



Inspector General Bullet in



Shooting You in the Right Direction

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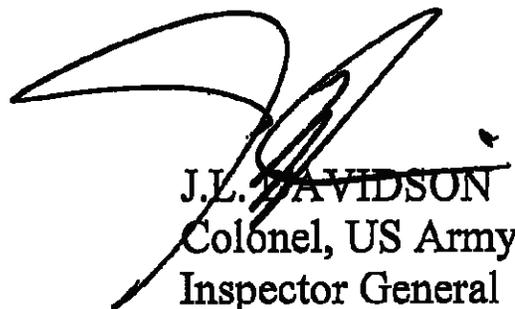
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Inside this issue:

Flags	2
Whistleblower Rights	3
Respect and Dignity	4
Did Ya Know	5
Family Care Plan	6
Guard and Constitution	7
Reflections of An IG	8
About the IG	9

Season's greetings from the Command Inspector General's Office. The entire IG team hopes that everyone had a safe and happy Holiday Season and best wishes for a productive new year in 2012. We would like to wish the Tennessee National Guard's newest ISG, Sophia Kitchen, good luck in her new assignment as the ISG for the JFHQ HHD. Additionally, we would like to welcome MSG Cindy Layton to the IG team! We are positive that both of these outstanding Senior Non-Commissioned Officers will continue to do great things for the Soldiers and Airmen of the Tennessee National Guard in their new positions. One of the issues we discussed in last Quarter's Bullet-In was standards. We, in the IG office, fully support the Command Group's newly published "Blue Book" which is all about discipline and standards. The "Blue Book" is actually a significant part of the History of our Army and the current day National Guard. It was General George Washington's Inspector General, Lieutenant General Von Steuben that developed the Army's first "Blue Book". LTG Von Steuben's work and development of the "Blue Book" is credited with taking the militia (our future National Guard) of our fledgling Continental Army and instilling in them the essentials of military drills, tactics, and disciplines of a professional Army. I hope each Soldier and Airmen take the time to read and more importantly uphold and enforce the standards contained in the Tennessee National Guard "Blue Book."



J.L. DAVIDSON
Colonel, US Army
Inspector General

Flags



All too often, when researching an IG Assistance Case, we discover that a Soldier in the process of being separated for poor performance or inability to meet the standard has not been properly flagged in accordance with AR 600-8-2. Command Teams must ensure compliance with the requirements of AR 600-8-2 to initiate, review, and remove flags as appropriate. Poor flag management is detrimental to the force's morale and negatively impacts the Army's ability to manage the force by making timely and informed human resource decisions. According to AR 600-8-2, "flag" is an abbreviated term used to describe the initiation or removal of a suspension of personnel actions. When a Soldier's status changes from favorable (meets the standard) to unfavorable (fails to meet the standard) a flag is initiated immediately. Likewise, when a Soldier's status changes from unfavorable to favorable the flag is removed immediately. A flag is designed to suspend actions that are considered favorable to the Soldier until the Soldier has been trained and the original incident or action has been rectified or corrected. AR 600-8-2 does not list a requirement to counsel a Soldier upon the initiation of a flag. However, the IG recommends that the commander, or someone in the Soldier's leadership chain, counsel any Soldier being flagged. Paragraph 1-14 in AR 600-8-2 lists various favorable actions that are prohibited when a Soldier is flagged. Some of these pro-

hibitions include: promotion or re-evaluation for promotion; awards and decorations; bonus payments; re-enlistment and/or extension; and retirement.

Flags are classified into two categories:

- **Non-transferable.** This type of flag may not be transferred to another unit. Flags initiated for adverse action, elimination or removal from a selection list, referred officer evaluation report, security violation, or a Headquarters, Department of Army elimination or removal from a selection list are all examples of non-transferable flags (see AR 600-8-2 for exceptions).

- **Transferable.** This type of flag may be transferred to another unit. Department of Army-directed reassignment of flagged Soldier, movement of adverse action into the punishment phase, Army Physical Fitness Test failure, entry into the Weight Control Program, and command-referral to the Army Substance Abuse Program are all examples of transferable flags.

