



## **ARTICLE 139 CLAIMS**

**CONSIDER THESE QUESTIONS AND ANSWERS TO HELP YOU DETERMINE YOUR RIGHTS UNDER ARTICLE 139, UCMJ, IN FILING A CLAIM AGAINST A SERVICE MEMBER.**

**Q: WHAT IS ARTICLE 139, UCMJ?**

A: Article 139 of the UCMJ provides "redress for property willfully damaged or destroyed, or wrongfully taken" by military personnel subject to the UCMJ." Article 139 is an administrative remedy focused on providing restitution to victims of certain offenses committed by a military member.

**Q: WHO MAY FILE A CLAIM UNDER ARTICLE 139?**

A: Any individual, state or local government entity that lawfully owns or has an ownership in property, or business may file an Article 139 claim.

**Q: WHAT ACTIONS ARE PROPER SUBJECTS OF AN ARTICLE 139 COMPLAINT?**

A: Article 139 applies only to loss or damage to "real or personal property that has been willfully damaged or wrongfully taken" by a military member. Willful damage includes "damage caused intentionally without justification" and damage from "riotous, violent, or disorderly acts, acts of depredation or acts showing a reckless and wanton disregard for the property rights of others."

**Q: WHAT ARE NOT PROPER SUBJECTS OF AN ARTICLE 139 COMPLAINT?**

A: Article 139 does not apply to claims:

- (1) Resulting from negligent acts;
- (2) For personal injury, death, or theft of services;
- (3) From acts or omissions of military personnel acting within the scope of their employment;
- (4) Resulting from the conduct of Reserve Component personnel who are not subject to the UCMJ at the time of the offense;
- (5) Subrogated claims (including insurers);
- (6) Involving only contractual and fiduciary disputes; and
- (7) For consequential damages.

**Q: WHAT ARE THE PROCEDURES FOR FILING AN ARTICLE 139 CLAIM?**

A: A claim must be submitted to a Claims Office within 90 days of the incident that gave rise to the claim, unless the claimant can show good cause for his failure to submit the claim within the prescribed time period. An Article 139 claim may be submitted either orally or in writing. An oral claim must be reduced to writing and signed by the claimant within 10-days of making the claim. An oral claim not reduced to writing within 10-days may be dismissed. The claim must state a definite amount.

**Q: WHAT HAPPENS AFTER AN ARTICLE 139 CLAIM IS SUBMITTED?**

A: After submission, an Article 139 claim is forwarded to the appropriate court-martial convening authority. A Special Court-Martial Convening Authority (typically a Brigade Commander) may act on claims for \$5,000.00 or less. If the claim is \$5,001 to \$10,000.00, a General Court-Martial Convening Authority may act on the matter. The pertinent court-martial convening authority will determine whether the claim is timely filed or, if not timely filed, whether good cause exists. If the court-martial convening authority believes the claim appears cognizable, he will appoint an investigating officer (IO) to investigate the matter. Generally, the IO is given 10 working days to complete the claims investigation. Upon conclusion of his investigation, the IO will submit his findings and recommendations to the servicing judge advocate for legal review. Upon completion of the legal review, the IO will forward his findings and recommendation to the appointing convening authority for decision. The convening authority may disapprove the findings (regardless of amount) or approve the findings in an amount equal to or less than the amount recommended by the IO. Claims recommended for approval in an amount in excess of \$10,000.00 will be forwarded to the United States Army Claims Service for action.

**Q: WHAT SHOULD I DO IF I HAVE FURTHER QUESTIONS ABOUT ARTICLE 139 CLAIMS?**

A: If you have questions about an Article 139 Claim you can call the Claims Office at 804 765 1520, or go to our website, <http://www.cascom.army.mil/staff/sja/claims.htm>, to access information and download an Article 139 Claim form.