



**U.S. DEPARTMENT OF HOMELAND SECURITY
UNITED STATES COAST GUARD
UNITED STATES COAST GUARD AUXILIARY
OFFICE OF THE DISTRICT LEGAL OFFICER
Eleventh District Southern Region
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MEMORANDUM

TO: Denny Densmore, DCO

VIA EMAIL

DATE: 11 JUL 2004

**SUBJ: Assignment to Duty
New AUXMAN Ver.1F ("Foxtrot Version")**

I respectfully urge that: (1) The following Memo immediately be distributed to all District Board and Staff members; (2) DCPs be urged to immediately distribute the Memo to each of their FCs; (3) DSO-PB post the Memo in the imminently-pending, next (July) issue of the BULLETIN; and (4) DSO-CS post the Memo in the "What's New" section of the District Website.

DSO-LP MEMORANDUM

- 1. On 18 MAY 2004, Coast Guard Headquarters officially signed the new Auxiliary Manual, version 1F (the "Foxtrot AUXMAN"). Accordingly, the Foxtrot AUXMAN became effective as of 18 MAY and immediately superseded the "old" AUXMAN version 1E.**
- 2. Under that old AUXMAN version 1E (and preceding AUXMAN's), D11(SR) legal officers repeatedly stressed the critical, essential requirement of "assignment to duty" for Auxiliary member's eligibility for Federal statutory benefits and protection while acting within the scope of employment in performing any authorized Auxiliary mission. Such potential benefits and protection could include: (a) CG and Department of Labor "coverage" for injury and property loss or damage sustained by an Auxiliary member; and (b) Department of Justice "coverage" for Third Party liability claims made against an Auxiliary member.**

3. The new Foxtrot AUXMAN (Para 5.J.3 at page 5-30) makes the strongest possible statement yet (as compared to any preceding AUXMAN) regarding the critical assignment to duty requirement:

" The Auxiliarist's assignment to duty is a requirement before any statutory protections are available. If the Auxiliarist is not assigned to duty, then the Auxiliarist cannot be characterized as a Federal employee and therefore cannot be acting within the scope of employment." (Emphasis added).

4. The Foxtrot AUXMAN (Para 5.J.3 at page 5-30) also emphasizes that the Auxiliary member bears the burden of producing evidence to support a "covered" claim and the member should be prepared to document assignment to duty:

"The strongest possible evidence is that which demonstrates assignment to duty made prior to the incident in question. Examples may include written Coast Guard orders or verbal authorizations from appropriate Auxiliary elected and/or appointed leaders, that are documented (via telephone log or other means) and written Auxiliary orders or duty rosters for authorized events."

5. D11(SR) members are cautioned that there is no guarantee of "coverage" in any and all cases; the facts and circumstances are determinant in each case. The foregoing excerpts from the Foxtrot AUXMAN, however, very clearly demonstrate that there is no possibility of coverage if there is a failure to comply with the assignment to duty requirement.

Respectfully submitted,

KRGriffin

COPY (via email): DIRAUX, OTO, (Acting) VCO, DSO-PB, DSO-CS, ADSOs-LP