



# U.S. ARMY OKINAWA

## ★ TORII STATION ★



### CLAIMS

• 652-4332 / 4742 • BUILDING 218, ROOM 222 •

#### Article 139 Claims – Willful Damage or Wrongful Taking by a Soldier

**What is an Article 139 Claim?** Article 139 of the Uniform Code of Military Justice (UCMJ) allows people to be compensated when service members commit fraud against them, steal from them, or vandalize their property. It is NOT designed to allow a creditor to collect a debt. Most often Article 139 claims involve stealing or vandalism. Specific examples of situations in which a person could recover under an Article 139 claim include where one Soldier steals another person's cell phone, or where a Soldier intentionally damages someone's vehicle.

**What type of property loss or damage is covered by Article 139?** An Article 139 claim provides a redress for loss of or damage to personal property which has been willfully damaged or wrongfully taken by a member of the Armed Forces of the United States. Accidental damage is not covered.

- **Willfully damaged:** Willful damage is essentially vandalism. Damage or loss which is intentionally inflicted. Loss or damage caused by riotous, violent, or disorderly conduct may be considered intentionally inflicted.
- **Wrongful taken:** A wrongful taking is essentially a theft – an unauthorized taking or withholding of property with the intent to deprive the owner of either temporary or permanent possession.

**How do I file an Article 139 claim?** Any individual, civilian or military, may file an Article 139 claim against a service member. A claim may initially be submitted orally, but it must be reduced to writing, signed by the claimant, and a definite amount specified within 10 calendar days. An oral claim that is not reduced to writing within ten calendar days may be dismissed.

**When do I file an Article 139 claim?** A claim must be submitted within 90 days of the incident that gave rise to the claim, or good cause for the delay must be shown. Generally, a person who is not aware of Article 139 or does not know the identity of the offender has good cause for delay in submission of his or her claim.

**Where do I submit my claim and what happens next?** The person making the claim must file it with the Special Court-Martial Convening Authority (SPCMCA) having jurisdiction over the alleged offender. However, any claims office can process the victim's claim and forward it to SPCMCA. The SPCMCA will appoint an officer to conduct a formal investigation. Within 10 working days of appointment, the investigating officer is expected to complete the investigation. If the investigating officer determines that it is "more likely than not" (*i.e.*, there is a preponderance of evidence) that the claim is valid, the SPCMCA can order up to \$5,000 in compensation. The General Court-Martial Convening Authority (GCMCA), and can approve up to \$10,000. This money is then collected directly from the Soldier's paycheck and paid to the victim.