

LEXSTAT 10 USC 2733

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*** CURRENT THROUGH P.L. 110-36, APPROVED 6/15/2007 ***
*** WITH A GAP OF 110-35 ***

TITLE 10. ARMED FORCES
SUBTITLE A. GENERAL MILITARY LAW
PART IV. SERVICE, SUPPLY, AND PROCUREMENT
CHAPTER 163. MILITARY CLAIMS

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10 USCS § 2733

§ 2733. Property loss; personal injury or death: incident to noncombat activities of Department of Army, Navy, or Air Force

(a) Under such regulations as the Secretary concerned may prescribe, he, or, subject to appeal to him, the Judge Advocate General of an armed force under his jurisdiction, or the Chief Counsel of the Coast Guard, as appropriate, if designated by him, may settle, and pay in an amount not more than \$ 100,000, a claim against the United States for--

- (1) damage to or loss of real property, including damage or loss incident to use and occupancy;
- (2) damage to or loss of personal property, including property bailed to the United States and including registered or insured mail damaged, lost, or destroyed by a criminal act while in the possession of the Army, Navy, Air Force, Marine Corps, or Coast Guard, as the case may be; or
- (3) personal injury or death;

either caused by a civilian officer or employee of that department, or the Coast Guard, or a member of the Army, Navy, Air Force, Marine Corps, or Coast Guard, as the case may be, acting within the scope of his employment, or otherwise incident to noncombat activities of that department, or the Coast Guard.

(b) A claim may be allowed under subsection (a) only if--

- (1) it is presented in writing within two years after it accrues, except that if the claim accrues in time of war or armed conflict or if such a war or armed conflict intervenes within two years after it accrues, and if good cause is shown, the claim may be presented not later than two years after the war or armed conflict is terminated;
- (2) it is not covered by section 2734 of this *title* [10 USCS § 2734] or *section 2672* of title 28;
- (3) it is not for personal injury or death of such a member or civilian officer or employee whose injury or death is incident to his service;
- (4) the damage to, or loss of, property, or the personal injury or death, was not caused wholly or partly by a negligent or wrongful act of the claimant, his agent, or his employee; or, if so caused, allowed only to the extent that the law of the place where the act or omission complained of occurred would permit recovery from a private individual under like circumstances; and
- (5) it is substantiated as prescribed in regulations of the Secretary concerned.

For the purposes of clause (1), the dates of the beginning and ending of an armed conflict are the dates established by concurrent resolution of Congress or by a determination of the President.

(c) Payment may not be made under this section for reimbursement for medical, hospital, or burial services furnished at the expense of the United States.

(d) If the Secretary concerned considers that a claim in excess of \$ 100,000 is meritorious, and the claim otherwise is payable under this section, the Secretary may pay the claimant \$ 100,000 and report any meritorious amount in excess of \$ 100,000 to the Secretary of the Treasury for payment under section 1304 of title 31.

(e) Except as provided in subsection (d), no claim may be paid under this section unless the amount tendered is accepted by the claimant in full satisfaction.

(f) For the purposes of this section, a member of the National Oceanic and Atmospheric Administration or of the Public Health Service who is serving with the Navy or Marine Corps shall be treated as if he were a member of that armed force.

(g) Under regulations prescribed by the Secretary concerned, an officer or employee under the jurisdiction of the Secretary may settle a claim that otherwise would be payable under this section in an amount not to exceed \$ 25,000. A decision of the officer or employee who makes a final settlement decision under this section may be appealed by the claimant to the Secretary concerned or an officer or employee designated by the Secretary for that purpose.

(h) Under such regulations as the Secretary of Defense may prescribe, he or his designee has the same authority as the Secretary of a military department under this section with respect to the settlement of claims based on damage, loss, personal injury, or death caused by a civilian officer or employee of the Department of Defense acting within the scope of his employment or otherwise incident to noncombat activities of that department.

