

FACT SHEET - #23b

SUBJECT: Civil Lawsuits Against DA Personnel

1. PURPOSE. To provide commanders with information on the proper procedures to follow when military or civilian personnel are sued for actions related to their federal employment.

2. FACTS.

a. Occasionally, military and civilian personnel are sued for actions taken, or not taken, in the performance of their official duties. Personnel sued for actions arising out of their official duties must comply with AR 27-40, 19 Sep 94.

b. Commanders should ensure that all suits against military and civilian personnel, for actions arising out of their official duties, are promptly referred to the Administrative Law Division, Office of the Staff Judge Advocate. AR 27-40, para 2-3a.

c. Current personnel who are part of a lawsuit are prohibited from disclosing to any person, without the written approval of the SJA or legal advisor, official information in DA files or information obtained in the performance of his or her official duties. Former military and civilian personnel must obtain written approval from HQDA (DAJA-LTG). AR 27-40, para 7-2a.

d. Current or former personnel who receive subpoenas, requests, or orders to provide information or records related to all litigation involving the performance of anyone's official duties, must also obtain written approval for disclosure. AR 27-40, para 7-2b.

e. No person is permitted to conduct any interviews or other investigation at Fort Knox without SJA or legal advisor approval.

3. POC is the Administrative Law Division at 4-7414/4668.

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