

**SUMMARY OF MAJOR CHANGES TO
DOD 7000.14-R, VOLUME 14, CHAPTER 4**

New policies are indicated by a ★ placed immediately before the new or revised section, paragraph, subparagraph, etc.

Page	Paragraph	Explanation of Change/Revision	Purpose
4-2	040402	Incorporates guidance for the Defense Agencies and the DoD Field Activities on requesting assistance to obtain qualified investigators for Antideficiency Act violations.	Provides new guidance
4-3	Old paragraphs D.5 and D.6	<p>The following paragraphs were deleted:</p> <p>D.5. Individuals not meeting the requirements of paragraphs D.3 and D.4., above, may be considered to be “trained” investigation officers, and be eligible for selection to conduct investigations, provided that all of the following conditions are met:</p> <ul style="list-style-type: none"> a. They have successfully conducted and completed a previous investigation of an actual violation of the Antideficiency Act. b. The prior investigation began after January 1, 1991, but before October 1, 1995. c. Their name is included on the roster of approved qualified personnel as discussed in Chapter 8 of this volume. d. The current investigation begins before September 30, 1996. <p>D.6. After September 30, 1996, investigating officers must meet the requirements of either paragraph D. 3 or D. 4 above.</p>	The paragraph is OBE because, as of September 30, 1996, investigating officers must meet new requirements stated in paragraphs 040405 and 040406) (previously D.3 and D.4.)

CHAPTER 4

BEGINNING A FORMAL INVESTIGATION

0401 PURPOSE OF A FORMAL INVESTIGATION

A formal investigation is required under the provisions of this volume whenever a preliminary review determines that there may be a potential violation of the Antideficiency Act. Generally, the existence of a potential violation shall be established during the preliminary review, i.e., before beginning a formal investigation. The purpose of the formal investigation is to determine the relevant facts and circumstances concerning the potential violation--if a violation has occurred, what caused it, what are appropriate corrective actions and lessons learned, and who was responsible for the violation.

0402 APPOINTMENT OF AN INVESTIGATING OFFICER

A formal investigation shall be performed by an appointed investigating officer. The investigating officer shall be advised of his or her appointment by a formal memorandum. Included in that memorandum will be the case number and specific time frames to be met during the investigation. The case number shall be used on all applicable correspondence and reports related to the formal investigation.

0403 WHEN MORE THAN ONE DOD COMPONENT IS INVOLVED

In some cases, a Department of Defense (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. A case number shall be assigned by the DoD Component whose funds are involved and the required information regarding the investigation shall be included in the next monthly activity report of that DoD Component (the format for which is at enclosure 6-1, Chapter 6, of this volume). If the DoD Component whose funds are involved is not successful in obtaining cooperation from the other DoD Component implicated, the matter shall be referred to the Office of the Under Secretary of Defense (Comptroller) (OUSD(C)) for resolution. The memorandum to the OUSD(C) shall be coordinated with the other DoD Component identified, and shall include a copy of the other Component's comments (if any), and any other information pertaining to the matter.

0404 PROCEDURES FOR SELECTING AN INVESTIGATING OFFICER

040401. Investigations of violations shall be conducted by individuals who have no vested interest in the outcome, and who are capable of conducting a complete, impartial, unbiased investigation. A commander of a major command, a superior to a commander of a major command who is in the chain-of-command, or equivalent in an organization other than a Military Department, shall appoint an adequately trained and qualified individual to serve as an

investigating officer. To help assure independence and impartiality during an investigation, the investigating officer shall be selected from an organization external to an installation-level organization being investigated.

★ 040402. If a Defense Agency or DoD Field Activity does not have an individual who can perform an independent investigation (i.e., who is impartial, has no vested interest, or no conflict of interest), the Defense Agency or Field Activity should seek a competent investigator from another DoD Component. If no such person can be identified, the Defense Agency or Field Activity shall elevate the request for an investigator to its cognizant Office of the Secretary of Defense (OSD) principal staff assistant (PSA).

★ A. If, after elevation to the PSA, that official determines that there is no individual, at the functional proponent level, who can conduct an independent investigation, that official may request assistance from the OUSD(C).

★ B. The OUSD(C) generally will not conduct investigations for a Defense Agency or DoD Field Activity. The OUSD(C) shall assist the OSD functional proponent in finding an investigator from the Military Departments, the Office of the Inspector General, DoD (OIG,DoD), or other activities. The investigator's services shall be provided to the requesting organization on a reimbursable basis, to be paid for by the requesting Defense Agency or DoD Field Activity.

040403. When the OUSD(C) requires that a formal investigation be conducted, the applicable major command, or higher command, shall assign an investigating officer within 15 business days of the receipt of the request.

040404. If the Under Secretary of Defense (Comptroller) (USD(C)) notifies the OIG,DoD (or other audit organization) that a potential violation requiring OIG,DoD investigation has been reported, the OIG,DoD shall assign an investigating officer and advise the OUSD(C) of the date the investigation began in the next monthly activity report. A case number shall be assigned by the organization being investigated.

040405. Except as provided for in paragraph 040406, below, an investigating officer shall meet all of the following qualifications:

A. Be chosen from the DoD Component's roster of qualified personnel, as required by DoD Directive 7200.1, "Administrative Control of Appropriations."

B. Be adequately trained to conduct an investigation of this type, including having successfully completed a training course.

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 an investigating officer.

040406. An auditor from the IG,DoD; Army Audit Agency; Naval Audit Service; or Air Force Audit Agency can be considered to be fully qualified to serve as an investigating officer if he or she has an appropriate background in fiscal matters. Likewise, an investigator from the OIG,DoD, or from the Inspector General organizations of the Military Departments (i.e., 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 an investigating officer, if he or she has an appropriate background in fiscal matters.

040407. An investigating officer(s) need not be senior-in-grade to the person(s) being investigated.

040408. If an individual involved in the investigation, or in the process used to select and appoint the investigating officer, 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--because the investigator is assigned to the level where the violation occurred--shall be referred to the next higher level, through command channels, for the appointment of an investigator.

0405 APPOINTMENT OF AN INVESTIGATING OFFICER BY THE UNDER SECRETARY OF DEFENSE (COMPTROLLER) OR OTHERS

An appointment of an investigating officer may be made or reviewed by the USD(C), the Assistant Secretary of a Military Department (Financial Management and Comptroller), or the Comptroller or Senior Financial Manager for other DoD Components, whenever a potential violation (a) is of special interest, (b) demands specific attention, or (c) may involve a high-level official. Such a review or appointment also may be made whenever other circumstances warrant such involvement.

0406 LEGAL ISSUES

An investigating officer may face a number of legal issues during the course of an investigation and may be expected to take statements. An investigating officer should consult with appropriate legal counsel on any legal issues associated with the investigation.

0407 USING AN INVESTIGATING TEAM

If a potential violation appears to involve a complex situation or a multitude of functional areas, a team approach may be necessary. The appointing official shall ensure that the investigating officer 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 should be considered.