

## DAO 207-10 – INSPECTOR GENERAL INVESTIGATIONS

**INSPECTOR GENERAL INVESTIGATIONS****Number:** DAO 207-10 **Effective Date:** 1981-01-19**SECTION 1. GENERAL.**

.01 Scope. This Department Administrative Order establishes policies and procedures for the initiation and processing of investigations by the Office of the Inspector General (OIG), for the action to be taken on investigative reports, and for other matters relating to investigations.

.02 Investigative authority of the OIG. The OIG has the authority relating to investigations provided in the Inspector General Act of 1978, (5 U.S.C. App. I, § 1 et seq.) As implemented in Departmental Organization Orders 10-13 and 23-1. Investigative services and functions of the Department, except as provided by statute or otherwise described in this order, fall within the exclusive authority of the OIG.

.03 Responsibility for promoting Departmental integrity. Employees are responsible for complying with applicable laws and regulations and for maintaining high standards of conducts in the programs and operations of the Department. Each employee is to report promptly evidence of violations of law, waste, mismanagement or abuse of authority as set forth in sections 2 and 3 of this order.

.04 Cooperation with the OIG. It is Department policy that employees fully cooperate with the OIG so that investigations may be conducted and brought to a prompt and appropriate conclusion.

.05 No reprisals. No employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall direct any employee to refrain from making a complaint, or take or threaten to take any cation against any employee as a reprisal for making a complaint or disclosing information to the OIG or for evidencing an intention to se make or disclose, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard with the knowledge that it was false or with willful disregard for its truth or falsity.

**SECTION 2. MATTERS TO BE REPORTED TO THE OIG.**

.01 Scope. The Inspector General Act of 1978 requires the inspector General to conduct and supervise audits, investigations and other activities designed to prevent and detect fraud, waste and abuse in Departmental programs and operations and, to that end, authorizes the Inspector General, through the Assistant Inspector General for Investigations (AIGI), to investigate activity which may constitute a violation of law, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority or a substantial and specific danger to the public health or safety. Accordingly, information indicating the possible existence of any of these activities is to be promptly reported to the OIG as provided for in Section 3 of this Order.

.02 Examples. Matters to be reported to the OIG include, but are not limited to, evidence of the following:

- a. Theft, conversion, misappropriation, embezzlement or misuse of government funds or property by an employee, grantee, contractor, loan or loan guarantee recipient or other beneficiary of financial assistance.
- b. Submission of a false claim or false statement by an employee, grantee, contractor, or subcontractor, loan or loan guarantee recipient, or other beneficiary of financial assistance.
- c. Concealment, removal, obliteration, falsification, forgery, alteration, or destruction of government records except as authorized by law.
- d. Conspiracy to defraud the United States.
- e. Bribery, extortion or blackmail, or attempted bribery extortion or blackmail of or by Department employees.
- f. Conflicts of interest knowingly engaged in by a Department employee or affecting the Department.
- g. Imprest fund irregularities or shortages of \$25 or more.
- h. Violation of employee standards of conduct.
- i. A pattern of discrimination for or against employees or applicants for employment, as defined in Section 5 U.S.C. 2302(b) of the Civil Service Reform Act of 1978, constituting a pattern of conduct within an office or unit.
- j. Serious prohibited political activity.\*
- k. Reprisal against an employee for reporting information.
- l. Significant threat to public health or safety in the programs and operations of the Department or funded by the Department.\*
- m. Serious mismanagement.\*
- n. Abuse of authority.\*
- o. Violations of Title 13, Chapter 7, relating to the Census Bureau.

\*See section 2.03.

.03 Reports to program officials.

Many instances of waste, mismanagement or minor infractions of standards of conduct, can be cured by responsible program officials without the intervention of the Inspector General. If

practical, employees should, in the first instance, report evidence of such occurrences to responsible program officials for action. If this is not practical, if an employee desires confidentiality, or if the matter is not satisfactory resolved, the employee should report the matter promptly to the OIG.

.04 Matters disclosed by outside law enforcement authorities.

The FBI and other investigative agencies may be involved in cases relating to programs and operations of the Department. Matters required to be reported to the Inspector General under this order and brought to the attention of the Department by these agencies shall be reported to the OIG in accordance with section 3 of this order.

.05 Sanctions for failing to report.

