

CHECKLIST FOR APPOINTING OFFICERS

The appointing officer shall ensure that the following items are addressed in the investigating officer's report of violation:

1. Is a copy of the appointing officer's memorandum and the Preliminary Review Report included in the report?
2. Does the report include the case control number, title of the appropriation/fund involved, Treasury symbol, amount, date of occurrence, date discovered, and a description of how the potential violation was identified, the name and title of the investigating officer, the dates, place and scope of the investigation?
3. Is the evidence clearly documented in the report and is the evidence relevant to the case?
4. Does the evidence appear to be complete or are significant factors missing that should be considered? Do there appear to be relevant unanswered questions?
5. Are the findings clearly stated, logical, supported by the evidence and relevant to the case?
6. Is each finding that is based upon testimony properly cross-referenced to the testimony?
7. Are the findings and conclusions fully substantiated by the evidence and testimony?
8. Were all conflicts in testimony addressed in the report?
9. Is there an explicit statement that a violation, in fact, occurred or that no violation occurred? If a violation has occurred, does the report include a citation of the section of the Antideficiency Act that was violated?
10. Does the report name at least one individual as being responsible for the violation? Does the evidence support the determination of responsibility made by the investigating officer? Is the individual(s) named responsible identified by name, rank/grade, position title, job series, and organization? Does the report identify the date of the potential violation and the amount?
11. Does the report include a clear description of the causes and circumstances surrounding the violation?
 - a. The description must clearly state what the officer(s) or employee(s) responsible for the violation did, or failed to do, that caused the violation.
 - b. State whether the violation was due to careless disregard of instructions; an error; a lack of adequate training, procedures, or controls; or due to other reasons.

c. The report should not be so brief that it does not clearly convey the essential facts and circumstances of what happened. Clearly state in sufficient detail what happened.

d. Identify the name and position of the holder of the funds subdivision (for example, installation commander) and an evaluation of the performance of his or her fund control responsibilities. The level of command immediately above the holder normally will furnish this evaluation. This evaluation may be omitted if the holder of funds is named the responsible individual for the violation.

12. Does the report indicate that each individual named responsible was:

a. Advised that he or she may consult with legal counsel?

b. Advised that a violation has been determined to have occurred, that he or she is named a responsible individual for the violation, and he or she will be allowed to review the report and examine evidence on which the determination was based?

c. Allowed to submit a sworn or unsworn statement regarding the alleged violation after reviewing the report and evidence? If the individual declines to make a statement, the report should so indicate.

d. Allowed to designate witnesses to testify in his or her behalf?

13. Were the rights of the individual(s) named responsible protected? Are there indications in the report that suggest that their rights were not fully protected? If so, the case may have to be reinvestigated.

14. Were all witnesses--designated by the individual(s) named responsible--interviewed or does the report include valid reasons why they were not interviewed?

15. Was there any relevant new information provided by the oral or written statements by the individual(s) named responsible, or their designated witnesses? If so, does the report address this new evidence and its bearing on the responsibility of the named individual(s)?

16. Does the report explicitly state whether the violation was willfully and knowingly committed? If there are indications that the violation was willfully and knowingly committed, the investigation should have been referred to criminal investigators--see paragraph I.5. in Chapter 5.

17. Has the investigating officer included a discussion of the following items in the report and have appropriate actions been taken by the local command to:

a. Discipline the named individual(s), if appropriate, and provide a statement by the local commander justifying the action taken.

b. Identify and install corrective actions to prevent similar violations in the future.

- c. Improve procedures and controls, if appropriate.
 - d. Identify lessons learned from this case.
18. Has the report been signed by the investigator?