

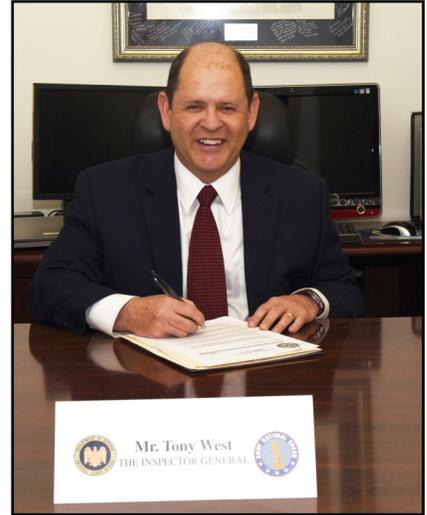


Summer Edition 2019

THE **IG** OBSERVATION

NATIONAL GUARD BUREAU OFFICE OF THE INSPECTOR GENERAL

READINESS, INTEGRITY, EFFICIENCY, PEOPLE



View from the NGB TIG

By Mr. Tony West
The Inspector General, NGB

This time of year is bitter and sweet. It is somewhat bitter as we enter into our normal PCS Cycle, which means some of our IGs will be moving on to their next assignments or their next phase in life. It is sweet in that we will be welcoming new members into our IG Team. For those of you transitioning out of your IG positions, I want to deeply thank you for your dedicated and passionate service to preserve the trust in our Military, National Guard, and IG Enterprises. You will soon find, as other IGs have before you, this will have been one of the best – if not the best assignment of your career and will help you greatly in the future. Although you will move on in life’s journey, the IG Core Values and experiences will never leave you.

One my favorite experiences is to watch the newly credentialed IG coming to work on their first day out of IG School. They are excited to dive into case work, yet a bit intimidated about the level of responsibility and wide ranging and newly discovered issues they encounter. It is this enthusiasm from the newly appointed IGs and the sage advice from the more tenured IGs that are the key ingredients for us being effective sentinels of truth to our institution.

Over the past year you may have noticed the following words at the bottom of my email signature block: Readiness – Integrity – Efficiency – People. These are the strategic focus areas we should all strive for in this great IG Enterprise. I briefly described these focus areas in this article at the NGB-IG Conference to set the conditions to then integrate into our daily operations.

First and foremost is **Readiness**; everything we do as IGs should be focused to this end. After all, this is the core of our business to assist commanders in preparing forces for presentation of highly trained and able forces to COCOMS and Governors. The most obvious part of this is inspections, be it systemic, compliance, or readiness inspec-

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The IG Observation newsletter helps improve our lines of communication. Send any feedback or suggestions to:

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CW4 Ivelisse Ortiz at:
ivelisse.ortiz.mil@mail.mil

tions, they all have a huge part in either assessing, evaluating, or exercising our ability to execute our given missions. Less obvious but no less important is our assistance and investigation functions. Although they are seemingly less important support functions, they are equally important. When people seek the IG's help or clarification of issues or they report allegations of misconduct, one or more persons in that particular formation have their focus diverted from the mission and readiness. It is our duty to resolve these matters in the most expeditious manner possible to allow these members to better devote their attention to readiness.

Next is **Integrity**. This is the foundation of the IG Enterprise. We are the guardians of the military institution to make sure we remain the most trusted profession in the USA. To do this, we must be careful to not become advocates for individuals, but advocates for our institution. It is important to recognize that we all have biases and preferred methods to fix things as leaders. But our duty as IGs are to cast these biases and preferences aside so we can present the truth – wherever it leads – to the appropriate level of leadership to make the right decisions for the institution.

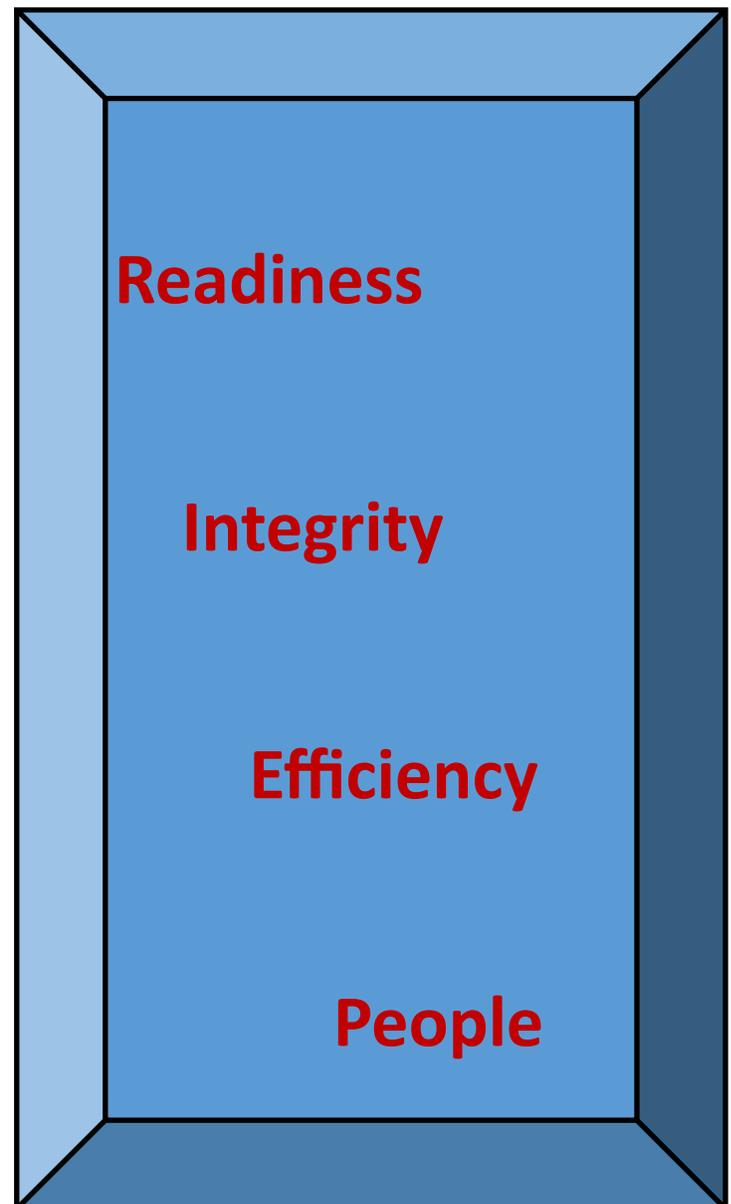
Efficiency – there are always better, more efficient, and economical ways to do our business. During our inspections, we must always be vigilant to identify these best practices and share them across the enterprise in order to increase efficiencies across the enterprise. We must also be mindful to identify in efficiencies we observe, and promptly act upon fraud, waste, and abuse complaints.

