



## FORT SILL POST CLAIMS



### ***AFFIRMATIVE CLAIMS UNDER THE FEDERAL MEDICAL CARE RECOVERY ACT AND 10 U.S.C §1095***

The Federal Medical Care Recovery Act (FMCRA) is a federal statute that authorizes the Government to recover from a third party the reasonable cost of medical treatment provided to Soldiers (active and retired) and their Families. The treatment may be provided at a Military Treatment Facility (MTF) or at a Civilian Medical Facility and paid by TRICARE. This is not a claim against the Soldier! However, it could be a claim against the Soldier's insurance company under 10 U.S.C. § 1095, if there is no tortfeasor or if the tortfeasor is uninsured or underinsured.

**PLEASE NOTE:** An injured Soldier is required by Federal Law and Army Regulations to complete all requested questionnaires and cooperate with claims personnel.

#### **TYPES OF RECOVERY**

Injuries sustained as a result of motor vehicle accidents (either driver or passenger or involving a pedestrian), acts of violence, slip and falls, unsafe consumer products, premises liability, animal bites, food poisoning, and many other types of incidents that permit recovery under tort law or local law.

#### **SOURCES OF RECOVERY**

Recovery may be from vehicle insurance companies, worker's compensation funds, and other available health insurance. Recovery may also be made from the underinsured, uninsured, medical payments, or personal injury protection coverage of the injured party's insurance policy.

#### **LOST WAGE RECOVERY**

The United States is authorized to recover the pay accrued and owing to a Soldier while the Soldier is an inpatient, on quarters, or on convalescent leave due to his/her injuries and unable to perform his/her duties. All recovered pay is deposited in the Operations & Maintenance (O&M) account that supports the command, activity, or other unit to which the Soldier is assigned at the time of the accident.

**The Fort Sill Claims Office is located at 4700 Mow-Way Road, Suite 400 in the Client Services Center. Our office operates on a walk-in basis from the hours of 09:00 – 16:00, Monday, Tuesday, Wednesday, and Friday. On Thursdays, hours are from 13:00 – 16:00. Our telephone number is (580) 442-2317.**