

CLAIMS PROCEDURES

A. SUBMISSION OF CLAIM.

.01 Claim Form. Claimants shall submit to the operating unit's claims officer in duplicate Form CD-224, "Employee Claim for Loss of or Damage to Personal Property," together with one copy of supporting evidence as indicated in paragraph .02 of this Section. The claimant's careful compliance with the requirements regarding the preparation of a claim will expedite adjudication by avoiding delays arising from the need to obtain additional information from the claimant.

.02 Evidence in Support of Claim. In addition to the information required on the claims form, the following evidence should be submitted when applicable, or a statement indicating why such evidence is not available or practicable to obtain:

a. General. (applicable to all claims)

1. Corroborating statements from a person or persons who have personal knowledge of the facts regarding the claim.
2. Statement of property recovered or replaced in kind.
3. Itemized bill of repair for any damaged property which has been already repaired.
4. At least one written estimate of the cost of repairs from a competent person, sufficiently identified, who is experienced or knowledgeable in the cost of the needed repairs in the current market.
5. Proof of original cost or current value in the form of purchase receipts or similar documents.
6. A claim filed by an agent or survivor shall be supported by a power of attorney or other satisfactory evidence of authority and standing to file (see paragraph 6.01 of this Order.)
7. Statement concerning any insurance coverage or any warehouseman, carrier or other third party responsibility, and any reimbursement or recovery obtained from such insurer or third party. The identity of the insurer or other third party, the type of insurance or other coverage, and any claim or demand by the claimant upon such party should be described and copies of correspondence attached. If the claimant has insurance or a basis for a claim or demand upon such third party, and has not submitted a claim or demand, the claimant's failure to do so should be explained (see Section 11. of this Order.)
8. Copy of orders or other evidence that establishes the claimant's right or propriety to have the property located at the place of loss or damage.

b. Thefts or Losses in Allowable Quarters or at Other Authorized Places.

1. Geographical location of the loss.
2. If in quarters, whether they were assigned or provided in kind by the Government and by whom, and whether they were regularly occupied by the claimant or, if in storage, the name of the authority, if any, who designated such place.
3. Security measures or precautions taken to protect the property involved. Attention will be given to the degree of care normally exercised in the locale of the loss because of any unusual risks of theft or other loss that may be associated with that location.
4. Facts and circumstances surrounding the loss or theft, including how the larceny or burglary occurred, capture of the thief, property recovered, reports made at the time to police or others, and such related information.

c. Transportation Losses.

1. Copy of order authorizing the travel, transportation or shipment, or statement explaining their absence and setting forth their substance.
2. All bills of lading, and inventories of property shipped.
3. Description of action taken to locate missing property.
4. Where property was turned over to a transportation or supply officer or contract packer or shipper, a statement indicating the identity and designation of such party, the date and place where the property was turned over and its condition, the date of shipment and reshipment and copies of all manifests, bills of lading and contracts, the date and place of delivery, statements of disinterested witnesses regarding the property's condition when received, whether damage was caused by negligence of a Government employee acting within the scope of his/her employment, and whether the last carrier was given a clean receipt.

d. Money, Intangibles or Other Property Deposited for Safekeeping, Transmittal of Other Authorized Disposition.

1. Identity of the person or persons who received the property and any others involved, and the disposition requested;
2. Identity of the individual who authorized such person or persons to accept the property; and
3. Receipts and written statements explaining the failure to account for the property and an explanation regarding why it was not returned to the claimant.

e. Property Used for Benefit of Government. In addition to items listed in subparagraph a. of this paragraph, a statement from the proper authority that the property was required to be supplied by the claimant in the performance of his/her official duty at the request or direction, or with the approval of a superior.

f. Waiver of Required Evidence. Any of the evidence required above may be waived by the claims officer or agency legal counsel in instances where the claim appears otherwise reasonable and proper and the obtaining and submission of such evidence would be unduly costly or time-consuming in relation to the amount of the claim.

.03 Where the employee's supervisor has knowledge of the incident which is the basis for the claim, the employee should submit the claim form with its supporting evidence to the supervisor. The supervisor shall attach to the claim a brief statement regarding knowledge of the incident and the claim, before the claim is submitted to the claims officer.

B. CLAIMS OFFICER AND LEGAL COUNSEL PROCEDURES.

.01 The claims officer shall receive, review, examine, and investigate claims. Employees, in addition to the claimant, shall cooperate in providing information about a claim to the claims officer, who shall also consult with agency legal counsel as needed.

.02 The claims officer shall prepare a brief memorandum commenting on the merits of the claim, its denial or acceptance, and determining what amount, if any, shall be paid in settlement thereof.

.03 Agency legal counsel for the head of the organization unit or the Assistant General Counsel for Finance & Litigation shall review the claims officer's file and memorandum on each claim, and investigate further if necessary. Agency legal counsel shall indicate approvals, partial disapprovals, and disapprovals via notation and signature on the claims officer's determination memorandum and return the file and notations to the claims officer. In the event of an unresolved conflict between agency legal counsel and the claims officer, the claim with the appropriate file and legal memoranda shall be forwarded to the Assistant General Counsel for Finance & Litigation for final determination of denial or settlement.

.04 Claims to be paid in excess of \$5,000 shall be forwarded to the Assistant General Counsel for Finance & Litigation for review.

.05 The claims officer shall process claims as follows:

a. Payment of Claim. The original of the claim form (without supporting evidence), the original and one copy of the SF-1034, along with the original of the determination memorandum and approval notations including any legal determinations and opinions shall be sent to the accounting office for certification and payment. Claims are paid from the organizational unit's appropriated funds;

- b. Notice of Disapproved Claim. In the event a claim is not approved for payment or is approved only for partial payment, the claims officer shall advise the claimant in writing of the action taken and the reasons for it as stated in the supporting memoranda. Claimants shall be advised that they may request a reconsideration of the determination upon establishing an error in the settlement or presenting new evidence not available at the time of settlement. Such request for reconsideration shall be made in writing and submitted to the claims officer within six months from the date of mailing (by certified mail) of the claim notification letter;
- c. Disputed Claim. If, after a claimant requests a reconsideration of the claims officer's initial determination, a dispute still exists, the claims officer will prepare a transmittal memorandum outlining his/her position and forward this and the claim file to the Assistant General Counsel for Finance & Litigation for final adjudication. Such adjudication by the Assistant General Counsel for Finance & Litigation shall be final and conclusive for the Department. There is no judicial remedy regarding this determination; and
- d. Related Documents. The claims officer shall retain all documents relating to the claim other than those required by the accounting officer, subject to disposal as may be provided by record retirement rules.