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R E S T R I C T E D

HEADQUARTERS
UNITED STATES ARMY FORCES
IN THE FAR EAST

USAFFE C L A I M S M A N U A L

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 STATES ARMY FORCES IN THE FAR EAST

15 March 1945

F O R E W O R D

1. 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. USAFFE Regulation No. 1-75, 4 October 1944, and Changes 1, 4 December 1944 are being changed to provide for the utilization of this manual.
3. To the extent that the provisions hereof are inconsistent with Army Regulations relating to claims, and War Department directives issued in relation thereto, the provisions hereof have been specifically approved by the War 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 headquarters.
6. Any suggestions or comments in connection herewith, and any proposed directives submitted under paragraph 5, above, will be directed to the Chief of Claims, USAFFE.

By command of General MCARTHUR:

RENE C. FRATILE
Colonel, AGD
Adjutant General

INVESTIGATION, PROCESSING AND SETTLEMENT
OF CLAIMS IN SOUTHWEST PACIFIC AREA

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R E S T R I C T E D1. CLAIMS SERVICE, USAFFE1. 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 tortious 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 Commander 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

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 may be allowed in an amount in excess of \$500 only by such a commission of more than one member; claims may be allowed in an amount not in excess of \$500 by such a commission of one or more 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.

8. Personnel Claims Commissions

Each 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 25-90.

9. Employees' Compensation Commissions

Each Employees' Compensation Commission will be composed of one or more commissioned officers of the Army or civilian representatives of the U.S. Employees' Compensation Commission, having such delegated powers 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' Compensation Commission assigned for duty with Claims Service, USAFFE.

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, USAFFE.

11. Theater Director of Claims Investigating Service

This officer is responsible directly to the Chief of Claims, USAFFE, 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, USAFFE, for the supervision, technical training and inspection, in all matters relating to the claims investigating service, of all activities of base sections and other echelons. 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.

b. 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, USAFFE

Under the direction of the Theater Commander, the Chief of Claims, USAFFE, is charged with the responsibility of investigation, processing, and disposition of claims arising out of service-connected 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 staff officer in paragraphs 15-19, FM 100-10, and of a special 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, USAFFE, branches of such service, subject as to such commissions to their statutory powers and responsibilities and, as to the service including the Judge Advocate General of the Army. He is responsible for the supervision, technical training and inspection, in all matters relating to claims, of all activities of base sections and other echelons. He will have such staff officers 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, USAFFE, for the supervision of all commissions comprised within such Claims Service. He is charged, subject to the statutory powers and responsibilities of such commissions, with responsibility for maintenance of such commissions, with reports to, and changes in, all commissions. He will recommend appointment and will be responsible for the performance of all administrative, technical training and inspection, in all matters relating to the claims investigating service, of all activities of base sections and other echelons. He will furnish to the Chief of Claims, USAFFE, for the supervision, technical training and inspection, in all matters relating to the claims investigating service, of all activities of base sections and other echelons. 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, US/FFE: 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.

Immediate responsibility for the investigation of accidents or incidents resulting in property damage, loss or destruction, or personal injury or death, rests upon the commanding officer most directly involved.

13. Marine Casualty Investigating Officers

Marine casualty investigating officers may be appointed by commanding officers of each port, support, cargo port, by each vessel are operating, and by any other commanding officer who the duties of a marine casualty investigating officer who formed by a unit claims officer appointed as provided in paragraph 12 of this Section I, above.

14. Claims Service Investigating Officers

All officers of the Theater Claims Investigating Service other than the Director thereof may be designated by him as Claims Service Investigating Officers and shall in such capacity perform such duties as may be prescribed by such Director.

15. Branch Offices of Claims Service, US/FFE

The Chief of Claims, US/FFE, will establish branch offices of Claims Service, US/FFE, at such bases and major installations and elsewhere, as he may consider necessary (see Par. 20, AR 25-90). The officer in charge of a branch office of such Service will be attached by the Chief of Claims, US/FFE, to the staff of the commanding officer of such base section or installation, upon request by such commanding officer, as Director of Claims for such command, to advise and assist the commander in claims matters and to perform administrative functions in relation to claims matters within such command.

II. SCOPE AND CLASSES OF CLAIMS

1. Territorial Scope

Included within the scope hereof are claims of the classes described below which arise in Southwest Pacific Area including liberated 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. Claims

Included within the scope hereof are demands for payment 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 foreign 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 damage 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. 13, 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 paragraph 3, below.
- (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.

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- (4) Other noncombat activities - see subparagraph 8 of this paragraph 3, below.

d. Acts or omissions.

- (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 personnel or civilian employees. Par. 6, AR 25-90.
- (2) Military personnel and civilian employees - Military personnel and civilian employees whose acts or omissions may give rise to claims within the scope of the Foreign Claims Act include all military personnel and civilian employees of the War Department or of the Army, including volunteer workers, and others, serving as employees of the War Department or of the Army even though without compensation. Par. 6a, AR 25-90.
- (3) Scope of employment - If the damage, loss, destruction, injury, or death is caused by military personnel, or by civilian employees who are citizens of the United States, claims otherwise within the provisions of the Act may be allowed regardless of whether such military personnel or civilian employees are acting within the scope of their employment. If the damage, loss, destruction, injury, or death is caused by civilian employees who are not citizens of the United States, claims may not be allowed unless the employees are acting within the scope of their employment. Par. 6b, AR 25-90.
- (4) Proximate cause - Acts or omissions of military personnel or civilian employees giving rise to claims payable under the provisions of the Act may be intentional or unintentional, may be criminal, negligent, or wrongful, or they may be mere accidents or incidents. If the proximate cause of persons other than military personnel or civilian employees, as defined in subparagraph d(2) of this paragraph 3, above, the claim is not payable under the provisions of the Act. If the proximate cause of the accident or incident is the joint or concurrent negligent or wrongful act or omission of military personnel or civilian employees and of one or more persons other than the claimant, his agent, or employee, the claim is payable except to the extent, if any, paid by or on behalf of such other person or persons. Par. 6c, AR 25-90.

- (5) Depredation - Claims otherwise within the provisions of the Act may be allowed regardless of whether the damage, loss, destruction, injury, or death is caused by riotous, violent, or disorderly conduct, or acts of depredation, willful misconduct, or such reckless disregard of property rights as to carry an implication of guilty intent, so that the claims would, but for the provisions of the Act, be payable under the provisions of A.W. 105 (AR 25-80), Par. 6d, AR 25-90. See paragraph 5 of this Section II, below, for limited scope of A.W.105 and AR 25-80 in foreign countries.

- Procurement Claims*
 (6) Government application of USARFF procurement regulations - Claims for personal property taken or used without compliance with formal requisitioning procedure and within the scope of this subparagraph 3d of Section II will normally be settled as contractual procurement claims in accordance with the provisions of paragraph 5 of this Section II, below, but may be settled under the Foreign Claims Act if preferable in the particular case. (War Department Letter, SFJOD 1944/2717-C, subject: Claims and Analogous or Related Matters in Territory Occupied by United States Armed Forces, 23 February 1944.)

e. Seized 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. Par. 7, AR 25-90.

- Procurement Claims*
 (2) Government application of procurement regulations - Such claims may in many cases be settled as contractual procurement claims under the provisions of paragraph 5 of this Section II, below, or may be settled under the Foreign Claims Act if preferable in the particular case. Claims for damage to or loss or destruction of personal property in the possession of the Government but not pursuant to specific bailment or other contract (written or oral) may not be settled as contractual procurement claims but only under the Foreign Claims Act which, if applicable, is the exclusive remedy (War Department Letter, SFJOD 1944/2717-C, subject: Claims and analogous or Related Matters in Territory Occupied by United States Armed Forces, 23 February 1944).

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f. Use and occupancy of real property.

- (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 25-90.

- (2) Procedure must be in accordance with the provisions of present regulations. - Such claims will normally be settled under the provisions of USARF's real estate claims in accordance with the provisions of paragraph 7 of this Section II, below, but may be 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 (War Department Letter, SPJGD 1944/27717-C, subject: Claims and Analogous or Related Matters in Territory Occupied by United States Armed Forces, 23 February 1944).

g. Other noncombat activities.

Scope. - Claims for damage to or loss or destruction of property, or for personal injury or death, though not caused by acts or omissions of military personnel or civilian employees of the War Department or of the Army, if otherwise incident to the noncombat activities of the War Department or of the Army, -- to illustrate, claims arising from airplane crashes, barrage balloons, vibration or concussion from gunfire, mechanical defects, runway hoaxes, and explosions. Par. 9, AR 25-90.

h. Purpose of Foreign Claims Act. - The purpose of the Foreign Claims Act is the "promoting" and "maintaining" of "friendly relations" in foreign countries by the prompt "settlement" of "meritorious" claims. The provisions of AR 25-90 will be so administered as to effectuate such express purpose of Congress. Par. 4, AR 25-90. Only by strict adherence to the provisions of such regulations will such purpose of Congress be effectuated.

i. AR 25-90 preemptive of other claims provisions. - Claims within the scope of AR 25-90 and which but for the existence thereof would be within the provisions of AR 25-25 or 25-80 will be settled under AR 25-90. Par. 3, AR 25-90.

j. Elements of damage in case of personal injury and death. - Actual and reasonable medical and hospital expenses, reasonable compensation for physical pain and suffering, and loss of earning capacity may be paid in cases of personal injury. If death results, actual and

reasonable burial expenses and reasonable compensation for loss of prospective 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 "inhabitant" 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 foreign country will be deemed an inhabitant of such foreign country within the meaning of the Foreign Claims Act as to a claim arising in any part of such country.
- (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 claimant 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.

l. Claims excluded. - The following classes of claims are among those excluded: claims based solely on compensation grounds; private contractual and domestic obligations of individual military personnel or civilian employees; bastardy claims; and employees' compensation claims. No employee's compensation claim as such is payable under this 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 remedy 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. Par. 13, AR 25-90.

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

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claimant, his agent, or employee, 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 which case local law or custom will be applied so far as practicable in determining the effect of such negligence or wrongful act. Par. 14, AR 25-90.

b. Claims of subrogees. - Claims by subrogees in their own 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 damage, loss, destruction, injury, or death covered by insurance. Par. 16, AR 25-90.

c. Conditions of payment. - Prior to payment of any claim within the Foreign Claims Act each of the following conditions must be fulfilled.

- (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, except that claims arising after 6 December 1941, but prior to 1 May 1943, may be presented at any time prior to 1 May 1944. See Pars. 11 and 18, AR 25-90.
- (4) Claims by subrogees will not be recognized except as an element of the subrogee's claim.
- (5) Contributory negligence or wrongful act, in whole or in part the proximate cause, bars a claim unless not a bar to recovery on tort claims under local law or custom.
- (6) The damage, loss, destruction, injury, or death must not have resulted from action by the enemy or directly or indirectly from any act by armed forces engaged in combat.
- (7) The property lost, damaged, or destroyed must belong to an inhabitant of the foreign country in which the accident or incident occurred, or belong to the country itself or a political subdivision thereof.
- (8) The injury or death must be to an inhabitant of the foreign country where the accident or incident occurred.

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(9) If the claimant is a national of a country at war with the United States, or of any ally of such enemy country, there must be a determination by the foreign claims commission or by the local military commander that the claimant is friendly to the United States.

(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 claimant must accept in writing in full satisfaction and in final settlement 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, hospital, or burial expenses actually incurred on account of personal injury or death, caused by military personnel or civilians employees of the War Department or of the Army while acting within the scope of their employment, or otherwise incident to noncombat activities of the War Department or of the Army, including claims for damage to or loss or destruction of registered or insured real estate in the possession of the military authorities even though resulting from criminal acts, and claims for damage 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, AR 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 enemy, or resulting directly or indirectly from any act by armed forces engaged in combat, are not payable 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 AR 25-25 are within one or more of the following classes:

- (1) Acts or omissions - see subparagraph d of this paragraph 4, below.
- (2) Registered and insured mail - see subparagraph c of this paragraph 4, below.

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- (3) Stolen personal property - see subparagraph f of this paragraph 4, below.
- (4) Use 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 omissions.

- (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 personnel or civilian employees acting within the scope of their employment. Par. 4, AR 25-25.

