

## Peace Corps

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(2) A detailed statement of the amount claimed with respect to each item of property.

(3) Two or more itemized written estimates of the cost of such repairs and any itemized receipt of payment for necessary repairs.

(4) A statement listing date of purchase, purchase price, and salvage value where repair is not economical.

(5) Any other evidence or information which may have a bearing on either the responsibility of the United States for the injury to or loss of property or the damages claimed.

### § 304.5 Investigations.

The Peace Corps may investigate, or the General Counsel may request any other Federal agency to investigate, a claim filed under this subpart.

### § 304.6 Claims investigation.

(a) When a claim has been filed with the Peace Corps, the General Counsel will send a copy of the claim to the head of the office concerned and ask him to designate one employee of that office who shall act as, and who shall be referred to herein as, the Claims Investigating Officer for that particular claim. The Claims Investigating Officer shall, with the advice of the General Counsel, where necessary:

(1) Investigate as completely as is practicable the nature and circumstances of the occurrence causing the loss or damage of the claimant's property.

(2) Ascertain the extent of loss or damage to the claimant's property.

(3) Assemble the necessary forms with required data contained therein.

(4) Prepare a brief statement setting forth the facts relative to the claim (in the case of motor vehicle accidents, facts should be recorded on Standard Form 91-A), a statement whether the claim satisfies the requirements of this subpart, and a recommendation as to the amount to be paid in settlement of the claim.

(5) The head of the office concerned will be responsible for assuring that all necessary forms, statements, and all supporting papers have been procured for the file and will transmit the entire file to the General Counsel.

### § 304.7 Authority to adjust, determine, compromise, and settle claims.

The authority to consider, ascertain adjust, determine, compromise, and settle claims under section 2672 of title 28, United States Code, and this subpart, subject to § 304.8, has been retained by the Director of the Peace Corps.

### § 304.8 Limitations on authority.

(a) An award, compromise, or settlement of a claim under section 2672 of title 28, United States Code, and this subpart in excess of \$25,000 may be effected only with the prior written approval of the Attorney General or his designee. For the purpose of this paragraph, a principal claim and any derivative or subrogated claim shall be treated as a single claim.

(b) An administrative claim may be adjusted, determined, compromised, or settled only after consultation with the Department of Justice when, in the opinion of the General Counsel:

(1) A new precedent or a new point of law is involved; or

(2) A question of policy is or may be involved; or

(3) The United States is or may be entitled to indemnity or contribution from a third party, and the Peace Corps is unable to adjust the third party claim; or

(4) The compromise of a particular claim, as a practical matter, will or may control the disposition of a related claim in which the amount to be paid may exceed \$25,000.

(c) An administrative claim may be adjusted, determined, compromised, or settled only after consultation with the Department of Justice when the Peace Corps is informed or is otherwise aware that the United States or an officer, employee, agent, or cost-type contractor of the United States is involved in litigation based on a claim arising out of the same incident or transaction.

### § 304.9 Referral to Department of Justice.

When Department of Justice approval or consultation is required under § 304.8, the referral or request shall be transmitted to the Department

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of Justice by the General Counsel pursuant to 28 CFR 14.7 (1968).

### § 304.10 Review of claim.

(a) Upon receipt of the claim file from the head of the office concerned, the General Counsel will ascertain that all supporting papers are contained in the file.

(b) After legal review and recommendation by the General Counsel, the Director of the Peace Corps will make a written determination on the claim.

### § 304.11 Final denial of claim.

The General Counsel will send notification of the final denial of an administrative claim to the claimant, his attorney, or legal representative by certified or registered mail. The notification of final denial may include a statement of the reasons for the denial and shall include a statement that, if the claimant is dissatisfied with the Peace Corps action, he may file suit in an appropriate U.S. District Court not later than 6 months after the date of mailing of the notification.

### § 304.12 Action on approved claim.

(a) Payment of a claim approved under this subpart is contingent on claimant's execution of (1) a "Claim for Damage or Injury," Standard Form 95; and (2) a "Voucher for Payment," Standard Form 1145, as appropriate. When a claimant is represented by an attorney, the voucher for payment shall designate the claimant and his attorney as copayees, and the check shall be delivered to the attorney, whose address shall appear on the voucher.

(b) Acceptance by the claimant, his agent, or legal representative of an award, compromise, or settlement made under section 2672 or 2677 of title 28, United States Code, is final and conclusive on the claimant, his agent or legal representative, and any other person on whose behalf or for whose benefit the claim has been presented, and constitutes a complete release of any claim against the United States and against any officer or employee of the Government whose act or omission gave rise to the claim, by reason of the same subject matter.

## 22 CFR Ch. III (4-1-04 Edition)

### PART 305—ELIGIBILITY AND STANDARDS FOR PEACE CORPS VOLUNTEER SERVICE

Sec.

305.1 Purpose and general guideline.

305.2 Eligibility.

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305.4 Selection standards.

305.5 Procedures.

AUTHORITY: Sec. 4(b), 5(a) and 22, 75 Stat. 612, 22 U.S.C. 2504; E.O. 12137, May 16, 1979, sec. 601, International Security and Development Cooperation Act of 1981; 95 Stat. 1519 at 1540, sec. 417(c)(1), Domestic Volunteer Service Act (42 U.S.C. 5057(c)(1)).

SOURCE: 49 FR 38939, Oct. 2, 1984, unless otherwise noted.

### § 305.1 Purpose and general guideline.

This subpart states the requirements for eligibility for Peace Corps Volunteer service and the factors considered in the assessment and selection of eligible applicants for training and service. In selecting individuals for Peace Corps Volunteer service under this subpart, as required by section 5(a) of the Peace Corps Act, as amended, "no political test shall be required to be taken into consideration, nor shall there be any discrimination against any person on account of race, sex, creed, or color." Further, in accordance with section 417(c)(1) of the Domestic Volunteer Service Act, as amended (42 U.S.C. 5057(c)(1)) the nondiscrimination policies and authorities set forth in section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16), title V of the Rehabilitation Act of 1973 (29 U.S.C. 791 et seq.) and the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), are also applicable to the selection, placement, service and termination of Peace Corps Volunteers.

### § 305.2 Eligibility.

In addition to those skills, personal attributes and aptitudes required for available Volunteer assignments, the following are the basic requirements that an applicant must satisfy in order to receive an invitation to train for Peace Corps Volunteer service.

(a) *Citizenship.* The applicant must be a citizen of the United States or have made arrangements satisfactory to the Office of Marketing, Recruitment,