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HEADQUARTERS UNITED STATES ARMY FORCES IN THE FAR EAST

# USAFFE CLAIMS MANUAL

INVESTIGATION, PROCESSING AND SETTLEMENT OF CLAIMS IN THE SOUTHWEST PACIFIC AREA

Prepared by CHIEF OF CLAIMS, USAFFE

15 March 1945

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#### HEADQUARTERS

### UNITED STAT'S ARMY FORCES IN THE FAR EAST

15 March 1945

## FORE "ORD

- The policies and procedure herein will be observed by the United States Forces in the Southwest Pacific Area, except that accidents or incidents and claims arising therefrom which occur in the Commonwealth of Australia are subject to the Special Provisions, Section VI herein.
- 2. USAFFT Regulation No. 1-75, 4 October 1944, and Changes 1, 4 December 1944 are being changed to provide for the utilization of this menual.
- To the extent that the provisions hereof are inconsistent with Arry Regulations relating to claims, and 'har Department directives issued in relation thereto, the provisions hereof have been greediically approved by the 'har Department.
- 4. When necessary, amendments hereto will be issued in the form of new pages to be inserted.
- 5. No directives in claims matters will hereafter be issued by lower echelons, nor will any such directives now outstanding be left in force, except as first submitted to and approved by this hadquarters.
- Any suggestions or comments in connection herewith, and any proposed directives sübmitted under paragraph 5, above, will be directed to the Chief of Claims, USAFFE.

By command of General MACARTHUR:

REME S. FRAILE Colonel, AGD Adjutant General

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## 1. CLAIMS SERVICE, USAFFE

### 1. Designation

The United States Claims organization in this theater is known as the "Claims Service, USAFFE". It is organized pursuant to the provisions of AR 25-20, and AR 25-90, the latter of which provides as to each foreign theater of operations for the designation of a Chief of Claims Service, the appointment of foreign claims commissions and the establishing of a service for the investigation of accidents and incidents which may give rise to claims. See Pars. 19 and 20. AR 25-90.

# 2. Statutory Functions

The statutory basis for the establishment of the theater claims service is the Act of January 2, 1942, as amended by the Act of April 22, 1943, - the Foreign Claims Act. The express purpose of the Act is the promotion and maintenance of friendly relations by the prompt settlement of meritorious claims by Claims Commissions appointed to consider, ascertain, adjust, determine, and make payments in final settlement of such claims. Such provision is made for claims for damage to or loss or destruction of real or personal property, and for personal injury or death, caused by Army forces, or individual members thereof, or otherwise incident to noncombat activities of such forces, in a foreign country to public property located therein or to the privately owned property, or to the persons, of inhabitants of such country.

# 3. Other Functions

The Foreign Claims Act relates to claims for damage or injury resulting ordinarily from torticus acts by members of the Army forces. The scope of activities of the Claims Service, USAFFE, is, however, not limited to the investigation, processing, and disposition of such claims. As a special staff section of the theater and of lower echelons, the service is charged by the Theater Commander with the duty of investigating other claims against or in favor of the United States. Claims commissions may be empowered not only to make final settlements under the Act of January 2, 1942, as amended, but also as special appointees of the Theater Compander to make disposition of other classes of claims.

# 4. Components

The Claims Service, USAFFE, is administered by a Chief of Claims through a Theater Director of Claims Commissions and a Theater Director of Claims Investigating Service, all functioning through a central headquarters and such branch offices as may be necessary. with subordinate elements as follows:

- a. Theater Director of Claims Commissions
  (1) Foreign Claims Commissions
  - (2) Personnel Claims Commissions
    - (3) Employees' Compensation Commissions (4) Claims Commissions for specified classes of claims

# Theater Director of Claims Investigating Service (1) Unit Claims Officers

(2) Marine Casualty Investigating Officers (3) Officers attached for claims duties

to staffs of lower echelons

# (4) Claims Service Investigating Officers

# 5. Chief of Claims, UNITE

Under the direction of the Theater Commander, the Chief of Claims, URAFFE, is charged with the responsibility of investigation, processing, and disposition of claims arising out of service-compared accidents or incidents occurring within the theater and such other claims as may by higher authority be turned over to him for investigation, processing or disposition. He is, as well, charged with the responsibilities of a Chief of Service as prescribed in paragraphs 15-19, FM 100-10, and of a special staff officer within the scope of paragraphs 18 and 19, FM 101-5. Through the Theater Director of Claims Commissions and the Theater Director of Claims Investigating Service, respectively, he will administer the functions of the Claims Service, US/JFE, pertaining to the Claims Commissions and Claims Invostigating branches of such service, subject as to such cornissions to their statutory powers and responsibilities and, as to the service constally, to regulations and directives of higher authority including the Judge Advocate Concrel of the Army. He is responsible for the supervision, technical training and inspection, is all matters value. in all matters relating to chairs, of all activities of base sections and other echolons. Be will have such staff officerf as may be required for the conduct of his office.

6. Theater Director of Claims Commissions This officer is responsible directly to the Chief of Claims, EXEFTS, for the supervision of all commissions comprised within such matter. within such Claims Survice. He is charged, subject to the statu-tory pomers and responsibility. samme seem claims Sorvice. He is charged, subject to the brown and responsibility for such countsions, with re-Sponsibility for meintenance of uniformity of procedure and processes and of interpretation are sponsitive for minimum noo of unformity of procedure and pre-tice and of interpretation and awards. He will recommend appointtree am of interpretation and autorities to proceed appoints to and changes in, all commissions, will provide and cause to be arranged to loop make the commissions, will provide and cause to be attached to lower cohologs appropriate commissions within practicable somestimate with the most representation of the practicable somestimate with the most representation of the practicable somestimate. to be straight to lower occolors appropriate commissions within and will be reasonable for the bounds when the points where the originate of the claims originate. practicable dottact with the points where the claims originate, and will be responsible for the points where the claims originately of fiscal and personnel functions for the performance of all administratives. and will be reagonable for the points where the claims that figures and Personnel functions relating to the counterions. He is responsible to the Chief of many responsible to the Chief of Claims, to Try, for the successions. responsible to the Chief of Cleins, USATE, for the americal collane contestions and indexection, in all nature relating and other calains contestions, or all nature relating to the bounded telling and improvious to all matters relating to re-claims commessions of all activities of the activities of containing, of all activities of case sections and other furnish to containing to the Chief of Claime, USAFFE, and may containing the containing to the Chief of Claime, USAFFE, and may contain the Chief of Claime, USAFFE, and containing the containing the chief of Claime, USAFFE, and chief of Claime, USAFF occasions, he will furnish to the Chief of Claime, WARFE, and occasion continuous, who local collisions as key be requised occasion matters, in the local collisions as key be requised. tuning to commence, such local comming or vaccing or requirements of the section all determinations. He will cause to be inco by the canalectors or for recommendation as the write of claims submitted for experience of claims submitted fo as according tions on the tarits of the table by the one as of for recommendation as to express of the submitted for approximation as to expressly other or higher authority of the opinion of the opinio or nor recommendation as twits of claims submitted for a re-is well have such starf officers as may be thought our higher authority. of his office.

## 7. Foreign Claims Commissions

Each Foreign Claims Commission will be composed of one or more commissioned officers of the Army. Claims under AR 25-90 way he allowed in an amount in excess of \$500 only by such a conmission of more than one member; claims may be allowed in an amount not in excess of \$500 by such a commission of one or nore members. Such commissions within the authority delegated by the Theater Commander may be empowered to make disposition of other types of claims within the scope of Claims Service, USAFFE, whether or not under AR 25-90.

# 3. Personnel Claims Commissions

Pach Personnel Claims Commission will be composed of one or more commissioned officers of the Army having such delegated powers under AR 25-100 as shall be stated in the authorization appointing such commission. Such commissions will be appointed also as Foreign Claims Commissions under AR 26-90.

## 9. Employees Compensation Commissions

Each Employees Compensation Commission will be composed of one or nore commissioned officers of the Army or civilian representatives of the U.S. Employees' Compensation Commission, having such delegated nowers under the United States Employees' Compensation Act of September 7, 1916, as amended, as shall be stated in the authorization appointing such commission. The senior such commission will be the representative in the theater of the U.S. Employees' Compen-

## 10. Other Claims Commissions

Other and additional claims commissions may be appointed to be composed of one or more commissioned officers of the Army for the disposition of other types of claims within the scope of Claims Service. INAFFE.

### 11. Wester Director of Claims Investigating Service

This officer is responsible directly to the Chief of Claims, UBAFFE, for the functioning of the Claims Investigating Service. He is charged with responsibility for maintenance of uniformity of procedure and practice in the conduct of investigations. He will provide and cause to be attached to lower echelons appropriate claims investigating personnel within practicable contact with the points where the claims originate, and will be responsible for the performance of all administrative and personnel functions relating to the investigating service. He is responsible to the Chief of Claims, MAFFE, for the supervision, technical training and inspection. in all matters roleting to the claims investigating service, of all activities of base sections and other ecnelons. He will cause to be made by personnel of such investigating service investigations required in the performance of the functions of Claims Service, USAFFE. He will have such staff officers as may be required for the conduct of his office.

# 12. Unit Claims Officers

Unit Claims Officers will be appointed by:

- (1) Ground Forces: The commanding officer of each unit down to include separate battalions.
- (2) Air Forces: The commanding officer of each unit and command down to include separate groups, and other administrative installations when necessary.
- (3) USASOS, Southwest Pacific Area: The commanding officer of each base section and base, and other administrative installations when necessary.
- (4) Replacement Command, USAFFE: The commanding officer of each replacement depot, and separate replacement installations when necessary.
- (5) Other commanding officers who find such action necessary or desirable. Par. 7d, AR 25-20.

or incidents remonstrative for the investigation of accidents resulting in property damage, loss or destruction, or expected public or death, rests upon the commanding officer most directly through

# 13. Marine Casualty Investigating Officers

by commanding officers or each port, subport, cargo port, by each clar installation under whose translation under whose translation under whose translation under whose translation under whose translations are subport, cargo port, by each clark translation under whose translations are subported to the command translation under whose translations are subported to the command translations are subported to th haring casualty investigating officers may be appointed thing officers as he each by commanding officers of each port, subport, cargo port, by each cother installation under whose insediate control one or more army wessels are operating, and insediate control one or more army to the control officer who control metallation under whose immediate control one or more a-seasols are operating, and by any other commanding officer who research are operating, and by any other commanding officer who the action accessing or desirable. In any case, however, the duties of a marine country or desirable. In any case, however, inas sech action necessary or desirable. In any case, however, formed by a unit class of a sariac casualty investigating officer may be performed by a unit class of a sariac formed by a contract of the cont hes dulie of a marica desulty investigating officer may be performed by a suft claim officer appointed as provided in paragraph 12 of this Section I. Move.

# 14. Claims Service Investigating Officers

other than the Director therefore Claims Investigating Service for the Court of the bond the Biretto therefor have designated by him as Classes of the Constitution of the Garrice investigating Officers and shall in such out on divise as may be prescribed by such Director.

15. Branch Offices of Claims Service, USAFFE of class Two cold of Claims, USAFF, will establish branch of class and also swapes, as using the cold class and major installations. The officer as targety considerable message (see Far. 20, 18, 25-50), attaches a class of a branch message (see Far. 20, 18, 25-50). and attending in the major of such bases and major limited file officer, is a being consider mesonary (see Par. 20, is 20-71 the officer, being of a branch officer of such Service will be officer, and the Children of Children of Service of such Service will be officer of such Service with the contract of the contract low officer in charge of Consider messes and anjor introducing the statistical by the Chief of a branch officer on the Fart 20, 18 25 Per officer of the Chief of a branch officer of the Chief of a branch officer of the Service will be statistically associated of the Communication of the Chief o standing by the Crist of a branch office of such Service of section of the Crists, under the Calais, USATE, to the staff of the commondate of the section of intelligence to the staff of the common of the Crists o stated of an account of this, horse of sections of the social account of the section of the sect one swatch the commands in chains satters and to perform the continuous to claim satters within such commandTRICTED

#### II. SCOPE AND CLASSES OF CLATICS

#### 1. Territorial Scope

Included within the scope hereof are claims of the classes described below which arise in Southwest Pacific Area including liborated territories or occupied enemy territory, whether or not all or any part of the costs of occupation and military government are chargeable to the inhabitants, and claims, wherever arising, of military personnel and civilian employees of the War Department or of the Army for property lost, damaged, destroyed, captured, or abandoned in the service. The terms "territories" and "territory" include territorial waters within the areas liberated or occupied (see Par. 5. AR 25-90).

#### 2. Claimants

Included within the scope hereof are demands for navment on the War Department or the Army submitted by individuals, partnerships, associations, or corporations, including foreign countries and states, territories, and political subdivisions thereof (see Par. 1. AR 25-20 and Par. 2, AR 25-90), provided such claims are, or appear or are alleged to be, within the classes described below. Claims, in favor of the United States, of the type described in paragraph 13 of this Section II, below, are also within the scope of this directive.

### 3. Claims under Foreign Claims Act (AR 25-90)

a. Scope. - Claims for damage to or loss or destruction of real or personal property, and for personal injury or death, caused by Army forces, or individual members thereof, or otherwise incident to noncombat activities of such forces, in a forcien country to public property located therein or to the privately owned property, or to the persons, of inhabitants of such country, Par. 2. AR 25-90.

- b. Express exclusion of combat claims. No claim for danage to or loss or destruction of property, or for personal injury or death, resulting from action by the enemy, or resulting directly or indirectly from any act by armed forces engaged in combat, will be allowed. Par. 15, AR 25-90.
- c. Classification of included claims. Claims arising out of noncombat activities and allowable under the Foreign Claims Act are within one or more of the following classes:
  - (1) Acts or omissions see subparagraph d of this
  - (2) Bailed personal property see subparagraph
  - e of this paragraph 3, below. (3) Use and occupancy of real property - see subparagraph f of this paragraph 3, below.

(4) Other noncombat activities - see subparagraph g of this paragraph 3, below,

# d. Acts or omissions.

- (1) Score. Claims for damage to or loss or datraction of property, or for personal injury or death, proximately caused by acts or emissions of military personnel or civilien employees. Par. 6, 88: 25-60.
- (2) Militar pormotion and civilian employees whose thirty posterior and civilian comployees whose tests or maissions used civilian comployees whose tests or maissions. See that the civilian comployees of the San Department or and civilian employees of the San Department or and civilian employees of the San Department or and civilian employees of the San Department or of the Army own through the same tests of the San Department of the Army own through the same complete the same tests of the Army own through the same complete the same tests of the Army own through the same complete the same tests of the Army own through the same complete the same tests of the same tests o
- (1) Scott sealement. If the demany, lear, the first sealement of the sea
- (4) Proximate course. Acts or ordistions of military pursonel or civilian caployees giving rise to claims newship and bursoned or civilian caployees giving rise to claims payable under the provisions of the Act may be intentional. may be intentional or unintentional, may be criminal, negligent. may be intentional or unintentional, may be criminal, neitheast, or wrongful, or they may be more the accident of indepent, if the proximate cause of the accident or incident. the section of indownt. If the proximate cause of the section of incident is the act or caussion of persons other than the section of the cause of the section of the secti me actions or incident is the act or omesion operane other the military personnel or civilian oppoyees, as defi personn other then allthary personnel or civilian complexes, as defined in subparteraph d(2) of this parteraph 3, shows the advantage and acceptance of the complex defined in the complex decided and employees as defined in subconservable (2) of the provisions of the claim is not payable under of the content of the provisions of the Act. If the proximate cause the provisions of the Act. If the proximate con-current outlant or incident is the joint or con-current outlant. or unsection or incident is the joint or con-current engineent or transfer act or omission of editor, personnel or transfer act or omission of engrest negligant or trongful act or emission on military personnel or civilian employees and of one or negligant assistant employees and of cancer personnel or civilian employees and of exert, or employees other than the claimant, his the extens of any persons other than the claimant, his the extens of any one claim is payable except to the start, if say, Paid by or on behalf of such other porces or paragrams. other person or pursons, Par. 6g, AR 25-90.

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- (5) <u>Borochiam</u>. Claims otherwise within the prevision of the six may be allowed regardless of weather the damage, lone, destruction, inlury, or death is enumed by rotoou, wident, or disordering dark, or such reclaims disregard of property rights as to carry an implication of guilty traits, as that the claims would, but for the previsions of the contract of t
- (6) Consumer to his cation of Light Processions.

  In any other than the cation of Light Processions the cation of Light Processions of the cation of the cat

#### e. Bailed personal property.

- (1) Scorp. Claims for damage to or loss or destruction of personal property loaned, rested, or otherwise balled to the Soverment under an agreement, express or implied, unless by supress agreement the ballor has assumed the risk of damage, loss, or destruction. Par. 7, 2R 25-90.
- (2) <u>Omnous the relative production</u>
  Such claims may in many cases be settled as consistency of the construction of the Covernment that that jurgical to Description of the Covernment that that jurgical to Description of the settled as embracial manual to the construction of the covernment that the jurgical to Describe the Covernment that the production of the covernment that the production of the covernment that the construction of the covernment that the covern

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f. Use and occupancy of real property.

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(1) Scope. - Claims for damage to real property incident to the use and occupancy thereof by the Government under a lease, express or implied, or otherwise, even though legally enforceable against the Government as contract claims. Par. 8, AR 25-

(2) Procure ment 6 taims

curement regulations. - Such claims will normally be settled under the provisions of USAPPE real setate procurement regulations as contractual real estate claims in accordance with the provisions of paragraph of this Section , below, but may be settled under it this Section ... settled under the Foreign Claims Act if preferable in the particular case. Claims for damage to real estate not occupied under a lease or other contract (written or oral) may not be settled as contractual real estate claims but only under the Foreign Claims act which, if applicable, is the exclusive remedy (Mar Department Latte, St. 1997). (Mar Department Letter, SPJQD 1944/27717-C, subject) Claims and Analogous or Related Matters in Territory Occupied by Halogous or Related Matters in Territory Occupied by United States Armed Forces, 23 February 1944).

g. Other noncombat activities.

of property, or for pursual injury or death, though not caused by set, or for persons for damage to or less or destruction of the for or consistent or or the state of the formation of the for striction of the Army, if otherwise incident to the announced the army of the striction of straint from driving expensions of the Army, -- to illustrate, or the Army, -- to illustrate, and a feet to the Army, -- to illustrate, and a feet to the Army, -- to illustrate, and a feet to the Army, -- to illustrate, and a feet to the Army, -- to illustrate, and a feet to the Army, -- to illustrate, and a feet to the Army, -- to illustrate, and a feet to the Army, -- to illustrate, and a feet to the Army, -- to illustrate, and a feet to the Army, -- to illustrate, and -- to illustrate, an arising from dirplace crashes barrage bellions, vibration or concussion, 26 25-90, suchedial defects, runaway horses, and explosions. Far.

this set, in the Process of Preside Chairs set. - The purpose of the Foreign in foreign contings by time and manufacturing of "friendly relations of the provisions of an extension property and the provisions of the the the residence of the re he provisions by the for substanting of "friendly relative suppose persons of Carpon by the continue" of "serious" class suppose of Carpon by the continue of see portuines of M 32-00 will be "settlement" of "mortiorystate of Corpuss, by the see administrated as to offsctuate other productions of the production of see to the ground of compress, Far. 4, AR 25-90. Only by write about

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issuant of resemble and on the of personal injury and death personal resemble and r better our respective section, and the test of personal injury and dis-persion for personal pairs of hospital countries of the countries of the say he pad in class of personal majors of all loss of countries of the countries o production for Physical point and Secretal Assessment Department of Secretarian Secretaria

## RESIRICIED

reasonable burial expenses and reasonable compensation for loss of prespective support may also be allowed. In computing damages in cases of personal injury or death, local standards will be taken into consideration. In case of death, only one claim arises; the amount awarded therefor will be apportioned among the beneficiaries, and in the proportions, prescribed by the law or custom of the place in which the claim arises. Par. 10, AR 25-90.

k, Persons excluded as claimants. - The following classes of claimants are among those excluded:

- (1) Persons not inhabitants of the country in which the claim arises. The word "inhabitent" as used in AR 25-90 refers only to those who dwell or reside in the country in which the claim arises. Citizenship of, or legal domicile in, such country is not required; transients having no abode or dwelling place in such country are not included. An inhabitant of any dominion, state, province, colony, territory, or possession constituting a part of a forgien country will be deemed an inhabitant of such foreign country within the meaning of the Foreign Claims Act as to a clair arising in any part of such sountry.
- (2) Military personnel of the United States.
- (3) Nationals of a country at war with the United States, or of any ally of such enemy country. except as the foreign claims commission or the local military commander shall determine that the claiment is friendly to the United States.
- (4) United States citizens not inhabitants of the country in which the claim arises. Par. 12. AR 25-90.

1. Claims excluded. - The following classes of claims are among those excluded: claims based solely on compassionate grounds; private contractual and demostic obligations of individual military personnel or civilian employees; bastardy claims; and employees' componention claims. No employee's componention claim as such is payable under the Foreign Claims Act. If the claim is within the scope of any provision made for the payment of employees' compensation claims (see paragraph 7 of this Section II, below), such specific remody is exclusive; if, however, the claim is not within the scope of any such provision, such claim may be considered under the Foreign Claims Act. Por. 13, AR 25-90.

m. Contributory negligenco. - No claim will be allowed where the damage, loss, destruction, injury, or death is proximately esused in whole or in part by negligence or wrongful act on the part of the

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claiment, his agent, or employou, unless under the law or custom of the place where the claim arises such negligence or wrongful act is not recognized generally as a bar to recovery on tort claims, in wild cure local law or custom will be applied so far as practicable in determining the effect of such negligence or wrongful act. Par. 14

n. Claims of subrogces. - Claims by subrogces in their right are not within the provisions of the Foreign Claims Act and will not be considered. Settlement will be made solely with the insured, rather than with the insurer or with both the insured and the insurer in cases of dearer of dearer or with both the insured and the insurer in cases of damage, loss, destruction, injury, or death covered by insurance, Par. 16, AR 25-90.

o. Conditions of payment. - Prior to payment of any clais within the Foreign Claims act each of the following conditions must

- (1) The amount of the damage, loss, or destruction, or the amount payable on account of the injury or death, must be determined.
- (2) The claim must not exceed \$5,000, but claims in excess of that amount may be reported to Congress for consideration.
- (3) The claim must be presented within 1 year, that claims arising after 6 December 1941, but prior to 1 May 1943, may be presented at any 25 prior to 1 May 1943, may be presented at any 29.
- (4) Claims by subrector will not be recomized except as an alement of the subroger's claim.
- (5) Contributory negligence or wrongful act, in west or in part the proximate cause, bars a clair unless not a bar to recovery on tort claims local law or custom.
- (6) The damago, loss, destruction, injury, or death must not have seed of or directly resulted from action by the aread or directly or indirectly from action by the aread
- forces engaged in combat. (7) The property lest, demoged, or destroyed sust balong to an inhabitant of the foreign country to thick the arcident or incident occurred, sub-bling to the arcident or incident occurred, sub-division the contry itself or a political
- (8) The injury or death must be to an inhabitant of the front memory where the accident or incident

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- (9) If the claiment is a national of a country at war with the United States, or of any ally of such snew country, there must be a determination by the foreign claims commission or by the local military communder that the claimant is friendly
- (10) The claim must be allowed by a foreign claims commission and, if in excess of \$2,500, must be approved by the Theater Commander.
- (11) The claiment must accept in writing in full satisfaction and in final sottlement the amount approved. Par. 23, AR 25-90.

p. Claims in excess of \$5,000. - Claims within the Foreign Claims Act except that they exceed \$5,000 and the claimant will not accept that amount in full satisfaction and in final settlement of his claim will be forwarded by Claims Service, USAFFE, direct to the Judge Advocate General for appropriate administrative action. Par. 21b(6) (a), AR 25-90.

### 4. Claims under AR 25-25

a. Scope. - Claims, arising on or after 27 May 1941, for damage to or loss or destruction of real or personal property, or for reasonable medical, hespital, or burial expenses actually incurred on account of personal infury or death, coused by military personnel or civilian employees of the War Dopartment or of the Army while acting within the scope of their employment, or otherwise incident to noncombat activities of the Gar Department or of the Army, including claims for damage to or loss for deepen to or loss or destruction of personal property bailed to the Government and for damage to real property incident to the use and occupancy thereof under a lease, express or implied, or otherwise, provided they do not exceed \$1000, (Par. 2a, AR 25-25), provided such claims are not within the provisions of the Foreign Claims act (Par.

