

**7.A.4.a. Time Limit**

A complaint pursuant to this chapter must be submitted to a superior commissioned officer within 90 days of the date of discovery of the alleged wrong, and the complainant must have requested in writing redress from his or her commanding officer and have been refused. A complaint that on its face, or after investigation or informal inquiry, is not directed at a commanding officer as defined in subparagraph 7.A.2.c above, or in which there has been no written request for redress and denial thereof, may be returned by the OEGCMJ upon advice of his or her SJA without action and with a statement as to the reason for the return. The OEGCMJ may waive the 90-day time limit and the requirement for written request for redress and denial thereof for good cause and action on the complaint by the OEGCMJ constitutes such waiver. The period during which the commanding officer considers the request for redress will not be included in computing the 90-day period.

**7.A.4.b. Commanding Officer's Reply**

The commanding officer shall reply to the request for redress without undue delay and, if redress is denied, shall inform the member that a complaint may be forwarded to the OEGCMJ.

**7.A.4.c. Subsequent Action by Complainant**

Article 138, UCMJ does not give complainants the right to participate in subsequent action on their complaints; the government is charged with acting for them. Complainants may be questioned in the course of the inquiry or investigation conducted as a result of their complaint and may be requested to submit clarifying or explanatory statements for consideration.

**7.A.4.d. Complaints Not Cognizable Under Article 138, UCMJ**

Article 138, UCMJ places principal responsibility for the resolution of complaints with the OEGCMJ and requires that he or she take proper measures for their redress. In many cases, there already exist by law or regulation specific channels to accomplish this objective. Such areas include, but are not limited to:

- (1) Actions taken pursuant to the Uniform Code of Military Justice, MCM, or military criminal law regulations subject to resolution by:
  - (a) Application to the appropriate commander, such as in cases of clemency;
  - (b) Pretrial motion to the convening authority or military judge; or
  - (c) Other administrative or judicial action