- (2) Military personnel and civilian employees. - Military personnel and civilian employees whose acts or omissions may 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 interned enemy aliens engaged in labor for pay, and volunteer workers, and others, serving as employees of the War Department or of the Army even though without compensation. Par. 4a, AR 25-25.

- (3) Scope of employment. - Acts or omissions of military personnel and civilian employees may give rise to claims payable under the provisions of these regulations only if such acts or omissions occur while such military personnel or civilian employees are acting within the scope of their employment. Par. 4b, AR 25-25.

- (4) Proximate cause. - Acts or omissions of military personnel or civilian employees acting within the scope of their employment giving rise to claims payable under the provisions of AR 25-25 may be intentional or unintentional, may be negligent or wrongful, or they may be nonnegligent or mere mistakes of judgment. If the proximate cause of the accident or incident is the act or omission of persons other than military personnel or civilian employees, the claim is not payable under the provisions of AR 25-25. If the proximate cause of the accident or incident is the joint or concurrent negligent or wrongful act or omission of military personnel or civilian employees and of one or more persons other than the claimant, his agent, or

employee, the claim is payable except to the extent, if any, paid by or on behalf of such other person or persons. Par. 4g, AR 25-25.

- (5) Degradation. - Claims for damage to or loss or destruction of property, by persons subject to military law, caused by riotous, violent, or disorderly conduct, or acts of degradation, willful misconduct, or such reckless disregard of property rights as to carry an implication 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 25-25.

- (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 preferable in the particular case (see War Department Letter, SPULD 1944/27717-C, subject: Claims and Analogous or Related Matters in Territory Occupied by United States Armed Forces, 23 February 1944).

e. Registered and insured mail.

- (1) Scope. - Claims for damage to or loss or destruction of 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 25-25.

- (2) Limitations. - Claims for damage, loss, or destruction occurring prior to delivery by the Post Office Department to military personnel or civilian employees of the War Department or of the Army (e.g., unit, battalion, or regimental mail clerks or postal officers) charged with distribution to the addressee are not payable under the provisions of AR 25-25; nor are claims arising after resumption of possession by the Post Office Department (e.g., for the purpose of forwarding to the addressee at a different address) and prior to redelivery to military personnel or 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. Par. 6, AR 25-25.

(2) 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 preferable in the particular case. Claims for damage to or loss or destruction of personal property in the possession of the Government but not pursuant to specific bailment or other contract (written or oral) may not be settled as contractual procurement claims but only under AR 25-25 which, if applicable, is the exclusive remedy (See War Department Letter, SPJGD 1944/27717-C, subject: Claims and Analogous or 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 incident to the use and occupancy thereof by the Government under a lease, express or implied, or otherwise, even though legally unenforceable against the Government as contract claims. Par. 7, AR 25-25.

(2) Concurrent application of procurement regulations. - Such claims will normally be settled under the provisions of USAFFE real estate procurement regulations as contractual real estate claims in accordance with the provisions of paragraph 11 of this Section II, below, but may be settled under AR 25-25 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 AR 25-25 which, if applicable, is the exclusive remedy (See War Department Letter, SPJGD 1944/27717-C, subject: Claims and Analogous or Related Matters in Territory Occupied by United States Armed Forces, 23 February 1944).

h. Other noncombat activities.

Scope. - Claims for damage to or loss or destruction of property, or for personal injury or death, though not

caused by acts or omissions of military personnel or civilian employees of the War Department or of the Army, if otherwise incident to the noncombat activities of the War Department or of the Army, - - to illustrate, claims arising from airplane crashes, salvage operations, barrage balloons, vibration or concussion from gunfire, mechanical defects, runaway horses, and explosions. Par. 9, AR 25-25.

i. Claims under Foreign Claims Act. - Claims arising in foreign countries which are cognizable under the provisions of the Foreign Claims Act are not within the provisions of AR 25-25. Subject, however, to the foregoing provision, there is no geographical limitation on the scope of application of AR 25-25; for example, a claim arising in a foreign country which is not cognizable 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 war with the United States, or of any ally of such enemy country, who are inhabitants of foreign countries may not be paid under the provisions of AR 25-25 except as a foreign claims commission or the local military commander may determine that the claimants are friendly to the United States. Par. 11, AR 25-25.

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

(1) Medical expenses. - (a) Included. - Items properly allowable include, if reasonably necessary 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.

2. Services performed by physicians, surgeons, dentists, laboratory technicians, anesthetists, masseurs, and registered and practical nurses.

3. Physiotherapy.

4. X-ray and roentgenological examination and treatment.

5. Laboratory tests.

6. Medicines.

7. Other reasonably necessary medical expenses.

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(b) Excluded. - No amount may be allowed, as an item of the claim, for medical services furnished 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 incurred -

1. Use of emergency and surgical rooms.
2. Room and board.
3. Anesthetics, medicines, laboratory fees, and dressings.
4. Payments to blood donors.
5. Other reasonably necessary hospital expenses.

(b) Excluded. - No amount may be allowed, as an item of the claim, for hospital services furnished at the expense of the United States. Par. 17, AR 25-25.

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

1. Undertaker's services.
2. Casket.
3. Transportation.
4. Cemetery lot.
5. Services of a minister, priest or rabbi.
6. Interment or cremation.
7. Other reasonably necessary burial and funeral expenses.

(b) Excluded. - No amount may be allowed, as an item of the claim, for any portion of the expense of burial otherwise paid by the United States. Par. 18, AR 25-25.

k. Contributory negligence. - Contributory negligence or wrongful act or omission of the claimant, or of his agent or employee acting within the scope of his employment, in whole or in part the proximate cause, bars a claim. Par. 10, AR 25-25.

l. Claims of subrogees. - Claims by subrogees in their own right are not within the provisions of AR 25-25 and will not be considered. Settlement will be made solely with the insured, rather than with the insurer or with both the insured and insurer, in cases of damage, loss, destruction, injury, or death covered by insurance. Par. 21, AR 25-25.

n. Property of military personnel or civilian employees. - Claims for damage to or loss or destruction of property of military personnel or civilian employees of the War Department or of the Army

occurring incident to their service will be considered only under the provisions of AR 25-100. Claims of such personnel and employees for damage to or loss or destruction of property not incident to their service are payable under the provisions of AR 25-25 on the same basis as are claims of persons not military personnel or civilian employees of the War Department or of the Army. Par. 12, AR 25-25.

n. Injury or death of military personnel or civilian employees. - Claims for medical, hospital, and burial expenses on account of injury or death of military personnel or civilian employees of the War Department or of the Army will first be considered under the provisions of AR 40-505 (Medical Attendance - General Provisions), AR 40-510 (Dental Attendance), or AR 30-1830 (Burial Expenses); those of civilian employees, not within AR 40-505, AR 40-510, or AR 30-1830, may be within the jurisdiction of the United States Employees' Compensation Commission under the provisions of the Act of September 7, 1916, as amended (see paragraph 7 of this Section II, below). Claims of such personnel and employees for medical, hospital, and burial expenses not within the scope of the above-mentioned Army Regulations or statute are payable under the provisions of AR 25-25 on the same basis as are claims of persons not military personnel or civilian employees of the War Department or of the Army. Par. 13, AR 25-25.

o. Conditions of payment. - Prior to payment of any claim within the provisions of AR 25-25, each of the following conditions must be fulfilled:

- (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 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 omission, 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 settlement, 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. Claims in excess of \$1,000. - Claims in excess of \$1,000 if otherwise within the scope of AR 25-25 may be reported by the Secretary of War to Congress for its consideration. Any claim which is asserted in an amount in excess of \$1,000 will be forwarded by Claims Service, USAFFE, direct to the Judge Advocate General for appropriate action. Par. 24, AR 25-25.



R E S T R I C T E D

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 riotous, violent, or disorderly conduct, or acts of depredation, willful misconduct, or such reckless disregard of property rights as to carry an implication of guilty intent. Par. 3, AR 25-80.

c. Limitations of application.

- (1) Claims payable under other regulations. - Claims for damage to or loss or destruction of property which are payable under the provisions of other regulations (AR 25-25, 25-90 and 25-100) are not payable under the provisions of AR 25-80 and no stoppage of pay will be made under the provisions of AR 25-80 to reimburse the Government for payments made under such other regulations.
- (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 AR 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 omissions within scope of employment. - Claims for damage to or loss or destruction of property resulting from acts or omissions while the offender is acting within the scope of his employment, even though such claims are otherwise within the scope of A.W. 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 25-80.

- (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, AR 25-80.

d. Effect of court-martial proceedings. - Administrative action under the provisions of AR 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 independent of each other and action in one proceeding is not determinative in the other. Par. 6, AR 25-80.

e. Conditions of payment. - Prior to payment of any claim within the provisions of AR 25-80 each of the following conditions must be fulfilled:

- (1) Amount of the damage, loss, or destruction must be determined.
- (2) Claim must relate to property only.
- (3) Claims resulting from simple negligence will not be recognized.
- (4) Riotous, violent, or disorderly conduct, or acts of depredation, willful misconduct, or reckless disregard of property rights, must be a proximate cause.
- (5) Subrogation claims will not be recognized.
- (6) Payment must be recommended in the claims officer's report and approved personally by the offender's commanding officer.
- (7) Commanding officer personally must have ordered a stoppage of pay.
- (8) Claims payable under the provisions of AR 25-80 are not payable under the provisions of AR 25-90.
- (9) Foreign claims payable under the provisions of AR 25-80 are not payable under the provisions of AR 25-90.
- (10) Personnel claims payable under the provisions of AR 25-100 are not payable under the provisions of AR 25-80. Par. 7, AR 25-80.

6. Maritime Claims

a. Scope. - Claims arising out of marine casualties involving vessels, cargoes, or waterfront facilities. Par. 1a, AR 55-500.

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

- (1) 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. Definition of "Army vessel". - The expression "Army vessel" as so used means: any vessel owned by, or bareboat chartered, subbareboat chartered or allocated on a bareboat basis to the War Department or the Army. Par. 2a, AR 55-500. Included therein are vessels operated by the Army Transport Service; not included therein are vessels operated by other Army agencies or by War Shipping Administration.

d. Claims under Article of War 105. - For limited scope of A. W. 105 in foreign countries, see subparagraph 5a of this Section II, above. Par. 15, AR 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 complied 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. 26, AR 55-500.

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 Par. 21, AR 25-25.

i. Conditions of payment. - Prior to payment of any claim within the provisions of this paragraph 6 of this Section II, unless the conditions of subparagraph 30 of this Section II, above, relating to claims under the Foreign Claims Act are fulfilled and the provisions of the Foreign Claims Act are utilized in preference to the provisions of AR 55-500, each of the following conditions must be fulfilled:

- (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 must not exceed \$1,000.
- (3) Claims must arise from marine casualties as above defined.
- (4) Claim must be presented in writing, ordinarily 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 War.
- (6) Claimant must accept, in full satisfaction and final settlement, the amount allowed if less than the full amount claimed.
- (7) Claims payable under the provisions of A.W. 105 (AR 25-80) are not payable under the provisions of this paragraph 6 of Section II.
- (8) Personnel claims payable under the provisions of AR 25-100 are not payable under the provisions of this paragraph 6 of Section II.

- (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 55-500.

j. Claims in excess of \$1,000. - Claims in excess of \$1,000 if otherwise within the scope of this paragraph 6 of this Section II and not within the scope of the Foreign Claims Act may be reported by the Secretary of War to Congress for its consideration. Any claim which is asserted in an amount in excess of \$1,000 and not within the scope of the Foreign Claims Act will be forwarded by Claims Service, USAFFE, direct to the Judge Advocate General for appropriate action. Par. 24, 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 Memorandum. - For standing operating procedure and policy in relation thereto, 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 civilian 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:

- (1) 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.
- (3) Property lost, damaged, or destroyed in consequence 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.

- (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 transportation.
- (11) Property abandoned by reason of military emergency requiring its abandonment.
- (12) Property otherwise lost in the field during campaign. Par. 2, AR 25-100.

b. Limitations of application. - Claims asserted by estates are within the provisions of AR 25-100 only if the property was lost, damaged, destroyed, captured, or abandoned prior to the death of the owner. Par. 3a, AR 25-100. Subrogation claims are not recognized under AR 25-100 (Par. 3b, AR 25-100), nor are claims for Government property lost, damaged, destroyed, captured, or abandoned (Par. 3c, AR 25-100).

c. Basis of allowance.

