

Legal Services
DISASTER AND CIVIL DISTURBANCE CLAIMS

SUPPLEMENTATION. Local supplementation of this regulation is prohibited except upon approval of AFZF-JA.

SUGGESTED IMPROVEMENTS. The proponent of this regulation is the Office of the Staff Judge Advocate. Users are invited to send comments and suggested improvements to the Commander, III Corps and Fort Hood, ATTN: AFZF-JA.

OVERVIEW

1

Purpose This regulation provides for the establishment of a field claims team and operation of a field claims office for rapid processing of claims against the United States

- Arising from major disasters, including those covered in
 - AR 50-5 (Nuclear Surety)
 - AR 50-6 (Chemical Surety)
 - FH Reg 95-9 (Aviation and Preaccident and Crash Rescue Plan)
 - FH OPLAN 7070
 - FH OPLAN Ready Go, and
 - FH NCAIC Plan.
- allegedly caused or aggravated by activities of the
 - Army
 - Army National Guard
 - Forces of a North Atlantic Treaty Organization (NATO) Sending State.
- arising in that geographical area assigned the commanding general, this headquarters, and designated by the United States Army Forces Command (FORSCOM) under AR 500-60 (Disaster Relief)
 - incident to the use of or intervention of Federal Troops in civil disturbance or
 - for other purposes under AR 500-50 (Civil Disturbances).

1a

DEFINITIONS

2

Field Claims Team A group of trained persons available on a standby basis which, upon notification of a disaster or civil disturbance, will

- include at least those individuals specified in appendix A, augmented as necessary.
 - depart for the disaster site within 12 hours of notification (except the District Engineer representative).
 - establish a field claims office at the site of the disaster or civil disturbance.
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Field Claims Team
(Continued)

- investigate and process claims that may arise.
- settle claims if possible.

2a

Civil Disturbance

A civil disturbance requires the intervention of Federal Troops under AR 500-50.

2b

Disaster

A sudden and extraordinary calamity occasioned by Army activities, other than combat,

- resulting in extensive civilian property damage or personal injuries and
- creating a large number of potential claims.

2c

Notices

Upon receipt of information at any installation or unit within the area of responsibility that a disaster or civil disturbance has occurred, this headquarters will be notified by the fastest means available, preferably telephone or electrical transmission, ATTN: Staff Judge Advocate (SJA)

- during normal duty hours, call (817) 287-3421/2499 or AUTOVON 737-3421/2499.
- after duty hours, call the III Corps and Fort Hood Corps Operations Center at (817) 287-2506/2520.

Upon notification that a disaster has occurred in the area of responsibility, the SJA by the fastest means available will notify the

- Commanding General, FORSCOM, Fort McPherson, GA 30330-6000, ATTN: AFJA
- Chief, U.S. Army Claims Service, Office of the Judge Advocate General, Fort Meade, MD 20755-5360, and
- III Corps Operations Center, if not previously notified.

2d

RESPONSIBILITIES

3

Staff Judge Advocate (SJA)

The SJA performs overall planning and coordination of the activities of the field claims team.

In the discharge of this responsibility, the SJA will

- organize, train, and maintain on a standby basis, the field claims team.
- furnish those persons available from SJA resources for the field claims team as designated in appendix A.

In the event of a disaster or civil disturbance, the SJA will

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Staff Judge
Advocate (SJA)
(continued)

- dispatch the notifications listed above
- coordinate with
 - ACofS, G3 to obtain additional personnel and equipment, if required.
 - The Adjutant General (AG) who will
 - appoint a Class A or B agent, as appropriate
 - appoint a casualty assistance officer, if required, and
 - advise FORSCOM of personnel requirements which are not locally available.
- Corps signal officer to obtain any necessary communications equipment, personnel, and photographer if required.
- Real Estate Division, Fort Worth district engineer to obtain an appraiser.
- Chief, Transportation Services Division to obtain vehicles.
- Public affairs officer to publicize the field claims office.
- Provost marshal to obtain security forces.
- assemble and move the field claims team into the disaster or civil disturbance area.
- establish a field claims office.
- close out field claims office upon substantial completion of mission.
- process unfinished claims incident to this disaster or civil disturbance at the SJA claims office.

3a

ACofS, G3

The ACofS, G3 will, up receipt of requirements for additional personnel and equipment task them from sources available to the headquarters.