HISTORY:

(Aug. 10, 1956, ch 1041, § 1, 70A Stat. 153; Aug. 23, 1958, P.L. 85-729, § 1, 72 Stat. 813; Sept. 2, 1958, P.L. 85-861, § 1(54), 72 Stat. 1461; Nov. 2, 1966, P.L. 89-718, § 8(a), 80 Stat. 1117; Sept. 26, 1968, P.L. 90-522, 82 Stat. 875; Sept. 26, 1968, P.L. 90-525, §§ 1, 3-5, 82 Stat. 877, 878; July 8, 1970, P.L. 91-312, § 2, 84 Stat. 412; July 8, 1974, P.L. 93-336, § 1, 88 Stat. 291.); Dec. 12, 1980, P.L. 96-513, Title V, Part B, § 511(94), 94 Stat. 2928; Oct. 12, 1982, P.L. 97-295, § 6(b) in part, 96 Stat. 1314; Oct. 30, 1984, P.L. 98-564, § 1, 98 Stat. 2918; Oct. 19, 1996, P.L. 104-316, Title II, § 202(e), 110 Stat. 3842.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

Prior law and revision:

1956 Act

Revised Section Source (U.S. Code) Source (Statutes at Large)

2733(a) 31:223b (1st sentence, July 3, 1943, ch. 189, Sec. less 52d through 62d, 1 (less 4th sentence), 57 and 76th through 93d, Stat. 372; May 29, words; and less pro- 1945, ch. 135, Sec. 4, 59 viso). Stat. 225; June 28,
2733(b) [Uncodified: Aug. 2, 1946, ch. 514, Sec. 1, 1946, ch. 753, Sec. 60 Stat. 332; July 3, 1952, 424(a) (4th clause), ch. 570, Sec. 2(c), 66 Stat. 60 Stat.]847 . 334; Mar. 31, 1953, ch. 31:223b (76th through 13 (as applicable to 93d words and proviso Act of July 3, 1952, ch. of 1st sentence; and 570, Sec. 2(c)), 67 Stat. 2d sentence). 18; June 30, 1953, ch. 172
2733(c) 31:223b (3d sentence). (as applicable to Act

10 USCS § 2733

- 2733(d) 31:223b (last sentence). of July 3, 1952, ch. 570. Sec. 2(c)), 67 Stat.
- 2733(e) 31:223b (52d through 62d words of 1st sentence). Aug. 2, 1946, ch. 753, Sec. 424(a) (4th clause),
- 2733(f) 31:222h. 60 Stat. 847.
 [31:223b is made applicable to the Navy by 31:223d and 223e]. Dec. 28, 1945, ch. 597, Sec. 1, 59 Stat. 662; June 28, 1946, ch. 514, Sec. 2, 60 Stat. 333.
 Dec. 28, 1945, ch. 597, Sec. 6; added Mar. 20, 1946, ch. 104 (last par.), 60 Stat. 56.

In subsection (a), the words "a civilian officer or employee of that department, or a member of the Army, Navy, Air Force, or Marine Corps, as the case may be" are substituted for the words "military personnel or civilian employees of the Department of the Army or of the Army". The words "whether under a lease, express or implied" are omitted as surplusage. The words "consider, ascertain, adjust, determine" are omitted as covered by the word "settle", as defined in section 2731 of this title. The words "arising on or after May 27, 1941" are omitted as executed, since under revised subsection (b), a claim must be filed within one year after it accrues, or within one year after the war is terminated, if it accrues in time of war.

In subsection (a)(1), the words "or loss" are inserted before the word "incident", for clarity.

In subsection (b)(1), the words "it accrues" are substituted for the words "the accident or incident out of which such claim arises shall have occurred", in 31:223b. The words "the claim accrues" are substituted for the words "That if such accident or incident occurs". The words "not later than" are substituted for the words "within" to make it clear that a claim may be presented during a war. The words "the war is terminated" are substituted for the words "after peace is established", since the other time covered is "time of war". 31:223b (last 49 words of proviso of 2d sentence) is omitted as executed.

In subsection (b)(2), the words "or section 2672 of title 28" are substituted for the words "claims cognizable under part 2 of this title", to reflect the express amendment of 31:223b and 223c by the fourth clause of section 424(a) of the Federal Tort Claims Act, 60 Stat. 847. Section 424(a) of the Federal Tort Claims Act referred to "claims cognizable under part 2 of this title". Part 2 of that act consisted of sections 403 and 404 which were repealed by section 39 of the Act of June 25, 1948, ch. 646, 62 Stat. 1008, and replaced by sections 2672 and 2673 of title 28. The words "or possessions thereof" are omitted, since possessions of foreign countries are not specifically covered by the section to which the words refer.

In subsection (d), the words "claim . . . that would otherwise be covered by this section" are substituted for the words "such claims".

