

Can the Army Pay Claims for Theft?

"I locked it up!"

"It was right in front of the barracks!"

"But I just left it out for a minute!"

Honest servicemembers are no more immune from becoming victims of theft than anyone else. Bicycles are often reported stolen from military installations in the Benelux and vehicle break-ins are likewise common. A determined thief can make off with almost anything, but taking simple precautions to safeguard your property and carrying private insurance against the risk of theft will at least protect you from uncompensated loss.

Theft incurred incident to service may be compensable, but failure to report the crime promptly to military police normally bars payment of a subsequent claim for theft. Servicemembers should also be aware that their own negligence in failing to secure property will prevent the claims office from paying for a loss.

Stolen Bicycles and Motorcycles

Servicemembers are expected to keep bicycles, motorbikes, and motorcycles indoors, or to chain them to a fixed, immovable object outdoors (such as a rack, pole, post, or tree) whenever one is reasonably available. Under the Army claims regulation, a claimant who only locks handlebars or locks the wheels together is usually considered to have acted negligently and can not be compensated for loss by theft.

It is important to register every bicycle your family owns with the military police. When registering, list the make, model, serial number, date of purchase, and cost. This information substantiates ownership, quality, and kind of bicycle if you ever have to file a claim. If a bicycle is not registered, you may not receive the compensation to which you would otherwise be entitled in the event of loss.

Pilferage from Vehicles

Although an experienced car thief can break into a locked vehicle without leaving signs of forced entry, servicemembers are expected always to lock car doors and windows. Neither the passenger compartment nor the trunk of a vehicle is a proper place for long-term storage of personal property. The passenger compartment of a vehicle does not provide adequate security except for very short periods, ordinarily not more than a few hours at most.

Except for maps, children's car-seats, a reasonable number of audio tapes or compact discs, and similar items kept in the passenger compartment for immediate use, you should remove personal property when you park your vehicle at work or at home. If you are out shopping, lock valuable purchases

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in the trunk until you get home. This is especially true of easily pilferable items like cameras and cellular telephones.

By way of illustration, suppose that a claimant parks his car for the night at on-post quarters and leaves a camcorder in the passenger compartment of the car overnight because he intends to video the sights on an excursion the next day. Thieves break into the car and steal the camcorder. Because the claimant should have removed the camcorder from the car when he arrived at quarters, the loss is not compensable by the claims office. On the other hand, if he had left a bag of groceries unattended for a few minutes while stopping at the Post Exchange, the loss of the groceries could be payable.

After-market items (anything that is not factory-installed)—tape and compact disc players, speakers, citizens' band radios, and the like—should be bolted on to the chassis or dash of the vehicle, or secured with a separate lock. Such items are not secured merely by mounting them on a slide. If your car stereo has a removable faceplate, you should remove the faceplate whenever you leave the vehicle. Otherwise, a claim for theft of the stereo will not be compensable.

Theft from Quarters and Barracks

Servicemembers are expected to secure the windows and doors of their family quarters and barracks-rooms, and to lock wall-lockers and other storage areas so that a thief must force entry. Money, valuables, and small, highly pilferable goods are subject to the “double lock” rule, which means that such items should be kept in a locked room or locked container at all times.

If you live in the barracks, cameras, and other expensive items should be secured in a wall locker or unit supply room which effectively creates a double lock rule. This rule has been changed to a test of what is reasonable under the circumstances and what is the current standard. Factors to consider include whether the person lives in a known, high-theft area, whether the person lives on the first floor or the fifth floor, and for people in the barracks whether the unit commander has issued policies for soldiers to follow, such as requiring all items listed on the high-value inventory sheet to be locked up. Stereos and other large, high-value items should be secured in a wall locker or unit supply room when you are on leave or TDY. Remember that a barracks-room is not an appropriate place to store cash and valuable jewelry.

Can the Claims Office Help?

If any of your property should be stolen, contact the military police immediately. Identify any evidence at the scene (e.g., broken glass, bicycle lock cut by bolt-cutters), and point it out to the military police when they arrive. If military police are unable to come to the scene, take photographs or video recordings of the scene and of the evidence.

Contact your local claims office as soon as you have reported the incident to military police. If your vehicle was broken into, a claims examiner will inspect it to evaluate the full measure of damages for which you may be awarded compensation, even if your vehicle will be repaired at the direction of your insurer. Remember that you must file a claim with your insurance carrier before the Army can consider your claim.

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.