

**GUIDE TO  
CONDUCTING  
LEGALLY SUFFICIENT  
FLIPL  
INVESTIGATIONS**

# Guide to Conducting Legally Sufficient FLIPL Investigations

- Road Map
  - Work Block-by-Block through a DA Form 200.
  - Discuss the Roles and Responsibilities of the following personnel:
    - The Initiator
    - The Responsible Officer
    - The Appointing Authority
    - The Financial Liability Officer (The Investigating Officer)
    - The Approving Authority
  - Identify the Legal Standard for FLIPL Investigations
  - Identify Common Mistakes

# Guide to Conducting Legally Sufficient FLIPL Investigations

- GOAL: To enable the users of this Guide to produce Legally Sufficient FLIPL Investigations.

# Guide to Conducting FLIPL Investigations

When You See This Picture,  
You Have Identified a Common Mistake!



# Role and Responsibility of the Initiator

## Completing the DD Form 200 and the DA Form 7535

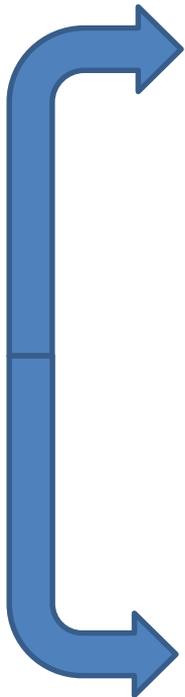
- When it becomes known that there will be a requirement to prepare a DD Form 200 to investigate the loss of Government property, a DA Form 7531 (Checklist and Tracking Document for Financial Liability Investigations of Property Loss) will be prepared with elements in part A completed as events occur.
- When the DD Form 200 is prepared, it will be attached to DA Form 7531, which will be used as a checklist , and will be used for tracking events as they occur.

# Role and Responsibility of the Initiator

The initiator of a DD Form 200 will normally be the hand receipt holder, unit commander or agency head, the accountable officer, or the individual with the most knowledge of the incident.

**The initiator prepares DD Form 200, block 1 and blocks 3 through 11**

FINANCIAL LIABILITY INVESTIGATION OF PROPERTY LOSS							
1. DATE INITIATED (YYYYMMDD) 20150523		2. INQUIRY/INVESTIGATION NUMBER PDWT0-15-0057			3. DATE LOSS DISCOVERED (YYYYMMDD) 20150214		
4. NATIONAL STOCK NO.	5. ITEM DESCRIPTION Coat Army Combat Uniform SEE ADDED PAGE		Add More Items	6. QUANTITY	7. UNIT COST	8. TOTAL COST	
9. CIRCUMSTANCES UNDER WHICH PROPERTY WAS (X one) (Attach additional pages as necessary)				Add Page	<input checked="" type="checkbox"/> Lost <input type="checkbox"/> Organization	<input type="checkbox"/> Damaged <input type="checkbox"/> Installation	<input type="checkbox"/> Destroyed <input type="checkbox"/> OCIE
<p>SGT John A. Doe was missing 2 ACU coats, 1 sleeping bag, and 1 entrenching tool at the shift change inventory on 13 February 2015. The missing items are lost. This loss was discovered at the shift change inventory on 13 February 2015. SGT Doe stated that someone must have stolen these items during the night.</p> <p>Exhibits A through D attached.</p>							
10. ACTIONS TAKEN TO CORRECT CIRCUMSTANCES REPORTED IN BLOCK 9 AND PREVENT FUTURE OCCURRENCES (Attach additional pages as necessary)							
Continue to reinforce the necessity for individuals to guard or secure equipment items at all times.							
11. INDIVIDUAL COMPLETING BLOCKS 1 THROUGH 10							
a. ORGANIZATIONAL ADDRESS (Unit Designation, Office Symbol, Base, State/Country, ZIP Code) EUSA-BD-A A Company, 234th Engineer Battalion Fort Knox, KY 40121				b. TYPED NAME (Last, First, Middle Initial) Stallone, Sylvester, A., SSG, Squad Leader		c. DSN NUMBER 123-345-7890	
				d. SIGNATURE		e. DATE SIGNED 20150214	



# Role and Responsibility of the Initiator

## ***Block 1 – Date Initiated***

- Enter the date the investigation of property loss is prepared in the following format: (YYMMDD).

