(d) **Command action declined.** Dispositions in this category come from an Unrestricted Report that was investigated by a MCIO and provided to the appropriate military command for consideration of action, but the commander determined the report was unfounded as to the allegations against the subject of the investigation. Unfounded allegations reflect a determination by command, with the supporting advice of a qualified legal officer, that the allegations made against the alleged offender did not occur nor were attempted. These cases are either false or baseless. Public Law 111–383 requires the reporting of the number of victims associated with this category.

(1) **False cases.** Evidence obtained through an investigation shows that an offense was not committed nor attempted by the subject of the investigation.

(2) **Baseless cases.** Evidence obtained through an investigation shows that alleged offense did not meet at least one of the required elements of a UCMJ offense constituting the SAPR definition of sexual assault or was improperly reported as a sexual assault.

(e) **Subject outside DoD’s legal authority.** When the subject of the investigation or the action being taken are beyond DoD’s jurisdictional authority or ability to act, use the following descriptions to report case disposition. To comply with Public Law 111–383, Services must also identify the number of victims associated with these dispositions and specify when there was insufficient evidence that an offense occurred in the following categories.

(1) **Offender is unknown.** The investigation is closed because no person could be identified as the alleged offender.

(2) **Subject is a civilian or foreign national not subject to UCMJ.** The subject of the investigation is not amenable to military UCMJ jurisdiction for action or disposition.

(3) **Civilian or foreign authority is prosecuting Service member.** A civilian or foreign authority has the sexual assault allegation for action or disposition, even though the alleged offender is also subject to the UCMJ.

(4) **Offender died or deserted.** Commander action is precluded because of the death or desertion of the alleged offender or subject of the investigation.

(f) **Report unfounded by MCIO.** Determination by the MCIO that the allegations made against the alleged offender did not occur nor were attempted. These cases are either false or baseless. Public Law 111–383 requires the reporting of the number of victims associated with this category.

(1) **False cases.** Evidence obtained through a MCIO investigation shows that an offense was not committed nor attempted by the subject of the investigation.

(2) **Baseless cases.** Evidence obtained through an investigation shows that alleged offense did not meet at least one of the required elements of a UCMJ offense constituting the SAPR definition of sexual assault or was improperly reported as a sexual assault.

§ 105.18 **Information collection requirements.**

(a) The DSAID and the DD Form 2910, referred to in this Instruction, have been assigned OMB control number 0704–0482.

(b) The annual report regarding sexual assaults involving Service members and improvement to sexual assault prevention and response programs referred to in §§105.5(f)(22); 105.7(a)(9), 105.7(a)(10), and 105.7(a)(12); 105.9(c)(8)(ii); and 105.16(a) and (d) of this part is submitted to Congress in accordance with section 1631(d) of Public Law 111–383 and is coordinated with the Assistant Secretary of Defense for Legislatives Affair in accordance with the procedures in DoDI 5545.02.

(c) The quarterly reports of sexual assaults involving Service members referred to in §§105.5, 105.7, 105.14, 105.15, and 105.16 of this part are prescribed by DoD 5124.02 and have been assigned a DoD report control symbol in accordance with the procedures in DTM 12–004 and DoD 8910.1–M.

(d) The Service Academy sexual assault survey referred to in §105.16(c) of this part has been assigned DoD report control symbol in accordance with the procedures in DTM 12–004 and DoD 8910.1–M.