

Affirmative Claims

What is an Affirmative Claim

An affirmative claim is a claim filed by the United States against negligent third parties for damage to DOD property or injury to military personnel, family members and retirees.

Types of Affirmative Claims

a. Property damage claims:

(1) Claims in which the United States is seeking to recover its costs for repair or replacement of governmental property (e.g., IFMS property) that has been damaged or destroyed by third parties. Since most of these claims arise from motor vehicle accidents, they are asserted directly against the insurance company of the tortfeasor (individual causing a wrongful act).

(2) Funds collected for damage to personal property (i.e. vehicles) are returned to IFMS (a Government agency). Funds collected for damage to real property are returned to the installation responsible for maintaining that property.

b. Medical care claims:

(1) When the negligence or wrongful acts of a third party causes injuries to U.S. service members, family members, and retirees, the United States may recover the reasonable value of medical care provided in U.S. military medical treatment facilities (MTF's) or in civilian medical facilities at Government expense. Almost all medical care recovery claims result from motor vehicle accidents. These claims include vehicle to object accidents with injuries to passengers, vehicle to vehicle accidents, and vehicle to pedestrian or bicyclist accidents. Medical care recovery claims are asserted directly against the insurance company of the tortfeasor.

(2) Funds recovered for medical care provided at MTF's are returned to the facility rendering the care. Funds collected for payments to civilian medical facilities are returned to the Europe Regional Medical Command or to TRICARE depending on the status of the injured party. Monies collected for service members' lost wages are returned to the installation or unit to which the injured party was assigned.

What You Should Do

Please contact the Claims office if you know of or become aware of situations in which third parties damaged DOD property or injured a U.S. service member, family member, or retired member. This will permit the U.S. Government to be reimbursed for its losses.

If you have any further questions, please contact claims personnel at The Northern Law Center, Bldg 318 on SHAPE, or call DSN 423-4061 or commercial 065/44.40.61.

