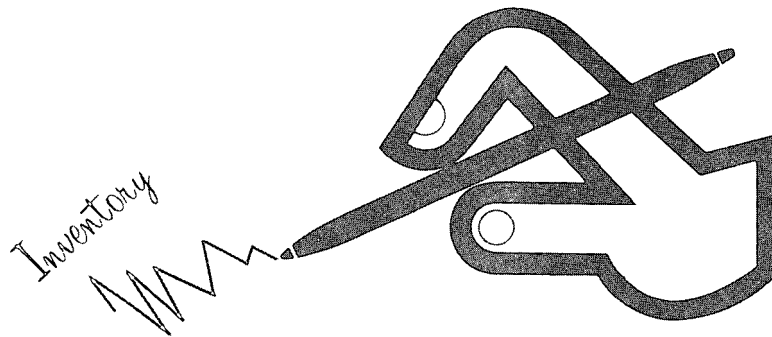


Government
Liability for

Personal Property Claims



This pamphlet is provided for your general information; however, regulations and allowances are subject to change.

GOVERNMENT LIABILITY FOR PERSONAL PROPERTY CLAIMS

1. Claim Authorization

Personal property claims are authorized under the Military Personnel and Civilian Employees Claims Act of 1964, as amended.

2. Regulations

Your office administrative section can identify the appropriate regulation which sets forth the concepts used in establishing the value of a valid personal property loss. THIS REGULATION SHOULD BE READ BY ALL PERSONNEL PROCESSING FOR AN OVERSEAS OR DOMESTIC ASSIGNMENT TO BETTER ACQUAINT THEMSELVES WITH PERSONAL PROPERTY CLAIMS PROCEDURES. For your convenience, some areas of the regulation are highlighted below.

3. Valid Claims

For a claim to be valid, the loss, damage, or destruction of personal property must meet the following criteria:

- a. The claim must be incident to service—in the performance of official duty;
- b. Negligence must not be involved; and
- c. Possession or ownership of the property must be adjudged to have been reasonable, useful, or proper.

Department of Army Regulation AR 27-20 is used as a general guideline by settlement authorities in adjudicating claims. The Consumer Price Index published by the U.S. Department of Labor is used to appreciate the claimed

items to reflect current replacement costs. The depreciation guide contained in AR 27-20 is then used to establish the value of the items lost according to the number of years used to provide fair reimbursement to the claimant and a reasonable payment by the Government.

Unless prevented by extenuating circumstances, a claimant must attempt to obtain compensation for loss, damage, or destruction from third party coverage (insurance, carrier, storage company) prior to filing a claim with the Government.

NOTE: A claim may be processed under the Claims Act only if presented in writing within two years after the loss accrues. This is a statutory limitation of the Act.

4. Maximum Payment

The law establishes the maximum amount payable for a valid claim at \$25,000 (\$40,000 for losses relative to evacuations incident to political unrest or hostile acts); however, there is also a category limitation on specific items as noted in the Table of Maximum Allowances that appears elsewhere in this pamphlet.

5. Immediate Relief

Immediate relief to claimants suffering a substantial personal property loss is provided for under the Advance Payments section of the regulation. A claimant's request for an advance should be made in writing and submitted through administrative channels. This request must include a statement agreeing to refund any or all of the advance payment to conform with the final settlement amount.

6. Questions

Any questions may be directed to your administrative officer or the claims officer.

Helpful Hints

- Prepare a written inventory of your personal property.
 - Keep the inventory current—add/delete as necessary.
 - Note purchase date/cost of each item on the inventory.
 - Keep several copies of this inventory; retain one that is easily accessible stateside and keep one with you in a safe place.
- Photographs are helpful in item identification, especially for high value items such as jewelry, art objects, collectibles, etc. Photographs of room interiors facilitate the later recall of their contents.
- Unusual or irreplaceable items of high value should be professionally appraised before placing in storage or in shipment. The appraisal should be documented, dated, and retained.
- Consider private insurance for your property in storage, shipment, and residence against theft, loss, damage, and destruction. Take into account the maximum Government liability of \$25,000 per claim and specific category limitations.
- Read and become familiar with the official regulation, entitled, "Claims for Lost, Damaged, or Destroyed Personal Property."
- Loss of personal property that was left in an office setting is not normally payable under the Claims Act. If it is necessary to use personal property for official business, signed and dated written authorization should be obtained to this effect.

- Submit a claim as soon as possible after the loss/damage is discovered while the incident is clear in claimant's mind and evidence is easier to obtain.

Samples of claim settlements pertaining to contributory negligence and incident to service are provided for your information:

CONTRIBUTORY NEGLIGENCE

Example 1:

An employee traveling on official business is at an airport awaiting an onward flight. A phone call must be made before departing. While placing the call, a flight bag containing money and other personal items is placed on the floor near the employee's feet. When the call is completed and the employee reaches for the bag, it has disappeared. The bag is not recovered, and the employee later submits a claim to his office for reimbursement.

