

Whistleblower Reprisal Investigations Guide
Investigating Officer Checklist
(Military Whistleblower Protection Act-10 U.S.C. 1034)

APPENDIX E

Case Number:

1. Did Complainant make or prepare to make a protected communication (PC), or was Complainant perceived as having made a protected communication?

- a. Were all of the protected communications alleged by the complainant identified? Yes No
- b. Were the dates of the protected communications identified? Yes No
- c. Were the recipients of the protected communications identified ? Yes No
- d. Were the alleged protected communications analyzed to determine whether they were covered under 10 U.S.C 1034 and DoDD 7050.06? Yes No

2. Was an unfavorable personnel action (PA) taken or threatened against Complainant, or was a favorable personnel action withheld or threatened to be withheld from Complainant?

- a. Were all of the alleged personnel actions identified? Yes No
- 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? Yes No

3. Did the responsible management official(s) have knowledge of Complainant's protected communication(s) or perceive Complainant as making or preparing protected communication(s)?

- a. Were all of the RMOs identified? Yes No
- b. Was it determined if all of the RMOs were aware of the protected communication(s)? Yes No

4. Would the same personnel action(s) have been taken, withheld, or threatened absent the protected communication(s)?

- Were the factors below analyzed in reaching a conclusion? Yes No
- Reason stated by the RMO for taking, withholding or threatening the action
 - Timing between the protected communications and the personnel actions
 - RMO's motive for taking, withholding, or threatening the personnel actions, including animosity toward the PC
 - Disparate treatment of Complainant as compared to other similarly situated individuals

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4. Did the investigation meet Council of the Inspectors General on Integrity and Efficiency Quality Standards?

Thoroughness

- | | | |
|---|-----|----|
| a. Was the complainant interviewed? | Yes | No |
| b. Were the RMOs (and all key witnesses) interviewed? | Yes | No |
| c. Were the relevant witnesses suggested by complainant interviewed? | Yes | No |
| d. Were relevant witnesses suggested by the RMO interviewed | Yes | No |
| e. Did the IO consider all of the complainant's relevant information? | Yes | No |

Documentation

- | | | |
|--|-----|----|
| a. Are all relevant documents in the case file? | Yes | No |
| b. Are interviews documented in transcripts or summaries of testimony? | Yes | No |
| c. Are the report findings supported by the evidence (source documents)? | Yes | No |

Timeliness

- | | | |
|--|-----|----|
| a. Was the investigation conducted within 180 days? | Yes | No |
| b. If the case was open over 180 days from the filing date, was a notification letter sent to the Complainant with a copy to the Office of Deputy Under Secretary of Defense for Personnel and Readiness, the Secretary of the Military Department concerned, and WRI? | Yes | No |
| c. Did the 180-notification letter include the reason for the delay and the date the investigation will be completed? | Yes | No |

Objectivity

- | | | |
|---|-----|----|
| a. Was the IO outside the immediate chain of command (as established under DoD Component regulations) of both the Service member submitting the allegation and the individual or individuals alleged to have taken the retaliatory action (or at least one organization higher in the chain of command than the organization of the Service member submitting the allegation and the individual or individuals alleged to have taken the retaliatory action)? | Yes | No |
|---|-----|----|

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b. Was the report reviewed for legal sufficiency? Yes No

I certify that the above answers are true and correct to the best of my knowledge.

Investigating Officer

Date