Commanders are responsible for directing the initiation of all flagging actions. Commanders will direct a separate flag for each investigation, incident, or action. Soldiers can possess multiple flags at one time. Commanders will ensure that flagging records are maintained with restricted access. Commanders will review active flag cases on a monthly basis. The flag's effective date can be either the date of the incident, or the date the commander initiates the action, whichever is earlier. It is mandatory for commanders to initiate a flag for any Soldier under investigation (formal or informal) by military or civilian authorities.

Here's a scenario: A Soldier fails a record APFT and also fails the body fat screening. What flagging action is re-

quired? The commander is required to initiate two flags against this Soldier, one for APFT failure and another upon entry into the Weight Control Program for failure to meet body fat screening.

However, our office often receives calls from Soldiers because the commander will often only initiate one flag, generally for the APFT failure. When the Soldier passes the APFT the flag is lifted. Later, the Soldier is considered for favorable actions (such as promotion or awards), but the chain of command then realizes that the Soldier should be flagged for the failure to meet weight control standards. The commander then directs a flag for this oversight.

The Soldier, out of frustration, calls the IG to ask if this is fair. The IG tells the Soldier it doesn't matter what's fair, what matters is if this is right or wrong, and according to regulation, if this Soldier is not meeting the weight control standard, then the commander must initiate a flag.

Scenarios like this are common in the IG office. The IG recommends that commanders and first sergeants work to ensure that they apply flagging actions in a fair and timely manner. Flags placed in hindsight cause significant morale issues for Soldiers and families. These instances also affect the commander and first sergeant's credibility in providing fair and just leadership.

For more information about flagging actions, refer to AR 600-8-2. You can also contact your servicing personnel office, Staff Judge Advocate or contact your servicing IG office. As always, we're here to help.

COL Jeff Davidson

Whistleblower Rights

The term whistleblower comes from the phrase "blow the whistle," which refers to a whistle being blown by a police officer or a referee to indicate an activity that is illegal or a foul.

Hardly a day passes when the national news does not report a story about how government or corporate whistle-blowing has been responsible for uncovering corruption or fraud. It can be argued that the ability of citizens to address these issues with the proper authorities has helped to make our country what it is today.

It is a natural law that people are more likely to take action with respect to unacceptable behavior if there are complaint systems in place that offer individuals the opportunity to take such action with confidentiality and free from the possibility of retaliation.

It is the Department of Defense (DoD) Policy that all members of the Armed Forces (military and civilian) shall be free to address complaints or concerns without the fear of reprisal. Often, those issues can be resolved at a lower level when brought to a chain of command's attention. Unfortunately, there are rare occasions when the member's chain of command cannot, will not, or should not address a specific issue.

When a member feels there has been a violation of law or regulation that they cannot address at a local level, they are to be given free access to the following individuals or offices:

- Member of Congress
- An Inspector General (IG)
- A member of a DoD audit, inspection, investigation, or law enforcement organization
- Any person or organization in the chain of command
- Any other person designated pursuant to regulations or other established administrative procedures to receive such communications.



The communication with one of the above entities is called a protected communication. Protected communication involves the reporting or disclosing of information in which the member reasonably believes there is evidence of:

- A violation of law or regulation; including law/regulation prohibiting sexual harassment or unlawful discrimination
- Gross mismanagement
- A gross waste of funds or other resources
- An abuse of authority
- A substantial and specific danger to public health or safety

It is a violation of DoD policy and Army regulation, punishable under Article 92, Uniform Code of Military Justice, for someone to take or threaten to take an unfavorable personnel action, or withhold or threaten to withhold a favorable personnel action, in reprisal against any member of the Armed Forces for making or preparing to make a protected communication. This issue is taken so seriously that all allegations of whistleblower reprisal are immediately reviewed by DoD, who retains oversight on the case, and

then passed to the responsible IG office for a thorough investigation. If a member has made a protected communication to one of the identified offices, and later feels that he or she has been reprimed against, they should immediately contact their local IG office or the DoD Hotline. By DoD policy, an investigation is not *required* when a member or former member of the Armed Forces submits a complaint of reprisal to an authorized IG more than 60 days after the date that the member became aware of the personnel action that is the subject of the allegation. However, depending on the circumstances of the reprisal, DoD may consider an exception to the 60 day rule.

