

**BY ORDER OF THE  
SECRETARY OF THE AIR FORCE**

**AIR FORCE POLICY DIRECTIVE 90-3**

**18 AUGUST 2009**

**Special Management**



**INSPECTOR GENERAL--THE  
COMPLAINTS RESOLUTION PROGRAM**

**COMPLIANCE WITH THIS PUBLICATION IS MANDATORY**

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This directive implements Title 10, United States Code (USC), Section 8020 (10 USC 8020), *Inspector General*; Title 10, USC, Section 1034 (10 USC 1034), *Military Whistleblower Protection Act*; Department of Defense (DoD) Directive 5505.06, *Investigations of Allegations Against Senior Officials of the Department of Defense*; DoD Directive 7050.06, *Military Whistleblower Protection*; DoD Instruction 7050.01, *Defense Hotline Program*, and Headquarters Air Force Mission Directive (HAFMD) 1-20, *The Inspector General*. It establishes the framework for the Air Force Inspector General (IG) Complaints Resolution and Fraud, Waste, and Abuse (FWA) programs. It applies to all Air Force, Air Force Reserve and Air National Guard (ANG) personnel. This directive requires collecting and maintaining information protected by the Privacy Act of 1974 as implemented by AFI 33-332, *Privacy Act Program* and authorized by 10 USC 8013, *Secretary of the Air Force*; and 10 USC 8020. Department of the Air Force Systems of Record notice F090 AF IG B, *Inspector General Records* applies. Refer recommended changes and questions about this publication to the Office of Primary Responsibility (OPR) using the AF Form 847, *Recommendation for Change of Publication*; route AF Form 847 from the field through the appropriate MAJCOM IG. Ensure that all records created as a result of processes described in this publication are maintained in accordance with AFMAN 33-363, *Management of Records*, and disposed of in accordance with the Air Force Records Disposition Schedule (RDS) located at <https://afirms.amc.af.mil/>.

**SUMMARY OF CHANGES**

This publication has been substantially revised and must be completely reviewed. The title of this AFPD was changed from Inspector General--The Complaints Program to the current title to

emphasize the resolution function of the IG. This revision updates and incorporates key policies for the Air Force Complaints Resolution and FWA Programs and strengthens requirements to carry out Air Force Inspector General Programs within established DoD limits.

1. The Office of the Inspector General of the Air Force (SAF/IG) is responsible for the management and administration of the Air Force Inspector General Complaints Resolution Program. As such, SAF/IG will:

1.1. Issue guidance for the administration and management of credible and responsive AF Complaints Resolution and FWA Programs.

1.2. Inquire into and report on the discipline, efficiency, and economy of the Air Force.

1.3. Direct investigations and provide oversight for all Air Force IG investigations regardless of what level IG conducts the investigation. This includes the authority to comment on and to overturn the findings and conclusions of any IG investigation.

1.4. Assess and determine the disposition of all allegations of misconduct made against Air Force Senior Officials.

1.5. Review all potentially adverse information and adverse information of a credible nature against colonel-selects, colonels, and general officers, and draft an Adverse Information Summary for possible inclusion in a Senior Officer Unfavorable Information File (SOUIF).

1.6. Act as the central repository for all adverse information on colonel-selects, colonels, and general officers for the purpose of possible disclosure during general officer promotion selection or federal recognition boards, nomination and confirmation processes as well as possible disclosure to CSAF regarding officers placed on the command candidate list, or other disclosure as directed by SECAF or CSAF.

1.7. Act as central repository for all adverse information on Air Force senior executives, Pay Band 3s, and GS-15s for the purpose of possible disclosure when an individual is considered for a leadership assignment as part of the Leadership Development Board, appointment to the senior executive service, or considered for a major award.

1.8. Investigate alleged ethics violations in accordance with (IAW) DoD 5500.7-R *Joint Ethics Regulation (JER)*,

1.9. Investigate allegations of a violation of any law, rule, regulation, gross mismanagement, gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety referred through SAF/GC as part of an Title 5 United States Code § 1213 OSC investigation IAW AFI 51-1102, *Cooperation with the Office of Special Counsel*.

1.10. Designate a Defense Hotline Component Coordinator to report the results of inquiries conducted in response to Defense Hotline referrals.

