

Inspector General Complaint Process

By Capt. Jason Sanchez, 144th Public Affairs Office



Fresno Air National Guard Base, Calif.— Lt. Col. John Sliney, 144th Fighter Wing inspector general, and Col. Jeremiah Cruz, 144th Fighter Wing commander, presented the IG complaint process and its legal requirements to Airmen throughout the Wing. These presentations were given from June through August 2019 during monthly commanders' calls to educate Airmen.

The role of the IG is to serve as a fair, impartial, and objective fact-finder and problem solver, explained, Lt. Col. Sliney. He said that Airmen have a right to have access to the IG, and adverse action cannot be taken against a member because the member spoke to the IG. Appropriate complaints to the IG include violations of law, instructions, rule, regulation, policy or other standard; abuse of authority as defined in AFI 90-301; fraud, waste, or abuse; reprisal; or restriction. If a member is unsure, the IG can provide clarification.

Lt. Col. Sliney briefed that any member of the Armed Forces may communicate information about a possible violation of law or regulation to any person in the member's chain of command. If a member reasonably believes that information provides evidence of a violation, the member may share it without fear of reprisal.

"That's a protected communication, and no one can use it to take a negative personnel action," said Sliney. "One of the roles of the IG process is to give Airmen confidence in using their chain of command."

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JAG's Commentary

By Maj. Nana Knight

144th Fighter Wing Judge Advocate General

Due Process Protections

Adverse actions taken against military personnel are generally protected under the Privacy Act. Information regarding administrative adverse actions are considered confidential and access to such information is limited to the chain of command and those on a "need-to-know" basis. Due to the confidential nature of this information, the names of the recipients and other personally identifying information are not widely publicized to airmen in the wing. The rank of the individual, including the unit and the disposition of an alleged misconduct may be released under certain conditions, depending on the circumstances.

Procedurally, upon an initiation of an adverse action, a member has a right to consult with defense counsel. The member also has a right to submit matters to the initiating commander for consideration. The commander then reviews the member's submitted matters and decides whether there are factors in mitigation and/or extenuation. The commander makes a final decision as to whether the adverse action should stand. If the

misconduct is unfounded, the commander may decide to downgrade the level/severity of the adverse action (i.e. from a letter of reprimand to a letter of counseling) or withdraw the action entirely, if the circumstances warrant such an action.

The military justice process affords many protections to service-members. Members facing disciplinary action are entitled to due process and the opportunity to consult with defense counsel. Commanders are required to maintain good order and discipline of their units through the use of quality force management tools, such as letters of counseling, reprimand, admonition, non-judicial punishment, etc.

The due process rights of the individual members are carefully balanced with the commanders' objectives of good order and discipline. Our system has built-in protections to ensure this balance is maintained, and that the best interests of the Air Force and the Air National Guard are served through the use of the appropriate grievance channels.