Commanders have the responsibility to ensure complainants are protected from reprisal or retaliation for filing complaints. Should Soldiers be threatened with such an act, or should an act of reprisal occur, they must report these circumstances to the IG. Likewise, if the allegation of reprisal is made known to any agency authorized to receive complaints; the agency should refer the complaint to the IG. It is strongly encouraged to simultaneously report such threats or acts of reprisal to the appropriate chain of command.

References:

- a. AR 20-1, Inspector General Procedures and Activities, 29 November 2010.
- b. DOD Directive 7050.06, Military Whistle-blower Protection, 23 July 2007.

MAJ Tim Roberts

Respect and Dignity in the TN National

“My platoon sergeant cussed at me like I was a dog!” “My commander uses foul language around the office.” These are just a couple of examples of complaints IGs receive from soldiers that deal with basic human respect and dignity.

As we all know, respect is one of seven Army values that we are supposed to make an integral part of our being. As NCOs and Officers, it is a trait that we must believe in and exemplify each day. It is important enough to be addressed on both the NCOER and OER forms.

The Army defines respect as treating people as they should be treated. Dignity is defined as the quality of being worthy of esteem or respect. In the Soldier’s Code, we pledge to “treat others with dignity and respect while expecting others to do the same”. The use of profane language shows a lack of respect and dignity for yourself and others and also degrades the good order and discipline of a unit. Using indecent language while addressing a Soldier, even while correcting or disciplining him or her, is wrong and violates Army guidance.

In accordance with AR 600-20, Army Command Policy, paragraph 4-1, “military discipline is founded upon self-discipline, respect for properly constituted authority, and the embracing of professional Army ethic with its supporting individual values.” Also AR 600-100, Army Leadership paragraph

2-1 states: “Every leader will treat subordinates with dignity, respect, fairness and consistency; ensuring subordinates welfare to include physical, moral, personal, and professional well-being; setting and exemplifying the highest professional and ethical standards; building cohesive teams; building discipline, while stimulating confidence, enthusiasm and trust.” Lack of dignity and respect towards others erodes cohesiveness, morale and team work. Tennessee National Guard is driven by teams to accomplish each mission. This teamwork can only be fostered through a foundation built on trust and confidence in units. Without respect and dignity there will be no team work and this will reduce effectiveness of unit and ability to accomplish mission goals.

Leaders at all levels, as well as Soldiers, have the responsibility to themselves and to their team members to positively contribute to an organization where everyone is treated with respect and dignity. Sometimes leaders have to correct or discipline their Soldiers and make “on the spot” corrections, but this must be done in a manner that does not degrade the individual(s) in a personal way. Leaders do not have to use indecent language to get their point across and most Soldiers will react more positively without its use.

So the next time you find yourself cursing around or at others ask yourself are you setting the



right example, living the Army values and creating a cohesive team?

For commanders who want to further develop their team on this issue, go to the TNNG Inspector General’s share site off the TNNG main webpage and go to Shared documents, then Leaders Guide folder and select the Dignity and Respect brief or follow the link below:

<https://home.tn.ngb.army.mil/IG/Shared%20Documents/Forms/AllItems.aspx?RootFolder=%2fIG%2fShared%20Documents%2fGuide%20for%20Leaders&View=%7b46F05615%2d11A4%2d49E4%2dB3BC%2dD8D5E0B8F31F%7d>

References:

AR 600-100, Army Leadership
AR 600-20 Army Command Policy

MAJ Doug Gale

Did Ya Know?

In the last Inspector General “Bullet-In” I rather lengthily wrote about standards and our responsibility as Soldiers and Airmen to enforce the regulations. After some thought, I decided it might be better justified to just remind readers of a few regulations or standards that may have been forgotten or never known in the first place. As many regulations that are in place, and as many that get revised through ALARACTS or regulatory rewrites it is definitely hard to keep up with what’s current. You might be surprised that what you thought was right might be just a little different. Read this and you might find yourself at that next drill or unit assembly saying, **“Did ya know...?”**

Did ya know... While Article 134 (Adultery) does not apply to Soldiers in the National Guard when not mobilized, AR 600-100, Army Leadership, 22 Mar 07, does apply and it obligates Soldiers to live according to Army Values. Adultery and inappropriate relationships are a violation of the Army Value “Integrity” under AR 600-100, so National Guard Soldiers can be held accountable under AR 600-100.

