

Free Medical Treatment

- Q: A top surgeon in my area has offered to provide me with free eye surgery to repair an injury I sustained while on AD. Can I accept this gift?
- A: Refer this issue to your servicing legal office, because the rules vary depending on the gift's source (foreign or domestic), value, and type (e.g. free service v. goods). These types of gifts, if permitted, must be accepted on behalf of the Air Force and not the individual, meaning that senior leader action will be required.

References:

10 USC §§ 1413, 1588, 2601, 2608, 8127; 31 USC §1353; 5 CFR 2635.204; 41 C.F.R. , Chapter 102; J.E.R. 3-400, 4-100.



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If you need advice on a particular situation, please contact SAF/GCA to set up an appointment with one of the attorneys.

Phone: 703-693-0417

E-mail: usaf.pentagon.saf-gc.mbx.SAF-GCA-Ethics-Workflow@mail.mil

Website: www.safgc.hq.af.mil/organizations/gca/index.asp



GIFTS TO

WOUNDED
WARRIORS

"Integrity First"

GIFTS TO WOUNDED WARRIORS

This pamphlet provides a brief overview of rules pertaining to acceptance of gifts offered to wounded warriors by non-Federal sources, by answering some of the most frequently asked questions concerning gifts from outside sources.

Q: What is considered a gift under the Federal Ethics rules?

A: A gift is anything of monetary value, such as cash, meals, paperweights, trips, concert tickets, and services. It is **not** a cup of coffee, modest refreshments that are not part of a meal, and items of little intrinsic value such as greeting cards, plaques, and certificates intended solely for presentation.

The Basic Rule

Q: What is the basic gift rule that applies to me as an Air Force Employee?

A: As an employee of the Air Force, you **may not solicit or accept a gift that is given because of your official position or that is given to you by a prohibited source** (defined below), unless the item is either not considered to be a gift (like a cup of coffee or a plaque) or falls within one of the exceptions to the basic rule (see our office's "Gifts from Outside Sources" Trifold).

A *prohibited* source is a person or organization that seeks official action by your agency, does business or seeks to do business with your agency, has activities that are regulated by your agency, or has interests that may be affected by you when you are doing your job. This includes any organization the majority of whose members are described within one of these categories.

Exceptions To The Basic Rule

Q: What are the exceptions to the basic rule?

A: "Gifts to Wounded Warriors" is just one of 22 total exceptions to the gift rules. If in reading this trifold, you discover that your situation does not permit you to accept a gift under the "Wounded Warrior" exception, see our "Gifts from Outside Sources" Trifold for a list and explanation of common exceptions – one might apply to your situation. Also, SecDef recently waived application of many DoD-specific gift acceptance restrictions to ALL members in and below the grade of E-6.

SecDef Waiver of Certain Gift Acceptance Restrictions for E-6s and below

On 16 May 2013, SecDef waived application of many DoD-specific gift acceptance restrictions to service members holding the pay grades of E-6 or below. Basically, such members now may accept any non-solicited gift (other than cash) from any offering charitable and veterans service tax-exempt organization, so long as the intent in offering and accepting the gift is not to influence the member in performing his/her official duties. **This waiver is NOT limited to members wounded in combat.** Contact your servicing Ethics Office if questions arise concerning any such gift, or the application of this waiver to members of the Reserve or National Guard.

Gifts To Wounded Service Members

Covered Air Force Personnel include service members who, while performing active duty, full-time National Guard duty, or inactive-duty training on or after September 11, 2001, incurred an illness or injury as a result of armed conflict; while engaged in hazardous service; in training for war; through an instrumentality of war; or in combat or similar area recognized by law or regulation.

Q: I was wounded by an IED while deployed in support of OEF. A local contractor has offered to make my house wheelchair-accessible at no cost to me. May I accept this gift?

A: A Covered Airman or family member may accept unsolicited gifts from non-federal entities (other than foreign governments) that are not accepted in return for being influenced in the Airmen's performance of their official duties. For gifts valued in excess of \$350 per occasion or in excess of \$1000 from the same source in a calendar year, an ethics official must make a written determination.

Q: I was wounded by an IED while deployed in support of OEF. AMERICA Fund has offered to make my house wheelchair-accessible for no cost to me. May I accept this gift?

A: Yes. The Air Force has signed a MOU with AMERICA fund, and the Air Force General Counsel has issued a Blanket Ethics Determination on the same, which permits Covered Airmen and their family members to accept any gift offered by AMERICA Fund, regardless of value, without the need for an individual Ethics determination.

Q: I was wounded in a car accident incurred in the line of duty while at my permanent duty station (not in a combat operation or zone). AMERICA Fund (or any other entity) has offered to make my house wheelchair-accessible for no cost to me. May I accept this gift?

A: Although AMERICA Fund offers support to seriously ill and non-combat injured Airmen, Airmen who do not qualify as "Covered Airmen" must request their servicing legal office to process the gift in accordance with standard gift acceptance regulations.

Discounts

Q: Can I take advantage of discounts that are offered only to wounded warriors?

A: Probably. Discounts generally may be accepted when offered by a non-prohibited source to a group of personnel, without regard to the basis of official position, pay or rank. Examples might include all personnel who responded to a particular disaster or all personnel injured in a particular disaster or event. See 5 C.F.R. 2635.204(c)(2)(iii). Seek an ethics official's advice before accepting this discount.