

UNITED STATES COAST GUARD AUXILIARY
EIGHTH DISTRICT EASTERN REGION
LEGAL DEPARTMENT
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ASSIGNMENT TO DUTY

***An Overview of ASSIGNMENT TO DUTY Legal Issues Affecting
Auxiliary Senior Leadership and Members.***

ASSIGNMENT TO DUTY

- Preventative legal protection.
- No “coverage” guarantee: In the event of an “Incident” during an Auxiliary mission, the coverage issue in each case is decided on its own facts and circumstances, as determined by investigation by the Coast Guard (on property loss claims), the Department of Labor (on injury or death claims) and the Department of Justice (on third party claims against the CG Auxiliary).
- Auxiliary Coverage Benefits: In the event of an “**Incident**,” a member who is (1) **qualified for duty** (current in all certification/training requirements for that particular activity) and (2) properly **assigned to duty** should have coverage during the mission as well as en route to and from the place of the mission (excluding to and from flotilla meetings and social events), provided the mission is an authorized Auxiliary mission.
- Government Benefits and Protection: May include medical coverage, reimbursement for personal property loss, survivors’ benefits, and insulation from personal liability for injury or damage to a third party and/or property.
- Assignment to Duty: The critical, essential requirement for an Auxiliary member’s eligibility for Federal statutory benefits and protection while performing any AUTHORIZED Auxiliary mission. This is different from qualification for duty (i.e., currency maintenance, etc.). To be eligible for full “coverage,” the member must be **both qualified for duty and assigned to duty**.
- The Auxiliarist’s assignment to duty is a requirement before any statutory protections are available. If the Auxiliarist is not assigned to duty, then he or she cannot be characterized as a Federal employee and therefore cannot be acting within the scope of employment. You must be acting within the scope of your federal employment to be legally protected and be eligible for benefits.

- Orders for patrol operations (water, air, or vehicle) can only be issued by the Coast Guard. The CG order is the assignment to duty.
- Flotilla Level: The FC, VFC and the appropriate staff officer for a particular mission/activity (e.g., the FSO-VE for a VE mission) each has assignment to duty authority. That authority cannot be delegated to another member. The assignment to duty at the flotilla level should always be scheduled in writing.
- If an incident leading to possible legal consequences occurs, the strongest evidence that the Auxiliarist was acting within the scope of employment is something that demonstrates that his or her assignment to duty was made prior to the incident in question. Examples: Coast Guard orders; verbal authorizations documented via a telephone log or memo.
- Division Commander (DCDR) and Vice Division Commander (VCDR) Limited Assignment Authority: The DCDR has assignment to duty authority as to the VCDR, the Division Staff Officers (SOs), and FCs within that Division (for Division matters). As Division Chief of Staff, a VCDR has assignment to duty authority with respect to each Division SO for specific Division matters only. This overlaps with the assignment to duty that automatically come with staff officer appointment in any event – i.e., the Division SOs are also covered for assignment to duty purposes by virtue of their appointment as SOs, as to matters within the scope of their particular area of activity.
- Division and District staff officers: DSOs, ADSOs and SOs are by their appointment assigned to duty as to matters within their appointed area of responsibility. No DSO, ADSO, or SO has any assignment to duty authority **with one exception**: A DSO has assignment to duty authority for the ADSOs of that particular DSO within the scope of that DSO's particular area of activity.
- Bottom Line: No assignment to duty – no coverage.