

Affirmative Claims Frequently Asked Questions

1. Q. *"HIPAA says I get copies of my bills and records within 30 days."*

A. You are welcome to seek copies of records from PAD within 30 days. We cannot generate bills here in the JAG Office. Unfortunately, we cannot give you an exact date when billing will be returned because bills are generated by the Uniform Business Office and are outside of the control of the Legal Office. Once bills are produced to us, we will get you copies.

2. Q. *Is there any way we can rush the billing? I submitted the SOIQ and I haven't heard anything.*

A. Do you have a current mediation or trial date? Are you running up against Statute of Limitations? If so, we can request that the Uniform Business Office expedite your bills but, please be advised we have no control over the processing time(s). *Please ensure that you have done your part by completing Statement of Incident Questionnaire (SOIQ) entirely. Please complete page six (6) of the SOIQ & list the specific dates of treatment per instructions. Due to the large volume of processing the mtf's are no longer able to accept date spans.* Turnaround times are dependent upon the medical treatment facilities workload.

3. Q. *My attorney told me to call you and demand my bills.*

A. Legal Ethics dictate that once our Legal Office knows you are represented by an attorney, all further communication will be directly from our Legal Office to your attorney's office. We are not allowed to communicate directly with you without your attorney present.

4. Q. *Do you keep billing my client after settlement?*

A. No. Even if your client continues to treat at government expense, after receiving payment, the government closes the case, and no future care is billed.

5. Q. *Will the government pay attorney's fees or litigation costs?*

A. No. **5 USC 3106** is the federal law that prohibits us from hiring outside counsel. We do not pay litigation costs but, we can offer witness testimony free of charge should the case go to trial.

6. Q. *Will you waive the lien?*

A. Our office has authority to compromise or waive a lien under \$75K. You must request the application for Compromise & Waiver and submit the completed application with supporting documents to usarmy.meade.usag.mbx.claims@army.mil. Applications will be reviewed by our Regional Claims Settlement Officer.

7. Q. *My insurance company sent me a check. Can I bring it to you?*

A. If the check is for the amount of care, you can endorse it to the Federal Government and we can accept it. If the check includes your settlement as well, we cannot accept the check and will need to work with your insurance company to send separate payment directly to Madigan. (They need to return original check and request two separate checks from the insurance company)

8. Q. *Were do I submit my payments to satisfy the governments demand?*

A. . Please ensure that all checks are issued to satisfy this claim are made payable to "The United States Treasury", and forwarded to:

Department of the Army US Army Installation Management Command
ATTN TARKA LONEY
4217 Morrison Street, Suite 5030
Fort George G. Meade, MD 20755-5030

Please include your claims identification number

9. Q. How do I locate the correct claims office for proper filing?

A. Each claims office is assigned a jurisdiction. To submit a claim to the Fort Meade JAG Office (351), the accident must have occurred in MD, PA or Delaware. Please use the following link to locate your correct office.

[Office of the Staff Judge Advocate, Claims Division, Fort Meade, MD 20755 \(army.mil\)](#)
[TRICARE Manuals - Display Chap 10 Addendum B \(Change 122, Jun 23, 2023\) \(health.mil\)](#)

10. Q. *My client says he was seen at a civilian facility. How do I get a ledger?*

A. Our office will provide all Tricare liens as well as the cost of care. We do not have access to those civilian medical records though, so you need to request those files directly from the civilian providers.

11. Q. *I was injured by one of your doctors. Who do I talk to about this?*

A. If you believe you were injured due to negligence and have questions regarding the Federal Tort Claims process, please contact the Torts attorney. Please click our website for contact information [Claims Division :: FORT MEADE](#)

12. Q. Is this the only claims office located at Fort Meade?

A. No, Fort Meade has two (2) claims offices located one post. 1) Office of the Staff Judge Advocate (OSJA) (field office 351) which is responsible for MD, PA & DE. 2) United States Army Claims Service (USARCS). Please note that currently *Fort Mccoy, Fort Moore/Benning & Fort Meyer* are being processed by USARCS. There contact is below.

