



Legal Assistance Office
Office of the Staff Judge Advocate

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LINE OF DUTY INVESTIGATIONS

1. What is a line of duty investigation?

If you are sick, injured or killed while on duty, a line of duty investigation may be started to determine whether you committed any misconduct or negligence that contributed to your disease. The investigation may conclude that your misconduct or negligence means the disease, injury, or death did not occur in the line of duty.

If you are found to be not in the line of duty, you may be required to pay for medical care provided to you and you may be denied disability or other benefits. If you are found to be not in the line of duty, you will be given a chance to appeal that finding before a final decision is made on what your duty status was at the time of the incident.

As an active duty Soldier, you are presumed to be in the line of duty. However, that presumption may be refuted if there is substantial evidence contained in the investigation that you were not in the line of duty due to your own misconduct.

2. How do line of duty investigations proceed?

Line of duty investigations may be “informal” or “formal.” Informal investigations are started by a Special Court-Martial Convening Authority (SPCMCA) who is usually the commander of the unit to which the Soldier was assigned or attached at the time of the incident.

In a formal investigation, an Investigating Officer (IO) is formally appointed in writing. The IO may be a commissioned officer or warrant officer. The IO should be a person who is not involved in the facts of the investigation and has no predetermined ideas as to the cause of the injury, disease, or death.



A formal line of duty investigation is required in some situations. For example, it is required when death or injury involves the use of alcohol or other drugs, or when it appears possible the death or injury was possibly self-inflicted.

Generally, intentional misconduct or willful negligence proximately caused an injury, disease, or death, that injury, disease or death is not in the line of duty. Proximate cause means that the injury would not have occurred without the intentional or negligent conduct. Mere violation of military regulation, orders, or instructions, or of civil or criminal laws (if there is no further sign of misconduct) is no more than simple negligence. Simple or ordinary negligence or carelessness, standing alone, does not constitute misconduct.

3. What do I do in a line of duty investigation?

You may be asked about the facts that lead to your illness or injury, but you may not be forced to make a statement relating to the origin, incurrence, or aggravation of the illness or injury. Any statement you make must be voluntary. However, if you choose to make a statement, what you say may become part of the investigation and may affect whether you are found to have been in the line of duty.

You will be informed of the findings of the investigation and will be informed that you have a right to appeal an adverse determination within 30 days after receipt of the notice of the determination. Your appeal must be in writing. However, you are not required to make an appeal. If you fail to submit your appeal within 30 days, the reason for delay must be fully explained and a request for exception to the time limit justified. The appeal must be personally signed by you, unless you are physically unable to sign or are mentally incompetent to do so.

If you are found to have been not in the line of duty, you should schedule an appointment with a legal assistance attorney at the Joint Base Lewis-McChord Legal Assistance Office. A legal assistance attorney can guide you through the process and help you with your appeal. It is important to schedule as soon as possible as there is a two week scheduling period and the attorney will want as much time as possible to help you.