

PRELIMINARY INQUIRY/INVESTIGATION

SJA to CMC provides this general guidance for deployed commands regarding the need for investigations under the JAGMAN in incidents resulting in injury (non death) or significant property loss. The JAGMAN does not specifically provide exceptions for ground incidents resulting in injury (non death) or significant property loss occurring in a hostile area/combat zone. We coordinated this guidance with OJAG Codes 13 and 15.

The general language from JAGMAN section 0204 grants the commanding officer discretion in determining the extent of an investigation/inquiry to be conducted, or whether an investigation is necessary. If a commander believes the circumstances do not warrant a formal/written inquiry or investigation one is not required. Thus, an investigation under the JAGMAN may not be required in most situations when the injury (non death)/property loss occurs in a hostile area/combat zone.

Even when a JAGMAN investigation is not required, keep in mind that if a member incurs an injury that may result in a permanent disability or the member's physical inability to perform duty for 24 hours, then a line of duty (LOD) determination must be made. This is important because these determinations control the awarding of disability, retirement and severance pay.

Therefore, we recommend documenting in some expeditious manner the general circumstances of the injury and the LOD determination. This could be as simple as the command reducing that knowledge to a short written statement that the member was in the line of duty and not due to his own misconduct. Alternatively, this could be entered in the Marine's medical record. We also recommend noting that the injury was specifically incurred in a hostile area/combat zone.

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