(1) Items allowable. - Claims will be allowed under the provisions of AR 25-100 only if for either -

- (a) Personal property, including clothing, equipment, and horses, required by law or regulation to be possessed and used by the claimant, or
- (b) Money and articles of personal property found to be reasonable, useful, necessary and proper, both as to kind and quantity, for the claimant to have in his possession while in quarters, or in the field, engaged in the public service in the line of duty. Par. 6a, AR 25-100.

- (2) Items not allowable. - Claims will not be allowed under the provisions of AR 25-100 for -
- Souvenirs.
 - Worn out or unserviceable articles.
 - 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.
- (4) Officers' mounts. - Allowance for officers' horses will be the average price paid by the Government for similar animals during the preceding fiscal year. Par. 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. Par. 6e, 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 9, above, is in excess of the regulation allowance of baggage permitted to be shipped at Government 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 25-100.
- (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 common carrier will be prorated between the amount approved and the amount disallowed for items not reasonable, useful, necessary, and proper, and for items not personal to the claimant's use, but not including amounts disallowed for worn out or unserviceable articles or on account of excessive prices paid therefor. Proration under this subparagraph c(7), in accordance with the foregoing, will be made by a Personnel Claims Commission on legal review of the claim. Par. 6j, AR 25-100.

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 available, of personal property lost, damaged, destroyed, captured, or abandoned within the provisions of AR 25-100. Replacement in kind is not mandatory but is a matter solely within the discretion of the commanding officer concerned. Par. 8, AR 25-100.

e. 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. 3g, AR 25-100.

f. Conditions of payment. - Prior to payment of any claim within the provisions of AR 25-100, each of the following conditions must be fulfilled.

- (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) At least one of the twelve situations listed in subparagraph a of this paragraph 8, above, must be present.
- (4) Claimant must in applicable cases (see subparagraphs 6f and h of Section IV, below) make demand upon common carrier and insurer.
- (5) Claim must be presented within 2 years after accrual thereof, except if the claim accrues in time of war or when war intervenes within 2 years after accrual it must be presented within 2 years after peace is established.
- (6) Subrogation claims will not be recognized.
- (7) Fault or negligence on the part of the owner, in whole or in part the proximate cause, bars a claim.
- (8) Claim must be approved, and payment directed by a Personnel Claims Commission. Par. 9, AR 25-100.

9. Labor Claims

a. Scope. - Claims, other than claims for employees' compensation benefits, arising out of contracts of employment whether written or oral.

b. Governed by Procurement Regulations. - For standing operating procedure and policy in relation thereto, see USAFFE 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. Definitions.

- (1) Purchase. - A transaction between the owner of specified privately-owned personal property, or his duly authorized agent, and a Purchasing and Contracting Officer of the U.S. Forces whereby, at a price agreed upon between seller and buyer, the ownership of such property is transferred to the U.S. Forces and the vendor is paid either in cash forthwith or by the delivery to him of a voucher payable in cash by the Finance Officer named therein.
- (2) Rental. - A transaction between the owner of specified privately-owned real or personal property, or his duly authorized agent, and a Purchasing and Contracting Officer of the U.S. Forces whereby, at a price agreed upon between lessor and lessee, the possession and use of property are transferred to the U.S. Forces for a fixed or determinate period of time and it is agreed that at the end of the period the lessor will be paid his rental fee either in cash forthwith or by the delivery to him of a voucher payable in cash by the Finance Officer named therein.
- (3) Requisition. - The process whereby supplies, equipment, facilities or services needed by the U.S. Forces, or the use thereof, are acquired from their owner without regard for his wishes in the matter and without regard for the price or rental asked, and a requisition receipt is delivered to the owner, if he can be located or ascertained with reasonable certainty, upon the basis of which the U.S. Forces will determine and pay a fair compensation.

c. Governed by Procurement Regulations. - All claims arising out of the purchase, rental or requisition of personal property within the provisions of such paragraph 10b 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, AF 25-25 or 55-500, if applicable, is not precluded.

11. Real Estate Claims

a. 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 this Section II, above.

b. Governed by Procurement Regulations. - All claims arising out of acquisitions of real estate within the provisions of subparagraph 11a 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 Advocate General for appropriate administrative action. Par. 11, AR 25-20.

13. Claims in favor of the United States (AR 25-220 and 55-500)

a. Scope. - Claims in excess of \$25 (or in excess of \$100 in the case of marine casualties as defined in subparagraph 6b of this Section II, above) for:

- (1) Damage to or loss or destruction of Government property.
- (2) Amount of pay and allowances paid or payable by the Government to military personnel for any period of incapacitation incident to injury to such personnel.
- (3) Cost of medical treatment, hospitalization, travel, or other expense or loss to the Government in the rehabilitation of military personnel incident to injury to such personnel.
- (4) Cost of funeral, burial, transportation, or other expense or loss to the Government incident to death of military personnel. Par. 2, AR 25-220 and Par. 27b, AR 55-500.

b. Definitions. - The words "claim" and "defendant", and the expression "Government property", are used in this paragraph 13 as follows:

- (1) Claim. - The right of the United States to demand from a defendant reimbursement for

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damage to or loss or destruction of Government property, or for loss of services, cost of medical treatment, hospitalization, travel, or other expense or loss sustained and to be sustained by the Government incident to injury to or death of military personnel, arising from negligence or wrongful act. Par. 1a, AR 25-220 and Par. 27a(1), AR 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 55-500.

(3) Government property. - Real or personal property owned by the Government or otherwise in the custody or control of the War Department or of the Army. Par. 1, AR 25-220. Where liability to the Government for the particular loss, damage, or destruction is fixed by contract, for example, property furnished to or otherwise acquired by a War Department contractor or subcontractor, such liability will be asserted under the contract and not pursuant to the provisions of this paragraph 13. Par. 1c, AR 25-220 and Par. 27a(3), AR 55-500.

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III. INVESTIGATION OF CLAIMS1. 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 disposition of resulting claims against the Government, the proper disposition of resulting claims in favor of the Government, the rendering of reports of fires, explosions, storms, 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, USAFFE, through unit claims officers, the responsibility for the investigation of such accidents and incidents, and the processing and disposition of resulting claims in favor of or against the Government; and

Expedient and just disposition of claims, and accomplishment of all other official action required by reason of such accidents and incidents. Par. 7a, AR 25-20. See also Par. 7, AR 55-500.

2. Disclosure of information

a. General rule. - Except in the proper discharge of his official duties, no person in the military service will furnish copies of official papers or give any information which can be used as the basis of a claim against the United States. In order that the investigations required by this directive shall be full and impartial, any officer may in the performance of his duties permit claimants or their authorized representatives, upon request, to examine the evidence of record except as considerations of military security may indicate such disclosure to be inadvisable. Par. 15, AR 25-20 and Par. 30, AR 55-500.

b. Special situations. - The governments of some of the countries in which Army, Navy, or Marine Corps forces of the United States are stationed have assumed, or may hereafter assume, the payment of claims against the United States within the provisions of this directive by way of reciprocal aid under the provisions of the Lend-Lease Act, or by voluntary assumption of the payment of such claims without charge to the United States. When such an arrangement has been made, it shall be the official duty (see subparagraph a of this paragraph 2, above) of the Chief of Claims, USAFFE, or of such officers of Claims Service, USAFFE,

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as are authorized by him, 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.

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

a. 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 AR 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-of-duty, reports of fires, explosions, storms and other serious occurrences, or survey, action under A.M. 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 regulations.

- (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 higher echelon, or post, camp, or station which is most directly involved; provided that, where two or more such units, posts, camps, or stations are concerned, the senior of the commanding officers concerned will decide which of 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 directive will be conducted by a unit claims officer. Upon receipt by any commanding officer of information of an accident or incident for the investigation of which he is responsible, he will refer the matter, with all then available information relating thereto, to his unit claims officer for investigation. Par. 7c(1)(b), AR 25-20 and Par. 21a, AR 25-90.

(2) When responsibility may be transferred.

(a) Responsibility for an investigation may be transferred where -

1. An accident or incident occurs distant from the post, camp, station, or unit to which the personnel involved belong; or
2. A unit claims officer, after commencing an investigation, is unable

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

3 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)(a), AR 25-20, and Pars. 20, 21a and 21b(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, AR 25-90.

(d) Although the investigation of service-connected accidents and incidents is a responsibility of command resting upon the commanding officer of any military personnel involved, the responsibility that such investigations are made, and for the processing and disposition of resulting claims against or in favor of the Government, is placed so far as practicable on Claims Service, USAFFE. The foregoing provisions of this subparagraph 3b of this Section III, above, provide a method for transfer of such responsibility in individual cases. Before

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 claims officer having ultimate responsibility for the investigation will be seriously handicapped in securing the necessary evidence. The basic information to be secured by the claims officer of the unit involved will ordinarily include at least a narrative statement, as detailed as the circumstances permit, setting forth the facts and resulting damage or injury, sworn statements of military personnel essentially involved, names and addresses of any material witnesses, if known, and, if the incident investigated is a traffic accident, a properly executed Form 26A (Revised), U.S.A. Driver's Accident Report Form.

- (3) 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 data theretofore obtained. Par. 7c(3), AR 25-20 and Pars. 20 and 21a, AR 25-90.
- (4) Reports of motor vehicle accidents. - All motor vehicle accidents will be reported by the driver of the vehicle on Form No. 26A (Revised), U.S.A. Driver's Accident Report Form. The report, verified as completeness by a commissioned officer and initialed by him (Par. 18, AR 850-15), will be referred to the claims officer for examination and will be filed by him for future reference or, if investigation is made, attached by him to the report thereof. Par. 7c(4), AR 25-20 and Par. 21a, AR 25-90.
- c. Appointment of unit claims officers.

The commanding officer of -

- (1) Each separate battalion, each regiment or corresponding unit, and each higher echelon;
- (2) Each detached unit, each group or corresponding tactical unit, each higher echelon, each administrative command and subdivision thereof, and each post, camp, station, and air service command;

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- (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. 21a, AR 25-90.

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

- (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 paragraph 1 of Section IV, below, and furnished an appropriate form and advised as to where it should be filed; furnishing the claimant a form bearing on the reverse a substantial copy of such provisions will constitute compliance with such requirement. Par. 8a, AR 25-20 and Par. 21a, AR 25-90.
 - (5) Reduce to writing and prepare in duplicate all pertinent testimony taken by the claims officer.
 - (6) Make certain that repair bills or estimates are signed by the person rendering them. They need not be authenticated. If the bill has been paid, the payee should so certify.
 - (7) When several claims are presented as the result of one accident or incident, normally incorporate them into a single report. Par. 8b, AR 25-20 and Par. 21a, AR 25-90.
- e. Ascertainment of amount of damage.

(1) Property damage, loss, or destruction.

(a) If the property has been or can be repaired or replaced or restored, the measure of damage is the net cost, or estimated cost, of repairs or replacements or restoration to substantially the condition in which the property was immediately prior to the accident or incident, but shall not exceed the fair market value of the property immediately prior to the accident or incident less the fair market value thereof immediately after the accident or incident.

(b) If the property cannot be repaired, replaced, or restored, the measure of damage is the fair market value of the property immediately prior to the accident or incident less the fair market value thereof immediately after the accident or incident.

(c) To determine the net cost, or estimated cost, of repairs under 1(a) of this subparagraph e, 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 or 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 warrant 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 may be included as an element of damage to the extent of the reasonable rental value of the property provided it is used for a business or commercial purpose and then only for such period as is reasonably necessary for repairs.

(f) The measure of damage, in cases of total loss or destruction of registered or insured mail, is the fair market value thereof immediately prior to the accident or incident, plus the amount of any registration and insurance fees and, if the letter or parcel was not delivered, the amount of postage prepaid. In cases of damage only, or partial loss or destruction, the measure of damage is as provided in (a) 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, hospital, and burial expenses should be substantiated by the originals or copies of any bills rendered.

