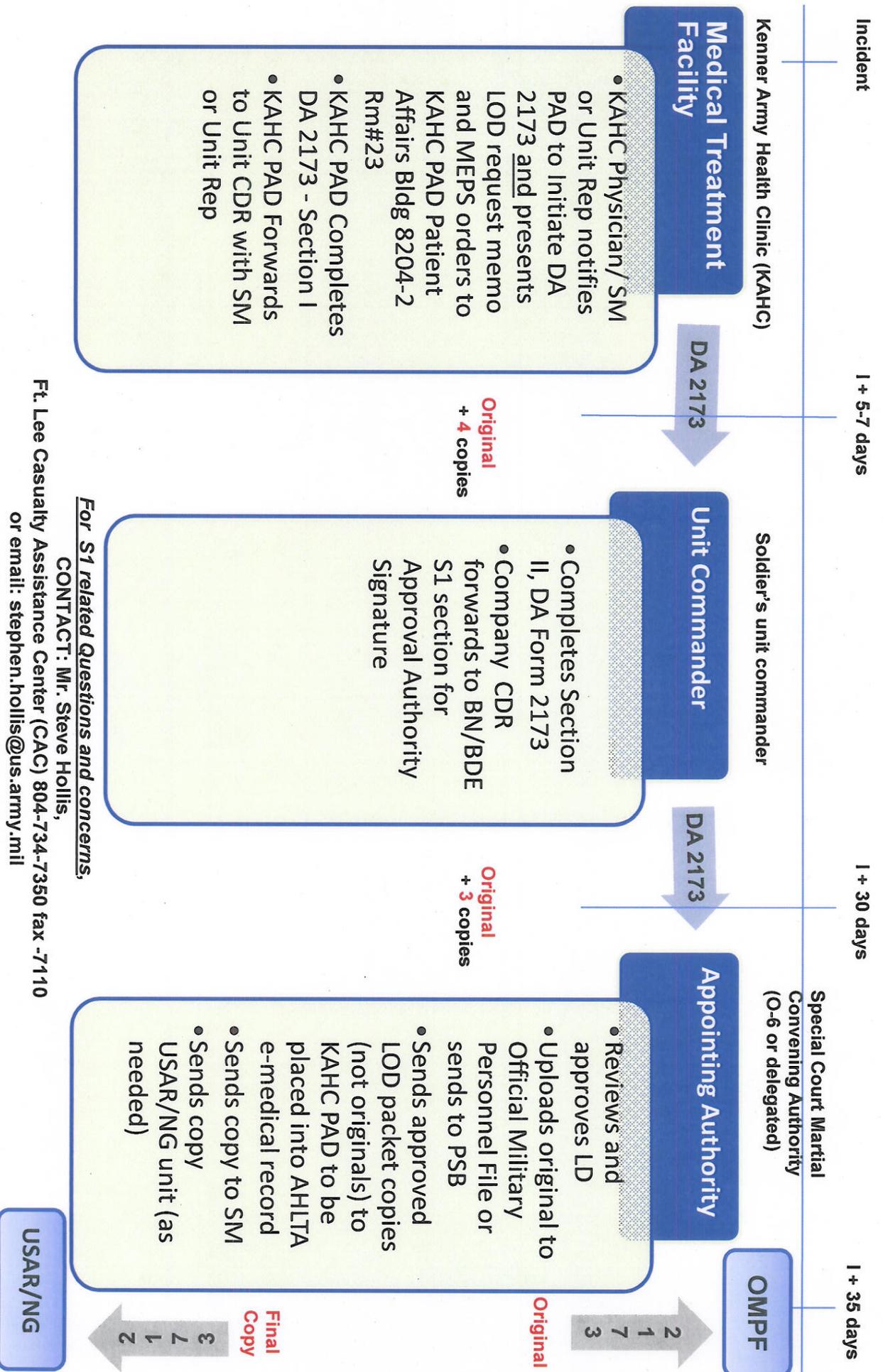


Informal Line of Duty



For S1 related Questions and concerns,

CONTACT: Mr. Steve Hollis,
 Ft. Lee Casualty Assistance Center (CAC) 804-734-7350 fax -7110
 or email: stephen.hollis@us.army.mil

Formal Line of Duty



d + 50 calendar days

d + 60 calendar days

d + 75 calendar days

ORIGINAL - mail

HRC

COPY - scan

CAC

Special Court Martial Convening Authority (O-6 or delegated)

Appointing Authority

- Appoints Investigating Officer (IO) in writing
- Forwards copy of IO appointment orders to CAC
- Briefs IO on responsibilities and timelines

Investigating Officer (IO)

- Receives IO briefing and guide from appointing authority
- Conducts LODI to include inclusion of required docs
- Completes blocks 1-12, DD 261
- Submits LODI to JAG for legal review
- Forwards LODI to appointing authority

50 calendar days

Appointing Authority

- Reviews LD
- Completes block 13, DD 261 to approve or disapprove; indicates reasons on back
- Forwards LODI to final approving authority

10 calendar days

General Court Martial Convening Authority (or delegated)

