



# Department of the Army Inspector General

## Company-level Command Team Training Booklet

June 2024



DEPARTMENT OF THE ARMY  
INSPECTOR GENERAL  
**COMPANY-LEVEL**  
COMMAND TEAM TRAINING BOOKLET

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# Purpose and Scope

## Purpose

This booklet provides an overview of the Army IG System, and it serves as a collective training tool and resource to prepare leaders to make informed decisions based on Army regulations and policies. The intended audiences are company, battery, and troop command teams, executive officers, platoon leaders, and platoon sergeants.

## Scope

The situations in this booklet provide information on IG matters and discuss potential issues that may be unclear to Army company-level leaders. In essence, it focuses on the nuances or 'gray areas' of selected Army policies. Each scenario is accompanied by discussion and thought-provoking questions.



## Notice

**This training does not establish policy, nor is it directive in nature.**

**It should not be used as a substitute for Army-mandated ethics training, staff research, or a legal opinion.**



# Part I: Role of the IG

## What is an IG?

Your local IG is a personal staff officer of the commanding general or directing authority, providing a sounding board for sensitive issues. The IG acts as the eyes, ears, voice, and conscience of the commander.

The role of the IG is to assist the commander in building a ready force able to execute its warfighting mission by monitoring the discipline, morale, esprit de corps, and readiness of the command.

Army IG activities and procedures are governed by Army Regulation 20-1 (Inspector General Activities and Procedures).



## Four Functions of the IG

**Teaching and Training** – Teaching and Training is an integral part of all IG functions. IGs by their very nature possess a wealth of knowledge and experience. They use this knowledge and experience to assist leaders at all levels about policies and procedures.

**Inspections** – IGs conduct inspections at the direction of the commander. An IG inspection may focus on organizations, functions or both and may or may not be compliance-oriented.

**Assistance** – Anyone may submit a complaint or request for assistance to an Army IG concerning matters of interest to the Army.

**Investigations** – IGs conduct non-criminal administrative investigations when directed by the Directing Authority (DA). These investigations focus on violations of policy, regulations, or statutes. The DA may also direct an investigation into alleged mismanagement, unethical behavior or misconduct.



## What does the IG do for commanders?

- IGs can provide a great deal of assistance to commanders and command teams.
- IGs are linked worldwide through inspector general technical channels and can gather information quickly and confidentially.
- IGs work closely with Soldier support agencies (Chaplain, Judge Advocate General (JAG), Red Cross, Army Community Services (ACS), etc.) to resolve problems. The IG can help you get started in the right direction.

### What the IG does not do:

- IGs do not provide legal reviews or opinions – these are provided by the Staff Judge Advocate.
- IGs do not conduct criminal investigations – these are done by the Military Police, Criminal Investigation Division (CID), or designated law enforcement agencies.
- IGs do not direct action. They may make *suggestions*, but commanders ultimately direct action.



## Who can ask for Army IG assistance?

If you have a question, need assistance, or have a concern that your supervisor or local chain of command cannot address, you should contact a local IG office for guidance.

**Anyone**—including Service members, DOD, and Army Civilians, Family members, retirees and their dependents, contract employees, Army non-appropriated fund (NAF) employees, and members of the general public—may submit a complaint, allegation, or request for information or assistance to any Army IG concerning a matter of Army interest; however, *not all matters are appropriate for IG action*.

A local IG may also answer questions, provide assistance, and accept complaints from dependents or relatives of Soldiers, and retirees and their dependents. Anyone, including civilians with no Army affiliation, can file fraud, waste, and abuse disclosures.

Remember, it is always best for the affected individual or person who witnessed any alleged wrongdoing file an IG complaint.





## How is an IG identified?



Military IGs may wear the Inspector General Identification Badge (IGIB) on the right breast pocket of their Operational Camouflage Pattern uniform, or on the left if they are wearing two badges and the IGIB is the lower precedence badge (such as a drill sergeant badge).

They also wear the IG branch insignia on the lapel of their Army Service Uniform or Army Green Service Uniform.

Civilian IGs may wear the Inspector General Lapel Pin (IGLP) on the lapel of their business attire.



## How does one contact an IG?

1. Go to your Local IG Office.
2. If you don't know where your local IG office is, use the Find an IG page Department of the DAIG Website:  
<https://ig.army.mil/REQUEST-IGACTION/Find-an-Army-IG/>.
3. If you cannot get to an IG office, go to <https://ig.army.mil/REQUEST-IG-ACTION/Request-Army-IG-Action/> and submit an online request form, or email DAIG at [USARMYDAIGassistance@army.mil](mailto:USARMYDAIGassistance@army.mil).
4. You can also call:
  - **Army IG Hotline at 1-800-752-9747**
  - **Army National Guard IG Hotline at 703-607-2539**
  - **Army Reserve IG Hotline at 855-560-3805**



**Find your IG**

<https://ig.army.mil>



## Understanding the Army IG System

The Army IG system is unique in both its scope and implementation. The Inspector General (TIG) reports to the Secretary of the Army (SecArmy), is the Headquarters, Department of the Army proponent for the Army IG system, and serves as the Commander of the U.S. Army Inspector General Agency.

Most IGs are assigned to division-level and higher units or organizations, where they act as impartial fact finders. Thus, your unit IGs are advocates for the truth who are responsible to their commanders/directing authorities, but also responsive to TIG in areas such as data requests, inspection support, IG doctrine and IG automation.

### Role of IGs:

IGs are confidential advisors to and fact-finders for their commander. Whenever possible, IGs work through and within the chain of command to maintain their viability, effectiveness, and relevancy.



## How can your IG help your company-level unit?

- **Assist your Soldiers.** Does one of your Soldiers or their Family members have a complex problem with an Army benefit, service, or process that has your leaders baffled? Reach out to your supporting IG. A local IG knows who to contact to help solve your Soldier's issue.
- **Review established or proposed company policies and procedures.** Not sure you understand how to implement an Army policy in your unit? Your IG can review your plan and compare how it relates to regulatory requirements and Army standards. IGs are consummate fact-finders who can reach out to subject-matter experts to find the right answer.
- **Inform command teams about current trends.** If you want to know about trends in your command, ask an IG—they can share non-attributional trends.
- **Provide teaching and training** on Army regulations, standards, command policies, and Army/DOD systems and programs. IGs conduct leader professional development to ensure leaders understand Army policies and 'what right looks like.' IGs can also assist investigating officers planning their investigations by providing access to the IG Suspect Interview Simulation.



## Inspector General Myths

IGs encourage Soldiers to bypass the chain of command.

INCORRECT: The first thing IGs ask those seeking assistance is, “Have you tried to solve this issue through your chain of command?” Army leadership expects IGs to work with the chain of command to resolve issues. IGs are not your enemy; they are there to help. As a reminder, Soldiers are not required to seek out the chain of command, they are allowed to contact an IG at any time.

IGs ‘call you out’ for every infraction.

INCORRECT: IGs operate within the commander’s guidance and strive to identify areas where a unit is not meeting Army or organizational standards. They will also identify the root cause of the noncompliance and work with the chain of command on the best solution. Most problems an IG finds at the company level can – and should be – fixed at the company level as soon as possible.



## Inspector General Myths

‘Failing’ an IG inspection will end your career.

INCORRECT: IG inspections are usually systemic in nature. These inspections do not focus on an individual or a specific unit’s compliance with standards or regulations, but rather with the performance and efficiency of Army or organizational systems. An IG systemic inspection is non-attributable. If IGs inspected 10 units and three had ‘issues’ executing the system, process, or policy, IGs would not name the three underperforming units in the report; instead, they would inform the commander that approximately 30 percent of units did not meet a particular standard. All recommendations in an IG systemic inspection report focus on how leaders can optimize the system, process, or policy, so that in the future the number of underperforming units decreases.

An IG is the commander’s ‘spy and executioner.’

INCORRECT: IGs act only as an extension of the commander’s eyes, ears, voice, and conscience. They merely inform the commander of what they have observed, and it is the commander’s decision to act.



## Army IG Assistance Trends, FY21-23

A large part of an IG's job consists of assisting Soldiers, Army Civilians, Family members, and the public. The assistance function is the process of receiving, inquiring into, recording, and responding to complaints or requests for assistance either brought directly to the IG or referred to the IG for action.

From FY21 to FY23 the Army IG system registered 139,880 total requests (requests for information and assistance inquiries) made by Soldiers, Family members, Army Civilians, and members of the public. In FY23 alone, the IG system processed 51,878 such requests.



## Total Requests for Information, FY21-23

Since the Army is a standards-based organization, members of the command or community who are looking for information or clarification on matters related to Army policies, procedures, and standards often contact IGs.

From FY21-23, the Army IG system received 59,522 requests for information. In FY23 alone, the IG system processed 22,532 requests for information.

### ***Example: Request for information***

*“I am separating from the military in nine months and have not begun any transition preparation. Can you advise me on the current policy on when I can begin my transition preparation and the phone number I should contact to get started?”*





## Assistance Inquiries, FY21-23

An assistance inquiry is an informal fact-finding process used by a specific individual to inquire into, and respond to a request for help, information, or other issue.

From the beginning of FY21 to the end of FY23, there were 80,088 assistance inquiries conducted in the IG system, with 29,346 conducted in FY23 alone.

**Figure 1**, next slide, shows common categories of assistance.

### *Example: Assistance Inquiry*

A Soldier contacted the IG requesting assistance in resolving travel expenses he incurred during a Permanent Change of Station move. While moving to an Outside the Continental United States (OCONUS) duty assignment, the Soldier had to change his airline tickets several times due to changing travel restrictions caused by the COVID-19 pandemic. As a result, the Soldier incurred numerous change fees that were subsequently charged to his Government Travel Charge Card. The IG contacted the Soldier's Defense Travel System Coordinator and was able to determine the fees associated with the Soldier's travel were considered reimbursable in accordance with defense travel regulations. The IG subsequently assisted the Soldier by informing him of the relevant provision of the defense travel regulations and that the change fees were reimbursable travel expenses, which could be claimed on a final settlement travel voucher once the Soldier arrived to his OCONUS duty assignment.