- 17. AB 25-90). b. Express exclusion of combat claims. - Claims for damage to or loss or destruction of property, or for personal injury or death, resulting from action by the energy, or resulting directly or indirectly from any act by armed forces engaged in combat, are not sample under the provisions of AR 25-25. Par. 15, AR 25-25.
- c. Classification of included claims. Claims arising out of noncombat activities and allowable under JR 25-25 are within one or more
  - (1) Acts or omissions see subparagraph d of this naragraph 4, below.
  - (2) Registered and insured mail see subparagraph o of this paragraph 4, below.



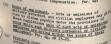
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- (3) Bailed personal property see subparagraph f of this paragraph 4, below.
- (4) has and occupancy of real property see subparagraph g of this paragraph 4, below-
- (5) Other noncombat activities see subparagraph h of this paragraph 4, below.

# d. Acts or emissions.

- (1) Scope. Claims for damage to or loss or destruction of property, or for personal injury or death, proximately caused by acts or omissions of military of military personnel or civilian employees acting within ing within the scope of their employment. Par-4, AR 25-25.
- (2) Military personnel and civilian employees Military personnel and civilian employees and esta or cataonnel and civilian employees within acts or orisions and civilian employees within the scope of AB arey give rise to claims within the scope of AR 25-25 include all military personnel and civilian employees of the War Department or of the Army, prisoners of war and intermed encountry intermed enemy aliens engaged in labor for pay, and volunteen aliens engaged in labor for pay and volunteer workers, and others, serving as employees of the Mar Department or of the Ares even though without compensation. Par. 48.



stops of their employees acting within employees acting within employees acting within employees acting within the control of sayable their employees acting claim intentions of the provisions of AR 25-25 may be or intestinal or wintestions of AR 25-25 may or wrongful or wintestional, may be negligent the highest state of the provided of the provi prioring other than tis the act or onisserul vasions other than tis the act or onisserul vasions of the than dittary personal or of prioring of the prioring o things of the claim distray personal content of the claim is not payable under on negligible to their claims of the point or concurrent personal or weepen, is the joint or concurrent personal or weepen. negligate the 25-cm is not payable uncon-personal to recognize the proximate causer becoming recognize the joint or concurrates becomes chartened to the contract of the personal chartened that complexes and of our ser-tences of the contract of the contract of the con-tract of the contract of the co

- employee, the claim is payable except to the extent, if any, paid by or on behalf of such other person or persons. Par. 4c. AR 25-25.
- (5) Depredation. Claims for damske to or loss or destruction of property, by persons subject to military law, caused by riotous, violent, or disorderly conduct, or acts of depredation, willful misconduct, or such reckless disregard of guilty intent, and payable under the provisions of A.W. 105 (AR 25-80) are not payable under the provisions of AR 25-25. Par. 14, AR 25-
- (6) Concurrent application of procurement regulations. Claims for personal property taken or used without compliance with formal requisitioning procedure and within the scope of this subparagraph 4d of this Section II will normally be settled as contractual procurement claims in accordance with the provisions of paragraph 10 of this Section II, below, but may be settled under AR 25-25, or under paragraph 10 of this Section II, below, if ment Letter, SPJGD 1944/27717-C. subject: Chains and Analogous or Related Matters in Territory Occupied by Chited States Armed Forces, 23 February 1944).

#### e. Registered and insured mail.

- (1) Scope. Claims for damage to or loss or destruction registered or insured mail while in the possession of the military authorities, if caused by military personnel or civilian employees of the War Department. or of the Army, even though resulting from criminal acts, or if otherwise incident to noncombat activities of the War Department or of the Army, Par. 5, AR 25-
- (2) Limitations. Claims for damage, loss, or destruction occurring prior to delivery by the Post Office Deportment to military personnal or civilian employees of the War Department or of the Army (o.g., officers) charged with distribution to the addresses are not payable under the provisions of AR 25-25: mor are claims arising after requestion of possession by the Post Office Department (o.g., for the purpose of forwarding to the addresses at a different address) civilian employees of the War Department or of the Army charged with distribution to the addressee. Par. 5, AR 25-25.

# f. Bailed personal property.

- (1) Scope. Claims for damage to or loss or destruction of personal property loaned, rented, or otherwise bailed to the Government under an agreement, express or implied, unless by express agreement the bailor has assumed the risk of damage, loss, or destruction.
- Concurrent application of procurement regulations. Such claims may in many cases be settled as contractual procurement claims under the provisions of paragraph 10 of this Section II, below, or may be settled under AR 25-25 if being, or may be several union an a Claims for danage to or loss or destruction of personal arrows in the programming of the foregraph of the Companyant Senset of the consession of the Government but not pursue the consession of the Government but not pursuent to Sectific but linear or other sections of the Government of the consession of the Government of the contraction Contractual procurement claims but only under the 25-25 which, if applicable, is the exclusive proceed (See War Donards of Late Contract Late Contract Contract Late Contract An error March, 11 abplication, 18 the water from the terms of the person of the terms of the terror of the terms of the terms of the terms of the terms of the t Related Matters in Territory Occupied by United States Armed Forces, 23 February 1944).

# g. Use and occupancy of real property.

- (1) Scope. Claims for damage to real property instance, to the man and assume the threat's before the control of the control incident to the use and occupancy thereof by the or athers a less, express or implied, corrections tracer a lease, express or implice, or otherwise, even though legally enforceable against the Government as contract claims.
- (2) Concurred Solication of Procuragest regulations
  Such claims will somelly be settled under the
  regulations as contraction) wend sometime claims in regulations as contractual real estate procurement accordance wish accordance with the Provisions of paragraph 11 of accordance with the provisions of paragraph is this Section II, below, but may be sottled under 25-25 if preferable that the provisions of paragraph is the previous paragraph is the this oction 11, below, but may be settled we as 25-25 if preferable in the particular case. Chains for deange to real estate not occupied Sader a lesse or other centreet (written or oral) See 1 1000 or other control (written or co-state the relief as interest (written or co-state the relief of the relief of the relief of the second or the relief of the relief of the relief of the or balled section, suspect (the parteent Letter, other section of the relief of the relief of the other relief of the relief of the relief of the relief of the other relief of the relief of the relief of the relief of the other relief of the relief of the relief of the relief of the other relief of the relief of the relief of the relief of the other relief of the h. Other noncombet activities.

tion of property, or for personal injury or death, though not





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caused by acts or emissions of military personnal or civilian employees of the Nur Department or of the Army, if otherwise incident to the nencembet activities of the Nur Department or of the Army, — to illustrate, claims arising from atriplane crashes, advage operations, burrage ballooms, withration or concession from gunfirm, burrage ballooms, whereas, and emplocious. Par. 5, 83-25.

i. Claims under Foreign Claims Act. - Claims arising in foreign countries which are cognisable under the propisions of the Foreign Claims hat are not within the provisions of AR 25-05. Subject, however, to the foreign provision, there is no propraphical limitation on the scope of application of AR 25-25; for example, a claim arising in a foreign country which is not cognisable under the Foreign Claims Act because the claimant is not an inhabitant of the foreign country in which the accident or incident occurs may, if the claim is otherwise within the provisions of AR 25-25, be paid under AR 25-25. Claims, arising in foreign countries, of nationals of a country at mar with the United States, or of may ally of such paid under the provisions of AR 25-30 carps an a foreign claims commission or the local military commender may determine that the claims to are friendly to the United States. Pur. 11, AR 25-25.

### Elements of damage in case of personal injury and death.

- (1) Medical expenses. (a) Included. Items properly allowable include, if reasonably nicessary and reasonable in amount and actually incurred -
  - 1. Transportation, by ambulance or otherwise, from the scene of the accident or incident to a physician or hospital, and to and from residence to physicians or hospitals, for examination or treatment.
  - Services performed by physicians, surgons, dentists, laboratory technicians, anesthetists, masseurs, and registered and practical nurses.
    - 3. Physiotherapy.
  - 4. Y-ray and roentgenological examination and treatment.
    - 5. Laboratory tests.
    - 6. Medicines.
  - 7. Other reasonably necessary medical expenses.

DECLASSIFIED Authority (1) 2830/8 (b) Excluded. - No amount may be allowed, as an item of the claim, for medical services fur nished at the expense of the United States. Par. 16, AR 25-25.

(2) Hospital expenses. - (a) Included. - Items properly allowable include, if reasonably necessary and reasonable in amount and actually

1. Use of emergency and surgical rooms.

a. Boom and board.

Anasthetics, medicines, laboratory fees, and dressings.

4. Payments to blood donors. Other reasonably necessary hospital expenses,

(b) Excluded - No amount may be allowed, 35

en item of the claim, for hospital services furnished at the expense of the United States

(3) <u>Burial expenses</u>. - (a) <u>Included</u>. - Items properly allowable include, if reasonable in amount and actually incurred -

1. Undertaker's services.

2. Transportation. 4. Comotery lot.

2. Services of a minister, priest or rabbi.

Interment or cremation. and funeral expenses. Other reasonably necessary burial

(b) Excluded - No amount may be allowed, as as item of the claim, for any portion of this opense of burini otherwise paid by the

wronging to Contributor Portions. Far. 18, AR 25-25.

For a contributor Portions. Contributory registere of received state of the Addison of the Addison of the Addison of the Addison of the Section of

i. Claim of manager. For 10, All 25-25.

Silved, Settlem the Provisions Claims by subrogoes in their of the state of the s stated. Settlement will be mades of its 25-25 and will not be for with the state will be set of with the settlement of damage, last years and will not be far. 21, 42 25-25, treation, tabory, or death, many the insured will insured by insured by insured to the settlement of the settlement of the settlement with the settlement of the settlement will be settlement by insured then the the insurer or with both solely with the insured, riverself of danges, last, destruction, both the insured and insurer, in case, for, 21, 25 25-25.



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occurring Sheidant to their services will be considered only under the provisions of 18 25-100. Claims of such personnel and supplying for damage to or loss or destruction of property not incident to their services are payable under the provisions of 18 25-25 on the same basis as are claims of persons not military personnel or civilian ampleyees of the Mar Deartment or of the Aury. Par. 12, 18 25-25.

n. Intury or death of military personnel or civilian suployess. — Calams for medical, hospital, and burist openess ca account of injury or death of military personnel or civilian employes of the War Department or of the Arm will First be considered under the provisions of AR 40-505 (Modical Attendance — General Provisions), AR 40-510 (Modical Attendance — General Provisions), AR 40-510, or AR 30-1830, and be within the jurisdiction of the bird States Employees' both within the jurisdiction of the bird States Employees' Arm of the Arm of the Arm of the Arm of the Arm of September 1, 1945, and the Arm of the Arm of September 1, 1945, and Commission under the provisions of the act of September 1, 1945, and the Arm of such personnel and employees. Arm of the September 1, 1945, and the Arm of such personnel and employees of the September 1, 1945, and 1945, an

- Conditions of payment. Prior to payment of any claim within the previsions of AR 25-25, each of the following conditions must be fulfilled:
  - Amount of the damage, loss, or destruction, or amount to be allowed on account of personal injury or death, must be determined.
  - (2) Award must not exceed \$1,000.
  - (3) Claim must be within the scope of AR 25-25 as outlined in subparagraph c of this paragraph 4, above.
  - (4) Claim must be presented in writing, ordinarily within 1 year after the occurrence of the accident or incident out of which the claim arises. See Par. 19, AR 25-25.
  - (5) Contributory negligence or wrongful act or ommission, in whole or in part the proximate cause, bars a claim.
  - (6) Claim must be approved by a Foreign Claims Commission or, on appeal, by the Secretary of War.
  - (7) Claimant must accept, in full satisfaction and final sittlement, the amount allowed if less than the full amount claimed.
  - (8) Claims payable under the provisions of A.W. 105 (AR 25-80) are not payable under aR 25-25.

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# (9) Foreign claims payable under the provisions

- of aR 25-90 are not payable under AR 25-25. (10) Personnel claims payable under the provisions
  - of AR 25-100 are not payable under AR 25-25.
- (11) Claims of military personnel or civilian employees incident to their service are not payable under AR 25-25. Par. 23, AR 25-25,

p. <u>Claims in excess of \$1,000</u>. - Claims in excess of \$3,000 if otherwise within the scope of is 25-25 may be reported by a,000 of otherses within how scope or as 25-25 may be reported by this Secretary of fine to Congress for its consideration.

""" of the Secretary of the to Congress of the Consideration of the Secretary of the which is abserved in an assume in excess of \$1,000 will be forwarded by Claims Soviec, USLFFE, direct to the Judge advocate General for appropriate action. Par. 24, AR 25-25.



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# 5. Claims under the 105th Article of War (AR 25-80)

a. Limited scope in foreign countries. Claims for damage to or loss or destruction of property not within the provisions of the Foreign Claims Act for the reason that the claimant is not an inhabitant of the country in which the claim arises or for any other reason. Par. 17, AR 25-90.

b. General scope. - A.W. 105 and AR 25-80 relate to claims for damage to or loss or destruction of property by persons subject to military law provided such damage, loss, or destruction is caused by rictous, violent, or disorderly conduct, or acts of the control of the control of the control of the control of the entry right of the control of the control of the control of the entry right of the control of the control of the control of the RE 25-80.

# c. Limitations of application.

- (1) Claims payable under other regulations. -Claims for damage to or loss or destriction of property which are payable under the provisions of other regulations (AR 2-5-2, 2-5-90 and 25-100) are not payable under the provisions of AR 25-80 and no stoppage of pay will be asked under the provisions of AR 25-80 to relationse the Overmment for poyments made under such other regul-
- (2) Claims resulting from negligence. Claims for damage to or loss or destruction of property resulting from simple negligence, whether or not within the scope of employment, are not payable under the provisions of RR 25-80.
- (3) Claims of subrogees. Claims of subrogees are not within the provisions of AR 25-80. Any portion of the claim covered by insurance will be disallowed.
- (4) Claims for personal injury or death. Claims for personal injury or death are not payable under the provisions of AR 25-80.
- (5) Acts or measures within scope of employment.
  Diams for dasage to or loss or destruction of
  property resulting from acts or emissions white
  the offender is acting within the scope of his
  employment, even though such claims are otherwides within the scope of A.V. 105, are not
  payable under the provisions of AR 25-80. See
  AR 25-25.
- (6) Absence of riotous, violent, and disorderly conduct. Claims arising from larceny, forgery,

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deceit, embezzlement, fraud, misappropriation, and misapplication, where the wrongful taking is accomplished under conditions of stealth, deception, trickery, or device, unaccompanied by riotous, violent, or disorderly conduct, are not payable under the provisions of AR 25-

(7) Government property. - Reimbursement for damage to or loss or destruction of property of The United States may not be required under the provisions of AR 25-80. Par. 4,

trative action under the provisions of AH 25-80 is separate and distinct from, and is not affected by, any disciplinary action taken against the offender; consequently such a person may be tried and punished for any military offense involved without regard to proceedings under the provisions of AR 25-80. In such cases the two proceedings, one disciplinary and the other administrative, are legally today. trative, are legally independent of each other and action in one proceeding is not determined. proceeding is not determinative in the other. Par. 6, AR 25-80.

claim within the provisions of payment. - Prior to payment of any ditions must be fulfilled. - Prior to payment of any continuous be fulfilled.

- (1) Amount of the damage, loss, or destruction
- Claim must relate to property only.
- (3) Claims resulting from simple negligence will (4) Nut be recognized.
  Riotom, Violent, or disorderly conduct, or acts of depredation, willful misconduct, or recking and acts of depredation, willful misconduct, or
  - reckies disregard of property rights, must
  - proximate cause.

    Subrogation claims will not be recognized. (6) Payment must be recommended in the claims
- office, report and approved personally by the offender's commanding officer.
- (7) Commanding officer personally must have Claims p-yeble under the provisions of AR 25-25 are not havely
- Cannis Payable under the provisions of An A. 25-80 Payable under the provisions of (9) k. 25-80. Foreign claims payable under the provisions of AR 25-90 are made under the provisions
- coverage trains payable under the provision of AR 25-90 are not payable under the provisions of AR 25-80, payable under the pro-(10) Personnel claims payable under the provisions of AR 25-33 are not are from response claims payable under the provisions of AR 25-30 are not payable under the provisions of AR 25-80. Far. 7, AR 25-80.



### Maritime Claims

 a. Scope. - Claims arising out of marine casualties involving vessels, cargoes, or waterfront facilities. Par. la, AR 55-500.

b. Definition of "marine casualty". - The expression "marine casualty" as so used means:

- Any collision, grounding, fire, explosion, or other accident or incident involving an Army vessel resulting in loss of life, personal injury, or damage to or loss of vessel, cargo, or other property.
- (2) Any accident or incident resulting in damage to a pier, dock, wharf, quay, or other waterfront facility under the jurisdiction of the War Department or the Army.
- (3) Any accident or incident which may result in a salvage claim, or general average contribution in respect of either vessel or cargo.
- (4) Damage to or loss of cargo while being carried on an Army vessel.
- (5) Damage to or loss of vessel or cargo caused by War Department or Army stevedores, or stevedores under contract with the War Department or the Army, in the course of the loading or discharging of cargo on or from a vessel. Par. 2b, AR 55-500.
- (6) Any other marine casualty in which Army forces are concerned.
- c. <u>Definition of "Army wessel"</u>. The expression the way was a so used means any wessel owned by, or barrboat chartered, subbarboat chartered or allocated on a barboat basis to the War Department or the Army. Par. 22, AR 55-500. Included therein are vessels operated by the Army Transport Service; not included therein are vessels operated by the Army Transport Service; not included therein are vessels operated by the Army Transport Service; not included therein are vessels operated by other Army agencies or by 'ar Shipping Administration.
- d. Claims under Article of Mar 105. For limited scope of A, ", 105 in foreign countries, see subparagraph 5a of this Saction II, above. Par\* 15, As 55-500.
- e. Personnel claims: For scope and limitations of AR 25-100 as to personnel claims, see subparagraphs 8a and b of this Section II, above. Par. 16, AR 55-500.
- f, Foreign claims. Claims arising in foreign countries may be investigated, processed, and disposed of under the Foreign Claims Act. Except as the provisions of this directive as to the Foreign Claims Act are utilized and compiled with, the provisions

of this paragraph 6 as to marine casualties, and as to claims arising therefrom, are equally applicable without as within the United States, its territories, and possessions. Par. 17, AR 55-500.

- g. Regulations not applicable. Marine casualties within the provisions of this paragraph 6 of Section II are not within the scope of paragraph 4 of this Section II, above. Par.
- h. Claims of subrogees. Claims by subrogees in their own right are not within the scope of this directive and will not be considered. Settlement will be made solely with the insured, rather than with the insurer or with both the insured and the insurer, in cases of damage, loss, destruction, injury, or death covered by insurance. Par. 21, AR 55-500, Par. 16, AR 25-90, and
  - i. Conditions of payment. Prior to payment of any claim within the provisions of this paragraph 6 of this Section It, unless the conditions of subparagraph 30 of this Section II, hi, makes one conductors of supparagraph NO of this Section and above, relating to claims under the Foreign Claims act are fulanors, seating to claims under the Foreign Claims act are an are utilized to payment the seat as to payment the seat as to payment to the seat as to payment the seat as the lines use the provisions of the Foreign Claims act as to payment are utilized in preference to the provisions of AR 55-500, each of
    - (1) amount of the damage, loss, or destruction, or amount to be allowed on account of personal injury or death, must be determined.
    - (2) Award nust not exceed \$1,000.
    - (3) Claims must arise from marine casualties as
    - (4) Claim must be presented in writing, ordinarily within 1 weer and a fine ordinarily than any presented in writing, within 1 year after the occurrence of the
    - casualty out of which the claim arises. (5) Claim must be approved by a Foreign Claims Commission composed of two or more members or,
    - on appeal, by the Secretary of Mar. (6) Claimant must accept, in full satisfaction and
      - than the full amount allowed if less
      - (7) Claims payable under the provisions of A.Y. 105
        (A4 25-80) are not result. Change Payable under the provisions of A.V. 100 of this paragraph A.V. under the provisions
      - (8) Ferromel claims puyable under the provisions visions of this market protection of this market under the provisions of this market under the proor An <- two are not rayable under the provisions of this paragraph 6 of Section II.



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- (9) Claims of military personnel or civilian employees incident to their service are not payable under the provisions of this paragraph 6 of Section II. Par. 23, AR 55-50.
- 3. Claims in excess of \$3.000. Claims in excess of \$3.000. Claims in excess of \$3.000. Claims in excess of section IA and not within the scope of this paragraph of of this Section IA and not within the scope of the Foreign Claims act may claim to Congress for its consideration. Against the scope of the Foreign Claims act will be formerded by Claims Service, USAFIE, direct to the Judge Advocate General for appropriate action. Par. 22, AR 55-500.

# 7. Employees! Compensation Claims

a. Scope. - Claims for employees' compensation benefits in cases of disability or death of civilian employees of the United States resulting from personal injury while in the performance of their duties.

b. Governed by USAFFE Employees' Compensation Commission theorem. -For standing operating procedure and policy in relation theorem, see USAFFE Employees' Compensation Commission Memorandum issued by Claims Service, USAFFE.

# 8. Personnel Claims (AR 25-100)

a. Scope. - Claims of military personnel and of civiliar. employees of the War Department or of the army for personal property lost, damaged, destroyed, captured, or abandoned in the service in the following specified circumstances:

- Property lost, damaged, or destroyed when shipped on board an unseaworthy vessel by order of an officer authorized to give such order or direct such shipment.
- (2) Property lost, damaged, or destroyed in consequence of its owner having given his attention to the saving of human life of another who was in danger at the same time and under similar circumstances.
- (2) Property lost, damaged, or destroyed in climer quence of its owner having given his attention to the saving of property belonging to the United States which was in danger at the same time and under similar circumstances.
- (4) Property lost, damaged, or destroyed while the claimant was engaged in authorized military duties in connection with the disaster in which such loss, damage, or destruction occurred.

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- (5) Property lost, damaged, or destroyed when, during travel under orders, such property, including the regulation allowance of baggage, is being transferred by a common carrier. Allowance of the claim will be limited to the extent of the loss, damage, or destruction over and above the amount recoverable from the carrier.
- (6) Property lost, damaged or destroyed when, during travel under orders, such property, including the regulation allowance of baggage, is being transported otherwise than by common carrier by the proper agent or agency of the Government.
- (7) Property destroyed by the enemy.
- (8) Property captured by the enemy.
- (9) Property destroyed to prevent its falling into the hands of the enemy.
- (10) Property abandoned on account of lack of
- Property abandoned by reason of military emergency requiring its abandonment.
- (12) Property otherwise lost in the field during
- b. Limitations of application. Claims asserted by cattles are within the provisions of as 25-100 only if the property estaces are rather the provisions of an Opena only it the property was lost damaged, destroyed, captured, or abandoned prior to the Was user, washing the desired, captured, or anandoned prior to when the control of the control o death of the owner. Far. Is, at co-MA. Subrogenses was not recognized under As 25-LUO (Par. 15, AS 25-LOO), nor zero nor recognized when the property lost 12, At 25-100), nor are considered (Far 12, At 25-100), described (Far 12, At 25-100),

the previsions of AR 25-100 only if for either . Claims will be allowed under

- (a) Personal property, including clothing, or regulation to regulation or regulation to or regulation to be possessed and used
- (b) Money and articles of personal property and articles of personal property and proper both as the proper both a and proper, both as to kind and quantity, for the claimant to have in his possession while in quarters tor the claimant to have in his possessessed in the sukar or in the field, en-Esged in the Public Service in the line of duty. Par. 6a. AP 25 duty. Par. 6a, AR 25-100.