3b

Adjutant
General (AG)

The AG will, within 12 hours of notification

- advise FORSCOM of personnel requirements which are not locally available.
- appoint an individual as a Class A or B agent.
- appoint a casualty assistance officer, if required.

3c

Finance and
Accounting
Officer

The finance and accounting officer will

- instruct the agent appointed, on the preparation and submission of vouchers (AR 37-103, paragraph 15-25 to 15-29).
- ensure that the agent is equipped, instructed and prepared for departure within 12 hours of notification.

3d

Corps Signal Officer	<p>The Corps signal officer will coordinate arrangements to obtain required</p> <ul style="list-style-type: none"> • communications equipment, and • personnel. 	3e
<hr/>		
Fort Worth District Engineer	<p>The Real Estate Division will provide a qualified representative trained in property value and appraisals.</p>	3f
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Chief Transportation Services	<p>The Chief, Transportation Services Division will furnish vehicles as outlined in appendix B within 12 hours of notification.</p>	3g
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Public Affairs	<p>Public affairs will coordinate and plan for the publicity requirement of the civil disturbance or disaster and the field claims team.</p> <p>In the discharge of this responsibility, will</p> <ul style="list-style-type: none"> • maintain liaison with the team. • be prepared to reply accurately and expeditiously to press queries. • prepare and distribute press releases which will <ul style="list-style-type: none"> • upon establishment of the field claims office, notify the public as to the purpose and location of the office. • assure the civilian population of the desire of the Army to promptly settle legitimate claims for damages incident <ul style="list-style-type: none"> • to the Army's or National Guard's participation in the events from which the disaster occurred or • from the Army's emergency employment in a civil disturbance. <p>Format for an initial release for this purpose is attached as appendix C.</p> <p>Upon closeout of the field claims office, notify the public</p> <ul style="list-style-type: none"> • of the departure of the team. • that further claims may be forwarded to the III Corps SJA. 	3h
<hr/>		
Provost Marshal	<p>Provost marshal will provide security forces as required within 12 hours of notification.</p>	3i

ADMINISTRATIVE PROCEDURES

General	<p>Normally, disaster or civil disturbance claims, as defined, considered incident to the activities of</p>	
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18 March 1988

FH Reg 27-1

General
(continued)

- the Army are paid under AR 27-20 (Claims), chapter 3.
- NATO Forces are paid under AR 27-20, chapter 7 or 10.
- the Army National Guard are payable under AR 27-20, chapter 6.

4a

Claims Payable
on Site

Claims under AR 27-20, chapter 3 or 6, may be approved

- in amounts of \$25,000.00 or less if approved by an attorney of the U. S. Army Claims Service who is present as a member of the field claims team.
- at the disaster site.
- by the SJA or field team chief.

NOTE: Under no circumstances will claims arising out of occurrences mentioned here be paid before the Chief, U.S. Army Claims Service, Fort Meade, MD 20755, or his or her representative receives and approves payment of at least one claim arising out of the occurrence.

Once a determination of causation and meritorious nature has been made and clearance given, claims may then be paid within monetary limits imposed by

- current claims regulations
- the authority of the representative of the Chief, U.S. Army Claims Service, if the representative is included in the field claims team as augmented strength.

Claims under AR 27-20 may be approved by an authorized representative of the U.S. Army Claims Service, Office of the Judge Advocate General.

4b

Other Claims

Circumstances may be such that additional claims will arise which are appropriately handled under other chapters of AR 27-20, or under other Army Regulations.

4c

Reports of
Investigation

Reports of investigation will be conducted as outlined in AR 27-20, chapter 2.

The following will be prepared for integration into the claims records of the III Corps Claims Section, SJA, upon closing of the field claims office

- claims index cards
- claims journal and
- reports of investigation.

4d

Functions of
Field Claims
Office

The field claims office

- makes comprehensive surveys of property in the civilian community damaged by the disaster.

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Functions of
Field Claims
Office (continued)

-
- prepares reports of investigation pursuant to normal claims procedures.
 - establishes a master file containing a detailed report of the disaster.
 - makes individual files for each claimant referring to or using reproduced segments of the master file.
 - Each individual claim must be supported by individual details and evidence of extent of loss.
 - The claims officer's report which is placed in the individual file may contain a brief statement of the nature and the extent of the damage to be supported by information in the master file.
 - receives claims presented and investigates the damages or injuries, if this has not already been done.
 - effects expeditious processing and payment when authorized.
 - forwards claims which exceed \$15,000 directly to the Chief, U.S. Army Claims Service, Fort Meade, MD 20755.
 - In the event that a representative of the U.S. Army Claims Service, is present with delegated authority to approve Tort Claims under AR 27-20, such claims will be paid on the approval of that representative.