Knowing failure to report as provided for in the Order may, in accordance with pertinent DAOs, result in disciplinary action, including removal.

.06 Matters not required to be reported to the OIG.

a. Thefts of non-Commerce property should be reported to on-site security personnel, local law enforcement officers or the Office of Investigations and Security, as appropriate. Assistance of these authorities should be sought where there is an imminent threat or harm to the security of persons or property on Commerce premises, e.g., robberies, assaults, disorderly conduct, or vandalism. Completed thefts of Commerce property should be reported to the OIG as provided in section 3 of this order.

b. Violations of statutes or regulations governing the classification and handling of national security or intelligence information, administratively controlled information, and physical security shall be reported to the Office of Investigations and Security or other appropriate officials in accordance with DAO 207-2.

c. Evidence of violations of legislation or implementing regulations administered by an organizational unit enforcing a regulatory scheme through a compliance program (e.g., Office of Export Administration, Office of Antiboycott Compliance, Office of Marine Mammals and Endangered Species), shall be reported to the appropriate unit.

d. In view of other available avenues of redress, the OIG does not normally investigate (1) individual complaints of discrimination based on race, color, national origin, religion, sex, age, or handicap; (2) other personnel matters (other than reprisals for contacts with the OIG) where personal relief to the complainant is sought. These matters should be directed to the Office of Investigations and Security or the responsible person in the organizational unit.

### **SECTION 3. PROCEDURES FOR REPORTING TO THE OIG; REQUESTS FOR INVESTIGATIONS.**

.01 Headquarters, including metropolitan Washington locations.

a. Report to Agency Liaison. Except as provided in section 3.01(c), employees at headquarters shall report matters promptly to the Agency Liaison who shall be the head of an operating unit or other official designated by the head to receive such reports and perform other liaison functions. The designee shall be a member of the unit head's immediate management staff. The Agency Liaison shall promptly transmit the information directly to the AIGI. If an employee

reports information to a supervisor other than the Agency Liaison, the supervisor shall not withhold or delay transmittal of information directly to the Agency Liaison. Secretarial Officers and heads of operating units or Departmental offices may bring particularly serious matters directly to the attention of the Inspector General. Operating Units shall stay agency actions on reported matters as provided in section 5.01 of this Order.

b. An Agency Liaison shall ensure that a record is maintained on every report received. Reports received orally shall be recorded in memorandum form. Records maintained by an Agency Liaison on reports shall not be made part of any employee's official personnel file or any similar file, nor shall such information or records be discussed with or provided to a subject of an investigation or his/her representative without prior approval of the AIGI. Within the Department, Agency Liaison records or information may be released only to persons who need the information in their official capacities. Responses to Privacy Act, FOIA, or other requests by persons or organizations, public or private, for access to such information, or records shall be subject to approval by the AIGI.

c. Any employee may report directly to the AIGI and may request that his/her identity be held in confidence. No employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall attempt to dissuade by formal or informal means another employee, with respect to whom he may exercise such authority, from reporting, as provided for in this order. Such action shall be treated as a reprisal under section 1.05.

.02 The Regions. The procedure for reporting to the OIG in the regions shall be as provided in section 3.01, except that a Regional Director of an operating unit may be the Agency Liaison if the head of the operating unit so determines, and shall make referrals to the Regional Director for Investigations (RDI) if there is one in the region. Absent an RDI, referrals shall be made to the AIGI through either the headquarters Agency Liaison or Regional Director.

.03 Reports to other law enforcement authorities. Agency Liaisons and other employees acting in their official capacities as representatives of the Department shall report to the AIGI rather than to Federal, State or local prosecutive or investigative authorities, except for those matters set forth in section 2.06 of this order, or as required by statute. For example, suspected reprisals may be referred by the person involved directly to the Special Counsel of the Merit Systems Protection Board or to the AIGI.

.04 Hotline. The OIG maintains a direct telephone line and post office box for reports to the OIG. The toll-free number is 800-424-5197. The Washington, D.C. local number is 724-3519. The address is Ben Franklin Station, Post Office Box 612, Washington, D.C. 20044.

.05 Investigations upon request. Upon request of the Secretary, a Secretarial Officer or the head of an operating unit or Departmental office, the Inspector General may undertake any investigation.

