

Legal Services
CONVOY AND MANEUVER CLAIMS PROCEDURES

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.

Purpose This regulation provides for investigation and reporting of all accidents

- during convoys, maneuver, and unit activities
- in which military personnel and equipment are involved with
 - civilian vehicles
 - civilians, or
 - property.

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RESPONSIBILITIES

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Commanders The commander of the unit or organization dispatching a convoy

- is responsible for investigation of all accidents or incidents which may arise from convoy operations or maneuver activities
- will appoint
 - a commissioned officer as unit maneuver/convoy claims officer
 - assistant claims officers as necessary according to AR 27-20 (Claims) paragraph 2-4.

NOTE: Normally one unit claims officer per battalion is sufficient.

- will appoint enlisted personnel with mature judgment as claims investigators to assist the claims officer
- will perform administrative check of completed report of claims officer
- will transmit it promptly to the Office of the Staff Judge Advocate, III Corps and Fort Hood, ATTN: Claims Judge Advocate.

2a

Unit Maneuver/
Convoy Claims
Officer The claims officer

- conducts an investigation and make a report according to
 - procedures listed below
 - AR 27-20.
- reports by phone to the claims judge advocate during duty hours accidents or incidents involving (287-7722/7301)
 - death of or serious injury to any civilian or
 - extensive damages to civilian property.
- reports by phone to the III Corps and Fort Hood staff duty officer if the accident occurs after duty hours (287-2520/2506).

2b

Claims Investigator

The claims investigator

- performs assigned duties under the supervision of the claims officer.
- visits the scene of the accident
- physically inspects the damages to property which may be the subject of a claim, either in favor of or against the government.
- obtains evidence which may assist in the settlement thereof, including
 - photographs (if possible)
 - plats
 - maps or sketches showing
 - measurements
 - skid marks
 - road signs
 - traffic controls.

The evidence will be

- signed and dated by the investigator, and
- identified by location, unit(s), and personnel involved.

2c

PROCEDURES

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General

The procedures below and in appendix A of this regulation are required to assure complete investigation and report of all accidents or incidents which may result in claims

- against the United States by
 - private persons
 - firms
 - corporations
 - cities
 - towns, or
 - governmental subdivisions.
- by the United States against such persons or concerns listed above.

Use AR 27-20, paragraph 2-3 to determine when an investigation is required.

3a

Regulations and Forms

Units, prior to field exercises or dispatching convoys, will

- take one copy of AR 27-20 and this regulation on deployment
- will requisition through the Fort Hood Publications Warehouse, Building 4259,
 - ten copies of
 - SF 91 (Operator Report on Motor Vehicle accidents)
 - DA Form 1208 (Report of Claims Officer)
 - DA Form 2823 (Sworn Statement)
 - FH Form 567 (Statement of Authorization).

3b

Upon Notification

Upon notification of an accident or incident, the claims officer or the claims investigator will

- proceed immediately to the scene
- make an initial investigation
- report the results of the investigation on DA Form 1208 with supporting inclosures.

3c

3c

Liability

Government personnel will not concede either their liability or the liability of the government to civilian authorities or others.

Segregate Government and civilian witness until witness statements can be obtained.

Claims officers must retain any evidence of the accident for forwarding to the Fort Hood Claims Office. Evidence must never be discarded.

3d

Report

Upon completion of the investigation,

- the unit claims officer submits a report with enclosures to the commander,
- the commander transmits the report promptly to the Office of the Staff Judge Advocate, III Corps and Fort Hood, ATTN: Claims Judge Advocate.

3e

Further Information

Further information concerning unit claims procedures may be obtained from the III Corps Claims Judge Advocate.

3f

FOR THE COMMANDER:



JOHN C. BAHNSEN
Brigadier General, USA
Chief of Staff

T. J. LEONARD
COL, AG
DOIM

- 1 Appendix
- A - Instruction Sheet for Convoy Claims Officers

DISTRIBUTION:
IAW FH Form 1853, A
Plus: IM PUBS (100)
IM-AO (2)
IM-ARL (1)

APPENDIX A
INSTRUCTION SHEET FOR CLAIMS OFFICERS

AR 27-20
Reference
Paragraphs

Investigation will be conducted according to AR 27-20

- investigative responsibilities: paragraphs 2-4 and 2-6
- investigative procedures: paragraph 2-7
- report of Claims Officer: paragraph 2-8
- investigation required when: paragraph 2-3.

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Form of
Report

Use DA Form 1208

Complete applicable information on DA Form 1208 to supply information required by AR 27-20, paragraph 2-8.

- the DA Form 1208 should include
 - SF 91
 - FH Form 567.
 - Any similar statements from the motor officer, convoy commander, or other responsible officer directing the vehicle use are acceptable.
- DA Form 2823 (Sworn Statement)
 - The claims officer can take sworn statements according to Article 136(a)(7), UCMJ.
 - When mission requirements do not allow taking sworn statements from civilian witnesses, obtain the witness's name and address so a follow-up investigation may be conducted.
 - If a civilian witness volunteers to make a statement
 - take a longhand written statement and
 - obtain the witness's signature.
 - any additional evidence to include photographs, maps and sketches, repair bills, medical bills, or other documents related to the accident.
 - If police investigated the accident, the report should indicate which police department was involved.

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DA Form 1208
not Available

If a DA Form 1208 is not available, the following information, as a minimum, will be provided:

- the military organization, headquarters, and home station of the claims officer
- date, hour, and place of incident
- names, addresses, telephone numbers, and status (driver, passenger, property owner, pedestrian, etc) of parties involved
- description of government and civilian property involved, include
 - make
 - type
 - model
 - previous condition
 - present location, and
 - whether moving or stationary.
- complete description of damage to property

Continued on next page

DA Form 1208
not Available
(Continued)

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- names of personnel injured, nature and extent of injuries, name of ambulance service, and hospital to which injured personnel were transported
 - if Government personnel involved in the accident where acting within the scope of their employment at the time of the accident
 - names, addresses, and telephone numbers of all witnesses
 - describe in detail the circumstances of the accident
 - attach a diagram showing
 - traffic signs and signals and
 - the direction of travel of all vehicles involved in the accident.
 - a recommendation as to whether a claim, if filed, should be approved or denied, with reasons supporting the recommendation
 - signature of the claims officer and the date signed.

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