FINANCIAL LIABILITY INVESTIGATION OF PROPERTY LOSS		
1. DATE INITIATED (YYMMDD)	2. INQUIRY/INVESTIGATION NUMBER	3. DATE LOSS DISCOVERED (YYMMDD)
20150523	PDWT0-15-0057	20150214



# Role and Responsibility of the Initiator

## ***Block 2 – Inquiry and/or investigation number.***

- Enter the approving authority's UIC, followed by a dash and two digit year of initiation, followed by another dash and the approving authority's consecutive numbering system.
- For example, PDWT0-15-0057.

FINANCIAL LIABILITY INVESTIGATION OF PROPERTY LOSS		
1. DATE INITIATED (YYYYMMDD)	2. INQUIRY/INVESTIGATION NUMBER	3. DATE LOSS DISCOVERED (YYYYMMDD)
20150523	PDWT0-15-0057	20150214



# Role and Responsibility of the Initiator

## ***Block 3 – Date Initiated.***

- Enter the date the loss or damage was discovered.
- *Date loss discovered (YYYYMMDD).*

FINANCIAL LIABILITY INVESTIGATION OF PROPERTY LOSS		
1. DATE INITIATED (YYYYMMDD)	2. INQUIRY/INVESTIGATION NUMBER	3. DATE LOSS DISCOVERED (YYYYMMDD)
20150523	PDWT0-15-0057	20150214

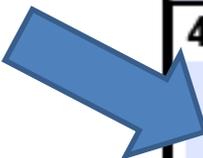


# Role and Responsibility of the Initiator

## ***Block 4 – National stock number.***

- Enter the NSN or management control number (MCN) or other identification numbers of the item described in block 5.
- For end items assigned a line item number (LIN) or nonstandard line item number, enter the LIN and/or nonstandard line item number above, adjacent, or below the NSN and/or MCN.
- When items listed on the DD Form 200 are totally destroyed, meaning that there is no residue to turn-in, enter the words “No Residue.”
- If there is more than one item to list on the DD Form 200, you can put one item on the front page but ensure you type see added page.

4. NATIONAL STOCK NO.	5. ITEM DESCRIPTION	Add More Items
C10345 8415-01-519-8599	Coat Army Combat Uniform SEE ADDED PAGE	



# Role and Responsibility of the Initiator

## ***Block 5 – Item description.***

Enter the nomenclature of the item lost, damaged or destroyed.

If the items are nonstandard, give a description accurate enough for their identification.

When the item involved has been assigned a serial number, include the item's serial number in this block.

For damaged property, enter ECOD in parenthesis in this block following the description of the damaged property if the actual cost of damage (ACOD) is not available.

Also describe lost or damaged component parts as components, and list the end item to which they belong.

If there is more than one item to list on the DD Form 200, you may either list the first item on the front page and type see added page in the description block, or type only See Added Page.

### **5. ITEM DESCRIPTION**

**Add More Items**

Coat Army Combat Large Regular  
See Added Page

# Role and Responsibility of the Initiator

## *Block 6 – Quantity.*

4. NATIONAL STOCK NO.	5. ITEM DESCRIPTION	Add More Items	6. QUANTITY	7. UNIT COST	8. TOTAL COST
C10345 8415-01-519-8599	Coat Army Combat Uniform		1	36.00	36.00



- Enter the number of item(s) lost, damaged or destroyed.
- **If there is more than one item to list on the DD Form 200 blocks 4, 6, and 7 will remain blank.**
- If there is more than one item to list on the DD Form 200, put one item on the front page, and type **“see added page”** in Block 5-Item Description.

4. NATIONAL STOCK NO.	5. ITEM DESCRIPTION	Add More Items	6. QUANTITY	7. UNIT COST	8. TOTAL COST
	Coat Army Combat Uniform SEE ADDED PAGE				



# Role and Responsibility of the Initiator

## ***Block 7 – Unit cost.***

- Enter the price as shown in FEDLOG in effect at the time of loss or destruction.
- When a price is not available in FEDLOG, use the current market price of a similar item; otherwise estimate to the investigation of property loss.
- For damaged items, do not record the repair cost in this column and instead leave this block blank.