.06 Investigations at the initiative of the Inspector General. In carrying out the Inspector General's statutory responsibilities, the Inspector General may undertake an investigation upon determination that such investigation is necessary or desirable in relation to Departmental programs or operations.

#### **SECTION 4. INVESTIGATIONS; ACTION ON INVESTIGATIVE REPORTS AND RECOMMENDATIONS.**

.01 Action on reports to the AIGI or RDI.

a. Promptly upon receipt of a report or prior to the initiation of an investigation not based upon a report, the AIGI or RDI shall advise the Agency Liaison of action to be taken by the OIG unless, in the judgement of the Inspector General, such notification would interfere with the conduct of the investigation. In such a case, the head of the organizational unit, the Deputy Secretary or Secretary shall be notified unless, in the judgement of the Inspector General, such notification would interfere with the conduct of the investigation. The Inspector General shall note these decisions in the case file. A copy of the notification to the Agency Liaison in the case of an employee of the Department shall be sent to the Assistant Secretary for Administration. Operating units shall stay agency actions as provided in section 5.01 of this order.

b. The OIG may:

(1) request additional information in writing from the organizational unit. In this event, the organizational unit shall promptly supply the information requested;

(2) undertake an investigation;

(3) supervise and coordinate OIG investigative activities with other Federal, State and local law enforcement authorities;

(4) refer the matter for review or consideration of administrative action by the organizational unit through the Agency Liaison. In this event, the organizational unit shall report to the AIGI, within 60 days, its findings and any action taken or planned; thereafter, progress reports shall be made every 30 days until closeout is reported to the AIGI. If the matter is closed without administrative action having been taken, the reasons for closeout shall be included in the report.

c. If an investigation has not been completed within 90 days after receipt of a report, the AIGI or RDI shall advise the Agency Liaison of the status of the case unless, in the judgment of the Inspector General, such notice would interfere with the investigation.

.03 Reports to the Attorney General.

a. The AIGI, on behalf of the Inspector General, shall report expeditiously to the Attorney General whenever the Inspector General has reasonable grounds to believe there has been a violation of Federal criminal law. The Agency Liaison shall be notified unless, in the judgment of the Inspector General or the Attorney General, such notice would interfere with the investigation or prosecution. In such event, the Inspector General shall notify the head of the organizational unit, the Deputy Secretary or Secretary unless, in the judgment of the Inspector General or the Attorney General, such notice would interfere with the investigation or prosecution. The Inspector General shall note these decisions in the case file. In the case of an alleged violation by an employee of the Department, a copy of the notification to the Agency Liaison shall be sent to the Assistant Secretary for Administration.

b. When a final disposition has been received from the Attorney General on a criminal matter, the OIG shall furnish the OIG investigative report, if any, and a summary of the Attorney General disposition to the Agency Liaison. Such transmittal may include recommendations for administrative action, such as debarment or suspension, or disciplinary action. When an employee is involved, notice of the disposition shall be sent to the Assistant Secretary for

Administration.

.03 Transmittal of investigative reports. Upon completion of an investigation not referred to the Attorney General, the AIGI shall transmit the report of investigation in writing to the Agency Liaison. The transmittal may include recommendations for administrative action, such as debarment or suspension, or disciplinary action. Reports and related materials transmitted shall be subject to the provisions of section 6 of this order.

.04 Action on investigative reports: employees.

a. Each investigative report transmitted to a unit that contains a finding that an employee has engages in improper activity related to his or her official duties shall set forth the Inspector General's views on the seriousness of the offense and may recommend appropriate Administrative action.

b. If recommending administrative action against a Commerce employee, the Inspector General shall consider the deterrent effect of the proposed administrative penalty upon other Federal employees in addition to other criteria set forth in DAO 202-751, "Discipline."\*

\* See S. REP. NO. 96-829, 96th Cong., 2d Sess. 17-18 (1980). The Committee Report states: "It is the Committee's intent that the recommendation of the Inspector General...be severe enough to firmly impress on other Federal employees that fraudulent activities will not be tolerated. The agency head shall recognize this intent in resolving any disputes between the agency official charged with implementing the recommended action and the Inspector General..."

c. The Agency Liaison shall advise the Inspector General within 30 days after receipt of an investigative report recommending administrative action of the action planned by the organizational unit.

d. In the organizational unit does not accept the Inspector General's recommendations for administrative action, the head of the organizational unit shall promptly report its reasons to the Inspector General. Any disagreement between the head of the organizational unit and the Inspector General shall be resolved by the Secretary or, at the direction of the Secretary, by the Deputy Secretary, who shall be guided by the standards noted in section 4.04(b). Until resolution, the unit shall take no action contrary to the Inspector General's recommendation.

e. The organizational unit shall promptly take the administrative action on investigative reports which it has planned or which has been decided it should take. The unit shall submit progress reports to the OIG on a quarterly basis until all action has been concluded.