- (2) Items not allowable. Claims will not be allowed under the provisions of AR 25-100 for -
  - (a) Souvenirs.
    - (b) Worn out or unserviceable articles.
    - (c) Articles not personal to the use of the
    - claimant, such as wearing apparel of members of claimant's household, Par. 6b, AR 25-100.
- (3) Expensive articles. Allowance for expensive articles, or those purchased at unreasonably high prices, will be based upon fair and reasonable prices for substitute articles appropriate for the claimant to have in his possession under the particular circumstances of his service. Par. 6c, AR 25-100.
- Officers' mounts. Allowance for officers' horses (4) will be the average price paid by the Government for similar animals during the preceding fiscal year. Far. 6d, AR 25-100.
- (5) Clothing and equipment. Allowance for clothing and equipment, if of Government issue quality. will not exceed the current Government sale price. Far. 66, AR 25-100.
- (6) Proration in event of excess baggage. If a shipment, made as a unit under subparagraphs a(1), (5), and (6) of this paragraph 8, above, is in excess of the regulation allowance of baggage permitted to be shipped at Covernment expense, the claim will be reduced in the ratio that the damage to the entire shipment bears to the regulation allowance on the basis of weight. Par. 6g. AR 25-10C.
- (7) Proration of insurance and amount recovered from common carrier. - When the amount recovered or recoverable by the claimant from an insurer or common carrier is less than the total loss, the amount so recovered or recoverable from the insurer or cotmon carrier will be prorated between the amount approved and the amount disallowed for items not reeronable, useful, necessary, and proper, and for items not personal to the claimant's use, but not including amounts disclicated for your out or unserviceable articles or on account of excessive prices paid therefor. Provation under this subparagraph c(7), in accordance with the foregoing, will be made by a Personnel Claims Commission on logal review of the claim. Par. 61, A5 25-100.

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# RESTRICTED

- d. Replacement in kind. Claims under AR 25-100 may be acted upon by the commanding officer of the organization to which the claimant belongs or with which he is serving, or at which he may temporarily be, to the extent of directing the replacement in kind by a local quartermaster or supply officer, from stocks then Annual property lost, damaged, destroyed, captured, or absidence within the provisions of AR 25-100, Replacement in indis not mandatory but is a matter solely within the discretion of the commanding officer concerned. Par. 8, AR 25-100.
- o. Claims within other regulations. Claims for damage to or loss, destruction, capture, or abandonment of property not within the provisions of AR 25-100 should be processed under AR 25-25, AR 25-90, or A.W. 105 (AR 25-80), if applicable. Par. 32,
- f. Conditions of payment. Prior to payment of any claim within the provisions of AR 25-100, each of the following conditions must be suffered
  - (1) amount of the damage, or value of the property lost, destroyed, captured, or abandoned, must be determined.
  - (2) Claim must relate to personal property only.
  - (3) it least one of the twolve situations listed in subparagraph a of this paragraph 8, above,
  - (4) Claimant must in applicable cases (see subparagraphs of and h of Section IV, below) make paragraphs of and n of bection it, decided upon common carrier and insurer.
  - (5) Claim must be presented within 2 years after accrual thereof except if the claim accruas in time of war or when war intervenes within 2 years after accrual it must be presented Yours after peace is established.
  - (6) Subrogation claims will not be recognized.
  - (7) Fault or negligence on the part of the owner, Saute or negligence on the part of the owner, in part the proximate cause, bare
  - (8) Claim must be approved, and payment directed by a Personnel Claims Commission. Par. 9,

# Labor Claims

componention benefits, astellar other than claims for employees the contracts of employees the contracts of employment

# RESIRICTED

Governed by Procurement Regulations. - For standing operating procedure and policy in relation thereto, see US/FFE procurement regulations governing employment of civilian labor.

# 10, Procurement Claims

a. Scope. - Claims arising out of the purchase, rental, and requisition of personal property.

# b. <u>Definitions</u>.

- (1) Purchase A transaction between the owner of specified privately-owned personal property, or his period of the control of the Control of the U.S. Forces whereby, at a price agreed upon between seller and buyer, the ownership of such property is trunsferred to the U.S. Forces and the vendor is paid either in cash forthinth or ity the delivery to him of a voucher payable in each by the Finance Officer named therein.
- (2) Rental. A transaction between the owner of specified privately-comed r-all or personal property, or nine duly autofficed agent, and a Purchasing and Contracting Order of the U.S. Forces and Contracting Order of the U.S. Forces whereby, as, the possession and use of preparty and lessenferred to the U.S. Forces for a fixed or determinate period of time and the middle of that at the end of the period the middle of this rent l. fee sither in cash orthinth or by the celtwery to him of a wounder puphle in each by the finner officer maned therein.
- (3) Beausition. The process whereby supplies, outpained, facilities or services needed by equipment, facilities or services needed by the U.S. Forces or owner without regarder or sequired sein the matter and attractive regarder for the price or rental selection, and proposition receipt is delivered to a proposition or receipt is delivered to a concern fifth can be located or ascepted with reasonable to cartainty, upon Ferces will determine and pay a fair compensation of the cartainty of the c

Arising c. Governed by Frequering Regulations. All claims within the provisions of such paragraph to fits section I, above, will not be provisions of such paragraph to of this Section II, above, will not be provisions of such paragraph to the section II, above, will not be section II, above, will not be section II, above, with USAFFE Board of Contracts and Adjustment for settlement. However, the provision of such claims under the horizontal processing and disposition of such claims not precluded. The Foreign Claims Act, AF 25-25 or 55-500, if applicable, is

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# 11. Real Estate Claims

Scope. - Claims arising out of the acquisition, by rental or by the requisition of the use, of real estate (including personal property taken and used in connection with the real property on which such personal property is located). For definitions of "rental" and "requisition" see subparagraphs 10b(2) and (3) of

b. Governed by Procurement Regulations. - All claims arising out of acquisitions of real estate within the provisions of subparagraph lla of this Section II, above, will normally be paid as contractual procurement claims, and should be filed with USAFFE Board of Contracts and Adjustments for settlement. However, the investigation processing and disposition of such claims under the Foreign Claims Act or AR 25-25 or 55-500, if applicable, are not precluded. 12. Claims not provided for under any law

All claims the settlement of which is not provided for by any specific law or appropriation will be forwarded by Claims Service.
USAFFE, direct to the Judge Advanced by Claims Service. any operator has or appropriation will be forwarded by Claims Deriv-USAFFF, direct to the Judge Advocate General for appropriate adminis-

# 13. Claims in favor of the United States (AR 25-220 and

3100 in the case of marine canualties as defined in subparagraph

- (1) Damage to or loss or destruction of Govern-
- (2) Amount of pay and allowances paid or payable by the formula for by the Government to military personnel for any period of incapacitation incident to
  - (3) Cost of medical treatment, hospitalization, Sent in the release or loss to the Govern-ment in the release or loss to the Govern-Sent in the rehabilitation of military personnel
  - incident to injury to such personnel. (L) Cost of funeral, burial, transportation, or other expense, and and transportation, or cother expense or loss to the Government

par 2 Representation of minimary personnel, Par. 2, AR 25-220 and Par. 27b, AR 55-500. and the expression graph 13 as follows:

<u>Letinition</u>. The words "claim" and "defendant", Covernment property, are used in this para-(1) Claim - The right or the United States to defendent reinburgement for

damage to or loss or destruction of Gevernment property, or for loss of services, cost of medical treatment, hospitalization, treval person or loss sustained and to be our stained by the Government incident to injury to or death of military personnel, arising from negligence or wrongful act. Par. 1a, AZ 25-220 and Par. 27a(1), AE 55-500.

# (2) Defendant.

- (a) Any individual, excluding military personnel and civilian employees of the United States acting within the scope of their employment when only simple negligence is involved; and
- (b) Any partnership, association, corporation, or governmental body other than an instrumentality of the United States. Par. 1b, AR 25-220 and Par. 27a (2), AR 55-50.
- (3) Government property. \*Real or personal property owned by the Oovernment or other property owned by the Oovernment or other wise it met owned to the Covernment of the Market in the Covernment for the particular loss, dange, or destruction of the Market Part I will be particular loss, dange, or destruction of the particular loss, danged to the provision of this paragraph 13, Far. 15, AR 25-220 and Far. 27g(3), AR 35-500.

# III. INVESTIGATION OF CLAIMS

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# 1. Purposes

. The procedure below prescribed is designed to accomplish the following purposes:

Prompt and efficient investigation by trained personnel of all service-connected accidents and incidents which may result in claims in favor of or against the Government;

Thorough supervision of such investigations to assure that the reports thereof will provide a sufficient basis for all official action required by the circumstances, including the processing and discounted by the circumstances, including the Processing and disposition of resulting claims against the Government, the proper disposition of something and cusposition of resulting claims against the out-ment, the proper disposition of resulting claims in favor of the Government, the rendering of resulting claims in favor of the Scoverment, the proper disposition of resulting claims in favor of the and other serious control of fires, explosions, storms, and other serious country of the and other serious occurrences, and the initiation of action under Article of War 105 and disciplinary measures where appropriate;

Placing, so far as practicable, upon Claims Service, brough unit claims appracticable, upon Claims Service, the claims of the cl USAFE, through unit claims officers, the responsibility for the investigation of such the claims officers, the responsibility for the content unrough unit claims officers, the responsibility for the and disposition of such accidents and incidents, and the processing and disposition of resulting all incidents, and the processing and disposition of resulting all incidents, and the processing and disposition of resulting all incidents. and disposition of resulting claims in favor of or against the

plianant Expeditions and just disposition of claims, and accom-accidents and incidents official action required by reason of such rectifents and incidents. Par. 7a, AR 25-20. See also Par. 7. 2. Disclosure of information

of his official datas, or Ecopt in the proper discharge can be used of official datas, no person the shiften service will contain the state of the shiften service will contain that the basis of said sive any information which has the next is investigations make what the United States. use, or uses he roe basis of a claim against the United Duck in order that the investigations required by this directive that the investigations required by this directive markorm an ormer that the investigations required by this directive shall be full and impartial any officer may in the performance parent claims any officer may in the performance of the perfo smart so full and impartial, any officer may in the performan-tives, upon request, to exact their authorized representatrue, upon repeat to examine or their authorized represent-te consideration of allitants or their authorized represent-ted considerations of allitants. of tensorerations of military security may indicate such as 55-500 be insertable. Far. 15, AR 25-20 and Par. 30,

the countries in the countries of some of the total water and the total water are stationary, or large corps forces of the countries of the co the contries in which attly have, one government the builted States are start heavy, or Marine Corps forces of same, the papers of class Series the United States are start the United States are start the United States within the United States are stationary, or warrane torpe assumed, the payment of claims against the United States affects the United States within a directive by assume, the Payment of claims make assumed, or may the provisions of this discretive by the United States within of the manner of the Lend-Lene Act of the manner of the Lend-Lene Act of the manner of the Lend-Lene Act of the manner assumption the provisions of this directive by may of reciprocal aid under of the parameter of the par the previous of the land-tass by may of reciprocal and which the support of the Land-Lans Act, or by voluntary assumption of the property of the United States and the Conference of the United States and the Conference of the Con of the papent of successful age Act, or by voluntary security (see subject to the United States of Claims, Successful and States at those charge to the United States of Claims, Successful and States at the United States and States at the United States and States at the Official States and States at the Claim States and States an meas such an arrangement has been made, there to the United State of Claims, United States of Claims, Control o daty (see subparagraph or oven made, it shall by the original of claims, ULAFF, or of such officers of Claims Service, ULAFFA

as are authorized by !im, to furnish to the designated officers of such country, but not to claimants, any information or evidence in their possession or control material to such claims in order to aid in the settlement thereof and to relieve the United States from the payment thereof, except as considerations of military security may indicate such disclosure to be inadvisable. Par. 25, AR 25-90 and Par. 30. AR 55-500.

#### Claims under Foreign Claims Act (AR 25-90) 3.

# When investigation will be made by unit claims officers.

- (1) Investigation of service-connected accidents and incidents will be made in accordance with the provisions of this directive -
  - (a) When private property is damaged, lost or destroyed; or
    - (b) When injury or death results to any civilian (other than an employee of the Government acting within the scope of his employment and covered by the United States Employees' Compensation Act or otherwise under USAFFE Employees' Compensation Commission Memorandum); or
    - (c) When directed by competent authority.

Such investigation will also be made with a view to the assertion of claims in favor of the Government (see paragraph 13 of this Section III. below) .

(d) When Government property is damaged, lost, or destroyed under circumstances which indicate the existence of a claim in excess of \$25 in favor of the Government under the provisions of AR 25-220 or in excess of \$100 under AR 55-500; or

- (e) When injury or death results to military personnel under circumstances which indicate the existence of a claim in excess of \$25 in favor of the Government under the provisions of /R 25-220 or 55-500.
- (2) The provisions of this directive do not modify the requirements of army Regulations other than AR 25-20 relating to line-ofduty, reports of fires, explosions, storms and other serious occurrences, or survey, action under A.N. 105 or disciplinary matters, and where only such matters are involved the action taken by the commanding officer and the unit claims officer, and

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the form, number of copies, and disposition of the report of investigation, and other administrative action, will be in accordance with the requirements of such other

(3) Accidents or incidents otherwise within the foregoing provisions should be investigated notwithstanding that there is no law or regulation under which any claim arising therefrom may be paid. Par. 7b, AR 25-20 and Par. 21a, AR 25-90.

# b. Responsibility for investigations.

# (1) Immediate responsibility.

(a) Immediate responsibility for the investigation of an accident or incident resulting in property damage, loss or destruction, or personal injury or death, or if directed by competent authority, as provided in this directive, rests upon the commanding officer of that regiment or corresponding unit, or that regiment of the property of the pr or post, camp, or station which is most directly involved; provided that, where two or sore such units, posts, camps, or stations are constant of the stations are concerned, the senior of the commanding officers concerned will decide which of them will have immediate responsihigh or them will have immediate responsibility for the investigation. Par. 7c(1)(a). AR 25-20 and Pars. 20, 21a and 21b(1), AR 25-90.

(b) Every investigation required by this wait claf orery investigation required by this officer. Nonofficer upon receipt by any commanding officer of information of an accident or incident for the investigation of which he responsible investigation of which he is responsible, he will refer the matter, walat with all then available information relating information relating Thereto, to his unit claims officer for in-vestigation. Descriptions of the state vestigation, Par. 7c(1)(b), AR 25-20 and

(2) Then responsibility may be transferred.

(a) Responsibility for an investigation may be transfer

An accident or incident occurs an accident or incident occur-or unit from the post, camp, station, involvi or unit to which the Post, camp, station, belong; or the personnel involved

2. A unit claims officer, after mestigation, is unable

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to complete it by reason of his command changing station, or it is determined by his commanding officer that it is otherwise impracticable for him to complete it; or

- 2 It is otherwise determined by the commanding officer immediately responsible for an investigation that it is more practicable for it to be conducted or completed by the unit claims officer of some other post, camp, station, or unit. Par. 7c(2)(m), AR 25-20, and Pare. 20, 21 and 212(1), AR 25-90.
- (b) Such responsibility for an investigation may be transferred to the commanding officer of the next higher echelon or of a base, preferably the one nearest the scene of the accident, whereupon such commanding officer will be responsible for the investigation. In cases of uncertainty as to the proper unit to which a matter should be transferred for investigation, or when for any other reason the matter is such that it can not expeditiously be investigated by any unit or base claims officer, such matter may be forwarded to an office of Claims Service, USAFFE, preferably the one nearest the scene of the accident. Upon receipt thereof the investigation of the matter may be completed by a Claims Service Investigating Officer or may be referred by Claims Service, USAFFE, to an appropriate unit or base commander who will thereupon become responsible for completing the investigation. Par. 7c(2)(b), AR 25-20 and Pars. 20 and 21a, AR 25-90.
- (c) Such responsibility will not, however, be transferred where it is apparent that only action under A.W. 105 is appropriate. Par. 7c(2), AR 25-20 and Par. 21a, &R 25-90.
- (d) Although the investigation of serviceconsected accidents and incidents is a
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  commanding officer of say officer of services, the
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a transfer is accomplished, certain basic information must, however, if practicable, be secured by the unit involved, otherwise due to the possible removal of physical facts or transfer of military personnel the unit disagn officer having ultimate responsibility for the control of the sibility for the investigation will be sability for the investigation assertionally handcapped in securing the necessary evidence. The basic information to be secured by the claims officer of the unit involved will ordinarily include at the control of the least a narrative statement, as detailed as the circustances permit, setting forth the facts and resulting damage or injury, sworn statements of the control the facts and resulting damage or injury own statements of military personnel communication and military personnel of the statement of the sta

How transfer is accomplished. - The commanding officer responsible for an investigation will accomplish a transfer of such responsibility by reporting the accident or incident in writing (or orally, and later confirmed in writing) and transmitting all evidence and other AR 25-20 and Pars. 20 and 21g., AR 25-90.

(4) Reports of motor vehicle accidents. - All actor vehicle accidents will be reported by the detaction accidents will be reported. sour venicle accidents will be reported by the driver of the vehicle on Form No. 26A (Revised) no. the vehicle on Form No. 26A (Revised), U.S.A. Driver's accident Report Accident Report, Verified as to completeness by a community verified as to completeness by a community verified as to completeness. ness by a commissioned officer and initialed buss by a commissioned officer and initialed by him (Par. 18, AR 850-15), will be referred to the claims officer and initialed to the claims officer. oy num (Par. 18, AR 850-15), will be rere-to the claims officer for examination and to the claims officer for examination and will be filed by him for future reference or, if the want of the formula by the stand by or, if investigation is future references to the report thereof. Par. 75(A), AR

Appointment of unit claims officers.

- The commanding officer of -
- (1) Each separate battalion, each regiment or corresponding unit, and man, but other sche-Corresponding unit, and each regiment or long on the contract of the contract
- (2) Each detached unit, each group or corresponding tactical unit, each group or corresponding taction and annual section with annual method Seen detached unit, each Group or corrections, each adminstraction unit, each Higher eche-Somiting taction unit; each higher eche-lon, each administrative command and sub-Aon, each administrative command and available, thereof, and each post, camp, or service command;



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REAL PROPERTY.

- (3) Each post, camp, station, and command;
- (4) Each corresponding post, camp, station, and unit not within (1), (2) or (3) of this subparagraph c, above, and any other commanding . officer who finds such action necessary or desirable, will designate in orders a commissioned officer of his command, if practicable one experienced in the conduct of investigations and preferably with legal training, as the claims officer of the command. Such officer will be designated as, for example "division claims officer" or "regimental claims officer". Wherever necessary, in the discretion of the commanding officer, additional (assistant) claims officers may be appointed, each with all and the same powers as the claims officer except that all assistant claims officers will be under the general supervision of the claims officer. The claims officer will act as a board of one officer in any case within the provisions of A.W. 105. The claims officer will likewise constitute the investigating officer or board of officers required by Army Regulations for the investigation of any accident or incident involving damage to or loss or destruction of property, or personal injury or death, the immediate responsibility for investigation of which rests upon the commanding officer by whom he is appointed. His duties as claims officer will ordinarily have priority over all other assignments. His investigation will cover all phases of the accident or incident and its future bearing on the interests of the service, including possible claims against or in favor of the Government, the line-of-duty status of military personnel, survey matters, the necessity of special reports of fires, explosions, storms, and other serious occurrences, and the question whether the circumstances properly call for action under A.W. 105 or disciplinary action. Such investigation will not take the place of any formal investigation of charges required under A.W. 70, but, in the discretion of the commanding officer responsible for an investigation under A.W. 70, the claims officer may be specifically appointed as such investigating officer. Par. 7d, AR 25-20 and Par. 2la, AR 25-90.

with the d. <u>Procedure by unit claims officer</u>. In proceeding with the investigation and making his report the unit claims officer will -

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- (1) Consider all information and evidence obtained as the result of any previous inquiry or investigation of any aspect of the accident or incident.
- (2) Conduct further independent investigation of the matter in a fair and impartial manner.
- (3) Secure and consider testimony of all competent witnesses on pertinent facts.
- (4) If it appears probable from the evidence that the owner of the property damaged, lost, or destroyed or the person injured, has a meritorious claim, ascertain and state whether he intends to file a claim against the Government. In the event inquiry is made as to the procedure whereby a claim may be filed, the person making the inquiry will be informed of the provisions of paregraph 1 of Section IV, below, and furnished an appropriation form and advised as to where it should be filed; furnished mishing the claimant a form bearing on the reverse 3 500 stantial conv of mishing the claimant a form bearing on the reverse 3 stantial copy of such provisions will constitute compliance with and pliance with such requirement. Par. 8a, AR 25-20 and
- (5) Reduce to writing and prepare in duplicate all pertinent testimony taken by the control of t nent testimony taken by the claims officer.
- (6) Kake certain that repair bills or estimates are signed by the person rendering them. They need not be authors and eagued by the person rendering them. They need the authenticated. If the bill has been paid,
- (7) When several claims are presented as the result of one sections are presented as the result of the contract that one accident or incident, normally incorporate these into a single report into a single report. Par. 8b, AR 25-20 and Par-

# Ascertainment of amount of damage.

(1) Property duagge, loss, or destruction.

(a) If the property has been or can be repaired of replaced or restrict replaced or restored, the measure of dange is the restance or restored, the measure of damage is the ments or, or estimated cost, of repairs or replace. sents or estimated cost, of repairs or replac-la which the property to substantially the condition in which the property was immediately prior to the manufactor or incident, has immediately prior to the fair as much the property soundantially one to the accident or incident, but smediately prior to the market value of the property and shall not exceed the fair sacident. secation or recovery was immediately prior to fair market value of the but shall not exceed the fair secation or interest property immediately prior to the secation of the property immediately prior to the fair market value there are account of the secation of the secat occasent or incident less the fair market ... is accident or incident.

(b) If the Property cannot be repaired, replaced, of the seasure o restored, the acasure of damage is the fair market sent and the property sent and the fair market sent and the section of the value of the Property cannot be required, replanted of the Property immediately prior to the accident of the control of the co dame of the property insediately prior to the scotland insediately after the activated immediately after the accident or incident.

(c) To determine the net cost, or estimated cost, of repairs under 1(a) of this subparagraph s, above, there should be deducted from the gross cost (actual or estimated) of repairs or replacements or restoration the following:

1. The value of any salvaged parts of materials, and 2. The amount of any appreciation in value thereby effected:

and there should be added to such gross cost the amount of any depreciation resulting; provided such deductions or additions are sufficiently substantial in amount to warrent consideration.

- (d) All such statements and estimates should, if possible, be by one or more disinterested competent witnesses, preferably reputable dealers of the type of property damaged, lost, or destroyed.
- (e) Loss of use of damaged property any be included as an element of damage to the extent of the reasonable remaint value of the property provided it is used for a business or conservait purpose and then only for such period as is reasonably necessary for repairs.
- (f) The measure of damage, in case of total loss or destruction of registards of insensil, is the fair market value thereof immediately prior to the accident r incident plue the ascunt of any registration and insurance fees and, if the properties of the second properties are not of the second properties of the second of postage prepaid. In case of damage only, or partial loss or destruction, the measure of damage is as provided in (s) to (c), inclusive, above.

## (2) Personal injury or death.

- (a) The measure of damage as to medical, hospital and burial expenses is as provided in subparagraphs 3j and 4j of Section II, above.
- (b) All statements and estimates of medical, hespital, and burial expenses should be substantisted by the originals or copies of any bills rendered.