# TOP ASSISTANCE CATEGORIES FY21-23

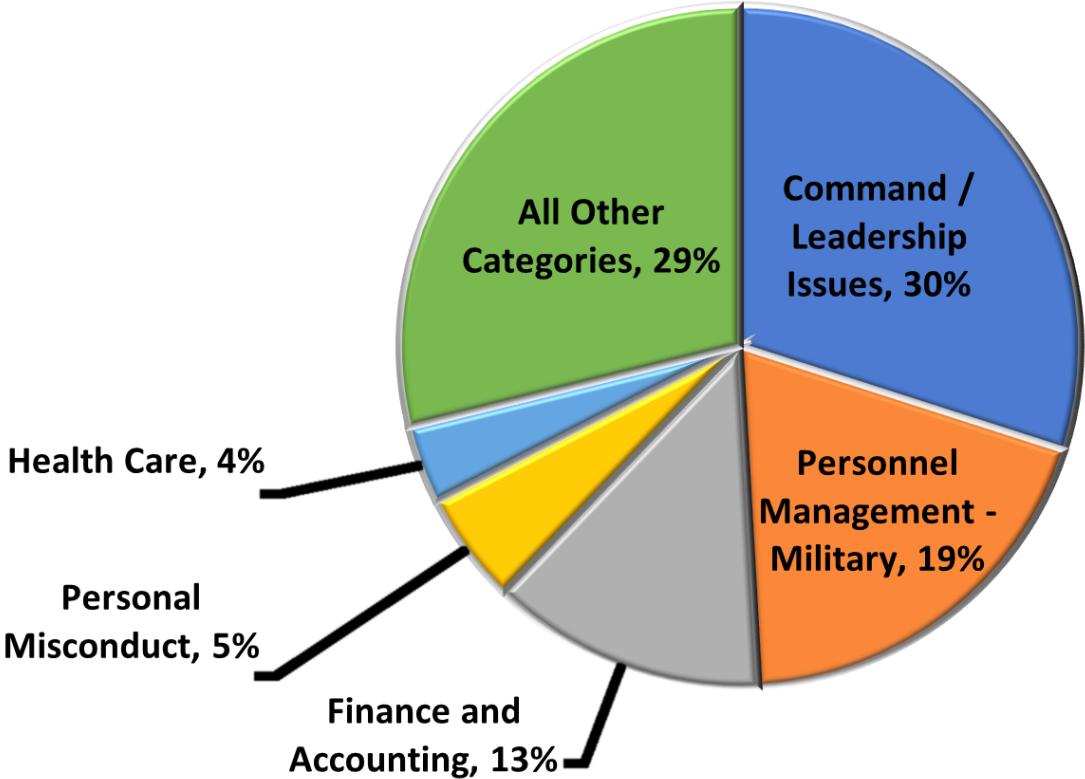


Figure 1



## Assistance Inquiries, FY21-23

Common categories of assistance inquiries include:

### Command/Leadership

#### Issues:

Primarily involves the leadership of an organization or command's actions to address Soldier or Family member issues regarding command policies. This category includes the number one assistance request in the IG system for FY 21-23 – Non-Support of Family members (more to follow).

### Personnel

#### Management:

Involves aspects of military personnel administration and management, including leaves and passes, accessions, awards and decorations, enlistments, evaluations, flagging actions, identification cards, mobilization, personnel records, promotions, and recruiting issues.

### Finance &

#### Accounting:

Involves finance issues such as BAS, BAH/BAQ, family separation allowance, station allowance, cost of living allowance, overseas housing allowance (OHA), temporary duty pay issues, enlistment and reenlistment bonuses, and basic pay issues.



## Assistance Inquiries, FY21-23

Common categories of assistance inquiries include:

### Personal Misconduct:

Involves areas of personal moral, ethical and military standards (such as indebtedness, uniform violations, alcohol and or drug abuse, and Absent Without Official Leave (AWOL)). However, most personal misconduct issues presented to IGs are handled via command inquiries and investigative inquiries versus assistance inquiries. The most common assistance request in this category FY 21-23 regarded making false statements or a failure to disclose required information.

### Health Care:

Covers all aspects of medical care from providers to patients. This category includes a broad scope of issues or allegations involving the quality of medical care, medical appointments, and overall medical staff attitude and courtesy. It also covers military medical education issues and guidelines for veterinary, environmental, food services, and other special programs. The most common health care assistance request is related to Army Medical Evaluation Boards.



## Special Focus Area 1: Non-Support of family members

One of the most common issues IGs are asked to assist commanders with is non-support to Family members. In accordance with Army Regulation 608-99 (Family Support, Child Custody, and Parentage), Soldiers must manage their personal affairs in a manner consistent with the Army's core values. As it relates to Family members, Soldiers have an obligation to:

- **Maintain reasonable contact with Family members so their financial needs and welfare do not become official matters of concern for the Army;**
- **Conduct themselves in an honorable manner with regard to parental commitments and responsibilities;**
- **Provide adequate financial support to Family members; and**
- **Comply with all court or child support enforcement agency orders.**

It is a commander's responsibility to ensure their Soldiers are in compliance with AR 608-99 and the obligations as listed above. Should a Family member contact their local IG alleging non-support, the IG will determine if the Family member has forwarded/filed a complaint through command channels with the Soldier's commander. *If he/she has not, the IG will provide assistance in doing so.*



## Special Focus Area 1: Non-Support of family members

However, if he/she has already contacted the command, and the command has failed to respond within a reasonable amount of time after receiving the complaint, *the local IG will continue to provide assistance.*

In addition to responding to the complainant (in writing) after receiving the inquiry or allegation of non-support, commanders will take the following actions:

- **Inform the Soldier** about the nature of the inquiry or allegation, in writing using DA Form 4856, and, if necessary, advise the Soldier of his/her rights (using DA Form 3881) before questioning the Soldier.
- **Gather relevant information**, supporting documents, and consult with the local Staff Judge Advocate to determine the Soldier's financial obligation.
- **Counsel the Soldier**. The written DA 4856 may form the basis for adverse action if the Soldier fails to follow the commander's order.
- **Order compliance**. If the Soldier failed to comply or is unwilling to comply, the commander must order the Soldier to comply with AR 608-99.

Commanders should seek SJA guidance prior to making a decision and giving an order; once given, the order becomes lawful and punishable under UCMJ. As always, commanders should consult their local SJA with any questions.



## Part II: Best Practices

The following are a series of company-level best practice suggestions based on IG observations from around the Army. None of these best practices is directive in nature—they are included below for information and inspiration only.

If you have a company/troop/battery leadership best practice you would like to share in this section in a future edition of this booklet, please submit it to DAIG through your local IG Office.

### **Routine unit leader huddles**

A best practice is to hold leader huddles for 10 to 15 minutes immediately following dismissal from physical training in the morning. This allows your leaders time to consider the guidance and issue any necessary instructions at first formation. Each unit/organization has different needs, but the point is to make this a regular and reoccurring – and SHORT – meeting designed to review the day's priorities.



## **Publish a unified training schedule**

Create a unified training schedule that provides one document for your Soldiers and leaders to understand upcoming training events, installation and garrison events, local holidays, school events, and family or BOSS (Better Opportunities for Single Soldiers) events. Granted, it is more work up front; it allows you and your leaders to better plan and understand any outside influences on your training program.

## **Assign PT planning as a leader development activity**

Have platoon and subordinate-level leaders rotate the responsibility of developing physical training plans and leading physical training formations. Planning should begin at least 5 weeks in advance (after the company training schedule is published) and should be published within the platoon 4 weeks out. This will provide Soldiers with predictability and allow them to adjust their personal workout regimen.

Furthermore, it is a good practice to ensure the platoon physical training plans adhere to company-established “theme days” (e.g., upper-body Mondays) to ensure variation in the workouts and avoid over-stressing a particular muscle group.





## **Squad/team/individual ‘hero’ boards**

Establish a company ‘hero’ board where the commander or first sergeant posts the top three to five individual Soldiers, teams, or squads that have excelled in selected collective or individual tasks.

The intent of this board is to inspire, not to shame—that is why you only post the best performers, not all Soldiers’ performance. Suggested hero board items: ACFT scores, pull-ups, ruck march times, marksmanship scores, operational readiness rates, etc.

## **Combine SFRG and BOSS meetings**

Combine your Soldier and Family Readiness Group (SFRG) and Better Opportunities for Single Soldiers (BOSS) briefings into a single periodic (monthly or quarterly) meeting. By requiring both married and single Soldiers to attend the combined meeting, you ensure single Soldiers are aware of FRG activities they might want to participate in, and that married NCOs and officers remain aware of the activities being offered in support of single Soldiers. It also promotes a team approach to planning company-sponsored events outside of duty hours. Strive to keep the combined meeting to under an hour because of daycare issues.



## Key caller and alert rosters

For emergency notification and marshaling, it is vital the commander maintains separate alert rosters and SFRG key caller rosters. The SFRG leader must also maintain a copy of the key caller roster. The SFRG key caller roster should include spouse phone numbers (work, cell, and home), spouse email addresses, and home addresses. Ensure the SFRG secures permission to obtain and distribute spouse information, as well as protect that information. If your SFRG uses a social media page to communicate with spouses, ensure the SFRG leader understands OPSEC and the limitations on what can and cannot be posted on the page.

## Monthly awards and promotion ceremonies

If your battalion does not conduct monthly payday activities or assemblies, consider a monthly awards and promotion ceremony. Hold the event during the first Friday afternoon of the month so you can recognize all Soldiers promoted or selected for promotion; present PCS/ETS awards to Soldiers leaving the unit; present achievement awards; and segue immediately into a safety briefing and release the Soldiers for the weekend. Consider aligning the ceremony with the monthly SFRG or BOSS meeting so Family members can easily attend awards presentations.



## **Master Allocation List and DA Form 3749 receipts**

A best practice for your arms room and communication section is to have a regularly updated MAL and use DA Form 3749 (Equipment Receipts) for the efficient assignment, management, and issue of sensitive items. Leaders should organize the MAL according to MTOE/TDA position (see [fmsweb.army.mil](https://fmsweb.army.mil)) and not by name or preference of the individual. Additionally, issue and maintain DA Form 3749 for all sensitive items.

### **Monthly sub-hand receipt signatures**

Company-level commanders are required to sign their property books monthly. A best practice is for commanders to require that their individual sub-hand receipt holders do the same. By verifying sub-hand receipts on a monthly basis (and spot-checking end-item shortage annexes and turn in receipts), a commander can ensure his or her subordinates maintain property accountability.



