous supporting / applicable investigative products (Be sure to include legal opinions):

- Previous related AR 15-6 Investigation / Commander's Inquiry findings
- EO inquiries
- CID reports
- Records of similar actions (unit award log, for example)

For Mental Health Evaluations:

- Commander's notification to Complainant
- Results of the MHE

NOTE: **This checklist is not all-inclusive!** Each WBR / MHE case is different, so the list of documentation that will be necessary to resolve the case will vary; however, this list will give us a better start towards the efficient resolution of the case! All of these documents should be available through the complainant / command with no need to read-in anyone as a suspect / subject.

➤ **Name/Phone Number/Email Address of IG who conducted initial interview with complainant:** _____.

➤ **Date of interview with complainant:** _____.

DATA REQUIRED BY THE PRIVACY ACT OF 1974

AUTHORITY: Title 10, USC, Section 3020

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

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

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

Whistleblower Reprisal Questionnaire

You have made an allegation of reprisal. We need the following information to further evaluate your allegation. Answer these questions to the best of your ability and with as much detail as possible. Further, provide copies of any documents you believe support your allegation.

Your Name: _____ (Rank, Last, First, Middle Initial)

SSN: _____

Unit: _____ (Spell out)

Phone Number: _____ (home, work or both)

1. What protected communications did you make? *[Explanation: A protected communication is (1) Any lawful communication to a Member of Congress or an IG; or (2) A communication in which a member of the Armed Forces communicates information that the member reasonably believes evidences a violation of law or regulation, including sexual harassment or unlawful discrimination, mismanagement, 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: (a) A member of Congress, an IG, or a member of a DoD audit, inspection, investigation, or law enforcement organization, or (b) 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. (DoDD 7050.6)]*

2. To whom did you make the protected communication?

3. When and where did you make the protected communication?

4. What matters were addressed in the protected communication? *[Explain the details of your complaint; include what, where and why.]*

5. What are the unfavorable personnel actions alleged by the complaint?

[Explanation: A specific act of reprisal is an unfavorable personnel action that was either threatened or carried out as a result of a soldier's complaint to a Member of Congress, an IG, a law enforcement official, or the chain of command. An unfavorable personnel action is any action that affects, or has the potential to affect, a soldier's position or career. Specific examples are: performance evaluations, transfer or reassignment, changes to duties or responsibilities, disciplinary or other corrective actions, denial of reenlistment or separation, decisions concerning awards, promotions or training, decisions concerning pay or benefits, referrals for mental health evaluation. Depending on circumstances (i.e. was the action discretionary), unfavorable personnel action may include: actions taken as a result of an investigation (does not include initiation of an investigation), and revocation of: access to classified material, authorization to carry weapons, flying status, and Personnel Reliability Program certification.]

6. Who are the responsible Army official(s) that you allege to have taken or threatened the unfavorable personnel action?

7. When and where were the unfavorable personnel actions against you taken or threatened?

8. When did you first become aware of the unfavorable personnel action?

9. What reasons if any did any of the responsible Army official(s) give you for taking or withholding the personnel action(s)?

10. Why do you believe the action was in reprisal and not for the reasons given?

11. Did any of the responsible Army official(s) ever mention your protected communications in discussions about the personnel actions?

12. Did anyone tell you that they overheard any of the responsible Army official(s) discussing your protected communications? If so, who, and when?

13. Who else could provide information to verify your testimony or clarify the reasons for the personnel action(s)?

14. Do you have any documents or other evidence to show or explain why the action was improper or unjustified?

15. Do you have any evidence that you were treated differently from others in similar circumstances? If so, give specific examples.

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PRIVACY ACT INFORMATION RELEASE FORM

I, _____, SSN _____ - _____ - _____,
(Print First, Middle Initial, Last Name)

DO / DO NOT (circle one) authorize access or release of any inspector general records pertaining to me.

(Signature and Date)