

Claims Report
U.S. Army Claims Service

Personnel Claims Note

An Open Letter to Staff Judge Advocates, Area Claims Officers, Claims Attorneys, and Claims Professionals
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In lieu of a formal Claims note, I would like to introduce myself and take the opportunity to publish my view of the Army Personnel Claims Program and its role supporting Soldiers, employees, and family members.

In early December 2009, I was sworn in as the new Chief, Personnel Claims and Recovery Division, U.S. Army Claims Service, to succeed the late Joseph Goetzke. Joe had served at the Army Claims Service since 1988 and as the chief of the Personnel Claims and Recovery Division since 2005. He was a consummate professional and was recognized as an expert in personnel claims, bankruptcy, insurance, and transportation law by other military claims professionals and members of industry alike. I knew Joe well, having previously served in this same position and as Commander, Army Claims Service, while on active duty. Joe was a friend, and I fully appreciate what he meant to the Army Claims Service, the JAG Corps, and the Army. He is missed by all of us.

Although saddened by the circumstances of how the position became available, I am delighted to return to the Army Claims Service and the JAG Corps after working for a number of years in the Federal Judiciary and at the Department of Veterans Affairs. It is a special honor to be selected to follow Joe and fill the position that is responsible for personnel claims—what a former Judge Advocate General stated “has the greatest impact on Soldier morale of all that SJA offices do. It can make it, or it can break it.”²

The Personnel Claims Act³ is unique among the claims statutes administered by the Army Claims Service. The Personnel Claims Act is specifically intended to improve morale among Soldiers and civilian employees. It does so by authorizing reimbursement for incident-to-service damage to, loss of, or destruction of their personal property.

In view of its singular purpose, administering or implementing the Personnel Claims Act, whether at the Army Claims Service or in the field, requires an approach different from that used with other claims statutes. We, as claims attorneys, should not look to provide claimants the absolute minimum in reimbursement that we can “get away with,” nor should we require unreasonable or unnecessarily high levels of substantiation before we authorize payment.

During a time when our Soldiers and their families are under extreme stress, we should not impose unnecessary hurdles when they seek reimbursement for meritorious incident-to-service damage to, loss of, or destruction of their property. Equally important, we must ensure that our interactions do not create the perception that we believe claimants are out to cheat or game the system. If that belief becomes prevalent, any good that might come from even a very generous reimbursement will be destroyed.

Accordingly, with the support of the Commander, Army Claims Service, and JAG Corps senior leadership, the Personnel Claims and Recovery Division will adjudicate claims and act on requests for reconsideration using the following approach. We will look for ways to pay fair amounts on meritorious claims—not for ways to deny or reduce them—and we will resolve doubts in favor of claimants. I ask your support in ensuring that your claims offices approach and adjudicate claims following the same philosophy.

To help in that endeavor, the Personnel Claims and Recovery Division will provide outreach, training, and other support to claims professionals in the field. As a part of our review of Army claims publications—particularly Army Regulation 27-20⁴ and Army Pamphlet 27-162⁵—we have made efforts to remove, amend, or ameliorate provisions that unnecessarily impose unreasonable burdens on potential claimants. That effort will continue unabated and with renewed fervor.

¹ Chief, Personnel Claims and Recovery Division, U.S. Army Claims Service.

² Major General Walter B. Huffman, The Judge Advocate General, U.S. Army, Address as the U.S. Army Claims Training Conference (Oct. 27, 1997). The conference was held in Linthicum, Maryland.

³ 10 U.S.C. § 3721 (2006). *See generally* U.S. DEP’T OF ARMY, REG. 27-20, CLAIMS ch. 11 (8 Feb. 2008) [hereinafter AR 27-20].

⁴ AR 27-20, *supra* note 2.

⁵ U.S. DEP’T OF ARMY, PAM. 27-162, CLAIMS PROCEDURES ch. 11 (21 Mar. 2008).

We will also continue to look for ways to assist the ever-increasing number of claimants who have shipped their household goods via programs entitling them to full replacement value reimbursement, but who must first file claims with their carrier to obtain reimbursement.⁶ Furthermore, we will continue to conduct regional Claims Training Conferences to provide convenient, cost-effective continuing education and training to field claims professionals. Finally, we are re-instituting the practice of conducting Claims Assistance Visits to help train and educate field claims professionals and generally improve field claims office management.

Unfortunately, we do not have the resources to visit every field claims office annually as part of an official Claims Assistance Visit. Accordingly, we must prioritize our visits based on the size of the office, the claims workload, and our perceived need for such assistance.

Claims offices that believe a Claims Assistance Visit would provide meaningful assistance to the office's claims practice are encouraged to contact the Personnel Claims and Recovery Division at (301) 677-7009. Our office will endeavor to arrange a visit as soon as we can reasonably do so. I also hope to hear from you if you have questions about, recommendations for or complaints regarding personnel claims-related matters.

In closing, I reiterate my pleasure in having the honor and privilege of being entrusted to administer a program designed to help the Soldiers, civilian employees, and family members of the U.S. Army. Thank you for helping me carryout those responsibilities.

⁶ For information on these programs, including the Full Replacement Value Program and the Defense Personal Property Program, visit the Surface Deployment and Distribution Command's personal property webpage at <http://www.sddc.army.mil/public/Personal+Property/>.