



Property Damage, Personal Injury, Or Death Claim



<http://8tharmy.korea.army.mil/sja/claim-services/>

1. General Information Regarding Filing a Claim for property damage, personal injury or death, due to negligence of US Military or DOD Government employees in the performance of their duties:

A **proper claimant** has **up to 2 years from the date the claim accrues** to **present a claim** against the United States under the Military Claims Act (MCA) for property damage, personal injury, or death, allegedly caused by negligence or wrongful act or omission of military personnel or civilian employees of the Department of Defense, acting within the scope of their employment, or incident to the noncombat activities of the Armed Services.

A claim arising outside the United States may be settled under the MCA only if the claimant has been determined to be an inhabitant (normally a resident) of the United States at the time of the incident giving rise to the claim (for example, a member of the Armed Forces of the United States; a U.S. civilian employee or invited contractor employed from the United States; or a Family member of either category, even if the family member was acquired overseas).

A claim accrues on the date on which the injured party knows, or should have known, of an injury or loss and its cause, and must be presented (received) within 2 years of that date by any organization or activity of the DOD or the U.S. Armed Services. **Placing a claim in the mail, or receipt by another Federal Agency, does not constitute filing a claim.** A claim may be transmitted by facsimile or e-mail, however, an original claim must be submitted as soon as possible.

A claim must: **(1)** be in writing alleging negligence or wrongful act or omission; **(2)** contain a sum certain (a specific amount); and **(3)** signed by a proper claimant (or by an authorized representative who must furnish written authority to sign on a claimant's behalf).

Claims processed under the MCA are: **(1)** purely administrative (no judicial remedy is available), and unfavorable action may be appealed to a higher authority; and **(2)** although there is no requirement to obtain an attorney, if an attorney is retained, attorney fees are limited to 20 percent of any settlement and are paid by the claimant out of the settlement.

References:

- [Military Claims Act \(MCA\), 10 U.S.C. § 2733](#)
- [Army Regulation 27-20, Claims, Chapter 3](#)
- [Department of the Army Pamphlet 27-162, Claims Procedures, Chapter 3](#)

Checklist for Filing a Claim for Property Damage, Personal Injury or Death

If appropriate forms/documentation are not provided or not properly completed, you will be notified and provided a reasonable time period in which to take corrective action. Should corrective action not be taken within a reasonable period, we will take action to attempt to settle your claim based on available documentation, or deny the claim in full. If your claim is denied, you will be notified in writing of the reason for denial, and provided the opportunity to appeal.

CLAIM FORMS:

_____ **SF 95, Claim for Damage, Injury, or Death** (Blocks 1 ~ 19)

This form must be signed by a proper claimant. If other than a proper claimant is completing and signing the form:

- The personal information listed **MUST** be that of the proper claimant
- Written authorization to sign the form on behalf of the proper claimant (i.e. power-of-attorney, attorney representation, etc.) must be provided

◀ **Blank & sample completed form attached in on-line version of this handout (see left column attachment listing)**

_____ **DD Form 1844, List of Property and Claims Analysis Chart** (Blocks 1 ~ 11, 13 & Page Count/Total Pages). **NOT REQUIRED** for personal injury or death.

◀ **Blank & sample completed form attached in on-line version of this handout (see left column attachment listing)**

ADMINISTRATIVE DOCUMENTS:

_____ Proper Claimant Status Substantiation:

_____ **US AD Military & Family Member** (military assignment orders to Korea and all amendments/extensions)

_____ **US DOD Civilian & Family Member** (current CPAC letter of employment valid at the time of the incident)

_____ **US Invited Contractor & Family Member** (DA Form 700-19A-R-E valid at the time of the incident)

_____ **US Resident Visiting Korea** (military leave form, TDY order, US passport, foreign passport with US permanent resident card, as appropriate)

_____ **Electronic Funds Transfer Worksheet** (for AD Mil & DOD Civ - funds only deposited into DFAS MyPay account)

◀ **Blank form attached in on-line version of this handout (see left column attachment listing)**

_____ **Insurance Settlement** (if private insurance paid any funds associated with damage). There is **NO REQUIREMENT** for you to file a claim through private insurance.

_____ **Power of Attorney (POA)** – You must have a POA if you are filing for your sponsor or someone else.

CLAIM SUBSTANTIATION/SUPPORTING DOCUMENTATION (as applicable):

_____ **Documentary Evidence to Substantiate Damage, Injury, or Death.** Military Police Report, Medical Records, etc.

_____ **Photographs.** You must provide photographs of your damaged or destroyed items. Photographs must include a view of the entire object, as well as mid-range and close-ups of the damage. Photographs must be of good quality, and not grainy in nature. Photographs will be taken by claims personnel (if necessary).

_____ **Purchase Receipts.** You must provide copies of a purchase receipt, credit card statement, cancelled check, appraisal, or some other form of substantiation to prove purchase date, cost, and ownership, of items of a value of \$100 or greater (if your total claim exceeds \$500).

_____ **Written Repair Estimates/Bills.** **ALL** property that is damaged, having a value of \$100.00 or more, must have an itemized repair estimate from a reputable repair firm. The estimate of repair must specifically detail the specific damage(s) being repaired and cost, or specify that the item is not repairable. NOTE: If already repaired, a detailed written repair bill specifying the damage(s) repaired must be submitted.

◀ **A partial list of repair firms attached in on-line version of this handout (see left column attachment listing)**

_____ **Replacement Costs.** Replacement costs must be substantiated for items determined not repairable by a reputable repair firm. You may submit documentary evidence of replacement costs from the PX, catalogs, or the Internet.

ADDITIONAL ADMINISTRATIVE DOCUMENTATION FOR VEHICLE DAMAGE:

_____ **USFK Driver's License (AD Military, DoD Civilians, & family members) or Korean Driver's License (Invited Contractor & family members)** for the driver of the vehicle valid at the time of the incident if vehicle not parked.

_____ **USFK Vehicle Registration or Korean Motor Vehicle Registration Certificate** valid at the time of the incident.

_____ **Complete Insurance Policy (not insurance card)** valid at the time of the incident.

ADDITIONAL ADMINISTRATIVE DOCUMENTATION FOR PERSONAL INJURY OR DEATH:

_____ **Release for Use of Medical Records under HIPPA.**

◀ **Blank form attached in on-line version of this handout (see left column attachment listing)**

_____ **If for Death, Court Appointment as Executor for Deceased's Estate.**

_____ **If Invited Contractor, complete copy of SF 1449 (Solicitation/Contractor/Order for Commercial Item) or equivalent.**

NOTE: Additional documentation or information may be required in the course of adjudicating your claim.



PLEASE STOP BY YOUR MILITARY CLAIMS OFFICE IF YOU NEED FURTHER ASSISTANCE