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(3) Excluded items. - Interest, cost of preparation of claims and securing supporting evidence, inconvenience, and similar items may not included as elements of damage. Par. 8c, AR 25-20 and Par, 2la, AR 25-90.

f. Accoptance of award and advice to claimant. - The claims officer will not advise the claimant as to the action taken on his claimant unless and until an award the action taken on his claimant as to the action taken on his claimant as to the action taken on his claimant as to the action taken on his claimant. unless and until an award thereon is recommended, in which event the clair ant will be advised that such an arrangement of the second s ant will be advised that such recommended, in which over approval or disapproval by Middle approval or disapproval or disapproval or disapproval by Middle approval or disapproval or di approval or disapproval by higher authority. A statement in writing thick may be incorporated in the claim time for a statement in writing obtained from the claiment as to state the claiment as th make new we incorporated in the claim itself should, if possible, obtained from the claimant as to whother he will accept the caward, if approved, in full satisfaction and of the company Supervised, in full satisfaction and final payment of his claim and, if not, his teasons for not on, this reasons for not accepting. (Such statement is not required cofficer saying the claims may be stoppersonal claims may at \$25-100). In no case will the claims of the claims when the claims will be claimed to the claims when the claims were considered to the claims are considered to the claims are claims and the claims are claims are claims and the claims are claims a 33, AR 25-20 and Par 27k/2) When the claim has been disallowed. Par

# g. Preparation of unit claims officers' reports.

- (1) Report. A written report of investigation, including recommendations by the unit claims AP 25-20 and De made in each case. Par. 8g.
- AR 25-20 and Par. 21a, AR 25-90. Check list. In addition to so much as is pertinent of the information and the property and of the information required by the form, the report
  - will include particularly such as is pertinent of the information and exhibits when as is pertinent of the information and exhibits. information and exhibits indicated in the check list hereto attached as Annex No. 1. Par. 8g, aR 25-20 (3)
- Form of Propert. A Poorly-prepared, incomplete, untilling the report is recovered, incomplete, untilling on a report is recovered. sorn of report. - A poorly-prepared, incomplete, until illegible report is received unfavorably by the apport ing or higher authority or by the War Department's over possible, the rity or by the War Department's over possible, the rity or by the War Department's over possible, the rity or by the War Department's over possible, the rity or by the War Department's over possible, the rity or by the War Department's over possible, the rity or by the War Department's over possible, the rity or by the War Department's over possible, the rity or by the War Department's over possible, the rity or by the War Department's over possible, the rity or by the War Department's over possible, the rity or by the War Department's over possible, the rity or by the War Department's over possible, the rity of the War Department's over possible over possible, the rity of the War Department's over possible over poss one on higher authority or by the Mar Department, and oxidate the claims officer should have his results and oxidate the claims officer should have his results of the claim o
- sad obthits typed or, if that is not possible, it should be neatly and plainly written. h. Disposition of unit claims officers | roports.
  - (1) Reports of investigation officers reports.

    Quited under the providing of this directive will be providing of this directive will be provided to the directive will be provided to the property of the directive will be provided to the providing of the property of the providing the providing the providing the provided to the providing prepared in dupl provisions of this directive viscoping of the directive viscoping viscopi scoperty of maked accept that if personnel so of more commands having unit claims of the the or more commands having unit class of the or sore commands or if the unit claims officers the commands having unit claims officers the commands have perficiented in a investigation of the commands of th the or sore command or if the unit claims officering, an additional have participated in a investment of the command of the co tian, an addressed have participated in an acceptance of the common time of the common ti repositive of the mail be prepared for an additional in the transmission of the main and the prepared of the prepared of the prepared of the prepared of the main and the prepared of the main and the prepared of the so mit class office to the commanding office of the commanding office addition, to dark and the commanding office of the commanding of the com sog will be deliver was a seminated and a seed of the seminated and an experience of the seminated and an experience of the seminated and a seed of the seminated and semina be proposed of the command of the commanding officer of the control of the commanding officer of the control of Age other we rotated and additional com-sistence (see subsection of the files except as new Par. /g(1), 42 25.40 and Par. Or Section III, above, Scenors (see Subparagraph 3a(2) of Section 7g(1), AR 25-20 and Par, 21a, AR 25-90.



- (2) The commanding officer will take the following action:
  - (a) See that the findings of his unit claims officer are complete; that the facts and evidence are clearly stated; that any recommended action is supported by adequate evidence; and that, if practicable and a claim has been filed, a written statement from the owner of the property damaged, lost, or destroyed, or the person injured, or the legal representative of the person killed, signifying his willingness to accept such amount in full satisfaction and in final settlement of his claim is included in the report. In no event will the claiment be advised except by the foreign claims commission whether his claim has been, or will be, allowed. Par. 21b(2), AR 25-90.
  - Approve or disapprove the report. (b)
  - (c) In the event that only line-of-duty, fire, survey, special reports, or A.W. 105 or disciplinary questions are involved, he will take the administrative action required by the particular regulations applicable.
  - (d) In all other cases, if no claim accompanies the report, he will retain one copy for the files of his command and promptly forward the original direct to an office of Claims Service, USAFFE, preferably the one nearest the scene of the accident. The copy retained for the files of the command is solely for disciplinary and other local command purposes and should be destroyed, but a card record thereof kept, as seen as all official action required by the circumstances (see subparagraph 3a'2) of this Section III, above) appears to have been taken. Par. 7e(2), AR 25-20 and Par. 21b(2), AR 25-30

## i. Disposition of claims.

(1) By commands concerned. - Any claim received by a claims officer or his appointing authority before forwarding to Claims Service, USAFFE, the related claims officer's report will be considered with relation to such will be considered with relater provides report to assure that the latter provides

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adequate basis for processing and disposition of the claim. After any necessary supplementary investigation or amplification of the report, both the claim and the report (original only) will be forwarded to an office of Claims Service, USAFFE, preferably the one nearest the scene of the accident. Any claim so received after forwarding the related claims officer's report will be forwarded with appropriate remarks and recommendations, but without approval or disapproval thereof, to the claims office to which such report was forwarded, for appropriate administrative action. Par. 7f(1), AR 25-20 and Par. 21b(2), AR 25-90.

(2) By other commands. - All claims received by commanders not concerned with the investigation will be forwarded to the commanding officer of the command involved, or to an office of Claims Service, USAFFE, preferably the one nearest the scene of the accident. Par. 7f(2), AR 25-20 and Par. 21b(2),

Upon receipt of any claims officer's report, or of any claims Service Investigating Officer's for examination Service, USAFFE, the state of or examination of the service o office of Claims Service, USAFFE, the file thereon will be referred for examination to a claims service. for examination to a claims service investigating officer, who will

- (1) Consider all information and evidence obtained tained as the result of any previous inquiry or investigation of any aspect
- (2) If further investigation is required, cause further investigation is required, cause further independent investigation is required, the matter independent investigation of the matter in a fair and impartial manner to be conducted by Conducted by a unit claims officer or a colains service investigating officer who will secure and another than the secure and another than the secure and all secure a competent west gating officer wall secure and consider testimony of all compount witnesses on pertinent facts and reduce to writing and prepare all perti-
- (3) Prepare a written report of investigation, tempers a written report of investigation, including recommendations by the claims service investigating office. investigating officer both as to the

arrestigating officer both as to the existence of liability and as to the amount, if any, due the clean Report. Report of the challent.

CITICAL Report of the control of asport. Suppose of investigation purious investigations of the control of the con

offices, ranted under supermerce), jet that service investors to a foreign claim comparation for this paragraph 3 will compare to the paragraph 3 will propriet action of the propriets action

## 4. Claims under AR 25-25

The provisions of paragraph 3 of this Section III, above, relating to the investigation of claims under the Foreign Claims act apply equally to claims under AR 25-25. Par. 20a, b(1), and c, AR 25-25 and Par. 21a, AR 25-90.

5. Claims under the 105th Article of War (AR 25-30)

The provisions of paragraph 3 of this Saction III, above, relating to the investigation of claims under the Foreign Glaims at sapply with the claims under A.T. 105 and the claim of the cl

## 6. Maritime Claims

- a. Initial reports of marine casualties.
  - (1) Telegraphic report.

(a) Then required. - Whenever a marine casualty occasioned other than by enemy action (see subparagraph to de this Section (see subparagraph to determine the section (see subparagraph to determine the section of the

(b) Contents. - Such report will include the name and official number of each vessel involved; the nature of the content of each vessel involved; the nature of the content of the vessel of the vessel of damage of loss to each vessel as the to content of the vessel of the vessel

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The report will also embody such information as may be available as to whether the dumage can be repaired at sea or at the port at which the vessel may be and the Probable date upon which the vessel will be in proper condition to proceed.

(c) To whom made. - Such report will be made to the Chief of Transportation, USAFFE, and separately to the Chief of Claims, USAFFE. Par. 4a, AR 55-500.

## (2) Written report.

(a) Meen required. - Whenever a marine cannot be considered to their than by ement action (see subpose graph do in the action (see subpose graph do in the section III), below the section of the consideration of the proprior proper required in subparages, the proprior proper required in subparages to take proprior proper in subparages to take proprior proper to graph and the made by these Section III, above) will be such other permitmoved, or, if none, by of the diagraph as first recovers make;

(b) Contents. - Such report will be prepared in such form as will provide all essential information appropriate to the type of casualty reported.

(c) To whom made. The report will be because the property of t

b. <u>Marine cannalties resulting from enemy action</u>.

In cases of marine cannalty occasioned by one action, the following rules will govern:

(1) When a company to the company action are action.

(1) Whenever a marine casualty occurs in comply or under a marine casualty occurs in comply larging operations, no reports or investigation will be required.

(2) Whenever a marine casualty occurs involving an unescorted vessel and occasioned by

torpedoing, bombing, mines, or other hostile action, reports will be made as prescribed in subparagraph 6a of this Section III, above, for cases where the marine casualty is occasioned other than by enemy action.

(3) All survivors of an Army vessel attacked by the enemy will furnish authorized maval representatives with all information requested by them in relation to the casualty. Par. 5, AR 55-500.

## c. When investigation will be made.

- (1) Prompt investigation of marine casualties will be made in accordance with the provisions of this directive when -
  - (a) Government property is damaged or lost in excess of \$100; or
  - (b) Property, other than that owned by the United States, is damaged or lost; or
  - (c) Injury or death results to military personnel, civilian employees, or others;
  - (d) A claim is made; or
  - (e) Directed by competent authority.Par. 8, AR 55-500.
- (2) The provisions of this directive do not addity the requirement of regulations other than AR 55-50 relating to line-of-duty, reports of relating to line-of-duty, reports of tires, explosions, storms, and other serious occurrences, or survey, method of the serious occurrences, and there only attern and the serious occurrences, and there are involved the action taken by the manding officer and the investigation, and disposition of the regulative action will be in accordance with the requirements of such other regulations. Par. 9, AR 55-500
- d. Responsibility for investigations. Immediate responsibility for the investigation of a marine causely yests upon the commanding officer of the port or other installation in whose jurisdiction the causely occurred or, if that is not feasible, upon the commanding officer of the first port of refuge

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or call. If a marine casualty investigating officer after commencing an investigation finds it impracticable to complete it, his commanding officer may transmit by indorsement all evidence and other data theretofore obtained to the commanding officer of the most convenient port who will refer the matter to his marine casualty investigating officer to procure the required evidence. Upon completion of such additional investigation, the papers will be returned for final disposition as hereinafter prescribed to the commanding officer by whom they were originally transmitted. Par. 10, AR 55-500.

e. Appointment of marine casualty investigating officers. Except where the volume of investigations is such that the duties may be nerformed by the column to the column Gaties may be volume of investigations is such that the distensive performed by the unit claims officer, the commanding officer of each port, support, cargo port, and each other installation under whose impact of the commanding vessels are operating and account of the control one or more Army vessels are operating, and any other commanding officer who finds such action necessary or desirable, will designate and one experienced in the command, if practicable one experienced in the conduct of investigations and preferably one experienced in the conduct of investigations and presentation of intrained in anile law, as the marine casualty investigating of the command. Such officer of the command such officer will be designated as, post marine conductive till be designated as, Sizes of the command. Such officer will be designated so, for example, "port marine casualty investigating officer" of "subport marine casualty investigating officer" of "subport marine casualty investigating officers are necessary in she distribution in the state of the state o susper marine casualty investigating officer". Wherever tional (assistant) investigating officer additional (as incessary, in the discretion of the commanding officer, au-thoral (assistant) investigating officers may be appointed in investigating officers may be appointed The investigating officers may be appointed in the case of a marine casualty will act as a beautiful for in the case of a marine casualty will act as a beautiful for in the case of a marine casualty will act as a beautiful for in the case of a marine casualty will act as a beautiful for in the case of a marine casualty will be case of a marine casualty will be case of a marine casualty of the case of a marine casualty will be case of a marine casualty will be case of a marine casualty of the case of a marine casualty will be case of a marine casualty will be case of a marine casualty of the case of a marine casualty will be case of a marine casualty will be case of a marine casualty of the case of a marine casualty will be case of a marine case will act as a board of one officer in the case of a marine casualty visions of A.W. 105. this set as a board of one officer in may case within the pu-lations of A.W. The investigating officer will likedise required by Army Repulations for the or board of officers constructs the investigating officer or board of officers required by Army Regulations for the investigation of any marine casualty implicit. sequired by any Regulations for the investigation of any marke casualty involving damage to or loss or destruction of property. or personnel damage to or loss or destruction sample casualty involving damage to measurements of property or personal injury or or loss or destruction sibility for investigation of the investigation of shifty for investigation of wich rests upon the commandiate respective by when he is associated by the state of the commandiate officer will have priorited. His dities as investigating office will have priority over all other assignments. His duties as investigation will cover all other assignments. His meretiation til cover all other assignamis. Marketiation til cover all phases of the casualty and its dure burne on the interests of the casualty are possible class sector for the interests of the service, including the contract of the service of th states bearing on the interests of the service, including possible claims against or in favor of the Government, the Pressure claims against or in favor of the Government, income of the second states of silitary personnel, survey matters, second, survey matters, timeorodity status of all an inver of the dovernment of the mecastry of special types and the dovernment of the second occurrence occ and other section occurrences of fires, explosions, stores, consistence property of fires, explosions, stores, consistence property call for acts and the question whether the circumstances of the consistence of the consist constrained property call for any settle property call for the property call for the property call for the property calls for the proper may action. Such investigation and quantum the place of discovery femal investigation at 1 not take the place of the place be trail investigation again not take the place of the first partial form of the first partial f out and in the distriction of district required under A.N. 70, for a investigation of the community of the required under A.N. 70, for a investigation under A.N. 70, many a securious under A.N. 70, and a securious officer responsible under A.N. 70, and a securious officer responsible under A.N. 70, and a securious officer responsible under A.N. 70, and 70, but, in the discretion of unarges required under Associated for an investigation out the communities officer responsible says. Section under Ass. 70, the investigating officer as a few sections of the communities of the same of the communities of the communiti or an investigation under A.W. 70, the investigating officer res. 6, 42 55-500. Septimed as Sectivestigating officer.

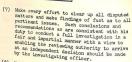
f. Dating of social committy investigating officer.

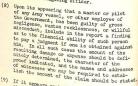
The of a scope community with the nature

and extent of the damage or loss sustained, and the reports thereof will include such of the following matters as are pertinent and appropriate in the circumstances involved:

- (1) Secure a complete sworm statement from each person sharing monutage of the pertinent sharing and circumstances and prepare a list shoring the names and home addresses of all stimesses. Statements of witnesses whose testimony is merely cumulative or corroborative are not required where such witnesses are not readily available.
- (2) Secure the official name and number, name of owner, and type of each vessel concerned and determine whether the Amy vessel is owned or bare-boat chartred and attach a copy of the charter, if applicable and available.
- (3) Prepare and subst, in cases admitting of such treatment, disgrams, charts or tracings, or by the coursence, occurses, the document of the course of the course the document of the course of the course location of all docks, vessels or st and location of all docks, vessels or st and having a bearing on the case.
- (4) Procure photographs by the Signal Corps showing location and physical damage and such other photographs as will assist in determining the proximate cause of the damage or loss of vessel or cargo.
- (5) Secure all available evidence or information as to the cause of the occurrence, in as to the cause of the occurrence, the control of the damage, and or destruction of the cause of
- (6) Consider all available information and evidence adduced at any other inquiry or inevitation of the same casualty, and incorporate the pertinent parts thereof in his report.

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- (9) If it appears probable from the evidence that the owner of the property damaged, lost, or destroyed, or the person injured, or the legal representative of the person killed, has a meritorious claim, ascertain and state whether he intends to file a claim sections the Government. In the event inquiry is made as to the procedure whereby a claim may be filed, the person making the inquiry will be informed of the provisions of paragraph 4 of Saction IV, below. (10)
- Repair bills, surveys, or estimates should be signed by the standard by the st be signed by the person rendering them
- but need not be sworn to. If the bill has been paid, the payee should so certify.

(11) When several claims are presented as the result of one marine casualty they may, and should normally, be incorporated into a single report. Par. 11a to k, AR 55-500.

investigating of the will swore and savice to claimant. The tien taken on his claim. For advise the claimant as to the swore and savice to claimant. h. Disposition of sarane casualty investigating offices

(1) Number of copies. - Reports of investigation

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by marine casualty investigating officers will be prepared in all cases where an investigation is required by subparagraph 6c of this Section III, above. Such reports will be prepared in triplicate.

- (2) Action by appointing authority. The appointing authority will take the following action:
  - (a) Approve or disapprove the report.

(b) In the event that only line-of-duty, fire, survey, special reports, or A.W. 105 or disciplinary questions are involved, he will take the administrative sotion required by the particular regulations applicable.

(c) In all other cases, if no claim accompanies the report, the original of the report will be forwarded immediately direct to the Chief of Transportation, USLFF, and one copy thereof will be similarly forwarded to the Chief of Claims, USLFF. Par. 12, AR 55-500.

## i. Disposition of claims.

- (1) By commands concurred. any claim received by a marino casualty investigating officer or his appointing authority before forwarding the related investigating officer's report will be considered with relation to such report to assure that the latter provides adequate basis for processing and disposition of the claim and, after any necessary supplementary investigation or amplification of the report, the appointing authority will forward the original of the report direct to the Chief of Transportation, USAFFE, and will similarly forward the claim and one copy of the report to the Chief of Claims, USAFFE. Any claim so received after forwarding the related investigating officer's report will be forwarded with appropriate remarks and recommendations direct to the Chief of Claims. USAFFE, for appropriate administrative action.
- (2) By higher authority. Upon rescript by Dalama Service, USLFFE, the class with reduced and, after any continue action decomed necessary with relation to other the report or the claim, appropriate administrative action will be taken. Per. 14, 28 55-500.

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j. Action by Claims Service Investigating Officers. The provisions of subparagraphs 3j and k of this Section III, above, relating to the investigation of claims under the Foreign Claims Act and the disposition of reports of claims investigating officers apply equally to maritime claims. Par. 14c, AR 55-500.

# 7. Employees' Compensation Claims

The provisions of subparagraphs 3j and k of this Section III, above, relating to the fore a. Action by Claims Service Investigating Officers. above, relating to the investigation of claims under the foreign Claims Act and the disposition of the reports of claims in-vestigating officers are the reports of claims investigating officers apply equally to claims for employees compensation benefits, except that only an original (with no copies) of such records. copies) of such reports under this subparagraph 7a of Section Till will be prepared and delivered to an employees' compensation commission for appropriate action.

Communication to City to the State of the St its, see USAFFE Employees' Compensation Commission Memorandes by Claims Service to Compensation Commission Memorandes

# 8. Personnel Claims (AR 25-100)

The provisions of paragraph 3 of this Section III, elating to the investment of the section III, The provisions of paragraph 3 of this Section III, above, relating to the investigation of claims under the Foreign AR 25-10- apply equally, so for the provision of claims under the Foreign apply equally, so for the provision under the foreign apply equally, so for the provision under the foreign apply equally. covey, relating to the investigation of claims under the Formatia School of the second of the second of the second of the unit claims under the formatia School of the unit claims officer of the unit claims officer of the second of the secon on Form No. Cs. FG-131, Report of Unit Claims Officer - Personnel Claims (and 1), Report of Unit Claims Officer - and all Personal Cattas (see Armer No. 1) with the circin and all very papers as exhibit.

Addiver at a state of the cattain and all very papers as exhibit. Supporting Papers as exhibits, (a), with the claim and all support in tribules as exhibits, in tribulest and claiver such as a supporting assembly to the comments of the comm report in triplicate to the comments of the co specimes and the community officer by whom he provided the report at 1) and officer when approving or disappropriate the commenting officer when approving or dis-served in pure said include the approving or dis-served in pure said the list or statement reseptomp the report will a validor when approving— Grired in pure raph 6d of Smith when the list or statement re-continuous and property of the statement the statement of the Spring Factor IV, below, and forward the statement of the statement o regard parpers on the second to the first of statement the second to the Can record of the cataly retaining none in his likes, service, us. 25-100, serge, professly the nearest such office. Par. 59

arising on <u>destinability</u> — Chains against the United States Curred to the Payess of Indian against the United States States forward to the Controlled Controlled Obligation for including the Controlled Controlled Obligation for including the Controlled erric a best of the half of southern of the state of the half of the southern one force to believe to have the control of his con coming and the state of the separation of the second and deletions, which is supported to the because of proceedings, which is supported to the because of procedures, which is supported to the bear of contracts and the second irreplayity second discurring payment can not otherwood and adjustment, which is subject to the Second of Proceedings of the Second of Control of

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the merits of all such claims, and the determinations of such Board when approved by appropriate authority constitute authority for the payment of any such claims so approved. However, whenever a factual investigation of any such claim is deemed necessary, the Chief of Claims, USAFFE, upon request of the Board of Contracts and Adjustments, will conduct investigations as to matters specified in such request and submit his findings to that Board.

The provisions of subparagraphs 3j and k of this Section III, above, relating to the investigation of claims under the Foreign Claims Act and the disposition of the reports of claims investigating officers apply equally to claims, other than for employees' compensation benefits, arising out of contracts of employment, except that the report under this subparagraph 96 of Section III will be delivered to the Board of Contracts and Adustra-Adjustments for appropriate action.

c. Governed by Procurement Regulations. - For standing operating procedure and policy in relation to employmenting operating procedure and policy in relations of civilians, see USAFFE regulations governing employment of civilian labor.

## 10. Procurement Claims

a. Functions of Claims Service, USAFFE. - The investigation of claims for purchase, rental, and acquisition of personal property upon request of the Board of Contracts and Adjustments 43 to matter. as to matters specified in such request and the submission of findings with respect thereto to that Board, are responsibilities of the Chief of Claims, USAFFE.

b. Action by Claims Service Investigating Officers. The provisions of subparagraphs 3j and k of this Section III, above, relating to the investigation of claims under the Foreign Claims and the investigation of claims of claims in-Claims Act and the disposition of the reports of claims in-Vestigating officers apply equally to claims for purchase, rental, and acquisite that the report under and acquisition of personal property except that the report under this subparagraph 10b of Section III will be delivered to the board of con-Board of Contracts and Adjustments for appropriate action.

standing operating procedure and policy in relation to the pur-chase, rest. c. Governed by Procursment Regulations. chase, rental, and acquisition of personal property, see USAFE procurement regulations.

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11. Real Estate Claims

a. Functions of Claims Service, USAFFE. - The investigation of Claims Service, USAFFE. - The in-upon request of the Board of Contracts and Adjustments as to matters specified in any to the Board of Contracts and Adjustments as to matters specified in such request and the submission of findings with respect thereto to that Board are responsibilities of the Chief of Claims. Name of

The provisions of subparagraphs 3j and k of this Section III, above, relating to the above, rolating to the investigation of claims under the Foreign Claims of the investigation of claims under the foreign Claims are the disposition of claims under the Forest String officers and the disposition of reports of claims investigation officers apply equally to claims arising out of the acquisition of real entat of real estate Scott that the report under this subparagraph and adjustments for some that the report under this subparagraph and adjustments for some for the Board of Contracts and adjustments for appropriate action.

operating procedure and policy in relation to the acquisition of real estate, see US\_FFE\_real estate, and policy in relation to the acquisition of real estate, see US\_FFE\_real estate. c. Governed by Procurement Regulations - For standing estate, see US\_FFE real estate procurement regulations.

# 12. Claims not provided for under any law

by any specific lum or appropriation will be refurred to a unit all claims the suttlument of which is not provided for y any specific law or springeriation will be refurred to a university of the or a claims officer or a claims service investigating officer for invalue officer or a claims survice investigating officer for stratigating and report in a manner similar to that prescribed in the source of this Short a manner similar to that prescribed and the source of this Short a manner similar to that prescribed and the source of the Short as an anner similar to that prescribed and the source of the Short as an anner similar to that prescribed and the source of the presenting and report in a summer similar to that presenting a reserving a summer similar to that presenting a state of this Section a summer similar to that the modification of the sections of 11, above, with such modification of the section of the particular case may were the section of t sureof as the Section III, above, with such modificate Such Collins will then be forwards by perticular case may varient comments if any, as the forwards with related files and such contributions of the forwards with related files and such contributions of the forwards with related files and such contributions of the sure file. We can be supported by contributions of the sure files with the contribution of the sure files and such contributions of the sure files are sure files and such contributions of the sure files and suc and such control of the particular case may we see that fany as the forwarding with related files and such control of the cont toy, as the forwarding authority may desire to subsit, by or appropriate administration, and to the Judge advects General for propriate administration, and to the Judge advects General for propriate administration, and to the Judge advects General for property of the Judge advects General for the Judge ad George Claims Service, US.FFE, to the Judgo Advocave.