- (3) Excluded items. - Interest, cost of preparation of claims and securing supporting evidence, inconvenience, and similar items may not be included as elements of damage. Par. 8c, AR 25-20 and Par. 21a, AR 25-90.

f. Acceptance of award and advice to claimant. - The claims officer will not advise the claimant as to the action taken on his claim unless and until an award thereon is recommended, in which event the claimant will be advised that such recommendation for award is subject to approval or disapproval by higher authority. A statement in writing which may be incorporated in the claim itself should, if possible, be obtained from the claimant as to whether he will accept the award, if approved, in full satisfaction and final payment of his claim and, if not, his reasons for not accepting. (Such statement is not required as to personnel claims under AR 25-100). In no case will the claims officer advise the claimant that his claim has been disallowed. Par. 8d, AR 25-20 and Par. 21b(2), AR 25-90.

g. Preparation of unit claims officers' reports.

(1) Report. - A written report of investigation, including recommendations by the unit claims officer, will be made in each case. Par. 8g, AR 25-20 and Par. 21a, AR 25-90.

(2) Check list. - In addition to so much as is pertinent of the information required by the form, the report will include particularly such as is pertinent of the hereto attached as Annex No. 1. Par. 8g, AR 25-20 and Par. 21a, AR 25-90.

(3) Form of report. - A poorly-prepared, incomplete, untidy, illegible report is received unfavorably by the appointing or higher authority or by the War Department. Whenever possible, the claims officer should have his report and exhibits typed or, if that is not possible, it should be neatly and plainly written.

h. Disposition of unit claims officers' reports.

(1) Reports of investigation, by unit claims officers, required under the provisions of this directive will be prepared in duplicate, except that if personnel or property of two or more commands having unit claims officers is involved, or if the unit claims officers of two or more commands have participated in an investigation, an additional copy will be prepared for the commanding officer of each command other than that assuming responsibility for the investigation. The report will be delivered in duplicate to the commanding officer by whom the unit claims officer was appointed and an additional copy will be delivered to the commanding officer of each additional command concerned. Additional copies will not be prepared or retained for the files except as necessary for other official action contemplated in the circumstances (see subparagraph 3a(2) of Section III, above). Par. 7g(1), AR 25-20 and Par. 21a, AR 25-90.

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- (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 claimant be advised except by the foreign claims commission whether his claim has been, or will be, allowed. Par. 21b(2), AR 25-90.
 - (b) Approve or disapprove the report.
 - (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, USAFPE, 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 soon as all official action required by the circumstances (see subparagraph 3a(2) of this Section III, above) appears to have been taken. Par. 7g(2), AR 25-20 and Par. 21b(2), AR 25-90.

i. Disposition of claims.

- (1) By commands concerned. - Any claim received by a claims officer or his appointing authority before forwarding to Claims Service, USAFPE, the related claims 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. 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), AR 25-90.

3. Investigations by Claims Service Investigating Officers.
Upon receipt of any claims officer's report, or of any claim, by an office of Claims Service, USAFFE, the file thereon will be referred for examination to a claims service investigating officer, who will -

- (1) Consider all information and evidence obtained as the result of any previous inquiry or investigation of any aspect of the matter.
- (2) If further investigation is required, cause further independent investigation of the matter in a fair and impartial manner to be conducted by a unit claims officer or a claims service investigating officer who will secure and consider testimony of all competent witnesses on pertinent facts and reduce to writing and prepare all pertinent testimony so taken.

- (3) Prepare a written report of investigation, including recommendations by the claims service investigating officer both as to the existence of liability and as to the amount, if any, due the claimant.

k. Disposition of Claims Service Investigating Officer's Report. - Reports of investigation, by claims service investigating officers, required under subparagraph j of this paragraph 3 will be delivered to a foreign claims commission for appropriate 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 25-80)

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 A.W. 105 (Par. 7g, AR 25-20 and Par. 21a, AR 25-90). The unit claims officer appointed under AR 25-20 will constitute the board of officers under A.W. 105 (Par. 5a, AR 25-80). See paragraph 5 of Section V, below, however, for special provisions as to action to be taken by commanding officer.

6. Maritime Claimsa. Initial reports of marine casualties.(1) Telegraphic report.

(a) When required. - Whenever a marine casualty occasioned other than by enemy action (see subparagraph 6b of this Section III, below) occurs, an immediate report thereof by telegraph, radio, teletype, or cable will be made by the master or senior survivor of the Army vessel involved or, if none, by such other person as first receives notice of the disaster.

(b) Contents. - Such report will include the name and official number of each vessel involved; the nature of the occurrence; the location of the vessel; whether loss of life or personal injury has resulted to military personnel, civilian employees, or passengers, and, if so, the names and addresses of all such persons; the extent of damage or loss to each vessel and its cargo; whether the Army vessel is able to proceed on its voyage; the ownership of cargo involved; and whether salvage services are being rendered, and if so, the name, official number, and ownership of the salvaging vessel, and whether the salvage services are being rendered pursuant to a contract.

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The report will also embody such information as may be available as to whether the damage 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) When required. - Whenever a marine casualty occasioned other than by enemy action (see subparagraph 6b of this Section III, below) occurs, an immediate written report thereof (additional to the telegraphic report required in subparagraph 6a(1) of this Section III, above) will be made by the master or senior survivor of the Army vessel involved, or, if none, by such other person as first receives notice of the disaster.

(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 prepared in triplicate. The original thereof will be forwarded direct, by the most expeditious means available, to the Chief of Transportation, USAFFE, and one copy will be similarly forwarded separately to the Chief of Claims, USAFFE. The remaining copy will be retained. Par 4b, AR 55-500.

b. Marine casualties resulting from enemy action. - In cases of marine casualty occasioned by enemy action, the following rules will govern:

(1) Whenever a marine casualty occurs in convoy, or under naval escort, or during combat or landing operations, no reports or investigation will be required.

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

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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 naval 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; or

(d) A claim is made; or

(e) Directed by competent authority. Par. 8, AR 55-500.

- (2) The provisions of this directive do not modify the requirements of regulations other than AR 55-500 relating to line-of-duty, reports of fires, explosions, storms, and other serious occurrences, or survey, action under A.W. 105 or disciplinary matters, and where only such matters are involved the action taken by the commanding officer and the investigating officer, and 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 regulations. Par. 9, AR 55-500

d. Responsibility for investigations. - Immediate responsibility for the investigation of a marine casualty rests upon the commanding officer of the port or other installation in whose jurisdiction the casualty occurred or, if that is not feasible, upon the commanding officer of the first port of refuge

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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 sworn statement from each person having knowledge of the pertinent facts and circumstances and prepare a list showing the names and home addresses of all witnesses. 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 Army vessel is owned or bare-boat chartered and attach a copy of the charter, if applicable and available.
- (3) Prepare and submit, in cases admitting of such treatment, diagrams, charts or tracings, or photostats thereof, showing the location of the occurrence, courses and distances, pertinent measurements and location of all docks, vessels or structures, and any other physical conditions 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, the extent of the damage, loss or destruction of vessel or cargo involved, and personal injury or death resulting. When any member of the crew of an Army vessel is reported dead or missing, the investigation should develop, so far as possible, sufficient facts upon which a finding may be made as to whether or not such person or persons should be declared officially dead.
- (6) Consider all available information and evidence adduced at any other inquiry or investigation of the same casualty, and incorporate the pertinent parts thereof in his report.

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- (7) Make every effort to clear up all disputed matters and make findings of fact as to all pertinent issues. Such conclusions and recommendations as are consistent with his duty to conduct a full investigation in a fair and impartial manner with a view to enabling the reviewing authority to arrive at an independent decision should be made by the investigating officer.
- (8) Upon its appearing that a master or pilot of any Army vessel, or other employee of the Government, has been guilty of gross negligence, wanton recklessness, or willful misconduct, include in the report a finding as to the financial ability of such person to pay a judgment if one is obtained against him. In all such cases the amount of the resulting damage or expense should be definitely determined, the character of the proof indicated, and the names and addresses of witnesses who may be required to establish the amount of the claim should be stated.
- (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 against the Government. In the event an 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 Section IV, below.
- (10) Repair bills, surveys, or estimates should 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. 11g to k, AR 55-500.
- g. Acceptance of award and advice to claimant. - The investigating officer will not advise the claimant as to the action taken on his claim. Par. 13, AR 55-500.
- h. Disposition of marine casualty investigating officers' reports.

- (1) Number of copies. - Reports of investigation

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 action 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, USAFFE, and one copy thereof will be similarly forwarded to the Chief of Claims, USAFFE. Par. 12, AR 55-500.

i. Disposition of claims.

- (1) By commands concerned. - Any claim received by a marine 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 receipt by Claims Service, USAFFE, the claim will be reviewed and, after any corrective action deemed necessary with relation to either the report or the claim, appropriate administrative action will be taken. Par. 14, AR 55-500.

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. 14g, AR 55-500.

7. Employees' Compensation Claims

a. 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 the reports of claims investigating officers apply equally to claims for employees' compensation benefits, except that only an original (with no copies) of such reports under this subparagraph 7a of Section III will be prepared and delivered to an employees' compensation commission for appropriate action.

b. Governed by USAFFE Employees' Compensation Commission Memorandum. - For standing operating procedure and policy in relation to claims for employees' compensation benefits, see USAFFE Employees' Compensation Commission Memorandum issued by Claims Service, USAFFE.

8. Personnel Claims (AR 25-100)

The provisions of paragraph 3 of this Section III, above, relating to the investigation of claims under the Foreign Claims Act apply equally, so far as pertinent, to claims under AR 25-100. Par. 7h, AR 25-20 and Par. 5a, AR 25-100. However, the unit claims officer will prepare his report of investigation on Form No. CS-PG-131, Report of Unit Claims Officer - Personnel Claims (see Annex No. 4), with the claim and all supporting papers as exhibits, in triplicate and deliver such report in triplicate to the commanding officer by whom he was appointed and the commanding officer when approving or disapproving the report will include the list or statement required in paragraph 6d of Section IV, below, and forward the original and both copies (retaining none in his files, but only a card record of the claim), direct to an office of Claims Service, USAFFE, preferably the nearest such office. Par. 5d, AR 25-100.

9. Labor Claims

a. Responsibility. - Claims against the United States arising out of express or implied contractual obligations incurred on behalf of the United States by personnel of United States forces for services where payment can not otherwise be readily made through disbursing officers because of procedural irregularities are the responsibility of the Board of Contracts and Adjustments, which is authorized to investigate and determine

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.

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 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 9b of Section III will be delivered to the Board of Contracts and Adjustments for appropriate action.

c. Governed by Procurement Regulations. - For standing operating procedure and policy in relation to employment 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 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 Act and the disposition of the reports of claims investigating officers apply equally to claims for purchase, rental, and acquisition of personal property, except that the report under this subparagraph 10b of Section III will be delivered to the Board of Contracts and Adjustments for appropriate action.

c. Governed by Procurement Regulations. - For standing operating procedure and policy in relation to the purchase, rental, and acquisition of personal property, see USAFFE procurement regulations.

11. Real Estate Claims

a. Functions of Claims Service, USAFFE. - The investigation of claims arising out of the acquisition of real estate upon request of 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, 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 Act and the disposition of reports of claims investigating officers apply equally to claims arising out of the acquisition of real estate, except that the report under this subparagraph 11b of Section III will be delivered to the Board of Contracts and Adjustments for appropriate action.

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

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 referred to a unit claims officer or a claims service investigating officer for investigation and report in a manner similar to that prescribed in paragraph 3 of this Section III, above, with such modification insofar as the features of the particular case may warrant. Such claims will then be forwarded, with related files and such comments, if any, as the forwarding authority may desire to submit, by or through Claims Service, USAFFE, to the Judge Advocate General for appropriate administrative action. Par. 11, AR 25-20.

13. Claims in favor of the United States (AR 25-220 and 55-500)

a. General. - Investigations will be made in the manner provided in paragraph 3 of this Section III, above (or as provided in paragraph 6 of this Section III, above, in the case of maritime claims under AR 55-500), and will be of a scope commensurate with the nature and extent of the damage, loss or destruction, or the expense or loss sustained. Par. 3a, AR 25-220.

b. Report by unit claims officer. - The report of the unit claims officer (or marine casualty investigating officer, in the case of maritime claims under AR 55-500) will be prepared as provided in paragraph 3 of this Section III, above (or as provided in paragraph 6 of this Section III, above, in the case of maritime claims under AR 55-500), and will contain such of the following additional data as is pertinent:

- (1) Where Government property is damaged, lost or destroyed.
- (a) A description of the property, including 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 military 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 hospitalized.
 - (d) Statements from attending physicians showing the nature and extent of injury, the nature and extent of treatment, length of temporary disability, and the degree of permanent disability, also report, by a Government physician if practicable, in cases where the injury may result in total or partial permanent disability.
 - (e) Certificate or abstract from hospital records showing period of hospitalization.
 - (f) Bills for medical and hospitalization services rendered by civilians.

