

Negligence: Keeping You from Collecting

Many times, losses incident to your service in the Army are payable under the Personnel Claims Act (PCA). The PCA gives Soldiers, as well as DoD and DA civilians an opportunity to be compensated for losses sustained while serving here in Japan.

However, there are several circumstances that may prevent you from collecting on your claim. One of the most common circumstances is that of negligence. In general usage, negligence means “carelessness.” Legal practitioners often use common words but attach special meaning to them. For example, under the Claims regulation, AR 27-20, negligence is defined as failure to exercise the degree of care that a reasonable and prudent person would have exercised under the same circumstances.

What does all of this mean? Army regulations require you to act like a reasonable person when it comes to your property. A reasonable person acts sensibly, takes proper but not excessive precautions, does things without serious delay, and weighs evidence carefully but not over skeptically. The reasonable person is neither perfect nor indifferent.

When dealing with your property show a degree of care. Ensure that you are behaving as a reasonable person. Make sure that you are doing all that you can reasonably be expected to do, from little things like locking doors on your quarters and your car to using your traffic signals when turning. Evidence that you acted as a reasonable person will go a long way towards making sure that your claim under the PCA is payable.

For example, if the power fails in your government-owned quarters, what should you do? As a reasonable person, you should first contact the housing office to make sure that they are aware of the situation. Then you should take steps to minimize your losses – this is known as mitigating your losses. That may be moving your perishables into a cooler or purchasing a bag of ice to keep items frozen. Don’t expect to get paid if you were aware of a problem and did nothing to protect your property.

Each claim is different; this summary provides general information only. More information on the PCA can be found in AR 27-20, Chapter 11. For more information, please contact the Camp Zama Claims Office.

Negligence: Keeping You from Collecting is distributed by the Camp Zama Claims Office, located in Building 101, Room CE 209. Our office hours are 0830 to 1200 and 1300 to 1600 Monday through Friday. You may call for an appointment at DSN 263-4137/commercial 081-46-407-4137.