

Claims Frequently Asked Questions

1. Q: How long do I have to file my household goods claim?

A: You have TWO YEARS from the date you received your goods to file your claim against the government IF you have turned in your notice of damaged items on DD Form 1840/1840R to a military installation's claims office. This two-year requirement is established by law. It cannot be waived.

2. Q: What do I need to submit to file my claim if I am close to the 2 year statute of limitations?

A: You only need to submit any written demand for payment, no need for a \$ amount. You also can only submit DD Form 1842 (Claim for Loss or Damage to Personal Property Incident to Service). To meet the two year limit, you do not need ANY substantiation.

3. Q: Can I still file a claim for damaged household goods in shipment after the two year limit?

A: You may file your claim directly against the carrier who moved your goods, provided you have given the carrier timely notice of all items that were lost or destroyed. You should have done this by listing the items on the DD Form 1840 on the day of delivery or on the DD Form 1840R (reverse side of the DD Form 1840 within 70 days of delivery), and submitting this form to your Army claims office.

4. Q: What do I do if I do not have my inventory or government bill of lading?

A: The moving company (carrier) normally gives you a copy of your inventory when your household goods are picked up. It is your responsibility to retain this and provide it to us. If you do not have one for some reason, you should contact the moving company that delivered your goods. They may have a copy. The Transportation Office does not have a copy of your inventory, but they will have a copy of your government bill of lading.

5. Q: When do I get an estimate of repair/replacement cost? Who pays for it?

A: For claims over \$500, you need to provide an estimate of repair for damaged items and/or substantiated replacement cost for destroyed items only on items for more than \$100 each. For claims for \$500 or less, no estimate of repair and no substantiated replacement cost are required regardless of the amount claimed per item. All electronic items with internal damages must have estimates of repair. The estimate for electronic items must state a basis for believing the claimed damage is due to shipping, e.g. cracked circuit board. There is an Electronic Repair Form included in the



Claims Instructions Packet that must be completed by the repair firm. The cost of obtaining the estimate is reimbursed as part of your claim unless the estimate fee is applied to the eventual repair or the item.

6. **Q: How do I find a replacement cost for my broken items?**

A: Replacement costs should be presented for missing or totally destroyed items. They should be for items similar in quality and type to what you owned. You can use commercial catalogs, AAFES, local department and furniture stores, or Internet sites to establish the value. Ask store personnel to prepare a written replacement cost estimate or copy a page from a catalog or print the website page.

7. **Q: Can I file a claim if my car is vandalized in the barracks parking lot?**

A: If you can show, by clear and convincing evidence, that the vandalism occurred in the barracks parking lot, you can be paid for the damage to the extent it is not covered by your own insurance. There is a regulatory presumption that the damage did not occur on the installation. As a result, you must be able to prove by evidence that the incident occurred on post. You must always immediately report these incidents to the military police, ask the military police to come to the scene and obtain a copy of their report.

8. **Q: Suppose my car is hit by another car that leaves the scene of the accident. Can I be paid if I can prove it happened on Chievres Air Base or at the Finance Parking lot?**

A: Hit and run accidents are not compensable under the Army claims system because they are not considered to be unusual occurrences within the meaning of AR 27-20.

9. **Q: When does the Army pay for a rental car while my car is in the shop due to shipping or vandalism damage?**

A: Rental car payments are not authorized under Chapter 11, Personnel Claims.

10. **Q: I was hurt in an automobile accident recently and treated at Ambroise Pare Hospital, Mons, Belgium. I just received a form asking about the details of the accident so the Army can be paid for my medical care. I thought I received free medical care – what is going on?**

A: Although the injured party is provided free medical care in military/civilian hospitals (through TRICARE), this care does cost the government. The Federal Medical Care Recovery Act, a law passed by Congress in 1962, allows the government to recover medical expenses for treating people who are injured because of someone's neglect. The United States recovers these costs directly from the at-fault party's insurance company. The form you received is used to assist the Army in collecting for the value of your care from the party who injured you.

11. **Q: A soldier in my barracks broke into my wall-locker and stole my stereo and all my CD's. He got an Article 15, but he won't give me back my property. What can I do?**

A: You can file a claim under the provisions of Article 139, UCMJ. This law provides that those soldiers found to be responsible for taking or willfully damaging the property of others

can be forced to pay the victim of their illegal acts. Once the claim is presented, an investigating officer (IO) is appointed by the brigade commander of the accused soldier. The IO investigates the circumstances of the incident and makes a recommendation to the commander as to the disposition. If the brigade commander determines a soldier wrongfully took or willfully damaged the property of another, he can order the value of the property taken from the pay of the offender and given to the victim. Note that this law does not allow for the collection of debts.

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.