

New Developments

U.S. Army Claims Service

Personnel Claims Note

New Personnel Claims Procedure for Catastrophic Losses

On New Year's Eve, 2010, a tornado tore through a Fort Leonard Wood, Missouri, housing area. The tornado destroyed homes,¹ disrupted the base's power supply, shut off water and damaged gas lines.² Fortunately, only minor injuries resulted, in large part because many personnel were on holiday leave. Approximately fifty military families lost all of their personal property; many others lost a significant amount.³

Shortly after the tornado hit, a team of claims professionals from the Fort Leonard Wood Office of the Staff Judge Advocate and other Army legal offices around the country began providing advice and assistance to those affected by the disaster. They set up a claim center and visited damaged and destroyed homes⁴ to advise Soldiers of their right to file claims under the Personnel Claims Act.⁵ In response to the disaster, the U.S. Army Claims Service (USARCS) developed an expedited procedure to process these claims, entitled the Catastrophic Loss Accelerated Settlement Procedure (CLASP).⁶

Ordinarily, a claim filed under the Personnel Claims Act must be substantiated⁷ with a detailed list of property on a Department of Defense Form 1844 (List of Property and

Claims Analysis Chart).⁸ This requirement poses a problem for claimants suffering catastrophic losses, such as those resulting from the Fort Leonard Wood tornado. It may be impossible for such claimants to recall everything they owned. Additionally, claimants may have lost the receipts, inventories and other documents that might help them create the detailed list.

The U.S. Army Claims Service developed the CLASP to address the above problems. The CLASP only applies when there has been a total or substantially total loss of a claimant's property, and the nature, extent and circumstances surrounding the loss make it impractical for a claimant to substantiate the ownership, condition and value of property on an item-by-item basis.⁹ In such circumstances the Commander, USARCS, may authorize the CLASP as an exception to the Army claims regulation on a case-by-case basis.¹⁰

If the CLASP is applicable, Army claims personnel will document losses by on-site inspections and photography, detailed oral interviews, and available inbound shipment inventories, to capture the quantity, condition and value of property prior to the loss. Once this information is obtained, the USARCS will provide an estimate of the total value of the lost property based on an analysis of the data gathered in the field.

At the claimant's option, this information may be used to obtain an adjudicated settlement under the Personnel Claims Act.¹¹ Claimants retain their right to seek reconsideration if dissatisfied with settlement amounts.¹² Additionally, claimants still retain the option to itemize their property losses if they believe this will result in a more favorable settlement.¹³

¹ Forty-seven homes were destroyed and ninety-seven were damaged. Tiffany Wood, *Fort Leonard Wood Demonstrates Resiliency After Tornado*, ARMY MAG., Mar. 2011, at 52.

² Alexandra Browning & Patrick Fallon, *Fort Leonard Wood Begins Recuperation after Tornado Disaster*, COLUM. MISSOURIAN, Dec. 31, 2010, at 1, available at <http://www.columbiainmissourian.com/stories/2010/12/31/fort-leonard-wood-begins-recuperation-after-tornado-disaster/>.

³ Alex Giddings, *Clean-up Continues at Fort Leonard Wood in Tornado Aftermath*, COLUM. MISSOURIAN, Jan. 2, 2011, at 1, available at <http://columbiainmissourian.com>.

⁴ Wood, *supra* note 1, at 53.

⁵ 31 U.S.C. § 3721 (2006). The Personnel Claims Act permits payment for losses incurred incident to service, including those due to "unusual occurrences" at quarters that have been provided by the government. U.S. DEP'T OF ARMY, REG. 27-20, CLAIMS para. 11-5d (8 Feb. 2008) [hereinafter AR 27-20].

⁶ Posting of Colonel Reynold P. Masterton to Claims Discussion Board, subject: New Personnel Claims Procedure for Catastrophic Losses, 10 January 2011, <https://www.jagcnet2.army.mil/JAGCNETPortals/Intranet/Discussion%20Boards/claimsdb.nsf/WebBoardSubNotApp?OpenView&RestrictToCategory=CCCC080CED3FA585852578140067FD41&Count=30&ExpandSection=0> [hereinafter New Personnel Claims Procedure Posting].

⁷ 31 U.S.C. §3721(f)(1).

⁸ AR 27-20, *supra* note 5, para. 11-8a.

⁹ New Personnel Claims Procedure Posting, *supra* note 6.

¹⁰ AR 27-20, *supra* note 5, para. 1-17e.

¹¹ 31 U.S.C. § 3721.

¹² AR 27-20, *supra* note 5, para. 11-20.

¹³ New Personnel Claims Procedure Posting, *supra*, note 6.

To date, the new CLASP has only been applied to the losses suffered during the tornado at Fort Leonard Wood on December 31, 2010.¹⁴ Claims personnel who conclude that

similar catastrophic events justify use of the new procedure should contact the Personnel Claims and Recovery Division at the USARCS for guidance.¹⁵

—Colonel R. Peter Masterton, USA, Commander, U.S.
Army Claims Service, Fort Meade, Maryland

¹⁴ *Id.*

¹⁵ The U.S. Army Claims Service is located at 4411 Llewellyn Avenue, Fort Meade, Maryland 20755. The current telephone number for the Army Claims Service is (301) 677-7009. Additional information may be obtained at the U.S. Army Claims Service Internet site located at <https://www.jagcnet.army.mil/8525752700444FBA>.