Final Approving Authority

- Reviews LD for compliance with AR 600-8-4
- Acts as "reviewing authority"
- Completes block 14, DD 261 to approve or disapprove findings of the IO; indicates reasons on back
- Completes block 14h, DD261 as: "SAME AS FINAL APPROVING AUTHORITY"
- Completes block 15, DD261 as "BY SECRETARY OF THE ARMY", adds signature block, and signs
- Mails original to CMAOC; provides a copy to CAC

15 calendar days



Casualty Assistance Center (CAC)

- Receives notification of death from CMAOC
- Contacts PAD to initiate/obtain DA 2173
- Contacts appointing authority about requirement to conduct formal LODI
- Provides LODI guide and sample DD261 to appointing authority

INFORMATION PAPER

IMNE-LEE-HRM
24 May 2010

SUBJECT: Informal Line of Duty Investigations for active duty Soldiers at Fort Lee

1. Purpose. To delineate the roles and responsibilities for agencies involved in processing informal line of duty investigations at Fort Lee.

2. Facts.

a. Line of duty (LD) investigations determine whether misconduct or negligence was involved in the disease, injury, or death. Investigations can be conducted informally by the chain of command where no misconduct or negligence is indicated. The final determination of an information LD can only result in a determination of "in the line of duty."

b. Informal LD investigation. The informal LD investigation typically consists of the DA Form 2173 completed by the Medical Treatment Facility (MTF) and the unit commander and approved by the appointing authority. The LD appointing authority is normally the Special Court Martial Convening Authority (SCMCA) for the Soldier who is subject to the LD investigation; the appointing authority may delegate all duties and responsibilities to the unit S-1 or other appropriate staff officer.

c. Process. The MTF commander initiates and completes section I, DA Form 2173 and sends the original DA Form 2173 to the Soldier's unit commander for completion. The unit commander completes section II, DA Form 2173; attaches supporting documents; and sends the original and two copies to the appointing authority for units in the area in which the incident occurred. If the DA Form 2173 indicates "in line of duty" and "no formal investigation required," it will be reviewed to determine if sufficient evidence exists to support the determination. The appointing authority reviews the LD investigation for completeness and required documents; if approved, the appointing authority annotates the forms as appropriate; retains a copy; and sends the original to the official military personnel file (OMPF) via electronic upload to IPERMS.

d. Enclosure. The enclosure contains a pictorial overview of the information LD process with regulatory roles, responsibilities, and timelines.

- a. Acts as final approving authority for formal LD investigations on behalf of the SA. Reviews LD investigations for compliance with this regulation.
- b. May delegate final approving authority in writing to a field grade officer on the staff of the GCMCA. A copy of the delegation document will be included in all cases where delegated authority has been exercised.
- c. May request approval from HQDA (AHRC-PEZ) that the final approving authority be a general officer in the chain of command who has access to military legal advice but does not have GCMCA.
- d. Except as provided in paragraph 1-14, final approving authority will act as "reviewing authority." The reviewing authority block on DD Form 261 (Report of Investigation — Line of Duty and Misconduct Status) will be annotated, "SAME AS FINAL APPROVING AUTHORITY."

1-11. Appointing authority

The LD appointing authority is normally the Special Court-Martial Convening Authority (SPCMCA) for the soldier who is the subject of the LD investigation. For the ARNG, the LD appointing authority should be a commander of at least a battalion- or squadron-size unit to which the soldier is assigned or attached at the time of the incident.

- a. The appointing authority may approve informal LD investigations except within the ARNG.
- b. The appointing authority may delegate all duties and responsibilities to the unit S-1 or other appropriate staff officer. All delegations will be in writing and will remain valid until revoked in writing. All delegations will be included with the LD investigation report.
- c. If the incident occurs—

(1) While the soldier is away from his or her unit (for example, on leave, in transit, absent without leave (AWOL)), the nearest Army unit with an SPCMCA will appoint and conduct the investigation. For ARNG soldiers who are not Federalized and/or not attending an Active Army Service School, the parent unit is responsible for the investigation.

(2) During a period when the soldier and his or her unit are training or on another exercise away from the parent installation, the unit commander and the parent installation are responsible for conducting the investigation. The host casualty area commander (CAC) and Medical Treatment Facility (MTF) commander will provide supporting documentation as requested.

1-12. Unit commanders

The unit commander will ensure DA Form 2173 (Statement of Medical Examination and Duty Status) is completed promptly and forwarded through channels to the appointing authority.

1-13. Medical Treatment Facility commanders

The MTF commander or an authorized representative (attending physician or patient administrator) will ensure that section 1 of DA Form 2173 is promptly completed when a condition outlined in paragraph 2-3 exists. The MTF commander makes determinations that involve—

- a. Total physical incapacitation of a soldier for more than 24 hours because of the abuse of alcohol or other drugs (para 4-10a).
- b. Conditions that existed prior to service (EPTS) and diseases not related to misconduct or negligence.

1-14. State Adjutants General

The state Adjutants General (AG) will function as the reviewing authority for ARNG.

