



The Client Services Division – At Your Service

By Sandi Williams, OSJA

You may ask “What does the installation legal office have to offer me?” This article introduces readers to the many services provided by the Office of the Staff Judge Advocate, Client Services Division (CSD).

The Client Services Division is a consolidated legal office offering a wide variety of free legal services in the areas of legal assistance, income tax assistance, real estate expense reimbursement and claims. Eligible clients include all branches of Active Duty Service Members (30 days or more), Retirees, and their Family Members; and under limited circumstances, civilian employees. Located in room 317 on the third floor of building 4305, the office is comprised of three attorneys, two paralegal specialists, two claims examiners, and one legal assistant. Services are provided Monday, Tuesday, Wednesday and Friday, 9:00 a.m. to 3:00 p.m., and Thursday, 9:00 a.m. to 12:00 p.m.

Legal assistance

Legal assistance is a customer-oriented service of the Army’s Judge Advocate General’s (JAG) Corps that resolves clients’ personal legal problems. Resolution may range from giving general advice on a matter and referring the client to a private attorney or agency to preparing legal documents (i.e., correspondence with a debt collector) or negotiating with opposing counsel on a client’s behalf. As a general rule, legal assistance attorneys may advise clients on most personal civil legal matters including wills, powers of attorney, contracts, leases, taxes, enlisted/officer evaluations, financial problems and domestic relations matters. Most powers of attorney and notarizations are available on a walk-in basis during normal operating hours. We offer a walk-in day (no appointment required – first come first serve) to see an attorney each Tuesday morning beginning at 9:00 a.m. All other attorney consultations are scheduled by appointment. Emergencies, such as mobilizations, a summons or court order requiring an immediate response, lease reviews, medical emergencies, etc., are assisted on a walk-in basis – and home or hospital visits may be arranged for clients with serious physical disabilities. We also provide limited services to civilian employees who are charged for loss or damage to government equipment (financial liability investigations) and those civilian employees designated to accompany the forces to contingency operations.

Income tax assistance

The tax program operates between February and April each year. Services provided are for the preparation of simple federal and state tax returns by appointment only. During the off-season, tax personnel continue to answer simple tax questions and provide the preparation of simple tax returns, to include tax preparation assistance to Service Members returning from combat zones and contingency operations or amendments to returns previously prepared by the CSD tax personnel.

Real estate expense reimbursement requests

These are requests for reimbursements for certain expenses associated with the sale or purchase of a home or early termination of a lease pursuant to an authorized permanent change of station (PCS) move for civilian employees. The CSD performs a legal review for the

Command's Approval Authority to ensure expenses are reasonable in amount and customarily paid by the seller or buyer in the residence locality and determine whether there is a specific basis to reimburse the requested expense under appropriate regulations and law.

Claims

Claims personnel process and assert a variety of claims for loss or damage to property. The most common types of claims filed with this office are the following:

Personnel Claims

The Personnel Claims Act authorizes the payment of soldiers' and DA civilian employees' claims for the fair market value of personal property lost, damaged, or destroyed incident to service. The most common claims are those related to Government-sponsored transportation losses (household goods and hold baggage) and damage/loss to personal property due to fire, flood, theft, vandalism, and/or unusual occurrence that occurred incident to service. In order to file a Personnel Claim (household goods shipment; POV shipment; barrack theft; or other personnel property loss) incident to your service with the Army, you must file your claim using the Personnel Claims Army Information Management System (PCLAIMS) located online at <https://www.jagcnet4.army.mil/pclaims>.

Tort Claims

Tort claims personnel receive, investigate, and settle claims filed against the United States under the Federal Tort Claims Act (FTCA) and the Military Claims Act by individuals who suffered a loss or damage as a result of a government employee's negligent act while in the scope of his employment with the U.S. Government. The FTCA requires the filing of an administrative claim (using SF Form 95, Tort Claim for Damage, Injury or Death), signed and demanding a sum certain, with the appropriate agency within two years of the incident. Once the claim is filed, the claimant must wait to file suit in federal court until either six months have elapsed since the date of filing, a final offer is issued, or the claim is denied, whichever comes first.

Article 139 Claims

These are administrative claims made against military personnel only for loss of, or damage to, real or personal property that has been willfully damaged or wrongfully taken. Claims for death or personal injury, subrogated claims, and claims founded in negligence or breach of a contractual or fiduciary relationship are excluded. All claims under this chapter must be presented to an Army claims office within 90 days of the incident.

Claims initiated by this office

Carrier Recovery Claims and Affirmative Claims are the most common types of claims initiated by this office.

Carrier Recovery claims personnel are responsible for administering the U.S. Army Claims Service's household good recovery program. The purpose of the program is to pursue affirmative claims against carriers, warehousemen, or other third parties responsible for loss or damage occurring during the storage or transport of household goods, and other personal property. Recovery from the carrier is based primarily on the carrier's contractual responsibility to deliver, in satisfactory condition, the property shipped.

Affirmative claims personnel initiate action to recover the cost of medical care provided by Military Treatment Facilities and/or paid for by TRICARE to eligible recipients (i.e. soldiers, dependents, and retirees) on account of injury or disease incurred under the circumstances creating tort liability upon some third person. This includes the costs incurred by the U.S. as a result of car accidents, slip and falls, medical malpractice, or any other incident where a service

member was injured due to the negligence of a third party. Affirmative claims personnel also recover the cost of property damage or loss to U.S. government property from responsible third parties.

Legally Speaking

The CSD is committed to providing first-class, professional legal services. Part of that commitment includes educating clients about legal issues that may affect them. Legally Speaking is designed to be a column that deals with time sensitive legal assistance and claims issues important to the APG community. In the coming months, look for informative articles on various topics such as claims, taxes, consumer rights, estate planning, military specific topics and more. The CSD also encourages the APG community to attend our on-post quarterly Preventive Law Series presentations featuring the aforementioned topics and hosted by the CSD. Information regarding location, dates and times of the quarterly presentations as well as the presentation slides are posted on the CSD webpage at www.apg.army.mil, installation support, support offices, installation legal office. If you require assistance with regards to any of the legal services we offer, we invite you to visit our office or call us at 410-278-1583.