

LINE OF DUTY DETERMINATIONS

A Line of Duty (LOD) determination is an administrative tool for determining a member's duty status at the time an injury, illness, disability, or death is incurred. On the basis of the LOD determination, the member may be entitled to benefits administered by the Air Force, or exposed to liabilities. The key is the nexus between the injury, illness, disability, or death and the member's duty status.

LIMITS ON USE OF LOD DETERMINATION

- An LOD Determination shall not be used as disciplinary action against a member
- An active duty member cannot be denied medical treatment based on an LOD determination. Moreover, an LOD determination does not authorize the United States to recoup the cost of medical care from the active duty member
- An LOD determination may impact the following
 - Disability retirement and severance pay
 - Extension of enlistment
 - Veteran benefits
 - Survivor Benefit Plan
 - Medical benefits and incapacitation pay for members of the Air Reserve Component (ARC)
 - Basic Educational Assistance Death Benefit

WHEN LOD DETERMINATIONS ARE REQUIRED

- The LOD process must be initiated when a member, whether hospitalized or not, has an illness, injury or disease that results in
 - Inability to perform military duties for more than 24 hours
 - Likelihood of permanent disability
 - Death of a member (in every case where a member dies on active duty, at a minimum, an AF Form 348 must be completed; an administrative determination is not sufficient in a case of death)
 - Medical treatment of an ARC member regardless of the member's ability to perform military duties
 - The likelihood of an ARC member applying for incapacitation pay

POSSIBLE LOD DETERMINATIONS

- Existed Prior to Service (EPTS), LOD Not Applicable: Medical diagnosis determined that the death, illness, injury or disease, or the underlying condition causing it, existed before the member's entry into military service or between periods of service and was not aggravated by service

- In Line of Duty: Presumed unless disease, death, illness, or injury occurred while member was absent without authority (AWOA) or as a result of member’s misconduct
- Not In Line of Duty, Due to Own Misconduct: A formal investigation determined that the member’s illness, injury, disease, or death was proximately caused by the member’s own misconduct (regardless of whether member was absent without authority)
- Not In Line of Duty, Not Due To Own Misconduct: A formal investigation determined that the member’s illness, injury, disease, or death occurred while the member was absent from duty

PRESUMPTION OF LOD STATUS

- An illness, injury, disease or death sustained by a member in an active duty status or in inactive duty training (IDT) status is presumed to have occurred in the line of duty. However, this presumption can be rebutted

TYPES OF LOD DETERMINATIONS

- Administrative determinations are made by a medical officer. If the medical officer determines that the condition existed prior to service, the medical officer simply annotates the member’s medical record with an entry of “EPTS, LOD Not Applicable.” If the illness, injury, disease or death falls into one of the following conditions, the medical officer makes an administrative determination by finding the member’s condition to be “in the line of duty”: incurred as a passenger in a common carrier or military aircraft; characterized as a hostile casualty; an illness or disease clearly not involving misconduct or caused by abuse of drugs or alcohol; or a simple injury which is not likely to result in permanent disability
- Informal determinations are processed on AF Form 348 and initiated when an administrative determination is not appropriate. The commander investigates the circumstances of the case to determine if the member’s illness, injury, disease or death occurred while the member was absent without authority, or is due to the member’s own misconduct
- Formal determinations are initiated with an AF Form 348, but also include an investigation report and a DD Form 261
 - Required to support a determination of “Not in Line of Duty”
 - Immediate commander will recommend a formal determination when the illness, injury, disease, or death occurred
 - Under strange or doubtful circumstances, or due to member’s misconduct or willful negligence
 - While the member was absent without authority
 - Under circumstances the commander believes should be fully investigated
 - The commander forwards AF Form 348 to the SJA for review for legal sufficiency

LOD AND MISCONDUCT DETERMINATIONS FOR VARIOUS SITUATIONS

- See Attachment 5, AFI 36-2910, for appropriate guidance and rules. Some of these rules are based on historic precedents. For more in-depth research, check the Digest of Opinions of The Judge Advocate Generals of the Armed Forces

References:

AFI 36-2910, *Line of Duty (Misconduct) Determination*, 4 October 2002

AFI 36-3002, *Casualty Services*, 26 August 1994