In subsection (e), the words "and final settlement" are omitted as surplusage.

1958 Act

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
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2733	31:223b.	Mar. 29, 1956, ch. 103, Secs. 1-3, 70 Stat. 60, 61.
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Amendments:

10 USCS § 2733

1958. Act Aug. 23, 1958, in subsec. (a), substituted "the Judge Advocate General of an armed force under his jurisdiction, if designated by him, may settle and pay in an amount not more than \$ 5,000" for "any officer designated by him may settle and pay in an amount not more than \$ 1,000"; substituted subsec. (d) for one which read: "The Secretary of the military department concerned may report a claim for more than \$ 1,000 that would otherwise be covered by this section to Congress for its consideration."; in subsec. (e), substituted "Except as provided in subsection (d), "no" for "No" and substituted "this section" for "subsection (a)"; and added subsec. (g).

Act Sept. 2, 1958, in subsec. (b)(1), substituted "armed conflict or if such war or armed conflict" for "a war", substituted "two years" for "one year" three times, and inserted "or armed conflict"; in subsec. (b), added the concluding matter; and substituted subsec. (c) for one which read: "A claim for personal injury or death under subsection (a) may not be allowed for more than the cost of reasonable medical, hospital, and burial expenses actually incurred, and not otherwise furnished or paid by the United States."

1966. Act Nov. 2, 1966, in subsec. (f), substituted "Environmental Science Services Administration" for "Coast and Geodetic Survey".

1968. Act Sept. 26, 1968, P.L. 90-522, in subsec. (b)(4), inserted "or, if so caused, allowed only to the extent that the law of the place where the act or omission complained of occurred would permit recovery from a private individual under like circumstances;"; and, in subsec. (g), added ", subject to appeal to the Secretary concerned, or his designee for that purpose".

Act Sept. 26, 1968, P.L. 90-525, substituted subsec. (a) for one which read:

"(a) Under such regulations as the Secretary of a military department may prescribe, he or, subject to appeal to him, the Judge Advocate General of an armed force under his jurisdiction, if designated by him, may settle and pay in an amount not more than \$ 5,000, a claim against the United States for--

"(1) damage to, or loss of, real property, including damage or loss incident to use and occupancy;

"(2) damage to, or loss of, personal property, including property bailed to the United States and including registered or insured mail damaged, lost, or destroyed by a criminal act while in the possession of the Army, Navy, Air Force, or Marine Corps, as the case may be; or

"(3) personal injury or death;

either caused by a civilian officer or employee of that department, or a member of the Army, Navy, Air Force, or Marine Corps, as the case may be, acting within the scope of his employment, or otherwise incident to noncombat activities of that department."

Such Act further, in subsec. (d), deleted "of the military department" after "Secretary"; in subsec. (g), substituted "\$ 2,500" for "\$ 1,000" and deleted "military" after "department"; and added subsec. (h).

1970. Act July 8, 1970, in subsec. (a), substituted "\$ 15,000" for "\$ 5,000"; and, in subsec. (d), substituted "\$ 15,000" for "\$ 5,000".

1974. Act July 8, 1974, in subsec. (a), substituted "\$ 25,000" for "\$ 15,000"; in subsec. (d), substituted "\$ 25,000" for "\$ 15,000" wherever appearing; and in subsec. (g), substituted "\$ 5,000" for "\$ 2,500".

1980. Act Dec. 12, 1980 (effective upon enactment on 12/12/80, as provided by § 701(b)(3) of such Act, which appears as *10 USCS § 101* note), in subsec. (f), substituted "National Oceanic and Atmospheric" for "Environmental Science Services".

1982. Act Oct. 12, 1982 repealed the amendment of this section by Act Nov. 2, 1966; see the 1966 Amendments note to this section.

10 USCS § 2733

1984. Act Oct. 30, 1984, in subsec. (a), in the introductory matter, substituted "Chief Counsel" for "chief legal officer" and substituted "\$ 100,000" for "\$ 25,000"; substituted subsec. (d) for one which read: "(d) If the Secretary concerned considers that a claim in excess of \$ 25,000 is meritorious and would otherwise be covered by this section, he may pay the claimant \$ 25,000 and report the excess to Congress for its consideration."; and substituted subsec. (g) for one which read: "(g) In any case where the amount to be paid is not more than \$ 5,000, the authority contained in subsection (a) may be delegated to any officer of an armed force under the jurisdiction of the department concerned, subject to appeal to the Secretary concerned, or his designee for that purpose.".

