



Chapter 2 Operations Program Administration

Introduction This chapter describes the Auxiliary operations program administration.

In this Chapter This chapter contains the following sections:

Section	Title	See Page
A	Orders	2-3
B	Operational Training	2-9
C	Equipment Support	2-11
D	Mishap Reporting, Damage Claims	2-13
E	Additional Administrative Items	2-19





Section A. Orders

Introduction

Two general kinds of Coast Guard orders may be issued to Auxiliarists:

- Orders issued to individuals for duty assignments such as operational, logistics, or training support.
- Orders for facility movement, whether for vessel or aircraft movement, or radio facility activation and/or movement.

Both types of orders issued to Auxiliarists are considered “assignment to duty”. These orders may be either written or verbal, and may be reimbursable or non-reimbursable. In the case of orders to an individual for support activities, benefiting program managers are encouraged to support Auxiliary travel via Temporary Duty Travel Orders (CG-4251). Specific Auxiliary activities may also be considered “assignment to duty” as detailed in the *Auxiliary Manual*, COMDTINST M16790.1 (series), *Chapter 5, Section J*.

Auxiliarists may not use any facility or special purpose facility for any Coast Guard or Coast Guard Auxiliary purpose or mission unless appropriate patrol orders have been issued and the facility has been properly offered and accepted for use.

NOTE

Auxiliarists must understand that orders do not guarantee liability coverage. The legal process bases coverage on a review of the course and scope of employment and specific facts involved. Orders are issued for the legal protection of the Auxiliarists assigned as operator and crew. Auxiliarists operating without orders may not be entitled to Coast Guard benefits if there is loss or damage to an Auxiliary facility, a third party claim, or an injury or death of a passenger (see *Auxiliary Manual*, COMDTINST M16790.1 (series), *Chapter 5, Section J*).

A.1. Written Orders

The Patrol Order Management System (POMS) is the mandatory method of issuing patrol orders to operational facilities. This system is an online web-based tool to assist OIAs with planning, preparation of orders, and reimbursement of claims. An OIA must issue or authorize orders before an Auxiliarist conducts any patrol activity.

A.1.a. Order-Issuing Authority

A Coast Guard authority overseeing or directing Auxiliary operations is an OIA (see *Section H of Chapter 1*).

NOTE

Only Air Station COs may issue orders to Auxiliary aircraft.

A.1.a.1. Operator

An OIA must issue orders only to the operator who will be in charge for an ordered mission, not the owner who provides the facility (see *paragraph C.2 of Chapter 1*). All authorizations must be on file with the OIA before the ordered mission.



A.1.a.2. Aircraft	For aircraft, the OIA may assign Auxiliarists to duty by any of the following methods: <ul style="list-style-type: none">• Issuing written orders in advance of an operation.• Listing the order in the Auxiliary order log.• Listing the order on an air station flight schedule.
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A.1.b. Limitations of Orders	Orders must not exceed the known facility capabilities, and must not go beyond the scope of Auxiliary duties, as outlined in <i>Chapter 4</i> .
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A.1.c. Events of Extended Duration	When issuing orders to Auxiliarists for events of extended duration, the Coast Guard must consider the extent of responsibility for the crew and facility during rest, break, or standby periods. An OIA must clearly authorize such details in assigning the crew to duty and in any pertinent OPORDER, etc. Further information concerning legal authorization and entitlements may be found in the <i>Auxiliary Manual</i> , COMDTINST M16790.1 (series). The Coast Guard considers Auxiliarists assigned to duty for events of extended duration in the same manner as other Coast Guard personnel assigned to those duties. The OIA must consider Auxiliary facilities dedicated to Coast Guard use during extended operations as being on duty during the entire period of the event (including rest, break, or standby periods), subject to reasonableness, course, and scope of employment review, even though not continually underway/airborne.
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A.1.d. OPORDER	The lack of local Coast Guard resources or size of an operation may require use of an OPORDER. An OPORDER must provide the same information for a group of Auxiliarists as would be provided in an individual patrol order for a typical patrol (e.g., operator names, facility names, and patrol areas, times, and dates). If the OPORDER is for reimbursable patrols, POMS generated orders are still required for each facility, each 24-hour period, unless individual travel order numbers (TONOs) are issued.
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A.1.e. Order Acceptance/Non-Acceptance	An Auxiliarist is not required to accept orders. Auxiliarists and the OIA must apply risk management principles as part of their decision-making process to issue, accept, or decline orders. If an Auxiliarist accepts orders, they must promptly notify the OIA if they cannot carry out the mission (see <i>paragraph J.9 of Chapter 1</i>).
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A.1.f. Aborted Missions	Aborted missions are officially terminated upon return to the point of departure. Patrol orders for aborted missions remain in effect until return to the point of origin (i.e., home).
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A.1.g. Completed Missions	Completed missions are officially terminated upon return to point of departure. Patrol orders for completed missions remain in effect until return to the point of origin (i.e., home).