13. Claims in favor of the United Status (.R 23-220 and

numer broaded in program 3 of this Section III, above (or section III), above (or section III, above (or section IIII, above (or section III), above (or section IIII, above (or section IIII, above (or section IIII), above (or section reformed the property of the Section III, above (or of martine Change Ch storded in perceptual to describe the social in the control of martine programs of of this social III, above, in the community claims independent social soc communities communities and or this Section III, above, and of the communities and or all 55-500), and will be of a scope destruction, or the damage, loss of a communities of the damage, loss of the damage, and of the damage, loss of the damage. distriction, or the oppose or loss sustained. Par. 39, 52, 200

att claim to the control of the cont is taking support or unit claims officer. - The report or as provided at martine cannot cannot be reported to the state of the cannot cannot be provided to the state of the cannot be provided to the state of the cannot be provided to the state of the cannot be provided to the c as the class "their for marking country investigating cities country investigating cities relatively the property of their as 5-500 will be property of which as 5-500 will be property of the class state of the country in the case possible class and country in the case possible resolved in writing claims under all 55-500) will be proposed in particular particular and solved in the control of the contro seed in preserving and the section III, above teasor tellowing collection and additional and a section III, above teasor tellowing collection III, above, in the case and collection III, above, in the case and collection III, above, in the case of the section III, above, in the case of the section III, above the section following additional data as is pertinent:

## ifhere Government property is damaged, lost or destroyed.

- (a) A description of the property, including the Government serial number, if any.
- cluding the Government serial number, if any (b) A detailed statement of the nature and
- extent of the damage, loss, or destruction.
- (c) If the property has been or can be repaired or replaced, an itemized statement or estimate of the cost of repairs or replacements; if not reparable, the value thereof before and after the accident.
- (d) The names, grades, organizations, and expert qualifications of Government personnel, and the names, addresses, occupations, and expert qualifications of other persons, furnishing the information required in (a) to (c), inclusive, above.

# (2) Where injury or death results to military personnel.

- (a) The name, serial number, grade, organization, and address of the military personnel injured.
- (b) The monthly rate of pay and allowances, and the aggregate amount of pay and allowances, paid or payable to the injured multitary personnel during period of incapacitation.
- (c) Names and addresses of attending physicians (civilian or Government), and the names and addresses of any hospitals in which the injured military personnel was which the injured military personnel was
- (d) Statements from attending physicians showing the nature and extent of showing the nature and extent of showing the temporary disability, and the degree of temporary disability, also report, or consideration of the showing the show
- (e) Certificate or abstract from hospital records showing period of hospitalization.
- (f) Bills for medical and hespitalization services rendered by civilians.

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- (g) Aggregate cost of medical treatment and hospitalization furnished by the War Department, the Army and other Federal agencies (computed at the rate of 03.75 per day for all periods prior to 1 July 1943, at the rate of \$4.25 per day for the fiscal year 1944, and thereafter at the rate of \$5.00 per day).
- (h) Statements showing funeral, burial, travel, trinsportation, and other expense or loss sustained by the Government incident to the injury or death.
- (i) Estimate of amount of pay and allowances (see (b) above) and of other expense or loss (see (f), (g), and (h) above), to be incurred by the Government in the future.

## (3) In all cases.

(a) Detailed facts and circumstances surrounding the accident or incident, indicating the date and place thereof and the property and persons involved.

- (b) Whether the Government is indebted to the defendant if known; also, where possible, the account from the state of the sta the account from which and the disbursing officer through which such indebtedness is
- (c) Signed statements, where possible, by sitnesses and information as to their Frobable availability in the event of suit. browning availability in the event of sur-claims officer at a cannot be procured, the claims officer will, where possible, state the substance of the testinony which would
- (d) Thether an ofter of payment or compromise has been made by the compromise or compr the inetter an offer of payment or companies been made by the defendant. If oral, has been hade by the defendant. If oral, attach the terms thereof, or, if in writing, attach the had attach the had been attach the had been attached to the had been attac claims officer short, also a statement by the ciains officer whether such offer is believed stances. The claims over all of the circumstances. The claims over all of the circumstances. stances. The claims officer will not make attach to the payment but may receive and to the payment but may receive and make to the payment but may receive and attach to the report any certified check or attach to the report any certified cho-box-al soner order, hade hayable to the Posserver of the United States, voluntarily substituted as reconstructed States, voluntarily

cabnitted as payment or as a compromise offer. (a) Opinion of the claims officer as to see to the financial was to the financial was to the financial was to the financial was the financ casts and amount of liability of the dere-as to the financial responsibility of the



defendant, stating the nature and extent of insurance coverage, if any, and the name of the insurance carrier; and whether a judgment, if obtained, would be collectible.

- (f) Recommendation of the claims officer as to the advisability of instituting suit if payment is not made pursuant to demand or if any compromise offer already made is not accepted by the Government.
- (4) Disposition of unit claims officers' reports.
  - (a) The report will be delivered in duplicate to the commanding officer by whom the claims officer was appointed and an additional copy will be delivered to the commanding officer of each additional command concerned.
  - (b) The commanding officer will take the following action:
    - Approve or disapprove the report and determine whether the defendant is legally liable to the United States and, if so, the amount of such liability.
    - Upon a determination that the defendant is liable and the amount of such 2. liability, the commanding officer will cause a written demand to be made upon the defendant for payment of the claim, unless the claims officen's report is accompanied by payment in full of the amount so determined or by a compromise offer which the commanding officer deems it advisable to accept. If such payment in full accompanies the report, or if such demand is complied with, the certified check or postal money order will be accepted and transmitted to the appropriate fiscal officer. If the defendant has already made, or on such demand makes, a compromise offer accompanied by a certified check or postal money order, or if the defendant fails to comply with the demand within a reasonable time, the report, with a recommendation as to the advisability of acceptance

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of such compromise offer, if any, or, if none, as to the advisability of instituting suit, will be fowarded as required in 3, below.

Forward the original of the report, with a statement of the action taken thereon, direct to an office of Claims Service, USAFFE, preferably the one nearest the scene of the accident. Par. 3, AR 25-220 and Par. 275, AR 55-500.

Action by reviewing authorities. - Upon receipt by Claims Service, USAFFE, each claims officer's report will, unless the report is accompanied by a statement that payment in full has been made. been made, be reviewed and action taken by a claims investigating officer as provided, in the case of claims against the United States under the Foreign Claims Act, in subparagraph 3] of this Section III, above. After any corrective action deemed necessary with relation thereto, appropriate administrative action will be taken. Such action, unless the claims officer's report is accompanied by a statement that payment in full has been made or by a compromise offer which such reviewing dean same or or a compresse offer which such reviewing authority deems it advisable to accopt, will include a determination by a remainder that the same of the sa mination by a Foreign Claims Commission Whether the defendant is legally liable to the Thesia Commission Whether the defendant is legally liable to the United States and, if so, the amounts of such liability. of such liability. Upon a determination that the defendant is liable and of the is liable and of the amount of such liability, the Chief of Claims, USAFE, will assess the such liability, the Chief of the such that the colorest that the chief of the such that the colorest that the Claims, USAFFE, will cause a written demand to be made up is Very varie, while cause a written demand to be made up-the defendant for payment of the claim. If such demand is the destinant for payment of the claim. If such demand is compiled with, the certified check or postal money order will be accepted and transmission. begined with, the certified check or postal money order was to deseption and transmitted to the moarest disbursing one reasonable time and the comply with the domand within a responsibility of the Assaurt involved, the financial responsibility of the defendant, and other circumstances of the case appear to make advisable, and other circumstances of the case appear to make advisable, and other circumstances of the case appear to make advisable, and other circumstances of the case of case appear to make advisable the institution of suit, or if the defendant has already made or on such demand makes, a compromise offer accommendation or on such demand makes, a contain one octanomic has already made, or on such demand makes, and a control of the accompanied by a cortified check or postal the convenies ofter accompanied by a certified check or purely office, the Chief of Claims, USAFFE, will forward the check of the including any constitutions, USAFFE, will forward the check of the check o flie, including any compression offer and certified check or postal money order, with the control offer and certified check or advise to the control of the certified check or advise to the certified postal more war, with his recommendation as to the advisapossess some order, with his recommendation as to the auto-diting of acceptance of such compromise offer, if any, or, the compromise of t only of acoptance of such compromise offer, if any, or, Judge Advocate Guneral for instituting suit, to the definition of the suit of the adaps alrocate cororal for oppropriate administrative action-

the claim officer, \* The commanding officer appointing for that purposes any recruiting authority, including any dafandant safety or require authority, including any dafandant safety or requise, execute and deliver to any officer and the control of the claim of the

#### RECEIPT

(Date)

Acknowledgement is hereby made of the receipt by the United certified check

States of America of a postal money order in the amount of

C----payable to the order of the Treasurer of the United States

as full payment by ....., under the provisions of

(Defendant)

AR 25-220 of the amount due the United States by reason of

AR 25-220 of the amount due the United States by reason of 55-500

(State nature of claim, property or persons involved, and date and place of socurrence) (Mame, grade, and title)

Par. 5, AR 25-220 and Par. 27e, AR 55-500.

or pursuant to demand, tenders payment in All but demands a release by the Government of the State as a condition of such payment in All but demands as a condition of such payment release will be executed as a condition of such payment release will be executed as a condition of such payment in the series of t

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## IV. ACTION BY CLAIMANT

## Claims under Foreign Claims Act (AR 25-90)

a. Claimant. - Claims must be presented by the owner of the property damaged or the person injured, or his duly authorized agent or legal representative. The word "owner", as so used, includes bailees, lessees, mortgagors, and conditional vendees but does not include nortgagees, conditional vendors and others having title for purposes of security only. The claim, if filed by an agent or legal representative, should show the title or capacity of the person signing and be accompanied by evidence of the appointment of such agent, executor, administrator, guardian, trustee, or other fiduciary. Par. 6a, AR 25-20 and Par. 21a,

b. Form of claim. Claims should be submitted by, presenting in deplicate, and if practicable under cath, a statement in writing stating the claimant's address and other cath. setting forth the anount of the claimant's address and the detailed facts and all the detailed facts and all the claim and, so far as possible, the detailed facts and circumstances surrounding the accident or incident, indicating the (ate and place, the property and persons involved, the nature and out the property and persons involved, the nature and extent of the damage or injury, and the agency which was the cause or occasion thereof. The form attached as Arnex No. 5 will be used whenborrows ins ion attached as Armex Ho. 5 will be used and over practicable. Notwithstanding other provisions of this paragraph is not a subparagraph , any claim will be considered if it states substantially the natural facts with such definiteness as to Secretary so material facts with such definiteness as the condent or incident or the time place, and nature of the condent or incident Lare reasonable notice of the time, place, and nature of the locident or incident out of which the claim arose and an estimate or statement of the claim arose and an inju the concent or incident out of which the claim arose and an estimate or statement of the damage, loss, destruction, injury, or death resultings of most estimate or death resultings of most estimated. seconce or statement of the damage, loss, destruction, and destruction or death resulting; if not filed in duplicate an additional copy will be appeared to filed in duplicate an additional or coases remuting; if not filed in dufficate an additional copy will be prepared by the unit, officer or office with whom the original claim is set ... 21a, the original claim is filed. Per. 6b, AR 25-20 and Par. 2la.

# c. Evidence to be submitted by claimant.

(1) General - The amount claimed for damage to or loss or destruction of property, or the subto or loss or destruction of property, or for personal injury or death, must be substantiated by competent evidence.

(2) Property density. In support of claims building, and destruction of fences, building, and destruction of fences, for through to or destruction of rences, buildings, motor vehicles, and similar rencerty when he were the worse property which has been or can be repaired the class of replaced, the class of can be repaired or replaced, the claimant should submit of the cost agreed statement or estimate of the cost agreed statement or estimate. on itemized signed statement or estam-if not cost of repairs or replacements; or the cost of repairs or replacements; and after the cost of repairs or replacements; and after the cost of value thereof before ing reparable, the value thereof being and after the accident should be stated. In support of claims for damage to or in support of claims for damage to or destruction of crops, trees, land, and essentation of crops, trees, Land, and similar property, which has been or can be



restored, the claimant should submit an itemized signed statement or estimate of the cost of repairs or restoration, supported by evidence of the number of acres, or other unit of measure, of the crops, trees, land, or other property damaged or destroyed, the normal yield per unit, the estimated period the property will remain unproductive, and the normal rental value per unit of similar property in the vicinity; if not restorable, the value thereof before and after the accident should be stated. All such statements or estimates should be in duplicate and, if possible, by competent witnesses, preferably reputable dealers of the type of property damaged. Such statements and estimates should be certified as just and correct; if payment has been made, itemized receipts evidencing payment should be included. In support of claims for damage to or loss or destruction of registered or insured mail, the claimant should in addition submit, where possible, the registration or insurance receipt or an authenticated copy thereof showing the amount of fee and postage paid.

(3) Personal injury. - In support of claims for personal injury or death, the claimant should submit in duplicate a written report by attending physician, showing the nature and extent of injury, the nature and extent of treatment, the degree of permanent disability, if any, and the period of hospitalization or incapacitation, and bills for medical, hospital, or burial expenses actually incurred. Par. 6c, AR 25-20 and Par. 21a, AR 25-90.

Signatures. - The claim and all other papers requiring the signatures. - The claim and all other papers of claimant should be signed by the claimant should be signed by the claimant the signature of the claimant and the signature of the s claimant the signature of the claimant should be signature of a claimant personally or by a duly authorized agent. The signature of such claimant personally or by a duly authorized agent. Par. 60 and the claimant should be identical throughout. of such claimant or agent should be identical throughout. Par. 6d, AR 25-20 and Par. 21a, AR 25-90.

Place of filing. - The claim will be submitted to the commanding officer of the unit involved if known, otherwise to the commanding officer of the unit involved if known, other other than the command of the command of the unit involved in known, other cases, station, or the or to the commanding officer of the unit involved if known, outside the commanding officer of any base, carp, station, or other that greaters of any base, carp, station, or other than the command of the c the commanding officer of any base, camp, station, the translation of the state of hearest to which the accident or incident occurred, or to any strong of the strong of office of Claims Service, USAFFS. Par 6g, AR 25-20 and Par. 2la, 4R 25-90.

## 2,

The provisions of paragraph 1 of this Section IV, above,

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relating to the filing of claims under the Foreign Claims Act apply equally in all respects to claims under AR 25-25, Pars. 6 and 71, AR 25-20, Par. 20a and c, AR 25-25 and Par. 21a, AR 25-90.

Claims under the 105th Article of War (AR 25-80)

The provisions of paragraph 1 of this Section IV, above, relating to the filing of claims under the Foreign Claims Act apply equally in all respects to claims under the Foreign Claims Act 00, Par. 6, AR 25-20, Par. 7g, AR 25-20 and Par. 21g, AR 25-90.

Maritime Claims

a. Claimant. - Claims must be presented by the owner of the property damaged or the person injured, or his duly authorized agent or legal representative. The word "owner", as so used, includes bailes, lesses, nortgagors, and conditional vendees but does not include mortgages, conditional vendors, and others having title for purposes of security only. The claim, if filed by an agent or legal representative, should show the title or capacity of the person signing and be accompanied by evidence of the appointment of such agent, executor, administrator, guardian, trustee, or other fiduciar. Par. 19a, AR 55-500.

b. Form of claim. - Claims should be submitted by presenting in deplicate, and if practicable under oath, stating the claimant's address and setthe claimatts address and setting forth the amount of the claim and, so far as possible, the detailed facts and circumstances the Surrounding the occurrence, indicating the date and place, the property and newscore that the course of the course property and persons involved, the nature and extent of the danage or injury, and the agency which was the cause or occasion.

The form attached any which was the cause or occasion. thereof. The form attached as Annex No. 5 will be used whenever practicable. Notwithstantian practicable. Notwithstanding other provisions of this paragraph 4, any claim will be constant of the provisions of this paragraph. have any claim will be considered if it states substantially will never a substantially and a substantially and a substantially 4, any claim will be considered if it states substantially notice of the time, place furtheress as to give reasonable savernal facts with such substantially the notice of the time place finiteness as to give reasonable loss, destruction are and nature of the accident or incident out of the accident or incident of the accident or incident or i notice or the diss, place, and nature of the accident or inclusions, destruction, intury and all estimate or statement of the damage, destruction, intury loss, destruction, injury, or death resulting; if not filed in deplicate an additional copy will be propaged by the unit, office with show the original of propaged by the unit, office and AR suprises an excitional copy will be prepared by the unit, or office with whose the original claim is filled. Par. 1985 AR

c. Evidence to be submitted by claimant.

(1) General. The amount claimed for damage to personal injury on Anal. by competent oridans. Must be substantiated

Property damage. - In support of claims for dear or can be seen or can be seen or property which has the claim. been or can be repaired or replaced, the claims at should substitute out of property which has at should substitute of replaced, the claims on the control substitute of replaced, the claims of the control substitute of replaced, the claims of the control substitute of the contr act should submit an itemized signed statement replaced, the classification of estimate of the itemized signed statement replaced. or estimate submit an itemized signed statements of the cost of repairs or replaced before in not remarks. ments; if not reparable, the value thereof before and after the casualty occurred should

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be stated. Whenever a claim includes an item for detention during repairs of damage to vessel, proof establishing such item should be submitted and should include: the date when the vessel was disabled; date on which she was laid up for repairs, and name and location of repair works; date when repairs were commenced and completed; whether while laid up for repairs any other work was performed on the vessel and, if so, the amount and character thereof and the time required for performance; date on which the wessel was returned to service after completion of repairs and where put in service; whether there was opportunity to employ or hire vessel during time laid up for repairs; whether vessel was under charter and, if so, rate of charter hire, and the usual charter rate for the vessel and running expenses. All such statements or estimates should be in duplicate and, if possible, by disinterested competent witnesses, preferably reputable dealers of the type of property damaged or destroyed. Such statements and estimates should be certified as just and correct; if payment has been made, itemized receipts evidencing payment should be included.

(3) Personal injury - Ln support of claims for personal injury on the claims and the claims thould subst in duplicate nuritum report by attending physician, nature and extent of treatment, of injury of personant disability, incapacitation, and this period of hospitalisation, the contation, and bills for medical, hospital, or burial expenses actually incursed, Par. 19c. AR 55-500.

the simutures. The claim and all other papers requiring the simuture of the claiment should be signed by the claiment Personally or by a duly substrated agent. The signature of such claiment of the claiment of the signature of such claiment of the signature of

the commanding officer of the Mar Perchain should be submitted to the submitted the vessel management station, or submitted to the commanding officer of any base, one within which of Maryet to which the ensualty occurred, or to any office of claims Survice (MarFer Per 199 AM 55-500.

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## 5. Employees' Compensation Claims

For provisions relating to the filing of claims for workmen's compensation benefits, see USAFFE Employees' Compensation Commission Memorandum issued by Claims Service, USAFFE.

## Personnel Claims (AR 25-100)

a. Furtinent provisions of AR 25-90 applicable. - The provisions of paragraph 1 of this Section IV, above, relating to the filing of claims under the control of the section IV. the filing of claims under the Foreign Claims Act apply, so far as pertinent, to claims under the Foreign Claims Act apply, so far as provided below in this name of the provided below in the provided b provided below in this paragraph 6. Par. 7h, AR 25-20, Par. 52.

senting a detailed statement in triplicate, on ND JAG Form No. adapted for May 1944 (See Amar No. 3), which form may also be adapted for use in the assertion, by military personnel of amount or as in the assertion, by military personnel or civilian epologees of the Bar Department or of the Army, of any claims makes ask. Cavariant employees of the the Department or of the Army, or any claims under other provisions of this directive. Such form should be alread and provisions of this directive. the standard under other provisions of this directive. Such associated with the standard of the standard with this grade, said persons, branch, which is grade, and persons to the standard of the standard of

- (1) Date and place of the loss, drawing, destruction, cryture or abandourient.
- All other pertinent facts and circumstances ar other Pertinent facts and circumstance surrounding the loss, damage, destruction,
- (3) Designation of the one or more of the twolve situations land one or more of the twolve situations listed in subparagraph is of Section to Section II, above, (Par. 2, AR 25-100) on which the class (Par. 2, AR 25-100) or which the claim is based, and a reference to the fact. to the facts bringing the claim within the situation or situations so designated.
- (4) Statement that no fault or negligence on the Part of the claimant, his agent, or employed, was in shelo or in part the proximate cause of the loss dama the proximate cause of the loss, danage, destruction, capture,
- (5) Statement that none of the property has been recovered in the property has been recovered, if lost, captured, or abandoned
- destroyed, captured, or abendoned, setting (a) Quantity.

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- (b) Description.
- (c) Cost on purchase or value at time of acquisition if acquired other than by purchase.
- (d) Approximate date of purchase or other acquisition.
- (e) Cost of repairs, if reparable.
- (f) Cost of replacement, if not reparable.
- (g) Salvage value, if not reparable.
- (h) Amount of depreciation at time of loss, damage, destruction, capture, or abandomment.
- Condition (new, excellent, good, fair, poor) when lost, danaged, destroyed, captured, or abandence.
- (j) Length of time in use.
- (k) Value at time of loss, damage, destruction, capture, or abandonment.
- (?) Cortificate required by subpragraph of this paragraph 6, bollow, (Far. 4b, 34 25-100) if the paragraph 6, bollow, (Far. 4b, 34 25-100) if danged upporty is improved, consider with dataloud property is improved, the paragraph of the paragrap
- (3) Itanized bill, or estimate, for repairs of any reparable damaged property not repaired by quarternaster or supply officer.
- (9) Octificate required by subparagraph h of this pragraph 6, below, (Per. 46, All 5-100), print if insured property is involved, togethered dotable facts in rotation constress every to conficult to provide full information as to confict the top provide full information as
- (10) If the claim is based in whole or in part on

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loss, damage or destruction while being shipped or during travel under orders (see subparagraphs & (1), (5) and (6) of Section II, above, (Pars. 2a, e, and f, AR 25-100)):

(a) Copy of any order or other authority authorizing the travel, transportation, or shipment.

(b) If the shipment as a unit is in excess of the regulation allowance of baggage permitted to be shipped at Government expense, statement of the approximate weight of each article for which claim is made.

(c) Statement of the number designating the container (box, barrel, crate, etc.) of each article for which claim is made.

(d) Statement, in cases where the weight of shipment is in excess of the regulation allowance, showing whether such shipment included any article personal to others than the claimant (such as wearing apparel belonging to members of the claimant's household) and, if so, a list thereof showing the

(e) Statement, in cases where property mas turned over to quartermaster, supply officer, or contract packer, setting

Official designation and address of quartermaster, supply officer, other government agency or contract packer.

2. Date property was turned over.

 Condition when property was turned over.

4. When and where property was

5. Dateswhen and reshipped. Dateswhen property was shipped

Copies of all manifests and bills of lading.

7. Date and place of delivery of to owner.



- 8. Date property was unpacked.
- 2. Statement by quartermaster or supply officer as to condition of property when received and delivered, as to handling and storage, as to reasons for and conditions of storage, whether proprty was handled by local carrier, and whether damage occurred during such handling.
- 10. Methods of packing and crating.
- 11. Whether there was negligence on the part of any Government employee acting within the scope of his employment.
- 12. Whether last common carrier was given clear receipt.
- 13. Whether local civilian carrier was given clear receipt.
- (f) Certificate required by subparagraph f of this paragraph 6, bolon, (Per. 48, AR 25-100) if a common convert is involved, together with detailed fact in relation to matters covered by certificate to provide full information as to reinburgement by carrier.
- (11) If the claim is based in whole or in part on toss, demage or destruction in consequence of the owner harding favore that attention to awring harding favore that attention to property instead of property in Palison to property in passed of geocher or (Development of the Control of the C
  - (a) Statement, supported by facts in detail, that claimant endeavored to or did save human life of another or government property instead of property in relation to which claim is made. or
  - (b) Statement, supported by facts in detail, that performance of authorized military duties prevented saving property in relation to which claim is made.
  - (c) Brief statement of activities of claimant prior to, during, and subsequent to the incident.