- (g) Aggregate cost of medical treatment and hospitalization furnished by the War Department, the Army and other Federal agencies (computed at the rate of \$3.75 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, transportation, 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 which and the disbursing officer through which such indebtedness is payable.
- (c) Signed statements, where possible, by witnesses and information as to their probable availability in the event of suit. If signed statements cannot be procured, the claims officer will, where possible, state the substance of the testimony which would be given by such witnesses.
- (d) Whether an offer of payment or compromise has been made by the defendant. If oral, state the terms thereof, or, if in writing, attach the original; also a statement by the claims officer whether such offer is believed fair and reasonable under all of the circumstances. The claims officer will not make any demand for payment but may receive and attach to the report any certified check or postal money order, made payable to the Treasurer of the United States, voluntarily submitted as payment or as a compromise offer.
- (e) Opinion of the claims officer as to basis and amount of liability of the defendant; 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:

1. 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.
2. Upon a determination that the defendant is liable and the amount of such liability, the commanding officer will cause a written demand to be made upon the defendant for payment of the claim, unless the claims officer'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 of 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

of such compromise offer, if any, or, if none, as to the advisability of instituting suit, will be forwarded as required in 2, below.

3. 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. 27c, AR 55-500.

c. 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, 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 3j 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 authority deems it advisable to accept, will include a determination by a Foreign Claims Commission 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 of the amount of such liability, the Chief of Claims, USAFFE, will cause a written demand to be made upon the defendant for payment of the claim. If such demand is complied with, the certified check or postal money order will be accepted and transmitted to the nearest disbursing officer. If the defendant fails to comply with the demand within a reasonable time, and the amount involved, the financial responsibility of the defendant, and other circumstances of the case appear to make advisable the institution of suit, or if the defendant has already made, or on such demand makes, a compromise offer accompanied by a certified check or postal money order, the Chief of Claims, USAFFE, will forward the postal money order, with his recommendation as to the advisability of acceptance of such compromise offer, if any, or, if none, as to the advisability of instituting suit, to the Judge Advocate General for appropriate administrative action. Par. 4, AR 25-220 and Par. 27d, AR 55-500.

d. Receipts. * The commanding officer appointing the claims officer, or any reviewing authority, including any officers on the reviewing authority's staff designated by him for that purpose, may, on request, execute and deliver to any defendant making payment in full a receipt in substantially the following form:

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.....
(Date)

Acknowledgement is hereby made of the receipt by the United States of America of a postal money order in the amount of

☞ — 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
55-500

.....
(State nature of claim, property or persons involved, and date
and place of occurrence)

.....
(Name, grade, and title)

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

e. Releases. - Where a defendant, voluntarily or pursuant to demand, tenders payment in full but demands a release by the Government of its claim against the defendant as a condition of such payment, no release will be executed or delivered but the file, including the desired form of release and certified check or postal order, will be forwarded in the manner provided in subparagraph 13c of this Section III, above, in the case of a compromise offer to the Judge Advocate General for appropriate administrative action. Par. 6, AR 25-220 and Par. 27f, AR 55-500.

IV. ACTION BY CLAIMANT1. 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 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, guardian, trustee, or other fiduciary. Par. 6a, AR 25-20 and Par. 21a, AR 25-90.

b. Form of claim. - Claims should be submitted by presenting in duplicate, and if practicable under oath, a statement in writing stating the claimant's address and setting forth the amount of the claim and, so far as possible, the detailed facts and circumstances surrounding the accident or incident, indicating the date and place, 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 Annex No. 5 will be used whenever practicable. Notwithstanding other provisions of this paragraph 1, any claim will be considered if it states substantially the material facts with such definiteness as to give reasonable notice of the time, place, and nature of the accident or incident out of which the claim arose and an estimate or statement of the damage, loss, destruction, injury, or death resulting; if not filed in duplicate an additional copy will be prepared by the unit, officer or office with whom the original claim is filed. Par. 6b, AR 25-20 and Par. 21a, AR 25-90.

c. 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.
- (2) 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 signed statement or estimate of the cost of repairs or replacements; if not repairable, the value thereof before and after the accident should be stated. In support of claims for damage to or destruction of crops, trees, land, and similar property, which has been or can be

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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.

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

e. 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 base, 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. Par 6e, AR 25-20 and Par. 21a, AR 25-90.

2. Claims under AR 25-25

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 AR 25-25, Pars. 6 and 7, AR 25-20, Par. 20a and c, AR 25-25 and Par. 21a, AR 25-90.

3. 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 A.W. 105, Par. 5a, AR 25-80, Par. 6, AR 25-20, Par. 7g, AR 25-20 and Par. 21a, AR 25-90.

4. 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 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, guardian, trustee, or other fiduciary. Par. 19a, AR 55-500.

b. Form of claim. - Claims should be submitted by presenting in duplicate, and if practicable under oath, stating the claimant's address and setting forth the amount of the claim and, so far as possible, the detailed facts and circumstances surrounding the occurrence, indicating the date and place, 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 Annex No. 5 will be used whenever practicable. Notwithstanding other provisions of this paragraph 4, any claim will be considered if it states substantially the material facts with such definiteness as to give reasonable notice of the time, place, and nature of the accident or incident out of which the claim arose and an estimate or statement of the damage, loss, destruction, injury, or death resulting; if not filed in duplicate an additional copy will be prepared by the unit, officer or office with whom the original claim is filed. Par. 19b, AR 55-500.

c. 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.

- (2) Property damage. - In support of claims for damage to or destruction of property which has been or can be repaired or replaced, the claimant should submit an itemized signed statement or estimate of the cost of repairs or replacements; if not repairable, 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 vessel 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. - 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. 19c, AR 55-500.

d. Signatures. - The claim and all other papers requiring the signature of the claimant should be signed by the claimant personally or by a duly authorized agent. The signature of such claimant or agent should be identical throughout. Par. 19d, AR 55-500.

e. Place of filing. - The claim should be submitted to the commanding officer of the War Department or Army installation under whose immediate control the vessel was operated, if known, otherwise to the commanding officer of any base, camp, station, or other military establishment, if practicable the one within which or nearest to which the casualty occurred, or to any office of Claims Service, USAFFE. Par. 19e, AR 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.

6. Personnel Claims (AR 25-100)

a. Pertinent provisions of AR 25-90 applicable. - The provisions of paragraph 1 of this Section IV, above, relating to the filing of claims under the Foreign Claims Act apply, so far as pertinent, to claims under AR 25-100 except as otherwise specifically provided below in this paragraph 6. Par. 7_h, AR 25-20, Par. 5_a, AR 25-100 and Par. 21_a, AR 25-90.

b. Form of claim. - Claim will be submitted by presenting a detailed statement in triplicate, on WD JAG Form No. PC 100, 30 June 1944 (see Annex No. 3), which form may also be adapted for use in the assertion, by military personnel or civilian employees of the War Department or of the Army, of any claims under other provisions of this directive. Such form should be signed and sworn to by the claimant, with his grade, serial number, branch, organization, organization address, and permanent home address, setting forth or accompanied by, so far as possible, the following information:

- (1) Date and place of the loss, damage, destruction, capture or abandonment.
- (2) All other pertinent facts and circumstances surrounding the loss, damage, destruction, capture, or abandonment.
- (3) Designation of the one or more of the twelve situations listed in subparagraph 3a of Section II, above, (Par. 2, AR 25-100) on which the claim is based, and a reference 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 employee, was in whole or in part the proximate cause of the loss, damage, destruction, capture, or abandonment.
- (5) Statement that none of the property has been recovered, if lost, captured, or abandoned property is involved.
- (6) Detailed list of the property lost, damaged, destroyed, captured, or abandoned, setting forth as to each item -
 - (a) Quantity.

- (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 abandonment.
 - (i) Condition (new, excellent, good, fair, poor) when lost, damaged, destroyed, captured, or abandoned.
 - (j) Length of time in use.
 - (k) Value at time of loss, damage, destruction, capture, or abandonment.
- (7) Certificate required by subparagraph g of this paragraph 6, below, (Par. 4b, AR 25-100) if damaged property is involved, together with detailed facts in relation to matters covered by certificate to provide full information as to repairs, but only if any of the damaged property involved was in fact repaired by the quartermaster or supply officer. The Theater Commander has determined that the military situation does not permit of repairs by quartermasters or supply officers in the Southwest Pacific Area.
- (8) Itemized bill, or estimate, for repairs of any reparable damaged property not repaired by quartermaster or supply officer..
- (9) Certificate required by subparagraph h of this paragraph 6, below, (Par. 4c, AR 25-100), if insured property is involved, together with detailed facts in relation to matters covered by certificate to provide full information as to insurance.
- (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 8a (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 weight of each.
- (e) Statement, in cases where property was turned over to quartermaster, supply officer, or contract packer, setting forth -
 1. Official designation and address of quartermaster, supply officer, other government agency or contract packer.
 2. Date property was turned over.
 3. Condition when property was turned over.
 4. When and where property was packed.
 5. Dates when property was shipped and reshipped.
 6. Copies of all manifests and bills of lading.
 7. Date and place of delivery of property to owner.

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8. Date property was unpacked.

9. 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 property 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, below, (Par. 4a, AR 25-100) if a common carrier is involved, together with detailed facts in relation to matters covered by certificate to provide full information as to reimbursement by carrier.

(11) If the claim is based in whole or in part on loss, damage or destruction in consequence of its owner having given his attention to saving human life of another or Government property instead of property in relation to which claim is made (See subparagraphs 8a(2), (3) and (4) of Section II, above, (Pars. 2b, c and d, AR 25-100)):

(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.

- (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 abandonment thereof on account of lack of transportation or by reason of military emergency requiring its abandonment (See subparagraphs 3a(9), (10) and (11) of Section II, above, (Pars. 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 owner of the property of the person presenting the claim.

- (15) Statement that no previous claim has been made by the claimant based on the same accident or incident. Par. 5b, AR 25-100.

c. Filing of claim. - All claims within the provisions of AR 25-100 will be submitted to the commanding officer of the organization to which the claimant belongs or with which he is serving if practicable, otherwise to the commanding officer of any base, camp, station, or other military establishment, if practicable the one nearest to the point where investigation of the facts and circumstances can most conveniently be made. In any case where submission under the foregoing provisions is impracticable, claims may be submitted to the nearest office of Claims Service, USAFPE. Par. 5c, AR 25-100.

d. Replacement in kind. - The claim 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 available, of personal property lost, damaged, destroyed, captured, or abandoned within the provisions of AR 25-100. The remainder of the claim will then be processed in accordance with other provisions of this directive. Such action by the commanding officer in directing replacement in kind will be final. If replacement in kind is accomplished, a list, in triplicate, of the items so replaced and their cost will be included

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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. Par. 8, 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, e and f, 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 event, with reasonable promptness (considering all of the circumstances 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 correspondence, as well as the originals of any replies, will be retained 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 liability. The claimant will execute and submit with his claim a statement (Par. 4a, AR 25-100) in substantially the following form:

CERTIFICATE OF DEMAND ON COMMON CARRIER

.....
(Place)
.....
(Date)

I, the undersigned, hereby certify that on I made
(Date)
..... by properly
written demand on
(Common carrier)
mailing to such carrier a 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 carrier.

.....
(Signature of claimant)

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(2) Failure to make demand. - In the absence 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.

g. Request to quartermaster or supply officer for repairs.

(1) 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 permit 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 8a(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 replies, will be retained for presentation with any claim hereunder. The claimant will execute and submit with his claim a statement (Par. 4b, AR 25-100) in substantially the following form:

CERTIFICATE OF REQUEST TO QUARTERMASTER OR SUPPLY OFFICER FOR REPAIRS

.....
 (Place)

 (Date)

I, the undersigned, hereby certify that on
 I made written request to (Date)
 by properly mailing to such quartermaster or supply officer a
 (Local quartermaster or supply officer)

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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.