A.2. Verbal Orders

In emergencies and when necessary in non-emergencies, an OIA may issue verbal orders (either reimbursable or non-reimbursable). OIAs must make appropriate log entries, noting the verbal authorization in the unit's Auxiliary order log, SAR case file, or radio log. OIAs must issue follow-up written orders with corresponding case numbers as soon as possible for reimbursable orders and for non-reimbursable orders where injury, damage, or a mishap occurs.

A.3. Non-Reimbursable Orders

Non-reimbursable orders do not provide any reimbursement of expenses, but do provide death benefits, disability/medical coverage and meal reimbursement, if authorized, for Auxiliarists onboard a facility. The orders also provide financial protection against facility damage and financial protection in case of damage to other property or personal liability.

- This kind of order is appropriate for missions where an Auxiliarist is willing to carry out the mission without reimbursement.
 - Consistent with the District Commander's policy, OIAs may issue non-reimbursable orders to surface facilities underway for personal reasons within the district (e.g., fishing area, vacation cruise, etc.) for the transit to and from the intended destination. The appropriate requirements for an operational mission must be met while underway during the transit (e.g., display patrol signs, conduct communications checks, wear uniforms, etc.). Once reaching the recreational spot, the operator must remove all patrol signs, flags, and uniforms. The operator must then tell the controlling Coast Guard unit that the facility is standing down. If the non-reimbursable patrol is resumed on the return trip, the operator must then restore patrol items and advise the Coast Guard unit.
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A.4. Reimbursable Orders

All features of non-reimbursable orders apply to reimbursable orders. The only difference is the Coast Guard reimburses the operator for certain authorized expenses for an operational mission. OIAs are authorized and encouraged to issue reimbursable orders to Auxiliarists engaged on sole state waters provided the State has formally requested Auxiliary patrols on inland lakes (see *paragraph E.6 of Chapter 4*). The District Commander shall establish policy and procedures for apportioning, obligating and reconciling funding associated with reimbursable orders.

A.4.a. Operation Expenses

If authorized, reimbursement for a patrol may include the actual necessary expenses of operation (e.g., payment of fuel, oil, landing or ramp fees, subsistence, and ice, chargeable against district accounting data). When trailering a facility, vehicle fuel, bridge tolls, ramp or hoist fees, and park entrance fees may also be reimbursed. The calculated reimbursement for trailering costs may be based on the Auxiliarist's costs for those authorized items listed above, or a mileage payment may be authorized in lieu of vehicle fuel, plus authorized fees and tolls.