2. MAJCOM, NAF, DRU, FOA, Center, and Installation commanders and the Director, Air National Guard will:

2.1. Establish procedures to manage the Air Force Complaints Resolution and FWA Programs at their level and below.

2.2. Appoint an independent IG for their organization who is directly responsible to the commander. An IG is optional at the NAF level.

3. Subject to the right against self-incrimination and other Constitutional rights, Air Force military and civilian members have a duty to promptly report all allegations of wrongdoing to an appropriate supervisor or commander, the IG, an inspector, or through an established grievance channel upon becoming aware of the matter.
4. Air Force military members will not be restricted from making a lawful communication to a Member of Congress or an IG.
5. Air Force military members and civilian employees will not be reprimanded for making or preparing to make a protected communication.
6. Air Force military members will not be referred for a mental health evaluation without being afforded their rights as outlined in DoDD 6490.1, *Mental Health Evaluations of Members of the Armed Forces*; DoDI 6490.4, *Requirements for Mental Health Evaluations of Members of the Armed Forces* and AFI 44-109, *Mental Health, Confidentiality, and Military Law*.

MICHAEL B. DONLEY  
Secretary of the Air Force

**Attachment 1****GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION*****References***

Title 10, United States Code, Section 1034, *Military Whistleblower Protection Act*

Title 10, United States Code, Section 8013, *Secretary of the Air Force*

Title 10, United States Code, Section 8020, *Inspector General*

DoDD 5505.06, *Investigations of Allegations Against Senior Officials of the Department of Defense*, 10 Apr 2006

DoDD 6490.1, *Mental Health Evaluations of Members of the Armed Forces*, 1 Oct 1997

DoDD 7050.06, *Military Whistleblower Protection*, 23 Jul 2007

DoDI 6490.4, *Requirements for Mental Health Evaluations of Members of the Armed Forces*, 28 Aug 1997

DoDI 7050.01, *Defense Hotline Program*, 17 Dec 2007

DoD 5500.7-R, *Joint Ethics Regulation*, 1 Aug 1993

AFI 36-1201, *Equal Employment Opportunity Complaints*, 12 Feb 2007

AFI 36-2706, *Military Equal Opportunity (MEO) Program*, 29 Jul 2004

AFI 44-109, *Mental Health, Confidentiality, and Military Law*, 1 Mar 2000

AFI 44-119, *Medical Quality Operations*, 24 Sep 2007

AFI 51-1102, *Cooperation with the Office of Special Counsel*, 16 Jan 2009

AFI 90-301, *Inspector General Complaints Resolution*, 15 May 2008

***Abbreviations and Acronyms***

**ANG**—Air National Guard

**CSAF**—Chief of Staff of the Air Force

**DoD**—Department of Defense

**DoDD**—Department of Defense Directive

**DoDI**—Department of Defense Instruction

**FWA**—Fraud, Waste, and Abuse

**IG**—Inspector General

**JER**—Joint Ethics Regulation

**UCMJ**—Uniform Code of Military Justice

**USC**—United States Code

### *Terms*

**Abuse**—Intentional, wrongful or improper use of Air Force resources. Examples include misuse of rank, position, or authority that causes the loss or misuse of resources such as tools, vehicles, computers, or copy machines.

**Adverse Information**—Information that constitutes:

1. A violation of criminal law; the UCMJ; DoD 5500.7-R, *Joint Ethics Regulation (JER)*; the Anti-Deficiency Act; DoD Directives and Instructions; Air Force Instructions; or military or civilian personnel policies.
2. An abuse of authority, especially when an element of personal benefit accrues to the official, a family member, or an associate.
3. Fraud, waste, and abuse or mismanagement, governed by this instruction or involving non-appropriated funds or morale, welfare, and recreation assets, including personnel and facilities, as governed by AFI 34-124, *Air Force Morale Welfare and Recreation Advisory Board (AFMWRAB)*, and AFI 34-202, *Protecting Non-appropriated Funds Assets*.
4. Misconduct by a medical provider requiring actions to suspend, limit, or revoke clinical privileges, as governed by AFI 44-119, *Medical Quality Operations*.
5. Prohibited discrimination or sexual harassment as described by AFI 36-2706, *Military Equal Opportunity Program*, and AFI 36-1201, *Equal Employment Opportunity Complaints*.
6. A matter not included above which may reflect adversely on the individual's judgment or exercise of authority.