# Part III: Avoiding Misconduct

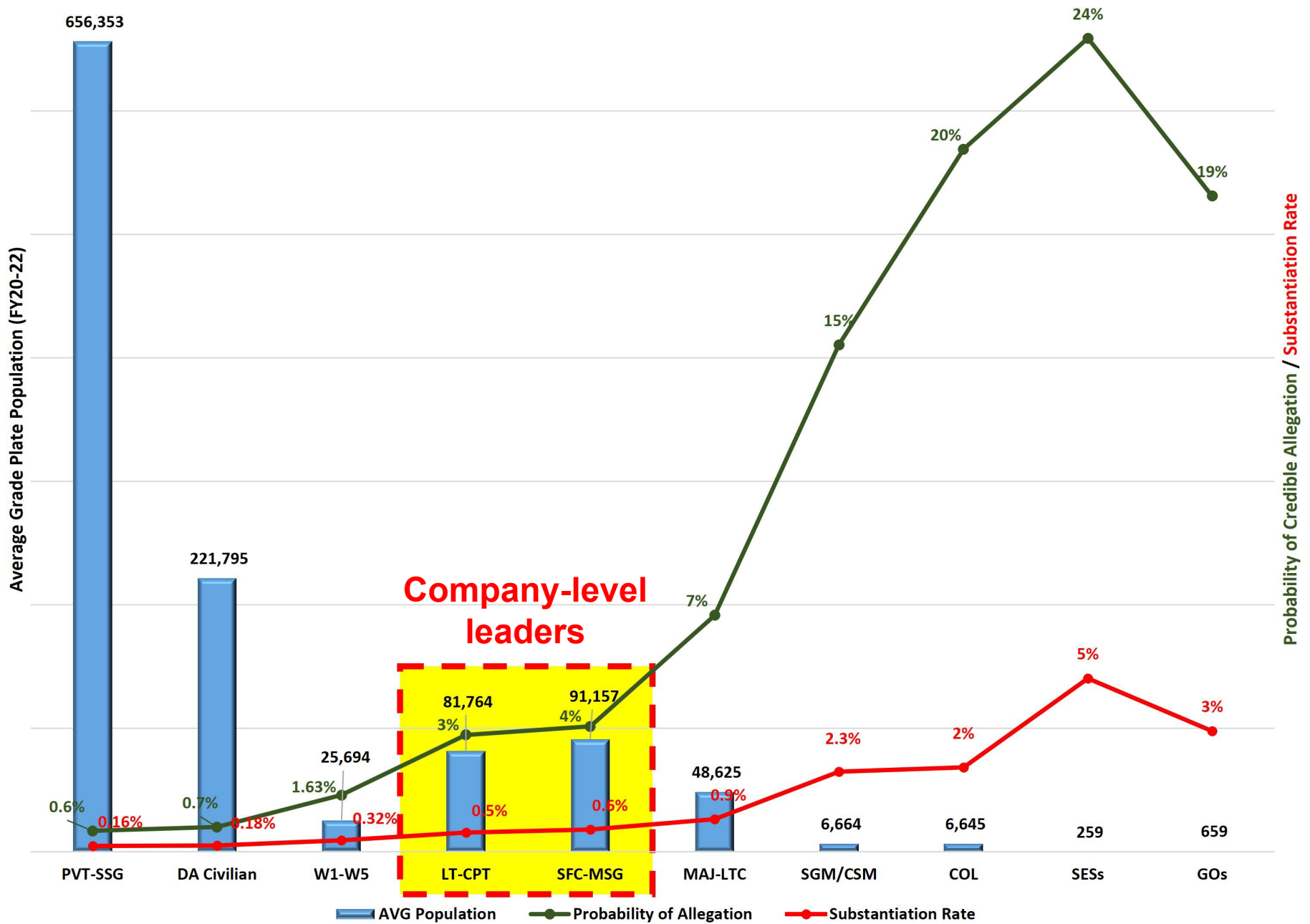
## Company-level Misconduct Trends, FY 21-23

The probability of having an allegation lodged against an individual in any given year can change significantly according to the individual's rank.

**Figure 2** (next slide) depicts the probability of Soldiers and leaders of each rank (**blue bars**) becoming the subject of an allegation (**green line**) or a substantiated allegation (**red line**). The red line on the chart depicts the overall substantiation rate (percentage of all allegations that are eventually substantiated).

What does this all mean? Based on the chart on the next page, approximately 3 of every 100 second lieutenants to captains and 4 of every 100 sergeants first class, master sergeants, and first sergeants (yellow-shaded area) will have an allegation made against them.

This makes sense when you consider that company-level command teams are the first 'layer' in many administrative processes and are therefore subject to many allegations of administrative (non-criminal) misconduct.



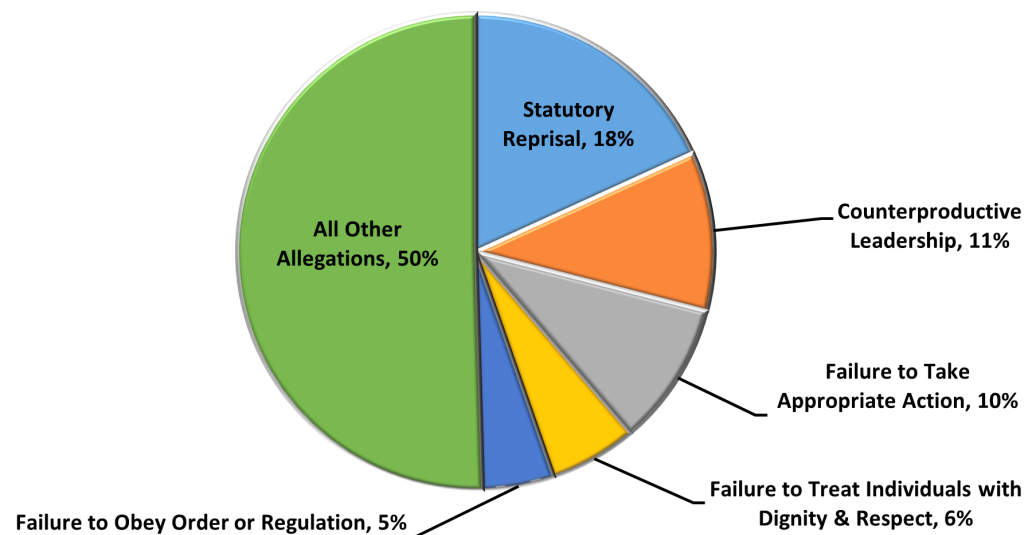
**Figure 2**



## Army 2LT to CPT Misconduct Trends, FY 21-23

From FY21-23, there were 2,761 total allegations made against second lieutenants through captains. Of those allegations, 1,809 were referred to command for investigation; IGs investigated the remaining 952. Commands substantiated 358 allegations, while IGs substantiated 89, for a 16.2 percent substantiation rate.

2LT to CPT TOP FIVE ALLEGATIONS  
FY21-23



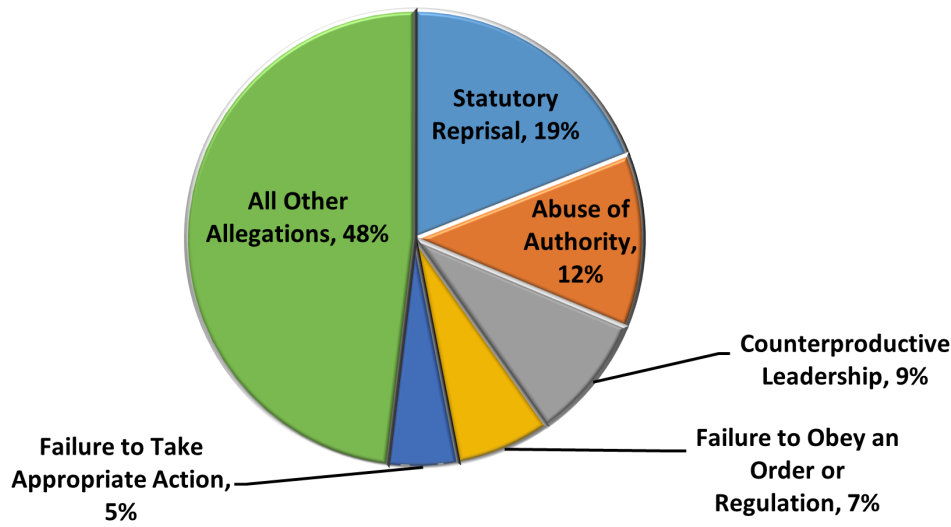
**Figure 3a**

**Figure 3a** identifies the top five allegations made against second lieutenants through captains as statutory reprisal (WBR), followed by counterproductive leadership and failure to take appropriate action.



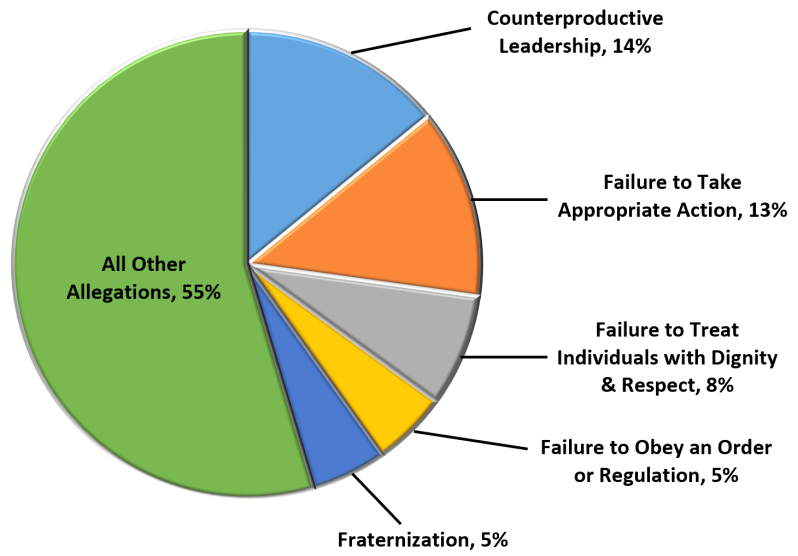
# Army 2LT to CPT Misconduct Trends, FY 21-23

**2LT to CPT TOP SUBSTANTIATED IG-INVESTIGATED ALLEGATIONS - FY21-23**



**Figure 3b**

**2LT to CPT TOP SUBSTANTIATED COMMAND-REFERRED ALLEGATIONS - FY21-23**



**Figure 3c**

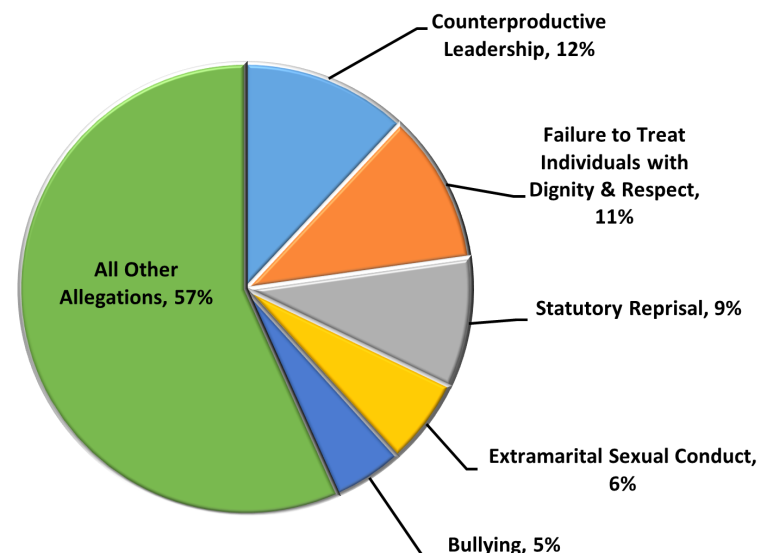
Figures 3b and 3c show the top substantiated allegations after IGs or the command investigated those allegations. Both figures show that counterproductive leadership was in the top three substantiated allegations overall.



