

VOLUME 14, CHAPTER 4: “FORMAL INVESTIGATOR”**SUMMARY OF MAJOR CHANGES**

All changes are denoted by **blue font**.

Substantive revisions are denoted by an * symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by **bold, italic, blue and underlined font**.

The previous version dated September 2008 is archived.

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
Title	Changed chapter title.	Update
0401	Referenced preliminary review and formal investigation policy within Chapters 3 and 5.	Update
0401	Deleted paragraph 040101 of previous chapter. The purpose of a formal investigation is in Chapter 5.	Update
0402	Rearranged section contents and renumbered paragraphs as applicable.	Update
0402	Changed “investigating officer” to “formal investigator” throughout section.	Update
040202	Updated Chapter 8 paragraph references.	Update
040203	Referenced Chapter 6 on information requirements.	Update
040203 040204	Referenced Office of the Under Secretary of Defense (Comptroller) Deputy Chief Financial Officer for consistency in this volume.	Update
040204.A 040204.B 040204.C	Referenced respective paragraphs that contain investigator selection, investigator qualifications, and appointing officer requirements.	Update

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CHAPTER 4

FORMAL INVESTIGATOR

*0401 OVERVIEW

Whenever a preliminary review determines a potential [Antideficiency Act \(ADA\)](#) violation has occurred, a formal investigation is required under the provisions of this volume. Generally, the existence of a potential violation shall be established during the preliminary review and before a formal investigation begins. [See Chapter 3 for preliminary review policy and Chapter 5 for formal investigation policy.](#)

*0402 APPOINTMENT

040201. Investigator Selection

A. A commander of a major command, a superior to a commander of a major command who is in the chain-of-command, or [the equivalent in an organization will act as the appointing officer and](#) shall appoint an adequately trained and qualified individual to serve as a [formal investigator](#).

B. Individuals with no vested interest in the outcome [of an investigation](#), and who are capable of conducting a complete, impartial, [and](#) unbiased investigation, shall conduct [formal](#) investigations.

C. To help assure independence and impartiality during an investigation, a [formal investigator](#) shall be selected from an organization external to an installation-level organization being investigated.

D. DoD Components [shall](#) document that investigators are free of personal, external, and organizational impairments and retain the document(s) in the ADA case file.

E. If an individual involved in the investigation or in the process of selecting and appointing the [formal investigator](#) has a conflict of interest or any personal stake in the outcome of the investigation, that individual shall remove himself or herself from the process. Those matters that may not lend themselves to impartial investigation, [for instance](#) the investigator is assigned to the level where the violation occurred shall be referred through command channels to the next higher level for the appointment of an investigator.

F. A [formal investigator does not need to](#) be senior in grade to the person(s) being investigated.

G. If a potential violation appears to involve a complex situation or a multitude of functional areas, then a team approach may be necessary. The appointing official shall ensure the [formal investigator](#) receives adequate support, including access to additional personnel with the requisite knowledge in all of the functional areas involved. The appointment

of a legal advisor for the investigating team also shall be considered. A [formal investigator](#) may face a number of legal issues during the course of an investigation and may be expected to take statements. A [formal investigator](#) shall consult with appropriate legal counsel on any legal issues associated with the investigation.

H. An appointment of a [formal investigator](#) may be made or reviewed by the [Office Under Secretary of Defense \(Comptroller\) Deputy Chief Financial Officer \(OUSDC\) DCFO](#), an Assistant Secretary of a Military Department for Financial Management and Comptroller, or Senior Financial Manager for other DoD Components whenever a potential violation is of special interest to that official, demands specific attention, may involve a high-level official, or whenever other circumstances warrant such involvement.

*040202. Investigator Qualifications

[In addition to the requirements in paragraph 040201, a formal investigator shall:](#)

A. Be chosen from a roster of qualified personnel as required by Chapter 8, paragraph 080204.

B. Be adequately trained to conduct an investigation of this type, including having successfully completed training [requirements](#) as specified in Chapter 8, paragraph 080202.

C. Have adequate experience in the functional area that is involved in the apparent violation.

D. Have knowledge of financial management policies and procedures and the Antideficiency Act.

E. Have skill in investigating potential violations.

F. Otherwise, be fully qualified to serve as [a formal investigator](#).

*040203. Appointing Officer Requirements

[The appointing officer shall appoint a formal investigator and advise the investigator of his or her appointment in a formal memorandum. The memorandum shall include the case number and the case number shall be used on all applicable correspondence and reports related to the formal investigation. The memorandum shall also include specific investigation timeframes and milestones in order to meet reporting timeframes specified in Chapter 7, paragraph 070102. The information regarding the investigation shall be provided to the OUSDC\) DCFO according to Chapter 6, paragraph 060202.](#)

*040204. Other

A. In some cases, a DoD Component whose funds are involved, rather than the DoD Component where the potential violation occurred, may request a formal investigation by the DoD Component where the potential violation occurred. The DoD Component whose funds are involved shall assign a case number and the DoD Component where the potential violation occurred shall assign a formal investigator in accordance with paragraphs 040201 – 040203. If the DoD Component whose funds are involved is not successful in obtaining cooperation from other DoD Components implicated, the matter shall be referred to the OUSD(C) DCFO for resolution.

B. When the OUSD(C) DCFO requires that a formal investigation be conducted, the applicable major command, higher command, or the equivalent shall assign a formal investigator in accordance with paragraphs 040201 – 040203.

C. If the OUSD(C) DCFO notifies the DoD Inspector General (IG) (or other audit organization) that a potential violation requiring DoD IG investigation has been reported, then DoD IG shall assign a formal investigator in accordance with paragraphs 040201 – 040203 and 040204.D. However, a case number shall be assigned by the organization being investigated.

D. An auditor from the DoD Office of the Inspector General (OIG), Army Audit Agency, Naval Audit Service, or Air Force Audit Agency can be considered to be fully qualified to serve as a formal investigator if he or she has an appropriate background in fiscal matters. Likewise, an investigator from the DoD OIG or from the Inspector General organizations of the Military Departments (The Inspector General of the Army, The Naval Inspector General, and The Inspector General of the Air Force) can be considered fully qualified to serve as a formal investigator, if he or she has an appropriate background in fiscal matters.