-OF-

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)

(2) Failure to make request. - In the absence of the evidence required to be furnished under this subparagraph 6g 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, damaged, destroyed, captured, or abandoned and the property was insured (see subparagraphs 8c(1) to (12) of Section II, above (Pars.2a to 1, AR 25-100)), the claimant will make demand in writing upon the insurer for payment under the terms and conditions of the insurance coverage. Such demand will be made prior to the filing of a claim under the provisions of AR 25-100. A copy of such demand and of any subsequent demands and related correspondence, as well as the originals of any replies, will be retained for presentation with any claim hereunder. In the event of failure of the insurer to reply to the claimant's demand within a reasonable time, it will be presumed that such insurer denies liability. The claimant will execute and submit with his claim a statement (Par.4c. AR 25-100) in substantially the following form:

CERTIFICATE OF DEMAND ON INSURER

.....
 (Place)

 (Date)

I, the undersigned, hereby certify that on (Date)
 I made written demand on in accordance
 (Insurer)

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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 certificate originals of all replies (if any) received from, and copies of all further correspondence (if any) sent to, said insurer.

.....
(Signature of claimant)

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

(1) Common carriers. - By the filing of a claim under the provisions of AR 25-100 the claimant will be deemed to have assigned to the United States all of his right, title, and interest in and to any unsatisfied claim which he may have against any common carrier. Par. 7a, AR 25-100. See f of this paragraph 6, above.

(2) Insurer. - By the filing of a claim under the provisions of AR 25-100 the claimant will be deemed to have assigned to the United States all of his right, title, and interest in and to any unsatisfied claim which he may have against the insurer. Par. 7b, AR 25-100. See h of this paragraph 6, above.

7. Labor Claims

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

8. Procurement Claims

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.

9. Real Estate Claims

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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; M.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 issuing 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 bankruptcy 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 assigned to a bank, trust company, or other financing institution, including any Federal lending agency, under the conditions set forth in the act of October 9, 1940 (supra). See AR 35-6040. Par. 13, AR 25-20 and Par. 28, AR 55-500.

12. 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 function under, or in connection with, any Executive Department of the Government of the United States, or under the Senate or House of Representatives of the United States, shall act as an agent or attorney for prosecuting any claim against the United States, or in any manner, or by any means, otherwise than in discharge of his proper official duties, shall aid or assist in the prosecution or support of any such claim, or receive gratuity, or any share of or interest in any claim from any claimant against the United States, with intent to aid or assist, or in consideration of having aided or assisted, in the prosecution of such claim, shall be fined not more than five thousand dollars, or imprisoned not more than one year, or both. Sec. 109, act of March 4, 1909 (35 Stat. 1107; 18 U.S.C. 198; M.L., 1939, sec. 840). Par. 14, AR 25-20 and Par. 29, AR 55-500.

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V. APPROVAL AND PAYMENT OF CLAIMS1. Action by Claims Commissions

a. Foreign Claims Commissions. - Under authority dated 21 April 1944, as amended as supplemented by War Department Letter dated 13 May 1944, delegated by the Secretary of War to the Theater Commander, Foreign Claims Commissions will on the recommendation of the Chief of Claims, USAFFE, 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.

b. Personnel Claims Commissions. - Under authority dated 21 April 1944, as supplemented by War Department Letter dated 12 July 1944, delegated by the Secretary of War to the Theater Commander, Personnel Claims Commissions will on the recommendation of the Chief of Claims, USAFFE, be appointed, additional to existing Personnel Claims Commissions, to act upon claims under AR 25-100 as provided in paragraph 8 of this Section V, below.

c. Employees Compensation Commissions. - Under authority delegated to the Assistant Deputy U.S. Employees' Compensation Commissioner, USAFFE Employees Compensation Commissions will on the recommendation of the Chief of Claims, USAFFE, be appointed, additional to existing USAFFE Employees' Compensation Commissions, to act upon claims for employees compensation benefits as provided in paragraph 7 of this Section V, below.

2. Payments by Agent Officers

If the claimant in writing shall have agreed, or will then agree, to accept the amount allowed under the provisions of this directive in full satisfaction and final settlement of his claim, the original and one copy of the claim, the acceptance agreement, and the action by a commission consistently with the provisions of the particular provisions of this directive under which the claim is payable, will be attached to appropriate vouchers, and the claim may be paid by such commissioner or other officer designated by it, provided the officer making the actual payment shall for such purposes have been appointed an agent officer pursuant to the provisions of AR 35-320. Par. 10, AR 25-20 and Par. 21b (4), AR 25-90.

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

a. Action by Foreign Claims Commission. - Any report received by Claims Service, USAFFE, prior to receipt of the related claim will be retained to await receipt thereof. Any claim received with, or after receipt of, the related report will be considered by a claims commission in connection with the report, together with such other and additional evidence as the

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commission may deem pertinent. The claim may be referred by the commission, for further investigation, to an appropriate unit claim 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.

b. Payment of claims allowed by Foreign Claims Commissions. - If the claim as originally made (or as allowed) does not exceed \$5,000 and the claimant in writing shall have agreed, or will then agree, to accept the amount allowed in full satisfaction and in 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 papers), the original and one copy of the award bearing the approval of the foreign claims 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 voucher with voucher number and date of payment noted thereon, be returned to the commission: Provided that any such settlement by the commission will, if the amount exceeds \$2,500 but does not exceed \$5,000, be subject to the approval of the Theater Commander or, in any case not so approved, to the approval of the Judge Advocate General. The president of approved claims member thereof, will certify vouchers in payment of the settlement, for out of the appropriation current at the time of settlement, for "Finance Service, Army." Prior to the end of the calendar month following payment of the claim except as in particular cases further need of the file is anticipated by Claims Service, USAFFE, at least one copy, and any remaining copies, of the action by any commission and all supporting papers and the returned copy of the voucher evidencing payment 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 (4), AR 25-90.

c. Claims disallowed by Foreign Claims Commissions. - Claims within the jurisdiction of the commission but disallowed as not meritorious will be forwarded direct to the Judge Advocate General (through the Chief of Claims, USAFFE, Attention Director of Claims Commissions) not later than the close of the calendar month following disallowance except as in particular cases further need of the file is anticipated by Claims Service, USAFFE. In all cases all copies of the report, claim and supporting papers will be so forwarded; no copies, but only a card record thereof, will be retained by the commission for its files. Par. 21b (5), AR 25-90.

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d. Claims not within jurisdiction of Foreign Claims Commissions.

(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 damage, loss, or destruction, or the amount allowable on account of the injury or death) together with, if practicable, a statement in writing 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 Act of July 3, 1943 (see Par. 1, AR 25-25) will be disposed of by the commission in accordance with the provisions of AR 25-25; claims found by the commission not to be within the provisions of either of the acts above cited, but 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 commission not to be 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 direct to the offender's commanding officer for consideration under AR 25-80. Par. 21b(6)(b), AR 25-90.

e. Cooperation with Navy, Marine Corps, and Coast Guard. - In time of war, any claims, whether Army, Navy, Marine Corps, or Coast Guard, which may be settled under the Foreign Claims Act may, at the request of the service concerned, be settled by any foreign claims commission appointed under that act even though not composed of officers of the service concerned. Accord-

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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 Navy, 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 vouchers make reimbursement therefor to the service making such settlement. Any commander of Army forces who refers a claim to any Navy, 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 Navy, Marine Corps, or Coast Guard officer pursuant to regulations of the service to which such referring officer belongs and issued under that Act will settle such claim and take any and all other action as provided in the regulations of the referring service, subject to reimbursement to the War Department by such referring service.

Par. 22, AR 25-90.

f. Administrative reports.

- (1) By Foreign Claims Commissions. - An 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 commission 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, USAFFE, 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 for delay in the settlement of any claim, still pending, not disposed of within 90 days after filing, and will set forth concisely 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 paragraph 3d of this Section V, above, during the preceding calendar month, including claims referred to the commission by Navy, Marine Corps, or Coast Guard officers, the following information:

(a) Name of claimant.

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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, disapproved, 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 foregoing 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;
- (c) Number forwarded, with an accompanying claim, to claims commissions;
- (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.

(3) By commanders appointing unit claims officers. - A monthly report containing the following information (negative reports are not required) will be submitted direct to the Chief of Claims, USAFFE, by each commander concerned:

- (a) Number of cases (whether or not a claim has been filed) on hand at the beginning of the month;
- (b) Number received during the month;
- (c) Number 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;
- (e) Number of cases on hand at the end of the month;
- (f) Reasons for failure to complete claims officers reports, and forward the same to the Chief of Claims, USAFFE, as to matters on hand in excess of thirty days.

4. Claims under AR 25-25

a. 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, AR 25-25 and Par. 21b(6)(b), AR 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.

b. 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 in part, he will in such notice be advised of his right to 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 War, through such foreign claims commission, within 30 days of receipt by him of such notification. Par. 20b(2), AR 25-25 and Par. 21b(6)(b), AR 25-90.

c. 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 Secretary of War as provided in subparagraph a of this paragraph 4, above. Par. 20b(3), AR 25-25 and Par. 21b(6)(b), AR 25-90.

d. 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; if such statement is not obtained the claim may be allowed in such lesser amount upon the express condition, to be stated in the action by the foreign claims commission, that the claimant accepts such amount in full satisfaction and final settlement. No such acceptance is necessary if the full amount claimed is allowed. Par. 20b(4), AR 25-25 and Par. 21b(6)(b), AR 25-90.

e. Payment. - In the event of allowance of the claim in whole or in part, and (where required under subparagraph d of this paragraph 4, above) upon acceptance by the claimant of the amount allowed in full satisfaction and final settlement, the claim, with related file (unless waived by the disbursing officer), will be transmitted by the foreign claims commission to the appropriate disbursing officer for payment. 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 voucher, with voucher number and date of payment thereon, be returned to the commission. Par. 20b(5), AR 25-25 and Par. 21b(6)(b), AR 25-90.

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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, USAFFE, 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 General. The claimant will be notified of the action taken and, upon 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 claimed is allowed, the claim, with related file, will be transmitted to the appropriate disbursing officer for payment. Par. 20b(6), AR 25-25 and Par. 21b (6)(b), AR 25-90.

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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 of 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 nearest office of Claims Service, USAFFE, for consideration and advice before taking action. If the offender cannot be ascertained but the organization or detachment is known, such stoppage may be made against the pay of all members of the organization or detachment found in the claims officer's report to have been present with the organization or detachment at the time of the damage, loss, or destruction complained of and such assessment will be in such proportion as the claims officer recommends and the commanding officer approves. The original of 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 thereon, will be forwarded direct to the nearest office of Claims Service, USAFFE. Upon receipt by such office of Claims Service, USAFFE, of a copy of the approved report, such report will be reviewed and any errors or irregularities in any order for stoppage previously entered will be called to the attention of the commanding officer who ordered such stoppage; such commanding officer will promptly correct any such errors or irregularities and remove, as to future payments, any improper stoppage so ordered. If, in any situation, the claims officer or the commanding officer finds any claim not to be within the provisions of A.W. 105, no damages may be assessed under that Article of War; in such case the claim will be disposed of under other applicable provisions of this directive. Files on matters finally disposed of under A.W. 105 need not be preserved by Claims Service, USAFFE.

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

b. Where offender is not 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 of A.W. 105 and recommends

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an assessment thereunder against a member of another command, will transmit the report direct to the commanding officer of the offender if his then organization and the address thereof are known or, if not known, then through the Adjutant General, USAFFE. The commanding officer of the offender, upon receipt of such report, will refer the report to his claims officer for investigation and report. The claims officer may in such investigation utilize the evidence set forth in the report of the claims officer who made the initial investigation and will make such further investigation as may be necessary. After action by the claims officer, the commanding officer of the offender will take action as provided in a of this paragraph 5, above. Par. 5a(2), AR 25-80 and Par. 21b(6) (b), AR 25-90.

