



Kaiserslautern (Kleber Kaserne) Legal Assistance Office



Chapter 3 Claims

(Property Damage, Personal Injury or Wrongful Death due to U.S. Government Negligence)

Please note that this Information Paper only provides basic information.
For specific advice, contact the claims office to discuss your potential claim individually.

1. **General:** Under AR 27-20, Chapter 3 you may be eligible for financial compensation in cases of property damage, personal injury or wrongful death if the cause was a wrongful or negligent act of an active-duty U.S. military member or U.S. government employee who was acting within the scope of their official duties.

Such a claim can be filed by filling the SF-95 form and sending it to our claims office at usarmy.rheinland-pfalz.21-tsc.mbx.osja-claims-office@army.mil.

For a claim to be successfully filed, the submitted SF-95 must state

- a) the alleged cause giving rise to the claim
- b) a sum certain in U.S. dollars as claim amount
- c) a dated signature by the claimant

2. **What is the burden of proof?** It is on the claimant to provide full documentation to substantiate their claim. This would include proof of ownership, damage or loss, costs of repair, etc. If you have insurance on your property (e.g. renters or automobile insurance with USAA), and have filed a claim with the insurer, please include the amount already reimbursed, deductible amount, or proof of denial.

3. **What claims are payable?** MCA Chapter 3 claims are payable ONLY if they are caused by a negligent or wrongful act or omission by DOD personnel, acting within the scope of their employment.

4. **What is the time limit?** A potential claimant has two years from date of the incident giving rise to the claim to file their claim with the claims office.

5. **German VAT:** We will not be able to reimburse you for paid German Value Added Tax (VAT). If you have your personal property repaired, please be advised to use a VAT form. The costs for a VAT form can be claimed in addition to the claim amount. If you wish to do so, please clearly indicate and provide a receipt for the VAT form.

6. **German Expert's Appraisal (Gutachten):** We will not be able to cover costs for German "Gutachten"-type repair estimates. These are often a requirement for filing with German insurance companies and cost approximately 700 Euros. For our purposes, a basic repair estimate will suffice.

7. **Contact Information:**

USARMY.RHEINLAND-PFALZ.21-TSC.MBX.OSJA-CLAIMS-OFFICE@ARMY.MIL.