U.S. Army Claims Service
Affirmative Claims Division
Office of The Judge Advocate General
4411 Llewellyn Avenue, Suite 5360
Fort George G. Meade, MD 20755-5125
usarmy.meade.hqda-otjag.mbx.usarcs-affirmative-claims@army.mil
301-677-4646-fax

13. Q. *I sent a request to Correspondence for medical records, and I haven't received anything. They told me to call you.*

A. If you sent your request for records only, they will come from Correspondence. If you are a DoD beneficiary and need records and bills in support of an affirmative claim, we can assist you, but you will need to start by gathering insurance information and having you fill out our questionnaire. Please click below to access our website. There you will find "Quick Start" instructions and all applications to begin your process for submission.

[Claims Division :: FORT MEADE](#)

14. Q. *Can I just come in and pick up my bills and records?*

A. No, Ma'am (or Sir). We must send them directly to your insurance company and to your attorney. You are welcome to request a personal copy of your medical records from the Correspondence Office, but the records and bills in support of the government's assertion for the cost of medical care must come from the JAG Office. (Per AR 27-20)

15. Q. *The insurance company is calling me and wanting to settle. What should I do?*

A. We cannot provide you with personal legal advice; however, we must remind you that your settlement does not extinguish the government's lien. If you are finished treating, we are permitted to provide you and the insurance company with a final lien amount.

16. Q. *My client was in an MVA six months ago and was just involved in a subsequent MVA. What is the process for that?*

A. Your client needs to fill out two separate questionnaires and explain what injuries are related to each accident. We will work those as two separate claims in our office.

17. Q. *I was injured on the job. What do I need to do?*

A. If you are a DoD beneficiary and were injured in a non-federal job, our office can work the claim and bill State Labor and Industries or a self-insured company. If you are a federal employee, you need to work with Occupational Health and your treating provider. Pursuant to AR 27-20, our MAC Office does not have jurisdiction to assert bills to other federal programs.

18. Q. *I need the provider to sign an affidavit regarding causation of injuries.*

A. Per AR 27-40, current or former Army employees may testify to facts only. They are prohibited from rendering opinions regarding causation or long term prognosis. If you send your proposed affidavit in in editable electronic format, we will ensure that the information meets requirements of AR 27-40. The provider can testify to diagnosis,

injuries, treatment plan, and compliance with the treatment plan. They can also describe the mechanism of injury reported to them and whether or not the injuries treated were consistent with the reported mechanism of injury.

19. Q. What happens if the *attorney sends a subpoena to directly to our Army provider?*

A. All providers at Madigan are represented in their official capacity by the Office of the Center Judge Advocate. Therefore, any correspondence from an external legal office must be served on the MTF Legal Office and not sent directly to the provider. Also, please note, due to the fact that our federal records are covered by the Federal Privacy Act 5 USC 522(a), we require a subpoena signed by a Judge- an attorney subpoena complies with HIPAA but not with the Federal Privacy Act, and we must comply with both laws.

20. Q. *Can I decline to sign an attorney agreement?*

A. If you choose not to sign the attorney agreement, then we are required by AR 27-20 to assert the federal government's Separate Statutory Right of Action. The government interest in this case is a lawful debt under the Federal medical Care Recovery Act and without an attorney agreement to ensure that the federal government's interest is protected, we must first assert bills and records to all available sources of recovery with notice that the government is demanding separate payment directly to the United States treasurer. Once all sources of recovery have been served, *then* we will be happy to release bills and supporting records to your office. In the meantime, should your client require a copy of just their medical records, they may request those directly from the Madigan Correspondence office.

21. The only insurance coverage is my PIP and UIM. How can you take my money?

A. 10 United States Code (USC) 1095 is the federal statute that requires us to bill no-fault insurance such as PIP, UIM, etc. even where there is no other coverage (Third Party Liability Tortfeasors are covered by the Federal Medical Care Recovery Act)