.05 Notification to employees. An employee identified by the OIG as the subject of a completed investigation, with respect to whom the Department plans no administrative action, shall be so informed in writing by the Agency Liaison on forms supplied by the AIGI. Notification shall not be made until any disputed Inspector General recommendations concerning that employee have been resolved by the Deputy Secretary or Secretary. A copy of the notice shall be sent to the AIGI and filed with the Agency Liaison report, if any. Similar notices may be sent to other persons who have been involved in the investigation.

.06 Action on investigative reports: non-employees.

a. The Agency Liaison shall advise the Inspector General within 30 days after receipt of an investigative report recommending administrative action of the action planned by the organizational unit.

b. Administrative action to be taken on investigative reports shall be taken without delay. Progress reports shall be submitted to the OIG on a quarterly basis, until all action has been concluded.

#### **SECTION 5. COOPERATION WITH OIG INVESTIGATIONS.**

##### .01 Stay of action.

a. When a matter involving possible criminal wrongdoing has been reported to an Agency Liaison or supervisor, or, in any other case, upon the request of the Inspector General, no one shall, without prior approval of the Inspector General on the basis that an investigation or prosecution will not thereby be impaired:

(a) engage in any independent inquiry or investigation relating to the matter, (b) discuss the matter with a subject or his/her representative, (c) disclose to unauthorized persons information which identifies or could reasonably lead to the identification of an individual who has reported the violation. The head of the organizational unit may seek reversal by the Secretary or, at the direction of the Secretary, by the Deputy Secretary, of any such disapproval by the Inspector General, provided however that no action shall be taken at any time which would impede or hinder an investigation or prosecution.

b. With respect to the matters noted in paragraph (a), no person shall take any administrative or court action (such as award or termination of a contract, grant or loan, or personnel action awarding or disciplining an employee), except with the consent of the Inspector General or at the direction of the head of the organizational unit. Prior to any action without the consent of the Inspector General, an opportunity shall be provided to the Inspector General to seek reversal by the Secretary, or at the direction of the Secretary, by the Deputy Secretary, of any decision by the head of the organizational unit.

.02 Access by the OIG to records. Each organizational unit and employee shall furnish the AIGI promptly upon request access to and copies of all records, reports, audits, reviews, documents, papers, recommendations or other materials available to it. Each organizational unit shall also provide the necessary authorizations for OIG access to computer and other data when such are kept by another government agency or by any outside contractor, grantee or other recipient of Departmental financial assistance.

##### .03 Employees.

a. Employees shall cooperate fully with any investigation; shall not withhold information or documentary materials from the assigned investigator; shall furnish sworn oral or subscribed statements upon request, subject to section 5.03(b); and shall answer questions relating to his/her employment or matters coming to his/her attention in his/her official capacity or by reason of his/her employment. Disciplinary action may be taken against an employee who refuses to cooperate in any of these matters.

b. An employee may assert his/her Fifth Amendment rights to refuse to answer questions on the grounds that the answers might be used against him/her in a criminal proceeding. An employee who asserts his/her Fifth Amendment rights against self-incrimination may not be disciplined solely for remaining silent. However, an employee's silence may be considered, in taking disciplinary actions, for its evidentiary value, as warranted by the facts surrounding the

employee's case. An employee may be disciplined for refusing to answer a question following a grant of immunity from criminal prosecution properly obtained by the OIG from the Department of Justice.