1996. Act Oct. 19, 1996, in subsec. (d), substituted "Secretary of the Treasury" for "Comptroller General".

Other provisions:

Claims for injury or death accrued before March 30, 1956. Act Sept. 2, 1958, P.L. 85-861, § 17, 72 Stat. 1558, provided that claim for personal injury or death under this section might not be allowed for more than the cost of reasonable medical, hospital, and burial expenses actually incurred, if the claim accrued before March 30, 1956.

Construction of Oct. 12, 1982 amendment. For provisions as to the construction of repeals by § 6(b) of Act Oct. 12, 1982 (see the 1982 Amendments note to this section), see Act Oct. 12, 1982, P.L. 97-295, § 6, 96 Stat. 1314, which appears as *10 USCS § 101* note.

NOTES:

Code of Federal Regulations:

Department of the Army--Claims against the United States, 32 CFR Part 536.

Department of the Air Force--Administrative claims, 32 CFR Part 842.

Coast Guard, Department of Homeland Security--Claims, 33 CFR Part 25.

Related Statutes & Rules:

Travel and transportation; dependents; household and personal effects; motor vehicles; sale of bulky items; claims for proceeds; appropriations chargeable as not amending or repealing this section, *5 USCS § 5564*.

Administrative adjustment of tort claims, *28 USCS § 2672*.

This section is referred to in *5 USCS § 5564*; *10 USCS §§ 1588, 2735, 2736, 2738*; *14 USCS §§ 821, 823a*; *31 USCS § 1304*; *37 USCS § 554*.

Research Guide:

Federal Procedure:

31 Fed Proc L Ed, Tort Claims Against the United States §§ 73:192, 232, 262, 308.

Am Jur:

35A Am Jur 2d, Federal Tort Claims Act § 18.

Am Jur Trials:

4 Am Jur Trials, Solving Statutes of Limitations Problems, p. 441.

Annotations:

Serviceman's right to recover under Federal Tort Claims Act (28 USCS §§ 2671 et seq.). 31 ALR Fed 146.

Interpretive Notes and Decisions:

1. Purpose 2. Relationship to other laws or remedies 3. Lack of negligence requirement 4. Claims governed 5. Amount of claims 6. Judicial review

1. Purpose

10 USCS § 2733 is designed to provide relief when persons are injured or killed as result of noncombat activities of Army, Navy, Air Force, and Marine Corps. *Lundeen v Dep't of Labor & Industries* (1970) 78 Wash 2d 66, 469 P2d 886.

2. Relationship to other laws or remedies

Remedy provided in 10 USCS § 2733 is not exclusive; Tucker Act (28 USCS § 1346) also applies where damages flow from breach of contract between civilian and military that required military to maintain fences on land leased for training and maneuver camp and artillery firing and target range. *United States v Huff* (1948, CA5 Tex) 165 F2d 720, 1 ALR2d 854.

Federal District Court properly declined to issue writ of mandamus, to Secretary of Army, that would have required consideration of administrative claim previously denied under 10 USCS § 2733, for injuries allegedly sustained by Reserve Officers Training Corps student during drill, since, among other matters, student's remedy was under Federal Employees Compensation Act (5 USCS §§ 8101 et seq.) or Federal Tort Claims Act (28 USCS §§ 2671 et seq.). *Hudiburgh v United States* (1980, CA10 Colo) 626 F2d 813.

Even though, with respect to statutory allegations, finality provision (10 USCS § 2735) barred further court review, in action by father of drowned airman, of Air Force's decision to reject claim pursuant to incident-to-service provision in 10 USCS § 2733, finality provision did not bar review of due process claims under Federal Constitution; however, particular allegations in case did not raise meritorious due process issue. *Rodrigue v United States* (1992, CA1 Mass) 968 F2d 1430.

Military Claims Act provision (10 USCS § 2733) may not properly be considered, by analogy to Federal Tort Claims Act, as having created right of action in plaintiff to judicially pursue personal-injury tort claim against United States or federal officers named in plaintiff's complaint. *Towry v United States* (1978, ED La) 459 F Supp 101, aff'd (1980, CA5 La) 620 F2d 568, cert den (1981) 449 US 1078, 66 L Ed 2d 801, 101 S Ct 858.

