

## MILPERSMAN 1770-060

### JUDGE ADVOCATE GENERAL MANUAL (JAGMAN) REPORTING REQUIREMENTS FOR LINE OF DUTY (LOD) DETERMINATIONS IN DEATH CASES

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<b>Reference</b>	(a) JAGINST 5800.7G, (b) OPNAVINST F3100.6J
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1. **Reporting Requirements.** Per reference (a), chapter II, part E, section 0212b, commands are required to make a line of duty (LOD) determination based on the findings of at least a preliminary inquiry for all active duty Service member deaths to include reservists who die while serving on active duty. LOD determinations must be reported to Navy Personnel Command Navy Casualty Assistance Office (PERS-00C) to determine the Service member's eligibility for survivor benefits. Commands required to make an LOD determination must review reference (a), chapter II, part E in its entirety. This article does not include all of the requirements listed within that section.

2. **LOD Determinations.** Once the investigation is complete, the findings must determine whether the Service member's death was in the line of duty and not due to member's own misconduct; not in the line of duty and not due to member's own misconduct; or not in the line of duty and due to member's own misconduct.

3. **Command Responsibilities.** Per reference (a), the commanding officer (CO) of a deceased Sailor will complete a preliminary inquiry or a command investigation to make an LOD determination. Any delays must be reported to PERS-00C directly.

a. Preliminary inquiries may be used to make an LOD determination. Commanders will assign an officer to conduct a preliminary inquiry, and ensure the inquiry is completed within 3 calendar days. A commander may use the preliminary inquiry as a final LOD determination, or may decide a command investigation is needed.

b. Commanders may elect to conduct a command investigation without use of a preliminary inquiry.

c. If the command completing the preliminary inquiry or command investigation is not a general courts-martial convening authority (GCMCA) with an assigned judge advocate, the report/record will include a recommendation for the LOD determination and be forwarded through the chain of command to the next GCMCA for review. The GCMCA will indicate approval, disapproval, or modification of the LOD determination.

d. Should a Sailor detach from a command and die in transit to ultimate duty station, per reference (a), inquiry and or investigation must be completed by the gaining command.

4. **Adverse determinations.** A finding of "not in the line of duty" will be considered an adverse LOD determination.

a. Prior to finalizing an adverse determination, the GCMCA will allow a potential Survivor Benefit Plan (SBP) beneficiary the opportunity to review the preliminary inquiry or investigation and provide any relevant information to the GCMCA. The known potential beneficiary will be granted 30 days to provide relevant information. PERS-00C will assist in the identification of the potential SBP beneficiary.

b. For adverse determination cases the GCMCA will forward a complete copy of the preliminary inquiry and or investigation to PERS-00C to be reviewed by the Chief of Naval Personnel (CHNAVPERS). The determination of the GCMCA must be sustained unless CHNAVPERS determines a substantial error occurred which could materially affect the determination. In such cases CHNAVPERS can make a different determination or return the case to the GCMCA for further investigation. CHNAVPERS review and determination will be administratively final.

5. **Submission to PERS-00C.** In addition to reporting requirements outlined in reference (a), all LOD determinations must be forwarded to PERS-00C electronically to [MILL\\_SBP-LOD@navy.mil](mailto:MILL_SBP-LOD@navy.mil), or mail hard copy to the below address:

Navy Casualty Assistance (PERS-00C)  
5720 Integrity Drive  
Millington, TN 38055-1300