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- (12) If the claim is based in whole or in part on destruction of property to prevent its falling into the hands of the enemy, or abandoment thereof on account of lack of transportation or transportation or by reason of military triamportation or by reason of military mergency requiring its abandorment (See subparagraphs 8a(9), (10) and (11) of Section II, above, (Fars. 2i, j and k, AR 25-100)):
  - (a) Copy of order, or other available evidence of authorization, directing claimant's entry into area involved.
  - (b) Copy of order, or other available evidence of authorization, directing destruction or abandonment of property.
  - (13) Statements (sworn to, if possible) by claimant's commanding officer, and others, to corroborate claim.
- (14) In any case where owner of the property is deceased, evidence of appointment of executor or administrator or, if no such appointment, a statement as to the relationship to the cater of the property of the person precenting the claim.
- (15) Statement that no previous claim has been made by the claiment based on the same accident or incident. Par. 5b, AR 25-100.

of AR 25-100 will be submitted to the commanding officer of the commanding officer of the commanding officer of the to the commanding officer of the to be submitted to the commanding officer of the commanding organization to which the clti ant belongs or with which he is organization to which the clui int belongs or with which he serving if practicable, otherwise to the commanding officer of any base, edge, station any base, ones, station, or other dilitary establishment, if The facts and directations of the military establishment, in the facts and directations are to the point where investigation of the facts and directations. he facts and directantances can meat conveniently be made. In any case there can make the most conveniently be made-improved the conveniently be made improved the conveniently be made. any case unone submission and in the foregoing provisions is dispracticable, claim any be submitted to the nearest office of impractication, claims now be suggested to see Claims Service, USAFFE. Par. 55, AR 25-100.

Son by the constant in their The claim may be acted to the constant of their The claim may be acted to the constant of their the claim may be acted to the constant of the claim may be acted to the constant of the constant the other products of the direction processed in according officer in direction which seems of the direction by the seems of the direction with the seems of the direction will be seen that the seems of the direction when the seems of the see State votes programs of this directive. Such action by sometime, if replacement in kind will be a find that in the control of consuming witners in directing replacement in kind will be final, if replacement in kind is accomplished, a list, in the lices, of the those so replaced as complished, a list, in the inclusion of the lices of the himm. as represent in kind in accomplished, a list, in brilliest, of the time to replaced and their cost will be included.

in the file with the claim. If no replacement in kind is made, the claim will include a statement to that effect. Replacement in kind is not mandatory but is a matter solely within the discretion of the commanding officer concerned. Per. S, AR 25-100.

e. Claims for money. Claims for money lost, damaged, or destroyed are not within the provisions of AR 25-100 unless the claimant furnishes proof that a high degree of diligence was exercised for the safekeeping thereof. Par. 3d, AR 25-100.

## f. Demand on common carrier.

(1) Procedure. - Whenever property is lost, damaged, or destroyed in transit in which a common carrier (see subparagraphs 8a(1), (5) and (6) of Section II, above, (Pars. 2a, 9 and 1, AR 25-100)) is involved, the claimant will make demand, in writing, upon the last common carrier known or believed to have handled the shipment, for reimbursement for such loss, damage, or destruction. If more than one bill of lading is issued, a Separate demand will be made upon the last common carrier under each bill of lading. Such demand will be made prior to the filing of a claim under the provisions of this directive and, in any ovent, with reasonable promptness (considering all of the circum-Stances of the circum-Stanes of the case) following the date of delivery of the shipment or, if no portion of the shipment is delivered, the date when delivery would in the normal course have been made. A copy of such demand and of any subsequent demands and related correspondone, as well as the originals of any roplies, will be retained for the for presentation with any claim hereunder. In the event of failure of the common carrier to reply to the claimant's demand within a reasonable time, it will be presumed that such carrier denies ! deries liability. The claimant will execute and submit with his claim a statement (Par.48, AR 25-100) in substantially the following form:

CERTIFICATE O	TEMAND	ON	COMMON	CARRIER				
CERTIFICATE C				(Place)				
				(Date)				

mailing to such carrior a littor; a copy of which is attached to this continuous attached to the conti

(Signature of claimant)

#### DECLASSIFIED Authority NN 2830/8

(2) Failure to make demand. - In the absonce of the evidence required to be furnished by a claimant under this subparagraph 6f with respect to his claim, if any, against a common carrier, the amount otherwise allowable under the provisions of AR 25-100 will be reduced by the maximum amount recoverable from the carrier had claim therefor been filed seasonably with the carrier. Par. 6f, AR 25-100.

Request to quartermaster or supply officer for repairs.

> Procedure. - The following provisions of this subparagraph 6g are suspended by reason of military necessity, the Theater Commander having determined that the military situation does not possible of repairs by quartermasters or supply officers in the Southwest Pacific Area: Whenever there is damage to property within the provisions of AR 25-100 (see subparagraphs Sa(1) to (6) of Section II, above, (Pars. 2a to f, AR 25-100)), the claimant will make request in writing to the local quartermaster or supply officer to make any necessary repairs thereto fully to restore the damaged property and to furnish the claimant a statement in writing setting forth whether any or all and (if any) how much of the damage can be or has been so repaired, the extent of damage, and the reasons for noncompliance with such request for repairs. A copy of such request and of any subsequent requests and related correspondence, as well as the originals of any replics, will

be retained for presentation with any claim herounder. The claimant will execute and submit with his claim a statement (Par.4b, iR 25-100) in substantially the

CURTIFICATE OF REQUEST TO QUARTERMASTER OR SUPPLY OFFICER FOR REPAIRS

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٠												•			

I, the undersigned, hereby cortify that on 

by properly mailing to such quartermaster or supply con-quartermaster or supply officer a (Local quartermaster or supply officer)

letter, a copy of which is attached to this certificate. I further certify that there are also attached to this certificate originals of all replies (if any) received from, and copies of all further correspondence (if any) sent to, said quartermaster or supply officer.

I, the undersigned, hereby certify that there was no local quartermaster or supply officer to whom I could make request as provided in paragraph 4b, AR 25-100.

> ...... (Signature of claimant)

of the evidence required to be furnished under this subparagraph 68 with respect og with respect to repairs if there is any damage to property, the amount otherwise allowable under the provisions of AR 25-100. will be reduced by the amount of such damage. Par. 6h. AR 25-100.

## h. Demand on insurer.

(1) Procedure - Whenever property is lost, danaged, destroyed, captured, or abandoned and the property was insured (see subparagraphs 85(1) to (12) of Section II, above (Pars 2a to 1, AR 25-100)), the claimant will make demand in writing. writing upon the insurer for p.yment under the terms and con-ditions ditions of the insurence coverage. Such demand will be made Prior to the filing of a claim under the provisions of AR 25-100.

A copy of mail ing of a claim under the provisions and related A copy of such demand and of any subsequent demands and related Corresponds to the filing of a claim under the provisions of an contraction of such demand and of any subsequent demands and related cory of such desand and of any subsequent demands and remarks of correspondence, as well as the originals of any replies, will be retained example. In the retained for presentation with any claim hereunder. In the event of \$4.2. event of far presentation with any claim hereunder. In we went of aliment's common with the present of the insurer to reply to the claimant's common within a relevant of the insurer to be presumed that such insurers to be presumed to be when of all presentation with any to the claimant within a reasonable time, it will be presumed that such insurer denisal lightly. denies liability The claiment will execute and submit with his Claim a statement (Par.4c. AR 25-100) in substantially the following Form. following forms

CERTIFICATE OF DEMAND ON INSURER

(Place) ..... (Date)

t, the undersigned, hereby certify that on (Date) 

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with the terms and conditions of insurance coverage by said insurer by properly mailing to such insurer a letter, a copy of which, together with the originals or copies of the policy and other agreements evidencing such coverage, is attached to this certificate.

I further certify that there are also attached to this cortificate originals of all replies (if any) received from, and copies of all further correspondence (if any) sent to, said

## (Signature of claimant)

of the evidence required to be furnished by a claimant under this subgrangraph on with respect to his claim, if any, against an insure. an insurer, the amount otherwise allowable under the provisions of AR 25-100 min. of AR 25-100 will be reduced by the maximum amount recoverable from the insurance and the reduced by the maximum amount recoverable. from the insurer had claim therefor been filed seasonably with the insurer the insurer, provided that the circumstances of the claimant's service were not not be that the circumstances of the claimant's service were not such as to preclude the seasonable filing of such claim with the insurer. Par.6i, AR 25-100.

# i. Transfer of rights against carriers and insurers.

under the provisions of AR 25-100 the chimant will be decaded to interest. have sai good to the United States all of his right, title, and any are in and to any used States all of his right, title, and any and assisted to the United States all of his right, title, and any common carrier, but you cannot carrier. Pur 72 any common carrier any unsatisfied claim which he may have graph 6, above. Par. 7a, Al 25-100. See f of this para-

the provisions of AR 25-100 the claimant will be deemed to have treat in and in the United States. sasting to the United States all of his right, title, and in-terest in and to are wanted to the claiment will be deemed to make and in-terest in and to are wanted all of his right, title, and insessing to the United States all of his right, title, and in-terest in and to any unsatisfied claim which he may have seint the indurer. Par. 7h. An artisfied claim which he may have seint chows. the insurer, Far. 7b. AR 25-100. See h of this paragraph 6,

# 7. Labor Claims

it states substantially the material facts, with such definite safe of the Commandate notice in the considered if A states substituted by the material facts, with such definite basis of the reasonable solice thereof, the nature, snown to the claim.

# 8. Procurement Claims

it states, 1411 Form of claim - Any claim will be constoored if thereof, the rature, quantitieness as to give reasonable notice of thereof, the nature, amount and basis of the claim-9. Real Estate Clause

Form of claim. - Any claim will be considered if it states, with such definiteness as to give reasonable notice thereof, the nature, amount and basis of the claim.

#### 10. Claims not provided for under any law

Claims the settlement of which is not provided for by any specific law or appropriation will be accepted as filed, and will be disposed of as provided in paragraph 12 of Section III, above. Par. 11, AR 25-20.

### 11. Transfers and assignments of claims

All transfers and assignments made of any claim upon the United States, or of any part or share thereof, or interest therein, whether absolute or conditional, and all powers of attorney, orders, or other authorities for receiving any payment of any such claim, or of any part or share thereof, are (see R.S. Section 3477 (31 U.S.C. 203; H.L., 1939, sec. 701), as amended by the act of October 9, 1940 (54 Stat. 1029; M.L., 1939, Sup. I, secs. 701, 739)) absolutely null and void, unless made after the same of a warrant for the payment thereof. The provisions of the statute, as amended, do not apply to assignments of claims by operation of law, as when a receiver or trustee in bankruptey is appointed for an individual, firm or corporation, or an administrator for the estate of a deceased person; nor do they apply in any case in which the moneys due or to become due from the United States or from any agency or department thereof, under a contract providing for payments aggregating \$1,000 or more, are aggregating financing institution. assigned to a bank, trust company or other financing institution, "Saligned to a bank, trust company, or other Islampang, assessment in Lidding any Federal lending agency, under the conditions set including are presented as the set of cotober 9, 1940 (supra). See AR 35-6040, Fer. 13, AR 25-20 and Par. 28, AR 55-500.

## Participation in prosecution of claims

Whoever, being an officer of the United States, or a Person holding any place of trust or profit, or discharging any official and trust or profit, any Executive official function under, or in connection with, any Executive Department of the Government of the United States, smill Senate or fouse of Representatives of the United States, shill senate or House of Representatives of the United States, shill set as an ont to or House of Representatives of the United States, summaries as a gent or attorney for presecuting my claim against the builted States. to the House of Representatives to the state of the State the control of appears of any control of any control of a out on against the United States, or assisted, in the presented on the first of such characteristic of such claim, shall be fined not sore that for the first of such claim, shall be first one year, or look. See. dollar of such claim, shall be fined not more than five causes of the control of such claim, shall be fined not more than control of such claim, shall be fined not more than cap year, on the control of ollar of such claim, shall be fined one year, or both.

log, are, or imprisoned not more than one year, or. 1981 H.L.,

logs, act of Harch 4, 1909 (35 Stat. 107); 18 U.S.C. 1982 H.L.,

see, 29, 88c, 205. 1935, act of March 4, 1909 (35 Stat. 1107; 18 U.S.G. 190; 30, act of March 4, 1909 (35 Stat. 120, and Par. 29, An 55-500.

### V. APPROVAL AND PAYMENT OF CLAIMS

### 1. Action by Claims Commissions

a. Foreign Claims Commissions. - Under authority ment Letter dated 21 April 1944, as amended as supplemented by War Departies to the Theater 2 May 1944, delegated by the Secretary of War to the Theater Commander, Foreign Claims Commissions will on the recommendation of the Chief of Claims BEAFFE, be appointed, additional to existing Foreign Claims Commissions, to act upon claims under the Foreign Claims Act, claims under AR 25-25 and claims under AR 55-500 as provided in paragraphs 3, 4 and 6, respectively, of this Section V, below.

dated 21 April 1944, as supplemented by Har Department Letter dated 12 July 1944, as supplemented by Har Department action dated 12 July 1944, delegated by the Secretary of Har to the Cases it July 1944, delegated by the Secretary of Mar to empereur of Mar to empereur of Mar to empereur of Mar to empereur of the Chief of Claims, USAFFE, be appointed, additional to extend the control of the Chief of Claims, USAFFE, be appointed, to act with the control of the Chief of Claims, USAFFE, be appointed, the control of the Chief of Claims, USAFFE, be appointed to the control of the Chief of Claims, USAFFE, be appointed to the control of the Chief of Claims, USAFFE, be appointed to the Chief of Claims and Chief of Claims, USAFFE, be appointed to the Chief of Claims and Chief of Chief of Claims and Chief of additional to existing Personnel Claims, USAFFE, be appointed, claims under AR 25-160 datasonal to existing Personnel Claims Commissions, to act up. Claims under AR 25-100 as provided in paragraph 8 of this Section

authority delegated to the Assistant Deputy U.S. Employees Corporation Commissions. - Under Demonstration Commissions on the Property U.S. Employees Corporation Commissions on the Property U.S. Employees Section 2 designated to the Assistant Deputy U.S. Employees Compensation Commissioner, DEAFFE Employees Compensation Commissioner, DEAFFE Employees Compensation Commissioner, Deaffe Deaffe Employees Compensation Commissioner, Deaffe remaining Counissioner, USAFFE Engloyees Compensation Counissioner, USAFFE Engloyees Compensation Counisported additional to evident the Chief of Claims, USAFFE, be available to the Chief of C Pointed, additional to existing USAFFE Employees! Compensation Commissions, to act upon claims for employees compensation benefits as provided benefits as provided in paragraph 7 of this Section V, below.

## 2, Payments by Agent Officers

If the claimant in writing shall nave agreed, or will see, to accept the approximations then agree, to accept the emount allowed under the provisions of the districtive in full sessions. one agree, to accept the arciting shall have agrees, this directive in full satisfaction and finel settlement of his agreement or riginal and one of the provisions. one directive in full satisfaction and final settlement of sarcement, and the action copy of the claim, the acceptance provision, but the action by a commission consistently with under the provision. receives a the action by a commission consistently with the action by a commission consistently with the claim, the acceptance of the particular provisions of this directive under the claim is because the commission of this directive under the commission of the claim is because the commission of the commission of the commission of the claim, the acceptance of the claim, the ac revisions of the particular provisions of this directive value of the claim is payable, will be attached to appropriate country, and the plant will be attached to appropriate country. other the claim is payable, will be attached to appropriate other officer designation behavior of the payable will be attached to appropriate of the control of the payable pa other officer designated by provided the officer raking the second payment shall for small for s schal paymont shall for such communication of the provided the officer making sent orriver shall for such purposes have been appointed an accommunication of the provided the officer making the state of the state of the provided the officer making the state of the provided the officer making the state of the provided the officer making the state of the provided the state of the state based pupulant—"spaced by its Provided the officer passes and sums officer pursuant to the number of such purposes have been apoclined at 15-20 and Far. 21b (1), AR 25-90.

# 3. Claims under Foreign Claims Act (AR 25-90)

received by Charles be Foreign Charles Commission. Any report of the received by Charles Commission. Any report of the received with the retained to prior to receive of the company of the property of the received with the retained to appear the received of the company of the received with the retained to appear the received of the r Solved by Classical by Foreign Clairs Commission - with Classic Claims Service, United Claims Service, United Claims of the Commission - with Care Commission cated claim 18 Service, 1821, 192 Commission of the arconding of the received with pretained to sent receipt thereof. Any all parts to compare the receipt the result of the parts to compare the receipt the result of the related report of the he received the retained to aver receipt thereof to post, together by a clima compared to a clima compared by a clima compared to receive the related report together with the climated on in connection with the compared to the related report together with such others and in connection with the compared to the related to the related together the related to the related together the related to the related together the related tog of considered by a claim constitution of, the related the port, together with such other and additional evidence as the

commission may deem pertinent. The claim may be referred by the commission, for further investigation, to an appropriate unit claims officer, or to the Claims Investigating Service, or it may cause an independent investigation to be made. Upon final action by the commission on any claim within the final jurisdiction of the commission, it will notify the claimant directly whether or not the claim is allowed and, if allowed, the amount of such allowance. Settlement by the commission is final and conclusive for all purposes. If no claim has been received by the commission within 90 days after the expiration of 1 year from the date of the accident or incident, the report and any related papers will be forwarded direct to the Judge Advocate General (through the Chief of Claims, USAFFE, Attention Director of Claims Commissions); no copies, but only a card record thereof, will be retained by the commission for its files. Par. 21b (3), AR 25-90.

Sions. - b. <u>Fayment of claims allowed by Foreign Claims Commis-</u>
Stone. - If the claim as originally made (or as allowed) does not exceed \$5,000 and the claimant in writing shall have agreed, or will them agree, to accept the amount allowed in full satisfaction and in fagree, to accept the amount allowed in the final settlement of the claim, and the claim is allowed under the Foreign Claims Act, the original and one copy of the claim and acceptance agreement (but without supporting paper), the original acceptance agreement (but without supporting paper) the original and one copy of the award bearing the approval of the foreign claims and one copy of the award bearing the supporting the transmitted to the commission, and a voucher in triplicate, will be transmitted to the Proper disbursing officer for payment and with the request that one copy of the woucher with youcher number and date of payment noted thereon thereon, be returned to the commission: Provided that any such Settlement by the commission: Provided that my sum of the manual results of the formation will, if the amount codes \$2,500 the formation of the first of the firs Commander or, in any case not so approved, to the approval of the Judge 43ummander or, in any case not so approved, to the approved of the source of the commission, or any sudge advocate General. The president of the commission, or any suggestion of the commission of approved claim to the comment of the New Advocate General. The president of the commission, or any manufactures of the commission, or any manufacture of the commission of the comm out of the appropriation current at the time of settlement, for minance settlement at the state of settlement, for the settlement of the calendar month of "Pinance Service, Army."
Followis. calance Service, Army." Prior to the end or the calcular cases further following payment of the claim except as in particular cases further and of the claim except as in particular cases further following payment of the claim except as in particular cases further following payment of the claim Service, USAFFE, at least Need of the file is anticipated by Claims Service, USAFFS, at least one of the file is anticipated by Claims Service, USAFFS, at least one of the service of one copy, and any remaining copies, of the action by any commission and all well as a section of the section of the venchor. and all supporting papers and the returned copy of the voucher widencing opinion. all, and any remaining copar, and the returned copy of the vocumer sylden supporting papers and the returned copy of the voces and the returned copy of the vocas and the vocas of the voca evidencing payment will be forwarded direct to the Judge Aerocard General (through the Chief of Claims, USAFF, Attention Director of Claims Crowder of Claims, Control of Claims, Control of Claims, Control of Claims, Control chineral (through the Chief of Claims, by a card record thereof, rill Claims Commissions); no copyles, but only a card record thereof, rill Fe rational formulations on copyles, but only a card record thereof, rill Fe rational formulations of the files. Par. 21b (4), AR 25-90 lains Commissions); no copies, but only a card record thereof, main to commissions); no copies, but only a card record thereof, main to be retained by the commission for its files. Par. 21b (4), AR 25-90.

Claims disallowed by Foreign Claims Commissions. Claims within the jurisdiction of the commission that the furification of the commission that the commission that the purisdiction of the commission that where the commission that the co Adams within the jurisdiction of the commission but dissalated to the description between the property of the commission but dissalated to the description between the commission but dissalated to the description between the commission but dissalated to the description but dissalat The nerthern will be forwarded direct to the badge account of the control of the control of the control of Claims Committee Control of Claims Committee Control of Claims Committee Control of Control on this couph the Chief of Claims, which is close of the canonian sent following disallowance accepts an particular ISAFF. In any following disallowance accepts as a service when the claims is the claims of the claims are the claims of the claims are the claims of the c anth of Commissions) not later than a particular cases at 1 of the file is anticipated by Claim and support this paper of the file is anticipated by Claim and support the paper of the file is anticipated by Claim and support the paper of the file is anticipated by Claim and support the paper of the file is anticipated by Claim and support the paper of the file is anticipated by Claim and support the file is anticipated by all of the file is antichaed by Claims Service, USAFFE.

\*\*Ill asses all copies of the report, claim and support of the file is antichaed by the service of the report, claim and support of the report of the repor the case of file is muticipated by the many any profit in the profit of RESTRICIED

d. Claims not within jurisdiction of Foreign

- (a) Claims in excess of \$5,000. Claims within the Foreign Claims Act except that they exceed \$5,000 and the claimant will not accept that amount in full satisfaction and in final settlement of his claim will be forwarded direct to the Judge Advocate General (through the Chief of Claims, USAFFE, Attention Director of Claims Commissions) for appropriate administrative action. The foreign claims commission will forward with any such claims its findings and any recommendation as to the action to be taken (including its findings as to the amount of the damago, loss, or destruction, or the amount allowable on account of the injury or death) together with, if practicable, a statement in uniting from the owner of the property, or the person injured, or the legal representative of the person killed, signifying his willingness to accept the amount so found in full satisfaction and in final settlement of his claim Par. 21b (6) (a), AR 25-90.
- (b) Claims under other regulations. - Claims found by a foreign claims commission not to be within the provisions of the Foreign Claims Act but within the provisions of the Foreign Claims Act but within the provisions of the Foreign July 3 July 3, 1943 (see Per. 1, AR 25-25) will be disposed disposed of by the commission in accordance with the with the provisions of AR 25-25; claims found by the commission of AR 25-25; claims visions commission not to be within the provisions of areas of the provisions of t visions of either of the acts above cited, apparently within the provisions of AR 25-100, will be transmitted to a Personnel Claims Commission for appropriate administrative action. The commission will transmit with any such claim its findings and its recommendation as to the action to be taken. Claims found by the action to be taken within the within the provisions of either of the acts above cited or AR 25-100, but apparently within the provisions of A.W. 105, will be returned discount of A.W. 105, will be returned direct to the offender's commanding officer for consideration under AR 25-80.

Sant. In the Companion with New Merice Companion was a companion of the Companion with New Merice Companion with New Merice Companion was former and companion of the Companion with New Merice Companion was deather than the Companion with the Merice Companion was a companion with the Companion was a companion of the Companion with the Companion was a companion with

RESTRICTED ingly, any commander of Army forces may, in the absence of an army foreign claims commission to which a claim apparently within the provisions of the Foreign Claims Act may conveniently be referred, refer such claim to any Mavy, Marine Corps, or Coast Guard commission, appointed under that Act, which will settle such claim and take any and all other action as provided in AR 25-90 in the case of any Army foreign claims commission, and the Chief of Finance will on the presentation of appropriate wouchers make reimbursement therefor to the service making such settlement. Any commander of Army forces who refers a claim to any Many, Marine Corps, or Coast Guard commission will promptly forward to the Judge Advocate General (through the Chief of Claims, USAFFE) a copy of the letter of transmittal with a brief statement of the essential facts on which the claim is based. Similarly, any Army foreign claims commission to which a claim apparently within the scope of that Act is referred by any May, Marine Corps, or Coast Guard officer pursuant to regulations of the service to which such referring officer belongs and issued under that Act will such referring officer belongs and all other action as pro-Vide of the such claim and take any and asservice, subject to reinforsement to the War Department by such referring service. Par. 22, AR 25-90.