Even though **people** is listed last it is the most important. The human element is most prominent in all the focus areas. It is the people, not the equipment that get the job done. IGs should be very visible in your organizations. Both services emphasize IGs are "the eyes, ears, voice, and conscience of commanders." That cannot happen by sitting behind a desk in an isolated office. We must be seen in formal and informal settings, and teaching and training is the primary focus of these engagements. By formal, I am referring to classroom settings, commander's calls, staff meetings, etc. Ask your leadership to be included on the agenda and have pertinent and useful training material to share. As for infor-

mal, unit visits or just walking around and talking to people informally – it is amazing what you will find out just by walking around. The more human interactions you have the more effective you will be. People will come to know you, which will make you more approachable for matters of assistance. This in turn will help them with better decisions and ultimately less complaints that distract from readiness.

Two maxims I want to leave with you:

- 1) ***IG is a team sport!*** Collaboration through tech channels is the key to success. No IG can go it alone and be successful, and
- 2) ***Be proactive!*** A few minutes or hours of assistance is better than months of investigation.



Promotion Board Screening (Part 2) – What about our General Officers?

By COL Kris Kramarich
Deputy Inspector General

In the last newsletter, Part 1 included the current policies regarding post board screening and the role of National Guard Inspectors General, primarily related to the Colonels and below. The NGB-IG gets a lot of questions about General Officer Post Promotion Board Screening. While the same policies apply – Department of Defense (DoD) DoD Instruction 1320.04, *Military Officer Actions Requiring Approval of the President or Secretary of Defense, or Confirmation by the Senate*, there are additional considerations and policies (see the end of this discussion for some general National Guard GO related terms and a quick reference listing). Similar to the non-GO population, if there is adverse information in an individual's record, the Chief, National Guard Bureau (CNGB) may still opt to forward a GO nomination. If the CNGB considers the adverse information and continues to support a nomination, there is a process to forward the candidate for promotion to the appropriate Service Secretary. If the Service Secretary also supports, the Service Secretary includes detailed information concerning adverse information with the nomination, rationale for support of an officer, and a statement of how the officer meets the requirements of exemplary conduct.

Inspector General Role

What is a JFHQ, Division, Wing or command IG role in General Officer (GO) post promotion board screening? It varies depending on the situation, but the role is limited. An Officer may have general questions about the screening process, a subject might have questions about impacts of a substantiated allegation archived in the IG database, and the NGB Senior Leader Management Office (SLMO) – formerly NGB GOMO – might advise the State support staff to ask the IG for adverse information (redirect that staff member to us if that happens).

Annually, in the spring/early summer timeframe, NGB SLMO updates and publishes GO Board announcements and guidance (*The Army National Guard and the Air National Guard General Officer Federal Recognition Guidebooks*). SLMO sends this information to the TAGs. The guidebooks explain the process for submitting promotion packages for consideration. The packages require an "Adverse Information Internal Review Memorandum." The

full excerpts from Army and Air National Guard 2019 guidebooks are at the end. The information is similar in each guidebook; the first paragraphs are practically identical. Additionally, both guidebooks clearly state that the IG is not the adverse action investigator or reviewer.

You may still receive a request from the JFHQ staff for adverse information records. In those cases, refer them to the guidebook and if there are still issues, refer them to the NGB-IG.

The adverse information request is not uncommon as personnel rotate and may be unfamiliar with the IG role. Adverse information reviews or screenings are not in the lane of anyone in the NGB-IG enterprise. Both the Air Force and Army IGs own and are the release authority for information in the respective IG databases. They do not authorize release of that information for adverse screening. Both the Department of the Army and Air Force IG offices provide information housed in the separate IG systems directly to the SLMO upon request.

In addition to support staff requesting information from the IG, an Officer may request personal IG related information. They may ask if there is anything in the database about them. This is when you can point them to the Freedom of Information Act request procedures. They may ask about the impact of a substantiation. The impact is nearly impossible to predict. Guidance changes, dynamics of each board varies, there are too many factors to know the impact. However, an IG can advise any individual with adverse information in their official records to do their best going forward. If there is adverse information, at some point in the process, they should be given an opportunity to submit supporting information for consideration. Also related, if an individual does exercise the right to appeal or respond to adverse information, similar to what IGs do – focus on facts in the appeal such as policy and regulations. When reviewing cases with this lens, it's evident when something is opinion versus fact, and it may even be something as small as one adjective where the author emphasizes a fact. Watch for terms like "obviously" or "I feel" and definitely steer clear of maligning an investigator or a process. It will be evident if an individual is deflecting from the actual issue. If an individual feels the adverse information is inaccurate, they should exercise the appeals process for that specific record. How can a TAG consider adverse action in determining who to endorse for GO? If the TAG initiated a 15-



6 or Command Directed Investigation, there should be a local copy of those records. There may be information documented in evaluation reports. Even more basic, TAG's staff might ask an individual if they have any adverse action in their background that TAG should know about.

Proactive IG Role

How can the IG be proactive? We've seen many best practices of IGs conducting training at various venues in the State informed by trends. Explaining how to avoid the common allegations and issues brought to IGs is one way to be proactive. Focusing on how a leader can use the IG is another way. A leader can always discuss ramifications issuing a referred OER with the IG. Another set of eyes never hurts when considering such actions. Another proactive approach is to simply bump leaders off the path leading to an allegation. If an IG hears a leader is rumored to be considering an action that could lead to an allegation – it's ok to discuss that with the leader, keeping confidentiality at the forefront. It is still not too late to be proactive once someone becomes a subject, the focus just changes. Advise individuals on what they should do upon notification as a subject of an investigation. Interfering with an investigation, trying to determine who submitted a complaint, telling individuals to avoid the Investigating Officer, and worst of all bullying or reprimanding against a complainant are all examples of what not to do. Also, remind individuals that conduct during interviews is something investigating officers may consider as evidence. Being uncooperative during questioning or treating investigators the same way that is alleged in a complaint is something the IO can use. These are only a few thoughts on how to avoid compounding a situation. Don't assume that all leaders understand things that appear common sense to you. An individual under investigation, initially may not be thinking clearly.

Takeaways

This discussion focused on General Officer adverse action screening. State IGs have no role in local/State level screening. Do not let anyone force you to put your credentials at risk. Refer those with questions to the Guard Guidebooks, to SLMO and to the NGB-IG as needed.