4. NATIONAL STOCK NO.	5. ITEM DESCRIPTION	Add More Items	6. QUANTITY	7. UNIT COST	8. TOTAL COST
C10345 8415-01-519-8599	Coat Army Combat Uniform		1	36.00	36.00

- **If there is more than one item to list on the DD Form 200 blocks 4, 6, and 7 will remain blank.**
- The grand total for a DD Form 200 with more than item **will be totaled on the added page.**

4. NATIONAL STOCK NO.	5. ITEM DESCRIPTION	Add More Items	6. QUANTITY	7. UNIT COST	TOTAL COST
	Coat Army Combat Uniform SEE ADDED PAGE				

# Role and Responsibility of the Initiator

## ***Block 8 – Total cost.***

- Enter the total cost of all property identified as lost or destroyed in blocks 4 and 5 and or all added pages.
- For damaged property, record the ACOD. If the ACOD is not available, no total cost is recorded and this block is left blank. The ECOD is recorded in block 5 following the description of the item.
- The grand total for a DD Form 200 with more than item will be totaled on the added page.
- **NOTE:** If there is more than one item, and an added page for additional items is used, the grand total on the added page does not populate in Block 8. The form does not allow you to type information in this block. For this reason, you must write in the total cost calculated on added pages.

# Role and Responsibility of the Initiator

## **Block 9 – Circumstances under which property was (X one).**

- Place an X in the appropriate box identifying whether the property was lost, damaged, or destroyed.

<b>9. CIRCUMSTANCES UNDER WHICH PROPERTY WAS (X one)</b> <i>(Attach additional pages as necessary)</i>	<input type="button" value="Add Page"/>	<input checked="" type="checkbox"/> Lost	<input type="checkbox"/> Damaged	<input type="checkbox"/> Destroyed
		<input type="checkbox"/> Organization	<input type="checkbox"/> Installation	<input type="checkbox"/> OCIE



- Enter a complete statement of facts in the case, including the **date of discovery and the date and place of actual loss**, damage explaining the difference must be explained. Show all persons directly concerned by name and grade refer to exhibits by the capital letter assigned.
- Show all exhibits initially attached; for example “exhibit A through D attached.”
- If added pages are used, type “**see added page(s) attached**” in the block.

<b>9. CIRCUMSTANCES UNDER WHICH PROPERTY WAS (X one)</b> <i>(Attach additional pages as necessary)</i>	<input type="button" value="Add Page"/>	<input checked="" type="checkbox"/> Lost	<input type="checkbox"/> Damaged	<input type="checkbox"/> Destroyed
		<input type="checkbox"/> Organization	<input type="checkbox"/> Installation	<input type="checkbox"/> OCIE

SGT John A. Doe was missing 2 ACU coats, 1 sleeping bag, and 1 entrenching tool at the shift change inventory on 13 February 2015. The missing items are lost. This loss was discovered at the shift change inventory on 13 February 2015. SGT Doe stated that someone must have stolen these items during the night.

Exhibits A through F attached.

# Role and Responsibility of the Initiator

## ***Block 10 – Actions taken to correct circumstances reported in block 9 and prevent future occurrences.***

- Initiators (hand receipt holders or accountable officers) and when appropriate the investigating officer enters what actions have been initiated or what action they recommend be taken to preclude further losses or damage of the equipment type identified in this investigation.
- If space on the form is insufficient, added pages may be used. If added pages are used, list their use by entering “**see added page(s) attached**” in this block.

### **10. ACTIONS TAKEN TO CORRECT CIRCUMSTANCES REPORTED IN BLOCK 9 AND PREVENT FUTURE OCCURRENCES** *(Attach additional pages as necessary)*

Continue to reinforce the necessity for individuals to guard or secure equipment items at all times.

Add Page

# Role and Responsibility of the Initiator

## **Block 11 – Individual completing blocks 1 through 10.**

- If the responsible officer completed blocks 1 through 10, leave blank.

### **Otherwise complete as follows:**

- (a) *Organization address*
- (b) *Typed name (last, first, middle initial)*. Enter the full name, rank, and position of the individual that completed blocks 1 and 3 through 10.
- (c) Enter the telephone number of the individual identified in block 11b.
- (d) *Signature*. The individual identified in block 11b enters their signature.
  - Digital signature may be used if DD Form 200 is electronically produced.
- (e) *Date signed*. Enter the date the individual identified in block 11b signed in block 11d.

