



*Command Policy*

**INSPECTOR GENERAL PROTECTED COMMUNICATIONS AND COMPLAINT  
RESOLUTION PROGRAM**

**COMPLIANCE WITH THIS PUBLICATION IS MANDATORY**

---

**NOTICE:** This publication is available electronically on the USTRANSCOM electronic library.

**RELEASABILITY:** There are no releasability restrictions on this publication

---

OPR: TCIG

Approved By: TCDC (VADM Mark D. Harnitchek, USN)

Supersedes: USTRANSCOMI 90-5, 31 July 2006

Pages: 5

Distribution: e-Publishing

---

Authority for this instruction comes from Department of Defense (DOD) Directive (DODD) 7050.06, *Military Whistleblower Protection*; and DODD 5106.04, *Combatant Command Inspectors General (IG)*. This instruction is applicable to all military and government civilian personnel assigned or attached to United States Transportation Command (USTRANSCOM) and the Transportation Component Commands (TCCs): Military Surface Deployment and Distribution Command, Military Sealift Command, and Air Mobility Command, when complaints are referred to them by USTRANSCOM. This instruction establishes the command policy regarding individual, congressional, and inspector general protected communications. Failure by military personnel to observe mandatory provisions of this instruction, paragraphs 2.3., is a violation of Article 92, Uniform Code of Military Justice. Violations by civilian employees may result in administrative disciplinary action without regard to otherwise applicable criminal or civil sanctions for violations of related law. This instruction is subject to the Paperwork Reduction Act of 1995, refer to USTRANSCOMI 33-39, *Information Collections and Reporting*. This instruction requires the collection and/or maintenance of information protected by the Privacy Act of 1974. The authorities to collect and/or maintain the records prescribed in this instruction are 10 U.S.C. 1034, *Military Whistleblower Protection Act*, 3013, *Secretary of the Army*, 5013, *Secretary of the Navy*, 8013, *Secretary of the Air Force*, and 8020, *Inspector General*. Forms affected by the Privacy Act have an appropriate Privacy Act Statement. Refer recommended changes and questions about this publication to the office of primary responsibility using Air Force Form 847, *Recommendation for Change of Publication*. Ensure that all records created as a result of processes prescribed in this instruction are maintained in accordance with USTRANSCOM Instruction 33-32, *USTRANSCOM Records Management Program*.

**SUMMARY OF REVISIONS**

Updates references to reflect current protected communications procedures from individual, congressional, and IG inquiries. Defines the responsibilities and functions of USTRANSCOM Inspector General (TCIG) pertaining to all IG complaints and congressional inquiries that are determined to be protected communications. Maintains emphasis on responsiveness to inquiries

in full cooperation with the Services and combatant commands and their respective IG staffs.

**1. References and Supporting Information.** References and related publications used in this instruction are listed in Attachment 1.

**2. Policy:**

**2.1. Protected Communication.**

**2.1.1.** Any lawful communication to a Member of Congress or an IG is a Protected Communication.

**2.1.2.** A communication in which a member of USTRANSCOM communicates information that the member reasonably believes evidences a violation of law or regulation, including sexual harassment or unlawful discrimination, gross mismanagement, a gross waste of funds or other resources, an abuse of authority, or a substantial and specific danger to public health or safety, when such communication is made to the following:

**2.1.2.1.** A member of a DOD audit, inspection, investigation, or law enforcement organization.

**2.1.2.2.** Any other person or organization (including any person or organization in the chain of command) designated under DOD Component regulations or other established administrative procedures to receive such communications.

**2.2.** The individual making the protected communication is protected under the law from reprisal. Reprisal is taking or threatening to take an unfavorable personnel action, or withholding or threatening to withhold a favorable personnel action, for making or preparing to make a protected communication.

**2.2.1.** A personnel action is any action taken on a member that affects, or has the potential to affect, that member's current position or career. Such actions include a promotion; a disciplinary or other corrective action; a transfer or reassignment; a performance evaluation; a decision on pay, benefits, awards, or training; referral for mental health evaluations under DODD 6490.1, *Mental Health Evaluations of Members of the Armed Forces*; and any other significant change in duties or responsibilities inconsistent with member's rank/grade and position.

**2.3.** No person shall restrict, interfere, or deny a Service member or DOD civilian employee the right to make a protected communication.

**2.4.** Any violation of paragraph 2.3. above is punishable under the Uniform Code of Military Justice for military members. Civilian employees who violate paragraph 2.3. are subject to appropriate disciplinary or administrative action for misconduct pursuant to Chapter 75 of 5 U.S.C., Section 552, *Public Information; Agency Rules, Opinions, Orders, Records, and Proceedings*. Any person who believes their chain of command reprisal against them for having submitted a protected communication or interfered with their rights to make a protected communication should report the incident to an IG.

**2.5.** A complainant may submit complaints directly to an IG at any level, an official in the Executive Branch, or a Member of Congress. However, every attempt should be made to resolve the complaint at the lowest possible level in the chain of command.