A.4.b. Meals and Lodging	As with non-reimbursable orders, the Coast Guard provides payment to an Auxiliarist for meals based on current Basic Allowance for Subsistence (BAS) rates. These rates may be found in the <i>U.S. Coast Guard Pay Manual</i> , COMDTINST M7220.29 (series). If available, the Coast Guard may furnish subsistence in kind (e.g., food furnished by the Coast Guard or a Coast Guard authorized vendor) instead of reimbursement for meal costs. While assigned to duty, Auxiliarists must substantiate any single authorized expenditure of \$75.00 or more by dated, paid, receipted bills. Any associated claim for lodging reimbursement, regardless of amount, must be accompanied by the receipt.
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A.4.c. Reimbursement Claims	Auxiliarists must submit claims for the reimbursement of authorized out-of-pocket mission expenses via POMS. All claims must be submitted within 30 days after completing the mission. To receive reimbursement, the Coast Guard may require the operator to submit receipts (regardless of amount). It is a good idea to retain receipts just in case there is ever a question about cost. To determine the current Coast Guard reimbursement requirements, Auxiliarists should check with the Director.
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A.5. Personal Services	The Coast Guard may not authorize compensation for personal services of Auxiliarists.
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A.6. Appropriate Orders	OIAs may schedule operational activities (see <i>Chapter 4</i>), not specifically requiring the use of Coast Guard Auxiliary Patrol Orders Form (CG-5132), using the standard Coast Guard Order Form (CG-4251). Auxiliarists shall not issue Coast Guard patrol orders for Auxiliarists or perform administrative authorizations for claim reimbursement without written Coast Guard “by direction” authority from the cognizant Coast Guard OIA. Orders can be issued via phone, fax, or email notification. In unusual cases, on nights/weekends/non-office hours or when Coast Guard units are not manned, voice message notification by the OIA prior to issuing orders will constitute assignment to duty. In such cases, normal order-issuing procedures shall be followed at the first opportunity upon mission completion. Ultimate oversight remains with the cognizant OIA.
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A.7. Operational Activities Not Requiring Orders	Auxiliarists are also authorized to perform various types of operational activities without Coast Guard orders, provided the activity does not involve the movement of any Auxiliary facility. Such activities include, but are not limited to: <ul style="list-style-type: none">• Attending Auxiliary meetings.• Performing ashore training.• Participating in disaster relief.• Performing vessel safety checks (VSCs).• Operating fixed land, land mobile, or radio direction finding facilities.• Performing duty ashore at a Coast Guard unit or facility adopted by an Auxiliary unit.



Qualified Auxiliarists, and Auxiliarists in training who are authorized to perform these activities, are considered to be assigned to duty while performing them. These activities must be scheduled by the appropriate Auxiliary leader or Staff officer. Auxiliarists performing these activities are authorized to use operational support equipment reasonably required to facilitate the mission activity (see *paragraph E.17* of *Chapter 4*). The legal protections for assignment to duty are detailed in the *Auxiliary Manual*, COMDTINST M16790.1 (series), *Chapter 5*.

A.8. Contingency ("Pocket") Orders

There is a chance operationally qualified Auxiliarists may discover SAR situations while not assigned to duty and not in contact with the unit commander. OIAs may issue contingency (pocket) orders for these situations, but only to the coxswains of surface facilities or fixed land and land mobile radios, and direction finding facilities.

These coxswains may voluntarily activate these orders when necessary. OIAs may issue these orders in accordance with the following criteria:

- Contingency orders must show an authorized period within a single fiscal year, not to exceed one year.
 - Contingency orders are normally non-reimbursable.
 - OIAs may only write contingency orders for certified coxswains of facilities. Only those Auxiliarists may activate those orders. OIAs will not write contingency orders for the pilots of Auxiliary aircraft.
 - To activate contingency orders, the coxswain must have a minimum qualified crew onboard and follow all patrol requirements except being in uniform and displaying patrol sign boards. Non-Auxiliary guests must wear PFDs and may not become involved in operations. The total number of persons onboard must not exceed the manufacturer's stated maximum capacity of the facility.
 - The coxswain must make every effort to contact the unit commander before getting underway, or as soon as practicable, to report the circumstances of the activation. This method includes by cellular telephone, relays through law enforcement or (state or local) government agencies, or civilians. Coxswains may use Auxiliary radio stations or Auxiliary Duty officers to help in relaying this information.
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Section B. Operational Training

Introduction	The Coast Guard offers operational training, available through various formal and informal sources, to enhance or refresh an Auxiliarist's operational skills and knowledge. Coast Guard units may help provide this training, time and resources permitting. Interested Auxiliarists may contact their Flotilla Staff officer - Member Training (FSO-MT) for additional information. Cross-training with other organizations should be accomplished in accordance with applicable MOUs. The following operational training is available.
B.1. Boat Crew	The qualification/certification requirements for the boat crew program are listed in the <i>Auxiliary Boat Crew Training Manual</i> , COMDTINST M16794.51 (series). The reference source for task performance is found in the <i>Auxiliary Boat Crew Qualification Guide, Volumes I-III</i> , COMDTINST M16794.52, .53, .54 (series).
B.2. Air Crew	<i>Annex 2</i> , Air Crew Qualification and Training, lists the training and qualification/certification standards for air crew.
B.3. Communications Watchstander	<i>Annex 4</i> , Telecommunications, lists the training and qualification/certification standards for communications watchstanding.
B.4. International Search and Rescue School	The International Search and Rescue School offers districts an exportable five-day course that is available to Auxiliarists. This course includes training on Basic SAR Planning. Locations of the course vary from year to year. In addition, the three-week Resident Course at Training Center Yorktown is available to Auxiliarists who fill SAR planning positions at district command centers or group operation centers.
B.5. Coast Guard Correspondence Courses	All unclassified correspondence courses offered by the Coast Guard Institute are available to Auxiliarists via the local active duty Educational Services officer (ESO).
B.6. Experiential Training	Auxiliarists may participate in experiential (hands-on) training such as local, regional, or national level schools or competitions, e.g., Coxswain Academy, International Search and Rescue Competition (ISAR), spatial disorientation training, or crew resource management (CRM).