**SECTION 6. CONTROL OF INVESTIGATIVE REPORTS AND RELATED MATERIALS;  
DISCLOSURE OF INFORMATION.**

.01 Security and dissemination of OIG investigative reports and related materials.

a. Final, status or interim investigative reports, exhibits thereto, memoranda transmitting such reports, notifications of referral to the Attorney General (the Department of Justice or a U.S. Attorney), OIG summaries or other reports of disposition by the Attorney General, and related materials shall be considered to be or marked "For Official Use Only" where deemed necessary by the AIGI, and are subject to applicable Departmental security regulations concerning administratively controlled material. Such materials may be released only with OIG approval to persons who need the information in their official capacities.

b. The materials noted in paragraph (a) of this subsection shall not be discussed with or provided to a subject of an investigation or prosecution or his or her representatives, except as the AIGI deems it necessary or desirable to assist an investigation, implement administrative or other action or close the matter.

c. All determination of availability of records in response to Privacy Act or FOIA requests for access to any of the materials noted in paragraph (a) of this subsection or to other records, such as FBI reports, held by the OIG in the conduct of investigative activities, or to the information contained in such investigative activities, or to the information contained in such materials or records, shall be made by the AIGI initially and by the Inspector General on appeal. Such requests shall be referred to the AIGI promptly upon receipt. Nothing herein is intended to derogate from the authority of program officials with respect to Privacy Act or FOIA determinations, where the operating unit's own records are sought for their inherent value, rather than for obtaining an insight into an investigation or prosecution.

d. When any of the materials noted in paragraph (a) of this subsection have served their administrative purposes, organizational units shall return them to the OIG without retaining copies except in those cases where approval by the OIG has been given or where such materials have become part of a record in an administrative or other proceeding.

.02 Security and dissemination of FBI and other investigative agency reports.

a. Reports, letters, or memoranda received by the OIG from the FBI or other investigative agencies shall be controlled as provided in section 6.01 except that these material may not be copied or excerpted or referred to in other documents without prior approval by the AIGI.

b. The AIGI shall promptly advise the Agency Liaison of the matters treated in the materials noted in paragraph (a) of this subsection, unless to do so would interfere with the conduct of an on-going investigation or proceeding. In such a case, the head of the organizational unit, the Deputy Secretary or Secretary shall be notified unless, in the judgment of the Inspector General or FBI or other investigative agency, such notification would interfere with the conduct of the investigation or prosecution. In the case of an alleged violation by an employee of the Department, a copy of the notice to the Agency Liaison shall be sent to the Assistant Secretary for Administration.

.03 Restricted on disclosure of information identifying complaints and witnesses. It is the policy of the Department to protect the identity of employees, witnesses, and other sources of information who bring complaints or information to the Inspector General or who cooperate with the OIG. Confidentiality as to identity may be conferred by the Inspector General, Counsel to the Inspector General, the AIGI or his/her designee upon request of a deponent or other source, or when deemed necessary, except that the Inspector General may determine that such confidentiality shall not extend to the use of statements or affidavits in an official proceeding or for official action arising from the investigation. Department officials and other interested persons shall not, as a matter of right, be given access to statements of witnesses or information from sources collected by the OIG during an investigation.

.04 Disclosure of information; press or other media and other non-documentary inquiries.

a. Inquiries from the press or other media to an organizational unit relating to a pending OIG investigation, including matters under consideration by prosecutive authorities, shall be referred to the OIG. An organizational unit shall limit its comment to general information on agency programs, policies, procedures, personnel practices and staffing. Undue publicity may interfere with the conduct of an investigation.

b. The OIG will normally confirm that an investigation described by the requester is pending and state the nature of the matter under investigation, except where to do so would interfere with an investigation.

#### **SECTION 7. LIAISON WITH LAW ENFORCEMENT AGENCIES ON INVESTIGATIVE MATTERS.**

Except for matters set forth in section 2.06, the OIG shall be Departmental liaison with Federal, State and local law enforcement or investigative agencies or non-governmental entities with respect to matters, policies or activities relating to the prevention and detection of fraud and abuse in programs and operations of or funded by the Department, or the identification and prosecution of participants in such fraud and abuse.

#### **SECTION 8. NAME CHECKS.**

.01 Definition.

A name check is an inquiry as to the criminal record or financial status of an individual or organization which is made to Federal, State or local law enforcement or investigative bodies, or to other Federal agencies, as authorized by law.

.02 Policy

a. It is the Department's policy to use the name check procedure where feasible, to help determine the responsibility of key individuals who act on their own or are associated with non-governmental entities in seeking contracts or financial assistance (grants, loans, loan guarantees, subsidies, etc.) from the Department or one of its organizational units.

b. Name checks may also be conducted by the OIG as appropriate during the course of investigations.