ANG GO Federal Recognition Handbook – Adverse Information Excerpt

1. The state adverse information internal review was added to the GOFRB nomination process to comply with sections 615(a)(3) and 14107(a)(3) of Title 10, USC, as enacted by Public Law 109-163 (National Defense Authorization Act for Fiscal Year 2006), Section 506. States must conduct an adverse information internal review at a minimum through Personnel, Finance, Equal Opportunity/Military Employment Office, USPF&O, Unfavorable Information File (UIF), and Command Directed Investigations on officers meeting the GOFRB.
2. The state must release all adverse information to the Secretary of the Air Force Inspector General who will release the information to NGB-GO with source documentation. Adverse information of a credible nature constitutes a substantiated adverse finding or conclusion from an official documented investigation or inquiry, or other official record or report both military and civilian, (i.e., Letters of Counseling, Admonitions, Reprimands, Article 15, DUI and Domestic Abuse) within the last ten years or Senate Confirmation, whichever is later. Do not include adverse information of a credible nature investigated prior to the last senate confirmation or records of minor offenses that did not result in personal harm or significant property damage. The release of the adverse information does not preclude the State to nominate the officer for the GOFRB.
3. Adjutant General Adverse Information Internal Review memorandums must be signed by the Governor. Stat Tour Nominees' Adverse Information Internal Review memorandums will be conducted by NGB/HR and provided directly to NGB-GO. All other Adverse Information Internal Review memorandums must be signed by The Adjutant General and may not be delegated. Failure to conduct a proper review may result in the withdrawal of the nominee.
4. The investigating officer is anyone the TAG designates to conduct this internal review. It is not a Wing or State Inspector General (IG) investigation.

ARNG GO Federal Recognition Handbook – Adverse Information Excerpt

(3) Policy Concerning Adverse Information (PHASE II) REF: DoDI 1320.04 and DoDI 1320.14

1. The State adverse information internal review was added to the eligibility phase of the GOFRB to comply with sections 615(a)(3) and 14107(a)(3) of Title 10, USC, as enacted by Public Law 109-163 (National Defense Authorization Act for Fiscal Year 2006), section 506. States must conduct an adverse information internal review (local check) at a minimum through Personnel, Finance, Equal Opportunity/Military Employment Office, USP&FO and State/Territory SJA on officers meeting the GOFRB.
2. Any adverse information of creditable status (substantiated adverse or findings of discrimination adverse) must be reported to GOFRB POCs at NGB-SL. Adverse information of a credible nature constitutes substantiated adverse finding or conclusion from an official documented investigation or inquiry, or other official record or report in the last ten years of the date of the findings or Senate confirmation whichever is later. Adverse information of a credible nature does not include information of minor offenses that did not result in personal harm or significant property damage.
3. The Adverse Information Internal Review memorandum must be signed by The Adjutant General and the Investigating Officer. Signatures may not be delegated. The investigating officer is anyone the TAG designates to conduct this internal review. It is not a State Inspector General (IG) investigation.

Notes:

1. IG Checks will be conducted every 90 days until Senate confirmation.
2. State, NGB, SA, and DoD IG offices MUST make notification immediately about any potentially adverse information. IAW DoDI 1320.4, SA has five duty days to notify OSD of potentially adverse information.

Terms of Reference

There are a few useful terms you may hear regarding National Guard General Officers – Adjutant General Corps, General Officer of the Line,

Bench, and Certificate of Eligibility.

The Adjutant General Corps. The Adjutant General and Assistant Adjutant General positions comprise The Adjutant General Corps. The rank is federally recognized solely because of assignment as the TAG or ATAG. The TAG and ATAG can only serve as a federally recognized GO while in the TAG/ ATAG billet.

General Officer of the Line. A General Officer of the Line, sometimes abbreviated as GOL/Line, Line General Officer, or GOL, is an Officer who has been federally recognized for appointment to a General Officer grade by a board convened by the Service Secretary. The CNGB extends a GOL federal recognition to serve in a T10/T32 GO position in the identified grade. The GO may retain that rank when moving to other authorized GO positions.

Certificate of Eligibility. Some of you have already come across the term Certificate of Eligibility or COE. When the Senate confirms the list of Officers for promotion to General, those officers are now General Officers of the Line with a Certificate of Eligibility. The Officer only promotes upon CNGB appointment.

Bench. The Bench is a list of CNGB approved Officers, identified by an Adjutant General Advisory Panel, for the CNGB to consider for future GO position openings. When a T10/T32 GO position becomes available (ARNG, ANG or Joint), the Executive Leader Advisory Board (ELAB) convenes to recommend officers from the Bench with skillset to match the position (CNGBI 800.01 codifies the bench process).



SSG Matthew Giuffrida, (center) CA NG assistant IG, is promoted to SFC by MG Donald E. Jackson, Deputy IG, DAIG and SGM Christopher G. Gilpin, the Inspector General Sergeant Major, at TIGS, Fort Belvoir, VA, August 23, 2019.

GENERAL OFFICER AND EXEMPLARY CONDUCT SCREENING REFERENCES

DEPARTMENT OF DEFENSE

<https://www.esd.whs.mil/DD/>

Memorandum, Under Secretary of Defense for Personnel and Readiness, January 9, 2015: *Processing Appointments of Officers Pending Investigation or Adjudication of Adverse Information*
 DoD Instruction (DODI) 1320.04, January 3, 2014: *Military Officer Actions Requiring Approval of the President or Secretary of Defense, or Confirmation by the Senate*
 DODI 1320.14, 13 March 2019, *Commissioned Officer Promotion Program Procedures*
 DODD 5505.06, 6 June 2013, *Investigations of Allegations Against Senior DoD Officials*

National Guard Bureau

<https://www.ngbpd.c.ngb.army.mil/>

CNGBI 0800.01, 16 April 2014, *Management of the National Guard General Officer Career Management Bench*
 ANGI 36-2501, 24 January 2013, *General Officer Federal Recognition Boards for General Officer Appointment or Promotion in the Air National Guard*
 Air National Guard Guide, May 2019, *Air National Guard Federal Recognition Guide*
 Army National Guard Guidebook, 15 May 2019, *Calendar Year 2019 General Officer Federal Recognition Guidebook*
 Personnel Policy Operational Memorandum (PPOM) 17-025, 18 April 2017, *Army National Guard Commissioned Officer and Warrant Officer Promotions and Exemplary Conduct Certification Screening*