NOTE

Competitions may be supported by Coast Guard appropriated funds.



B.7. Operations Workshops

Operations workshops may be mandated on an annual basis by Commandant (G-OCX) or by the Director. When operations workshops are mandated, the requirements apply to all personnel participating in surface operations and programs requiring them to be aboard surface facilities. Auxiliarists must complete such workshops prior to June 1 of the year in question in order to participate in operational missions. workshop attendance credit remains valid through May 31 of the year following.



Section C. Equipment Support

Introduction Coast Guard policy permits the issue or loan of equipment as dictated by district policy and local Auxiliary activity if the equipment is available. The benefiting units must provide all equipment necessary for the performance of the mission beyond regular Auxiliary equipment. The goal is to ensure safe and efficient prosecution of Coast Guard and Auxiliary missions to one consistent level regardless of whether crews are active duty, reserve, or Auxiliary.

C.1. Loaned Equipment Unit commanders may issue or loan equipment under the following conditions:

- Issuing or loaning the equipment does not impair the response capability of Coast Guard units.
- The Auxiliarist and the Coast Guard maintains, inspects, and tests the equipment to the same standards as the equipment used by the issuing unit.
- The Coast Guard trains and qualifies Auxiliarists to use the equipment. Appropriate active duty, reserve, or Auxiliary personnel may carry out qualification procedures.
- Appropriate property lists and records shall be maintained by the receiving entity. Transfer documents (e.g., Form DD-1149) shall be used to document any Coast Guard property transfer.

C.2. Typical Items Provided Typical items (but not an all-inclusive list) provided to operational Auxiliarists include the following:

- Dewatering pumps
- Towing equipment (line, bridles, fenders, etc.)
- Anti-exposure coveralls or drysuits with required undergarments
- Consumable safety equipment such as visual distress signals (exceeding minimum legal boat requirements), dye markers, or first aid kits
- Portable loudhailers
- Fire extinguishers (exceeding minimum legal requirements)
- Equipment for aircraft operating beyond gliding distance to shore (emergency position indicating radio beacons (EPIRBs), life rafts, and PFDs)
- Portable direction finding equipment
- Portable VHF-FM radios for:
 - Communications relay points
 - Use during repair of an Auxiliarist's equipment
 - Use by a crewmember transferred to a distressed unit
 - Air facilities to provide a communications link between air and surface/shoreside facilities
- Flight suits
- Air crew anti-exposure coveralls
- Bloodborne pathogen (BBP) protective clothing kits
- Navigation gear (charts, plotters, etc.)
- Personal emergency position indicating radio beacon (PEPIRB).



**C.3. Standard
Auxiliary
Maintenance
Allowance**

This reimbursable allowance, although authorized by policy, is subject to the availability of funds. Formerly known as hourly maintenance allowance (aviation program), Standard Auxiliary Maintenance Allowance (SAMA) was established as a standard actual and necessary reimbursement rate for the expenses of Auxiliary facilities while operating under official orders in support of the Coast Guard. SAMA is based on an hourly rate of underway/airborne operational mission hours for each facility. Hours are logged or recorded by an installed mechanical device (hour meter, etc.). Underway mission hours shall be the time the vessel, aircraft, or communications facility starts the patrol, or activity until the end of the patrol excluding standby periods such as moored during the evening awaiting the second day of duties of a multi-day marine event. Underway hours will also include time moored or anchored in direct support of the orders such as moored to an aid to navigation for servicing, or strategically anchored in an area to warn mariners of a danger such as boat races, marine disasters, or military support.

