



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>



TORT AND MILITARY CLAIMS FOR NEGLIGENT OR WRONGFUL ACTS

The Federal Tort Claims Act (FTCA) and the Military Claims Act (MCA) both provide avenues of redress for civilians and Soldiers who suffer property damage or loss, personal injury, or wrongful death as a result of the negligent or wrongful acts of a Government employee.

REQUIREMENTS:

1. **Scope of Government Employment:** The Government employee must be working within the scope of his or her employment. The employee's actions must provide a benefit to the Army at the time the incident occurred.
2. **Timely Claim:** The claim must be filed within two (2) years of the incident, assuming the cause of action accrued on that date. If there is any question as to whether or not the cause of action accrued later, you should speak to your local claims office.
3. **Definable Damages:** The claim must be for a "sum certain" (i.e. an amount of money you seek as compensation).
4. **Substantiation:** You have the burden of proof and must provide substantiation.

FILING A CLAIM: (Vehicle Accident Example)

Many tort claims involve a collision between a privately owned motor vehicle and a Government vehicle. The supporting documents and information needed to consider such a claim include (but are not limited to) the following:

- a. Completed Standard Form 95 or Claim for Damage, Injury or Death (signed by the injured person, the executor or administrator of a decedent's estate, the owner of the property, or a duly authorized agent or legal representative of the same).
- b. A copy of the Police Report, if applicable.
- c. Two Estimates of Repair from a vehicle repair agency/shop.
- d. A copy of the title or vehicle registration from the time of the accident (to provide proof of ownership).
- e. Contact and policy information for your vehicle insurance company and confirmation of whether or not you filed a claim with them. You are not required to file with your private insurance carrier; however, if a claim is filed with your private insurance carrier, your claim against the United States will be limited to the amount not covered by your private insurance carrier.

You may file your claim at any military installation. If necessary, your claim will be transferred to a claims office having jurisdiction. Claims involving Government contractors are transferred to the applicable contractor for action and are monitored for progress by the appropriate claims office.

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/>.