



FORT SILL CLAIMS OFFICE

4700 Mow-Way Road, Suite 400 (4th Floor), Fort Sill, OK 73503
(580) 442-2317 (or 5058)
<http://sill-www.army.mil/usag/jag>



ARTICLE 139 (UCMJ) CLAIMS

WHAT IS AN ARTICLE 139 CLAIM?

Uniform Code of Military Justice (UCMJ), Article 139 allows you to file a claim against a Soldier that wrongfully takes or willfully damages your property. Any individual (civilian or military), business entity, government, or non-profit organization may file such a claim.

Article 139 allows commanders to investigate such claims and, if substantiated, to direct finance to pay the victim directly from the wrongdoer's pay. If an individual offender cannot be determined, Article 139 authorizes commanders to direct finance to withhold the pay of all members of a unit who were present. Article 139 is entirely separate and distinct from disciplinary action taken under other sections of the UCMJ. Certain requirements must be met, before your claim may be paid.

In order for a claim to be valid under 139, the property must have been "willfully damaged" or "wrongfully taken." "Willfully damaged" includes damage inflicted intentionally, knowingly, and purposefully without justifiable excuse. It does not include damage caused inadvertently or through negligence on the Soldier's part. "Wrongfully taken" includes any unauthorized taking or withholding of property with the intent to temporarily or permanently deprive the owner or person lawfully in possession of the property.

WHAT IS NOT AN ARTICLE 139 CLAIM?

Article 139 does not apply to claims for property damage resulting from negligence (such as most fender-bender traffic accidents), or for death or personal injury. Article 139 does not apply to disputes over debts, contracts, or over ownership of property, unless the dispute is merely a cloak for intent to steal. Article 139 does not include claims for indirect, remote or consequential damages. For example, if Private A has to rent a car because Private B wrongfully took and wrecked Private A's car, Private A can recover only the reasonable value of the damage to the car.

HOW DO YOU FILE AN ARTICLE 139 CLAIM?

You may pick up an Article 139 claim packet at the Fort Sill Claims Office or your local claims office. An Article 139 claim must be filed with the Claims Office within 90 days of the incident giving rise to the claim, unless good cause for the delay is found. Good cause generally includes being unaware of Article 139 or the identity of the offender. The Article 139 claim must be written, signed by the claimant, and seeks a definite sum of money in U.S. dollars.

WHAT HAPPENS ONCE AN ARTICLE 139 CLAIM IS FILED?

Once a claim is filed, an investigating officer (IO) will be appointed. The IO will interview the claimant, the suspected Soldier, and any witnesses. All evidence in support of the claim will also be considered. The IO will then make findings of fact and a recommendation to the appropriate commander.

The commander may then disapprove the claim or approve it in an amount equal to or less than the amount recommended by the IO. The claimant and the Soldier against whom the claim was made will be notified of the commander's decision and their right to request reconsideration. Both the claimant and the Soldier have ten (10) working days to request reconsideration. The request for reconsideration must be in writing and clearly state the factual or legal basis for the reconsideration. Once any requests for reconsideration have been dealt with, the approval authority may direct finance to withhold the approved amount from the Soldier's pay.

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ARTICLE 139 CLAIMS (CONTINUED)

If you feel a member of the Armed Forces has willfully damaged or wrongfully taken your property, contact the Fort Sill Claims Office for information on initiating an Article 139 claim.

REFERENCES

- Article 139, UCMJ (10 U.S.C. §939)
- AR 27-10 Military Justice (Chapter 19)
- AR 27-20 Legal Services, Claims
- DA PAM 27-162 Legal Services, Claims Procedures

If you have questions concerning the information in this fact sheet, please call the Fort Sill Area Claims Office at (580) 442-2317 or 442-5058. Our hours of operation are Monday, Tuesday, Wednesday and Friday, 0900 – 1600, and Thursdays 1300-1600. The Claims Office is co-located with the Legal Assistance Office on the 4th floor of Building 4700, Hartell Hall on Mow-Way Road. Further information is available at the Office of the Staff Judge Advocate website, "Claims Office" tab, at <http://sill-www.army.mil/usag/>.