.03 Responsibilities

- a. Name checks shall be performed by the OIG in instances covered by paragraph 8.02(a), unless the Inspector General determines that it is unnecessary or impracticable in whole or in part for a particular program or under particular circumstances.
- b. For each program and operation covered by paragraph 8.02(a), the Inspector General and appropriate officials of each organizational unit shall develop procedures for the performance of name checks.
- c. It is the responsibility of the appropriate program officials to determine what, if any, action should be taken as a result of adverse information developed through the name check process. However, at the request of the Inspector General, such officials shall provide a written explanation of their decisions to the Inspector General.

**SECTION 9. INVESTIGATIONS AND INQUIRIES RECEIVED BY THE DEPARTMENT FROM THE SPECIAL COUNSEL OF THE MERIT SYSTEMS PROTECTION BOARD.**

.01 The OIG shall conduct, supervise or coordinate all investigations relating to information evidencing mismanagement, a gross waste of funds, abuse of authority or substantial and specific danger to public health or safety disclosed to the Special Counsel of the Merit Systems Protection Board and transmitted to the Secretary for report or investigation under the Civil Service Reform Act of 1978.

.02 At the request of the Secretary or his/her designee, the OIG may conduct investigations of allegations of prohibited personnel practices as reprisal for a disclosure of information specified in subsection (a) to the Special Counsel of the Merit Systems Protection Board.

**SECTION 10. EFFECT ON OTHER ORDERS.**

.01 This order supersedes DAO 207-10 dated September 3, 1970.

.02 All Department Administrative Orders, to the extent that they contain inconsistent provisions, are hereby constructively amended to conform with the provisions of this order.

(signed)

Inspector General

**SAMPLE LETTER OF ADMINISTRATIVE CENSURE**

(Officials issuing letters of administrative censure are highly encouraged to make use of this example, which satisfies the substantive and procedural requirements of NOAA Corps Directives, Chapter 7.)

(Date)

TO: (Name of NOAA Corps Officer to be Censured)

FROM: (Name and Title of Disciplinary Authority)

SUBJECT: Letter of Administrative Censure

This document constitutes a Letter of Administrative Censure as defined in NOAA Corps Directives (NCD) 07102G. It is an informal disciplinary measure taken pursuant to the authority delegated to me by NCD 07104A. This letter shall not become part of your Official Personnel File but may be used to support future disciplinary actions.

1. Description of Objectionable Conduct: complete in detail
2. Description of Remedial Action To Be Taken: complete in detail
3. Nature of Future Penalties for Further Infractions (see NCD Chapter 7, Part 4): complete in detail

**ACKNOWLEDGMENT OF RECEIPT:**

I hereby acknowledge that I have received a copy of this Letter of Administrative Censure and have read the same. My signature here only indicates that I have received and read this document and shall not be interpreted as my consent to, or agreement with, any of the statements made herein.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

**SAMPLE LETTER OF REPRIMAND**

(Officials issuing letters of reprimand are highly encouraged to make use of this example, which satisfies the substantive and procedural requirements of NOAA Corps Directives, Chapter 7.)

(Date)

TO: (Name of NOAA Corps Officer to be Reprimanded)

FROM: (Name of Center Commanding Officer)

SUBJECT: Letter of Reprimand

This document constitutes a Letter of Reprimand as defined in NOAA Corps Directives (NCD) 07102H. It is an informal disciplinary measure taken pursuant to the authority delegated to me by NCD 07104A. This letter, along with any rebuttal, shall become part of your Official Personnel File (OPF). This letter and any rebuttal may be removed from your OPF at the discretion of the Director, NOAA Corps, at the expiration of a period of not less than three years from the date of its addition to your OPF, provided this Letter of Reprimand contains such a removal provision.

1. Description of Objectionable Conduct: complete in detail
2. Description of Remedial Action to be Taken: complete in detail
3. Nature of Future Penalties for Further Infractions (see NCD Chapter 7, Part 4): complete in detail
4. Provision for Removal of Letter From OPF (if warranted): (Fill in recommended time period before removal of letter from OPF may be considered - minimum of three years.)

You may rebut this Letter of Reprimand by providing me with your written rebuttal within ten days after your receipt of this reprimand. If you decide to file a written rebuttal, the Letter of Reprimand and your rebuttal will become a permanent part of your OPF.