## Ssg to MSG/1SG Misconduct Trends, FY 21-23

In FY23 there were 4,986 total allegations made against staff sergeants through master sergeants/first sergeants. Of those allegations, 3,806 were referred to command for investigation; IGs investigated the remaining 1,180. Commands substantiated 843 allegations, while IGs substantiated 156, for a 20 percent substantiation rate.

Ssg to 1SG TOP FIVE ALLEGATIONS  
FY21-23



**Figure 4a**

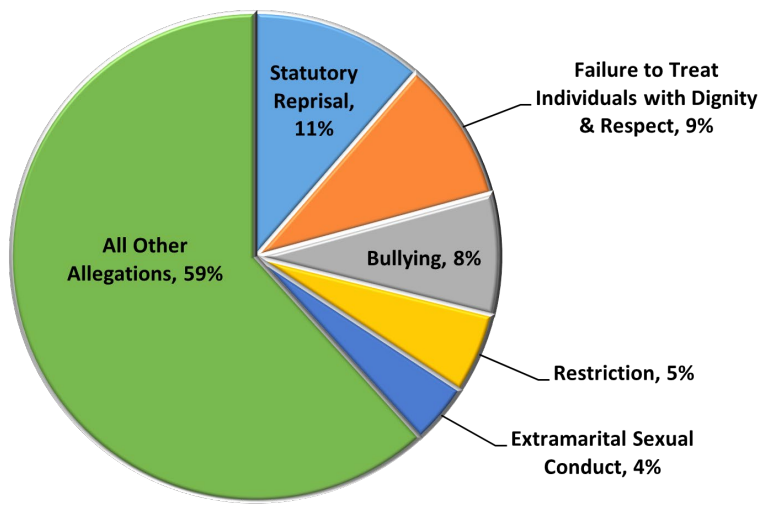
**Figure 4a** identifies the top perceived allegations made against staff sergeants through master sergeants and first sergeants as counterproductive leadership, failure to treat individuals with dignity and respect, and statutory reprisal.





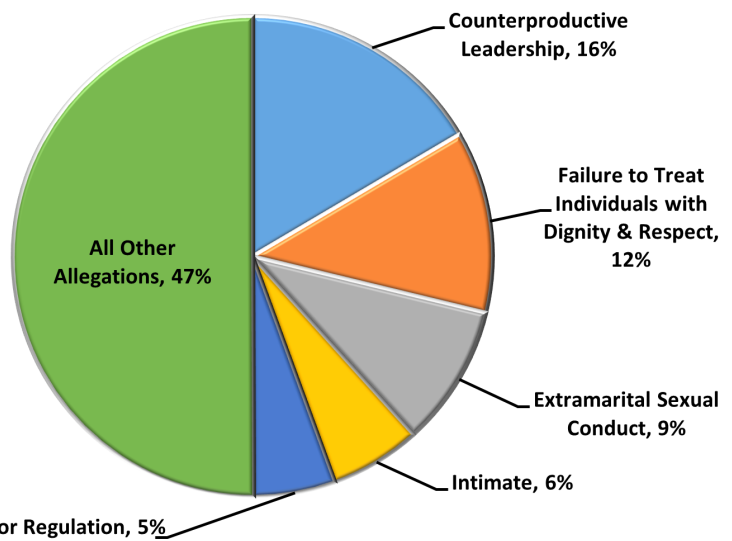
# SSG to MSG/1SG Misconduct Trends, FY 21-23

**SSG to 1SG TOP SUBSTANTIATED IG-INVESTIGATED ALLEGATIONS - FY21-23**



**Figure 4b**

**SSG to 1SG TOP SUBSTANTIATED COMMAND-REFERRED ALLEGATIONS - FY21-23**



**Figure 4c**

Figures 4b and 4c show the top substantiated allegations. Both figures show that **Failure to Treat Individuals with Dignity and Respect** was in the top three substantiated allegations overall.



# Definition: Whistleblower Reprisal (non-restriction)

In accordance with Section 1034, Title 10, United States Code (10 U.S.C. 1034) and Department of Defense Directive (DODD) 7050.06, Military Whistleblower Reprisal (WBR) is the act of taking (or threatening to take) an unfavorable personnel action or withholding (or threatening to withhold) a favorable personnel action because the Service Member (SM) made or was thought to have made a protected communication (PC).

Commanders should understand these investigations are only conducted by trained IGs.

**Bottom Line:** *Any communication to a Member of Congress, or an IG, no matter the topic, is a protected communication. Communication to the other listed individuals or agencies are only protected when presenting a violation of statute, regulation, rule, etc.*



# Understanding Whistleblower Reprisal

**The Four Elements of Proof.** Key to understanding Whistleblower Reprisal is an understanding of the four elements of proof an IG must consider during their investigation.

## 1. Protected Communication:

Did the complainant make, or was perceived to make, a protected communication? A protected communication can be verbal, written, or electronic and includes statements that a complainant is simply preparing to make a protected communication (e.g., “I am going to write my congressman.”). *For a WBR investigation to be substantiated, the answer for Element #1 must be **YES**.*

## 2. Personnel Action:

Was there an unfavorable personnel action, the threat of an unfavorable personnel action, the withholding of a favorable personnel action, or the threat of withholding a favorable personnel action? Did the subject take or threaten to take action that affects, or has the potential to affect, that Soldier’s current pay, benefits, or career? *For a WBR investigation to be substantiated, the answer for Element #2 must be **YES**.*

## 3. Knowledge:

Did the subject know about the protected communication made by the complainant, or perceive the complainant as making or preparing a protected communication, **before** they took the unfavorable action? *For a WBR investigation to be substantiated, the answer for Element #3 must be **YES**.*

## 4. Causation:

Would the subject have taken, threatened to take, withheld, or threatened to withhold the personnel action absent the protected communication made by the complainant? The investigator must consider all the following: the reason the subject undertook the personnel action; the subject’s motive for the personnel action; the timing between the protected communication and the personnel action; and was there disparate treatment in how the subject dealt with other Soldiers in similar situations? *For a WBR investigation to be substantiated, the answer for Element #4 must be **NO**.*



# Situation 1: Non-restrictive WBR

CPT Rucksack, a company commander, met with his executive officer and his first sergeant to discuss command climate and morale issues within the company. As they talk through possible solutions, the frustrated company commander spoke out.

*“I can’t believe SGT Outback went to the IG and ratted me out for creating a so-called hostile and toxic environment. Now there’s this big investigation that I have to deal with, on top of everything else that’s going on. If it weren’t for her, we wouldn’t be here right now having to do damage control!”*

*“If she’s going to call my leadership into question, then I don’t think she needs to be a leader at all. I’m firing her as the company supply sergeant. She can go back to being a clerk, and I’ll put one of the junior E-5s in her place. Oh, and she can also forget about that Advanced Leaders Course slot she had. I’ll give that slot to someone else who deserves it and doesn’t go around making complaints.”*

Later that day, SPC Guidon, who overheard the discussion, told SGT Outback, who then told the IG about CPT Rucksack’s comments.



# Understanding Whistleblower Reprisal

**Discussion:** If you were present for this conversation and had to testify under oath about the situation described above – even if SGT Outback wasn't moved back to her clerk job – how would you answer these questions?

## 1. Protected Communication

Did SGT Outback make, or was perceived to make, a protected communication? *“SGT Outback went to the IG and ratted me out for creating a so-called hostile and toxic environment.”*

**Answer: YES.** (PC to an Inspector General)

## 2. Personnel Action

Did SGT Outback receive an unfavorable personnel action or have a favorable personnel action withheld? *“I’m firing her as the company supply sergeant... Oh, and she can also forget about that ALC slot she had. I’ll give that slot to someone else who deserves it and doesn’t go around making complaints.”*

**Answer: YES.** (An unfavorable personnel action was threatened and a favorable personnel action was threatened to be withheld)

## 3. Knowledge

Did the commander know about the complainant's protected communication prior to taking the unfavorable action?

**Answer: YES.**

## 4. Causation

Does the preponderance of credible evidence establish that CPT Rucksack would have withheld the same personnel action absent the protected communication?

**Answer: NO.** (Absent the protected communication, there is no credible reason for CPT Rucksack to take the unfavorable personnel action or withhold the favorable personnel action.)

**Bottom Line:** In this scenario, the preponderance of credible evidence would establish that more likely than not CPT Rucksack committed WBR. CPT Rucksack threatened to withhold SGT Outback's favorable personnel action, and he threatened to take an unfavorable personnel action because of a PC she made to an Inspector General.



# Definition: Whistleblower Reprisal (restriction)

In accordance with Section 1034, Title 10, United States Code (10 U.S.C. 1034), Whistleblower Restriction is the act of attempting to restrict a person from making lawful communications with a Member of Congress (MoC) or an Inspector General (IG).

Protections pertaining to restriction under the statute only apply to communications made to a MoC and an IG (Category I) and not to other people or organizations, such as the chain of command, law enforcement, audit agencies, etc. (Category II). However, the definition of MoCs extends to their office, which includes members of their staff.

