Kaiserslautern (Kleber Kaserne)
Legal Assistance Office

KLSC

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. What is an Article 139 Claim? Article 139 of the Uniform Code of Military Justice (UCMJ) allows commanders to investigate allegations of 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. Filing Article 139 Claim is not a guarantee for the claimant to receive compensation.

2. How to Submit a Claim. 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 that supports your claim in the form of photographs, police reports, receipts, and other documents.

3. The Investigation Process. 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 servicemember 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 servicemember financially liable, the IO must conclude that it is more likely than not that the servicemember 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. Notification and Reconsideration. Regardless of the outcome, both the claimant and the servicemember will be notified of the determination and have the right to request reconsideration.

5. Examples of Article 139 Claims
- A servicemember starts a fight with a civilian and breaks the civilian's furniture
- A servicemember is off-duty and intentionally breaks a down-town storefront window
- A servicemember deliberately damages the TV of another servicemember who dated his girlfriend

6. What is Not Covered Under Article 139
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)