11. INDIVIDUAL COMPLETING BLOCKS 1 THROUGH 10		
a. ORGANIZATIONAL ADDRESS ( <i>Unit Designation, Office Symbol, Base, State/Country, ZIP Code</i> ) EUSA-BD-A A Company, 234th Engineer Battalion Fort Knox, KY 40121	b. TYPED NAME ( <i>Last, First, Middle Initial</i> ) Stallone, Sylvester, A., SSG, Squad Leader	c. DSN NUMBER 123-345-7890
	d. SIGNATURE	e. DATE SIGNED 20150214

# Role and Responsibility of the Responsible Officer

**Block 12 – (X one).**

12. (X one)	x	RESPONSIBLE OFFICER (PROPERTY RECORD ITEMS)	REVIEWING AUTHORITY (SUPPLY SYSTEM STOCKS)
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**(a) Responsible officer (property record items).** For losses, damage, or destruction of property at the using unit level check responsible officer (individual assigned direct responsibility).

By virtue of assignment, the responsible officer is usually a PBO or other accountable officer, a unit commander, or head of an activity and has been formally assigned to their position in writing.

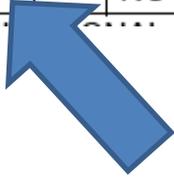
**(b) Reviewing authority (supply systems stocks).** For losses, damage, or destruction of property at the supply support activity (SSA), check reviewing authority.

# Role and Responsibility of the Responsible Officer

***Negligence or abuse evident and/or suspected (X one).***

- The responsible officer or the reviewing authority, checks the “yes” or “no” block indicating whether negligence or willful misconduct is suspected.
- In the event negligence or willful misconduct is suspected, the commander’s rationale for determining why further investigation is warranted *will be documented in writing in block 12b.*

12. (X one)	<input checked="" type="checkbox"/>	RESPON
a. NEGLIGENCE OR ABUSE EVIDENT/ SUSPECTED (X one)		
<input checked="" type="checkbox"/>	YES	<input type="checkbox"/> NO

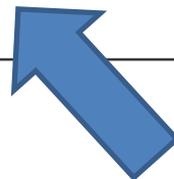


# Role and Responsibility of the Responsible Officer

## *Comments and/or recommendations.*

- Enter the rationale for the determination made in block 12a and recommendations.
- Show all exhibits initially attached; for example “Exhibits A through D attached.”
- If space on the form is insufficient, added pages may be used.
- If added pages are used, list their use by entering “**see added page(s) attached**” in this block.

12. (X one)	<input checked="" type="checkbox"/>	RESPONSIBLE OFFICER (PROPERTY RECORD ITEMS)	REVIEWING AUTHORITY (SUPPLY SYSTEM STOCKS)
a. NEGLIGENCE OR ABUSE EVIDENT/ SUSPECTED (X one)		b. COMMENTS/RECOMMENDATIONS Request Investigation to ensure all policy and procedures were followed.	
<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Exhibits A through D attached.	



# Role and Responsibility of the Responsible Officer

**Complete Blocks 12 (c) through (g) as follows:**

- (a) *Organization address*
- (b) *Typed name (last, first, middle initial)*. Enter the full name, rank, and position of the individual that completed this section.
- (c) Enter the telephone number of the individual identified in block 12d.
- (d) *Signature*. The individual identified in block 12d enters their signature.
  - Digital signature may be used if DD Form 200 is electronically produced.
- (e) *Date signed*. Enter the date the individual identified in block 12d signed the form.

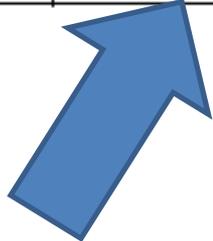
c. ORGANIZATIONAL ADDRESS ( <i>Unit Designation, Office Symbol, Base, State/Country, ZIP Code</i> ) EUSA-BD-A 234th Engineer Battalion Fort Knox, KY 40121	d. TYPED NAME ( <i>Last, First, Middle Initial</i> ) Norris, Chuck, P., MAJ Commanding f. SIGNATURE	e. DSN NUMBER 098-765-4321 g. DATE SIGNED 20150220
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# Role and Responsibility of the Appointing Authority

## ***Block 13 – Appointing authority.***

- An appointing authority, initially makes a decision based upon the available evidence whether to appoint a financial liability investigating officer by choosing the correct block in 13c.

c. FINANCIAL LIABILITY OFFICER APPOINTED (X one)	
<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO



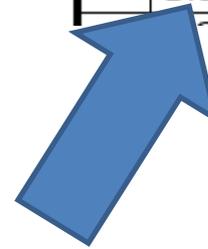
Block 13(c) allows the appointing authority to appoint an investigating officer. If this is not properly completed, there is no actual appointment or legal basis for the initiation of an investigation.



