

Claims Report

U.S. Army Claims Service

Claims Management Note

Claims Training on JAG University

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The U.S. Army Claims Service recently posted claims training materials on the JAG University link of JAGCNet, the web site of the Army Judge Advocate General's Corps.¹ JAG University is an on-line training resource of The Judge Advocate General's Legal Center and School. The claims training materials include information on deployment claims, affirmative claims, receiving claims and interviewing witnesses.

Those who wish to settle claims in deployed areas, such as Iraq and Afghanistan, are required to review the material on deployment claims.² Claims from foreign nationals in these areas are typically settled under the Foreign Claims Act.³ Those who settle these claims, known as Foreign Claims Commissions, require a special appointment, generally issued by the Commander of the U.S. Army Claims Service at Fort Meade.⁴ Staff Judge Advocates may request appointments of Foreign Claims Commissions by sending a memorandum to the Foreign Claims Branch of the U.S. Army Claims Service.⁵ The request should include the name, rank, social security number (last four numbers only), unit, unit mailing address, e-mail address and DSN number of the person to be appointed. The request also should indicate whether the person will be appointed as a one-member or three-member commission.⁶

The training requirement is designed to ensure that all Foreign Claims Commissions are aware of their responsibilities and have the latest guidance. The on-line deployment claims training covers a number of topics, including investigation and settlement of claims under the Foreign Claims Act, single-service claims responsibility⁷ and *solatia* payments.⁸ Foreign Claims Commissions must also take and pass an exam before they can assume their duties.⁹ The training should improve the quality of claims support in the field, improving our ability to support commanders.

¹ The U.S. Army Judge Advocate General's Corps, JAG University, available at <https://jag.learn.army.mil/webapps/portal/frameset.jsp> (follow "My Organizations" hyperlink; then follow "TJAG Training" hyperlink; then follow "Core Legal"; then follow "Claims" hyperlink). A JAGCNet account is required to access the site.

² *Id.* (follow "TJAG Training" hyperlink under "My Organizations"; then follow "Core Legal" hyperlink; then follow "Claims" hyperlink; then follow "Deployment Claims" hyperlink; then follow "Deployment Claims Presentation" hyperlink).

³ 10 U.S.C. § 2734 (2006).

⁴ U.S. DEP'T OF ARMY REG. 27-20, CLAIMS para. 10-6 (Feb 8, 2008) [hereinafter AR 27-20].

⁵ These may be telefaxed to DSN 622-6652 or commercial (301) 677-6652.

⁶ One member foreign claims commissions have the authority to settle claims for up to \$5000; one-member foreign claims commissions who are Judge Advocates or claims attorneys may settle claims for up to \$15,000; three-member foreign claims commissions may settle claims for up to \$50,000. AR 27-20, *supra* note 4, para. 10-9. If the request is for a three-member commission, it should state which position each person should have (president, member or alternate member).

⁷ Each service has been assigned responsibility to investigate and settle tort claims in certain countries under Department of Defense Instruction 5515.08. U.S. DEP'T OF DEFENSE, INSTR. 5515.08, ASSIGNMENT OF CLAIMS RESPONSIBILITY (Nov. 11, 2006). The Army has been assigned single-service claims responsibility for Iraq, Kuwait and Afghanistan. *Id.*

⁸ *Solatia* payments are condolence payments made to those who are injured or killed or who have suffered property loss as a result of activities of U.S. forces. They are not admissions of liability and are not made from claims funds. AR 27-20, *supra* note 4, para. 10-11. The Department of Defense General Counsel has determined that *solatia* payments are authorized in Iraq and Afghanistan. Memorandum from Deputy General Counsel (International Affairs), Department of Defense, to Chairman, Joint Chiefs of Staff, subject: *Solatia* (26 Nov. 2004).

⁹ The exam is currently available by contacting the Foreign Torts Branch, U.S. Army Claims Service, at (301) 677-7009, extension 252, (DSN 622-7009). The exam will eventually be located on the same web-site as the deployment claims training materials.