

Legal Services

Claims

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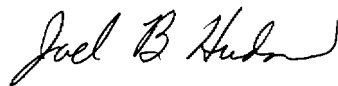
Legal Services

Claims

By order of the Secretary of the Army:

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History. This publication is a rapid action revision. The portions affected by this partial revision are listed in the summary of change.

Summary. This regulation sets forth guiding policies and legal principles for investigating, processing, and settling claims against, and in favor of, the United States. This publication is intended to be used as guiding policy for the procedures in DA Pam 27-162.

Applicability. This regulation applies to

the Active Army, the Army National Guard of the United States, the United States Army Reserve and, under certain circumstances, Department of Defense civilian employees. In countries where the United States Army has been assigned single service claims responsibility, this regulation applies to claims generated by the other armed services. During mobilization, chapters and policies contained in this regulation may be modified by the proponent.

Proponent and exception authority.

The proponent of this regulation is The Judge Advocate General (TJAG). TJAG has the authority to approve exceptions to this regulation that are consistent with controlling law and regulation. The proponent may delegate this approval authority, in writing, to a division chief within the proponent agency in the grade of colonel or the civilian equivalent.

Army management control process.

This regulation contains management control provisions in accordance with AR 11-2 and contains a checklist for conducting management control reviews.

Supplementation. Supplementation of

this regulation and establishment of command and local forms are prohibited without prior approval from the Commander, United States Army Claims Service, 4411 Llewellyn Avenue, Fort George G. Meade, MD 20755-5360.

Suggested improvements. Users of this regulation are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to the Commander, United States Army Claims Service, 4411 Llewellyn Avenue, Fort George G. Meade, MD 20755-5360.

Distribution. This publication is available in electronic media only and is intended for command levels B, C, D, and E for the Active Army, the Army National Guard of the United States, and the U.S. Army Reserve.

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Glossary

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Chapter 1

The Army Claims System

Section I

General

1-1. Purpose

This regulation sets forth policies and procedures that govern the investigating, processing, and settling of claims against, and in favor of, the United States under the authority conferred by statutes, regulations, international and interagency agreements, and DOD Directives (DODD). It is intended to ensure that claims are investigated properly and adjudicated according to applicable law, and valid recoveries and affirmative claims are pursued against carriers, third party insurers, and tortfeasors.

1-2. References

Required and related publications, and prescribed and referenced forms, are listed in appendix A.

1-3. Explanation of abbreviations and terms

Abbreviations and special terms used in this regulation are explained in the Glossary.

1-4. Types of claims

- a. This regulation covers claims under the following claims settlement authorities:
 - (1) The Military Claims Act (MCA), 10 United States Code (USC) 2733, 2738 (see chap 3 of this publication).
 - (2) The Federal Tort Claims Act (FTCA), 28 USC 2671–2680 (see chap 4).
 - (3) The Non-Scope Claims Act, 10 USC 2737 (see chap 5).
 - (4) The National Guard Claims Act (NGCA), 32 USC 715 (see chap 6).
 - (5) Treaties and other international agreements, 10 USC 2734b (see chap 7).
 - (6) The Maritime Claims Settlement Act (MCSA), 10 USC 4801–4804, 4806 (see chap 8).
 - (7) Redress of injuries to personal property, Uniform Code of Military Justice (UCMJ), Article 139, 10 USC 939 (see chap 9).
 - (8) The Foreign Claims Act (FCA), 10 USC 2734 (see chap 10).
 - (9) The Personnel Claims Act (PCA), 31 USC 3721 (see chap 11).
 - (10) Claims against nonappropriated fund (NAF) activities and the risk management program (RIMP) (see chap 12).
 - (11) The Federal Claims Collection Act (FCCA), 31 USC 3711 (see chap 14).
 - (12) The Federal Medical Care Recovery Act (FMCRA), 42 USC 2651–2653 (see chap 14).
 - (13) Collection from third party payers of reasonable costs of healthcare services, 10 USC 1095 (see chap 14).
 - (14) Claims by the U.S. Postal Service for losses or shortages in postal accounts caused by unbonded Army personnel (39 USC 411 and DOD Manual 4525.6–M). (See paras 1–9i and 2–25 of this publication).
- b. Where a conflict exists between a general provision of this publication and a specific provision found in any of this publication's chapters implementing a specific statute, the statute's specific provision will control.

1-5. Command and organizational relationships

- a. *The Secretary of the Army.* The Secretary of the Army (SA) heads the Army Claims System and acts on certain claims appeals directly or through a designee.
- b. *The Judge Advocate General.* The SA has delegated authority to The Judge Advocate General (TJAG) to assign areas of responsibility and designate functional responsibility for claims purposes. TJAG has delegated authority to the Commander, United States Army Claims Service (USARCS), to carry out the responsibilities assigned in paragraph 1–9 and as otherwise lawfully delegable.
- c. *U.S. Army Claims Service.* USARCS, a command and component of the Office of TJAG, is the agency through which the SA and TJAG discharge their responsibilities for the administrative settlement of claims worldwide (see AR 10–72). USARCS' mailing address is Commander, U.S. Army Claims Service, Office of The Judge Advocate General, 4411 Llewellyn Avenue, Fort George G. Meade, Maryland 20755–5360.
- d. *Command claims services.*
 - (1) Command claims services exercise general supervisory authority over claims matters arising within their assigned areas of operation. Command claims services will—
 - (a) Effectively control and supervise the investigation of potentially compensable events (PCE) occurring within the command's geographic area of responsibility, in other areas for which the command is assigned claims responsibility, and during the course of the command's operations.
 - (b) Provide services for the processing and settlement of claims for and against the United States.
 - (2) The Commander, USARCS, may delegate authority to establish a command claims service to the commander of