# Role and Responsibility of the Appointing Authority

- The appointing authority makes a recommendation to approve or disapprove the findings in blocks 9 and 10; or
- Following an investigation, if an investigation is necessary, the appointing authority makes a recommendation whether to approve or disapprove the financial liability investigating officer's findings.

13. APPOINTING AUTHORITY	
a. RECOMMENDATION (X one)	b. R S
<input checked="" type="checkbox"/> APPROVE	
<input type="checkbox"/> DISAPPROVE	



# Role and Responsibility of the Appointing Authority

If an investigating officer is required, **the appointing authority completes a memorandum** appointing the financial liability investigating officer.

**AR 735-5 requires the appointing authority to complete a memorandum appointing a financial liability investigating officer.**



 DEPARTMENT OF THE ARMY  
ORGANIZATION  
STREET ADDRESS  
CITY STATE ZIP

OFFICE SYMBOL \_\_\_\_\_ (Date) \_\_\_\_\_

MEMORANDUM FOR: (Individual concerned)

SUBJECT: Appointment of Investigating Officer

1. You are hereby appointed an investigating officer pursuant to AR 735-5, paragraph 13-24, to conduct an investigation of property loss. Your task in conducting an investigation of property loss is to determine whether someone's negligence or willful misconduct was the proximate cause of the (loss, damage, or destruction). If an individual was negligent, and that negligence was the cause of the (loss, damage, or destruction), it is appropriate to recommend assessment of financial liability against that individual.
2. Whenever it is necessary to advise a witness or respondent of their rights under the Uniform Code of Military Justice, Article 31b, you should consult with the servicing Office of the Judge Advocate prior to questioning that individual.
3. Submit your findings and recommendations on DD Form 200, block 15 to this office by (enter date). In the event you are unable to meet the above suspense date, prepare a written statement explaining the reason for the delay and attach it to the investigation of property loss as an exhibit.

Approving or Appointing Authority's  
Signature Block  
Signature \_\_\_\_\_

# Role and Responsibility of the Financial Liability Officer

- A financial liability officer's responsibility is to determine the cause and value of the loss or damage of Government property listed on the DD Form 200, and to determine if assessment of financial liability is warranted.
- Individuals may be held financially liable for the loss or damage of Government property if they were negligent or have committed willful misconduct, and their negligence or willful misconduct is the proximate cause of that loss or damage.

# Role and Responsibility of the Financial Liability Officer

The following legal standards and definitions, found in AR 735-5, are used in determining financial liability:

**Culpability** – Before a person can be held financially liable, the facts must show that they, through negligence or willful misconduct, violated a particular responsibility or duty involving the property (paragraph 13-29(b)(1)).

**Simple Negligence** – The absence of due care, by an act or omission of a person which lacks that degree of care for the property that a reasonably prudent person would have taken under similar circumstances, to avoid the loss or damage of Government property (paragraph 13-29(b)(2)).

**Gross Negligence** – An extreme departure from due care resulting from an act or omission of a person accountable or responsible for Government property which falls far short of that degree of care for the property that a reasonably prudent person would have taken under similar circumstance. It is accompanied by a reckless, deliberate or wanton disregard for the foreseeable loss or damage to the property (paragraph 13-29(b)(3)).

**Willful misconduct** – Any intentional wrongful or unlawful act or omission relating to Government property (paragraph 13-29(b)(5)).

The Investigating Officer will often fail to address the legal standard and/or fail to show negligence when recommending financial liability.



# Role and Responsibility of the Financial Liability Officer

## Conducting the investigation

- Interview and obtain statements from all individuals whose useful testimony may assist in deciding the cause of, or responsibility for, the LDDT of the property listed on the DD Form 200.
- Before obtaining a statement from a Soldier against whom financial liability may be imposed, provide them with a Rights Warning (DA Form 3881).