Settlement:

Although the loss is determined to be incident to service, this claim will be denied, based on "contributory negligence." The failure of a claimant to observe the degree of care, precaution, and vigilance in the protection of personal property as required, or that the circumstances justly demand, is categorized as contributory negligence. This is evidenced in this case wherein the claimant placed a bag containing money and other valuables on the floor out of personal contact and out of a line of sight, thus creating a perfect situation for an alert thief to ply his trade.

Example 2:

An employee who had completed an overseas tour was preparing for departure to the U.S. when the maid discovered items of personal property in a closet that had

been overlooked by packers. Contact was made with a friend who promised to pick up the items, package them, and mail the package to the U.S. for the employee. The employee departed for the U.S. the following day. When the friend went to pick up the items, they had disappeared. The maid was questioned with negative results, and the Embassy security was informed; the missing items were never found. The employee later put in a claim for reimbursement of the loss.

Settlement:

A review of the circumstance resulting in the loss was made. There was no evidence of forced entry into the house; the property disappeared mysteriously, taken by an unknown person or persons. The employee and maid had been present during the packout but neglected to check the house thoroughly. The friend who had agreed to pick up the items and mail them to the employee cannot be held responsible for their loss. This situation falls under that broad range of regulations and guidelines used by the Government and insurance companies known collectively as "contributory negligence." The failure of the claimant, or employee of the claimant, to take appropriate precautions to protect personal property is thereby categorized as contributory negligence; this claim would be denied on that basis.

INCIDENT TO SERVICE

Example:

An employee traveling on official business (TDY) checked into a ground floor motel room in the area. He placed a locked suitcase in the closet, locked the room door, and proceeded to report to the area office for duty. Later, upon returning to the motel room, it was discovered

that the suitcase had been forced open and many items of personal property (razor, clothes, clock, etc.) were missing. A police investigation and report revealed that the thief had entered the room through a window from which he had apparently removed a pane of glass. None of the items were ever recovered. Since the employee had no insurance, a claim was submitted to the employee's office for reimbursement.

Settlement:

In this claim the loss was considered incident to service; there was no negligence on the claimant's part. The claim was, therefore, allowable. The claimant had locked his door and his suitcase, thereby exercising the prerequisite degree of care, precaution, and vigilance. The thief entered the room by forced entry and broke open the suitcase to obtain the property. The claimant was not found negligent in this theft.

NOT INCIDENT TO SERVICE

Example:

An employee assigned to an overseas post decided to go shopping during the lunch period, during which time a pickpocket stole the employee's wallet containing a considerable amount of money. A report was filed with the police, but the wallet and money were never recovered. The employee then submitted a claim to the office to recover this loss.

Settlement:

The employee was not performing an official duty at the time of loss. The employee was conducting personal business on a lunch break; therefore, this claim was not considered incident to service and was denied.

Table of Maximum Allowances

(Source: USARCS Bulletin #2-82, June 1982)

Type or category of property	Maximum amount allowable
Antiques (other than furniture). The antique value of an item will not be allowed unless it can be demonstrated that the claimed item was at least 100 years old and unless clear and convincing evidence of its antique value is presented. Without such evidence, a claimed item listed as an antique will be treated as an ordinary item of property and will be depreciated accordingly. Antiques should be insured and preferably should not be taken overseas	\$ 750 per item \$ 3,000 per claim
Automobiles and all motor vehicles including recreational vehicles, trailers, motorcycles, etc., as well as	\$15,000 per vehicle during transportation (shipment) at government expense.
Mopeds, minibikes, motorbikes, etc.	\$ 750 per vehicle other than transportation losses

Automobile and all motor vehicle radios and accessories	\$ 300 per item
	\$ 500 per claim
Bedspreads	\$ 300 per item
Bicycles	\$ 500 per item
Binoculars	\$ 350 per item
	\$ 1,500 per claim
Boats and motors including outboard motors	\$ 1,000 per claim
Boating equipment and supplies (exclusive of motors) ..	\$ 500 per claim
Books (bibles, classics, encyclopedias, professional texts and similar works) also, cookbooks and other similar books	\$ 2,000 per claim for all books
Camping equipment and supplies (including tents, sleeping bags, backpacks, shovels and other such tools, lanterns, etc.)	\$ 2,500 per claim
Candles (decorative)	\$ 50 per item
	\$ 300 per claim
Ceramic animals	\$ 100 per item
	\$ 400 per claim
Chandeliers	\$ 500 per item
	\$ 1,000 per claim
Chess sets, etc.	\$ 350 per claim
China (fine)	\$ 2,000 per claim

Clocks

Expensive (over \$75) \$ 750 per item
 \$ 2,500 per claim

Grandfather & Grandmother
 clocks \$ 1,000 per item

Clothing

Birth through age 6 \$ 500 per person
 Age 7 through age 14 \$ 1,000 per person
 Age 15 through and includ-
 ing age 17 \$ 2,000 per person
 Age 18 and over \$ 3,000 per person