### Administrative reports.

- (1) By Foreign Claims Commissions. in administrative report of claims under the Foreign, Claims Act will on or before the fifth day of each calendar month be forwarded by each foreign claims comission direct to the Judge advocate General (through the Chief of Claims, USAFFE, Attention Director of Claims Commissions), whether or not any claims have been received or disposed of during the period covered by the reports. The report will be prepared in triplicate and the original and one copy will be forwarded by the commission; the copy so forwarded will be withdrawn by the Chief of Claims, USAFFS, and the remaining copy will be retained by the commission. Such report will set forth the number of claims pending, with a brief statement of the reasons permains, with a write sectionent of any claim, for delay in the settlement of any claim, attl pending, not disposed forth operators and till pending, not disposed forth corriety and till get a state of the state atver thing, and whit but toren cormisely
  as to all claims allowed or disallowed under the provisions of paragraphs 3, 4 and 6 of this Section V, or forwarded to the Judge Advocate General under the Provisions of subparagraph 3d of this Section V, above, during paragraph 3d of this Section V, above, during the preceding calendar senth, including represent of commission by lawy. Hartne represent the commission by lawy. Hartne represent the commission by lawy. information:
  - (a) Name of claimant. 73

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- (b) Amount claimed.
  (c) Type (traffic, aircraft, operations of the Army, depredation, or miscellaneous). (d) Date and place of accident or
- incident (e) Whether claim approved, dis-
- approved, or forwarded to the Judge Advocate General.
- (f) Amount (if any) allowed, stated in terms of United States currency. Par. 24, AR 25-90.
- (2) By the Chief of Claims, USAFFE. - The fore-going reports by foreign claims commissions are additional to the monthly report by Claims Service, USAFFE, to the Judge Advocate General (required by Par. 6, War Department Letter dated 13 May 1944), setting forth substantially the following information:
  - (a) Number of cases (whether or not a claim has been filed) on hand at the beginning of the month;
  - (b) Number reported during the month; Number forwarded, with an accompanying claim, to claims commis-
  - (d) Number closed due to the fact that there will be no claim,
  - (e) Number held in suspense pending filing of a claim; and (f) Number of cases on hand at the end of the month.
  - By commanders appointing unit claims officers. A contain report containing the following information direct to the Chief or not required) will be summitted commander concerned.
    - (8) Number of cases (whother or not a claim has been filed) on hand at the beginning of the menth.
    - Number received during the month; Humber forwarded during the month to the Chief of Claims, USAFFE; (d)
    - Number closed due to the fact that no claim will be filed and no formal
    - investigation is required; (c) Number of cases on hand at the end of
    - (f) Reasons for failure to complete claims officers officers reports, and forward the same to the Chiof of Claims, USAFFE, as to matters on hand in excess of thirty days.

#### 4. Claims under AR 25-25

- Approval. Subject to appeal to the Secretary of War, claims arising in foreign countries and payable under the provisions of AR 25-25 may be approved or disapproved by any foreign claims commission. Par. 22d, iR 25-25 and Par. 2b(6)(b), iR 25-90. (See provisions of paragraph 3 of this Section V, above, relating to claims under the Foreign Claims Act). As to such claims under AR 25-25, each foreign claims commission, whether composed of one or more members, has jurisdiction of claims up to but not exceeding \$1,000.
- Notice to claimant .- Upon approval or disapproval of a claim by a foreign claims commission as provided in subparagraph a of this paragraph 4, above, the claimant will be notified in writing of the action taken and, in case of disapproval in whole or the action taken and, in case of transport of the appeal, or in part, he will in such notice be advised of his right to appeal, stating in such appeal the grounds relied on, to the Secretary of ar, through such appeal the grounds relied on, within 30 days of receipt by him of such notification. Par. 20b(2), AR 25-25 and Par. 21b(6)(b), AR 25-90.
- Effect of action. The action of any foreign claims commission in approving or disapproving a claim will be conclusive unless the claimant appeals in writing to the Socretary of War as provided in subparagraph a of this para-Paph 4, above. Par. 20b(3), if 25-25 and Par. 21b(6)(b), AR 25-90.
- Acceptance. If the full amount claimed is not allowed, there should, if possible, be obtained from the claimant a written statement signifying his willingness to accept the amount allowed in full satisfaction and final Settlement settlement; if such statement is not obtained the claim may be allowed. be allowed in such lesser amount upon the express condition, to be stated to be stated in the action by the foreign claims commission, that the claimant accepts such amount in full satisfaction and final satisfaction. final settlement. No such acceptance is necessary if the full amount in full sections. AR 25-25 and full acttlement. No such acceptance is necessary if uncount full amount claimed is allowed. Par. 20b(4), AR 25-25 and Par. 21b(4). Par. 21b(6)(b), AR 25-90.
- Payment. In the event of allowance of the claim in whole or in part, and (where required under subpara-Graph in whole or in part, and (where required unser acceptance by the Graph d of this paragraph 4, above) upon acceptance by the Claimant or a stignation and fire ough d of this paragraph 4, above) upon acceptance by the Claimant of the ancust allowed in full satisfaction and final sattlement. admant of the neutral allowed in full satisfaction are armined to the neutral allowed in full satisfaction are armined to the satisfaction of the commission to the appropriate disturbing officer for payment.

  The file appropriate disturbing officer for payment. The file so transmitted will in any ovent include in duplicate, the of file so transmitted will in any owner including in chapter of the original result of the original result of the original result of the opposition of the original result of the opposition of the original result of the original results of the original Who approving authority, the acceptance (where requirements and, in duplicate, a voucher, with the request that one copy of the voucher, with voucher and that of payment whereon, be returned to make the consistency of the voucher and Par. 206(5), if 25-25 and Par. 206(1). and Par. 21b(6)(b), AR 25-90.



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related file and much community, if may, as the foreign claims of much community, if may, as the foreign claims community in may, as the foreign claims community in the community of the communi

### 5. Claims under the 105th Article of War (AR 25-80)

a. Where offender is member of command. - The commanding officer by whom the claims officer was appointed, if the claims officer finds that the claim is within the provisions A.W. 105 and recommends an assessment thereunder against a member of the command, will personally determine whether the claim is within the provisions of A.W. 105. If he finds that the claim is within the provisions of A.W. 105, he will personally fix the amount to be assessed against the offender, which amount will not be in excess of the assessment recommended by the claims officer. If the commanding officer has a staff judge advocate, or if a judge advocate is otherwise available, the commanding officer will refer the case to him for review and recommendation before approving or disapproving the report. He will in any event make no assessment under the provisions of this directive unless the conditions set forth in subparagraph 5e of Section II, above, are fulfilled. The amount so approved will, subject to the limitations provided in AR 35-2440, be stopped against the pay of the offender and the amounts so collected will be paid to the claimant. Such action by the commanding officer is not subject to appeal by the claimant or the offender and the action so taken by the commanding officer shall be conclusive on any disbursing officer for the payment by him to the claimant of the stoppage so ordered. The commanding officer may, however, correct any errors or irregularities in any order for stoppage previously entered by him. If he is in doubt as to the proper action to be taken in any case he may submit the matter direct to the proper action to be taken in any case he may submit the matter direct to the proper action and to the proper action to be taken in any case ne may consideration and othe nearest office of Claims Service, USAFFE, for consideration and adults are represented in the second and the se advice before taking action. If the offender cannot be ascertained but the but the organization or detachment is known, such stopage may be made against urganization or detachment is known, such assignment found in that the pay of all members of the organization or detachment found in the companization of the organization or detachment found in the claims officer's report to have been present with the organization claims officer's report to have been present was District of detachment at the time of the damage, loss, or desarrows as the claims platned of and such assessment will be in such proportion as the claims officer. officer recommends and the commanding officer sporoves. The original of the approved to the approved the appr of the approved report will be filed at the headquarters of the organization of the commanding officer; the approved report will be filed at the headquarters of the organization and the remaining copy, with a copy of the commanding officer's action theorem. action and the remaining copy, with a copy of the commanding action thereon, will be forwarded direct to the negrest office of Claims Service. Claims Service, Walfe, Upon receipt by such office of Claims Service, UBAFFE. of claims Service, UBAFFE. MRAFFE, of a copy of the approved report, such report will be reviewed and any creaming the such report will be reviewed. and any orrors or irregularities in any order for stoppage proviously ontered will be approved to the commanding officer who any errors or irregularities in any order for stoppage pravausa-entered will be called to the attention of the commanding officer who ordered much called to the attention of the group the correct ordered will be called to the attention of the commanding ordered such stoppage; such commanding officer will promptly correct any who may not be a such commanding of the com any such errors or irregularities and remove, as to future poyments, any improper my such errors or irregularities and remove, as to future payaments any improper stoppage so ordered. If, in any situation, the claims officer or the page so ordered. officer or the commanding officer finds any claim not to be within the provisions of a result of the commanding officer finds any claim not to be within the provisions of a result of the result of the commanding officer finds be assessed under that article Provisions of A.W. 105, no damages may be assessed under that Article war, in of Mar in such case the claim will be disposed of under other appli-cable provides. war; in such case the claim will be disposed of under other epoch.

of the provisions of this directive. Files on matters finally disposed the under it. of under A.H. 105 need not be preserved by Claims Service, USAFFS.

5 to der A.H. 105 need not be preserved by Claims Service, USAFFS.

52(1) AR 25-90. Par. 5a(1), AR 25-80 and Par. 21b(6) (b), AR 25-90.

b. Where offender is not amber of command. The commanding by whom the claims office officer b. Where offender is not manber of community that the claims officer was appointed, if the claims officer was appointed, if the claims officer was appointed, in the claims officer was appointed, in the claim of the claims of the cla filter by whom the claims officer was appointed, if the claims of accommends that the claim is within the provisions of A.W. 105 and recommends RESIRICTED

an assessment thereunder against a memor of smother command, will terment the report direct to the commanding officer of the effects if his then organisation and the admission for the effects flower, then through the Adjustant General Section of the offender, upon receipt of much report, will refer the effects of the offender, upon receipt of much report, will refer the effects of the claims officer for investigation and report. The claims officer for investigation and report. The claims and will make the claims officers who made the initial investigation act will make the claims officer, the commanding officer of the offender will take each of the commanding officer of the offender will take each of the commanding officer of the offender self.), AR 25-80 and Far. 21(6(6) (b), AR 25-90 and Far. 21(6) (b), AR 25-90 and Far.

#### 6. Maritime Claims

claims payable under the provisions of Al 55-500 may be approved by any force plants commission composed of the or any payable of the provisions of Al 55-500 may be approved by any force plants commission composed of the or any payable of the provisions of payable of this Saction V, about Al 55-500.

claim by a forular claimant. — Upon approval or disapproval of a full by a forular claim commission as provided in subparagraph a for the activation of the

command. <u>Migot of action</u>. The action of any foreign claims winder the action of any foreign conclusive waters the claimst typeds in retting to the Secretary of year action of the paragraph of the paragraph of across Par. 20b.

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or in page 18 per 18 pe

The file so transmitted will in any event include, in duplicate (the original and one copy), the claim, the action by the approving authority, the acceptance (where required), and, in duplicate, a voucher with the request that one copy of the woucher, with voucher number and date of payment thereon, be returned to the commission. Par. 20d, AR 55-500.

f. Appeal. - Any appeal will be forwarded with the related file and such comments, if any, as the foreign claims commission may desire to submit direct to The Judge Advocate General (through the Chief of Claims, USAFFS, Attention Director of Claims Commissions).

Upon receipt, the appeal will be examined and, after any action deemed necessary, it will be forwarded to the Secretary of War with the related file and the recommendation of The Judge Advocate General. Following action on the appeal, the papers will be returned to The Judge Advocate Guneral. The claimant will be notified of the action taken and, upon account. acceptance by the claimant of the amount, if any, allowed in full satisfaction and final settlement, except that no such acceptance is necessary if the full amount is allowed, the claim, with related file, be transmitted to the appropriate disbursing officer for payment. Par. 20e, AR 55-500.

#### 7. Employees! Compensation Claims

For standing operating procedure and policy in relation to approval and payment of claims for employees' compensation benefits, See USAFFE Employees: Compensation Commission momorandum issued by Claims Service, USAFFE.

#### 8. Personnel Claims (AR 25-100)

a. Action by Personnel Claims Cormission. - any claim received by a personnel claims commission will be considered in connection with the personnel claims commission will be considered at the constant of the cons Commission may deem portingnt. The claim may be referred by the commission, for the commission may deem portingnt. sion, for further investigation, to an appropriate unit claims officer, to the or or to the Claims Investigation, to an appropriate unit claims outled investigation to be made. Upon final action by the commission on any claim with a commission on any claim within the final jurisdiction of the commission, it will notify the Claims of the Claims it will not be claimed to the claims is allowed and, if allowed and, if allowed and the claim is allowed and the claims are claims claims ar the claimant directly whether or not the claim is allowed and, if allowed the smooth of the commission by approval the amount of such allowance. Suttlement by the comission by approval in an amount not in excess of \$1,000, or by disapproval, is final and conclusive for the excess of \$1,000, or by disapproval for \$1,000, an amount not in excess of \$1,000, or by disapproves, so conclusive for all purposes. Par. 55, AR 25-100 and Letter, War Department (AG 153 (22 May 44)), 12 July 1944.

b. Paymont of clairs ellowed by Personnel Claims Commissions. If the claim as originally made (or as allowed) does not exceed \$4,000, and the claim as originally made (or as allowed) does not exceed \$4,000, and the claim of and the claim as originally space (or as allowed) does not week and the claim is allowed under the provisions of AR 25-100, then the original new the provisions of AR 25-100, then the original new the supporting papers except as original and one copy of the claims, with supporting papers except as malved by the accept of the claims, with supporting papers except as malved by the accept of the claims officer's repr waival and one copy of the claims with supporting papers except as waival of the disbursing officer, including the claims officer seport, and the order of the claims of the seporal of the and the original and one copy of the gmand bearing the spercoal of the personal claims commission and a woucher in triplicate, will be trans-ultion to the many description of the smart bearing the sport of the smart and with the request resonnel claims commission and a wouther in triplicate, will be desired with the request mitted to the proper disbursing officer for payment and with the request

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that one copy of the woucher, with woucher number and data of payment noted thereon, be returned to the constants. Prior to the and of the calleder month following payment of the claim except as in particular states the contract of the calleder payment of the claim except as in particular states the contract of the called the ca

Caise disallemed by Personal Claims Commissions.

Claims disallemed by the constant as not saritorious will be forwarded direct to The Judge Advocate Gender as not saritorious will be forwarded the constant of the Claims of th

## Commissions. Claims not within jurisdiction of Personnel Claims

- (a) Claims in access of 31,000. Claims apparently methodized under the provisions of AR 25-100 but no comes and 20,000 the Description of AR 25-100 but no comes and 20,000 the Description of Claims (Consideration of Claims, Consideration) for support of Claims (Consideration) for the Consideration of Con
- (b) Claim under other regulations. Claims found by providing a personal chains consistent not to be atthin the approximate latinal consistent not to be atthin the of the set of 42 5-100 but within the provisions will be disposed by 19,3 1943 (see Per. 1, 42 25-23). Secretary areas of by the consistent in the secretary of the secretary of the provisions of arts of the secretary of the secre

em Administrative reports.—in administrative monthly manary report of Calians under ME 30-100 processed during each calendar month will on or before the fifth day of each calendar month will on or before the fifth day of each calendar month be forwarded by each personnel claims commission direct to the Judge Advocate General (through the Chief of Claims, USAFA, and have been insects of Claims Commissional whether covered by the report. The process of the commission of the commission of the commission of the commission is one of the commission; the own of the representative the commission; the own of the representative the commission; the own of the commission is the forwarded by the chain of the forwarded by the commission; the forwarded the commission of the commiss

	repribe it	wheel or disposed during the period covered by the report. Ine or will be original one copy or forwarded by the commission; the copy so forwarded will be within the Chief of Claims, USAFF, and the remaining copy will be retar- the Commission. Such report will not forth as to all claims uppro following information, in the form indicated below.
		ECT: Summary Report of Personnel Claims Commission No.
	THRU	ATTENTION: Director of Claims Commissions.
	TO:	ATTENTION: Chief of Claims Division.
	(1)	Claims on hand at beginning of month
	(2)	Claims received during month Total
	(3)	Claims approved under AR 25-100
	(4)	Personnel claims approved under AR 25-25
	(5)	Pomesser 2 string disapproved
	(6)	Claims returned to field for further investigation
1	(7)	Claims forwarded the Judge Advocate General
-	(8)	"Ithout action by Commanded of (explanation attached)
	(0)	Total claims dispess
		Total alaine disposed of and on name
(	10)	Amount approved for payment under AR 25-100
(	11)	Anount -2 claims approved for Page
(	15)	Amount of personnel claims disapproved  Amount of personnel claims forwarded to the Judge  Mumber of files of personnel claims forwarded to the Judge
(	13)	Municipal and personnel claims forwarded
		or hies or personth

Advocate General during month

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In addition to the above summary report there will be forwarded at least monthly, but preferably at shorter intervals as cases are disposed of a card report on each personnel claim approved or disapproved under AR 25-100 or AR 25-25. Such report will be prepared on a separate 3" x 3" card for each claim and will contain the following information in the form following:

Last name First name Middle initial Serial No.

Place of accident

Amount claimed

Date of accident Date of action by Comm. Amount allowed Theater - Comm. Nd. - File No.

For example:

Jones James

0-0000000

Anzio Beachhead, Italy \$350,00

15 December 1943 25 May 1944 \$300.00 (or "None" if claim is disapproved)

USAFFE, Comm. No. PC 291, PC 291-0000

9. Labor Claims

The determination and payment of claims arising out of express or implied contractual obligations incurred on behalf of one as or implied contractual obligations incurred on behalf or the United States by personnel of United States forces for burging where payment carnot otherwise be readily made through disbursing officers because of procedural irregularity, is the responsibility of the Board of Contracts and Adjustments. 10. Procurement Claims

The determination and payment of claims for purchase, rentalisation of personal property of the and acquisition of personal property is the responsibility of the

## 11. Real Estate Claims

responsibility of the Board of Contracts and Adjustments.

## 12. Claims not provided for under any law

specific law or appropriation will be disposed of as provided in Claims the settlement of thich is not provided for by any or appropriation will be a settlement of thich is not provided in paragraph 12 of Section III, above. Par. 11, AR 25-20.

#### VI. SPECIAL PROVISIONS AS TO CLAIMS ARISING IN AUSTRALIA

#### Damage to Property secured through Australian Hirings.

All claims for damage to any property secured for United States Government occupation by Australian Hirings will be processed through Australian Hirings, and the ascuut of any claims established by Australian Hirings will be paid by the Commonwealth Treasurer under Reciprocal Aid.

## Damage to Property in Australian Territories.

- a. Claims payable by Commonwhalth of Australia.

  Claims for demage to property throughout the Australian Territories of Papus and Her Olinea arising for perations of United States of the training and military operations of United States of the United Claims arising from perations of United States or units of such forces while acting in an official capacity with respect to prescribed duties, have been assumed and will be paid by the Commonwalth of Australian Commonwealth of State Commonwealth of Australian Commonwealth of State Commonwealth of Australian Commonwealth of State Commonwealth of Australian Common
- Such claims will be forwarding of claims to Australian authorities.—
  to the General Officer Commander oncerned direct
  to the General Officer Commanding, New Guines Forces, Port Moresby,
  New Guines, for processing and payment from Commonwealth funds.
  Information with respect to such claims is authorized to be furnished,
  They or request, to the General Officer Commanding, New Guines Forces.
- al claims, or information to Chief of Claims, USAFFE. Copies of to date and place of accident or incident, and names of witnesses will be forwarded to Chief of Claims, USAFFE.

## 3. Claims against the United States arising in Australia and payable under Reciprocal Aid.

be assumed and paid by the Commonwealth of Australia Responsible 4.4. Any claim the payment of which the Commonwealth is unfilling that any claim the payment of which the Commonwealth is unfilling to assume rull be referred by Chief of Claims, Kight, to a foreign claims commission or forwarded to the Judge Marcoste General in appropriate cases for necessary action.

# Claims in favor of the United States for Property Dumnge arising in Australia as Offsets against Reciprocal Aid.

Property Claims in favor of the United States, under AR 25-220, for of the third of States, and the American of the theorem of the toron of the toron of the theorem of the theor

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claim of the type which the Commonwealth has declined to consider under Reciprocal Aid will not be so forwarded. Claims so retained will be disposed of by Chief of Claims, USAFFE, under existing regulations.

5. Collisions between Motor Vehicles of the United States and Australia.

Formal investigations by claims officers are not required under this directive in the event of demage to United States or Australian property resulting from collisions (1) between only limited States army, Mayr, or Marine Corps vehicles, or (2) between such websides and vehicles pertaining to any of the Aumed Ferces and Covernment Departments of the Commonwealth of Australia. In such cases no claims will be asserted or paid by the United States.

6. Depositions, Reports and Attendance of Witnesses.

Upon request of the Chief of Claims, USAFFE, commanding officers will.

- Cause investigation to be made and furnish reports of accidents, or other required information.
- (2) Complete such depositions, commissions, or stipulations as may be forwarded to him.
- (3) Arrange for pre-trail conferences between military personnel of his command and officials of the Connonwealth.
- (4) Arrange for attendance of personnel of his command as witnesses at court hearings.

#### 7. Disclosure of Information.

The furnishing of officed papers or documents, or copies of same, or giving information reporting accidents, incidents or claims, states might be likely to the States english the likely, to any officed states might be likely, to any officed states are supported by the likely to any officed of the likely to any officed states are also as a support of the likely to any officed of the likely to any officed of the likely o

## 8. Claims Officers' Reports to Chief of Claims, USAFFE.

Reports of claims officers as to accidents or incidents or incidents or incidents of australia will in every instance be need be propared or retained by the command concerns. No file copy of the command concerns of the copy of the command concerns of the command concern

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VII. ANNEXES AND FORMS



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#### ANNEX NO. 1

CHECK LIST OF INFORMATION AND EXHIBITS REQUIRED, IF PERTINENT, IN PREPARATION OF CLAIMS OFFICERS' REPORTS

(See Paragraph 3g(2), Section III)

#### INFORMATION

- Date, time, and exact place the accident or incident occurred, specifying the highway, street, road, or intersection, including the streets between which or the number of the block where the accident or incident occurred, or the number of miles and the direction from the nearest town.
- A concise but complete statement of the circumstances of the accident or incident as established by the weight of evidence. Reference should be made to pertinent physical facts observed and to any material statements, admissions, or declarations against interest by any person involved.
- Whether a claim has been or will be filed and, if so, the name and address of the claimant.
- Whether the claimant is the sole owner of the damaged property and, if not, the name and address of the owner, or part owners, and the basis of the claimant's alleged right to file the claim.
- Names, serial numbers, grades, organizations, and addresses of military personnel and civilian amployees involved.
- Names and addresses of witnesses. 6.
- wither military personnel and civilian employees were acting within the scope of their employment and the basis for such
- accurate description of Government property involved, and nature and amount of damage, if any. If Government property was not 8.
- damaged, that fact should be stated. accurate description of all privately camed property involved, nature description of all privately omnod property investors, nature and amount of damage, if any, and the names and addresses of the 9.
- Nature and extent of injuries sustained by military personnel. 10.
- Names, addresses, and agos of all civilians injured or killed. and a ddresses, and agos of all civilians injures, dogree information as to the nature and extent of injuries, dogree of permanent disability, period of hospitalization, name and 11. permanent disability, period of hospitalization, mandadaess of attending physician and hospital, and assumt of modifical tending physician and hospital and neurod. N waress of attending physician and hospital, and amount of manes, and discount of addresses actually incurred. Names, addresses actually incurred. Same addresses actually incurred. diverse, hospital and burial expenses actually incurred, mane diverseos, agos, relationship and extent of dependency of un-trivors of the control of the co waresses, ages, relationship and extent of dependency or sur-vivors of any such person killed or fatally injured should be stated.