In Federal Tort Claims Act suit (FTCA) arising out of car accident in Russia, in absence of clear precedent regarding choice of law in FTCA cases where act or omission occurred abroad, district court looked to choice of law regulations that were promulgated pursuant to Military Claims Act (MCA), 10 USCS § 2731; MCA's focus on personal injury claims against employees of U.S. acting in scope of employment was sufficiently analogous to FTCA for purposes of choice of law that was applicable to scope of employment determination with respect to claims arising abroad. *Kashin v Kent* (2004, SD Cal) 333 F Supp 2d 926.

In view of broad language of Military Claims Act, 10 USCS § 2731 et seq., and expansive administrative discretion thereunder, Department of Air Force did not violate clear statutory mandate when it denied compensation under 10 USCS § 2733(a) for plane crash claims on ground that other remedies were available. *Murphy v United States* (2004, DC Conn) 340 F Supp 2d 160.

Department of Air Force did not exceed its authority or usurp Congress's role when it denied compensation under 10 USCS § 2733(a) for plane crash claims, based on its conclusion that other statutory remedies were available; moreover, Congress's grant of power to Secretaries of Armed Forces to reach individual settlements with claimants is not improper delegation of legislative power. *Murphy v United States* (2004, DC Conn) 340 F Supp 2d 160.

Comptroller General's reporting of matter to Congress as meritorious claim under 31 USCS § 3702 did not apply to claim, against Army for wrongful-death damages allegedly caused by malpractice of Army medical officials, which is

10 USCS § 2733

final and conclusive under *10 USCS § 2733*; *31 USCS § 3702* is construed to apply only to claims which fall within General Accounting Office's settlement authority. (1983) 62 *Comp Gen* 280.

Even though claim, which arises from action taken by Agency for International Development during time of combat, may not be cognizable under Military Claims Act provision (*10 USCS § 2733*), claim is cognizable under General Accounting Office's general claims-settlement authority under *31 USCS § 3702*. (1984) 64 *Comp Gen* 155.

Where plaintiff, whose term of service in United States Navy was extended involuntarily when he was court-martialed, did not purport to bring claim under Military Claims Act (MCA) (*10 USCS §§ 2731 et seq.*), and where plaintiff had not pursued MCA claim with Navy, plaintiff was not precluded by *10 USCS § 2733* from asserting claim, in United States Court of Federal Claims, that his personal property was taken in alleged contravention of *Federal Constitution's Fifth Amendment*. *Paalan v United States* (2002) 51 *Fed Cl* 738, app dismd (2002, CA FC) 44 *Fed Appx* 494.

Claim for injuries allegedly caused by military aircraft engaged in noncombatant activities can be filed under Military Claims Act, and, if satisfactory settlement is not reached, then claimant may proceed under Tort Claims Act, where cause of action is given against government by *28 USC § 2674*. *Lundeen v Dep't of Labor & Industries* (1970) 78 *Wash 2d* 66, 469 *P2d* 886.

Section of New York workers' compensation law, providing for reimbursement of compensation carrier whenever recovery was obtained in tort for same injury that was predicate for payment of compensation benefits, was applicable to claims settled under Military Claims Act (*10 USCS §§ 2731 et seq.*). *Ryan v General Electric Co.* (1970) 26 *NY2d* 6, 307 *NYS2d* 880, 256 *NE2d* 188.

3. Lack of negligence requirement

Military Claims Act (*10 USCS §§ 2731 et seq.*) serves as substitute for tort recovery, without reference to negligence or proof of wrong beyond causation. *Ryan v General Electric Co.* (1970) 26 *NY2d* 6, 307 *NYS2d* 880, 256 *NE2d* 188.

Relief under *10 USCS § 2733* is not contingent on fault, negligence, or wrong. *Lundeen v Dep't of Labor & Industries* (1970) 78 *Wash 2d* 66, 469 *P2d* 886.

4. Claims governed

Air Force correctly relied on doctrine of *Feres v United States* (1950) 340 *US* 135, 95 *L Ed* 152, 71 *S Ct* 153, in determining that incident-to-service exclusion, in *10 USCS § 2733*, barred claims by family of deceased servicemember that medical malpractice by Navy doctors led to servicemember's wrongful death, where (1) servicemember was on active duty, and (2) received medical care for chest pains at military hospital solely by virtue of his status as servicemember. *Hata v United States* (1994, CA9 Cal) 23 *F3d* 230, 94 *CDOs* 2892, 94 *Daily Journal DAR* 5537.

