



FORT SILL POST CLAIMS

FREQUENTLY ASKED QUESTIONS



1. What do I do with the pink forms (DD Form 1840) the moving company gave me?

You have 70 days from the date of delivery of your household goods to write down any missing or damaged items on the DD 1840R side of the pink form and turn it in to the Claims Office. It is VERY IMPORTANT that you do so. If you don't report an item within 70 days, you will not be paid for that item. This reporting period complies with contractual requirements between the Army and the moving companies. If the notice is timely, we can collect the money we pay you from the moving company. If it is not, we must deduct from your payment the amount we could have recovered from the moving company. This may mean that you will be paid nothing on your claim.

2. How long do I have to file my household goods claim?

You have TWO YEARS from the date you received your goods to file your claim against the government. You should do this by completing DD Forms 1842 and 1844 and providing them to the claims office. They must be in the claims office before the two-year period expires. This two-year requirement is established by law. It cannot be waived.

3. What do I do if I don't have my inventory, government bill of lading, DD Form 1299 or DD Form 1164?

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 and your DD Form 1299 (Application for shipment and storage of personal property) or DD Form 1164 (Service order for personal property).

4. When do I have to get an estimate of repair and who pays for it?

Estimates of repair are required for all repairs over \$1,000.00. ALL electronic items 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. The claims office has an additional Electronic Repair Form 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 of the item.

5. How do I find a replacement cost for my broken items?

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. We have a list of manufacturers' Internet sites available to assist you.

6. Why do you depreciate my property?

The Army claims system is designed to replace the property you lost based on actual value at the time of loss as prescribed by federal law. It is not a replacement cost system. The U.S. Army Claims Service sets the rates of depreciation we use based on the type of property involved. It is possible to buy replacement cost insurance for your shipment from Transportation when you arrange for your move. If you do so, you must file a claim directly with the moving company.

7. Why do I have to file a claim with my own insurance company before the Army will pay me?

If you have a private insurance policy that may cover all or part of your loss, you DO NOT HAVE TO FILE with your private insurance company before you can be paid by the Army, IF your claim is for a loss or damage to your personal property while it was being transported or stored at government expense. This is a change to our past policy. The change is limited to this type of claim, because we can usually recover the amount paid to the claimant from the carrier or

warehouse that is responsible for the loss or damage. For other types of claims, including those for vandalism or thefts from personal vehicles or quarters, you are still required to file and settle with your private insurance, if any. It was not intended to substitute for private insurance or to benefit private insurers. If you have comprehensive coverage on your automobile, it will often cover some of the same damages that could be the subject of a claim.

8. Suppose I am not happy with the amount I am paid. What can I do?

If you have questions about the amount you received, first call the claims office at (580) 442-2317 for an explanation. If you are not satisfied with the explanation, you may ask for a formal reconsideration of your claim. You must request reconsideration within 60 days of the date of your payment check. The request must be in writing to the claims office. There is no specific format for the request, but it should state why you are due additional compensation and provide any additional documentation or other evidence supporting your position. The reconsideration will be reviewed by the Staff Judge Advocate who is authorized to make a final decision when the amount at issue is less than \$1,000.00. If the amount at issue exceeds \$1000.00, your entire file will be forwarded to the U.S. Army Claims Service for their review and action. The decision of the U.S. Army Claims Service is final.

9. Can I file a claim for my television if it is damaged by a power surge in my on post quarters?

Storms, power surges, and power outages are not unusual occurrences, and damage caused by such incidents is normally not compensable. Claims that electrical or electronic devices were damaged by a power surge may be paid when lightning has actually struck a soldier's quarters or objects outside it, such as the transformer box, or when power company records or similar evidence show that a particular residence or group of quarters were subjected to an unusually intense power surge. However, it is virtually impossible to distinguish damage caused by a mechanical defect from surge damage by inspecting the item; therefore, a repair firm's statement or a soldier's honest belief that the loss occurred as a result of a power surge during a storm may not be sufficient to show what caused the damage. Moreover, in this area, which is subject to frequent thunderstorms, soldiers are expected to use a surge suppressor to protect electronically delicate items such as computers, televisions, DVD and blue ray players, and video cassette recorders.

10. Can I file a claim if my car is vandalized in the barracks parking lots?

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. An example of clear and convincing evidence is broken glass from a window on the ground by the car. 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 report these incidents to the military police and obtain a copy of their report.

11. 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 Fort Sill?

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.

12. My spouse was transferred to Korea. I moved to Lawton under his orders to await his return. Can I file a claim for the damages to the property that was moved to Lawton with me?

Yes. The soldier must either sign the claim or provide a power of attorney or letter stating that the spouse can file the claim. In all cases, the check in payment of the claim will be in the name of the soldier.

13. My POV was damaged when it was shipped from Germany. How do I get paid for the damages?

Under the current POV shipping contract, you may have settled with the carrier at the port. If not, or if you have found additional, uncompensated damages, you should contact the claims office to file a claim. You will need the DD Form 788 which was used to inspect your vehicle at the port.

14. Why doesn't the Army pay for a rental car while my car is in the shop?

Congress only authorizes payment for physical damage to personal property. The loss of use of the vehicle is considered a consequential damage and is not compensable under the governing statute.

15. My computer was working before I shipped it, but it doesn't work now. Will the Army pay for it to be repaired?

DA Pam 27-162, paragraph 11-14d (3), provides that damage resulting from manufacturing defects or normal wear and tear is not compensable. Computers often stop working due to mechanical defects there is no external damage to the item. In the absence of evidence that suggests rough handling, such as smashed or broken circuit boards, there is no basis for payment. The repair estimate for the Panasonic speaker indicates only that the woofer is bad with no shipping damage noted. That is not sufficient evidence to prove damage in transit. The estimate must adequately describe the damage and explain why the repairperson believes that the damage occurred in a move.

16. I was hurt in an automobile accident recently and treated at Reynolds Army Community Hospital. 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?

The form you received is used to assist the Army in collecting for the value of medical care provided to you. Although Soldiers (active and retired) and their Families are provided medical care in Military Treatment Facilities (MTF's) or at Civilian Medical Facilities paid by TRICARE (with only a small cost share or copayment paid by the injured party) this care does cost the Government. The Federal Medical Care Recovery Act, a law passed by Congress in 1962, allows the Government to recover the reasonable cost of medical expenses for treatment incurred because of someone's neglect. The United States recovers these costs from the at fault party's insurance company. The funds recovered are reimbursed to the local MTF and often used to improve treatment provided to the Soldiers and their Families.

17. Another soldier in my barracks broke into my wall-locker and stole my stereo and all my CDs. He got an Article 15, but he won't give me back my property. What can I do?

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 Investigating Officer investigates the circumstances of the incident and makes a recommendation to the Brigade 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.

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.