



DEFENSE HEALTH AGENCY
7700 ARLINGTON BOULEVARD, SUITE 5101
FALLS CHURCH, VIRGINIA 22042-5101

May 22, 2024

DHA-Policy Memorandum 24-015

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: Office of General Counsel Legal Personnel and Services

- References:
- (a) Title 10, United States Code
 - (b) DoD Directive 5145.04, "Defense Legal Services Agency (DLSA)," as amended
 - (c) DoD Directive 5136.13, "Defense Health Agency," September 30, 2013, as amended
 - (d) DoD Instruction 1442.02, "Personnel Actions Involving Civilian Attorneys," September 30, 2010, as amended

This Defense Health Agency-Policy Memorandum, based on the authorities of References (a) - (d), addresses legal services and support to Defense Health Agency (DHA) enterprise legal personnel, hereinafter referred to as DHA Office of General Counsel (OGC) legal professionals. All DHA OGC legal professionals facilitate the provision of timely, accurate legal representation and advice to DHA clients which directly affects the delivery of world class health care to Military Health System beneficiaries. DHA OGC personnel provide legal counsel, services, and support to DHA under the authority, direction, and control of the Department of Defense (DoD) General Counsel who serves as the Director, Defense Legal Services Agency (DLSA). In accordance with Reference (d), the Director, DLSA, organizes, directs, and manages all assigned resources. DHA OGC legal professionals include attorneys, paralegals, investigators, administrative personnel, and other individuals who support legal operations. This also includes a cadre of medical cost recovery claims experts transitioning to DHA from the Military Departments starting later this year.

Legal Support for Directors. Military Department legal assets assigned to installation or garrison legal offices historically provided support to military medical treatment facilities (MTFs). Dual-hatted MTF directors/commanders will continue to receive legal support from Military Department legal assets when acting in their capacity as a commander. DHA OGC legal personnel are not responsible for legal matters that concern the administrative control of uniformed medical and dental personnel assigned to MTFs, e.g.: military justice matters; Service members' complaints of wrongs which, by statute and regulation, must be investigated by the Military Department concerned; legal assistance matters and notary services arising under sections 1044 and 1044a of Title 10, United States Code; private civil or commercial legal assistance; civilian criminal matters; or matters that do not arise from or relate to the MTFs' operations.

However, it is imperative that Defense Health Network (DHN) directors, MTF directors, and their staff understand that *all* legal matters arising from or relating to the DHA mission must be referred to their designated DHA OGC legal personnel. The DHA mission specifically includes administration and management of MTF operations, including the delivery of clinical/health care services and MTF business operations. A roster of designated DHA OGC enterprise legal professionals (e.g., Direct Care Legal Support Branch, Public Health, and Labor and Employment Law Branch) and their alignment to DHNs and MTFs can be found here: <https://info.health.mil/ogc/SitePages/OGC.aspx>. If there is any doubt as to who handles a particular legal issue, directors should refer the matter to their designated DHA OGC Direct Care Legal Support legal personnel for assistance with identification of the appropriate legal advisor. They will coordinate internally within DHA OGC or with the appropriate Military Department legal office if there is any ambiguity.

Realignment of DHA OGC Legal Professionals. DHA OGC legal professionals are aligned to multiple manpower documents, with some on the DHA HQ Joint Table of Distribution (JTD) and others aligned to a DHN or MTF JTD. All DHA OGC legal professionals are subject to the authorities cited above and report through the legal functional chain of supervision to DHA OGC. The discrepancy between DHA OGC personnel on the Headquarters JTD and DHA OGC personnel on DHN, MTF, or other DHA organizational JTDs, is both inefficient and untenable. It creates significant communication challenges between directors, human resources managers, and DHA OGC personnel; significantly increases the difficulty and time it takes to hire new employees; and limits DHA OGC's flexibility to support clients. As such, DHA OGC has, in cooperation with DHA Headquarters Resources and Personnel Integration, created a Direct Reporting Organization (DRO) within DHA OGC. All OGC personnel not on the Headquarters JTD (to include all legal authorizations, vacancies, and funding) will move onto the OGC DRO JTD as soon as practicable. DHNs and MTFs will identify a point of contact to work with DHA OGC to validate each legal authorization (including vacant positions) for the following Occupational Series: all 0905, 0901, 0950, 0986, and 0998; as well as relevant 1810 positions (e.g., legal investigators). This should be completed no later than June 1, 2024. DHA Headquarters J1/8 and DHA OGC will ensure adequate notice of any transfers is provided.

Recruitment/Promotion/Performance Management for OGC Personnel. As noted above, the Director, DLSA, organizes, directs, and manages all assigned legal resources. Additionally, the DLSA provides authority, direction, and control, including professional supervision, for DLSA attorneys serving in Defense Agencies. This includes, without limitation, in consultation with the DoD Component Head concerned, evaluation of their performance (e.g., appraisals) or other actions. All Requests for Personnel Actions will initiate with DHA OGC and will process through the assigned J-1 HR Business Partner in Falls Church, Virginia. As such, all OGC recruitment, promotion, and appraisal actions will be performed by OGC personnel and through OGC supervisory channels, informed by feedback from clients. In addition, DHA OGC is responsible for obtaining the required DoD OGC approval for all attorney recruitment and promotion actions in the grade of GS-14 and above, to comply with requirements in Reference (d).

Facility and Equipment Support for DHA OGC Personnel. DHA OGC continually strives to operate in a way which best supports the DHA mission and produces consistent, timely legal counsel to clients. Through the chain of DHA supervision, directors will provide the following for DHA OGC personnel aligned to the DHN or MTF duty location:

- Suitable facility (office) space, including office furniture, paper, supplies and common equipment (e.g., phone, access to a printer, etc.), which will allow for private legal consultations (e.g., attorneys work in offices due to confidentiality and privilege concerns);
- Similar custodial services to those provided other DHA offices in the MTF, utility services, and maintenance;
- Computer equipment (including laptops, monitors, etc.) and access to MEDCOI;
- When a DHN or MTF director determines it is beneficial (e.g., the inability to forward desk phones or for better communications with the legal team after duty hours), Government cell phones and/or Mobile Wi-Fi devices; and
- Funding for training and travel for DHA legal personnel physically assigned to a DHN or MTF, as needed, for activities in support of the DHN or the MTF. Funding for DHA personnel to participate in a hearing or conduct training will come from the MTF or DHN director requesting the support vice the MTF or DHN director where the DHA OGC personnel normally work or support. DHA OGC will be responsible for required headquarters legal training, such as the annual Federal Health Law Course.

This DHA-Policy Memorandum is cleared for public release, and available on the Internet from the Health.mil site at: <https://health.mil/Reference-Center/Policies> and is also available to authorized users from the DHA SharePoint site at: <https://info.health.mil/cos/admin/pubs/>.

Please address questions regarding this DHA-Policy Memorandum to dha.ncr.dha-ogc.mbx.dha-ogc-mailbox@health.mil.

CROSLAND.TELITA.1017383040
ITA.1017383040

Digitally signed by
CROSLAND.TELITA.1017383040
Date: 2024.05.22 16:24:58 -04'00'

TELITA CROSLAND
LTG, USA
Director

DISTRIBUTION:

Defense Health Agency Assistant Directors, Deputy Assistant Directors, and Special Staff
Directors, Defense Health Support Activities
Directors, Defense Health Networks
Directors, Defense Health Agency Military Medical Treatment Facilities