**It is harmful error if the investigating officer fails to provide a Rights Warning (DA Form 3881) to a Soldier against whom financial liability may be imposed prior to obtaining their statement.**



# Role and Responsibility of the Financial Liability Officer

## Conducting the investigation

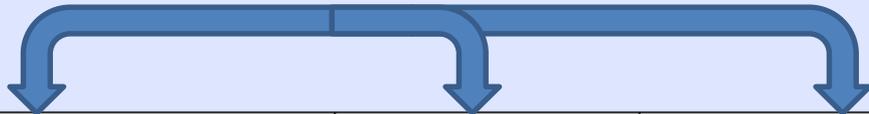
- Statements and other evidence provided by persons who were responsible for the property listed on a DD Form 200 **may be self-serving**.
  - The financial liability officer must confirm, through the use of other independent statements and evidence, that such statements and evidence are factual.
  - The evidence provided by different persons may conflict. **The financial liability officer must resolve conflicts** and determine the true facts, as far as possible, by comparing the conflicting versions with other known facts, surrounding circumstances, and common sense.
- 
- The financial liability officer's findings often rely solely upon self-serving statements in block 9 of DD Form 200, and fail to confirm that such statements are factual with independent statements.
  - The financial liability officer often fails to address and resolve conflicting statements when making a recommendation.



# Role and Responsibility of the Financial Liability Officer

## Findings and Recommendations

The financial liability officer will enter findings and recommendations on DD Form 200, block 15a (or use an attached memo) and will complete block 15b through block 15k.

15. FINANCIAL LIABILITY OFFICER		
a. FINDINGS AND RECOMMENDATIONS <i>(Attach additional pages as necessary)</i> <span style="float: right;">Add Page</span>		
SEE ATTACHED MEMO		
		
b. DOLLAR AMOUNT OF LOSS	c. MONTHLY BASIC PAY	d. RECOMMENDED FINANCIAL LIABILITY
298.95	2,555.10	298.95
e. ORGANIZATIONAL ADDRESS <i>(Unit Designation, Office Symbol, Base, State/Country, ZIP Code)</i>	f. TYPED NAME <i>(Last, First, Middle Initial)</i>	g. DSN NUMBER
EUSA-BD-A A Company, 234th Engineer Battalion Fort Knox, KY 40121	Van Damme, Jean C., 1LT	222-456-3456
	h. DATE SUBMITTED TO APPOINTING AUTHORITY (YYYYMMDD)	i. DATE APPOINTED (YYYYMMDD)
	20140310	20140310
	j. SIGNATURE	k. DATE SIGNED
		20140310



The financial liability officer often fails to complete blocks b through d.

# Role and Responsibility of the Financial Liability Officer

## Findings and Recommendations

The financial liability officer will enter the following information in block 15 b through d:

- The dollar amount of the loss;
- The Basic Pay of the person against whom financial liability is recommended;
- The Dollar amount of the financial Liability.

b. DOLLAR AMOUNT OF LOSS	c. MONTHLY BASIC PAY	d. RECOMMENDED FINANCIAL LIABILITY
298.95	2,555.10	298.95

If depreciation is allowed, compute the depreciated value of the property as shown in Appendix B of AR 735-5. Enter the dollar amount of the loss in block 15b.



# Role and Responsibility of the Financial Liability Officer

## When Financial Liability is Recommended

- Before forwarding the DD Form 200 to the appointing or approving authority, the person against whom a recommendation to assess financial liability is made a must be given a chance to examine the DD Form 200 after the findings and recommendations have been recorded;
- The financial liability officer will give this individual an opportunity to make a rebuttal statement on their behalf.

The financial liability officer often fails to provide (or attempt to provide) the person facing financial liability with the opportunity to review the evidence and the opportunity to make a rebuttal statement.



# Role and Responsibility of the Financial Liability Officer

## When Financial Liability is Recommended

**The financial liability officer will notify the individual by memorandum that they have the right—**

- (1) To inspect and copy Army records relating to the debt.
- (2) To legal advice as authorized by AR 27–3.
- (3) To submit a statement and other evidence in rebuttal of the financial liability officer's recommendation.

**The financial liability officer will—**

- (1) Explain to the individual recommended for a charge of financial liability, the consequences of the recommendation, if approved.
- (2) Explain to the individual the significance of any rebuttal statement submitted by them regarding the possible assessment of financial liability.
- (3) Consider and attach as an exhibit to the DD Form 200 any statement the individual desires to submit.

The financial liability officer often fails to notify the individual of their right to inspect the records, the right to legal advice, and the right to submit a rebuttal statement.