AIR FORCE

<https://www.e-publishing.af.mil/>

Assistant Secretary of the Air Force (ASA) for (Manpower and Reserve Affairs) Memorandum dated July 5, 2018: *Policy Change – Requirement for Commanders to report initiation of CDI or Inquiry to local IG for all officers below the grade of Brigadier General*
 Air Force Instruction 90-301, 28 December 2018, *Inspector General Complaints Resolution*

ARMY

<https://armypubs.army.mil/>

Army Directive 2016-26, 18 July 2016, *Screening Requirements for Adverse and Reportable Information for Promotion and Federal Recognition to Colonel and Below*
 Army Regulation 15-6, 1 April 2016, *Procedures for Administrative Investigations and Boards of Officers*
 AR 135-156, 17 May 2007, *Reserve Component General Officer Personnel Management*

Air Force Publications: <https://www.e-publishing.af.mil/Product-Index/>

Air Force IG Policies:

<https://www.my.af.mil/gcss-af/USAF/ep/browse.do?programId=tE3494DD052705D6B01528A58AC6F020D&channelPagelD=s6925EC1351F50FB5E044080020E329A9>

Air National Guard Policies:

<https://www.e-publishing.af.mil/Product-Index/#!/?view=pubs&orgID=44&catID=16&series=-1&modID=449&tabID=131>

Army Publications: <https://armypubs.army.mil/>

Army National Guard Personnel Policies: <https://www.milsuite.mil/book/groups/personnel-policy-division-arng-hrh>

By SGM DeLaine Williamson
Senior Enlisted Leader

Good Day, everyone. Recognizing our achievements and accomplishments is one thing we can do as leaders. I am proud to recognize SFC Amber Larussa, AZ JFHQ, as the FY19 National Guard Bureau (NGB) Inspector General (IG) Noncommissioned Officer of the Year (NCOY), winner and the Department of the Army Inspector General (DAIG) FY19 NCO of the Year Competition runner up.



On 11 March, NGB-IG completed the National Guard Army IG NCOY Board and SFC Larussa was selected as the winner. Thus far, she met with and received coins and/or letters from the Chief, National Guard Bureau, General Joseph L. Lengyel; Deputy Director, ARNG, MG Charles W. Whittington; Senior Enlisted Advisor to CNGB, CSM Christopher S. Kepner; the 12th CSM of the Army National Guard, CSM John F. Sampa, and Arizona State Command Sergeant Major, CSM Fidel Zamora. As a further highlight, SFC Larussa competed in the FY19 DAIG NCO of the Year Competition, held at TIGS during the Worldwide Inspector General Conference, April 9-11. Notably, she represented the National Guard by competing against other Army Commands, Army Service Component Commands, Direct Reporting Units, and the Army Reserve. Through hard work and determination, SFC Larussa placed runner up for the DAIG NCOY. For her expertise, professionalism, and superior service as an IG, she was awarded the Army Achievement Medal by LTG Leslie Smith, The Inspector General of the US Army. What an awesome accomplishment for SFC Larussa and the National Guard.

Over the past year, Mr. West and I have been able to participate in over 20 Staff Assistance Visits, which has been well received by TAGs, State Command Sergeants Major, IG Offices, and everyone else we encountered. We have found these to be extremely helpful in understanding challenges our IG teams face and other issues or trends that are not as evident from an IGARS or ACTS data pull. A couple of observations worth mentioning follow.

As a teach-and-train topic, it is a violation of AR 20-1 and AFI 90-301 for IGs to be assigned additional duties. The Army policy requires TIG approval to conduct non-IG duties. This includes any state board. It is understandable we want to be proactive at reducing the number of complaints regarding pro-

motions and retention, but we must refrain from being involved in board matters, specifically, the conduct of the actual board. If an IG is on a board, and issues ascend, it could potentially be harmful to IG credibility. Worse, if a valid complaint arises about the board, the IG is now conflicted from addressing the complaint. There is a difference between observing one board as part of an inspection and observing every board. If observing every board, you are now a part of the process, kicking in the requirement to obtain Army TIG approval to perform non-IG duties. Additionally, we as IGs, can tell when a complainant is weaponizing the IG. In this instance, the IG is at risk of being weaponized by the staff. A staff member or even a senior official could say “go ahead and complain to the IG. They sat on the board,” or “they were there the whole time.” Whenever asked to perform non-IG duties, instead of simply refusing – try thinking through who should be performing those non-IG duties. In this case, the IG is not a board enforcer, identify who is responsible for the conduct of the board. It is not an IG responsibility. Each of the board members is sworn in so they also own a piece of the responsibility. The IG can meet with G1 personnel ahead of time to discuss board related trends, ask the G1 to explain the process and challenges, review the memorandum of instruction, and/or review the final product before TAG approves the results. The IG may also periodically observe a board as part of a TAG directed inspection. When this issue first arose, the Deputy IG confirmed this guidance with the IG School. If you need further assistance in this matter, please contact COL Kramarich or Mr. West.

In addition to observations from SAVs, we stumble on best practices. During the enlisted breakout session at the Southeastern IG workshop, MSG Anna May, Assistant IG, AL- JFHQ, shared a unique way to record information within the office and while the IG is attending briefings, inspections, etc. The information from DA Form 1559 and a sample synopsis were copied to the size of a notepad (customized to 8 x 4.5 inches) for ease of use and portability. Called the informational IGAR notepad, it was designed to organize and enhance notetaking when initially receiving a complaint. Additionally, it is used as a base document until a completed DA Form 1559 is received. It’s handy since it may be used to replace notebooks or sticky notes when capturing IG related information. Way to go, ALNG - IG!!

As the NGB-IG SEL, feel free to contact me with any questions or concerns. Again, I’m grateful and thankful for the opportunity to serve you.

Standardizing Our Product and Processes

By LTC Herrington

Assistance Branch Chief



Is your office utilizing one standard Preliminary Analysis, Referral, and Closeout Notification Memorandum format? Over the course of the last six months NGB-IG Assistance branch has worked tirelessly to standardize our internal processes and the products we deliver to the States, Commands, and Complainants. As an office we identified that we were not developing and delivering products to our customers that were synonymous. Further, our internal processes were lagging and individualized. This led to deficiencies and perpetuated a backlog of cases that required directing authority approval. Standardizing our products and refining our processes affords us the ability to generate products such as Preliminary Analysis and Referrals that effectively outline issues and/or allegations and can be easily understood on referral to outside agencies.

