**Is the Complaint Inspector General Appropriate?**

Assistance Instructor, SAIG-TR, 703-805-3897 DSN: 655

usarmy.belvoir.usaignet.mbx.tigs-instructors@mail.mil

New students at The U.S. Army Inspector General School (TIGS), and even seasoned IGs, often struggle with the question of IG appropriateness when presented with a complaint. Determining IG appropriateness should not be a difficult task. Since the nature of the complaint may not be clear, a detailed analysis requires the IG to spend some time determining the nature of the complaint before moving forward. As a point of departure for new IGs, the potential answers to whether a complaint is IG appropriate are *yes* and *no*. However, the reality is that the *yes* or *no* answers are much more nuanced. IGs must remember that they are here to help complainants. Therefore, even when the answer to the question of IG appropriateness is *no*, the IG has certain Teach-and-Train responsibilities inherent in helping the complainant. Unfortunately, many IGs continue to focus on *yes* or *no* answers at the expense of assisting the complainant. This article provides a framework for determining IG appropriateness and expounds on the wide array of responses to this question.

Some initial fact-finding is necessary before an IG can answer the question of IG appropriateness. Inspectors General are not experts in all areas and therefore must acquaint themselves with the general topic area of the complaint. This initial research is not necessarily focused on resolving the complaint but is instead focused on the nature of the complaint itself. This initial fact-finding will take the IG into various regulations and guides in order to root out the nature of the complaint and to inform the IG which initial course of action to select. From a review of these documents, the IG may discover another method of redress for the complainant or simply identify a standard against which the IG will use to resolve the complaint.

What defines IG appropriateness? A series of questions can frame the nature of the complaint and help guide an IG through this process. First, is it an Army matter? Second, does Army Regulation 20-1 or The Assistance and Investigations Guide specifically state that the matter is not IG appropriate or has limited IG involvement? Third, other than the commander, is there a means of redress or appeal? Fourth, is there an exception to the above, and does the Command (or State) IG or Directing Authority want to exercise the exception? And, lastly, if not one of the above, is the complaint IG-appropriate for another IG office?

First, is the issue or allegation a matter of Army interest? If the answer is *no*, then this complaint is not Army IG-appropriate. However, the IG’s work is not finished. Inspectors General are here to help complainants and, even though the complaint may not be of Army interest, the IG will conduct some fact-finding in order to assist the complainant in determining the proper office to address the complaint. In a sense, the IG has in fact conducted some fact-finding in order to address this complaint as a request for information. The final four questions assume that the complaint is a matter of Army interest.

Second, does Army Regulation 20-1 or The Assistance and Investigations Guide explicitly say that the specific matter is not IG-appropriate? Army Regulation 20-1, paragraph 6-3, *Matters inappropriate for Inspector general action or with limited inspector general involvement*, lists a number of topics that are not appropriate for IG action. Complaints such as private indebtedness or hazardous work conditions are not IG appropriate on their face. The Assistance and Investigations Guide, Part One, Chapter 3, echoes this position. For complaints that are not Army IG-appropriate, the proper IG actions are to Teach-and-Train the complainant on the proper means or avenue of redress in order to resolve the complaint.

Third, other than the commander, is there a means of redress or appeal? Army Regulation 20-1, paragraph 6-3g, lists a number of complaints regarding personnel actions that have an established means of redress. For example, complaints about evaluation reports have a means of redress outlined within that topic’s governing regulation, Army Regulation 623-3. The complainant may appeal an evaluation all the way to the Army Board for the Correction of Military Records. Again, the IG must Teach and Train the complainant regarding the available redress.

Fourth, is there an exception to the above, and does the Command (or State) IG or Directing Authority want to exercise the exception? Soldiers may bring complaints of harassment and discrimination to the IG, even though there is another office designed to address these complaints. Army Regulation 20-1 acknowledges the guidance provided in Army Regulation 600-20 regarding this type of complaint, and the IG should refer cases of this nature to the proper office and work them only by exception or when directed. In such cases, the IG must consider the potential for due-process reviews. The potential exists that if the IG engages in fact-finding on these matters, the complainant may not be satisfied with the IG’s findings, and the IG would be unable to conduct a due-process review of the case.

