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Legal Services

Claims Procedures

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Legal Services

Claims Procedures

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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 pamphlet sets forth procedures for investigating, processing, and settling claims against, and in favor of,

the United States. This publication is intended to be read and used in conjunction with AR 27-20, which sets forth guiding legal principles and policy.

Applicability. This pamphlet applies to the Active Army, the Army National Guard (ARNG), the United States Army Reserve (USAR), and to Department of Defense (DOD) civilian employees under certain circumstances. In countries where the United States Army has been assigned single-service claims responsibility, this pamphlet applies to claims generated by the other armed services. During mobilization, procedures in this publication can be modified to support policy changes as necessary.

Proponent and exception authority. The proponent agency of this pamphlet is The Judge Advocate General. The proponent has the authority to approve exceptions to this publication 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.

Suggested improvements. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to the Commander, U.S. Army Claims Service, 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 Active Army, Army National Guard, and U.S. Army Reserves.

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Glossary

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Chapter 1

The Army Claims System

Section I

General

1-1. Purpose

a. Army claims mission. Training missions and overseas deployments by Active U.S. Army, Army Reserve, and National Guard personnel performing Federal functions may result in claims filed by individuals to recover funds for maneuver damage, certain environmental damage claims, destruction of personal or real property, and physical injury or death. Additionally, soldiers of the Army and other armed services as well as eligible Department of Defense (DOD) civilian employees who have deployed or changed permanent duty stations submit thousands of claims annually for lost or damaged household goods and other losses sustained incident to service. Combined, the foregoing claims, once evaluated, result in the tens of millions of dollars paid each year by the Army Claims System.

(1) This System is comprised of—

- U.S. Army Claims Service (USARCS), Office of The Judge Advocate General, U.S. Army.
- U.S. Army Claims Service, Europe.
- U.S. Army Claims Service—Korea,
- U.S. Army Claims Service South.
- Over 100 field claims offices around the world.

(2) On behalf of the Secretary of the Army, USARCS—

- Provides policy guidance and substantive claims-related assistance to the Department of the Army (DA) and the field claims offices worldwide.
- Provides operational guidance and support to military missions on claims and processes individual claims expeditiously.
- Coordinates the execution of the single service claims responsibility that the DOD has assigned to the Army for designated parts of the world.
- Assists field claims attorneys and commanders in establishing a claims processing and payment protocol that facilitates military operations, deploys as required, and provides support for certain environmental claims.
- Oversees claims payments arising from negligent acts or omissions and accidents that occur during military operations (such as peace-keeping and peace-enforcement missions; humanitarian relief operations in response to hurricanes, floods, earthquakes, and other natural disasters; and civil disturbances).
- If chemical accidents occur, acts as the agent for certain claims under the Chemical Stockpile Emergency Preparedness Program within the United States and other chemical demilitarization sites.

(3) In contrast to the payment missions listed in paragraph 1-1a(2), USARCS, through affirmative claims, is responsible for recovering funds that are owed to the Army, DOD, and the General Treasury by transportation carriers, insurance companies, and third parties who injure military personnel or damage military property.

(4) To execute its broad mission, USARCS receives indispensable assistance from the field claims offices and conducts an Annual Worldwide Claims Training Course open to both the Army claims community and members of the DOD and Federal Government.

b. Relationship between AR 27-20 and DA Pam 27-162.

(1) In furtherance of these and other claims missions, this publication explains and implements the policies contained in Army Regulation (AR) 27-20. It describes the procedures and responsibilities for investigating, processing, and settling claims arising from, or related to, military operations and activities against, and in favor of, the United States, under the authority conferred by statutes, regulations, international and interdepartmental agreements and DOD directives. This text is intended to ensure that claims are investigated properly, analyzed fully, adjudicated objectively and fairly, and paid or denied; or that collection action is initiated as may be appropriate.

(2) For ease of reference, the chapter and paragraph numbers in this publication correspond with the chapter and paragraph numbers used in AR 27-20. To the extent possible, the subparagraph numbers in this publication correspond to those used in the regulation, but that was not done uniformly since this publication contains much more information and implementing guidance than does AR 27-20. Readers will find, however, that both texts follow the same general order in presenting their subjects.

1-2. References

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