**C.4.
Reimbursement
Rate**

The rates established reimburse the facility owner for routine maintenance costs incurred while assigned to Coast Guard duties. The SAMA rate is not based on expenses currently payable under patrol orders, or those expenses eligible for payment under the claims process (including the wear and tear claims policy), or any expense that is either purely service or prospective in nature. For example, the SAMA rate helps cover more minor/routine expenses such as oil and filter changes, transmission fluid replacement, and air filter replacement. Reimbursement rates are based on categories including vessel length, single or multiple engines, and a horsepower rating, etc. SAMA is not intended to reimburse 100% of the facility maintenance costs.



Section D. Mishap Reporting, Damage Claims, and Personal Injury

Introduction	This section describes the mishap reporting and damage claims procedures and requirements.
D.1. Mishap Reporting	An individual or unit with first-hand knowledge of an accident or incident while assigned to duty must report all available information in accordance with district requirements. This report is normally made to the OIA, who then must pass the information to the appropriate Coast Guard commands and Auxiliary leadership. The Coast Guard will direct appropriate investigations as necessary. For aviation mishap reporting, see <i>Section C of Annex 3</i> .
D.2. Damage Claim Procedures	<p>Damage claim procedures include the following:</p> <ul style="list-style-type: none"> • Report of Loss or Damage • Insurance Company Involvement • Claim Submission • Claim Investigation
D.2.a. Report of Loss or Damage	<p>The Auxiliarist should report the loss or damage sustained or caused by an Auxiliary facility operating while assigned to duty to the OIA as rapidly as possible by any available means and the Director via the chain of leadership within 48 hours.</p> <ul style="list-style-type: none"> • Take steps necessary to safeguard the crew and damaged facility from further damage or loss without waiting for further instructions. • Except as noted above, do not begin repairs (except in emergencies) until the investigation is completed and authorized to do so by the Coast Guard.
D.2.b. Insurance Company Involvement	The Auxiliarist should also tell their own insurance company of the incident. The Auxiliarist may or may not be required to file a claim with his/her own insurance company. This process helps protect the Auxiliarist in case the Coast Guard, after any required investigation, denies the claim. If an insurance payment is made and a damage claim has been paid, the insurance payment must be remitted to the Coast Guard. Detailed guidance for damage claims is found in <i>Auxiliary Claims Handbook</i> , MLCLANTINST 5890.3 (series).
D.2.c. Claim Submission	Auxiliarists must submit their damage/loss claim in accordance with district and Maintenance and Logistics Command (MLC) directives. The Director or the OIA shall guide and help Auxiliarists submit and resolve their claims.
D.2.d. Claim Investigation	The Coast Guard OIA shall investigate the claim in accordance with appropriate MLC guidelines. However, no investigation is required for a minor claim (a claim whose total does not exceed \$200) unless the OIA is not satisfied with the information provided (e.g., the claim does not support a finding that the “ordered” facility was the cause of the damage/loss).



D.2.e. Patrol Cause

In addition, the damage/loss must be linked to some identifiable patrol cause during the “ordered” activity. If the damage/loss has no identifiable patrol cause, the Coast Guard presumes the claim arose from normal wear, a defect in the facility, or improper maintenance. Auxiliarists may choose to submit a claim which totals \$200 or less (a minor claim) without the necessity of investigation or proof of an identifiable link between the “ordered” activity and the minor damage/loss. If a facility suffers a catastrophic failure/damage that is not patrol related, the Auxiliarist involved should review the *Auxiliary Manual*, COMDTINST M16790.1 (series), to determine if the loss may be claimed and reimbursed.

D.2.f. Minor Claim Payments

Payment for a minor claim may be authorized by the OIA. If approved by the OIA, payment comes from the OIA’s normal operating expenses. It is strongly recommended that maintenance records be kept for the facility.

D.3. Facilities and Equipment Eligible for Damage Claims

The following types of facilities and equipment which are lost or damaged may be eligible for reimbursement under appropriate circumstances:

- Auxiliary facilities.
- Special purpose facilities, facility equipment, and operational support equipment.
- In the case of a mobile radio and trailered Auxiliary facility, the motor vehicle and trailer being used to transport the facility are considered equipment for which a claim may be made. Such a claim will be payable only if the vehicle or trailer are damaged under the following circumstances:
 - While transporting the facility from its normal storage location on a reasonably direct route to its assigned location of duty; or
 - During a similar trip to return the facility to storage; or
 - While the vehicle is parked or being used during the assigned mission.
 Further guidance can be found in the *Coast Guard Claims and Litigation Manual*, COMDTINST M5890.9 (series).
- Damage claims beyond any deductible will not typically be approved, except as noted above for damage to a privately owned motor vehicle.