Did ya know... Your PT shirt must be tucked in at all times unless you are pregnant. AR 670-1, para 14-6a & 6d states,



“a. Soldiers may not mix or match PFU and IPFU items. When soldiers wear either the PFU or IPFU as a complete uniform, they will keep the sleeves down on the sweatshirt or jacket, the legs down on the pants, and they will tuck the T-shirt inside the trunks.” “d. Pregnant soldiers will wear the PFU or IPFU until the uniform becomes too small or uncomfortable. Pregnant soldiers are authorized to wear the T-shirt outside the trunks. At no time will commanders require pregnant soldiers to purchase a larger PFU or IPFU in order to accommodate the pregnancy. When the uniform becomes too small or uncomfortable, pregnant soldiers may wear equivalent civilian workout clothes.”

Did ya know... Male Soldiers may have a mustache, but in accordance with AR 670-1, *Wear and Appearance of Army Uniforms and Insignia, para 1-8a*

(2)(c), Feb 05 The mustache must present a neatly trimmed, tapered, and tidy appearance, but must not cover the upper lip line, and may not exceed sideways beyond a vertical line drawn upward from the corners of the mouth. If profiled for shaving you must keep it trimmed to the specified length. You cannot shape the growth into goatees, or “Fu Manchu” or handlebar mustaches. The AR does not contain a provision for Soldiers who claim that their civilian job requires a mustache that is not in compliance with this standard.

Did ya know... AR 40-501, Standards of Medical Fitness, Sep 08, Para 10-13 Individual Responsibility states: “Each ARNG /ARNGUS Soldier is individually responsible for the maintenance of his or her medical, physical, and mental fitness. This includes correcting remediable defects, avoiding harmful habits, and weight control.” The Army has programs to assist Soldiers in meeting their obligations. Your Readiness NCO should be able to provide you with more information.

“Now you know”

MSG David Malone

Family Care Plan

Who is required to have a Family Care Plan? How often it is updated? Where can I find the forms?

Per AR 600-20, Army Command Policy, RAR 27 Apr 10, all single parents (joint, full custody, or with extended visitation); dual military couples with dependent family members; Soldiers with a spouse incapable of self-care; and pregnant Soldiers who have no spouse, are divorced, widowed, or separated are required to have a family care plan. The plan must be completed and updated on an annual basis.

The purpose of the family care plan is to assist the Soldier in providing care for his or her family members while serving within the Active Army, Army National Guard, or Army Reserve Component. A Family Care Plan ensures that family members are cared for when the Soldier is deployed, on temporary duty, or unavailable due to military requirements. The Family Care Plan (DA Form 5305) is NOT a legal document that can change a court-mandated custodial arrangement, nor can it interfere with a natural parent's right to custody of his/her child. The Family Care Plan simply attests that the guardian and escort have been thoroughly briefed on the responsibilities they will assume, and have a generalized understanding of how they will provide care.

Within the Family Care Plan, information is provided regarding all necessary legal authority. At a minimum, the following items will be included with the Family Care Plan (FCP):

- DA 5305 (Family Care Plan)
- DA Form 5841 (Power of Attorney) or equivalent delegation of legal control (unsigned until deployment).
- DA Form 5840 (Certificate of Acceptance as Guardian or Escort).
- DD Form 1172 (Application for Uniformed Services Identification Card—DEERS Enrollment) is necessary for each Family member (Note: AR 600–8–14 directs that ID cards will be issued for children under age 10 who reside with a single parent or dual military couple).
- DD Form 2558 (Authorization to Start, Stop, or Change an Allotment) is required for active duty or retired personnel, unsigned until deployment, or other proof of financial support arrangements.
- A letter of instruction to the guardian/escort (see DA Form 5304 (Family Care Plan Counseling Checklist)).
- If appropriate, DA Form 7666 (Parental Consent) is necessary as evidence of consent to the Family Care Plan from all parties with a legal interest in the custody of the minor child.

