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RESTORING CREDIBILITY TO ADMINISTRATIVE INVESTIGATIONS THROUGH NDAA REFORM



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*Army Regulation 15-6

Effective 22 June 2025

Boards, Commissions, and Committees

Procedures for Preliminary Inquiries, Administrative Investigations, and Boards
of Officers

C R E D I B I L I T Y



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Restoring Credibility to Administrative Investigations Through NDAA Reform

Walk the Talk Foundation is proposing targeted National Defense Authorization Act legislation to restore credibility, consistency, and accountability to Department of Defense administrative investigations. The objective is straightforward and long overdue. Investigations with career-ending consequences must be conducted by trained, independent officials and must be subject to meaningful oversight.

The proposed reforms focus on several core provisions. They mandate standardized investigative training for Inspectors General and command-appointed Investigating Officers across all Services. They require investigative independence by removing investigators from the chain of command and shielding them from performance evaluations during investigations. They establish credentialing, audit, and compliance mechanisms to ensure investigative standards are met. They require centralized evidence management and impose consequences when investigations fail to comply with governing law and regulation. They also require reporting to Congress on training effectiveness, compliance, and service member trust.

These reforms are designed to strengthen command authority, reduce procedural error, and restore confidence in the investigative process. The following case illustrates why these objectives are necessary.

A Case Study in Oversight Failure

In a recent case reviewed by the Office of the Inspector General for United States Army Western Hemisphere Command, the Inspector General acknowledged that a service member's due process rights were violated when a Fort Bragg-based officer



was not afforded the opportunity to respond to modified adverse findings before those findings were relied upon for Army Adverse Information Program action.

Under Army Regulation 15-6, that acknowledgment should have triggered corrective action.

Instead, the Inspector General characterized the violation as minor, asserted that it had no material impact on due process, and declined to take further action.

Compounding these concerns, the Office of the Inspector General misspelled its own command name in the official letterhead. Precision is foundational to oversight credibility. When an Inspector General office cannot accurately identify its own organization in formal correspondence, it raises legitimate questions about the rigor applied to the legal and regulatory analysis that follows.

This point is not raised to embarrass any individual or office. It is raised to ask a more important question. Is this the standard of professionalism the Department of Defense is willing to accept in organizations tasked with independence, oversight, and accountability?

A Structural Problem That Merits Congressional Attention

The Inspector General's response reflects a systemic issue rather than an isolated mistake.

A regulatory violation was acknowledged and then excused. Mandatory due process protections under Army Regulation 15-6 were reframed as discretionary. Outcome-based reasoning replaced process-based compliance. Convenience was prioritized over regulatory integrity.

The affected service member summarized the issue plainly. "I am very disappointed they informed me my due process was violated and refused to allow me to submit an AAIP response to the modified findings."



Errors occur in any organization. What matters is how those errors are corrected. In this case, the Inspector General acknowledged the violation and then refused to remedy it. That choice signals to service members that compliance with regulation is optional, particularly when the error originates within an oversight office.

This raises unavoidable questions. Is the root cause insufficient training? Is it a lack of accountability mechanisms? Or is it an absence of incentives to correct institutional mistakes?

Accountability Avoidance Through Improper CUI Marking

This case also highlights a broader pattern of accountability avoidance through the improper marking of routine Inspector General correspondence as Controlled Unclassified Information.

Government-wide CUI policy is explicit. CUI status must be tied to a specific category or subcategory listed in the National Archives CUI Registry. It is content-based, not office-based, as codified in [32 CFR Part 2002](#).

Department of Defense guidance requires the authorized holder of information to determine whether the content meets a CUI category and to apply markings accordingly. Treating an Inspector General response as CUI solely because of its origin reverses that required analysis and conflicts with [DoD Instruction 5200.48](#).

DoD marking rules also require a CUI designation indicator block that identifies the specific CUI category or categories contained in the document. An Inspector General response letter marked CUI without identifying a governing category such as PRIVACY or LEGAL does not meet DoD marking requirements.

Army implementation guidance reinforces this framework by directing personnel to follow DoD-level CUI policy. It does not authorize blanket marking by Inspector General offices. When routine administrative correspondence is improperly marked, transparency is reduced and external review is discouraged.



Whether this practice reflects intentional shielding or inadequate training, the effect is the same. Accountability is weakened.

Why Congressional Action Is Required

This case is not isolated. It reflects systemic tolerance of undertraining, procedural shortcuts, and accountability avoidance within the administrative investigative system.

The objectives of Walk the Talk Foundation's proposed NDAA legislation directly address these failures by professionalizing investigative roles, enforcing independence, and restoring process discipline.

Trust is a prerequisite for readiness. When service members believe investigations are arbitrary, inconsistently applied, or shielded from scrutiny, they disengage. Talented leaders leave. Integrity becomes optional.

A military that cannot credibly police itself cannot sustain discipline, legitimacy, or public confidence. It is a national security issue.

These reforms are preventative rather than punitive. They strengthen investigative integrity, reinforce lawful command authority, and restore confidence in due process. Supporting these reforms is an investment in force credibility and in Congress's constitutional oversight responsibility.



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Feel free to reach out privately at francescagraham@walkthetalkfoundation.org or in the comments.

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