6. Maritime Claims

a. Approval. - Subject to appeal to the Secretary of War, claims payable under the provisions of AR 55-500 may be approved or disapproved by any foreign claims commission composed of two or more members. See provisions of paragraph 3 of this Section V, above, relating to claims payable under the Foreign Claims Act. Par. 22c, AR 55-500.

b. Notice to claimant. - Upon approval or disapproval of a claim by a foreign claims commission as provided in subparagraph a of this paragraph 6, above, the claimant will be notified in writing of the action taken and, in case of disapproval in whole 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 War, through such foreign claims commission, within 30 days of receipt by him of such notification. Par. 20a, AR 55-500.

c. 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 Secretary of War as provided in subparagraph a of this paragraph 6, above. Par. 20b, AR 55-500.

d. 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; if such statement is not obtained the claim may be allowed in such lesser amount upon the express condition, to be stated in the action by the foreign claims commission, that the claimant accepts such amount in full satisfaction and final settlement. No such acceptance is necessary if the full amount claimed is allowed. Par. 20c, AR 55-500.

e. Payment. - In the event of allowance of the claim in whole or in part, and (where required under subparagraph d of this paragraph 6, above) upon acceptance by the claimant of the amount allowed in full satisfaction and final settlement, the claim, with related file (unless waived by the disbursing officer), will be transmitted by the foreign claims commission to the appropriate disbursing officer for payment.

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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 voucher, 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, USAFFE, 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 General. The claimant will be notified of the action taken and, upon 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, will 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 memorandum issued by Claims Service, USAFFE.

8. Personnel Claims (AR 25-100)

a. Action by Personnel Claims Commission. - Any claim received by a personnel claims commission will be considered in connection with the report, 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 by approval in an amount not in excess of \$1,000, or by disapproval, is final and conclusive for all purposes. Par. 5d, AR 25-100 and Letter, War Department (AG 153 (22 May 44)), 12 July 1944.

b. Payment of claims allowed by Personnel Claims Commissions. - If the claim as originally made (or as allowed) does not exceed \$1,000, and the claim is allowed under the provisions of AR 25-100, then the original and one copy of the claim, with supporting papers except as waived by the disbursing officer, including the claims officer's report, and the original and one copy of the award bearing the approval of the personnel claims commission and a voucher in triplicate, will be transmitted to the proper disbursing officer for payment and with the request

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that one copy of the voucher, with voucher number and date of payment noted thereon, be returned to the commission. Prior to the end of the calendar month following payment of the claim except as in particular cases further need of the file is anticipated by Claims Service, USAFFE, at least one copy and any remaining copies of the action by any commission, all supporting papers and the returned copy of the voucher evidencing payment, will be forwarded direct to The Judge Advocate General (through the Chief of Claims, USAFFE, Attention Director of Claims Commissions); no remaining copies, but only a card record thereof, will be retained by the commission for its files. Par. 5d, AR 25-100 and Letter, War Department (AG 153 (22 May 44)), 12 July 1944.

c. Claims disallowed by Personnel Claims Commissions. - Claims disallowed by the commission as not meritorious will be forwarded direct to The Judge Advocate General (through the Chief of Claims, USAFFE, Attention Director of Claims Commission) not later than the close of the calendar month following disallowance except as in particular cases further need of the file is anticipated by Claims Service, USAFFE. In all cases all copies of the report, claim and supporting papers will be so forwarded; no copies, but only a card record thereof, will be retained by the commission for its files. Par. 5d, AR 25-100 and Letter, War Department (AG 153 (22 May 44)), 12 July 1944.

d. Claims not within jurisdiction of Personnel Claims Commissions.

(a) Claims in excess of \$1,000. - Claims apparently meritorious under the provisions of AR 25-100 but in excess of \$1,000 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 personnel claims commission will forward with any such claims its findings and any recommendation as to the action to be taken. Par. 5d, AR 25-100 and Letter, War Department (AG 153 (22 May 44)), 12 July 1944.

(b) Claims under other regulations. - Claims found by a personnel claims commission not to be within the provisions of AR 25-100 but within the provisions of the Act of July 3, 1943 (see Par. 1, AR 25-25) will be disposed of by the commission in its capacity as a foreign claims commission under AR 25-90 in accordance with the provisions of AR 25-25. Par. 5d, AR 25-100 and Letter, War Department (AG 153 (22 May 44)), 12 July 1944. Claims found by the commission not to be within the provisions of AR 25-100 or the Act of July 3, 1943, but apparently within the provisions of A.W. 105, will be returned direct to the offender's commanding officer for consideration under AR 25-80. Par. 21b(6) (b), AR 25-90.

e. Administrative reports.--An administrative monthly summary report of claims under AR 25-100 processed during 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, USAFFE, Attention Director of Claims Commissions) whether or not any claims have been received or disposed of during the period covered by the report. 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, USAFFE, and the remaining copy will be retained by the Commission. Such report will set forth as to all claims approved the following information, in the form indicated below.

SUBJECT: Summary Report of Personnel Claims Commission No. _____
for month of _____.

THRU: Chief of Claims _____
ATTENTION: Director of Claims Commissions.

TO: The Judge Advocate General, Washington 25, D. C.
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) | Personnel claims disapproved | _____ |
| (6) | Claims returned to field for further investigation | _____ |
| (7) | Claims forwarded the Judge Advocate General
without action by Commission | _____ |
| (8) | Claims otherwise disposed of (explanation attached) | _____ |
| | Total claims disposed of | _____ |
| (9) | Claims on hand at end of month | _____ |
| | a. Claims not over 90 days old | _____ |
| | b. Claims over 90 days old (explanation attached) | _____ |
| | Total claims on hand at end of month | _____ |
| | Total claims disposed of and on hand at end of month | \$ _____ |
| (10) | Amount approved for payment under AR 25-100 | \$ _____ |
| (11) | Amount of personnel claims approved for payment under AR 25-25 | \$ _____ |
| (12) | Amount of personnel claims disapproved | _____ |
| (13) | Number of files of personnel claims forwarded to the Judge
Advocate General during month | _____ |

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 5" 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. No. - File No.			

For example:

Jones	James	J	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 the United States by personnel of United States forces for services where payment cannot 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, rental, and acquisition of personal property is the responsibility of the Board of Contracts and Adjustments.

11. Real Estate Claims

The determination and payment of real estate claims is the responsibility of the Board of Contracts and Adjustments.

12. Claims not provided for under any law

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

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VI. SPECIAL PROVISIONS AS TO CLAIMS ARISING IN AUSTRALIA

1. 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 amount of any claims established by Australian Hirings will be paid by the Commonwealth Treasurer under Reciprocal Aid.

2. Damage to Property in Australian Territories.

a. Claims payable by Commonwealth of Australia. -

Claims for damage to property throughout the Australian Territories of Papua and New Guinea arising from the training and military operations of United States forces, including claims arising from the negligence of members 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 Commonwealth of Australia under Reciprocal Aid. This does not include damage resulting from enemy action or directly or indirectly from any acts by Army Forces engaged in combat.

b. Forwarding of claims to Australian authorities. -

Such claims will be forwarded by the commander concerned direct to the General Officer Commanding, New Guinea Forces, Port Moresby, New Guinea, for processing and payment from Commonwealth funds. Information with respect to such claims is authorized to be furnished, upon request, to the General Officer Commanding, New Guinea Forces.

c. Information to Chief of Claims, USAFFE. - Copies of

all claims, or information, so forwarded, together with data as 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.

Claims of the general type payable under AR 25-90 will be assumed and paid by the Commonwealth of Australia under Reciprocal Aid. Any claim the payment of which the Commonwealth is unwilling to assume will be referred by the Chief of Claims, USAFFE, to a foreign claims commission or forwarded to The Judge Advocate General in appropriate cases for necessary action.

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

Claims in favor of the United States, under AR 25-220, for property damage, which arise in the Commonwealth of Australia out of the types of accidents or incidents covered by AR 25-90 will be forwarded by the Chief of Claims, USAFFE, to the Commonwealth, and may be interposed by the Australian Government as an offset or counter claim against any claim assumed by it under Reciprocal Aid, or any collection made may be set off against Reciprocal Aid. Any

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 damage to United States or Australian property resulting from collisions (1) between only United States Army, Navy, or Marine Corps vehicles, or (2) between such vehicles and vehicles pertaining to any of the Armed Forces and Government 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.

- (1) 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-trial conferences between military personnel of his command and officials of the Commonwealth.
- (4) Arrange for attendance of personnel of his command as witnesses at court hearings.

7. Disclosure of Information.

The furnishing of official papers or documents, or copies of same, or giving information respecting accidents, incidents or claims, involving personnel of the United States forces for which the United States might be liable, to any government or person requesting the same, will be made through Chief of Claims, USAFFE. In the event requests are received direct, the information desired, if available, will be attached to the request and forwarded direct to Chief of Claims, USAFFE, for appropriate action.

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

Reports of claims officers as to accidents or incidents occurring on the mainland of Australia will in every instance be forwarded in duplicate to Chief of Claims, USAFFE. No file copy need be prepared or retained by the command concerned.

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VII. ANNEXES AND FORMS



R E S T R I C T E D

ANNEX NO. 1CHECK LIST OF INFORMATION AND EXHIBITS REQUIRED, IF PERTINENT,
IN PREPARATION OF CLAIMS OFFICERS' REPORTS

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

INFORMATION

1. 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.
2. 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.
3. Whether a claim has been or will be filed and, if so, the name and address of the claimant.
4. 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.
5. Names, serial numbers, grades, organizations, and addresses of military personnel and civilian employees involved.
6. Names and addresses of witnesses.
7. Whether military personnel and civilian employees were acting within the scope of their employment and the basis for such determination.
8. Accurate description of Government property involved, and nature and amount of damage, if any. If Government property was not damaged, that fact should be stated.
9. Accurate description of all privately owned property involved, nature and amount of damage, if any, and the names and addresses of the owner or owners thereof.
10. Nature and extent of injuries sustained by military personnel.
11. Names, addresses, and ages of all civilians injured or killed. Information as to the nature and extent of injuries, degree of permanent disability, period of hospitalization, name and address of attending physician and hospital, and amount of medical, hospital and burial expenses actually incurred. Names, addresses, ages, relationship and extent of dependency of survivors 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.W. 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 assigned.
 - c. Special or general authority, if any, of the Government 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 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) Whether the owner was a passenger.
 - (2) Whether the driver was a member of the owner's 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) Whether 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, whether backing, parking, turning, passing, etc.

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- h. Hand or automatic signals or sound warnings given or omitted by each driver.
 - i. 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, slippery, 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.
 - l. Whether the vehicles were on their proper side of the road.
 - m. Points of contact of the vehicles and distance traveled after first contact.
 - n. Skidmarks, length and location.
 - o. Width of streets, roads, highways and, if pertinent, shoulders.
 - p. Traffic signs and signals, and preferential streets or highways.
 - q. Angles of intersections.
 - r. Traffic, whether light, heavy, average, or none except vehicles involved.
 - s. Mechanical condition of the vehicles, brakes, lights, etc.
 - t. What efforts, if any, the drivers made to avoid the collision.
 - u. 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 accident.
 - v. If the investigation reveals the possibility of a claim in favor of the United States, whether there is public liability and property damage insurance coverage on the privately owned car and the name and address of the insurance company.
20. In mail cases, the following:
- a. Names and addresses of the sender and addressee, stating grade, serial number, and organization if in the military service.
 - b. Description and value of the contents of the letter or parcel. When necessary, the valuation should be substantiated by estimates, receipted bills, sales slips or certificates.
 - c. Declared value of the contents at the time of mailing.
 - d. Date and place mailed.
 - e. Post Office registration or insurance receipt number.
 - f. Amount of registration or insurance fee paid.
 - g. Amount of postage paid.
 - h. Post Office or destination.
 - i. Time and place first delivered by the Post Office Department to military personnel or civilian employees of the War Department or of the Army.

- j. 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. 8a, AR 25-20 and Par. 21e, AR 25-90.

EXHIBITS

1. Claim or claims, if filed, and evidence of the appointment of any agent or legal representative filing the claim.
2. Written agreement by claimant to accept amount recommended by the claims officer.
3. Form No. 26A(Revised), U.S.A. Driver's Accident Report Form.
4. Trip tickets or flight orders.
5. 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.
6. 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 III, above.
7. Report of attending physician.
8. 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.
11. Diagram of the scene of the accident, showing all pertinent physical facts.
12. Photographs, if practicable.
13. In cases involving registered or insured mail -
 - a. Post office registration or insurance receipt or an authenticated copy thereof. (If identified by number or by name of sender and date, or approximate date, of mailing, a copy of the receipt and the information required in items 20a, c, d, f, g and h of Information Check List, above, can be secured from the post office where the letter or parcel was mailed.)
 - b. Addressee's statement of nondelivery, if possible.