D.4. Catastrophic Failure

When there is a catastrophic failure to an Auxiliary facility, where the facility is damaged by reason of its use, such a claim may be payable for repair and replacement of the facility or equipment subject to the availability of funds. More information about catastrophic failure is available in the *Coast Guard Claims and Litigation Manual*, COMDTINST M5890.9 (series). An Auxiliarist shall maintain a facility log book documenting all (including personal and CGAUX) hours of use. A Coast Guard approved log book is available at the Auxiliary center.

NOTE

Log book pages should be continuous and not capable of removal or insertion. Common green fixed-page log books are acceptable; loose leaf ring binders are unacceptable.

D.5. Gross Negligence

A claim is not payable if such results wholly or partly from the gross negligence or willful misconduct of the claimant.



D.6. Results of Claim Investigation	An OIA may give the Auxiliarist(s) the benefit of the doubt in recommending payment of a claim that may have resulted from negligence or other questionable conduct of the Auxiliarist(s) involved, but the recommendation shall also take into account the results of the claim investigation. The results of the claim investigation may require the Auxiliarist(s) involved to undergo additional training, re-qualify for all or part of their qualification level, and/or pass a check-ride for recertification prior to orders. In such cases, an Auxiliarist's refusal to reply in a timely fashion shall result in revocation of their certification. The investigation may also recommend, as appropriate, an Auxiliarist's certification be suspended or revoked.
D.7. Written Explanation of Denial	If the OIA is not going to recommend full payment of the claim, a written explanation of the denial (whether in whole or in part) shall be sent to the claimant. The claimant has 15 days to provide additional information to the OIA to substantiate full payment of the claim. A copy shall also be sent to the Director.
D.8. Auxiliary Investigators	Directors are authorized to designate and assign Auxiliarists to investigate Auxiliary facility damage claims only if it is not practical to assign an active duty Coast Guard member.
D.9. Loss or Damage to Personal Property	Auxiliarists must, to the best extent possible, reduce the risk of loss or damage to personal property by removing all personal property from Auxiliary facilities while assigned to duty. Personal property includes items of a personal nature not considered to be facility equipment or equipment necessary for the Coast Guard mission. The Coast Guard realizes in some circumstances it may be impractical to remove and to safeguard these items before using the facility for Coast Guard purposes.
D.9.a. Appropriate Reimbursement	The responsibility to determine whether reimbursement for loss or damage is appropriate rests with the Coast Guard. The Coast Guard will consider the facility's civilian use in determining what is reasonable to be onboard. However, personal items reasonable to be on an Auxiliary facility do not include high value items. Usually, the Coast Guard will not reimburse Auxiliarists for such loss or damage.
D.9.b. Limits for Reimbursement	The limits for reimbursement for authorized items are found in the Allowance List-Depreciation Guide, enclosure (1), and the Appreciation table, enclosure (2), to the <i>Coast Guard Claims and Litigation Manual</i> , COMDTINST M5890.9 (series). The depreciation rates and maximum payment amounts in these tables are set by the U.S. Government as guides and are subject to variation and frequent change. Therefore, copies of these tables are not included in this manual.
D.9.c. Computing Reimbursement	Auxiliarists should understand the Coast Guard computes reimbursement for authorized items in the same way an insurance company computes payment for losses. In most cases, reimbursement does not compensate the Auxiliarist for the full cost of lost or damaged items; normally there is a significant difference.



D.9.d. Filing Claims

The Coast Guard Authorization Act of 1996 provides that a member of the Auxiliary, while assigned to duty, shall be deemed a Federal employee for the purpose of resolving, under the Military Personnel and Civilian Claims Act of 1964 (31 U.S.C. § 3721), claims relating to the damage or loss of personal property of the member incident to such duty. Such claims must be filed in accordance with the procedures set forth in the *Coast Guard Claims and Litigation Manual*, COMDTINST M5890.9 (series).