1-15. Casualty area commander

Each CAC will ensure prompt completion of LD investigations.

Chapter 2

Line of Duty Determinations

2-1. General

Line of duty determinations are essential for protecting the interest of both the individual concerned and the U.S. Government where service is interrupted by injury, disease, or death. Soldiers who are on active duty (AD) for a period of more than 30 days will not lose their entitlement to medical and dental care, even if the injury or disease is found to have been incurred not in LD and/or because of the soldier's intentional misconduct or willful negligence, Section 1074, Title 10, United States Code (10 USC 1074). A person who becomes a casualty because of his or her intentional misconduct or willful negligence can never be said to be injured, diseased, or deceased in LD. Such a person stands to lose substantial benefits as a consequence of his or her actions; therefore, it is critical that the decision to categorize injury, disease, or death as not in LD only be made after following the deliberate, ordered procedures described in this regulation.

Table 3-1
Processing informal investigations—Continued

Person: Individual's unit commander

Action: Complete section 2, DA Form 2173; attach support documents; and send original and 2 copies to the appointing authority for units in the area in which the incident occurred. U.S. Army Reserve units conducting LD investigations will submit the LD investigation to the CAC having jurisdiction over the area where the injury occurred for final processing.

Completion time: 30 calendar days after incident (see note 1).

Person: Appointing Authority

Action: Review the LD investigation for completeness and required documents.

a. If approved, annotate forms as follows (preceded by official designation of headquarters and date, and followed by signature and signature block):

(1) For disease, injury, or death (when appointing authority is the approving authority)—"Reviewed for completeness. In LD," followed by command line of "BY AUTHORITY OF THE SECRETARY OF THE ARMY." Retain 1 copy, send original to official military personnel file (OMPF) as follows: for officers—HQDA (AHRC-MSR), Alexandria, VA 22332-0444; for enlisted—Commander, U.S. Army Enlisted Records and Evaluation Center, Fort Benjamin Harrison, IN 46249-5301; for USAR personnel—Commander, USA HRC, ATTN: ARPC-PASD, 1 Reserve Way, St. Louis, MO 63132-0505; for ROTC cadets—in accordance with AR 145-1. Send 1 copy each to the soldier's unit commander and the final approving authority. (See notes 2 and 3.)

(2) For disease, injury, or death (when appointing authority is not the approving authority), "Reviewed for completeness, In LD," followed by appropriate command line. Send original and 2 copies to the final approving authority.

b. If disapproved, direct a formal LD investigation.

Completion time: 35 calendar days after incident (see note 1).

→ **Person:** Final Approving Authority

Action: Review the LD investigation for completeness and required documents.

a. If approved, annotate as outlined under appointing authority.

(1) For disease or injury—Retain one copy, send original to OMPF, and 1 copy to the soldier's unit commander. An approved copy of LD investigation should be returned to the initiating MTF on all injuries on ARNG and USAR soldiers on AD for 30 days or less, or initial active duty training (IADT), when they are patients. For the ARNG, the final approving authority will retain the original (NGB or State AG). The State AG will indicate final action on all copies retained and forward copies to the U.S. Property and Fiscal Officer (USPFO) of the State, the unit commander for filing in the soldier's military personnel records jacket (MPRJ), and the soldier in accordance with paragraph 3-12. (See notes 2, 3.)

(2) For deaths—Retain 1 copy and send original and 1 copy through casualty reporting channels to HQDA (AHRC-PED-S), Alexandria, VA 22332.

b. If disapproved, return to the appointing authority and direct a formal LD investigation.

Completion time: 40 Calendar days after incident (see note 1).

Notes:

¹ If investigation extends beyond time limits, see paragraph 4-4.

² An extra copy of DA Form 2173 will be prepared for ARNG personnel attending service school under the jurisdiction of the Army or on ADT under the Reserve Enlistment Program of 1963 (REP-63). This copy will be filed in the individual's field MPRJ, which is returned to the State AG at the end of service school or ADT.

³ Accomplish notification actions required by paragraph 3-12.

Section II

Formal Investigations

3-7. Investigating officer

When a formal LD investigation is to be conducted, an IO must be appointed in writing. The IO may be a commissioned officer, warrant officer, or a commissioned officer of another U.S. military service in joint activities where the Army has been designated as the executive agent. The IO will be senior in grade to the soldier being investigated, except where the appointing authority determines that it is impracticable because of military exigencies (but not because of mere inconvenience).

3-8. Investigation

a. The procedures for formal boards of officers and investigations contained in AR 15-6, chapter 5, are not applicable to formal LD investigations. However, the general guidance of AR 15-6, chapter 5, applies unless this regulation provides more specific or different guidance.

b. The IO must be free from bias or prejudice. The IO should never begin the investigation with predetermined ideas as to the cause of the injury, disease, or death. To make a thorough and impartial investigation, the IO should determine the actual facts, not as reported, but as they actually occurred, as far as possible. The IO should then be able to make an intelligent and accurate determination. Promptness is crucial in conducting and completing the investigation. Delays often result in the failure to secure important information.

c. The DA Form 2173 will be prepared as follows: