

**FACT SHEET**

SUBJECT: Army Claims - Limitations

1. PURPOSE. To inform commanders and soldiers of limits imposed by regulation upon the Army Claims system.

2. FACTS. Claimants sometimes find it hard to believe that the government is not always responsible when "The accident happened on post." The Army Claims system was never intended to provide insurance coverage, and payment for events is very limited. Claims are payable when they occur incident to service or are due to the negligence or misconduct of military personnel or government civilian employees acting within the scope of their employment. Many claims are payable under this standard; however, a considerable number are not. A few examples of claims that are not normally payable are:

a. POTHoles AND ROAD HAZARDS. Except where the government is aware for a significant time period of a defect in the regularly traveled portion of the road and fails to correct it, damage to vehicles caused by defects or foreign objects is not payable.

b. TEARS, RIPS, AND SPILLS TO CLOTHING. Such hazards are usually considered normal hazards of daily living and working.

c. FALLING TREES AND BRANCHES. While falling branches generally are not payable, the fall of an entire tree or a large branch is an unusual occurrence and may be payable.

d. HIT AND RUN ACCIDENTS AND COLLISIONS WITH ANIMALS. Such claims are not payable unless the vehicle was being used on written orders for the convenience of the Government.

e. CONTRACTOR NEGLIGENCE. The Government is not ordinarily liable for the acts of contractors, and most such matters must be pursued against the contractor directly or through the Directorate of Contracting.

f. LIGHTNING, POWER OUTAGES, AND POWER SURGES. Claims for damage due to lightning and power surges are usually not payable unless there is evidence that the item or quarters was directly struck by lightning. Claims for food spoilage and other damage due to outages is not payable unless the outage was of unusually long duration.

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g. Since the Claims system does not provide total protection, it is strongly recommended that private insurance be considered to cover occurrences that the claimant foresees as having a reasonable risk of happening.

3. POC is the Claims Office at 4-6913.

VINCENT C. NEALEY  
Chief, Administrative Law Division

**FACT SHEET**

SUBJECT: Storm and Power Outage Claims

1. PURPOSE. To inform commanders of circumstances under which claims for damages caused by storms and power outages may be filed by soldiers, their dependents, and DA civilians living and/or working on post.

2. FACTS. Fort Knox experiences storms and power outages from time to time. Damage caused by these storms and power outages gives rise to damage claims from soldiers and civilians living and/or working on post. Claims of this type are processed by the Fort Knox Claims Office as follows:

a. Losses due to unusual occurrence, defined as a risk outside the normal risks of day-to-day living and working, are compensable. Unfortunately, regulations provide that most damage due to storms and power outages are not compensable. Where a storm is unusually severe and/or power outages are of unusual duration, such damages may be compensable (DA Pam 27-162, para 11-5c(3)(a)).

b. Claims for electronic devices allegedly damaged by a power outage are not compensable. A power outage, unaccompanied by a power surge, will not damage a properly designed electronic device. Expensive electronic equipment must be "surge" protected with the use of a power strip or similar device.

c. Claims that food was spoiled by a power outage will be considered if the outage is of unusual duration. What constitutes an "unusual duration" is determined by how long it would normally take food to spoil under local climatic conditions. Claims personnel must determine whether the food spoiled due to the negligence of the claimant or the existing condition of the food. A claimant would be negligent in repeatedly opening and closing the refrigerator door during an outage. Claimants are expected to take actions to attempt to mitigate the damage such as purchasing ice, borrowing ice from a neighbor, or having a neighbor store frozen food in their working freezer or refrigerator.

d. Claims for personal property damaged by fallen trees or large branches may be compensable. It is not unusual for branches to fall, but it is unusual for entire trees or large portions of them to fall.

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3. POC is the Claims Office at 4-6913.

VINCENT C. NEALEY

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**FACT SHEET**

SUBJECT: Military Vehicle Accident - Claims

1. PURPOSE. To inform commanders of procedures to follow if a military vehicle is involved in an accident with a POV or damages other privately owned property.

2. FACTS. Military vehicles are occasionally involved in accidents with POVs and/or other privately owned property. The following are important dos and don'ts in the event of an accident to ensure claims are efficiently processed and fraudulent claims avoided. Proper documentation of potential claims is essential.

a. DO:

(1) Ensure that all persons involved are safe or receive appropriate medical care.

(2) Secure sensitive or pilferable items.

(3) Notify the police agency servicing the area where the accident occurred. If the police agency refuses to send an officer to the scene, it will then be necessary for the driver of the GOV to gather the information listed below.

(a) Name, address, SSN, and phone number of all persons involved and any witnesses. Name of insurers.

(b) Claimed injuries or the absence of injury to any person involved.

(c) Detailed description of claimed property damage.

(d) The exact location and the date and time of the accident.

(e) As soon as possible, gather statements describing the accident, its perceived cause, and other relevant information from the persons involved and any witnesses.

b. DON'T:

(1) Admit fault.

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(2) Promise any payment. (Refer all potential claimants to the Claims Office nearest your location or at Fort Knox.)

3. The U.S. Government is self-insured. Any questions from a property owner concerning compensation should be immediately referred to the Office of the Staff Judge Advocate, Claims Division, ATTN: ATZK-JAC, Building 1310, Fort Knox, KY 40121-5000. The telephone number for this office is 4-6913.

4. In order to assist the Claims Division in responding to inquiries concerning compensation, GOV drivers should provide that office with a copy of the police accident report, Standard Form 91 (Motor Vehicle Accident Report), and any other information gathered as soon as possible.

5. POC is the Administrative Law Division, 4-7414/4668.

VINCENT C. NEALEY  
Chief, Administrative Law Division

**FACT SHEET**

SUBJECT: Internal Damage to Electronic Items During a Household Goods/Hold Baggage Shipment

1. PURPOSE. To improve soldiers' chances of being reimbursed for damage caused by the shipment of electronic items during a household goods/hold baggage shipment when there is no apparent or visible damage to the outside of the item or the container the item was shipped in.

2. FACTS.

a. Electronic items (TVs, VCRs, stereos, computers) are some of the hardest items to substantiate as being damaged in the above-mentioned shipments.

b. To aid the soldier in improving his chances for reimbursement, the following guidance is provided:

(1) In the days preceding a move, the soldier should be aware of how and when the electronic items are used; for example, television programs watched, programs or tapes recorded or played on the VCR, documents created on the computer. On packing day, the soldier should pay close attention to how the packers handle and pack the electronic equipment.

(2) Check the item when it is delivered. If the item does not work, annotate this on the DD Form 1840/1840-R that will be provided by the movers. It is important to check these items while the carrier is there. It is very difficult, if not impossible, to discover internal damage by visual inspection alone.

(3) The soldier will be asked by the Claims Office to provide a damage statement. They cannot accept "fill in the blank" statements or generalized statements. The soldier must describe in detail the condition of the item prior to shipment and, more importantly, how he or she knew that the item was in good working order prior to the shipment.

3. POC is the Claims Office at 4-6913.

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