**ACKNOWLEDGMENT OF RECEIPT:**

I hereby acknowledge that I have received a copy of this Letter of Reprimand and have read the same. My signature here only indicates that I have received and read this document and shall not be interpreted as my consent to, or agreement with, any of the statements made herein.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

**SAMPLE LETTER OF REPROVAL**

(Officials issuing letters of reproval are highly encouraged to make use of this example, which satisfies the substantive and procedural requirements of NOAA Corps Directives, Chapter 7.)

(Date)

TO: (Name of NOAA Corps Officer to be Reproved)

FROM: (Name and Title of Disciplinary Authority)

SUBJECT: Letter of Reproval

This document constitutes a Letter of Reproval as defined in NOAA Corps Directives (NCD) 07102I. It is an informal disciplinary measure taken pursuant to the authority delegated to me by NCD 07104A. This letter, along with any rebuttal, shall become part of your Official Personnel File (OPF). This letter and any rebuttal shall automatically be removed from your OPF at the expiration of a period of not more than three years from the date of its addition to your OPF.

1. Description of Objectionable Conduct: complete in detail
2. Description of Remedial Action To Be Taken: complete in detail
3. Nature of Future Penalties for Further Infractions (see NCD Chapter 7, Part 4): complete in detail.

You may rebut this Letter of Reproval by providing me with your written rebuttal within ten days after your receipt of this letter. If you decide to file a written rebuttal, it shall be included with this Letter of Reproval in your OPF.

**ACKNOWLEDGMENT OF RECEIPT:**

I hereby acknowledge that I have received a copy of this Letter of Reproval and have read the same. My signature here only indicates that I have received and read this document and shall not be interpreted as my consent to, or agreement with, any of the statements made herein.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

**SAMPLE ORDER OF RESTRICTION**

(Officials issuing orders of restriction are highly encouraged to make use of this example, which satisfies the substantive and procedural requirements of NOAA Corps Directives, Chapter 7.)

(Date)

TO: (Name of NOAA Corps Officer To Be Restricted)

FROM: (Name of Commanding Officer or Aircraft Commander)

SUBJECT: Order of Restriction

This document constitutes a Restriction Order as defined in NOAA Corps Directives (NCD) 07102L. If restricted for medical reasons, this letter may become part of your Official Medical File.

1. Description of Reason(s) for Restriction: complete in detail
2. Description of Geographic Area To Which Officer is Restricted: complete in detail
3. Description of Other Conditions of Restriction (if applicable): complete in detail

While under restriction, you are required to perform your normally assigned duties unless informed otherwise, and may be given additional duties consistent with the purposes for which this action was taken.

**ACKNOWLEDGMENT OF RECEIPT:**

I hereby acknowledge that I have received a copy of this Restriction Order and have read the same. My signature here only indicates that I have received and read this document and shall not be interpreted as my agreement with any of the statements made herein.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

**DISCIPLINARY BOARD ORDER OF FORMAL PROCEEDINGS**

The charges and specifications will be read. The accused NOAA Corps officer will be permitted to respond to each separate charge and specification, indicating whether it is admitted or denied. The order of presentation of evidence shall then be as follows:

1. Opening statement by the NOAA Corps' Advocate;
2. Opening statement by the accused NOAA Corps officer or his/her counsel;
3. Presentation of witnesses and other evidence by the NOAA Corps' Advocate;
4. Opportunity for cross-examination of witnesses by accused NOAA Corps officer, his/her counsel, or members of the DB;
5. Presentation of witnesses and other evidence by the accused NOAA Corps officer or his/her counsel;
6. Opportunity for cross-examination of witnesses by the NOAA Corps' Advocate or members of the DB;
7. Presentation of any rebuttal witnesses or other rebuttal evidence by the NOAA Corps' Advocate;
8. Opportunity for cross-examination of witnesses by the accused NOAA Corps officer or his/her counsel or members of the DB;
9. Presentation of any additional witnesses or other evidence offered in rebuttal by the accused NOAA Corps officer or his/her counsel;
10. Opportunity for cross-examination of witnesses by the NOAA Corps' Advocate or members of the DB;
11. Closing statement by the NOAA Corps' Advocate; and
12. Closing statement by the accused NOAA Corps officer or his/her counsel.