PRELIMINARY ANALYSIS

IG NAME: XXX

IG Case #:

BLUF: (Delete; use Synopsis Part 1 format)

The complainant/initiator (name, rank/grade) assigned to (unit, agency, command, location, etc), status (AC, USAF, NG, mobilized, civilian, contractor, DAC, etc). Contacted/Wrote/faxed/emailed (whoever, DAIG, USARC, NGB, Congress person, etc) alleging someone acted improperly by (whatever) or complaining or (what) or requesting (what).

ISSUES/ALLEGATIONS: (Delete; use synopsis Part 3 format, essential for proper framing of an issue or allegation per the IG standard).

ISSUES:

Issue 1 -

Issue 2 -

ALLEGATIONS:

Allegation 1 -

DETERMINE IG APPROPRIATENESS: (Delete; determine appropriateness including policy, rule, regulation, redress or guidance)

- 1- Allegations 1 is IG appropriate per AR 20-1, The Inspector General will manage Whistle Blower and Reprisal cases.
- 2- Issues 1-2, command IAW A & I Guide, section 2-4-1, para 3. IGs will refer issues directly to the lowest level of command that has the responsibility and the authority to address them.

ACKNOWLEDGE RECEIPT: (Delete; note who, how the acknowledgement was done)

Sample: (name, rank, grade) contacted complainant via (emailed, wrote, called, etc) on (XX date)

COURSE OF ACTION: (Delete; list your recommendations)

1. Allegation 1 is IG appropriate, recommend completing steps 4-7
2. Issues 1-2 are best referred to command for resolution

OBTAIN APPROVAL:

LTC John Smith Assistance Division Chief	Concur Signature/date	No concur Signature/date
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REFERENCES:

IGNET Operability and How We Can Assist

Several States have identified themselves as remaining inoperable within IGARS and/or are experiencing limited IGET capabilities. NGB-IG Assistance Branch will continue to serve as a workaround if you require specific case documents in order to circumvent a delay in processing complaints and further ensure the timeliest attention is afforded to a complainant's request. Ultimately, this drill gave us the realization that we could assist in those instances when a State cannot access due to a saturated network. For units that are still experiencing limitations please continue to use this URL in Google Chrome:

<https://pentagon.ignet.army.mil/Citrix/pentagon-sWeb/>. Further, continue to document any experienced issues through the IGET Help Desk at USARMY.Pentagon.USAIGNET.List.IGNET-Helpdesk@mail.mil.

As always our team is here to support. Please let us know if there is any further services NGB-IG Assistance Branch can offer.

Handling Hostile and Emotional Complainants

By MSgt David Eichaker
Assistant Inspector General



IGs can experience emotionally charged complainants who display anger or resentment. Complainants must behave appropriately and render professional or military courtesies. IAW AR 20-1, chapter 6-2, paragraph d (Emotional Complainants) there are a few things IGs WILL do.

- Inspectors general will advise complainants who become verbally abusive, disrespectful of military rank and authority, or threatening in any other manner that such behavior is unacceptable.
- IGs will caution the complainant that the IG may bring continued abusive, disrespectful, or threatening behavior to the attention of the appropriate command or supervisory authority.
- The IG must be cautious, however, to avoid referring such behavior to a command or individual at a time that might result in reprisal against the complainant as defined by the whistleblower protections.
- If the IG makes such a referral, he or she must ensure that the referral occurs for the abusive, disrespectful conduct and not for the protected, lawful communication with the IG.

- The IG will carefully weigh the severity of the complainant's behavior against the potential effect on the IG system and on the complainant's right to make a protected communication before referring such behavior to the appropriate command or supervisory authority.

Although AFI 90-301 does not address hostile complainants, it does state the complainants must cooperate.

IAW 90-301, chapter 2-5, paragraph 2.5.3, complainants must cooperate with IGs and IOs by providing factual and relevant information regarding the issues and/or allegations (unless exercising Article 31, Uniform Code of Military Justice (UCMJ), or Fifth Amendment rights).

If complainants do not cooperate, the IG may dismiss the complaint if the IG is unable to conduct a thorough complaint analysis due to lack of information. Complainants will be allowed at least 10 calendar days to provide requested information prior to the IG dismissing their complaint.

If a complaint is dismissed, and complainant later files the same complaint issues, the complaint will be accepted as a new complaint (i.e., with a new ACTS file reference number).

Rescission of NOTIG 19-2

June 11, 2019

By Mr. Nolan R. Corpuz

Chief, Training Division, SAF IG

Notices to IGs (NOTIG) are periodic messages announcing guidance updates from both DoD OIG and our office, as well as policy changes and any other pertinent information affecting the IG enterprise. These announcements are sent to our MAJCOMs and JFHQs. Please distribute to your subordinate units to ensure the widest dissemination possible. NOTIG 19-3 is attached; it has also been posted to the Policy and Guidance tabs on both our AF Portal and SharePoint sites.

MEMORANDUM FOR ALL MAJCOM-FOA-DRU/JFHQ Inspectors General

FROM:SAF/IGQ

SUBJECT: NOTIG 19-3 – Rescission of NOTIG 19-2

1. This NOTIG rescinds NOTIG 19-2. This stems from policy discussion and is two-fold. As an enterprise, we must resolve all allegations expeditiously, thereby affording our Airmen the ability to maintain focus on the mission. DoD IG recently issued revised policy for timing requirements of notification and decision documents, but did not modify the actual forms. In addition, caveats to the DoD policy introduce potential for error in service obligations. As such, published AFI 90-301 guidelines still apply, focus on timely resolution, and reduce confusion:

- a. 10 Day notification for reprisal/restriction allegations. See Paragraphs 5.4 and 6.4.
- b. 30 Day decision to dismiss or investigate. See Paragraphs 5.5 and 6.5.

2. In situations where these timelines cannot be met, the expanded DoD timeline window affords the Air Force an opportunity (on a case by case basis) for a MAJCOM or HHQ to request addition time, while still meeting DoD prescribed requirements.

Reserve and Guard units must complete complaint analysis/decision determination within three UTAs as outlined in Paragraph 5.5.

3. Active NOTIGS include:

NOTIG 16-2 – Commentary from DoD-IG Closure Worksheets

NOTIG 16-3 – Reprisal/Abuse of Authority Allegation Resolution Paths

NOTIG 17-4 – Case Management Guidance

NOTIG 18-1 – New Reprisal and Restriction 10-Day Notification with Dismissal Procedures

4. Please refer any questions to my Chief, Policy, Mr. Matt Williams at (202) 404-5636 or e-mail: matthew.r.williams2.civ@mail.mil.

