



Wiesbaden Legal Center Legal Assistance Office



Article 139 Claims

If a Soldier intentionally damages or destroys your property, you are entitled to compensation directly from the Soldier. Article 139, Uniform Code of Military Justice (UCMJ), provides an easy, effective way for victims of deliberate misconduct to obtain compensation for the losses. A claims examiner or claims attorney can help you understand the process and start your claim.

The victim must write the accused Soldier's commander, demanding a specific dollar amount. A simple letter is enough. The letter should identify the guilty Soldier, explain how the loss occurred, and identify any witnesses and include their statements or contact information. The letter should substantiate the amount of the loss or damage with repair/replacement estimates.

You must submit your claim promptly. An unreasonable delay may result in denial. An Article 139 claim is an administrative action and is independent of any other criminal action against a Soldier, so resolving your claim doesn't depend on the outcome of any criminal case against the Soldier. The claim must be for personal property damage only. Bodily injuries, damage to real estate, contract disputes – such as arguments over a Family Child Care contract or the sale of a car – are not payable under Article 139.

Claims for property willfully damaged. Willful damage is damage inflicted intentionally, knowingly, and purposefully without justifiable excuse, as distinguished from damage caused inadvertently or thoughtlessly in a negligent manner. Damage, loss, or destruction of property caused by riotous, violent, or disorderly acts or acts of depredation, or through conduct showing reckless or wanton disregard of the property rights of others, may be considered willful damage.

Claims for property wrongfully taken. A wrongful taking is any unauthorized taking or withholding of property, not involving the breach of a fiduciary or contractual relationship, with the intent to deprive, temporarily or permanently, the owner or person lawfully in possession of the property. Damage, loss, or destruction of property through larceny, forgery, embezzlement, fraud, misappropriation or similar offense may be considered wrongful taking.

Claims **not** payable under Article 139, UCMJ, include:

- a. Claims resulting from negligent acts.
- b. Claims for personal injury, death, and theft of services.
- c. Claims resulting from acts or omissions of military personnel acting within the scope of their employment.

- d. Claims resulting from the conduct of Reserve Component personnel who are not subject to the UCMJ at the time of the incident.
- e. Subrogated claims, including claims by insurers.
- f. Claims involving only contractual and fiduciary disputes.
- g. Claims for consequential damages.

For more information, see Army Regulation 27-20, *Claims* at http://www.apd.army.mil/pdffiles/r27_20.pdf.