

GENERAL INFORMATION

4-00-10 Delegation

20 Statutory Provisions Under Which Claims Are Made
By Or Against the Department

4-00-10 DELEGATION**A. The Department Claims Officer**

Section Z-300-40 of the Organization Manual, issued by the Secretary of Health, Education, and Welfare, establishes the position of Department Claims Officer, and vests in him, as designee of the Secretary for the purpose, the Secretary's authority to dispose of claims. It 8180 grants the Claims Officer authority to (a) prescribe rules, regulations, procedures, etc., for investigating, collecting, evidence, reporting, processing and otherwise handling within the Department claims or situations out of which claims or suits by or against the United States may arise; (b) arrange for the maintenance and control of the necessary files and records; (c) direct and coordinate the activities of the operating agencies and offices of the Department in carrying out the provisions of the section; and (d) report to the Secretary accident trends, practices and procedures and other circumstances which may indicate the need for administrative action.

B. Responsibilities

It is the duty of the Claims Officer to safeguard the interests of the Federal Government by allowing only meritorious claims and, by taking the necessary administrative action, to obtain collection of claims due the Government. He is also charged with the responsibility of protecting the rights of private citizens by promptly and expeditiously settling claims in a fair and just manner. In order to carry out these duties and responsibilities the Claims Officer requires the cooperation of every unit of the Department and of every officer and employee in order that a prompt, thorough, and efficient investigation will be made into every situation governed by these instructions and an adequate report made.

(2/16/68)

Supersedes Ch 4-00, TN-136

**4-00-20 STATUTORY PROVISIONS UNDER WHICH CLAIMS ARE MADE
BY OR AGAINST THE DEPARTMENT****A. Claims Against the Department****1. Federal Tort Claims Acts**

Under the Federal Tort **Claims Act** (28 U.S.C. §§ 2671-2680), the **Government** may be liable for property **damage** or loss or personal injury **caused** by the **negligence of its employees** in the performance of official duties. See Chapter 4-20 of this Manual. **This Act** is implemented by **Department Tort Claims Regulations** (45 **CFR** Part 35). See Chapter 4-20 of this Manual.

2. Small Claims Act

This Act (42 Stat. 1066, 31 U.S.C. §215) was repealed by the Federal Tort **Claims Act** (60 Stat. §846, 28 U.S.C. 5424(a), 8/2/46) only with respect to **domestic** claims.

The **Government** is **still** liable under this Act for any claim not in excess of \$1000 for damages or loss of privately owned property caused by the negligence of any officer or employee of the **Government** acting within the **scope of his employment** in a foreign country. The claim must be filed within one year from the date of accrual. The amount determined to be due shall then be certified to Congress as a legal claim for payment.

The Federal Tort Claims Procedures relating to investigations and reports should be followed where applicable in processing **claims** under this Act.

3. Military Personnel and Civilian Employees' Claims Act

Under this Act, 31 U.S.C. §§ 240-242, military personnel and civilian **employees may make** claims against the **Government** for **damage** to or **loss** of personal property which are incurred incident to service or employment. See Chapter 4-35 of this **Manual**.

4. Personnel Claims

42 U.S.C. § 227 (5509 of the PUS Act) and 24 U.S.C. §185 provide, inter alia, for **availability** of appropriations **to reimburse** officers and employees of the Public **Health Service** and St. **Elizabeths** Hospital, respectively, subject to regulations of the Secretary, for the cost of repair or replacement of **personal** belongings **damaged** or destroyed by patients while such **personnel** are engaged in the **performance** of their **official** duties.

Claims under **these** Acts may be processed in conformity with the **procedures** outlined in Chapter 4-35 of this Manual with regard to claim under the Military Personnel and Civilian Employees' **Claims Act**, to the extent applicable.

(4-00-20 continued)

B. Claims By the Department

1. Federal Claims Collection Act of 1966

This Act, 31 U.S.C. §§ 951-953, **authorizes** the head of an agency, **pursuant** to regulations **issued** by him and in conformity with standards **set** forth in the joint regulations of the General Accounting Office and the Department of Justice (4 **CFR** Chapter **II**, Parts **101-105**), to collect, compromise, and terminate claims of the United States **in** an amount not to exceed \$20,000. The **Department** Regulations appear in 43 CFR Subtitle A, Part **30**.