Signed by BRIAN A. HINSVARK, Col, USAF

Director, Complaints Resolution

Moving Forward

By LTC Linda Gray
Operations Branch Chief



The Operations and Support Branch (OPS) continues to strive to provide the best support possible throughout your tenure as Inspectors General. From nominations to OER processing to retirement requests for State IGs, we greatly appreciate your assistance in helping us by providing timely responses and appropriate documentation.

On 16 January 2019, The Secretary of the Army issued Army Directive 2019-04 (Reduce the Frequency of Force Management Reporting by Field Inspectors General) which resulted in reducing the FMR reporting requirements from semi-annual reporting (April and October) to annual reporting (October only). The purpose of AD 2019-04 is to improve activities that build and sustain combat readiness by reducing reporting requirements from the field.

The FMR keeps NGB-IG apprised of your manning levels, training needs, and rotation cycles. This information assists us in requesting timely backfills for Command IGs, defending school requirements for all, anticipating requirements, and assisting you to fill vacant slots in preparation for deployments.

OPS will continue to update the FMR throughout the course of business throughout the year leading up to the annual October reporting requirement; however, two-way communication between OPS and your office is vital in facilitating a flow of timely and accurate information. Please keep us apprised of any changes that affect the personnel aspects of the Inspector General office.

We take our responsibility to support you very seriously and are always looking for feedback on how we can improve our service to you. Thanks for all you do for the Soldiers, Airmen and Families of the National Guard.

Current Vacancies / Projected Backfills

Incumbent	Current Vacancies / Projected Backfills	Backfill
PR Vacant	COL Feliciano Casillas, Angel	30 September 2019
CT Vacant	MAJ(P) Terwilliger, Benjamin	1 November 2019
MA Vacant	Backfill Requested	TBD

FY 19 Projected Vacancies / Projected Backfills

MO	COL Kyle Nordmeyer	COL Smallfield DAIG Approved
NC	COL James Hunt	LTC Iden DAIG Approved
PR	COL Ricardo Lebron	COL Feliciano pending DAIG Approval
AZ	COL Craig Short	LTC Mahaffey DAIG Approved
AR	COL Albert Stiller	COL Draper pending COMO Approval
OK	COL Paul Rogers	COL Hussin DAIG Approved
MA	COL Stuart Furner	Backfill Requested
NY	Lt Col Michelle Estes	Lt Col Jordan nominated
MT	LTC John Tabb	MAJ Premo DAIG Approved
VT	LTC Shelley Raymond	LTC Koppelman DAIG Approved
NE	LTC Julie Burmeister	Backfill Requested

By Maj Jeffrey Labrune
Intelligence Oversight Branch Chief

“Drones:” Unmanned Aerial Systems, Statuses, Facilities and What to do.

There are a lot of questions surrounding the proper employment of domestic Unmanned Aerial Systems (UAS). Under what circumstances are UAS properly employed? How do you obtain proper authorization to employ UAS? How do you report improper use of UAS? What UAS planning considerations are there in supporting the south west border mission? These are just to name a few. The “status” of the operator of the UAS is an important factor in determining the appropriateness of the UAS activities and circumstances. This is particularly applicable in the National Guard, due to the authorities associated with the different statuses of a National Guard Soldier, whether acting in a US Code Title 10 (federally funded and controlled), Title 32 (federally funded and state controlled), and State Active Duty (state funded and state controlled). Other relevant factors include the mission being performed, the location of the mission, and the type of funds used in purchasing the UAS.

Use of Commercially available UAS in T10 or T32 is prohibited by Deputy SECDEC memo “Delegation of Authority to Approve Exemptions for Using Commercial-Off-The-Shelf Unmanned Aerial Systems in Support of Urgent Needs” dated 01 June 2018 unless approved by Under Secretary of Defense for Acquisition and Sustainment and Department of Defense Chief Information Officer. Personally owned UAS may be used on State owned training facilities in a State Active Duty or Off Duty status if authorized by state law. The use of UAS (to include commercial off-the-shelf UAS and UAS procured with State funds) when used by personnel in a T10 or T32 status are governed by SECDEF memo “Guidance for the Domestic Use of Unmanned Aircraft Systems in U.S. National Airspace” dated 18 August 2018). State purchased UAS used in State Active Duty on non-Federal installations may be authorized if authorized by state law. Privately owned UAS should not be used

for official purposes, unless the use is based on a contractual relationship and compliant with SECDEF memo “Guidance for the Domestic Use of Unmanned Aircraft Systems in U.S. National Airspace.”

As an IG, you may receive allegations of unauthorized use of a UAS, but in most cases this will only require the IG to enter the report in IGARS as an assistance case and refer it to the appropriate command for further investigation and reporting through appropriate channels. The only cases that require handling as a Questionable Intelligence Activity or Significant / Highly Sensitive Matter, triggering the requirement to report it to the J2/G2/A2 and the IG, are cases where (1) Intelligence Personnel are involved, (2) Intelligence systems are used (Raven, Shadow, Reaper, etc.), or (3) Intelligence or Intelligence-related activities are being conducted (non-traditional ISR). If you have questions regarding UAS, we recommend reaching out to your legal advisor for further guidance. Once the report is made to NGB-IGO, we will forward it through appropriate channels to determine if IO policy or laws were indeed violated and what remediation is warranted.

An additional useful reference for IG is the Office of the Chief Counsel’s *Domestic Operations Law and Policy* book (Located at: <https://gko.portal.ng.mil/ngb/STAFF/D01/B01/S09/Shared%20Documents/Authorities%20and%20References/2019%20DomOps%20Law%20and%20Policy%20Handbook.pdf>).

Whistleblower Investigation Common Issues

By LTC Russell (Jerry) Davis
Investigations Branch Chief

“Just the facts ma’am”

Quote from Jack Webb character, Joe Friday, on 1950’s television series, *Dragnet*.

We, NGB-IGQ Enterprise, have made great strides in the past year with our Whistleblower investigation processes. As impartial fact finders it is imperative that we maintain a team effort. The communication process with Department of the Army Inspectors General (DAIG) office and the field IG offices, along with the oversight process has been successful in first time acceptance of Report of Investigation (ROI) by DAIG. However, we, NGB-IGQ, continue to observe common issues with ROIs from the field. So, we thought we would take time during this quarterly newsletter to emphasize the oversight process here at NGB-IGQ and mention some of the common themes that we see in the ROIs.

