FORT SILL POST CLAIMS

On-post Robbery or Vandalism

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Victims of on-post robbery or vandalism may have claim

You've just returned to your barracks room from class and find that someone has broken into your wall locker and stolen your laptop computer. Or perhaps you live in on-post Family quarters, and upon returning from leave, you find that someone has broken into your home and taken your new X-Box 360. Or, on your way to lunch, you get to your car parked in the unit parking lot and you find that someone has "taken a Louisville slugger to both headlights, slashed a hole in all four tires…" What do you do? You should notify the military police and/or your chain of command. Why? Because the investigator who responds to your call will play a large role in whether the U.S. will reimburse you for your missing laptop, X-Box or damaged car.

The Army pays for losses and damages to private property under specific circumstances. The Army, however, is not an all-purpose insurance company, paying for lost, stolen, or damaged property under any and all circumstances. This article explains when the costs for lost and damaged property may be reimbursed by the United States and how to file a claim for that reimbursement.

INCIDENT TO SERVICE

The Army usually compensates for losses to uninsured personal property that occur incident to a Soldier's service. Under the pertinent claims statute, "incident to service" is a broad term that "encompasses the circumstances of military living." This means that when a Soldier is limited by the Army, either through duty location or quarters, as to where and how the Soldier may store or secure his or her property, the Army likely will reimburse the Soldier when the property is damaged or lost despite the Soldier's reasonable effort to safeguard it.

CONDITIONS FOR PAYMENT

There are several conditions that must be satisfied before the Army will pay for property lost or damaged incident to service. When the lost or damaged property is covered by private insurance, the owner must file a claim with the private insurer before filing a claim with the Army. Once a settlement is reached with the private insurer, the claim with the Army will be examined for any additional compensation due by the United States. Generally, deductibles paid by claimants are reimbursable by the United States.

BARRACKS THEFT

A "barracks theft" may serve as the basis for a claim against the Army. A "theft" is the intentional, wrongful taking of someone else's property. When a theft occurs in the barracks, the loss is considered incident to a Soldier's service because the Army has designated where the Soldier is to live and store his or her personal property.

Soldiers, therefore, may be reimbursed for losses due to barracks thefts when there is proof that a theft occurred. When a Soldier can demonstrate that he or she was the victim of a barracks theft and it was not due to any fault of the Soldier, the Army will usually reimburse the Soldier for the loss. Soldiers who are the victims of barracks thefts, however, are responsible for establishing their eligibility for reimbursement of their loss.

Two conditions must be satisfied by the Soldier in order to be reimbursed for property lost in a barracks theft. First, the Soldier must demonstrate that he or she owned the property that was stolen. Second, the Soldier must demonstrate that the property was taken by a forced entry into the room or place where the property was located. That is, there must be evidence that the stolen property was properly secured at the time of the theft. If both of these conditions are met, the Soldier will be compensated for the value of the stolen property.

A Soldier can demonstrate ownership of property several different ways. The preferred method is to have a receipt showing the date of purchase, and original price of the property. One can also prove ownership by having the property listed on the unit's high value inventory. The inventory should describe the property and be witnessed by one of the leaders in the unit. Obviously, the best evidence is to have both the purchase receipts and your property listed on the high value inventory. Absent both the receipt and the inventory, statements from unit members who witnessed the property in the Soldier's possession may suffice to prove ownership.

The stolen item must be secured in a manner consistent with its value and size. Compliance with the unit's standard operating procedure on securing personal property is a good starting point, but mere compliance with standard operating procedure does not relieve a Soldier from taking extra precautions when securing valuable and easily pilfered items. Such precautions may include ensuring the item is in a locked drawer in a locked wall locker or that the room when unoccupied was properly secured by locking the windows and doors. The bunk drawer is NOT a proper place to secure property because it is easily broken into. Proof that the stolen property was properly secured at the time of the theft is essential to the claim. Ensuring that the Military Police investigate the theft is the best start to obtaining this proof. Evidence that the room door-lock was broken or otherwise compromised should be verified by the MP investigator in writing, photographs or both. If the property was taken from a wall locker, evidence that the wall locker was broken into should be detailed in the MP report, with language describing the evidence of the forced entry such as damage to the lock or doors. Pictures, however, are "worth a thousand words" (or a thousand dollars).

FAMILY QUARTERS THEFT

Losses due to thefts from Family quarters are likewise compensable. The Soldier must substantiate ownership of the stolen property. Receipts, photographs, and witness statements are some of the methods to prove possession of the lost items. The Soldier must also substantiate that the loss was due to a "forced entry." The Criminal Investigation Division or Military Police Investigator's report of investigation is the best evidence that the house was broken into. Like the Soldier living in the

barracks, the Soldier living in Family quarters is responsible for ensuring the property is properly secured based on its value, size, and use. In other words, bicycles and motorcycles that are normally secured by lock and chain overnight should be taken inside or garaged when the owner will leave them unattended for an extended period of time. Ensuring that property is reasonably secured will deter theft, which is the primary objective, but will also establish the basis for the claim if the property is stolen.

PERSONAL PROPERTY

Damage to personal property caused by vandals is compensable if it is incident to service. Vandalism is the intentional damaging of property. Dings in car doors caused when an inattentive or careless person opens his car door into the car parked next to him at the Commissary or a shopping cart are not the result of vandalism. Damage to one's car caused by someone purposely hitting it with a baseball bat or purposely scratching it with a key is vandalism. "Incident to service" means that the vandalism occurred on-post or was directly attributable to the victim's official duties.

Evidence that the damage was intentionally caused and that it occurred on post or due to the victim's official duties is necessary to substantiate a vandalism claim. As with theft claims, the best evidence to substantiate vandalism claims are police reports. Pictures and witness statements can also be used to substantiate vandalism claims. Do not move the car before calling the MPs. This is crucial to establishing whether the damage occurred on the installation.

If the identity of the individual who stole or damaged the property is known, a claim may still be filed. If the individual is a Soldier, then the claim will be investigated under Article 139 of the Uniform Code of Military Justice. If the investigation substantiates that the theft or vandalism was by a Soldier, the culprit's military pay will be deducted and the money used to compensate the victim.

The Army is not a universal insurer. The Army, however, will reimburse claimants for those losses that occurred because of their service. On-post thefts and vandalism are generally considered incident to service.

The Fort Sill Claims Office is located at 4700 Mow-Way Rd., Suite 400. Our office operates on a walk-in basis from the hours of 8:00am - 4:00 pm, Monday, Tuesday, Wednesday, and Friday. On Thursdays, hours are from 12:00pm - 4:00 pm. Our telephone number is (580) 442-2317.