



Department of Defense Instruction

NUMBER 5515.08
November 11, 2006

GC, DoD

SUBJECT: Assignment of Claims Responsibility

- References:
- (a) DoD Directive 5515.8, "Single-Service Assignment of Responsibility for Processing of Claims," June 9, 1990 (hereby canceled)
 - (b) Acting Deputy Secretary of Defense Memorandum, "DoD Directives Review – Phase II," July 13, 2005
 - (c) DoD Directive 5145.1, "General Counsel of the Department of Defense," May 2, 2001
 - (d) Sections 2733, 2734, 2734a, 2734b, 2736, 2737, and 2738 of title 10, United States Code
 - (e) through (i), see Enclosure 1

1. REISSUANCE AND PURPOSE

This Instruction:

- 1.1. Reissues Reference (a) as a DoD Instruction according to the guidance in Reference (b) and the authority in Reference (c).
- 1.2. Updates assignments for processing claims.

2. APPLICABILITY

This Instruction applies to the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities in the Department of Defense (hereafter referred to collectively as the "DoD Components").

3. POLICY

It is DoD policy that:

3.1. Claims against the United States and claims by the United States shall be quickly adjudicated. To implement this DoD policy, responsibility for adjudicating such claims in overseas areas, and in the United States under 10 U.S.C. 2734a and 2734b (Reference (d)), the North Atlantic Treaty Organization (NATO) Status of Forces Agreement (SOFA) (Reference (e)), and under SOFAs with countries not covered by Reference (e), is assigned to the Military Departments named in Enclosure 1.

3.2. Assignments should correspond, where possible, with the appointment of the designated commanding officer for each host country in accordance with DoD Directive 5525.1 (Reference (f)).

4. RESPONSIBILITIES

4.1. The General Counsel, Department of Defense (GC, DoD), may change the assignments for adjudicating claims arising in the countries listed in Enclosure 1 and assign responsibility for adjudicating claims in countries not listed in Enclosure 1.

4.2. The Secretaries of the Military Departments listed in Enclosure 1 shall adjudicate the following claims arising in those countries named in Enclosure 1:

4.2.1. All claims against the United States arising under sections 2733, 2734, 2734a, 2734b, 2736, 2737, and 2738 of Reference (d), Reference (e), 32 U.S.C. 715 (Reference (g)), and other SOFAs with countries not covered by Reference (e).

4.2.2. All claims on behalf of the United States arising under Reference (e), under 42 U.S.C. 2651-2653 (Reference (h)), and tort claims under 31 U.S.C. Section 3711 (Reference (i)).

4.3. The Secretary of the Navy may:

4.3.1. Settle non-scope of duty claims for less than \$2,500 arising in foreign ports visited by U.S. forces afloat (including ports in those countries where responsibility for processing claims has been assigned to the Departments of the Army and the Air Force in Enclosure 1).

4.3.2. If the authorities of the receiving State concur, adjudicate such claims regardless of the conditions imposed by any international agreements on non-scope claims processing by receiving and sending State authorities.

4.4. The Commanders of the Geographic Combatant Commands, through the Chairman of the Joint Chiefs of Staff, may assign interim responsibility for adjudicating claims in countries

where such assignment has not been made under this Instruction. They shall seek immediate confirmation and approval of such assignments from the GC, DoD.

5. EFFECTIVE DATE

This Instruction is effective immediately.



William J. Haynes II
General Counsel

Enclosures - 1

- E1. References, continued
- E2. Assignment of Claims Responsibility

E1. ENCLOSURE 1

REFERENCES, continued

- (e) North Atlantic Treaty Organization Status of Forces Agreement, done at London on June 19, 1951, 4 United States Treaties and other International Agreements (U.S.T.) 1972, Treaties and Other International Acts Series (T.I.A.S.) 2846)¹
- (f) DoD Directive 5525.1, "Status of Forces Policy and Information," August 7, 1979
- (g) Section 715 of title 32, United States Code
- (h) Sections 2651-2653 of title 42, United States Code
- (i) Section 3711 of title 31, United States Code

¹ Available on legal research sites, e.g., LEXIS, WESTLAW.

E2. ENCLOSURE 2

ASSIGNMENT OF CLAIMS RESPONSIBILITY

E1.1. Assignments of Claims Responsibility. The Military Departments shall adjudicate claims arising in the following countries.

E1.1.1. The Department of the Army. Afghanistan, Albania, Austria, Belarus, Belgium, Bulgaria, the Czech Republic, El Salvador, Eritrea, Estonia, Ethiopia, the Federal Republic of Germany, Grenada, Honduras, Hungary, Iran, Iraq, Kenya, Korea, Kuwait, Latvia, Lithuania, the Marshall Islands, Moldova, the Netherlands, Poland, Romania, Seychelles, Slovakia, Slovenia, Somalia, Sudan, Switzerland, Ukraine, and Yemen, and claims in countries in the U.S. Central Command area of responsibility not specifically assigned to the Department of the Air Force or the Department of the Navy in subparagraphs E1.1.2. and E1.1.3., and as the Receiving State Office in the United States under Sections 2734a and 2734b of Reference (d), Reference (e), and SOFAs with countries not covered by Reference (e).

E1.1.2. The Department of the Navy. Bahrain, Djibouti, Greece, Iceland, Israel, Italy, Portugal, Spain, and the United Arab Emirates.

E1.1.3. The Department of the Air Force. Australia, Azores, Canada, Cyprus, Denmark, Egypt, France, India, Japan, Jordan, Luxembourg, Morocco, Nepal, Norway, Oman, Pakistan, Qatar, Saudi Arabia, Tunisia, Turkey, and the United Kingdom; and claims involving or generated by the U.S. Special Operations Command that arise in countries not specifically assigned to the Department of the Army or the Department of the Navy in subparagraphs E1.1.1. and E1.1.2.

E1.2. Written agreements between Military Departments. A Military Department assigned responsibility for adjudicating claims pursuant to paragraph E1.1. may enter into a written agreement with another Military Department providing that each Military Department shall settle its respective claims arising under Sections 2733 and 2738 of Reference (d).