# Role and Responsibility of the Financial Liability Officer

## When Financial Liability is Recommended

- The financial liability officer will ensure the respondent completes DD Form 200, blocks 16a through 16h.
- A copy of the memorandum explaining the individual's rights will be attached to the DD Form 200 as an exhibit.
- If more than one individual is recommended for assessment of financial liability, the financial liability officer will prepare an additional page for each individual being recommended; containing the data normally placed in blocks 16a–h, and attaches them to the DD Form 200.

The purpose of this section is to ensure that the respondent receives proper notice. When a Soldier is AWOL or out of the military, and unable to be reached, the notice requirement is fulfilled by sending the Soldier the notice memo via certified mail return receipt requested. Proof of such notice must be attached to the DD 200 as an exhibit.



# Role and Responsibility of the Appointing Authority

## **Appointing authority's review of financial liability investigations of property loss**

- Brigade and battalion commanders and other appointing officials will personally review all financial liability investigations of property loss arising within their command or authority.
- The exception involves financial liability investigations of property loss listing property for which the appointing authority has either personal responsibility or accountability. In this instance, the appointing authority will forward the DD Form 200 with all exhibits to the approving authority without action.

# Role and Responsibility of the Appointing Authority

## Appointing authority's review of FLIPL Investigations

The appointing authority will make an administrative check to determine if all pertinent instructions have been followed, using DA Form 7531 as a Checklist.

**The appointing authority, using and completing section F of checklist and tracking document will further check to ensure the investigation—**

- (1) Resolves contradictory statements.
- (2) Confirms or refutes self-serving statements.
- (3) Reflects clearly stated findings from documented evidence.
- (4) Presents sound and logical conclusions and recommendations based on the findings and the policy contained in this regulation.
- (5) Reflects that individuals have received counseling, advisement of their rights, and an opportunity to rebut on their behalf.
- (6) Reflects correct computation of financial charges.
- (7) If late, contains statements of delay attached as exhibits.
- (8) Reflects initials on all changes and minor corrections that support authenticity and clear doubt.
- (9) Reflects an unbiased investigation.

# Role and Responsibility of the Appointing Authority

- Following an investigation, the Appointing Authority provides a recommendation in Block 13a.
- The appointing authority enters his or her rationale, to justify the checked approved or disapproved in block 13a.
- If space on the forms is insufficient, added pages may be used. If added pages are used, list their use by entering “**see added page(s) attached**” in this block.

13. APPOINTING AUTHORITY	
a. RECOMMENDATION ( <i>X one</i> )	b. COMMENTS/RATIONALE
<input checked="" type="checkbox"/> APPROVE	Recommend approval of the financial liability investigation officer's findings to hold SGT Doe financially liable for failing to properly secure Government equipment.
<input type="checkbox"/> DISAPPROVE	

# Role and Responsibility of the Appointing Authority

Following the investigation or if no further investigation is required, the appointing authority completes blocks 13a–b and 13d–h.

13. APPOINTING AUTHORITY		
a. RECOMMENDATION (X one)	b. COMMENTS/RATIONALE Recommend approval of the financial liability investigation officer's findings to hold SGT Doe financially liable for failing to properly secure Government equipment.	c. FINANCIAL LIABILITY OFFICER APPOINTED (X one)
<input checked="" type="checkbox"/> APPROVE <input type="checkbox"/> DISAPPROVE		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
d. ORGANIZATIONAL ADDRESS (Unit Designation, Office Symbol, Base, State/Country, ZIP Code) EUSA-BD-A 234th Engineer Battalion Fort Knox, KY 40121	e. TYPED NAME (Last, First, Middle Initial) Schwarzenegger , Arnold, A. LTC Commanding	f. DSN NUMBER 000-222-5566
	g. SIGNATURE	h. DATE SIGNED 20150310

# Role and Responsibility of the Approving Authority

- An approving authority does the job of the appointing authority in cases where there is no appointing authority or in cases where the appointing authority has either personal responsibility or accountability of the lost or damaged property.
- Generally, the approving authority will receive the DA 200 and all exhibits along with the recommendations of the financial liability officer and the appointing authority.
- Following the completion of the investigation or if no further investigation is required, the approving authority completes blocks 14a-h.
- The Approving Authority provides a recommendation in Block 14a.