D.10. Personal Injuries

Chapter 5 of the Auxiliary Manual, COMDTINST M16790.1 (series), provides the policy regarding Auxiliarists who receive personal injuries while assigned to duty. If necessary, Auxiliarists should seek medical attention immediately. As soon as possible, Auxiliarists should notify the OIA and Director via the chain of leadership if appropriate, of all personal injuries that occur while assigned to duty.

D.11. Third Party Claims

A third party claim is a claim against the Coast Guard, the Auxiliary, or an Auxiliarist. Such claims come from incidents occurring while the Auxiliarist is assigned to duty.

D.11.a. Defense Against Third Party Claims

To defend against third party claims, Auxiliarists must fully document each incident that may lead to a third party claim being filed. The following procedures apply:

- Obtain witnesses' names and addresses as soon as possible, take a liberal number of quality photographs; and get a comprehensive written statement from each crewmember (in their own words).
 - Complete a Boating Accident Report Form (CG-3865) or the appropriate State Boating Accident Form (or FAA report for aircraft accidents) and a Report of Potential Third Party Liability Form (CG-4899).
 - Report the incident to the OIA and Director who will then notify the Coast Guard Legal officer.
 - Inform appropriate Auxiliarists (e.g., District Commodore, District Legal officer, etc.) as soon as possible, without using the chain of leadership.
 - Report any incident or accident no matter how small or insignificant it seems at the time.
 - Immediately forward to the Director any claim letter or lawsuit paperwork received (including a subpoena).
 - Forward all inquiries from third parties, including lawyers, to the Director's office without comment (49 CFR Part 9). The Director must then forward the papers to the district or Commandant legal staffs, as appropriate.
 - Auxiliarists shall send duplicate copies of all pertinent documents to their insurance company until the government establishes whether or not it will defend the Auxiliarist.
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D.11.b. Scope of
Employment
Determination

When a lawsuit is filed against an Auxiliarist alleged to have negligently injured someone, the suit is handled in the same way as a personal injury suit against any government employee. The United States Government is normally substituted for the defendant, provided the act allegedly causing the injury occurred while the individual was acting within the scope of his or her employment. For an Auxiliarist, this normally means being assigned to duty. When the Department of Justice makes a “scope of employment” determination, the usual basis for such decision is the recommendation of the Coast Guard. When the government is substituted as the defendant, the Auxiliarist is usually dismissed from the suit.

**D.12. Civil or
Criminal
Charges**

The Coast Guard Authorization Act of 1996 provides that Auxiliarists, while assigned to duty, may be entitled to the protection of the Federal officer Removal Statute (28 U.S.C. § 1442). Auxiliarists in the performance of authorized operational duties may, as a result of the performance of a particular mission, be ordered to or authorized to perform in such a manner that state or municipal law may be violated. If these operational duties result in subsequent civil or criminal charges being brought against the Auxiliarist, the Auxiliarist must immediately notify the OIA and the Director of Auxiliary. If it is determined the Auxiliarist was properly authorized to violate such law in performing authorized duties, a hearing on those charges will be moved from the state or municipal court to Federal court to be heard by a federal magistrate or judge.





Section E. Additional Administrative Items

Introduction	This section provides additional administrative items related to operations program administration.
E.1. Security Clearances	Auxiliary operations do not normally require the use of classified material. However, personnel standing watches in Operations Centers may need to hold a security clearance due to the open storage of classified material or classification of missions. Unit commanders who anticipate using Auxiliary watchstanders in these areas are responsible for initiating the Auxiliary clearance process. The <i>Auxiliary Manual</i> , COMDTINST M16790.1 (series), contains guidance for Auxiliary personnel security investigation procedures.
E.2. Forms	Various Coast Guard forms and reports required for Auxiliary operations can be found on the Auxiliary National and Auxiliary Chief Director web sites in <i>Annex F</i> . This summary does not include forms required for other agencies, such as the FAA, to meet Auxiliary operational standards.
E.3. Solicitations, Gifts, and Donations	Occasionally, a person who has been helped by the Auxiliary insists on giving a monetary contribution. Policy regarding solicitations, gifts, and donations acceptance procedures is found in the <i>Auxiliary Manual</i> , COMDTINST M16790.1 (series), <i>Chapter 5, Section H</i> .

