

UNITED STATES DEPARTMENT OF AGRICULTURE
Federal Grain Inspection Service
Washington, D.C. 20250

FGIS Directive 2510.3 4-10-75

ACTION BY: All Divisions and Offices

Claims Under the Military Personnel and
Civilian Employees' Claims Act of 1964

I PURPOSE

This Instruction establishes procedures for submitting and handling claims under the Military Personnel and Civilian Employees' Claims Act of 1964, as amended (31 U.S.C. 240-243).

II AUTHORITY

Under the Act, the Department may:

A Settle and pay (including replacement in kind) employees' claims if a claim:

- 1 Arises after August 31, 1964;
- 2 Is for \$6,500 or less, or for \$15,000 or less for claims arising after October 18, 1974; and
- 3 Is for loss of, or damage to, personal property incident to the employee's service if possession of the property is determined to be reasonable, useful, or proper under the circumstances.

B Reconsider the settlement of any claim when requested by the employee or his authorized survivor on the basis of an error, or new evidence not obtainable or available at the time of the settlement.

III VALIDITY OF CLAIMS

A Claims Allowed. Claims may be presented for the following:

- 1 Loss of, or damage to, property at:
 - a Quarters, wherever situated, if assigned or provided in kind by the Government.
 - b Any warehouse, office, hospital, or storage place designated by superior authority for receiving the property.
 - c Quarters outside the United States privately leased by employees. (Such claims are subject to a \$50 deductible.)
- 2 Loss of, or damage to, property:

a Subjected to extraordinary risks in the performance of duty. Claims may be presented for property, including

personal clothing and vehicles lost or damaged while on duty during civil disturbances, common or natural disasters, or efforts to save Government property or human life.

b Used for the benefit of the Government at the direction of, a superior authority.

c Incident to its transportation, if not recoverable from an insurer or carrier. (Such claims are subject to a \$50 deductible.)

3 Loss of money or currency when deposited with the Government for safekeeping, or when lost in marine, rail, aircraft, or other disasters such as fire, flood, hurricane, etc.

B Claims Not Allowed. Claims are not allowed for the following:

1 Transportation losses if the employee chose to use an unlicensed carrier.

2 Losses recoverable from other sources, such as pursuant to a contract, or covered by an insurer.

NOTE: When loss or damage is suffered and there is a possibility of recovery from a carrier, warehouseman, insurer or other contractor, employees should file and pursue claims against those sources. An employee should not sign any release or statement that property was received in good condition unless he is satisfied that no loss or damage occurred.

3 Loss or damage caused, in whole or in part, by the negligent or wrongful act of the employee or his agent.

4 Loss of, or damage to, property when:

a The article is of extraordinary value. (Such articles should be insured by owners.)

b The loss or damage occurred at quarters occupied by the claimant within one of the fifty States or the District of Columbia, unless the quarters were assigned to him or otherwise provided in kind by the Government.

c The claim is for less than \$10, provided that claims arising under paragraph A 1 c and 2 c above shall be subject 14, to a \$50 deductible.

d The property is owned by the United States unless the employee is financially responsible for it to another Government agency.

e The property was used for business or profit.

f The property was acquired, possessed, or transported in violation of law or regulations.

g The loss was due to theft unless due care was used to protect the property.

h Small articles of substantial value were shipped with household goods or unaccompanied baggage.

i Articles were sent through United States or international mail systems.

j Incident to the operation of a motor vehicle, unless allowable under paragraph A 2 a above.

IV AUTHORITY TO PRESENT CLAIMS

A Persons Authorized To Present Claims. Claims are to be filed by the employee. If the employee is deceased, the claim may be presented by survivor(s) in the following order: spouse, child or children, father or mother or both, brother(s) or sister(s) or both.

B Persons Not Authorized To Present Claims or Benefit Therefrom: subrogee, assignee, conditional vendor, or other third parties.

V TIME LIMIT FOR SUBMITTING CLAIMS

The claim must be presented in writing not later than two years after it accrues. However, if the claim accrues in time of war or in time of armed conflict in which any armed forces of the United States are engaged, or if such war or armed conflict intervenes within two years after it accrues, and if good cause is shown, the claim may be presented not later than two years after that cause ceases to exist, or two years after the war or armed conflict is terminated, whichever is earlier.

VI PRESENTATION OF CLAIMS

A The employee, or his survivor, who suffers loss of, or damage to, personal property shall:

1 Prepare an original and two copies of Form AD-382, Employee Claim for Loss or Damage to Personal Property, and

2 Submit them to the employee's supervisor with the following attachments, as applicable:

a Two or more itemized repair estimates, or estimates of the value of the property loss.

b Statements from persons other than the employee who have a knowledge of the facts concerning the claim.

c In cases where loss or damage occurred in quarters or other authorized place, a statement giving:

(1) The location of the occurrence.

(2) Measures taken to locate the property or to minimize the damage.

(3) Other pertinent facts and circumstances.

B The supervisor of the employee shall forward the original and first copy of Form AD-382, with attachments, to the Cost Responsibility Center (CRC). Attach a statement that:

1 Possession by the employee of the property in question was reasonable, useful, and proper under the circumstances existing at the time and place of the loss or damage.

2 The loss or damage took place in quarters or other
authorized place.

3 The employee was required to provide the property
if the claim is for private property being used for the benefit of the Government.

C The CRC shall:

1 Prepare Form AMS-542, Accounting Authorization and
Classification, entering the Authorization Number, date, organization number,
Subcenter Number(s), and amount(s).

2 Forward the Form AMS-542, with attachments, to the
Fiscal Operations and Services Branch, Financial Services (FS) Division,
Attention: Claims.

D The Fiscal Operations and Services Branch, FS Division, shall:

1 Review the claim, record it in the appropriate register,
and establish an individual claim file.

2 Send the claim to the Office of the General
Counsel (OGC) for approval or denial.

3 Enter Transaction Code "PA" on the
Form AMS-542 to show that the estimated liability is to be
obligated in the accounting records.

4 Notify the employee in writing, through his
supervisor, of OGC's decision.

5 If the claim is approved, prepare Form AMS-542
to authorize payment of the claim by the National Finance Center.

VII RETENTION OF RECORDS

Retain all records pertaining to claims until 4 years after settlement.

/s/ Richard P. Bartlett, Jr.
Deputy Administrator, Management