**Note:** A request to communicate with an IG must be reasonable in relation to current training events or operational needs. In other words, if someone requests to speak to an IG during a training session, field exercise, or marksmanship range, it is permissible to deny the request until the event has concluded. As long as the requestor is granted an opportunity to speak to an IG at the earliest available opportunity, this does not count as restriction.



# Definition: Whistleblower Reprisal (restriction)

The person attempting to restrict someone else from making lawful communications does not have to successfully restrict that person in order to be substantiated. Restriction includes making statements or taking action designed to deter or produce a chilling effect on the complainant. Another form of restriction could include imposing unnecessary requirements to request, disclose, or report such communications in an effort to interfere, limit, block, or dissuade a complainant. (Category II).

Allegations of attempting to restrict communications pertaining to Category II recipients are not covered or investigated as violations under the Military Whistleblower Protection Act, 10 U.S.C. 1034.



## Situation 2: **Restrictive WBR**

SPC Pinto requested an open-door meeting with his first sergeant, 1SG Mustang. SPC Pinto alleged his platoon sergeant, SFC Rover, was bullying him and he wanted 1SG Mustang to address the matter.

1SG Mustang's response was *"That can't be right. I really don't believe you. I've worked with SFC Rover for years. We've deployed together. He's not the type to do that kind of thing. Maybe you're just being too sensitive and misinterpreting what he's saying to you. Suck it up, buttercup."*

SPC Pinto was not satisfied with 1SG Mustang's lack of action, so he expressed his desire to take his issue to the IG for a better resolution.

1SG Mustang became upset and told SPC Pinto, *"No, you can't take this to the IG. SFC Rover is a stellar Soldier, and you could ruin his career if the IG opens an investigation on him. I swear, if you go to the IG, I will make sure you never get promoted again. Don't be that guy."*





# Understanding Whistleblower Reprisal

**Discussion:** Did 1SG Mustang threaten reprisal or attempt to restrict SPC Pinto? Consider the following elements of proof or conditions that must be met to establish reprisal or restriction.

## 1. Protected Communication

Did SPC Pinto make, or plan to make, a protected communication? SPC Pinto expressed his intent to take his issue to the IG to address the issue with SFC Rover.

**Answer: YES.** (Preparing to make a PC to an IG)

## 2. Personnel Action

Was there a negative personnel action taken or threatened to be taken, or was a favorable PA withheld or threatened to be withheld, if SPC Pinto took his issue to the IG?

*"I will make sure you never get promoted again."*

**Answer: YES.** (1SG Mustang threatened withholding a promotion.)

## 3. Knowledge

Did 1SG Mustang know about the complainant's desire to make a PC prior to threatening the unfavorable action?

**Answer: YES** (SPC Pinto directly informed 1SG Mustang of his intent to seek assistance from the IG. Therefore, 1SG Mustang had direct knowledge of SPC Pinto's intent to see the IG.)

## 4. Causation

Would 1SG Mustang have prevented SPC Pinto's promotion if SPC Pinto didn't mention seeking IG assistance? *"No, you can't take this to the IG...I will make sure you never get promoted again."*

**Answer: NO.** (Absent the mention of IG, there is no credible reason for 1SG Mustang to threaten retaliation.)

**Bottom Line:** The elements of proof would establish more likely than not 1SG Mustang committed Whistleblower Reprisal and attempted to restrict SPC Pinto's right to contact an IG. 1SG Mustang directly told SPC Pinto not to talk to an IG, and he threatened to negatively impact SPC Pinto's promotion opportunities if SPC Pinto talked to an IG.



## Situation 3: **Restriction After the Fact**

SGT Domino reenlisted on active duty and was entitled to a retention bonus. Three months went by, and SGT Domino still hadn't received any of her bonus money.

SGT Domino contacted the Career Counselor and informed him that she still had not received her bonus money. The Career Counselor told SGT Domino that he would fix the issue, but he needed additional time to do so. SGT Domino waited an additional two months to no avail. Finally, SGT Domino requested the IG assist her with the issue.

Once the IG referred the issue to the company commander for resolution, the commander and the first sergeant told SGT Domino that she should not have gone to the IG because it looks bad on her command. They further told SGT Domino to always bring any issues to them, and not go to the IG again.



## Restriction After the Fact

**Did the commander and first sergeant restrict or attempt to restrict SGT Domino from making a protected communication to the IG?**

**Yes.** DODD 7050.06, “Military Whistleblower Restriction,” defines restriction as *“Preventing or attempting to prevent a current Service member from making or preparing to make a lawful communication to a Member of Congress or an IG.”*

**Does it matter that SGT Domino already communicated with the IG prior to them making the restrictive statement to her?**

**No.** Although SGT Domino already sought IG assistance, the commander and first sergeant attempted to prevent her from seeking assistance in the future. Restriction also includes statements designed to deter or produce a chilling effect on a complainant. Another form of restriction could include imposing unnecessary requirements to request, disclose, or report such communication to interfere, limit, block, or dissuade a Soldier from seeking IG assistance or contacting a Member of Congress.

**Bottom Line: Restriction is still restriction, even after the fact.** The best approach is to work the issue at hand in coordination with the IG. Once the matter is resolved, counsel the Soldier on the commander’s open-door policy, but reiterate that anyone can talk to the IG at any time, without restriction, as outlined in AR 20-1 (Inspector General Activities and Procedures), paragraph 1-14.



## Situation 4: Failure to act

SGT Hardball, an up-and-coming NCO, became the focus of a CID investigation relating to an off-post incident.

CPT Sandbag, SGT Hardball's company commander, was notified of the investigation. As a result, the commander is required to initiate a flag on SGT Hardball.

In talking to his executive officer, CPT Sandbag said, *"I can't flag Hardball. He's one of my best young NCOs, and he's up for staff sergeant soon. This will ruin his career, and all for nothing – I know the CID investigation will clear him soon enough."*

The XO, 1LT Foxhole, responded, *"Sir, according the regs, if a Soldier is under CID investigation, flagging isn't optional."*

CPT Sandbag shot back, *"I know that, Lieutenant! But this is a bogus investigation and Hardball will be cleared. Just forget about it."*



## Restriction After the Fact

**Does CPT Sandbag have a choice as to whether he can flag SGT Hardball?**

**No.** AR 600-8-2 (Suspension of Favorable Personnel Actions (Flag)), para. 2-2h, reads in part, *“Commanders must Flag Soldiers identified as possible subjects or suspects by the USACIDC (or Service equivalent), military police, or civilian law enforcement during the course of an investigation. Effective date of the Flag is the date of offense or the date law enforcement identifies or titles the Soldier as a subject or suspect.”*

**Does 1LT Foxhole have a duty to report CPT Sandbag’s failure to act?**

**Yes.** 1LT Foxhole can bring the matter up with his battalion commander.

**Bottom line:** Any investigation of CPT Sandbag’s conduct reference not flagging SGT Hardball after the start of the CID investigation would likely substantiate CPT Sandbag for failing to act in accordance with Army regulations.



# Situation 5: Counseling Requirements

1SG Oldschool reported to his company commander, CPT Airborne, to discuss his NCO Evaluation Report.

CPT Airborne started off saying, *“Top, I won’t sugar-coat it. You did not have a stellar year. Our PT scores are down across the board, we had a bunch of folks miss required training throughout the company, several Soldiers have complained they have been waiting months to go to professional development schools, and discipline has taken a hit throughout the unit. We’re slipping as a unit, and I don’t think you are meeting the standards set by me and higher echelons. I don’t like giving this kind of NCOER, but I don’t really have a choice in this case.”*

1SG Oldschool replied, *“Well, ma’am, we’ve had a hectic year with a lot of field exercises and such. I’ve been working hard to get these scores back up to snuff as well as get folks off to school. I really wish you had come to me with your concerns so that I could focus on them specifically. I haven’t gotten a regular, formal counseling from you since you assumed command seven months ago. I’m here to support you and this company, and it’s hard to do that when you’re not articulating your priorities.”*

CPT Airborne responded, *“First Sergeant, you’re supposedly an experienced NCO with squad and platoon time under your belt. You should know what’s going on and what I expect without me having to babysit you. You’ve been around this Army a few years more than me. Your NCOER stands as-is, and I expect better from you starting today!”*



# Counseling Requirements

## Is CPT Airborne required to provide regular counseling sessions to 1SG Oldschool?

**YES.** AR 623-3 (Evaluation Reporting System), para. 3-7b stipulates the use of DA Form series 2166-9 for NCO counseling:

2) *During the rating period. Throughout the rating period, the rater will conduct periodic individual, follow-up face-to-face counseling with the rated NCO. These counseling sessions differ from the first counseling session in that the primary focus is on the rater informing the rated NCO how well they are performing and how they can perform better and to update the duty description and performance objectives as necessary.*

*(a) Raters will conduct follow-up counseling sessions quarterly for Regular Army and AGR NCOs and at least semiannually for USAR TPU, DIMA, and drilling IRR NCOs and ARNG NCOs (in accordance with apps G and H).*

*(b) As a rated NCO's duty description, objectives, or focus areas change throughout the rating period, the rater will counsel the rated NCO and update the DA Form 2166-9-1A appropriately.*

## Can 1SG Oldschool contest the negative rating based on the lack of counseling?

**YES.** CPT Airborne should have conducted formal counseling sessions to clearly articulate her expectations of 1SG Oldschool. Such counseling sessions should be recorded in writing on DA Form 4856, with specific areas of needed improvement and timeframes for achieving those goals.

**Bottom line:** If 1SG Oldschool discussed the matter with his local IG, the IG would likely determine that it's not an IG-appropriate matter; they would advise the first sergeant to challenge his NCOER IAW AR 623-3, Chapter 4, and DA PAM 623-3, Chapter 6.



