



# Kaiserslautern (Kleber Kaserne) Legal Assistance Office



## ARTICLE 139 CLAIMS

*Please note that this Information Paper only provides basic information and is not intended to serve as a substitute for personal consultations with an attorney.*

1. Article 139 Claims. Article 139 of the Uniform Code of Military Justice (UCMJ) allows commanders to investigate allegations of a wrongful taking or willful damage to property by Soldiers. In some circumstances, the Article 139 claims process allows a commander to direct the Finance Office to pay a victim from the wrongdoer's pay.
2. If you believe you have an appropriate claim under Article 139, you must usually **submit it within 90 days of the incident**. You must provide a **written and signed statement** that describes the incident and requests a **sum in U.S. dollars**. You should also attach evidence, in the forms of photographs, police reports, receipts, and other documents, that supports your claim.
3. You may present your claim to your local Military Claims Office or any officer, who will then forward it to the Special Court Martial Convening Authority (SPCMCA) having jurisdiction over the soldier against whom the claim was made. If your claim appears to have merit, the SPCMCA will appoint an Investigating Officer (IO). The IO will conduct an investigation and render findings and recommendations regarding the investigation. To hold a Soldier financially liable, the IO must conclude that it's more likely than not that the Soldier wrongfully took or willfully damaged your property. After a legal review, the SPCMCA will make a final decision regarding payment of the claim, or forward it to a higher authority, depending on the amount claimed.
4. Regardless of the outcome, both the claimant and the Soldier will be notified of the determination and have the right to request reconsideration.
5. **Examples of typical Article 139 Claims:**
  - A Soldier starts a fight with a civilian and breaks the civilian's furniture
  - A Soldier is off-duty and intentionally breaks a down-town storefront window
  - A Soldier deliberately damages the TV of another Soldier who dated his girlfriend
6. **Examples that would NOT fall under Article 139**
  - Claims resulting from negligent acts or claims for personal injury or death
  - Claims resulting from acts of military personnel acting within the scope of their employment
  - Claims resulting from the conduct of reserve component personnel who were not subject to the UCMJ at the time of the offense
  - Claims for theft of service (claim must be for theft of property).
  - Claims for indirect or consequential damages (e.g. attorney costs)