<b>14. APPROVING AUTHORITY</b>	
a. RECOMMENDATION (X one)	
<input checked="" type="checkbox"/>	APPROVE
<input type="checkbox"/>	DISAPPROVE



# Role and Responsibility of the Approving Authority

## LEGAL REVIEW

If the approving authority believes that financial liability is appropriate, they will obtain a legal opinion as to the legal sufficiency of the investigation **prior to determining whether to assess financial liability.**



# The Legal Review

## What are the Lawyers Looking For???

Did the Investigating Officer address the following legal standards and definitions, found in AR 735-5, to determine financial liability:

**Culpability** – Before a person can be held financially liable, the facts must show that they, through negligence or willful misconduct, violated a particular responsibility or duty involving the property (paragraph 13-29(b)(1)).

**Simple Negligence** – The absence of due care, by an act or omission of a person which lacks that degree of care for the property that a reasonably prudent person would have taken under similar circumstances, to avoid the loss or damage of Government property (paragraph 13-29(b)(2)).

**Gross Negligence** – An extreme departure from due care resulting from an act or omission of a person accountable or responsible for Government property which falls far short of that degree of care for the property that a reasonably prudent person would have taken under similar circumstance. It is accompanied by a reckless, deliberate or wanton disregard for the foreseeable loss or damage to the property (paragraph 13-29(b)(3)).

**Willful misconduct** – Any intentional wrongful or unlawful act or omission relating to Government property (paragraph 13-29(b)(5)).

Does the Investigation contains mistakes or errors (noted in this guide) that preclude the package from being legally sufficient?

# Role and Responsibility of the Approving Authority

After Legal Review is complete and an opinion as to the legal sufficiency is received by the Approving Authority, he or she will check the appropriate box in Block 14 (c).

c. LEGAL REVIEW COMPLETED IF REQUIRED ( <i>X one</i> )			
<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A	

FORM NUMBER



# Role and Responsibility of the Approving Authority

- The approving authority makes a recommendation to approve or disapprove the findings in blocks 9 and 10 or following an investigation, whether to approve or disapprove the financial liability investigating officer's or appointing authority's findings.
- When there is insufficient space in block 14, use an added page and type **“see added page.”**
- When the approving authority decides to approve charges of financial liability against an individual, the approving authority will enter “Approved to hold (insert name, rank, and SSN) financially liable in the amount entered in block 15d.” Also enter the respondent's basic pay at the time of loss or damage.

14. APPROVING AUTHORITY	
a. RECOMMENDATION ( <i>X one</i> )	b. COMMENTS/RATIONALE
<input checked="" type="checkbox"/> APPROVE	Approve to hold SGT John A. Doe, XXX-XX-3456, financially liable in the amount entered in Block 15d. SGT Doe's basic pay at the time of the loss was \$2,555.10.
<input type="checkbox"/> DISAPPROVE	

# Role and Responsibility of the Approving Authority

**When Approving Authority finds investigation is complete.**

When the approving authority determines the financial liability investigation is complete, the approving authority will adopt the recommendations of the financial liability investigating officer or appointing authority by checking the approve box in block 14a and complete blocks 14b through 14h.

14. APPROVING AUTHORITY		
a. RECOMMENDATION <i>(X one)</i> <input checked="" type="checkbox"/> APPROVE <input type="checkbox"/> DISAPPROVE	b. COMMENTS/RATIONALE Approve to hold SGT John A. Doe, financially liable in the amount entered in Block 15d. SGT Doe's basic pay at the time of the loss was \$2,555.10.	c. LEGAL REVIEW COMPLETED IF REQUIRED <i>(X one)</i> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
d. ORGANIZATIONAL ADDRESS <i>(Unit Designation, Office Symbol, Base, State/Country, ZIP Code)</i> EUSA-BD-A 1st BCT, 2nd Infantry Division Fort Knox, KY 40121	e. TYPED NAME <i>(Last, First, Middle Initial)</i> Willis, Bruce, H. COL Commanding g. SIGNATURE	f. DSN NUMBER 222-555-6677 h. DATE SIGNED 20150315

# Role and Responsibility of the Approving Authority

- Following the investigation, in cases where the approving authority decides to relieve all concerned from financial liability, they will enter the following statements **“All concerned are relieved from financial liability of the property listed on this financial liability investigation of property loss.”**
- The approving authority will clearly state the mitigating circumstances that justify waiving any or all financial liability in the comments and/or rationale (block 14b) or on a separate memorandum for record.
- If a separate memorandum is used, add the statement, **“See separate memorandum for rationale of financial liability waiver”** in block 14b.

# QUESTIONS???

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