



## **OFFICE OF THE JUDGE ADVOCATE GENERAL LEGAL ASSISTANCE POLICY DIVISION**



### **LINE OF DUTY INVESTIGATION**

A Line of Duty Determination (LOD) is used to determine the duty status of a Soldier and whether misconduct was involved when a Soldier experiences a loss of duty time for a period of more than 24 hours. Additionally, the LOD investigation will assist in determining if a Soldier who becomes sick or injured, while on active-duty or during an excused absence, is entitled to certain benefits, including pay, allowances, if the Soldier's injuries or illness are not the result of the Soldier's "intentional misconduct or willful negligence." A Line of Duty investigation is the process to determine if the Soldier's intentional misconduct or willful negligence was the proximate cause of the illness or injury, and the Soldier is not entitled to benefits. A Line of Duty investigation will also be conducted in the event of the death of a Soldier.

**Q: What is the procedure for a Line of Duty determination?**

**A:** When any Soldier becomes sick or injured, and unable to perform their regular duties, the Company Commander will normally complete a report, online, and finds the Soldier's condition "in the line of duty." This is done without an investigation, or after an informal investigation.

If the Commander believes there is a question that the Soldier's illness or injury was caused by the Soldier's own intentional misconduct or willful negligence, or if a death has occurred, an investigating officer will be appointed, and a formal investigation will be conducted. There will also be a formal investigation if intemperate use of drugs or alcohol is suspected, or if there is a self-inflicted wound. **A formal investigation is an extremely serious matter: it could lead to the loss of benefits.**

**Q: What determinations can be made in a Line of Duty investigation?**

**A:** There are three possible outcomes:

1. **(LD)** – "In Line of Duty" – the Soldier was acting properly and not with intentional misconduct or willful negligence, and is qualified for all benefits;
2. **(NLD-NDOM)** – "Not in Line of Duty - Not Due to Own Misconduct" – the Soldier was absent without leave (AWOL) and not of unsound mind and dies, or becomes sick or is injured and the Soldier is not qualified for benefits; or
3. **(NLD-DOM)** – "Not in the Line of Duty - Due to Own Misconduct" – the Soldier's condition was the result of intentional misconduct or willful negligence, and the Soldier is not entitled to benefits. An example would be, if a Soldier intentionally shot himself, or drove recklessly or drove while intoxicated and was injured.

**Q: What are the grounds for finding intentional misconduct or willful negligence?**

**A:** An injury, disease, or death is presumed to be in the line of duty unless refuted by substantial evidence contained in a formal investigation. The evidence examined varies from case to case.

**Q: If I am an active duty, and become sick or injured, due to my own willful misconduct or intentional negligence, will I lose my medical and dental benefits?**

**A:** No. "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). AR 600-8-4, para. 2-1." However, Reservists and National Guardsmen conducting Inactive Duty Training, or who are on active duty for 30 days or less may lose medical benefits.

**Q: What are the consequences for a Soldier and the Soldier's family, if they are found "not in the line of duty"?**

**A:** In addition to a loss of pay and allowances, a finding of "not in the line of duty" in an injury case could result in additional enlistment time to complete an enlistment contract, and the forfeiture of disability compensation. The time that a Soldier was unable to perform their normal duties due to injuries caused by their intentional misconduct or willful negligence, or intemperate use of drugs or alcohol can be deducted from periods of service that would qualify a Soldier for increased pay and allowances (longevity pay) or periods needed to retire or retire at a specific rank.

A "not in the line of duty" determination can also adversely affect your family members. In death cases, benefits include Survivor Benefit Plan (SBP), Dependent Indemnity Compensation (DIC) as well as Veterans Administration (VA) educational benefits. These benefits will not be paid to family members in cases where the Soldier was found not in the line of duty due to his or her own misconduct. However, the VA makes its own determinations, based on its own regulations.

For more information regarding LODs, please contact your local legal assistance office to speak with an attorney.

*Updated Sep 24*