Finally, if none of the above apply, the matter is probably IG-appropriate. Throughout the Inspector General Action Process, but most particularly during fact-finding, the IG may discover a means of redress. If a means of redress presents itself, the IG should cease fact-finding and consult with the Command IG or Staff Judge Advocate before referring the case to another office or agency. Regardless, if another office or agency is better suited to address the complaint, the IG will inform the complainant of all potential avenues of redress open to him or her.

The final question of IG appropriateness should be: is it appropriate for **my** Inspector General office to address the complaint, or is another IG office better suited to handle it? Inspectors General may receive complaints that are IG-appropriate at large but not appropriate for the local office to address. The local IG conducting the preliminary analysis on behalf of fellow Inspectors General must address the proper disposition of the complaint. As an example, a complainant may bring a matter regarding a senior official or a written request for IG records to your office. TIGS graduates know that senior-official allegations must be addressed by DAIG’s Investigations Division (SAIG-IN) and requests for IG records by DAIG’s Records-Release Office (SAIG-ZXL). Are these complaints IG-appropriate? While the answer is *yes*, if a local IG asked the question from the perspective of his or her office, the answer might be *no*. This perspective represents a myopic view of the IG system and misses the point that another IG office should address these complaints. So perhaps the answer to the question of IG-appropriateness in this case is not simply *yes* but further includes the caveat of ‘just not my office.’ In these instances, the IG should receive the complaint and refer it to the appropriate office for action.

When the answer is *yes*, the question becomes whether the IG should address the complaint or refer the matter to the command. If the IG determines that the command is best suited to resolve the complaint, the answer on the question of IG-appropriateness might be *yes -- but better handled by the command(er)*. The commander is often best suited to address many of the complaints brought to the IG. However, the IG must look at the nature of the complaint and the sensitivities surrounding complainant confidentiality before making this determination.

Some complaints brought to the IG are the sole responsibility of the IG to work. For example, only the IG will work allegations of Whistleblower Reprisal. Granted, the local IG will vet these allegations through higher echelon IG offices, but the local IG will continue to investigate these allegations in most instances.

Somewhere between *yes* and *no* also lies the answer of ‘It depends.’ A number of complaints brought to the IG share this caveat. Complaints of discrimination or harassment brought to the IG by a Service-member fall into this category. The Equal Opportunity Office should receive complaints of this nature, since that office is best suited and trained to address these complaints. The short answer to the question of IG-appropriateness in these types of cases is *no*, because there is another office with regulatory authority to address them. However, it might be better to answer *no, it depends*, since the Directing Authority may want the IG to address a particular discrimination case. Army Regulation 600-20 identifies the Inspector General as an office where complainants may come to file these complaints and does not put any restrictions on who may or may not inquire into or investigate allegations of discrimination.

Some complaints brought to the IG are not IG-appropriate but require some limited IG involvement. Non-support of Family members is the most common complaint that falls into this category. This complaint is not IG-appropriate on the surface; however, Army Regulation 20-1 and The Assistance and Investigations Guide assign responsibilities to the IG before the IG may close the case. The IG will see to the immediate needs of the complainant and must ensure that the appropriate commander is aware of the complaint.

In conclusion, is the complaint IG-appropriate? Some of the possible answers are: *yes*; *yes, not my office*; *yes, with limited responsibilities*; *no, it depends*; and *no*. Perhaps a proper reference point of what is IG-appropriate would be to say that anyone may bring any complaint to the IG, but the IG may only work to resolve certain complaints. Regardless of the determination of IG-appropriateness, the IG has actions to take. The IG may refer some complaints to a non-IG office better suited to address those complaints, even though the IG may work those cases by exception based on the Directing Authority’s approval. Some cases do not fall within the command’s purview; therefore, the IG must refer the complaint to another IG office. Others may require Teaching and Training the complainant because there is another process for redress. Remember, when it comes to the Assistance function, the Inspector General is ultimately a customer-service organization and is always here to help.