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- c. Claimant's written agreement to reimburse the United 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.
14. Exhibits required by AR 25-220 or 55-500, if a claim in favor of the Government is indicated.
15. Any other appropriate exhibits. Par. 8f, AR 25-20 and Par. 21a, AR 25-90.

ANNEX NO. 2REFERENCE LIST OF ARMY REGULATIONS
AND OTHER SOURCE MATERIAL

1. Claims; investigation of accidents; general provisions.
See AR 25-20.
2. Claims for damage to or loss or destruction of property, or for personal injury or death, incident to noncombat activities of the War Department or of the Army. See AR 25-25.
3. Claims under the One Hundred Fifth Article of War. See AR 25-80.
4. 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.
5. Claims of personnel for property lost, damaged, destroyed, captured, or abandoned in the service. See AR 25-100.
6. Claims of military personnel and civilian employees for reimbursement of payments from private funds. See AR 35-7120.
7. Claims in favor of the United States for damage to or loss or destruction of Government property and for expense or loss sustained by the Government incident to injury or death of military personnel. See AR 25-220.
8. Motor vehicles. See AR 850-15.
9. Marine casualties; reports; investigations; claims. See AR 55-500.
10. Aircraft accidents. See AR 95-120.
11. Posts, camps, and stations. See AR 210-10.
12. Lost, destroyed, damaged, or unserviceable property.
See AR 35-6640.
13. Line-of-duty status of military personnel involved in accidents.
 - a. Records of morbidity and mortality.
See AR 40-1025.
 - b. Daily sick report. See AR 345-415.
 - c. Deceased. See AR 600-550.
 - d. Discharge; release from active duty.
See AR 615-360.

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14. Possible disciplinary action.
 - a. 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' Home, 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.
19. 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 Analogous or Related Matters in Territory Occupied 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 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 military personnel and civilian employees of War Department or Army for damage to or loss, destruction, capture, or abandonment of personal property in service, 12 July 1944.
24. *USAFFE Regulation 1-759 April 45*
25. *Cir. USAFFE D.O. 33 7 April 45*

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

Date

SUBJECT: CLAIM OF

TO: COMMANDING OFFICER,

1. In accordance with the provisions of AR 25-100, claim is hereby made for personal property lost, damaged, destroyed, captured, or abandoned 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.)

3 This claim is based on subparagraph(s) _____ of paragraph _____, AR 25-100.

4. The loss or damage occurred without fault or negligence on my part.

5. None of the property has been recovered by me, or replaced by the Government (except as stated in detail on attached sheet marked Exhibit _____). (Strike out italicized part if not applicable). If any of 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 italicize part if not applicable.)

7. All applicable certificates, statements, and other documents required by AR 25-100 are attached hereto.

8. A detailed list 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 above loss, damage, destruction, capture, or abandonment has been made.

Permanent Home Address _____ Signature of Claimant _____

Street _____ Grade _____ Branch _____

City _____ SERIAL NUMBER _____

State _____ Organization and Address _____

The Above Information Must Be Given

Subscribed and sworn to before me at _____ this _____ day
of _____, 19 _____

(Title)

16-40,37-1

(Notary Public or Other
Officer or Official
Authorized to Administer
Oath)

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 OR HIS DESIGNEE

Schedule of Property Lost, Damaged, Destroyed, Captured, or Abandoned in the Service

Quantity	Description of Articles	Approximate date of purchase or other acquisition	Condition when damaged or lost (new, excellent, good, fair, poor)	Purchase price or value at time of acquisition	Length of time in use	Cost of repairs if damaged, or value if lost (amount claimed)	Amount Approved	Amount disapproved	Remarks
	<p>(Note: This form should be reproduced on the reverse of WD JAG Form No. FC-100, 30 June 1944, allowing greater space in this column, and also in the column to the right entitled "REMARKS". When reproduced, the heading of this form should be on the reverse of the right margin of the face of this claim form.)</p>								
<p>(State all monetary amounts in terms of United States currency)</p>							<p>TOTALS</p>		

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. PC-100, 30 June 1944) as Exhibit A. 3. Forward all papers to the nearest office of USAFFE Claims Service. 4. Keep no copies.)

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

(Organization and address)

1. As required by the provisions of paragraph 5d, AR 25-100, 3 July 1943, the above entitled claim, attached hereto as Exhibit A, submitted 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 circumstances (brief narrative statement):

(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.

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

(See note, paragraph 2, above)

(Unit Claims Officer)_____
(Organization)_____
(Address)

1st Ind. _____

(Date)

(Official designation of forwarding headquarters)

To: _____
(Nearest office of USAFFE Claims Service)

1. Report approved, except as follows (if any exceptions, state them in full; otherwise state "No exceptions").
(See note, paragraph 2, above)

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

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

b. Added to the basic file as Exhibit _____ is a list, in triplicate, of items replaced in kind and the respective cost of such items.

(Commanding Officer)

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.

(All paragraph references pertain to AR 25-100,
3 July 1943)

If question is not applicable, state "Not applicable"

	YES	NO
1. Are claimant's name, grade, serial number, branch, organization, organization address, and permanent home address stated?		
2. Is the claim form signed and sworn to by claimant before a notary public or other officer or official authorized to administer oaths?		
3. Are the claim form and all other exhibits to the Report of Unit Claims Officer included in triplicate and lettered in sequence?		
4. Are the date and place of loss shown?		
5. Has claimant designated the subparagraph or subparagraphs of Par. 2, on which claim is based?		
6. Is the total amount for which claim is made shown in the claim form and expressed in terms of United States currency?		
7. Is the Schedule of Property (on the reverse of the claim form) filled out completely?		
8. Have all items of Government property (e.g. issue items) been excluded from the claim?		
9. If claim is made for unusual or expensive articles, or articles apparently unnecessary or excessive in quantity, does the file disclose the reason or necessity for the possession thereof?		
10. If claim is made for the loss of money, does the file disclose in detail what diligence was exercised for the safekeeping of such money?		
11. If any part of the loss occurred during travel under orders, are three copies of the order or other travel authority included?		
12. If any part of the loss occurred during travel under orders, has inquiry been made of all personnel charged with transportation, or shipment of the property in question?		
13. Does the file include evidence that a diligent search has been made for the missing property?		
14. If any part of the loss occurred in transit in which a common carrier was involved, does the file include a Certificate of Demand on the last common carrier known or believed to have handled such shipment? (See Par. 4a for appropriate form of certificate.)		
15. Do the facts show that the loss occurred without fault or negligence on the part of claimant?		
16. Do the facts show that claimant could have saved his own property for which claim is made but, instead, gave his attention to saving human life of another or Government property?		
17. Do the facts show that the performance by claimant of authorized military duties in connection with the disaster causing the loss prevented him from saving his own property?		
18. Was the loss incident to or the result of a battle, campaign against the enemy, or otherwise a result of enemy action or lack of transportation? If so, does the file include a complete, detailed explanation thereof?		
19. Does the evidence show in detail the activities of claimant prior to, during, and subsequent to the incident?		
20. If replacement in kind has been recommended, does the file show whether and to what extent such replacement has been made?		
21. Does the file include statements by claimant's commanding officer and others to corroborate the claim?		
22. Has any previous claim based on the same accident or incident been made? If so, does the file show to whom and when it was submitted?		

(NOTE: When this form is reproduced on legal size paper, several lines may be provided at this point.)

ANNEX NO. 5

WAR DEPARTMENT
 CLAIM FOR DAMAGES

See reverse side
 for instructions

Submit in duplicate

Name of Claimant, (Last, First, Middle Initial)

AMOUNT OF CLAIM

Address of Claimant (Street, City, Zone, State)		Property Damage	\$
Place of Accident		Personal Injury	\$
Date of Accident	Hour	TOTAL	\$

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. (Use additional sheets if necessary.)

PROPERTY DAMAGE

Name and Address of Owner, if Other Than Claimant

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

PERSONAL INJURY

Names of Persons Injured	Addresses	Nature and Extent of Injury

WITNESSES

Names

Addresses

SUBSCRIBED AND SWORN TO BEFORE
 ME THIS _____ DAY
 OF _____ 19____
 AT _____

City

State

The foregoing represents the true and correct amount due from and unpaid by the United States and I agree to accept same in full satisfaction and final settlement of this claim.

Signature of Official

Title

Signature of Claimant

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, guardian, 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.

2. 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 repairable, the value thereof before and after the accident should 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 person making the 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 disinterested 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.

PREPARE IN DUPLICATE

ANNEX NO. *17*
REPORT OF CLAIMS OFFICERUSE ADDITIONAL SHEETS IF
NECESSARY AND NUMBER TO COR-
RESPOND WITH BOX NUMBERS.

HEADQUARTERS _____

(Post, Camp, Station, or Unit)

PLACE _____, 19____

1. ACCIDENT OR INCIDENT			
DATE	HOUR	PLACE	
2. CLAIMANTS			
NAME	ADDRESS	DATE CLAIM FILED	AMOUNT CLAIMED
3. GOVERNMENT PROPERTY AND PERSONNEL INVOLVED		PERSONNEL-Name, grade, serial number, address and organization, etc.	
PROPERTY-Make, type, U.S. number, amount, location, etc.			
4. PRIVATE PROPERTY AND PERSONS INVOLVED		PERSONS-Name, address, and relation to incident, e.g. owner, driver, passenger, bailee, tenant, etc.	
PROPERTY-Make, type, model, amount, location, etc.			
5. DAMAGE			
Nature and extent of damage, cost of repair, and, if pertinent, value before and after damage, value of salvage, etc.			
GOVERNMENT PROPERTY		PRIVATE PROPERTY	
6. PERSONS INJURED OR KILLED			
Name, address, nature and extent of injury, hospital, attending physician, etc.			
7. WITNESSES (ATTACH STATEMENTS)			
NAME		STATION OR ADDRESS	
8. POLICE INVESTIGATION			
Was military or civil police investigation made?		If made, attach copy of report. State facts as to arrests and results of any trials by civil or military courts.	
<input type="checkbox"/> Yes <input type="checkbox"/> No			
9. SCOPE OF EMPLOYMENT			
Was Government personnel acting within scope of employment?		State basis for answer.	
<input type="checkbox"/> Yes <input type="checkbox"/> No			

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10.

FINDINGS

Give 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 signals, traffic and weather conditions.

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

11.

RECOMMENDATIONS

It is recommended that (check applicable clause):

- The claim, if filed, be approved in the amount of \$ _____
 The claim be disapproved

Reasons for recommendations:

12.

EXHIBITS

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 claim.

REPORT APPROVED _____

, 19 _____

(Signature)

Claims Officer.

Commanding.

(Name typed)

(Grade and branch)

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ANNEX NO. #10

DUTY AND RELATIONSHIP OF CLAIMS OFFICER TO CLAIMANTS AND WITNESSES

It has been repeatedly emphasized that the claims officer should conduct his investigation in a fair and impartial manner. He should treat all claimants and witnesses with dignity and respect. It is the intent of Congress 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 to the Government. The courtesy and tact with which a claims officer approaches a claimant may in a large measure determine the fairness and cooperation of the claimant. The claimant can be very helpful in supplying information necessary for compilation of the Claims Officer's Report.

The Claims Officer will be guided by the following specific instructions. If it appears that the owner of the damaged property has a meritorious claim, the claims officer should ascertain whether he intends to file claim against the Government and report that fact. If it is an accident case and a claim has not been filed, the person damaged should be informed of the pertinent provisions of Section V of this Claims Manual, and that investigation by the claims officer will not result in payment of the damage unless a claim is filed. If the damaged person should inquire as to the procedure whereby a claim may be filed, he will be furnished an appropriate claim form and advised as to where it should be filed.

No claims officer will be interested in the purchase of any claim against the United States and the claims officer will not furnish to the claimant or any other person any information which could be made the basis of a claim against the Government. He will not furnish information or official papers to attorneys or 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 courtesy becoming an Army officer and representative of the Government.



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3- May

File 7

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