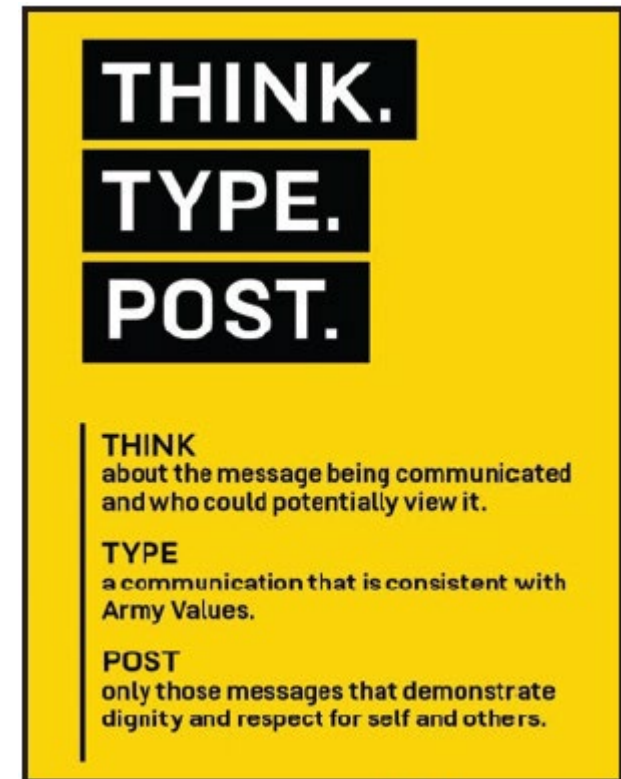
# Situation 6: Social Media Spat

1LT Whatever posted pictures on social media of her hiking with her new boyfriend. Her social media profile identifies her as an Army officer and names her unit.

Her ex-boyfriend, who is not in the military, saw the pictures and was angry with her posts. He angrily responded to her posts about her hiking with her new boyfriend at a location they previously hiked at together.

1LT Whatever replied to him using various curse words, and they both went back and forth harassing one another and exchanging disparaging messages on social media over a period of several months. The exchanges were visible to other members of the public.

The ex-boyfriend contacted 1LT Whatever's commander and provided copies of the social media posts to the commander as evidence.



U.S. Army graphic





# Social Media Spat

## Did 1LT Whatever violate Army social media policy/standards?

**Maybe.** AR 600-20 (Army Command Policy), para 4-19 a(5) reads, *“The use of electronic communication to inflict harm. Electronic communication is the transfer of information (signs, writing, images, sounds, or data) transmitted by computer, phone or other electronic device. Electronic communications include, but are not limited to: text messages, emails, chats, instant messaging, screensavers, blogs, social media sites, electronic device applications, and Web/ video conferencing. Examples of online misconduct include, but are not limited to: hazing, bullying, harassment, discriminatory harassment, stalking, retaliation, or any other types of misconduct that undermines dignity and respect. When using electronic communication devices, Army personnel should apply “Think, Type, and Post”: **Think** about the message being communicated and who could potentially view it; **Type** a communication that is consistent with Army values; and **Post** only those messages that demonstrate dignity and respect for self and others.*

**For More  
Information**  
on the Army’s  
personal social  
media standards,  
go to

[https://www.army.mil/  
socialmedia/  
personal/index.html](https://www.army.mil/socialmedia/personal/index.html)





## Social Media Spat

**Should the commander address the ex-boyfriend's allegations about 1LT Whatever's social media behavior?**

**Yes.** Commanders and leaders are expected to reinforce a climate where Army personnel, including Soldiers and DA Civilian employees, understand that online misconduct is inconsistent with Army Values, and where online-related incidents are addressed at the lowest possible level.

**What are the Commander's options to address 1LT Whatever's social media behavior?**

The best approach in this situation is to discuss the matter with 1LT Whatever, and perhaps require remedial social media training. However, in more egregious situations (such as online threats, or hate messages directed at specific groups of people), an investigation may be in order.

**Bottom line:** While this scenario is not an outright violation, it's best to be very judicious about what you post online for the world to see. If you have doubts about posting it, it's best to not do so. Not sure? Consult with your local legal adviser.



# Situation 7: Unofficial Social Media

1SG Flakvest uses his personal social media page as an unofficial unit page. He requires all Soldiers in the unit to 'friend' him so he can pass company-wide information on formations, training events, etc. He also uses the page to post about the unit's training, accomplishments, and news, as well as posts relating to his personal life, family, and so forth.

## MyPage



## 1SG Flakvest

### About Me

First Sergeant of A Company  
'Awesome Alphas' 5/158 AVN,  
Fort Swampy, USA

[www.army.mil](http://www.army.mil)

Attended State College

Attended Smalltown High  
School

Joined June 2011



1SG Flakvest posted a photo  
July 17 at 7:12 am

HOOAH! Run all day! #ArmyPT





## Unofficial Social Media

In addition to using his page to document unit events and share information with his Soldiers, he posts solicitations for donations to help others, as well as inviting Soldiers to join organizations that lobby Congress on military issues.



**1SG Flakvest** posted a link  
July 14 at 4:18 pm

LISTEN UP! One of our Soldiers, [SPC Chemlight](#) and his family lost their house in a fire last Sunday. I'm counting on all my fellow Awesome Alphas to help the Chemlight family in this time of need. I set up a [HelpThemOut](#) fund for them. Let's shoot for \$3,000 to get them back on their feet! Largest single donation gets a 3-day pass! 🤙🍺 Click the photo below for the donation link.

**[SPC Chemlight fundraiser](#)**  
**[HelpThemOut.website/Chemlight](#)**



**SGT Chowhall**  
Roger, top! All over it!



**1SG Flakvest** posted a link  
June 28 at 1:39 pm

Awesome Alphas - Do you like better pay? We're 'shooting' for 100% membership in the Army Soldier's Foundation this year! ASF fights every day for your pay and benefits in Congress. Click below! Do it now and don't miss out! [#ASF](#) [#FightingForYou](#)





## Limitations on Army Social Media pages

*Per AR 360-1, Chapter 8, a Public Affairs Officer **must** approve all official social media pages. In almost all cases, units below the brigade level are not authorized a social media presence.*

- Does 1SG Flakvest's personal social media meet the criteria to act as an official unit social media page?
- Can 1SG Flakvest compel his Soldiers to 'friend' his social media page?
- Is it appropriate to solicit donations or pressure Soldiers to join an external (non-Army) organization?
- If 1SG Flakvest or his commander wants an official unit social media presence, what should they do?

The commander or first sergeant should check with their command's Public Affairs Officer (PAO). Official social media pages are established in accordance with AR 360-1, Chapter 8. As for requiring Soldiers to use or 'friend' the unit's social media page for official notices/messages etc., contact the PAO and SJA for guidance. This issue is complicated because it requires Soldiers to have access to social media via a personal electronic device not supplied by the Army. Pressuring Soldiers to join an external organization is never appropriate.



## Unofficial Social Media: Discussion

### Does 1SG Flakvest's social media page comply with Army Regulations for personal social media pages?

**No.** 1SG Flakvest's use of an official Army symbol (158th AVN Regiment) and his official Army rank in his social media profile do not comply with Army social media policies.

Per DODI 5400.17, "Official Use of Social Media for Public Affairs Purposes," Change 1, January 24, 2023, para 8a: *"DOD personnel must ensure that their personal social media accounts avoid use of DOD titles, insignia, uniforms, or symbols in a way that could imply DOD sanction or endorsement of the content."*

DOD personnel are free to have personal social media accounts; however, they are encouraged to include a disclaimer clarifying that their social media communications reflect only their personal views.

DODI 5400.17 provides the following example for users:

*"The views and opinions expressed herein are those of the author and do not necessarily represent the views of DOD or its Components. Appearance of, or reference to, any commercial products or services does not constitute DOD endorsement of those products or services. The appearance of external hyperlinks does not constitute DOD endorsement of the linked websites, or the information, products or services therein."*

Furthermore, all Soldiers using social media must refer to AR 360-1 (Public Affairs Activities), Chapter 8-6, describing personal use of social media and appropriate online conduct. AR 600-20 and the Hatch Act (for Civilian employees) are also good references.



## Unofficial Social Media: Discussion

**Can 1SG Flakvest use his personal page to pressure or incentivize his Soldiers to contribute monetary donations, or join an external (non-Army) entity or a political organization that conducts lobbying in Congress?**

**No.** Per 5 CFR 2635, section 702, *“An employee shall not use his public office for private gain, for the endorsement of any product, service or enterprise, or for the private gain of friends, relatives, or persons whom the employee is affiliated in a nongovernmental capacity, including nonprofit organizations of which the employee is an officer or member, and persons with whom the employee has or seeks employment or business relations...”*

*(a) An employee shall not use or permit the use of his Government position or title or any authority associated with his public office in a manner that is intended to coerce or induce another person, including a subordinate, to provide any benefit, financial or otherwise, to himself or to friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity.”*

While soliciting donations is permissible with conditions outlined in AR 1-10, (Fundraising Within the Department of the Army), Chapter 1-11 e makes it clear no pressure or incentives may be applied to boost donations:

*“These prohibited actions include, but are not limited to...*

*e. For military members, granting special favors, privileges, or entitlements, such as special passes, leave privileges, or the wearing of civilian clothing, that are inducements to contribute.”*



## Unofficial Social Media: Discussion

**Can 1SG Flakvest discuss official Army business (formation times, ACFT events, company policies, upcoming inspections, etc.) on his personal social media page?**

**No.** This potentially violates Operational Security (OPSEC) standards. Such information must be distributed via non-public means, such as in person, phone calls, email, text messaging, etc. The company can work with the PAO or S-6 to establish a secure means of disseminating information.



# What's wrong with this picture?

## Profile picture

Inclusion of unit insignia misconstrues this as an official account.



**1SG Flakvest**

## Username

Rank is being used with the name on an unofficial, personal account. Remove the rank.

## Privacy settings

The 'public' setting is being used instead of 'friends only'. This can be an OPSEC issue if specific unit information is posted.

## Intro

First Sergeant of A Company  
'Awesome Alphas' 5/158 AVN,  
Fort Swampy, USA

[www.army.mil](http://www.army.mil)

Attended State College

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## Intro and Website

Do not include references to official positions. It's OK to simply indicate "Works at U.S. Army." Similarly, don't use official URLs in social media.

## Content

Don't post information that could be interpreted as official. This post is directed to Soldiers from a personal social media account. However, forwarding, liking, or linking to official information is permissible.



# **Situation 8:**

## **Misuse of Government Funds**

SFC Goody, a platoon sergeant, is a top-notch Soldier who has a reputation for modeling the Army Values. His peers and subordinates generally speak highly of him and his performance as a leader and mentor.

However, SFC Goody's marriage was under stress, and he and his wife separated. His estranged wife withdrew all their money from their bank account, took their kids and moved from Texas to Florida.

SFC Goody did not tell his leadership about his marital and financial issues because he was embarrassed and depressed. After approximately two months, he began to use his Government Travel Credit Card (GTCC) to buy food, but he would pay the balance on pay day.