Soldiers are responsible for implementing the Family Care Plan and thus ensuring the care of their family members. DA Form 5304, DA Form 5305, DA Form 5840, and DA Form 5841 are available on the Army Publishing Directorate (APD) website or through other websites via the Internet. DA Form 5305 will be completed and approved no later than 30 days for Active Army soldiers and 60 days for Army National Guard and Army Reserve Soldiers from the date of counseling. The Family care plan is recertified on an annual basis, where the Soldier and Commander initial and date the DA Form 5305. The recertification of the Family Care Plan should be done during the anniversary of the Soldier's birth month, after any changes of circumstance requiring a change in the family care plan, or whenever the Soldier is mobilized, deployed, or processed for pre-deployment. Commanders should ensure that the packet is current and the information is correct and legally valid. For more information regarding the Family Care Plan, Soldiers should consult AR 600-20, Army Command Policy, RAR 27 Apr 10, paragraph 5-5 or call the NGTN -JHQ-IG Office for more information.



Lt Col Ben Welch

The Guard and the Constitution We Defend

As many of you know from the training your local Inspector General (IG) provides, the role of the IG is to be the unbiased contact for issues a member believes cannot be resolved within his/her chain of command. Within the IG-community, among the broad areas where an issue may arise, there is a “Big-3” list of high interest concerns that a complainant may bring to the IG—restriction, reprisal, and improper mental health evaluations. Outside of these areas and the IG guidelines outlined in AFI 90-301, there are a myriad number of issues service members may have. Candidly, sometimes things are just the way they are as part of life and service in the military!

One current hot topic is the service member and his/her ability to exercise their Constitutional rights. We’re talking about the rights our countrymen fought and died to defend—the ones we swore to defend on pain of death—that must sometimes be secondary to the operational and security needs of the military, the mission, and in the defense of freedom.

We’re all familiar with these debates especially since 9/11. How far can TSA go in screening passengers on a civilian flight? How far can the intelligence community go in monitoring people in the U.S. to keep us safe from terrorist attacks? Does the federal government have the Constitutional authority to mandate healthcare? Dare I mention Wikileaks? Currently, the IG world is tackling similar issues as it relates to a member’s Consti-

tutional rights in the performance of his/her duties.

We all serve. We choose to serve. We gladly spend our lives serving something bigger than ourselves. There is high risk, instability, and sacrifice that go hand-in-hand with what we and our families sign-up to do. However, our rights as an individual citizen are not totally abridged once we “swear in.” The following is a short list of civil liberty-related issues in which the IG community has been involved recently. These examples highlight a civil liberty, command authority, and a service member’s obligations and conduct in a fast-changing, ever-evolving modern world.

Religion: A service member should not be punished for participating or not participating in a religious activity. This is a First Amendment, Freedom of Religion protection. There should be no overt or implied threat of punishment in a unit for a member to attend religious events. For example, members not choosing to attend a religious event should not be made to clean the work area!

Social Media & Operational Security: Service members have the right to express themselves through online social media outlets. However, such speech must not compromise operational security. When using social media outlets on government resources, each member should be familiar with OP-SEC requirements, Ethics Regulations, and Standards of Conduct. For example, a deployed service member cannot post a picture on

Facebook of an operational mission that gives explicit details in a caption!

Political Involvement: The basic rule of thumb is active duty members do not engage in political activity. The rules for a traditional Guardsman are different and who could argue the strategic advantage of having citizen-soldiers hold some public offices! The first consideration is a member’s status and the nature of the political activity. If you’re considering becoming involved in any way in politics, check the rule book! A recent example in this area was a service member was ordered by his commander to remove a political bumper sticker from his POV. Military members still do enjoy freedom of speech, expression, and assembly and DoD policy does allow the display of political bumper stickers on a member’s vehicle.

Search and Seizure: As U.S. citizens, we are Constitutionally protected against unreasonable searches and seizures and have a right to be secure. Does that mean base security does not have the right to search all areas of a member’s car during a random search at the base gate? A DoD civilian employee thought they didn’t. However, AFI’s do authorize installation commanders to conduct these types of searches to ensure base security.

