**INSTRUCTIONS FOR FILING A NEGLIGENCE CLAIM**

In the event your property is negligently damaged or destroyed by a government employee acting within the scope of his or her duties, you may be entitled to compensation from the Army.

The information below summarizes instructions for completion of the official form (Standard Form 95) that is used to make a claim for property damage, personal injury or death under the provisions of the Federal Tort Claims Act (FTCA). Specific instructions are contained on the back of SF 95, which may be accessed by link from this web site. You may download SF 95 for your use or obtain a paper copy from the Office of the Staff Judge Advocate.

Claims for death, personal injury, or property damage may be payable under the FTCA when the injury or damage is caused by negligent or wrongful acts or omissions of military personnel or civilian employees of the Department of the Army (DA) or Department of Defense (DOD) while acting within the scope of their employment under circumstances in which the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred. Before going into completion of the claim form, an example will demonstrate a situation where it may be appropriate to file a claim.

SPC John Doe, driving a government vehicle on duty, runs a red light and hits a POV. The POV is damaged and the occupants are injured. The occupants of the POV may file a claim seeking compensation from the government for the damages caused by SPC Doe.

Certain provisions of the FTCA must be strictly followed:

1. The claim must be presented or filed with the appropriate federal agency within two years from the date the alleged incident occurred.

2. The claim must be signed by the claimant, an authorized agent or other legal representative. The agent or legal representative must provide evidence to the government that establishes authority to act for the claimant.

3. The claim must specify a "sum certain" amount. This means the claimant or their agent or representative must request or claim a specific monetary amount in dollars. For example, a claimant is seeking compensation for property damage and personal injury. The claimant has evidence to support a claim for property damage in an amount of $2,000. Claimant should place $2,000 in block 12a. The claimant has evidence to support a claim for damages for personal injury in an amount of $6,000. Claimant should place $6,000 in block 12c. Claimant should place $8,000 in block 12d as this amount represents the total sum sought for the damages and injuries claimed.

4. The claimant must provide evidence sufficient to substantiate his or her claim and the amount claimed.