

INFORMATION PAPER

SUBJECT: Vehicle Damage Claims

1. **Purpose.** To inform Fort Belvoir Garrison staff, Soldiers, and civilians of procedures related to personal vehicle damage and loss claims.

2. **Facts.**

a. The Personnel Claims Act (37 U.S.C. 3721) authorizes payment for certain types of property losses incurred by Soldiers and civilian employees incident to their employment. It is not intended to replace insurance, and payment is not conditioned on tort liability.

b. Army Regulation 27-20 and DA Pam 27-162 implement the Personnel Claims Act (PCA). For a claim to be payable under the PCA, the damage or loss must occur on post during TDY travel. The damage or loss must be due fire, flood, theft, vandalism, or other *unusual occurrence*, as defined by Army claims directives. Claims involving theft or vandalism require clear and convincing evidence that the incident occurred at on post quarters or on the military installation. *Unusual occurrences* are limited by DA Pam 27-162. A "hit-and-run" incident is not deemed to be an "unusual occurrence" and is not payable under the PCA, except when the vehicle is being used pursuant to written TDY orders at the time of the incident.

c. When Military Police report that the cause of the damage or loss has not been determined, that report will not support payment under the PCA. An inspection of the damaged vehicle by the military claims office will be required to determine if the claim is payable.

d. The Federal Tort Claims Act (28 U.S.C. 2671-2680) and the Military Claims Act (10 U. S.C. 2733) authorize payment for property loss caused by the negligence of Government employees while acting within the scope of their employment. Losses resulting from the actions of Government contractors are not covered under these Acts. Vehicle accident claims arising from the use of Government vehicles by Government employees are frequently payable under these statutes.

e. For on-post loss claims under the PCA, claimants are required to file first with their private insurer. If the loss is covered under the Federal Tort Claims Act (FTCA) or the Military Claims Act (MCA), the owner is not required to file with his or her insurer. Insurance companies may file subrogated claims against the Army for losses covered under the FTCA; however, Army policy prohibits payment of insurance subrogation claims under the MCA. The MCA frequently applies if the military member is the owner and operator of the vehicle at the time of loss.

3. **Conclusion.** If there is a question about PCA, FTCA, or MCA coverage, Soldiers and civilians should contact their local Army claims office. For incidents arising on Fort Belvoir, individuals may visit the Fort Belvoir Claims office at 9910 Lowen Road, Building 702 or call (7030) 805-4380 or 4385 regarding questions and guidance regarding vehicle damage claims.

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Approved by LTC Reid, SJA