

INSTRUCTIONS FOR TORT CLAIMS FOR PROPERTY DAMAGE, INJURY OR DEATH

**502 MSG/JA
2271 REYNOLDS RD
FT. FORT SAM HOUSTON, TX 78234**

**Phone: (210) 808-0169
FAX: (210) 808-0164**

These instructions pertain to claims processed in accordance with **The Federal Tort Claims Act** (FTCA), 28 U.S.C. 1346(b), 2671-2680 and **The Military Claims Act** (MCA) 10 U.S.C. 2733, alleging damage caused by the negligent or wrongful acts of members or employees of the military service acting within the scope of their employment who cause property damage. (Example: GOV/POV accident) Under the Federal Tort Claims Act, before an individual can bring suit against the Air Force for these damages, you must file an administrative claim with the Air Force and the Air Force must have the chance to settle your claim. **The Air Force has six months to process a claim before you may file suit in Federal court.** The Military Claims Act allows only an administrative determination of claims. There is no judicial remedy under the Military Claims Act.

WHO MAY FILE A CLAIM?

- Owners of property for property damage.
- U.S. military personnel and civilian employees under the Military Claims Act.
- Citizens and inhabitants of the United States

SUBMITTING YOUR CLAIM:

- After you have completed the Standard Form 95 and you have the necessary documentation to support your claim; you may bring your claim to our office located in the trailer on the corner of Wilson and Reynolds. We are open Monday thru Friday 0800-1630.
- If you reside off-base and have no base affiliation, you may mail your claim to the above captioned address.
- **Failure to completely execute and submit the Standard Form 95 or to supply the requested material within two years from the date the allegation accrued may render your claim “invalid”, due to statute of limitations.**

COMPLETING THE STANDARD FORM 95: The attached instructions are provided to assist you in correctly filling out the Standard Form 95. Please follow the directions carefully. Because of the nature of your claim, we cannot provide advice with regard to the content of your claim. If you have any other questions concerning the filing of your claim, please feel free to contact the Legal Office at (210) 808-0169.

II. DOCUMENTATION OF LOSS (28CFR Part 14):

A. In support of a claim for personal injury or death, you must submit a written report by the attending physician showing the nature and extent of injury, the nature and extent of treatment, and any permanent disability. All medical records, medical reports, and medical bills must be submitted.

B. In support of claims for property damage, **two** itemized estimates must be submitted to substantiate the claim, along with proof of ownership of the damaged property (vehicle registration, or property deed). You are entitled to reimbursement for rental expenses for the length of time necessary to repair your vehicle, **not** the length of time it takes to obtain funds to repair your vehicle. Generally, this limits rental time to not more than two weeks without further substantiation.

III. AUTHORITY TO FILE CLAIM:

A. This form need only be submitted for claimants that are businesses or corporations. This form shows that the person signing the SF 95 is authorized to file the claim for the company.

B. The SF 95 should be signed by a person duly authorized by the corporation to sign claims on behalf of the corporations. An officer or agent of the corporation, not the individual signing the SF 95, must complete and sign the Authority to File Claim form. The individual signing the claim (SF 95) should appear in the second paragraph of the Authority to File Claim form.

IV. INSURANCE COMPANIES, PLEASE NOTE: An insurance company and the insured should each submit a **separate** claim. On one set of SF 95's, the insurance company's name is entered in Block #2 and the individual authorized to sign for the company should sign in Block #13. The insurance company's claim is limited to actual amounts paid on behalf of the insured (as evidenced by copies of payment vouchers). On a separate set of SF 95s, the insured's name is entered in Block #2, and the insured's signature is in Block #13. The amounts claimed in Block #12 will reflect the respective damages of each claimant.

V. ADDITIONAL INFORMATION:

A. The statute of limitations for tort claims against the United States is **two years**. This means that this office must **receive** a claim no later than two years from the date of the incident.

B. The Supreme Court of the United States has held that the claim of a member of the armed services, or his/her heirs, for injuries or death arising incident to his/her service, or for damage to a member's property incurred incident, are not payable under the Federal Tort Claims Act, (Feres v. United States, 340 U.S. 135 (1950))

C. The Military Claims Act permits military members to file claims for property damage caused by governmental negligence.

D. If you have any questions about any part of the claims process, please contact the Fort Sam Houston Legal Office at (210) 808-0169 or DSN 420-0169.

TORT CLAIMS CHECKLIST

In order to file a claim, you must first complete the attached Standard Form 95 (SF95). Follow the instructions for the Standard Form 95 and complete all items. Insert the work "None" where applicable. To avoid any delay or possible denial of your claim, be sure you have all required documentation and the SF 95 filled out prior to filing your claim. When you have completed the form, please mail or bring the SF 95 and your attachment(s) to the address below.

Submit your claim as follows for expeditious processing and settlement:

_____ Standard Form 95, signed, dated with an amount in Block 12d. (**Need original**)

_____ Security Police report and statements or police department report

_____ Copy of vehicle title/registration or ownership of property deed (Current)

_____ Estimate of repair/replacement cost from an independent, reputable company with their contact information. **For vehicles, provide two repair estimates.**

_____ Photographs, if applicable

_____ Death certificate, if applicable

_____ Qualifying evidence (medical records, bills, etc.)

_____ Authority to file a claim, signed and dated

_____ Statements from witnesses, if applicable

_____ Other documentation to support your claim

Please be advised that the statute of limitations for presenting your claim against the United States is two years from the date of the accident or incident.

**502 MSG/JA
2271 Reynolds Rd
Fort Sam Houston, Texas 78234**