

WRI OVERSIGHT ANALYSIS WORKSHEET – FOR DISMISSALS & WITHDRAWALS

D-CATS

Complainant:

Organization:

RMOs:

Component Cross-reference Number:

Any "no" answers must be explained in comments below. For multipart questions, all subparts must be "Yes" for question to be "Yes".

Prima Facie Analysis of Reprisal

1. Making or preparing to make a protected communication, or being perceived as having made a protected communication:
 - a. Were all of the protected communications alleged by the complainant identified?
 - b. Were the dates of the protected communications identified?
 - c. Were the recipients of the protected communications identified?
 - d. Were the alleged protected communications analyzed to determine whether they were covered under 10 U.S.C 1034 and DoDD 7050.06?
2. Unfavorable personnel actions taken or threatened against Complainant, or favorable personnel actions withheld or threatened to be withheld from Complainant:
 - a. Were all of the alleged personnel actions identified?
 - b. Were all of the alleged personnel actions analyzed to determine whether they were covered under 10 U.S.C. 1034 or DoDD 7050.06?
3. Possible inference of knowledge or perception of responsible management official(s) of Complainant's protected communication(s) or preparation of protected communication(s):
 - a. Were all of the RMOs identified?
 - b. Was it determined whether a possible inference existed for each RMO's awareness of or perception that the protected communication(s) took place or were planned?
4. Inference of Causation: Did the report determine whether a possible inference existed that there was a causal connection between the alleged protected communication and the alleged personnel action, such as timing, motive, animus, disparate treatment?

Restriction Allegations

5. Could the complainant's allegation, if proven, establish that the responsible management official restricted or attempted to restrict a military member or members from making or preparing to make a lawful communication to a member of Congress or an Inspector General?

————— **Quality Standards of the Council of Inspectors General on Integrity and Efficiency** —————

Investigator Qualifications

Quality standard: Individuals assigned to conduct the investigative activities must collectively possess professional proficiency for the tasks required.

6. Has the investigator received entry-level investigative training?
7. Has the investigator received periodic investigative refresher training?

Independence

Quality standard: In all matters relating to investigative work, the investigative organization must be free, both in fact and appearance, from impairments to independence; must be organizationally independent; and must maintain an independent attitude.

8. Did the IO certify that:
 - a. He or she is outside the immediate chain of command of both the complainant and all subjects or at least one organization higher in the chain of command than the organization of the complainant and all subjects;
 - b. He or she is free of personal, financial, or other interests that could influence or be perceived as influencing my handling of this investigation; and
 - c. No one has interfered with or unduly influenced my handling of this investigation.

Due Professional Care

Quality standard: Due professional care must be used in conducting investigations and in preparing related reports.

9. Did the investigator identify the correct statute or standard?
10. Did the investigator accurately cite the statute/standard that applied at the time of the alleged incident?
11. Was the complainant interviewed?
12. Was each underlying allegation identified and addressed or referred for handling?
13. Was all documentation relied upon in the determination included for review?

Execution

Quality standard: Processing of complaints must be conducted in a timely, efficient, thorough, and objective manner.

Timely

14. Was the determination that investigation of an allegation is not warranted made within 30 days of receipt of the allegation?

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15. Was the determination that investigation of an allegation is not warranted submitted to DoD IG for review promptly?
16. If the case has been open over 180 days after receipt of the allegation, have all required notifications been made? USD (P&R), DoD IG, the Secretary of the Military Department concerned, and the complainant?
17. If the case has been open over 180 days after receipt of the allegation, were the required notifications sent at or prior to the 180-day mark?
18. If the case has been open over 180 days after receipt of the allegation, did the required notifications include the reasons for the delay and an estimate of when the report will be issued?

Efficient

19. Was the basis for the determination timeliness or the lack of a *prima facie* allegation?

Thorough

20. Did the investigator base the *prima facie* determination of the complaint as supplemented by an interview of the complainant?
21. Did the investigator consider all plausible bases for inferences of knowledge and causation?

Objective

22. Does the intake reflect an impartial assessment of the complaint allegations?

Legal

23. If the complaint raised novel issues requiring legal review/consultation, was it obtained?
24. Was that legal review documented?

Reporting

Quality standard: Case determinations must thoroughly address all relevant matters and be accurate, clear, complete, concise, logically organized, timely, and objective.

25. Did the Component IG notify DoD IG within 10 working days after receiving any military reprisal or restriction allegation?
26. Did the notification include a copy of the complaint?
27. Did the investigator accurately summarize the complaint in the determination submitted?
28. Did the investigator accurately apply the statute or standard that applied *at the time*?
29. Was timeliness of the complaint considered?
30. If the complaint was untimely, were compelling reasons for the delay in submission or the strength of the evidence submitted considered before recommending dismissal?
31. Were all issues and allegations identified?
32. Did the investigator accurately apply the alleged facts to each element in the *prima facie* analysis?

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33. Did the determination submitted reach a conclusion for each allegation?
34. Did the depiction of the alleged facts support the conclusions reached? If “no,” detail your recommended course of action to your leadership in Comments section below.
35. For withdrawals only: Was the complainant’s request to withdraw the complaint documented in the case file?
36. For withdrawals only: Was the complainant’s request to withdraw the complaint free from any coercion?

Managing Investigative Information

Quality standard: Investigative data must be stored in a manner that allows effective retrieval, reference, and analysis, while ensuring the protection of sensitive data (i.e., personally identifiable, confidential, proprietary, or privileged information or materials).

37. Does the determination include the D-CATS case number as well as the Service case number?
38. Was the case-related information organized in a logical and easily retrievable manner?

Comments

Comments (Cont'd)

Additional comments are attached if box is checked.

I attest that this review was conducted in accordance with CIGIE quality standards for investigations.

Investigating Officer

Approved by: