



SECRETARY OF THE ARMY
WASHINGTON

07 FEB 2022

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Army Directive 2022-04 (Sexual Assault Line of Duty Determinations and Reporting)

1. References.

- a. Title 10, U.S. Code, section 1203 (Regulars and members on active duty for more than 30 days: separation)
- b. Department of Defense (DoD) Instruction 1241.01 (Reserve Component (RC) Line of Duty Determination for Medical and Dental Treatments and Incapacitation Pay Entitlements), 19 April 2016
- c. DoD Instruction 6310.09 (Health Care Management for Patients Associated with a Sexual Assault), 7 May 2019
- d. DoD Instruction 6495.02 (Sexual Assault Prevention and Response Program Procedures), Volume 1, 28 March 2013, incorporating Change 5, effective 9 April 2021
- e. Army Regulation (AR) 600–8–4 (Line of Duty Policy, Procedures, and Investigations), 12 November 2020
- f. AR 600–20 (Army Command Policy), 24 July 2020

2. Purpose. To prescribe policy for processing sexual assault Line of Duty (LOD) requests to ensure privacy and protection of victims' sensitive information, to ensure there is no delay in providing care and treatment for sexual assault victims, and to establish transparency and timelines for the completion of all LOD requests and determinations.

3. Applicability. The provisions of this directive apply to the Regular Army, Army National Guard/Army National Guard of the United States, and U.S. Army Reserve.

4. Background. The guidance for processing Sexual Assault LOD requests is not clearly prescribed. This directive provides specific guidance for processing LODs for both Restricted and Unrestricted Reports of sexual assault and ensures that sensitive information pertaining to complaints of sexual assault is protected.

SUBJECT: Army Directive 2022-04 (Sexual Assault Line of Duty Determinations and Reporting)

5. Policy.

a. Initial care and treatment of victims of sexual assault will be available and conducted by a qualified medical provider and obtained without limitations of an LOD determination. Care will be consistent with established community standards pursuant to reference 1c.

b. Sexual Assault LOD Requests. When a victim of sexual assault develops a condition of lasting significance and requires continued treatment while not in an active duty status, an LOD determination is required. All sexual assault LOD requests will be initiated by the Sexual Assault Response Coordinator (SARC) pursuant to reference 1e.

(1) The SARC will complete the Department of the Army (DA) Form 2173 (Statement of Medical Examination and Duty Status), using the medical records provided by the victim, and upload the following documentation into the electronic Medical Management Personnel System (eMMPS):

(a) completed DA Form 2173, including the International Classification Disease (ICD) 10 code and basic information

(b) duty status documentation identifying when the sexual assault occurred

(c) medical and/or mental healthcare treatment plan

(d) any other substantiating documentation that may exist (such as an expert medical opinion addressing progression or aggravation)

(2) All sexual assault LOD requests will be submitted directly to the Component Approval Authority by the SARC through the eMMPS. The Chief of the National Guard Bureau and Chief of Army Reserve will designate individuals within their respective organizations to process LODs for victims of sexual assault. Designated individuals will possess the maturity and experience to assist in sensitive situations, will have sexual assault prevention and response training, and will be responsible for safeguarding confidential communications and preserving Soldier privacy.

(3) LOD determinations where the underlying event is a sexual assault, which occurs in a qualifying duty status and results in a condition of lasting significance, will be made using the informal LOD process pursuant to reference 1e.

(a) If a Soldier does not provide documentation requested by the SARC within 90 days of the LOD request creation, the SARC will create a memorandum for record

SUBJECT: Army Directive 2022-04 (Sexual Assault Line of Duty Determinations and Reporting)

for the Soldier explaining the documentation required to complete a LOD determination. The case will be administratively closed (not deleted). If the information is subsequently provided, the SARC will reopen the case and complete the LOD request.

(b) If the approval authority determines the request is Not in the Line of Duty (NLD), a standard non-eligible for LOD memorandum will be completed and uploaded into the eMMPS. This will allow the Soldier to appeal pursuant to reference 1e.

(c) Appellate Authority. The Deputy Assistant Secretary of the Army (Military Personnel) is the appellate authority for all sexual assault LOD determinations found NLD. The appeal will be sent through the approval authority, who may change the previous determination of NLD to In Line of Duty, if warranted. If the approval authority determines there is no basis to change the determination, that decision will be documented in the endorsement, and the appeal will be sent for final review and determination under a *de novo* standard of review. Appeals will be sent via the eMMPS to the Office of the Deputy Chief of Staff, G-1, ATTN: Army Resilience Directorate, SHARP Division, SHARP Program Management and Report Branch, DAPE-AR (690-8-4), 300 Army Pentagon, Washington DC 20310-0300. The SHARP Program Management Branch will administratively process the appeals, provide recommendation, and forward them to DASA-MP for final decision.

