

Claims for Losses in Privatized Housing

Procedures changed, same statute and regs

Claims reimbursement procedures have changed for losses sustained by Fort Belvoir family housing residents. These changes have resulted from the automatic insurance coverage provided to all residents, as well as from the transfer of control of housing from the Army to a private entity.

Questions about claims for loss of or damage to personal property come up frequently, due to the risks of living in quarters on a military installation. When residents contact our installation claims office, they usually want to know who is responsible for reimbursement and what procedures must be followed to obtain reimbursement. This article will address the claims process for losses in privatized housing on Fort Belvoir.

A short history and description of the legal relationships created by privatized housing may help with understanding how the rules apply. In 2003, the secretary of the Army entered into an agreement that allowed the privatization of residential housing on Fort Belvoir. Two documents, the Ground Lease and the Operating Agreement, address the specific duties of Clark Pinnacle, the manager of family housing on Fort Belvoir, and of the Army. Clark Pinnacle is responsible for many of duties that traditionally fall on a landlord in a private rental market. The Army remains responsible for municipal services and utilities on Fort Belvoir.

Privatization of housing on military installations raised many questions and conflicting opinions about coverage under the Personnel Claims Act. The PCA allows payment of claims for loss of or damage to personal property that occurs in assigned quarters due to fire, flood, theft, vandalism or other “unusual occurrence.” “Unusual occurrences” involve risks outside the normal risks of day-to-day living, and generally involve very sudden and unusual nature or weather events. Losses or damage caused by human activity or negligence are generally not reimbursable under the PCA.

In 2005, the under secretary of defense for personnel and readiness directed there would be coverage under the PCA for military residents in privatized housing within the perimeter of a military installation. This directive brought consistency to the policy among the services. However, it does not change the policy that requires each military branch to adjudicate its members’ claims.

For losses due to unusual occurrences, residents must file claims with their insurance carriers, if insurance will cover part of the loss. All members residing in Fort Belvoir privatized housing should have a policy of insurance through the Soldier Sentinel Insurance Program. This policy covers losses caused by fire, lightning, theft, vandalism and other types of incidents. Some residents may have additional policies with more inclusive coverage. Therefore, residents who have a loss at their quarters should immediately review their insurance policies. Residents must file with their insurance carrier if they have coverage for a loss due to an unusual occurrence.

Some losses covered under the PCA may be excluded from insurance coverage. For example, the policy issued to residents of Fort Belvoir privatized housing excludes loss caused by flooding from the overflows from a sump or the back up of sewers or drains. A Soldier should file directly with an Army claims office when the loss is covered under the PCA but not under the insurance policy. Active-duty members of other services must comply with the requirements of their services for submission of a PCA claim.

Some losses may not be covered by either the PCA or insurance coverage through the Soldier Sentinel Insurance Program. If the PCA does not apply, a finding of negligence or fault is generally required to establish liability. In the absence of fault on the part of Clark Pinnacle or the Army, the resident may have no avenue to obtain reimbursement for his or her loss. Supplemental private insurance should be considered to protect against the risk of loss outside the tort liability system and that is not fully covered under the PCA or the Soldier Sentinel Insurance Program.

The Army may be liable under the Federal Tort Claims Act or the Military Claims Act if the loss or injury results from the negligence of Army or DoD employees. Clark Pinnacle is responsible for losses resulting from the negligent acts or omissions of its employees. When fault is alleged, liability will depend on responsibility for the service or activity that caused the loss or injury.

Active-duty Soldiers who have experienced property loss or damage and family members who have suffered personal injury due to alleged Army or DoD negligence should file their claim with the military claims office on the installation where the incident occurred. If loss, damage or injury is due to the alleged fault of Clark Pinnacle, residents should contact Clark Pinnacle for instructions on filing a claim directly with them or their insurer.

Still confused? If you have questions concerning reimbursement for losses occurring in quarters or on facilities controlled by the Army or DoD, contact your local military claims office. The Fort Belvoir claims office is at the intersection of 23rd Street and Belvoir Drive. More information is available at the Fort Belvoir claims Web site at <http://www.belvoir.army.mil/sja/Claims.htm>. For questions concerning loss occurring in privatized housing at Fort Belvoir, you may also contact Superior Claim Services, 1 888 722-6362.