

ARTICLE 139 CLAIMS

Have you ever been the victim of either theft or the reckless or intentional destruction of property by a servicemember? If so, did you know that you might be able to recover your loss using an Article 139 claim against the servicemember who caused the loss?

Entitled "Redress of injuries to property," Article 139 of the Uniform Code of Military Justice (UCMJ) allows commanders to investigate allegations of theft or destruction of property by servicemembers and to order Finance to pay the victim directly, where appropriate. The remedy is designed to ensure that people are compensated when servicemembers commit fraud against them, steal from them, or vandalize their property. It is not designed to allow a creditor to collect a debt when the debt is disputed or when the debtor has had trouble making repayments. Similarly, Article 139 claims cannot be used to recover money for damage or loss caused by negligence instead of intentional or reckless misconduct on the part of the servicemember, or for court-ordered payments such as child support.

Specific examples of situations in which a person could recover under an Article 139 claim include where one servicemember uses another servicemember's telephone card without the owner's permission or where a servicemember slashes the tires of someone's car.

Any individual, civilian or military, may file an Article 139 claim against a service member. Generally, the claim must be submitted within 90 days of the incident that gave rise to the claim. The time allowed to file a claim could be extended for good cause, which includes not knowing about Article 139 recovery rights. The person making the claim must file it with the Special Court-Martial Convening Authority (SPCMCA) having jurisdiction over the alleged offender; however, the Claims Office can process the accuser's claim and forward it to the SPCMCA having jurisdiction. The SPCMCA for Army personnel at Presidio of Monterey is the Mission Commander. The claim must be for a specific sum of money. Next, the SPCMCA appoints an officer to conduct a formal investigation. If the investigating officer determines that it is more likely than not that the claim is valid, the SPCMCA can approve up to \$5000 in compensation immediately and can recommend approval of higher levels of compensation to the General Court-Martial Convening Authority (GCMCA). The approved amount of money is collected directly from the wrongdoer's paycheck and paid to the victim.

If you have questions about obtaining compensation through an Article 139 claim, please stop by the Claims Office in Building 275 for assistance or call 242-6396.

Adapted by Lannette Moutos
Chief, Litigation & Claims Division