(d) Regular Army units will complete all formal LOD determinations (including those for non-sexual assault cases) within 180 days from the date of injury, illness, diagnosis of disease, or death, or from date of the incident absent special circumstances. Special circumstances are those that predate the 180-day period (for example, latent onset symptoms of a behavioral health disorder and sexual assault-related incidents). Regular Army units will still be required to complete informal LOD investigations in 60 days, pursuant to reference 1e.

(e) 30-day Updates. Commanders will provide detailed updates on all LOD investigations/determinations (including those for non-sexual assault cases) every 30 days to their servicing Casualty Assistance Center as well as their ACOM or Army service component command (ASCC). The ACOMs and ASCCs have the responsibility of ensuring their subordinate units are providing detailed and timely updates and complete LOD determinations within prescribed timelines. The Chief, National Guard Bureau will ensure that the relevant State adjutant general is included in the National Guard Bureau 30-day update distribution. The Chief of Army Reserve will be included in the U.S. Army Reserve Command 30-day update distribution.

(4) If an RC Soldier on active duty orders, assigned to a Component 1 (COMPO 1) SARC, requires continued treatment and is subsequently released from

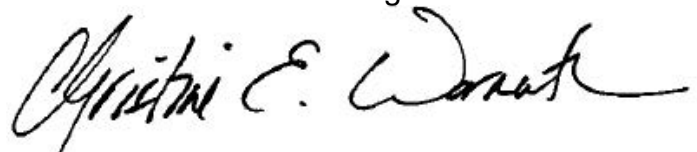
SUBJECT: Army Directive 2022-04 (Sexual Assault Line of Duty Determinations and Reporting)

active duty (REFRAD), the losing COMPO 1 SARC will transfer the case to a COMPO 2/3 SARC with written consent from the victim, documented on the DD Form 2910-1. The losing SARC will ensure that the gaining SARC receives a completed DA Form 2173 and required documentation to submit the LOD request, pursuant to this directive, within 30 days of REFRAD. The gaining COMPO 2/3 SARC will be responsible to submit the LOD request in the eMMPS to ensure the RC Soldier does not have a delay in ongoing treatment after REFRAD.

6. Procedures to implement this policy will be included in applicable Army Sexual Harassment/Assault Response and Prevention (SHARP) training within 120 days from the date of this directive. Units will begin providing LOD status reports to their ACOM or ASCC within 30 days from the date of this directive.

7. Proponent. The Assistant Secretary of the Army (Manpower and Reserve Affairs) is the proponent for this policy and will issue implementing guidance. The Deputy Chief of Staff, G-1 will incorporate the provisions of this directive into AR 600-8-4 and AR 600-20 or a new SHARP regulation within 2 years of the date of this directive.

8. Duration. This directive is rescinded on publication of the revised regulations.



Christine E. Wormuth

DISTRIBUTION:

Principal Officials of Headquarters, Department of the Army
Commander

- U.S. Army Forces Command
- U.S. Army Training and Doctrine Command
- U.S. Army Materiel Command
- U.S. Army Futures Command
- U.S. Army Pacific
- U.S. Army Europe and Africa
- U.S. Army Central
- U.S. Army North
- U.S. Army South
- U.S. Army Special Operations Command
- Military Surface Deployment and Distribution Command
- U.S. Army Space and Missile Defense Command/Army Strategic Command

(CONT)

SUBJECT: Army Directive 2022-04 (Sexual Assault Line of Duty Determinations and Reporting)

DISTRIBUTION: (CONT)

U.S. Army Cyber Command
U.S. Army Medical Command
U.S. Army Intelligence and Security Command
U.S. Army Criminal Investigation Command
U.S. Army Corps of Engineers
U.S. Army Military District of Washington
U.S. Army Test and Evaluation Command
U.S. Army Human Resources Command
Superintendent, U.S. Military Academy
Director, U.S. Army Acquisition Support Center
Superintendent, Arlington National Cemetery
Commandant, U.S. Army War College
Director, U.S. Army Civilian Human Resources Agency

CF:

Director of Business Transformation
Commander, Eighth Army