As we have several newly appointed Command IGs, some of this information might be new to them. We, NGB-IGQ, have our procedure process on our Guard Knowledge Online website, <https://gko.portal.ng.mil/ngb/STAFF/D01/B02/S02/SitePages/Home.aspx>, under a memorandum for record (MFR) titled, WBR OVERSIGHT PROCEDURE. As detailed in this MFR, please review the Department of Defense Inspector General (DoDIG) WBR Guide before you initiate the investigation. Additionally, please use NGB-IGQ to conduct a peer review of the ROI, prior to submission to your Directing Authority (DA) or legal review. A common issue is the lack of evidence that suspects were read in as suspects. This is a requirement and raises concerns at DAIG and DoDIG levels when not documented.

A review of the aforementioned DODIG WBR GUIDE, will reveal ROI examples for WBR investigations and the four elements that must be answered as part of the investigation. It also has an example ROI for conducting a restriction investigation and the element that must be answered. Additionally, the ROIs must include an exhibit list.

A common issue we have observed in the WBR ROIs pertain to developed facts for the four elements. The DOD WBR Guide ROI example explains each element in detail and statements that should be captured to answer the element question. Most writers have issues with the disparate treatment section. Keep in mind that if the Investigating

Officer (IO) proves disparate treatment, it most likely equates to a substantiation. It is not advised to state, “The investigation did not uncover evidence of disparate treatment” or “The IO did not uncover evidence of Soldiers in similar situation.” The IO should provide additional information to prove the conclusion that evidence did not exist for disparate treatment. Keep in mind that this element is not asking the IO to prove exact circumstances, just similar. Did the Responsible Management Official (RMO) treat other Soldiers in his/her command the same? We understand that this element is easier to answer depending on the alleged unfavorable personnel action (UPA).



As an example, if the UPA was an unfavorable Officer Evaluation Report (OER), disparate treatment is usually relatively easily to show. Look at other officers that the RMO rated and look at the previous OERs the complainant received from other raters. This will lead to a determination if the RMO treated the complainant differently than other officer he/she rated. However, there are UPAs that are not as defined and clear cut as an OER. You can always reach out to us at NGB to discuss it. We are not smarter than anyone in the field, but WBR investigations and oversight is what we do on a daily basis. In many instances, we will reach out to DAIG for advice and recommendations on issues/concerns we receive from the field. Team communication is essential to ensure we get it as right as possible in an impartial manner.

Another common issue we, NGB, continue to observe in WBR ROI’s is lack of status, Title 10/Title32, of the complainant and RMOs. The status of the complainant and RMOs, along with the organizational structure, and command relationships, should be included in the Background portion of the ROI.

The last item we would like to convey is the closure process. Once the ROI is approved at NGB-IGQ, a transmittal letter is submitted to DAIG that explains why NGB-IGQ Action Officer (AO) concurs with the findings. It also contains a breakdown of the PCs, UPAs, Complainant, RMOs and short summary of why the AO concurs with the findings. Once we, NGB, receive notification from the DAIG AO, we notify the field IG office that the case can be placed in Review (RV) status. Please do not close the case once you submit the ROI to NGB. The case will remain in RV status until notification from DoDIG via DAIG that the case has been closed. At that point, we, NGB, will notify the OOI to close their case in IGARs.

Keep in mind that we can also conduct peer review on your ANG WBR ROI at the field IG request. Several of our investigators have ACTs access and MSgt James Hancock recently joined us from the New Jersey National Guard. MSgt Hancock, once he completes Inspector General Training Course (IGTC), will take the lead to track the status of ANG cases in ACTs. We currently track the ANG cases, but anticipate that MSgt Hancock will become the lead. More to follow.

As previously mentioned, we have made great strides with our WBR investigations processes. Now we will concentrate our efforts on completing investigations in a timely manner. Per U.S.C. 1034, WBR investigations should be completed within 180 days. Our goal for this upcoming year is to receive WBR Report of Investigations (ROI) from the Office of Inquiry within 150 days or less. This will allow 30 days for the final review at DAIG. A proposed timeline that is captured on a chart located at our aforementioned web site shows that the OOI should take no more than 45-60 days to gather evidence, and sworn testimonies upon the initiation of the case. Additionally, another 45-60 days for transcription, evidence matrix and complete the ROI, followed by 7-10 days for peer review at NGB-IGQ, then 14-20 days for your SJA endorsement and Directing Authority signature.

This is a priority for the NGB-TIG, who has challenged us to meet the timeliness as required by law.

On closing, I would like to wish MAJ Nate Wilson best wishes as his tour at NGB-IG has come to an end. He is a great investigator and was instrumental in assisting with the development of our current WBR processes. I know many of you in the field coordinated and worked with him on many occasions. His replacement, MAJ Jeffrey Harrington, just graduated from TIGS where he aced the final exam.

NGB TIG Coin

By MSgt David Eichaker
Assistant Inspector General



Challenge coins are a unique way to exemplify the charge of an organization. The National Guard Bureau Inspectors General Office created a way to incorporate the history and mission of the office—through its own challenge coin. Mr. West, NGB IG, challenged IG personnel to create a coin design that accurately reflects the role of National Guard IGs and after several submissions, mission was complete.

Master Sgt. David Eichaker, assistance branch, NGB IG, received the first-ever NGB-IG coin from Mr. Tony West. MSgt Eichaker crafted the coin highlighting the IG office historically while visualizing its mission. The NGB IG office, formed in 1985, is depicted on the front of the coin. The back of the coin illustrates meanings that are significant to our roles as IGs.

The number 54, boldly displayed, symbolizes the 50 States, 3 Territories, and the District of Columbia



the NGB IG support on a daily basis while the Minuteman, representing Army and Air National Guard members, is surrounded by a circle and triangle. IAW AR 20-1, IGs

hold a position of public trust and the circle represents the Circle of Trust that build upon the effectiveness of the IG system. IGs typically need three parties to function: The commander, the complainant, and the IG. The triad make up the Triangle of Confidentiality. In general, IGs may share the most sensitive, attributable IG information within the triangle. With success as IGs, we support the Readiness, Efficiency, and Integrity of the National Guard.



MSgt David Eichaker receives first-ever NGB IG coin from Mr. Tony West, the NGB IG.

Note that DoD policy prohibits personalized coins purchased with federal funds. This coin was purchased with personal funds.

The State of the NGB IGI

If the Art of the IG lies in providing senior leaders and Commanders accurate and complete assessments of their units and processes, then the Organizational Inspection Program (OIP) is the “brush” used to paint the picture. Army Regulation 1-201, Army Inspection Policy states;



“The overarching purpose of the OIP is to coordinate inspections and audits into a single, cohesive program focused on Command objectives.”