### **3. Responsibilities:**

#### **3.1. TCIG:**

**3.1.1.** Office of primary responsibility for all IG complaints and congressional inquiries.

**3.1.2.** Ensure all complaints and congressional inquiries are received, recorded, investigated, as necessary, monitored to ensure they are processed in a timely manner in accordance with the appropriate Service or DOD directive, and provided a response. Any Service's Inspector General complaint form or a memorandum can be used to submit and record complaints and congressional inquiries. The USTRANSCOM Electronic General Complaints Log Database will be used to track the requests.

**3.1.3.** As necessary, refers complaints and congressional inquiries to the appropriate command IG, Joint Staff IG, or DOD IG.

**3.1.4.** Report the results and/or completion of investigations (as appropriate) to the complainant, subjects/suspects, subjects'/suspects' chain of command, and Commander USTRANSCOM and/or Deputy Commander USTRANSCOM.

**3.1.5.** Refer complaints concerning matters processed through formal appeal channels, e.g., performance reports, civilian personnel grievances, etc., unless evidence is furnished that the complaint was mishandled in those channels (i.e., that specific rights were denied, there was a breach of established policy or procedure, reprisal, restriction, or an improper mental health evaluation).

**3.1.6.** Ensure compliance with DODD 5505.06, *Investigations of Allegations Against Senior Officials of the Department of Defense*; DODD 7050.1, *Defense Hotline Program*; DODD 5505.5, *Implementation of the Program Fraud Civil Remedies Act*, and DODD 7050.6, *Military Whistleblower Protection*.

**3.1.7.** When necessary, task USTRANSCOM staff or TCCs to provide coordination or investigative functional support by IG or non-IG personnel for specific complaints or congressional inquiries. Most complaints received by TCIG require functional coordination or investigative support by non-IG personnel.

**3.1.8.** Teach and train to all command personnel on reprisal, restriction, and improper mental health evaluation, to include education on protected communications, restricted communications, personnel actions, the IG practice of confidentiality, and whistleblower protection.

**3.2.** Service Element Commander, Director, or Chief, Command Support Group (Command

Directed Investigations/Inquiries:

**3.2.1.** Appoint investigating officer when case is turned over for investigation without an investigating officer identified.

**3.2.2.** Provide TCIG draft inquiry or investigative report on TCIG-initiated inquiries or investigations to allow TCIG and USTRANSCOM Staff Judge Advocate review before finalizing the report with authorized signatures.

**3.2.3.** Provide copies of final reports to TCIG within 7 workdays of signature by appropriate command authority.

**3.3.** Complainant: Provide factual information (written or verbal). Knowingly providing false information to an IG is unlawful and punishable under the Uniform Code of Military Justice or civilian disciplinary rules.

MARK D. HARNITCHEK  
Vice Admiral, U.S. Navy  
Deputy Commander

Attachment:  
References and Supporting Information

**Attachment 1**

**GLOSSARY OF REFERENCES, ABBREVIATIONS, ACRONYMS, AND TERMS**

**Section A – References**

Title 5 U.S.C., Section 301, *Government Organizations and Employees*  
 Title 5 U.S.C., Section 552, *Public Information; Agency Rules, Opinions, Orders, Records, and Proceedings*  
 Title 5 U.S.C., Section 552a, *Records Maintained on Individuals*  
 Title 10 U.S.C., Section 164, *Commanders of Combatant Commands: Assignment; Powers and Duties*  
 Title 10 U.S.C., Chapter 47, *Uniform Code of Military Justice*  
 Title 10 U.S.C., Section 892, Article 92, *Failure to Obey Order or Regulation*  
 Title 10 U.S.C., Section 1034, *Military Whistleblower Protection Act*  
 Title 10 U.S.C., Section 1552, *Correction of Military Records*  
 Title 10 U.S.C., Section 1553, *Review of Discharge or Dismissal*  
 Title 10 U.S.C., Section 3013, *Secretary of the Army*  
 Title 10 U.S.C., Section 5013, *Secretary of the Navy*  
 Title 10 U.S.C., Section 8013, *Secretary of the Air Force*  
 Title 10 U.S.C., Section 8020, *Inspector General*  
 Department of Defense Directive (DODD) 5106.04, *Combatant Command Inspectors General*  
 DODD 5400.11, *DOD Privacy Program*  
 DODD 5505.5, *Implementation of the Program Fraud Civil Remedies Act*  
 DODD 5505.06, *Investigations of Allegations Against Senior Officials of the DOD*  
 DODD 6490.1, *Mental Health Evaluations of Members of the Armed Forces*  
 DODD 7050.1, *Defense Hotline Program*  
 DODD 7050.06, *Military Whistleblower Protection*  
 Air Force Instruction 90-301, *Inspector General Complaints*  
 Army Regulation 20-1, *Inspector General Activities and Procedures*  
 Secretary of the Navy Instruction 5430.92A, *Assignment of Responsibilities to Counteract Fraud, Waste, and Related Improprieties within the Department of the Navy*  
 Secretary of the Navy Instruction 5370.5A, *DOD/Navy Hotline Program*

**Section B - Abbreviations and Acronyms**

Not used

**Section C – Terms**

Not used