Collections and Hobbies

(coins, stamps, electric
 trains, bottles, etc.) \$ 1,500 per hobby or
 collection,
 \$ 3,000 per claim

Computers and all access-
 ory equipment \$ 1,500 per claim

Crystal \$ 2,000 per claim

Dental equipment and in-
 struments \$ 1,500 per claim

Desk and writing equipment
 (pen and pencil sets, desk
 sets, fountain pens) \$ 50 per item

Drafting, mapping and
 sketching equipment \$ 500 per claim

Electrical and gas appli-
 ances

MINOR (toasters, blenders,
 mixers, grills, small radios,
 portable phonographs, irons,
 blankets, hair dryers, heating
 pads, percolators, sterilizers,
 heaters, razors, shavers,

scissors, waffle irons, (toasters, pencil sharpeners, etc.)	
MAJOR (stoves, air conditioners, sewing machines, vacuum cleaners, refrigerators, microwave ovens, freezers, etc.)	\$ 1,250 per item
(Exception—Projection TV)	\$ 3,000 per claim
Firearms	\$ 500 per item
	\$ 1,500 per claim
Foodstuffs (in shipment) (at government-provided quarters due to loss of power)	\$ 200 per claim
(reasonable amount allowed for loss at remote site)	\$ 500 per claim
Furniture (including brass furniture and water beds)	\$ 1,250 per item
	\$ 2,500 for a sectional sofa or a table and chair set
Furs	\$ 750 per item
	\$ 1,500 per claim
Jewelry	
Costume (\$100 or less per item)	\$ 500 per claim
Expensive (over \$100 per item)	\$ 750 per item
	\$ 3,000 per claim
Lamps (includes sunlamps)	\$ 250 per item
Linens (fine expensive)	\$ 300 per item
	\$ 1,000 per claim
Ordinary household items such as sheets, pillowcases, towels, bathmats, spreads, tablecloths, etc.	\$ 750 per claim

Medical equipment and instruments	\$ 1,500 per claim
Memorabilia (includes snapshots, snapshot albums, baby albums, scrapbooks, souvenir albums, emblems, award plaques, trophies, movie film, etc., and photographic slides)	\$ 750 per claim (except where volume indicates hobby)
Microscopes, telescopes	\$ 500 per item \$ 1,500 per claim
Musical instruments , such as pianos, organs, and player pianos	\$ 3,000 per item
Other musical instruments ..	\$ 1,000 per item
Objects of Art (sculpture, figurines, etc.)	\$ 500 per item \$ 1,500 per claim
Office furnishings	\$ 50 per item \$ 150 per claim
Paintings and pictures (including frames). Paintings include hand reproduced pictures, etchings, photographic portraits, lithographic prints, etc.	\$ 500 per item \$ 1,500 per claim
Phonograph records	\$ 1,000 per claim
Photographic equipment (cameras, projectors, lens screens, etc.)	\$ 1,500 per claim for all photographic equipment and accessories.

Pool tables	\$ 1,250 per item
Professional equipment	\$ 1,500 per claim
Quilts	\$ 300 per item
Recordings (tapes in automobiles)	\$ 60 per claim
Rugs	\$ 1,500 per item \$ 3,000 per claim
Schrank (German cabinet or closet)	\$ 2,000 per claim
Screens (fireplace and accessories), room dividers, folding screens, etc.	\$ 350 per item \$ 750 per claim
Silverware , silverplate, flatware and serving pieces	\$ 2,000 per claim
Sterling silverware	
Serving pieces	\$ 200 per item
Flatware	\$ 75 per item \$ 3,000 per claim for all sterling silver
Sporting equipment and supplies	\$ 2,500 per claim
Stereo items and all accessories	\$ 750 per item \$ 2,500 per claim
Tapes (blank and commercially recorded)	
Audio	\$ 1,000 per claim
Video	\$ 1,000 per claim
(\$60 maximum per claim for loss from vehicle)	
Tools (all types not left in vehicle for shipment)	\$ 1,500 per claim
Tools shipped in vehicle	\$ 100 per claim
Tool boxes or chests (empty)	\$ 250 per claim

Toys	\$ 75 per claim
Typewriters	\$ 500 per item
Vases	\$ 50 per item
Video recorders, video cam- eras and accessory equip- ment	\$ 1,000 per item \$ 2,500 per claim
Watches	\$ 250 per item
Wedding albums	\$ 350 per claim
Wedding gowns	\$ 350 per claim
Wigs (includes hairpieces) ..	\$ 500 per claim

(The above table of allowances and other content of this pamphlet are provided for your general information: however, regulations and allowances are subject to change.)

Note: Although failure to carry insurance does not affect the validity of a claim, it is advisable to insure personal effects in shipment, storage, and residence against theft, loss, damage, and destruction. Items of extraordinary value should be insured because there are monetary limitations for certain items and categories.