To understand what makes an OIP, a review of the types and purpose of inspections is helpful. In an OIP, the Army recognizes three kinds of inspections: Command Inspections, Staff Inspections and Inspector General Inspections. Those inspections need be: purposeful, coordinated, focused on feedback, and instructive, with a follow up and list of corrective actions taken. If the OIP is a Commander’s tool, the best place to start from a National Guard perspective is with The Adjutant General (TAG) or Division Commander (or other Directing Authority). All organizations under the TAG should be part of the State OIP: MTOE units at all echelons, TDA units, and any non-standard organizations as well. State level Organizational Inspection Program policy/guidance can take many forms from a multi-page memorandum to a detailed state regulation tens to hundreds of pages long. The key ingredient for a successful OIP is a document that communicates the TAG’s intent, designates a responsible party as the OIP Director, identifies the role of the Inspector General and offers a method to coordinate inspections and audits into a single, complimentary program that supports the TAG’s readiness goals.

One of the many strengths of the Army National Guard is abundance of different solutions implemented across the enterprise to address and often resolve the same or similar challenges. OIPs are no different; one state releases a 10 page memorandum

each year on the state OIP addressing, the purpose, Commanders intent, inspection priorities, critical tasks, inspection types, and inspection schedules for internal and external inspections in thirteen paragraphs. Subordinate Commanders are given guidance in the overall OIP with the ability to construct their unit OIP. Another state maintains a 156 page regulation style document outlining the Organizational Inspection Program Standard Operating Procedures. This document presents the OIP purpose, responsibilities and requirements but it goes a step further and provides detailed inspection checklists for a variety of Command and Staff inspections. It includes a list of Command and Staff Inspections, a list of references for standards, how long the inspections should take, how frequently inspections should be conducted and when a follow up inspection should occur. Each approach to establishing an OIP is equally valid, and more importantly, represents a clear identifiable process has been established that firmly roots the OIP as a comprehensive program focused on Command objectives.



LTC Ransom

AR 20-1, 2-7 *b.* provides guidance for the IG and their role in the OIP; “The IG may assist in the organization, coordination, and training of inspectors for the commander’s command inspection program but are restricted from leading or physically inspecting as part of the command inspection effort.” The IG team often has valuable experience to help make the State OIP operational and successful. It will be important for the IG to establish their limit of effort within the OIP so they remain an independent organization for their commander and still support the overall intent of the OIP. This allows the IG to help paint the picture of readiness for the Commander and promote the success of their organization.



MSG Viera

IGs living ‘to teach and train’ motto

By MSgt David Eichaker
Assistant Inspector General

Embracing the motto “to teach and train,” over 100 inspectors general from the 50 states, 3 territories, and District of Columbia met at the 2019 National Guard Bureau Inspectors General Conference to hear the latest developments from senior leaders and receive critical training.

The three-day, Arlington, Va. conference provided the IGs direct interface with subject matter experts from the Department of Defense, Air Force and Army IG offices. They were joined by directors from the Army and Air National Guard, and NGB joint staff SMEs. Training covered areas such as enlisted policy updates, the Organizational Inspection Program (OIP), and the Army Combat Fitness Test (ACFT).

“Training is very important. It’s why we have everybody here,” said Mr. Tony West, the National Guard Bureau’s Inspector General. “We want you to be the very best that you can be.”

Others echoed West’s sentiment.

“This has been a great experience to go right from TIGS (The Inspector General School) into this conference,” said U.S. Air Force Lt. Col. Teresa Frank, the Florida National Guard’s detailed inspector general. “I could see how other units across the country are being affected by some of the things we were trained on.”

One training topic, in particular, included the upcoming Army Combat Fitness Test (ACFT). Soldiers from the ACFT Mobile Training Team at Joint Base Langley-Eustis, Va., discussed the new test and provided demonstrations of the individual events.



Mr. Tony L. West, National Guard Bureau Inspector General, opens up the 2019 National Guard Bureau Inspectors General conference, July 30, 2019, Arlington, Virginia.

“IGs are a phenomenal asset and do so much for our organization”

“We had the opportunity to ask the trainers direct questions about things that concern IGs about the test,” said Frank. “It was good to talk to the instructors. It helped us understand the test before it gets implemented.”

As the “eyes, ears, voice, and conscience” for a command, senior leaders also discussed the value IGs provide, such as conducting impartial inspec-

tions, assessments, and investigations and assisting leadership in maintaining readiness and effectiveness.

“IGs are a phenomenal asset and do so much for our organization,” said Army Lt. Gen. Daniel Hokanson, Army National Guard director. “You can help resolve a lot of the issues at the lowest level and make sure everybody realizes that rules and regulations are followed.”

Risk management is one way IGs support commanders. By helping to identify and assess risks that can arise from operational factors, IGs help leaders make better informed decisions.

The “risk versus reward” and “perception versus reality” is something commanders have to balance on a daily basis, observed Air Force Lt. Gen. L. Scott Rice,



U.S. Army Lt. Gen. Daniel Hokanson, director, Army National Guard, addresses National Guard inspectors general (IG) during the 2019 National Guard Bureau Inspectors General conference, July 30, 2019, Arlington, Virginia.



U.S. Air Force Lt. Gen. L. Scott Rice, director, Air National Guard, speaks to National Guard inspectors general (IG) during the 2019 National Guard Bureau Inspectors General conference, July 31, 2019, Arlington, Virginia.

Air National Guard director. “The balance between those two is why you are here.”

Hearing from the directors proved beneficial for many, as IGs were able to get viewpoints they otherwise wouldn’t be able to hear while underscoring the significance of the IG role.

“I really appreciated the generals coming in to talk to us and give us their perspective,” said Frank. “You see how they value you as an IG ... commanders are seeing how the IG can help resolve personnel issues that impact readiness.”

Conducting inspections, including the Organizational Inspection Program or OIP, is another way IGs actively assist leaders.

“I will take the new OIP information back to our state and review our own programs,” said U.S. Army Col. Kevin Agen, the Wisconsin National Guard’s command inspector general, adding inspections help leaders identify problems that could impact the entire organization.

Networking, establishing professional relationships and discussing complex issues proved beneficial to many IGs.

“The most valuable thing here is the networking,” Agen insisted. “Knowing who to call if a particular case comes up is invaluable.”

According to West, IGs can impact a unit’s mission and play a pivotal role in maintaining readiness.

“There are a lot of people out there that you’re going to influence, and you’re going to help,” he told attendees.

The Army National Guard’s top general agreed.

“You’re there to take care of our Soldiers and Airmen and make sure things go the way they are supposed to,” Hokanson said. “[IGs] can help resolve issues by working with leaders at every level.” Ultimately, he added, IGs let Soldiers and Airmen know there is support “to do the right thing.”

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