4e

Death Involving
Military
Personnel

If a disaster results in the death of military personnel

- A summary court officer
 - will be appointed to handle their personal belongings
 - will coordinate with the team's survivor assistance officer
 - may be appointed by the
 - unit commander or
 - by this headquarters.

4f

REPORTS

5

Interim

At the end of each 24-hour period of operation the chief, field claims team will submit an interim report which shall contain tabular summarizations of:

- complaints investigated
- claims filed
- claims paid

(continued on next page)

18 March 1988

FH Reg 27-1

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- Interim
(continued)
- claims pending (showing amount of each in dollars)
 - a brief narrative summary of major problems encountered.

Negative reports will be submitted.

One copy of this report will be distributed to

- The Judge Advocate General, Department of the Army, Washington, DC 20315.
- Chief, U.S. Army Claims Service, Fort Meade, MD 20755
- FORSCOM Staff Judge Advocate, Fort McPherson, GA 30330
- III Corps Staff Judge Advocate (original).

5a

- Final
- Upon final closing of the field claims office, the chief, field claims team will prepare a detailed and comprehensive final report of the entire claims operation. Distribution as above.

5b

- Litigation
- In the event of legal proceedings involving the United States, its officers or employees, as a result of the disaster or civil disturbance, litigation reports will be processed in accordance with AR 27-40 (Litigation).

5c

- Further
- Further information concerning Legal Services in the event of disaster or civil disturbance may be obtained from the III Corps Claims Judge Advocate.

5d

FOR THE COMMANDER:



WILLIAM A. FITZGERALD, JR.
Brigadier General, USA
Chief of Staff

T. J. LEONARD
COL, AG
DOIM

3 Appendices

- Composition of Disaster Claims Team
- Major Equipment Requirements for Team
- Press Release Outline

DISTRIBUTION:

IAW FH FORM 1853, B

Plus: SJA (3)
 IM-AO (2)
 IM-Pubs (100)
 IM-ARL (1)

APPENDIX A

COMPOSITION OF FIELD CLAIMS TEAM

<u>PERSONNEL</u>	<u>SOURCES</u>
Claims Officer	SJA
Assistant Claims Officer or Claims Investigator	SJA
Clerical Assistant	SJA
*Legal Assistance Officer, if required	SJA
*Casualty Assistance Officer, if required	AG
Class "A" or "B" Agent of the Finance Office	AG
Engineer Property Appraiser	Corps Engineer
Photographer	TASO
Drivers, as required	G3/AG
Communications personnel, if required	Corps Signal
*Augmentation as necessary	

18 March 1988

FH Reg 27-1

APPENDIX B

MAJOR EQUIPMENT REQUIREMENTS FOR TEAM

Section I

For use with local economy facilities, when available:

- 2 Sedans
- 1 Truck, 1/2 ton
- 3 Desks, field or small (typewriter)
- 3 Tables, field
- 12 Chairs, folding

Section II

Additional items required when local economy facilities are not available:

- Rations and cooking equipment (approximately 15 persons)
- Tentage: 1 CP, 2 GP Medium, latrine screen
- Lighting equipment
- Cots and bedding
- Truck, 2 1/2 ton
- Communications equipment
- Photographic equipment

APPENDIX C

PRESS RELEASE OUTLINE

Notice of the incident and announcement of the establishment of a claims office will follow this outline:

1. Location, date, and time of incident.
2. Type of disaster.
3. Known circumstances.
4. Investigation effort.
5. Army or other public agency assistance in the area.
6. Location, telephone number, hours of operation, and name of the officer in charge of claims office.
7. The last paragraph will be substantially as follows:

Colonel _____'s Claims Office is authorized to handle claims against the United States arising from the incident. Persons desiring to file claims, are advised to contact his office, where information, assistance, and necessary forms may be obtained. (Approved claims for amounts up to \$15,000 can be paid locally*.) However, certain requirements of the United States law and Army Regulations must be met before administrative settlement of claims can be effected.

*Not included when the disaster involves NATO personnel.