

Directive 495.1
5/9/89

CLAIMS UNDER THE MILITARY PERSONNEL AND CIVILIAN EMPLOYEES'
CLAIMS ACT OF 1964

I.
PURPOSE This Directive establishes policy for the submission and settlement of claims under the Military Personnel and Civilian Employees' Claims Act of 1964.

II.
REPLACEMENT
HIGHLIGHTS This Directive replaces AMS Instruction 495-1, dated 4/10/75.

III.
AUTHORITY The Military Personnel and Civilian Employees' Claims Act of 1964, as amended (31 U.S.C. 240-243).

IV.
POLICY A. APHIS/FSO may consider, determine, adjust, and dispose of a claim by disallowance or by complete or partial allowance for claims submitted by employees for the loss or damage to personal property used for the benefit of the Government.

B. Claims submitted under the Military Personnel and Civilian Employees' Claims Act may not exceed \$25,000 for a claim against AMS by a member of the uniformed services under the jurisdiction of the Agency or by an employee of the Agency.

Exception: When the loss or damage to personal property occurred in a foreign country as a result of (1) the member, officer, or employee being evacuated from the country on a recommendation or order of the Secretary of State or other competent authority responding to an incident of political unrest or a hostile act by people in that country; or (2) a hostile act directed against the Government or its members, officers, or employees. In either of these exceptions, the maximum allowable claim is \$40,000.

V.
CLAIMS A. Allowable. The claim must be filed within 2 years of the loss. If the employee is deceased, the immediate survivors may file the claim. Claims may be presented for loss or damage to personal property:

1. Used for the benefit of the Government at the direction of a supervisor.

2. Being stored at any place designated for storage by superior authority.

3. Located in quarters leased by or for overseas employees.

4. Lost or damaged while employee was on duty under circumstances of extraordinary risk, such as natural disasters, civil disturbance or life-saving efforts.

5. Lost in a disaster while the employee was on official business (money/currency only).

B. Unallowable. Claims are excluded if the loss or damage was due to the employee's negligence or wrongdoing. Claims cannot be paid for property being used for profit, sent in the mail, incident to the operation of an automobile, or personal clothing being worn.

VI.
RESPONSI-
BILITIES

A. Employee. An employee suffering property loss or damage is to complete the Form AD-382, Employee Claim for Loss or Damage to Personal Property, in an original and two copies. Employees should consider obtaining private insurance against damage or loss of personally owned property to cover risks specifically excluded or limited by the Military Personnel and Civilian Employees' Claims Act.

B. Supervisor. The supervisor must write a statement explaining whether the employee was required to use the property, whether the use was proper and reasonable for the circumstances, and where the loss occurred. The statement should provide reasons why the claim should or should not be paid. The statement, together with the original and first copy of the Form AD-382 and any attachments, should be forwarded to the Field Servicing Office (FSO), Accounting and Property Services Section (APS), Minneapolis, Minnesota.

C. FSO-APS. FSO-APS will:

1. Prepare a complete administrative report on the claim detailing the facts and circumstances of the claim, including the extent of the damages and a recommendation for action.

2. Transmit the administrative report and the claim to the Office of General Counsel (OGC) field office covering the location where the damage or loss occurred. OGC determines the merits of the claim and will notify FSO.

3. Notify the claimant of the OGC decision.

4. Forward approved claims to the Financial Management Division, AMS, for payment.

VII.
INQUIRIES

Detailed instructions on filing claims can be obtained by contacting FSO-APS on (FTS) 787-2222 or commercial (612) 370-2222.

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