## Misuse of Government Funds

**Was it appropriate for SFC Goody to use his government travel card to buy food if he paid the balance every pay day?**

**No.** The [Government Travel Credit Card Regulation](#), para 041005, reads, *“Personal use, misuse, abuse, or fraud of the travel card will not be tolerated. Commanders/supervisors will ensure travel cards are used only for official travel related expenses (see section 040103). Examples of misuse can include, but are not limited to:*

- (a) expenses related to adult entertainment and gambling (as discovered by Inspector General audits),*
- (b) purchases for personal, family or household purposes except for authorized PCS expenses,*
- (c) cash withdrawals or advances used during non-travel periods or not related to official government travel requirements are not authorized (includes but is not limited to any withdrawal of a credit balance remaining on the card),*
- (d) intentional failure to pay undisputed charges in a timely manner, and*
- (e) cash withdrawals or advances taken more than three working days prior to official government travel.*

*With the exception of expenses incident to official travel described in paragraph 041006, use of the travel card for personal expenses incurred during leave in conjunction with official travel is not authorized. Cardholders who misuse their travel card may be subject to administrative or disciplinary action, as appropriate.”*

Misuse of government travel charge cards is also discussed in **AR 600-20**, para 4-21.



## Misuse of Government Funds

**What are some appropriate actions should the company command leadership take to address this issue?**

Counseling, retraining, or initiation of UCMJ action. Furthermore, leaders can work with Soldiers to obtain loans or grants from [Army Emergency Relief](#), or refer them to other organizations.



## Situation 9: Legitimate Concerns

During the unit's organizational day activities, a group of Soldiers were playing board games, and a few were telling jokes and stories about their life and military experiences.

SPC Shrug, who was typically the 'quiet type,' told the group of Soldiers about a time when he and his friends back home played the game 'Russian Roulette,' in which a player places a single round in a revolver, spins the cylinder, places the muzzle against the head, and pulls the trigger. SPC Shrug laughed as he told his story, and stated that he was not scared while playing the game.

Shrug's fellow Soldiers became quiet and appeared to be very uncomfortable with the conversation. SPC Shrug continued to laugh, then he told the group, *"Hit me up if you want to play sometime."*

MAJ Saysomething, SPC Shrug's Officer in Charge (OIC), overheard SPC Shrug's conversation, and he intervened and told SPC Shrug to *"knock it off."*

SPC Shrug replied, *"I was just kidding, sir. I wanted to see how everyone would react. Russian Roulette's a crazy thrill, though."*

One of SPC Shrug's fellow Soldiers told MAJ Saysomething that SPC Shrug was not "kidding," because he heard Shrug tell this story once before. MAJ Saysomething informed the company commander of the situation, and recommended the company commander refer SPC Shrug for a Mental Health Evaluation (MHE).

After the MHE, SPC Shrug contacted the IG and alleged that MAJ Saysomething improperly influenced his commander to initiate the MHE, and that he was not a danger to himself or anyone else.



## Legitimate Concerns

**Did MAJ Saysomething take the appropriate action by recommending SPC Shrug for a mental health evaluation?**

**Yes.** DODI 6490.04, "Mental Health Evaluations of Members of the Military Services," Enclosure 3, para 2 reads:

*a. The responsibility for determining whether or not referral for MHE should be made rests with the Service member's commander or supervisor at the time of the referral.*

*b. When a commander or supervisor, in good faith, believes that a Service member may require a non-emergency MHE, he or she will:*

- (1) Advise the Service member that there is no stigma associated with obtaining mental health services.*
- (2) Refer the Service member to a Mental Health Provider, providing both name and contact information.*
- (3) Tell the Service member the date, time, and place of the scheduled MHE.*

**New AR 600-92,  
Army Suicide  
Prevention Program**

Available  
at  
[https://  
armypubs.  
army.mil](https://armypubs.army.mil)





## Legitimate Concerns

**For further discussion: Suppose MAJ Saysomething had been the subject of a previous investigation based on a report from SPC Shrug. Could MAJ Saysomething be substantiated forreprising against SPC Shrug?**

**No, as long as MAJ Saysomething's referral is based on a legitimate concern. DODI 6490.04, para 3e states, "No one may refer a Service member for an MHE as a reprisal for making or preparing a lawful communication of the type described in section 1034 of Title 10 U.S.C. and in DOD Directive 7050.06, "Military Whistleblower Protection." However, in this case, MAJ Saysomething properly reported a potential legitimate mental health issue, and thus is not reprising against SPC Shrug.**

### **Bottom line:**

**The health, welfare, and safety of our Soldiers is the highest priority.**

If a Soldier says or does something that raises concerns of self-harm, suicidal ideation, or harming others, you have a duty to refer it to that Soldier's commanding officer for further examination and potential action.



# Situation 10: Guard and Reserve Politics

1LT Chowhall is a drilling National Guardsman, and he's known for being passionate about politics and the elections process. He often encourages his Soldiers to exercise their voting rights, and he likes to analyze and discuss the latest state and federal legislation, especially as it pertains to military issues.

As a presidential election drew nearer, 1LT Chowhall's colleagues and subordinates noticed he was rather passionate about a major candidate, who scheduled a campaign stop not far from the local armory. The campaign stop was scheduled for a Saturday evening after the drill day was complete.

As soon as 1LT Chowhall and his fellow Guardsmen were dismissed from drill, he drove to the campaign event, still in his OCP uniform. The candidate spotted 1LT Chowhall in the crowd, and, in an effort to burnish his defense credentials, he invited the young officer to the lectern to say a few words on behalf of the candidate.

The event – including 1LT Chowhall's remarks in support of the candidate – was covered by local and national media.

Early the next morning after drill formation, 1LT Chowhall's company commander, CPT Zonk, received a phone call from an angry LTC Highspeed, the battalion commander.

*“Captain Zonk, you and Chowhall need to come to battalion HQ and have a chat with me. The brigade commander's royally steamed about Chowhall's little speech last night. Drop what you're doing and report to the HQ armory by 1000.”*





## Guard and Reserve Politics

### Can 1LT Chowhall attend a campaign rally as an off-duty reserve component Soldier?

**YES.** As a member of a reserve component, not on active-duty status and not performing reserve drills or other duties, 1LT Chowhall can attend a political candidate's campaign event, per DOD Directive 1344.10, "Political Activities by Members of the Armed Forces," para 4.1.4. **However**, para 4.1.4 reads, in part, "... *provided the member is not in uniform and does not otherwise act in a manner that could reasonably give rise to the inference or appearance of official sponsorship, approval, or endorsement.*" See also **DOD Instruction 1334.01**, "Wearing of the Uniform."

### Could 1LT Chowhall still speak at the event in civilian attire?

**YES.** However, he should speak in a strictly civilian capacity and not identify himself as a member of the Armed Forces. Furthermore, he is always barred from using contemptuous words against state or federal officials. Doing so could be considered a failure to show exemplary behavior, as referenced in AR 600-100, para 1-7d.

**Bottom line:** DOD and Army regulations allow reserve component members not on active duty status a bit more leeway in terms of political activities. However, reserve component Soldiers should be *very* judicious when considering active participation in political parties, movements, or campaigns. It's always best to consult with your command's SJA to ensure your actions don't lead to a perception of DOD endorsement of a candidate or political party.



# Situation 11: **Misuse of Army Property**

1LT Dorigt, the company XO, oversees a monthly inventory of the unit's supplies and discovers an abnormal decrease in administrative items such as pens, paper, notebooks, etc.

1LT Dorigt realizes this has been an issue for several months. 1LT Dorigt has asked several Soldiers within the company area if they had witnessed anyone conducting frequent visits to the supply cabinets or taking large amounts of admin supplies.

Through those conversations, 1LT Dorigt was told 2LT Notright has visited the supply cabinets more frequently than other Soldiers in the company. Also, 1LT Dorigt learned 2LT Notright teaches Sunday School for middle school students, and it has been rumored 2LT Notright has used several items without authorization, including driving the company's Non-Tactical Vehicle, to transport children to various weekend field trips.

1LT Dorigt thinks 2LT Notright is generally a fine officer, eager to learn his job and lead troops. After some thought, he reluctantly reports 2LT Notright's alleged misconduct to the company commander, who subsequently calls 2LT Notright into his office.



## Misuse of Army Property

**Does 1LT Doright have a duty to report the alleged offenses committed by 2LT Notright?**

**Yes.** 5 CFR 2635.101(b)(9) states, *“Employees shall protect and conserve Federal property and shall not use it for other than authorized activities.”* The alleged actions of 2LT Notright demonstrate unethical and non-exemplary behavior by an officer.

**Other than the UCMJ, what directs a leader to act on allegations such as these?**

**AR 600-20**, para 4-4(a)2 reads (in part):

*a. Ensuring the proper conduct of Soldiers is a function of command. Commanders and leaders in the Army, whether on or off-duty or in a leave status, will...*

*(2) Take appropriate action, consistent with Army regulations, in any case where a Soldier’s conduct violates good order and military discipline. ...*

**What regulation covers the use of Army-owned motor vehicles?**

**AR 58-1** (Management, Acquisition, and Use of Motor Vehicles). Specifically, para 2-5b states: *Military personnel who willfully use or authorize the use of any Government-owned or Government-leased motor vehicle except for official purposes as authorized by 31 U.S.C. 1344 may be disciplined under provisions of the Uniform Code of Military Justice or other administrative procedures deemed appropriate.*



## Misuse of Army Property

**Bottom line:** Commanders and leaders have a duty to protect U.S. Army supplies, equipment, property, and resources. Accountability for even the smallest items, such as office supplies, goes a long way toward maintaining the trust of the American taxpayers. Even small incidents such as the one described above, taken in aggregate throughout the Army, are wasteful and bring discredit on the Army and its people. In this scenario, a possible approach is to counsel the young officer on his actions and help him understand his ethical breach.



# Situation 12: Improper Corrective Action

PFC Gridsquare, an enthusiastic, hard-working, and otherwise good Soldier, failed a PT test, despite working toward improving his score and getting in better physical shape.

CPT Hardway, who had a reputation for being a 'tough' commander, decided he was going to 'help' PFC Gridsquare.

He directly ordered the PFC to empty three conexas full of military equipment (i.e., tents, tools, field gear, etc.), line up all the contents 'dress-right-dress,' and then reload each container. PFC Gridsquare performed the task alone, in 100-degree heat, with occasional visits from CPT Hardway throughout the day.