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- 12. If straying animals are involved, whether the jurisdiction has "open range law" and, if so, reference to such statute.
- 13. Whether any person involved violated any statute, local ordinance or post regulation and, if so, in what respect. The statute should be cited.
- 14. Whether a police investigation was made.
- 15. Whether any arrests were made or charges preferred and the result of any trial in civil or military courts.
- 16. Whether the negligence of the claimant, his agent or employee, or of military personnel or civilian employees, or of a third person, was the sole or a contributing cause of the accident and, if so, in what manner.
- 17. Where the evidence indicates a claim in favor of the United States (see AR 25-200 and 55-500), additional information required in reports by claims officers on such claims.
- 18. Recommendation of the claims officer that the claim, if filed, be disapproved or approved, and the amount recommended for approval; or that Government personnel, identifying them, be or be not held pecuniarily responsible under A.H. 105 (AR 25-80) for the damage, loss, or destruction of private property; or that a claim be asserted in favor of the United States under the provisions of AR 25-220 or 55-500. Reasons for such recommendations should be stated.
- 19. In traffic cases, also the following:
  - a. Type, make, model, current license number, or U.S. number, of each vehicle.
  - b. Organization to which the Government vehicle was
  - c. Special or general authority, if any, of the Government driver ment driver and the purpose for which the vehicle was being used.
  - d. Place of origin and destination of the Government vehicle and the geographical relationship of the scene of the accident
  - of the accident to the designated and authorized route e. Age, sex, and driving experience of the drivers f. If the driver of the privately owned vehicle is not the owner thereof -
    - (1) thether the owner was a passenger. (2) Whother the owner was a passenger.

      (2) Inother the driver was a member of the owner 5
    - family and, if so, the relationship. (3) How the driver acquired possession of the vehicle, stating the special or general authority, if any, to operate the vehicle.
  - (4) Mether the driver was acting as agent or employee of the owner or was on a mission relating to his own business or pleasure.
  - g. Speed and direction of travel, whother backing, parking, turning, passing, etc.

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- h. Hand or automatic signals or sound warnings given or omitted by each driver.
- Weather (rain, snow, ice, or fog) and light (light, dark, dusk, or blackout) conditions.
- j. Roadway conditions, indicating whether the road was concrete, asphalt, gravel, dirt, rough, dusty, muddy, slippsry, icy, dry, wet, under construction. k. Visibility, indicating whether windshield was clear,
  - dirty, or clouded; obstructions to view, such as buildings, trees, hedges, parked and moving vehicles, curves; and distance from scene of accident at which each driver should have been able to observe the other.
  - whether the vehicles were on their proper side of the Points of contact of the vehicles and distance traveled
- after first contact. Skidmarks, length and location.
- Width of streets, roads, highways and, if pertinent,
- p. Traffic signs and signals, and preferential streets or highways.
- q. Angles of intersections.
- Traffic, whether light, neavy, average, or none except
  - Mechanical condition of the vahiclus, brakes, lights, What efforts, if any, the drivers made to avoid the
- Whether any driver was under the influence of liquor
- or drugs and, if so, the facts which justify such conclusion and whether such influence contributed to the If the investigation reveals the possibility of a claim in favor of the United States, whether there is
- public liability and proporty damage insurance coverage on the privately owned car and the name and address of the insurance company.
- a. Namus and addressus of the sender and addressue, the mild addresses of the sender and addresses, if in the mild and addresses, and organization if in 20. In mail cases, the following:
  - Description and value of the contents of the letter or parcel. When necessary, the valuation should be which have necessary, the variation and the selection of the selection of
  - c. Dealerd value of the contents at the time of mailing.
  - e. Post Office registration or insurance receipt numeer. f. Amount of registration or insurance for paid.

  - ... rost Office or destinction.

    1. Time and place first delivered by the Post Office operation to military personnel or civilian employues of the War Department or of the Army.

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 Whether the letter or parcel was redelivered to the Post Office Department for forwarding or for any other purpose.

k. Statement tracing the course of the letter or parcel, giving names, dates, places and, if possible, the circumstances attending the damage, loss, or destruction. Par. Ba, AR 25-20 and Par. 21g., AR 25-90.

#### EXHIBITS

- Claim or claims, if filed, and evidence of the appointment of any agent or legal representative filing the claim.
- Written agreement by claimant to accept amount recommended by the claims officer.
- Form No. 26A(Revised), U.S.A. Driver's accident Report Form.
- 4. Trip tickets or flight orders.
- Signed statements of witnesses and interested parties. If the testimony of a witness appears to be untrue or to be influenced by bias or prejudice, the claims officer should so state.
- Itemized statement or estimate of cost of repairs or replacement; if not reparable, statement or estimate of value before and after the accident, value of salvage, appreciation or depreciation. See subparagraph 3e(1) of Section 111, above.
- Report of attending physician.
- Itemized bills for medical, hospital, and burial expenses actually incurred.
- 9. Copy of report of police investigation, if any.
- 10. Copy of extract of local ordinance or post regulation.
- Diagram of the scene of the accident, showing all pertinent
- 12. Photographs, if practicable.
- 13. In cases involving registered or insured mail
  - a. Post office and a provided as a post office registration or insurance receipt tin authenticated copy thereof. (If identicated a proper service as a provided as a pr
  - b. Addressee's statement of nondelivery, if possible.

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- Claimant's written agreement to reinburse the United
- c. Claimant's written agreement to reinvoice and outrough states the amount paid on the claim in the event compensation is subsequently received from the Post Office Department or any other source or in the event the letter or parcel is subsequently delivered or returned.
- Exhibits required by AR 25-220 or 55-500, if a claim in favor of the Government is indicated.
- Any other appropriate exhibits. Par. 8f, AR 25-20 and Par. 2la, AR 25-90.

#### ANNEX NO. 2

#### REFERENCE LIST OF ARMY REGULATIONS AND OTHER SOURCE MATERIAL

- Claims; investigation of accidents; general provisions. See AR 25-20.
- Claims for damage to or loss or destruction of property, or 2. for personal injury or death, incident to noncombat activities of the War Department or of the Army. See AR 25-25.
- Claims under the One Hundred Fifth Article of War. See AR 25-80.
- Claims for damage to or loss or destruction of property, or for personal injury or death, caused by Army forces in foreign countries. See AR 25-90.
- Claims of personnel for property lost, damaged, destroyed, captured, or abandoned in the service. See AR 25-100. 5.
- Claims of military personnel and civilian employees for reimbursement of payments from private funds. See 6.
- Claims in favor of the United States for damage to or loss or destruction of Government property and for expense 7. or loss sustained by the Government incident to injury or death of military personnel. See AR 25-220.
- Motor vehicles. See AR 850-15. 8.
- Marine casualties; reports; investigations; claims. See 9. AR 55-500.
- Aircraft accidents. See AR 95-120. 10.
- Posts, camps, and stations. See AR 210-10. 11.
- Lost, destroyed, damaged, or unserviceable property. 12.
- Line-of-duty status of military personnel involved in accidents. 13.
  - a. Records of morbidity and mortality.
  - See AR 345-415. See AR 40-1025.
  - c. Deceased. See AR 600-550.
    d. Discharge; release from active duty.
    - See AR 615-360.



- 14. Possible disciplinary action.
  - Military discipline. AR 600-10. b. Disciplinary power of commanding officer. See paragraphs 105-109, Manual for Courts Martial, U.S. Army. 1928
  - (corrected to 20 April 1943). c. Charges: action upon. See. A.W. 70.
- 15. Deductions for maintenance of United States Soldiers' Hone, rental deductions for dependents, and stoppages against pay of enlisted men. See AR 35-2440.
- 16. Court-martial forfeitures, enlisted men. See AR 35-2460.
- 17. Stoppages and forfeitures of pay of officers. See AR 35-1800.
- 18. Pay of civilian employees in connection with suspension, furlough without pay, separation from service, and stoppages. See AR 35-3960.
- Vouchers pertaining to money accounts. See AR 35-1040.
- 20. Agent officers. See AR 35-320.
- 21. War Department Letter, SPJGD 1944/27717-C, subject: Claims and Amalan Cocumied and Analogous or Related Matters in Territory Occupied by United Ct. by United States Armed Forces, 23 February 1944.
- 22. Letter, War Department (AG 153 (24 Apr 1944)), subject: Settlement of claims arising in foreign countries under provisions of claims arising in foreign countries under provisions of act of 2 January 1942, as amended, and AR 25-90, 13 May 1944.
- 23. Letter, War Department (AG 153 (22 May 1944)), subject:
  Claims of mild and address and approximately approxima Claims of military personnel and civilian employees of Mar Down 1988 of War Department or Army for damage to or loss, destruction, capture, or abandonment of personal property in service, 12 July 1944.
- 34 USAFFE Regulation 1-759 april 45 35. Cir. USAFFE No. 3.3 7 april 45

W.D., J.A.G. ANNEX NO. 3 Form No. PC-100 30 June 1944

FAR DEPARTMENT CLAIM FOR PROPERTY LOST, DAMAGED, DESTROYED, CAPTURED, OR ABANDONED IN THE SERVICE (AR 25-100)

This Claim Must Be Submitted in Triplicate

Date

SUBJE T: CLAIM OF

TO: COMMANDING OFFICERS

1. In accordance with the provisions of AR 25-100, claim is hereby made for personal property lost, damaged, destroyed, captured, or abandone in the service, in the amount of . (State in terms of United

States currency.) 2. The date, place, pertinent facts, and circumstances are as follows (Set forth all facts in detail, adding additional sheets if necessary.):

(Note: This form should be reproduced on legal size paper, size 8 x 13 inches, allowing greater space at this point and also in paragraph 6, below.)

This claim is based on subparagraph(s) of paragraph 4. The loss or damage occurred without fault or negligence on my

5. Hone of the property has been recovered by me, or replaced by the part.

Government(except as stated in detail on attached sheet marked Exhibit . (trike out italicized part if not applicable). If any o the property for which claim is made is later recovered by me I agree to notify The Judge Advocate General.

6. The loss or damage was not covered by insurance except as stated in detail on attached sheet marked Exhibit (Strike italicise).

7. All applicable cortificates, statements, and other documents repart if not applicable.) quired by AR 25-100 are attached hereto.

8. A detailed list of the property is set forth on the reverse side
of and made and a set of the property is set forth on the reverse side hereof and made a part of this sworn statement. 9. No previous claim for the acove loss, damage, destruction,

capture, or abandonment has been made. Street

SERIAL NUIGER Grade Branch Organization and Address The above Information Must Be Uiven

this Subscribed and sworn to before me at\_\_\_\_\_ \_\_\_\_\_, 19\_\_

(Title)

(Notary Public or Other -Officer or Official authorized to Administer Oath)

DECLASSIFIED Authority NND 883078

16-40)37-1

RESERVED FOR SECRETARY OF WAR OR HIS DESIGNEE Schedule of Property Lost, Damaged, Destroyed, Captured, or Abandoned in the Service

s Officer n these	Remarks		
Claimant and Claims Officer should not write in these columns.	Amount dis- approved		
Claimant should n columns.	Amount Amount Approved dis-		
Length Cost of of time repairs in use if dam- aged, or value if lost	(amount claimed)		
Length of time in use		7	TS ST
Purchase price or value at time of acqui- sition			tes TOTALS
Condition Purchase when damaged price or or lost(new, value at excellent, time of good, fair poor)			of United ata
Approxi- mate date of pur- chase or other ac-			As in terms
Quan-Description of Articles		(Notes This form special of the service of the serv	currency)
Quan-		그 그 보면서 의 기본 김 영 김 경 김	

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DECLASSIFIED
Authority NN 8830/8

1-1507-91

#### REPORT OF UNIT CLAIMS OFFICER PERSONNEL CLAIMS

(AR 25-100)

(Instructions: 1. Examine check list on reverse hereof. 2. Prepare report and exhibits in triplicate and letter them in sequence, commencing with the Claim (WD JAG Form No. FC-100, 30 June 1944) as Emilbit A. 3. Forward all papers to the nearest office of USAFFE Claims Service. 4. Keep no copies.)

			(Date)	
MORANDUM	FOR:	Commanding	g Officer, (See Par. 5d, AR 25-100)	
JBJECT.	Claim	of	(Name, grade, serial number and branch)	

(Organization and address)

 As required by the provisions of paragraph 5d, AR 25-100, 3 July 1943, the above entitled claim, attached hereto as Exhibit A, mitted under the provisions of the mentioned regulations, has been fully investigated and, together with supporting papers marked as Exhibits B through \_\_\_\_, all in triplicate, is reported herewith.

2. The loss for which this claim is made occurred under the following

(NOTE. This form should be reproduced on legal size paper, size 8 x 13 inches, allowing greater space at this point and also in paragraph 4, below, and in paragraph 1 of the first indorsement, below.)

3. The check list on the reverse hereof has been completed.

It appears that this claim is proper for allowance, except as follows: It appears that this claim is proper for showened, if any exceptions, state them in full; otherwise state "No

XC BDT :	(if any exce	ptions, state t	Hein Tr.		
-po.	(See note.	poregraph 2, ab	ove)	-062-07	
100			- (	Unit Claims Officer)	
				(Organization)	
140			1 1 1 1 1 1 1	(Address)	

lst Ind. (Date)

(Official designation of forwarding headquarters) (Nearest office of USAFFE Claims Service) l. Report approved, except as follows (if any exceptions, state in full. attentions) them in full; otherwise state "No exceptions").
(See note, paragraph 2, above)

 (If a below is applicable, strike out b. If b below is applicable, to out a and a second.) Strike out a and complete b. See Par. 8, AR 25-100):

a. No items for which claim is made have been replaced. "" No items for which claim is made have been replaced.

b. Added to the basic file as Exhibit is alse, in tripliis a list, in tripliis a strength of such items. Reverse side of Form No. CS-PC-131 CHECK SHEET FOR UNIT CLAIMS OFFICER PERSONNEL CLAIMS (AR 25-100)

If any question is answered in the negative, state reason and explain fully under Remarks.

	explain fully under Remarks.	
	(All paragraph references pertain to AR 25-100,	
	3 July 1963)	
-	If question is not applicable, state "Not applicable"	YES
1.		
2.		
2.		
	public or other officer or offical authorized to administer	100
3		1
-		
4		
5		-
	Par. 2. on which alated the subparagraph or subparagraphs of	1
6	. Is the total amount for is based?	-
	form and expressed in the claim is made shown in the claim	
7	. Is the Schedule of Day works of United States currency?	
-		
8		-
	excluded from the claim? excluded from the claim?	100
9		-
	apparently unnecessary or excessive in quantity, does the file disclose the reason of necessity for the possession thereof.  Of I claim is made for the loss of moment of the possession thereof.	10
1	O. If claim to reason or necessity for the possession thereof?	
	O. If claim is made for the loss of money, does the file disclose in detail what diligence was exercised for the possession thereof?	
		1
1		_
	three conies and the loss occurred during travel under and are	1
1	three copies of the loss occurred during travel under orders are 2. If any under order to other travel authority include? I favour of the loss occurred during travel under orders, has or shippers cade of all personnel charged the under orders, has or shippers cade of all personnel charged the under orders.	-
	inquiry been made 10ss occurred during travel under and has	T
1	or shipment of the proper personnel charged with transporation	
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T	of certificate. See Par. 4a for appropriate form	1
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	property for that claimant could	1
	property for which claim at could have saved his own to savine human life of another or government property?  17. Do the facts show that the performance by already gave his attention military duties in one of the performance by already duties in the performance by already duties the savinorized and the performance by already duties the savinorized and the performance by already the savinorized and the performance by already duties the savinorized duties and the performance by already duties are already duties and the performance by already duties are already duties and the performance by already duties are already duties and the performance by already duties are already duties and the performance by already duties are already duties and the performance by already duties are already duties and the performance by all	
1	7. Do the facts of the of another or Commistead, gave his attended	1
	military duties show that the performant property?	7
7	17. Do the factors like of another on or instead, gave his attention in the factor of	1
3,500	as the loss incident a saving his one disaster causing the	1
	lack of transfer or other result of a battle termed on	1
	If so, does the distriction?	
1	9. Does the file include a come of chemy action of	-
ME	If no. transportation ferries a weath of a battle, company if the company of the	+
2	0. If rentage and subserved the activities of element	
-	shether and to what extent to the incident?  It became to the incident?  It became the shear and to what extent such replacement has been made?  It became the include statements by claimant a commanding to the shear and others.	+
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1	I mediator and to inkind has been to the incident?  Does the first being varieties on recovereded, does the file show officer and others to creament the state of the show officer and others to creament by claimant's corranding been madely various claim based on the subject of the claim.	T
2	2. Has any per others to coments by claimantle commanding	1
		+
-	20 Officer and others to corroborate the claim?  Lisa suy claimant's corranding been made parties claim based on the same accident or incident (NOVEL 1989). The corresponding to the claim?  (NOVEL 1989) The corresponding to the same accident or incident (NOVEL 1989). The corresponding to the correspond	1-
-	(MOTE: When the show to the	
R	in made; use claim based on the same accident or incident (MOC) does the file show to whom and when it was submitted?  EXEMPLE: Several lines may be provided at this point)	1
16	MAKES: several lines may be provided an this point.	1
	provided at this point)	1
	- only borney	

DECLASSIFIED Authority (1) 8830/8

ANNEX NO. 5

WAR DEPARTMENT

CLAIM FOR DAMAGES

See reverse side for instructions AMOUNT OF CLAIM Submit in duplicate Name of Claimant, (Last, First, Middle Initial)

Property Address of Claimant (Street, City, Zone, State) Demage Personal Place of Accident Date of Accident

Accident or incident - state below, in detail, all known facts and circumstances attending the damage or injury, identifying persons and property involved and agency which was the cause or occasion thereof. [See additional content of the conten itional sheets if necessary.)

Name and Address of Owner, if Other Than Claimant

Briefly Describe Kind and Location of Property and Nature and Extent of

Damage PERSONAL INJURY Nature and Extent of Injury Names of Persons Injured Addresses addresses Names

The foregoing represents the true and correct amount due from SURSCRIBED AND SUCRN TO BEFORE and unpaid by the United States and I agree to accept same in full sat-IE THIS OF isfaction and final settlement of this claim.

Signature of Official

Signature of Claimant

CS Form No. 41

### INSTRUCTIONS TO CLAIMANT

Claimant .- Claims must be presented by the owner of the property damaged or the person injured, or his duly authorized agent or legal representative. The word "owner", as so used, includes bailees, lessees, mortgagors, and conditional vendees but does not include mortgagees, conditional vendors and others having title for purposes of security only. The claim, if filed by an agent or legal representative, should show the title or capacity of the person signing and be accompanied by evidence of the appointment of such agent, executor, administrator, guaidian, trustee, or other fiduciary.

Place of filing. - The claim will be submitted to the commanding officer of the unit involved if known, otherwise to the commanding officer of any post, camp, station, or other military establishment, if practicable the one within which or nearest to which the accident or incident occurred, or to any office of Claims Service, USAFFE.

#### Evidence to be submitted by claimant.

1. General. - The amount claimed for damage to or loss or destruction of property, or for personal injury or death, must be substantiated by competent evidence.

Property damage. - In support of claims for damage to or destruction of fences, buildings, motor vehicles and similar property which has been or can be repaired or replaced, the claimant should submit an itemized statement or estimate signed by the person making the statement or estimate of the cost of repairs or replacements; if not reparable, the value thereof before and after the accident should be stated be stated. In support of claims for damage to or destruction of crops, trees, land and similar property, which has been or can be restored, the claimant should submit an itemized statement or estimate signed by the claimant should submit an itemized statement or estimate signed by the person making the statement or estimate of the cost of repairs or restoration supported by evidence of the number of areas or other unit of measure, of the crops, trees, land or other property damaged or deriveness. damaged or destroyed, the normal yield per unit, the estimated period the property will remain unproductive, and the normal rental value per unit of similar per unit of similar property in the vicinity; if not restorable, the value thereof before and after the accident should be stated. All such statements such statements or estimates should be in duplicate and if possible by disinterested continuous statements of setting the statement of the sta by disinterested competent witnesses, preferably reputable dealers of the type of property damaged. Such statements and estimates should be certified as just and be certified as just and correct; if payment has been made, itemized receipts evidencing payment has been made, itemized receipts evidencing payment should be included. In support of claims for damage to or long on and any and a mail. for damage to or loss or destruction of registered or insured mail, the claimant should to restruction of registered or insured mails. the claimant should in addition submit, where possible, the registration or insurance in addition submit, where possible, the registration or insurance in addition submit. tration or insurance receipt or an authenticated copy thereof showing the amount of fee and the amount of fee and postage paid.

Personal injury.-In support of claims for personal injury or claimant should exhibit death, the claimant should submit in duplicate a written report by attending physician, should submit in duplicate a written report by and extent of treatment, the nature and extent of injury, tank the nature and extent of injury the nature and extent of injury, tank the nature and extent of injury the and extent of treatment, the degree of permanent disability, if any and the period of hospitalization or incapacitation, and bills for each, hospital or burial expension or incapacitation, and bills for cal, hospital or burial expenses actually incurred.

DECLASSIFIED
Authority NAID 8830/8

PREPARE IN DUPLICATE

## A N N E X NO. \$7

USE ADDITIONAL SHEETS IF NECESSARY AND NUMBER TO COR-RESPOND WITH BOX NUMBERS.

HEADQU.	ARTERS		Station, or Unit)	
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PLACE				
	ACCIDE	NT OR INC	TDENT	
DATE	HOUR	PLACE		The second secon
2.		LAIMANTS		AMOUNT CLAIMED
NAME	ADDRESS		DATE CLAIM FILED	ALCONY
3. COVER	ABITEME DECEME	PTY AMT PE	RSONNEL INVOLVED	earial number,
PROPERTY-Make, typ	e, U.S. numb	er,	RSONNEL INVOLVED PERSONNEL-Name, gra	de, serial hamilton, and organization,
allount,	location, e	tc.	etc.	
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locatio	on, etc.		owner, d	o incident, to river, passenger, tenant. etc.
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8.	POLIC	E INVESTI	GATION ach copy of report. results of any trial arts.	s by civil
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9.	]NO	OF EMPLOY	MENT sasser.	
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acting within	scope of			
employment?				
Yes [No				
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		-		
		100		

#### DECLASSIFIED Authority NN 2830/8

live full details in narrative form, with special attention to: In traffic cases: Direction of travel, speed, obstructions to view, width of road, skid marks, traffic signs and

and destination.

signals, traffic and weather conditions. In mail cases: Registration or insurance receipt number, declared value, actual value of contents, fee paid, origin

It is recommended that (check applicable clause): The claim, if filed, be approved in the amount of \$\_ The claim be disapproved

Reasons for recommendations:

Number and list exhibits, including, if pertinent, the claim, driver's report, repair bills and estimates, hospital, medical, and burial expense bills, estimates of value, diagrams, photographs, extract of traffic regulations, statements by claimant and witnesses, registration or insurance receipt, and, if possible, statement by claimant of acceptance or nonacceptance of amount recommended by claims officer if such amount is less than amount of

REPORT APPROVED \_, 19\_\_ (Signature) (Mame typed) Commanding. 100 (Grade and branch)

100 101

## ANNEX NO. #10

DECLASSIFIED
Authority 883078

DUTY AND RELATIONSHIP OF CLAIMS OFFICER TO CLAIMANTS AND WITNESSES

It has been repeatedly emphasized that the claims officer should conched his investigation in a fair and importial namer. He should treat all claims and or itsnesses with dignty and respect. It is the intent of Compress that meritorious claims be paid and the claims officer should be governed accordingly. In other words, he should seek the actual facts, whether favorable or unfavorable conformation. The courtesy and tack with which a claims officer species a claimant may in a large measure determine the chirness approaches a claimant may in a large measure determine the chirness and cooperation of the claimant. The claimant can be reproduced in supplying information necessary for compilation of the claims officer's Report.

instructions. If it appears that the owner of the damaged reportive has a meritorious claim, the claims officer of a damaged reportive has a meritorious claim, the claims officer of converment and report whether he intends to file claim against the dowerment and report that fact. If it is an accident case are added in the second of the portions filed, the person damaged should be and that investigation in the claim of section volume to the converment of Section vol of this Claims has prepared for the damage mines a claim officer will not result be proposed for the damage mines a claim of the converment of the converm

No claims officer will be interested in the purchase of any claim against the United States and the claims officer will not ferridan to the claimst of an other person in december of the control of the claimst of the claimst of the claimst officer in decembers, is will be caused the december of official points to attermore other persons to be used to support claims against the United States.

In all respects, the claims officer will act in accordance with the standards of integrity and courtery becoming an importance of the General officer and representative of the General of

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