**Adverse Information of a Credible Nature**—as defined by DoDI 1320.14, *Commissioned Officer Promotion Program Procedures* and DoDI 1320.4, *Military Officer Actions Requiring Approval of the Secretary of Defense or the President, or Confirmation by the Senate* and implemented by AFPD 36-25, *Military Promotion and Demotion*:

Any substantiated finding or conclusion from an officially documented investigation or inquiry, or other official record or report. Adverse information of a credible nature does not include information that is more than 10 years old or records of minor offenses that did not result in personal harm or significant property damage.

**Fraud**—Any intentional deception designed to unlawfully deprive the Air Force of something of value or to secure from the Air Force for an individual a benefit, privilege, allowance, or consideration to which he or she is not entitled. Such practices include, but are not limited to:

1. The offer, payment, acceptance of bribes or gratuities, or evading or corrupting inspectors or other officials.
2. Making false statements, submitting false claims or using false weights or measures.
3. Deceit, either by suppressing the truth or misrepresenting material facts, or to deprive the Air Force of something of value.
4. Adulterating or substituting materials, falsifying records and books of accounts.
5. Conspiring to carry out any of the above actions.
6. The term also includes conflict of interest cases, criminal irregularities, and the unauthorized disclosure of official information relating to procurement and disposal matters.

For purposes of this instruction, the definition can include any theft or diversion of resources for personal or commercial gain.

**Investigation**—A duly authorized, systematic, detailed examination to uncover the facts and determine the truth of a matter. IG investigations are administrative in nature--they are fact finding rather than judicial proceedings. They are not criminal proceedings in which proof beyond a reasonable doubt is required. Rather, the standard of proof that applies is proof by a preponderance of the evidence. Investigations require formal collection of evidence, taking sworn testimony from complainants, witnesses and subjects, and documentation of the findings in a Report of Investigation. An investigation is an evidence-gathering exercise to substantiate or not substantiate an allegation.

**Lawful Communication**—Any communication, whether verbal or written or otherwise transmitted, including complaints, witness statements, and testimony, which is not otherwise unlawful.

**Mental Health Evaluation (MHE)**—A clinical assessment of a service member for a mental, physical, or personality disorder to determine the member's mental health status and fitness for duty. It does not include interviews under Family Advocacy programs or Air Force Drug and Alcohol Abuse Rehabilitation programs.

**Protected Communication**—1. Any lawful communication to a Member of Congress or an IG.

2. A communication in which a member of the Armed Forces communicates information that the member reasonably believes evidences a violation of law or regulation, including a law or regulation prohibiting 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 any of the following:

1. Member of Congress or a member of their staff.
2. An inspector general or a member of the inspector general's investigative staff.
3. Personnel assigned to DoD audit, inspection, investigation, law enforcement, equal opportunity, and family advocacy organizations.
4. Any person in the member's chain of command.
5. The Chief Master Sergeant of the Air Force, Command Chiefs, and First Sergeants.

**Reprisal**—Reprisal is taking or threatening to take an unfavorable personnel action or withholding or threatening to withhold a favorable personnel action on a military member for making or preparing to make a protected communication.

**Senior Officer Unfavorable Information File (SOUIF)**—A SOUIF is a written summary of adverse information pertaining to a colonel or a general officer, plus any comments from the subject officer regarding the written summary. SOUIFs are created for use during the general officer promotion process and exist solely for that purpose. The Secretary of the Air Force or designee (SAF/GC) determines if a SOUIF is provided to a promotion board.

**Senior Official**—A Senior Official is defined as any active or retired Regular Air Force, Air Force Reserve, or Air National Guard military officer in grades O-7 (brigadier general) select and above; Air National Guard Colonels with a Certificate of Eligibility (COE) as senior officials. Current or former members of the Senior Executive Service (SES) or equivalent; and current and former Air Force civilian Presidential appointees.

**Waste**—The extravagant, careless, or needless expenditure of Air Force funds or the consumption of Air Force property that results from deficient practices, systems controls, or decisions. The term also includes improper practices not involving prosecutable fraud.