**Does 1LT Doright have a duty to report the alleged offenses committed by 2LT Notright?**

**Yes.** 5 CFR 2635.101(b)(9) states, *"Employees shall protect and conserve Federal property and shall not use it for other than authorized activities."* The alleged actions of 2LT Notright demonstrate unethical and non-exemplary behavior by an officer.



# Improper Corrective Actions

## What regulation governs corrective actions?

**AR 600-20**, para 4-19 reads (in part):

*“Treatment of persons. The Army is a values-based organization where everyone is expected to do what is right by treating all persons as they should be treated – with dignity and respect. Hazing, bullying, and other behaviors that undermine dignity and respect are fundamentally in opposition to our values and are prohibited. This paragraph is punitive. Soldiers who violate this policy may be subject to punishment under the UCMJ. ... Commanders must seek the advice and counsel of their legal advisor when taking actions pursuant to this paragraph.”*

**AR 600-20**, para. 4-6b(1) reads:

*(1) “The training or instruction given to a Soldier to correct deficiencies must be appropriately tailored to curing the deficiency. It must be oriented to improving the Soldier’s performance in their problem area. Brief physical exercises are an acceptable form of corrective training for minor acts of indiscipline (for example, requiring the Soldier to do push-ups for arriving late to formation), so long as it does not violate the Army’s policies prohibiting hazing, bullying, and unlawful punishment.”*



# Misuse of Army Property

## Further Reading

A good resource for corrective training ideas and discussion is the essay “Corrective Training,” by then-1SG Jorge Rivera, originally published by the U.S. Army Command and General Staff College in 2015. <https://www.armyupress.army.mil/Journals/NCO-Journal/Archives/2017/October/Corrective-Training/>



**Bottom line:** Directing Soldiers to perform pointless physical tasks ‘dressed up as corrective action’ is not appropriate. Incidents such as the one described above are of no value to the Soldier, the unit, or the Army. If a Soldier is deficient in a certain area, or has committed a minor infraction, his or her NCOs should be the ones working with the Soldier to correct the issue by training to standard. If you aren’t certain whether a proposed corrective training action is appropriate, consult with your local Staff Judge Advocate.



# References

## **Situations 1-3: Whistleblower Reprisal**

- 5 U.S.C. 2302
- 10 U.S.C. 1034
- 10 U.S.C. 1587
- DOD Directive 7050.06, “Military Whistleblower Protection,” October 12, 2021
- AR 20-1 (Inspector General Activities and Procedures), March 23, 2020

## **Situation 4: Failure to Act**

- AR 600-8-2, (Suspension of Favorable Personnel Actions (Flag)), April 5, 2021.
- AR 600-20 (Army Command Policy), July 24, 2020
- AR 600-100 (Army Profession and Leadership Policy), April 5, 2017

## **Situation 5: Counseling Requirements**

- AR 623-3, (Evaluation Reporting System), June 14, 2019
- DA PAM 623-3, (Evaluation Reporting System), September 27, 2019

## **Situation 6: Social Media Spat**

- AR 600-20 (Army Command Policy), July 24, 2020
- AR 360-1 (The Army Public Affairs Program), October 8, 2020
- UCMJ: Art. 92. Failure to obey order or regulation; Art. 133. Conduct unbecoming an officer and a gentleman; Art. 134. General article





# References

## **Situation 7: Unofficial Social Media**

- 5 CFR 2635
- DODI 5400.17 “Official Use of Social Media for Public Affairs Purposes,” Change 1, January 24, 2023
- DODD 1344.10, “Political Activities by Members of the Armed Forces,” February 19, 2008
- AR 1-10, (Fundraising Within the Department of the Army), January 16, 2023
- AR 360-1
- AR 600-20

## **Situation 8: Misuse of Government Funds**

- Government Travel Credit Card Regulation, May 2022
- AR 600-20

## **Situation 9: Legitimate Concerns**

- 10 U.S.C. 1034
- DODI 6490.04, “Mental Health Evaluations of Members of the Military Services,” Change 1, April 22, 2020
- DODD 7050.06



# References

## **Situation 10: Guard/Reserve: Politics**

- DODI 1334.01, "Wearing of the Uniform," July 13, 2021.
- DODD 1344.10, "Political Activities by Members of the Armed Forces," February 19, 2008.
- UCMJ: Art. 88. Contempt Toward Officials

## **Situation 11: Misuse of Army Property**

- 5 CFR 2635.101
- AR 600-20 (Army Command Policy), July 24, 2020
- AR 58-1 (Management, Acquisition, and Use of Motor Vehicles), March 23, 2020

## **Situation 12: Improper Corrective Action**

- AR 600-20



# Appendix A: Glossary

## Section I – Acronyms and Initialisms

<b>AR</b> Army Regulation	<b>NAF</b> Non-Appropriated Fund
<b>BHA</b> Basic Allowance for Housing	<b>NCO</b> Noncommissioned Officer
<b>BOSS</b> Better Opportunities for Single Soldiers	<b>NCOER</b> Noncommissioned Officer Evaluation Report
<b>CFR</b> Code of Federal Regulations	<b>OHA</b> Overseas Housing Allowance
<b>COLA</b> Cost of Living Allowance	<b>OTIG</b> Office of The Inspector General
<b>DAIG</b> Department of the Army Inspector General ( <i>referring to the combined elements of OTIG and USAIGA collectively</i> )	<b>RC</b> Reserve Component
<b>DOD</b> Department of Defense	<b>TIG</b> The Inspector General
<b>DODIG</b> Department of Defense Inspector General	<b>USAIGA</b> U.S. Army Inspector General Agency
<b>FRG</b> Family Readiness Group	<b>U.S.C.</b> United States Code
<b>IG</b> Inspector general	



# Appendix A: Glossary

## Section II – Definitions

### **Allegation**

An IG allegation is a statement or assertion of wrongdoing by a specific individual. An allegation normally contains four essential elements: (1) who (named individual), (2) improperly, (3) did or failed to do something, (4) in violation of an established standard. The IG refines allegations based on evidence gathered during the course of an investigation or inquiry. **Note:** A single investigation or case may have multiple allegations associated with it.

### **Complainant**

A person (generally the affected individual) who submits a complaint, allegation, or other request for assistance to an IG. The person can be a Soldier, Family member, member of another Service, Government employee, or member of the public.

### **Preponderance**

Preponderance refers to the evidentiary standard necessary for a substantiation of an allegation. Proving allegation by the preponderance of evidence requires demonstrating that the allegation is more likely true than not true.

### **Subject**

A person against whom a non-criminal allegation(s) has been made through an IG, such as a violation of a non-punitive policy or regulation. Note: A single investigation (or 'case') may have multiple subjects associated with it. For the purpose of this handbook, we have cited some case statistics; but we have also focused on statistics and examples regarding individual subjects.



# Appendix A: Glossary

## Section II – Definitions

### **Substantiated/Not Substantiated**

A conclusion drawn by an IG at the close of an IG investigation when the preponderance of credible evidence (more evidence than not) indicates that the allegation is substantiated or not substantiated. Note: Because each investigation (or 'case') may have multiple allegations and or subjects, it is possible to have multiple findings consisting of 'substantiated' or 'not substantiated' within a single investigation or case.

### **Whistleblower**

A person who informs an IG about a person or organization engaged in an illicit activity; violations of law, regulation or policy; or who knows of or suspects instances of fraud, waste, or abuse.



# Appendix B: References

<b>AR 1-10</b> Fundraising Within the Department of the Army	<b>DODD 1344.10</b> Political Activities by Members of the Armed Forces	<b>32 CFR 97</b> Release of Official Information in Litigation and Testimony by DOD Personnel as Witnesses
<b>AR 1-201</b> Army Inspection Policy	<b>DODD 5106.01</b> Inspector General of the Department of Defense	<b>5 U.S.C. 2302</b> Prohibited personnel practices
<b>AR 20-1</b> Inspector General Activities and Procedures	<b>DODD 5500.07</b> Standards of Conduct	<b>10 U.S.C. 1034</b> Protected communications; prohibition of retaliatory personnel actions
<b>AR 58-1</b> Management, Acquisition, and Use of Motor Vehicles	<b>DODD 7050.06</b> Military Whistleblower Protection	<b>10 USC 1587</b> Employees of nonappropriated fund instrumentalities: reprisals
<b>AR 360-1</b> The Army Public Affairs Program	<b>DODI 5400.17</b> Official Use of Social Media for Public Affairs Purposes	<b>10 U.S.C. 3014</b> Office of the Secretary of the Army
<b>AR 600-20</b> Army Command Policy	<b>DODI 6490.04</b> Mental Health Evaluations of Members of the Military Services	<b>10 U.S.C. 3020</b> Inspector General
<b>AR 600-100</b> Army Leadership	<b>DODI 7050.01</b> Defense Hotline Program	<b>32 U.S.C. 105</b> Inspection
<b>AR 608-99</b> Family Support, Child Custody, and Paternity	<b>Government Credit Card Regulation</b> 041005/040103	
<b>AR 623-3</b> Evaluation Reporting System	<b>5 CFR 2635</b> Standards of ethical conduct for employees of the executive branch	



# Appendix C: Become an IG

The U.S. Army IG System has vacancies for Non-commissioned officers in the ranks of staff sergeant to sergeant major, chief warrant officers, and officers in the ranks of captain to colonel (branch/MOS immaterial).

Non-commissioned officers and officers are selected for IG duty based on their breadth of experience and proven record of performance. There are numerous vacancies at general officer commands throughout the Army.

Soldiers who would like to be an IG should contact their career manager at the Human Resources Command (HRC) and discuss their intention to apply for an IG nomination. If HRC is willing to support the nomination, the interested Soldiers should then submit a command-endorsed nomination packet approved by the first general officer in their chain of command and routed through their command's supporting IG office and HRC to TIG for final approval of the nomination. Once their nomination is approved, the Soldier will first attend a three-week IG School at Fort Belvoir, Virginia, and upon graduation typically serve a three-year detail as an IG.

## Packet Requirements

Soldiers who would like to serve as IGs must include the following in their nomination packet:

- Nomination memo from command;
- Biographical summary/military resume;
- Current DA Form 705 (Army Physical Fitness Test Scorecard);
- DA Form 5500/01-R (Body Fat Content Worksheet) (if applicable);
- Profile (if applicable)



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