

## **THINGS TO KNOW ABOUT FLIPLS**

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If you or your spouse has received a Financial Liability Investigation of Property Loss (FLIPL), the following article can be used as a quick reference sheet to answer many of your basic questions.

### What is a FLIPL?

The primary purpose of a FLIPL (formerly known as a Report of Survey) is to investigate and document the circumstances that caused a loss, damage, or destruction of Government property.

### What is the role of the Financial Liability Officer?

The appointing authority, a battalion or brigade commander, will appoint an officer whose primary responsibility is to conduct the investigation and collect evidence. This person is called the Financial Liability Officer (FLO). The FLO investigates the facts of the loss, damage, or destruction and makes recommendations of liability based on those facts.

### What does the FLO have to find in order to recommend that I be held financially responsible?

In order to hold you liable, the FLO must make four specific findings. First, the FLO must find that a loss, damage, or destruction (LDD) of Government property occurred. Second, the FLO must establish you had responsibility for the LDD of the Government property. Per Army Regulation 735-5, the five types of responsibility are command, supervisory, direct, custodial, and personal. Third, if you were responsible for the LDD of the Government property, the FLO must find you violated your duty of care through negligence or willful misconduct. A negligent act could be a failure to do required preventative maintenance checks (PMCS), leaving a weapon against the tree while attending other duties, or driving too fast for road or weather conditions. Last, the FLO must conclude your negligence or willful misconduct was the proximate cause of the loss. Proximate cause can be a difficult legal concept to understand, but let's use the PMCS example to explain. If your vehicle was damaged because you drove on an empty oil tank, then lack of PCMS was a proximate cause of the loss. If instead, some flying debris cracked the windshield, all the PMCS in the world may not have mattered.

### What rights do I have?

If the FLO decides to recommend financial liability, he or she must inform you and give you a copy of the Army records relating to the debt. Additionally, you may seek legal advice from a legal assistance attorney in order to submit a rebuttal statement to refute the FLO's recommendation.

### If I don't think I should have to pay, how long do I have to submit my rebuttal?

Generally, you have seven (7) calendar days from the date of receipt to submit a rebuttal statement or other additional evidence to the FLO. Extensions of time to file rebuttals can be requested and may be obtained under many circumstances.

What happens once I submit my rebuttal?

The FLO will consider the rebuttal along with any allegations of error, make a recommendation and forward the FLIPL and rebuttal to the approving authority. The approving authority reviews the evidence and approves or disapproves the FLO's recommendation.