

## ARMY SERVICE COMPLAINT (SC) CASE SUMMARY 6 – OTHER

### FINAL DECISION LETTER ISSUED IN 2019

#### DECISION BY DECISION BODY (DB)

##### Complaint

The Regular Reserve officer alleged he had been wronged when Major Administrative Action (MAA) was taken against him as the process was unfair, biased and correct procedures were not followed, and he was told his Full Time Reserve Service employment would be terminated. This made private legal advice necessary and the complainant wanted his costs refunded.

##### Investigation

The investigation found that MAA was taken because of inappropriate Facebook posts. The complainant agreed he had breached the Service Test and accepted the sanctions awarded but continued to post comments. The complaint was related to the initial MAA process and being told to resign his commission by his CO and others in the unit.

##### Decision

The DB did **Not Uphold** the complaint, so no Redress was awarded.

##### Service Complaints Ombudsman for the Armed Forces (SCOAF)

Involvement: No

#### DETERMINATION BY APPEAL BODY

##### Reason for Appeal

The complainant felt that procedural failings in the MAA investigation had not been addressed.

##### Investigation

Additional evidence was requested to supplement the DB's investigation and was disclosed as appropriate.

#### Appeal Body Determination

The Appeal Body determined there were procedural failings in the MAA investigation leading to a prejudgment of the outcome, which damaged irreparably the conduct of the MAA. This made it likely that the complainant felt the case against him was prejudiced and that he needed legal advice. Although the MAA found the complainant had failed to adhere to the Army's values and standards in his use of Facebook, the Appeal Body determined that he had been **wronged** by the errors and prejudgement of the MAA which forced him to seek legal advice at his own expense.

##### Redress

The Appeal Body apologised to the complainant for the failures in the MAA administration and directed that disciplinary action should be considered against the CO. As the SC system is unable to award monies for personal injury, the request for legal costs and damages was not met.

**SCOAF Involvement:** An application for investigation of maladministration or substance was **not** made.