

**COMMANDER'S CHECKLIST FOR
FORMAL EO COMPLAINTS**

Modes of Formal Complaint:

Request Mast

Article 138, Wrongs Committed by Commanding Officer

Article 1150, Redress of Wrongs Committed by a Superior

Communication with Inspectors General

Individual Communications with Congress

NOTES:

__ When inappropriate behavior occurs due to differing views, different personalities, lack of understanding, miscommunication, or stereotypes, the Informal Resolution System (IRS) is one of the most effective methods to resolve the conflict. The IRS may be used if the complainant agrees to it. This is the complainant's decision, not the commander's. All formal complaints will be reported to CMC, via the DASH, even when IRS is utilized. MCO P5354.1D 5002.1 and 5002.2

__ When the IRS is not utilized, within 72 hours (3 working days), appoint an investigating officer and commence investigation of the complaint being lodged. MCO P5354.1D 5006.2

__ Within 72 hours (3 working days), of the start of the investigation, forward a written report containing a detailed description of the allegations to the officer who has general court martial convening authority. MCO P5354.1D 5006.3

__ Notify the complainant of the start of the investigation? MCO P5354.1D 5006.4

__ Every 14 days, throughout the investigation, provide updates and feedback to the complainant. MCO P5354.1D 5006.9

__ Investigation and required reviews lasting beyond 14 days, submit a written request for extension from the commander to the officer who has general court martial convening authority. The request for extension must include a report on the progress of the investigation and a purpose for the extension. MCO P5354.1D 5006.6

__ Updates to CMC (MPE) are required upon receiving an extension, upon determination for disposition or resolution, upon conclusion of NJP, court-martial or other administrative action not previously reported. MCO P5354.1D, 5007.4b(3)

__ If an extension has been granted, the narrative section of the DASH report must include the reason(s) for the extension, length of the extension and the name of the commanding general authorizing the extension. MCO P5354.1D 5007.4b(4)

___ Upon completion of the investigation, the investigating officer submits the investigation to the SJA to conduct a legal sufficiency review prior to forwarding to the commander. MCO P5354.1D 5006.5

___ The commander provides the investigation to the EOA enabling the EOA to advise the commander on the EO sufficiency of the investigation. MCO P5354.1D 5006.5

___ Within 6 days of the completion of the investigation, submit a final written report including the results of the investigation, any action taken and a complainant statement of satisfaction/dissatisfaction with the case resolution to the officer who has general court martial convening authority? MCO P5354.1D 5006.7

___ Within 20 days of the commencement of the investigation, submit a DASH report to CMC (MPE) that includes: MCO P5354.1D 5007.4.b

___ Investigating officer's name

___ Date assigned

___ Commander's determination of validity (i.e. substantiated or unsubstantiated)

___ Complainant resolution statement that indicates their satisfaction or dissatisfaction with the resolution

___ Administrative action taken, if any

___ If the case is referred to NJP, court martial or administrative separation procedures, submit an updated DASH report including the investigating officer's name and date assigned to CMC (MPE) within 20 days of such action being completed. MCO P5354.1D 5006.10

___ Provide verbal or written advice to the complainant to report any reprisal taken against them for filing EO complaint. MCO P5354.1D 2000.2

___ 30 to 45 days, following the completed investigation, ensure follow-ups are conducted with personnel involved in investigations to ensure consistent enforcement, timeline compliance and that reprisal or retaliation has not occurred. MCO P5354.1D 3002.2d

___ All EO complaints shall be maintained in a secure location that restricts and limits access. Commands shall maintain copies of completed cases for a minimum of 2 years with restricted access. MCO P5354.1D 5001.2