Claim which arises from action taken by Agency for International Development during time of combat, not from noncombat activities of United States Armed Forces or members, is not cognizable under Military Claims Act provision (*10 USCS § 2733*). (1984) 64 *Comp Gen* 155.

For purposes of *10 USCS § 2733*, inhabitants of foreign countries are improper claimants; for such purposes, inhabitants of foreign countries are persons whose usual place of abode is in foreign country, and foreign citizenship is not required. *Niedbala v United States* (1996) 37 *Fed Cl* 43.

5. Amount of claims

In settlements under *10 USCS § 2733* \$ 5,000 [now \$ 100,000] is paid at once, and excess over that amount is submitted to Congress as part of supplemental appropriation bill, and when Congress passes appropriation excess amount is paid. *Lundeen v Dep't of Labor & Industries* (1970) 78 *Wash 2d* 66, 469 *P2d* 886.

6. Judicial review

Federal District Court properly declined to issue writ of mandamus, to Secretary of Army, that would have required consideration of administrative claim previously denied under *10 USCS § 2733*, for injuries allegedly sustained by Reserve Officers Training Corps student during drill, since, among other matters, mandamus was not intended to be used for unliquidated money damages. *Hudiburgh v United States* (1980, CA10 Colo) 626 *F2d* 813.

With respect to statutory allegations, finality provision (*10 USCS § 2735*) barred further court review, in action by father of drowned airman, of statutory allegations concerning Air Force's decision to reject claim under Military Claims

10 USCS § 2733

Act (10 USCS §§ 2731 et seq.), where (1) airman, who was on active duty at United States base in Japan, was killed when he went swimming at beach while on leave, and (2) Air Force decided that even if any obligation to airman existed, claim was excluded under incident-to-service provision in 10 USCS § 2733. *Rodrigue v United States* (1992, CA1 Mass) 968 F2d 1430.

Denial of Army officer's claim for attorneys' fees allegedly incurred in defending himself in administrative hearings was discretionary with Secretary under Military Claims Act provision (10 USCS § 2733), was final and conclusive under 10 USCS § 2735, and was not subject to judicial review. *Collins v United States* (1995, CA FC) 67 F3d 284, reh den (1995, CA FC) 1995 US App LEXIS 31508.

United States Court of Federal Claims had jurisdiction of action alleging that government breached agreement to pay claim arising under Military Claims Act (MCA) (10 USCS §§ 2731 et seq.), for even though payment of claim under MCA was discretionary with Secretary of Defense under 10 USCS § 2733, and even though Secretary's decision was final and conclusive under 10 USCS § 2735, neither MCA nor its legislative history addressed breaches of agreements to pay MCA claims. *Massie v United States* (1999, CA FC) 166 F3d 1184.

Military Claims Act provision (10 USCS § 2733) may not properly be considered as having created right of action in plaintiff to judicially pursue personal-injury tort claim against United States or federal officers named in plaintiff's complaint. *Towry v United States* (1978, ED La) 459 F Supp 101, affd (1980, CA5 La) 620 F2d 568, cert den (1981) 449 US 1078, 66 L Ed 2d 801, 101 S Ct 858.

10 USCS § 2735 precludes judicial review of factual agency determinations under 10 USCS § 2733. *Towry v United States* (1978, ED La) 459 F Supp 101, affd (1980, CA5 La) 620 F2d 568, cert den (1981) 449 US 1078, 66 L Ed 2d 801, 101 S Ct 858.

Department of Air Force could not be compelled to consider plane crash claims under Military Claims Act, 10 USCS § 2731 et seq., because 10 USCS § 2735 precludes judicial review under 28 USCS § 1331 of claim settlements, which is defined by 10 USCS § 2731 to include disallowance of claim under 10 USCS § 2733(a); judicial review is available only as to constitutional violations and as to violations of clear statutory mandate, neither of which had occurred. *Murphy v United States* (2004, DC Conn) 340 F Supp 2d 160.

Under 10 USCS § 2733, there must be agreed settlement, as no recourse is given to courts. *Lundeen v Dep't of Labor & Industries* (1970) 78 Wash 2d 66, 469 P2d 886.