Public Protests: What if the “Occupy Wall Street” movement moves to the main gate at the base? Can a service member or DoD civilian employee demand protesters provide their names and threaten to report them for

suspicious activity? U.S. citizens in exercising their freedom of speech also have the right to peaceable assembly. The service member or employee might also be violating the Privacy Act of 1974 which disallows maintaining information “on how an individual exercises rights protected by the First Amendment to the Constitution of the United States.”

The list of complex civil liberties debates is long and this article provides a brief overview of just a few to consider in the context of military service. World change and the rapid pace of technological advancements continually take us to unexpected points of departure for debate in our democracy. Democracy is sometimes still a rowdy, messy business just as it was during our nation’s birth. Ben Franklin, when trying to leave Independence Hall at the close of the Constitutional Convention of 1787, was asked by someone in the waiting crowd, “Well doctor, what have we got a republic or a monarchy?” He replied, “A Republic if you can keep it.” As citizen-soldiers, the Guardsman’s life is a Civics lessons in itself. If we are truly to defend individual liberty, it’s our duty to know our rights and exercise them responsibly. If in that regard, you are unsure of your rights, contact your local Inspector General.

Lt Col Kristi Downey

Reflections of an IG

Working as an Assistant Inspector General (IG) for the Tennessee National Guard Office of the Inspector General for the last two and a half years has been the most rewarding position in my career. Being able to assist Soldiers with getting their promotions, bonus payments, incapacitation payments, and a variety of other issues was very gratifying. Being able to assist countless dependents receive financial assistance from their deployed spouses, while assisting others with getting enrolled in DEERS and receiving a dependent identification card, brought me a lot of pleasure.

Regardless of the position we hold, we are all able to make a difference, even if the change is not immediately seen or felt. One way of making a difference is by holding others to the standard; but in order to

do that, we must first know the standard. Knowing the standard and holding others to the standard is the right thing to do. As we know, doing the right thing is not always popular, but it is a choice we each have to make. Our character is tested daily, and every day we must make a conscious decision whether or not we will do the right thing. It sometimes takes personal courage to do what is right, especially when faced with opposition.

As leaders, our job is to take care of Soldiers. Our definition of taking care of Soldiers might differ; however, one thing remains constant. All Soldiers must be held to the same standard. Regardless of whether your Soldier is a stellar performer or minimal performer, and despite your opinion of the Soldier, the standard must be applied consistently.

I believe we owe it to our Soldiers to go above and beyond the minimum. In conducting IG Site Assistance Visits, one thing is evident. There are a lot of knowledgeable and experienced personnel throughout the State. I encourage you to share your knowledge with each other. If you lack experience and knowledge, ask for help and always continue to seek ways to improve and grow. Soldiers deserve the best service that we can provide. Excellent service can be achieved if we work together and take the time to move past just enough.



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About The Inspector General:

- Acts as impartial fact-finder and honest broker
- Is a problem solver; recommending solutions to Commanders
- Maintains open communication through non-attribution, but cannot guarantee absolute confidentiality
- Participates in regular staff planning and functions
- Shall not recommend adverse or punitive action
- Does not compare units for favorable or unfavorable recognition (inspections)

IG Mission:

Extend the Eyes, Ears, Voice and Conscience of The Adjutant General. Identify problems or Issues; determine their Root Causes; teach systems, processes and procedures; identify responsibility for corrective action and promote and spread innovative ideas.

IG Vision:

Professional, competent special staff element that lives by the Army Values, has fun and gets the job done while demonstrating caring and concern in every action.

Before You Contact the Inspector General:

- Be sure you have a problem, not just a peeve (are the cooks turning out lousy chow or was it just one bad meal?)
- Give your chain of command a chance to solve the problem (many problems must be addressed to the chain of command for resolution anyway)
- If IG assistance is needed, contact your local IG first. (IG's at higher commands will normally refer the case to the local IG for action)
- Be honest and don't provide misleading information (IGs will discover the truth quickly in most cases and there are penalties for knowingly providing false information)
- Keep in mind that IGs are not policy makers (if a policy is flawed, you can submit proposed changes on a DA Form 2028)

We're on the Web

<https://tn.ngb.army.mil/tnmilitary/IG/Default.htm>