

CLAIMS TIP

Office of the Staff Judge Advocate, Litigation and Claims Branch

Soldier, have you ever had loss or damage to your personal property considered incident to your service in the Army? If so, you may have a right to file a claim for this loss under the Personnel Claims Act (PCA). This right is one additional benefit for military service provided for you by the United States Army. Incident to Service losses include losses in assigned quarters or losses to household goods while being transported on PCS orders. These are the major areas of claims covered under the Act, but there are many more.

Army Claims

The Personnel Claims Act was not intended to substitute for private insurance.

Settlement of Army claims for damage and loss to personal property are subject to rates of depreciation in AR 27-20, Chapter 11. These rates, set forth in the Allowance List-Depreciation Guide, apply when your items have been subject to average usage. This guide, likewise, sets forth maximum payments for specific items.

In addition, replacement costs are subject to local PX prices or what the government deems as fair and reasonable. The military must be more discerning in paying claims than your average insurer. Lack of substantiation, i.e., original purchase receipts, may be viewed as an unsubstantiated loss.

So be reminded, if you elect not to carry renter's insurance and end up filing a claim with the Army, you are subject to depreciated value, maximum allowances, and evidence your items were secured (see "Adopt Security Measures" below).

Private Insurance Claims

In the final analysis, your private insurer may be able to make quick, relatively painless claims processing with a greater non-restrictive settlement for your loss. It is to your advantage to research your options. Generally, individuals purchasing private renter's insurance are allowed the benefit of that insurance which may consist of not depreciating the replacement cost of your goods, maximum payments, evidence of original value, or evidence the loss occurred as alleged.

Adopt Security Measures

It is worth your while to adopt measures that reduce the risk of loss, such as avoiding storing property in vehicles, securing bicycles, and most important, securing your residence and valuables within that residence. The Army's policy is that for a loss, you must establish that your items were locked up in a safe place, e.g., valuables not left unattended in a vehicle, or in a residence where they are obvious to the casual observer, that your bicycle was fastened to an immovable post, and that your residence was secure. Even ventilating the residence on a hot day while you're not home may bar your claim as your action could be deemed as negligent. On the other hand, private insurance may be less stringent in these areas when it comes to settling a claim.

Questions regarding claims should be addressed to Personnel Claims, Office of the Staff Judge Advocate, at 242-6396.