



DEPARTMENT OF THE ARMY
HEADQUARTERS, JOINT READINESS TRAINING CENTER AND FORT POLK
OFFICE OF THE STAFF JUDGE ADVOCATE
7090 ALABAMA AVENUE, BUILDING 1454
FORT POLK, LOUISIANA 71459

REPLY TO
ATTENTION OF:

AFZX-JAC

MEMORANDUM FOR Personnel Concerned

SUBJECT: Frequently Asked Questions

Personnel Claims

1. What do I do with the pink form (DD Form 1840/1840R) the moving company gave me?

List missing or damaged items at the time of delivery on the DD 1840. List all other missing or damaged items on the reverse side (DD 1840R) and turn it in to the nearest Military Claims Office within 70 days of the date of delivery. Failure to turn in the pink form within 70 days may result in a denial of your claim. You should still bring your pink form to the nearest Military Claims Office, even if it is after the 70 days, however, your claim may not be payable. Remember, this form provides notice only and you must submit additional documentation to file your claim.

2. What if I did not receive a pink form (DD Form 1840/1840R)?

Ask the Delivery Agent (Moving Truck Driver) about your pink form at the time of delivery. If you do not receive a pink form on the day of delivery, contact the Fort Polk Claims Office (FPCO) immediately to assist you.

3. The moving company gave me some papers at the delivery, but they are not pink. The top of my paper says "DOD Notification of Loss or Damage." What do I need to do to file my household goods claim for damaged or missing items?

The bottom left corner of your papers should say "Form 1850/1851." You likely have a DPS/DP3 shipment. If you notice any damaged or missing items before the movers leave, you should list them on the "At Delivery" side. List all other damaged or missing items on the "After Delivery" side. You must complete this form and dispatch it (fax, mail, or upload online at <http://www.move.mil>) to the proper Transportation Service Provider (TSP) within 75 days of the date of delivery. If you cannot input this form into DPS online at <http://www.move.mil>, you must dispatch it by mail or fax to the TSP within 75 days or your claim may not be payable. You may bring this form to the Fort Polk Claims Office within 75 days and our office will dispatch this form for you. If the 75 days has run, you may still bring it to the Fort Polk Claims Office for dispatch, however, your claim may not be payable! You have 9 months from the date of delivery to file your claim online at <http://www.move.mil> and receive full replacement value. You may not elect to file your claim with the military claim office instead of filing online with the TSP.

4. How long do I have to file my FRV or AR 27-20, Ch. 11 household goods claim?

You must file your pink form (DD Form 1840/1840R) within 70 days to provide notice of your damages. If you submit your claim form after the 70 days, your claim may not be payable. However, you should always bring in you pink form! All Full Replacement Value claims filed directly with the TSP must be filed within 9 months from the delivery date. If you file your claim directly with the TSP after 9 months but within 2 years, you will receive depreciated value. All AR 27-20, Ch. 11 Personnel Claims filed with the Military Claims Office must be received 2 years from the date of delivery. Please utilize PCLAIMS available at <http://www.jagcnet4.army.mil/pclaims> to file your claim with the Military Claims Office. If you cannot access PLCAIMS, you must complete DD Forms 1842 and 1844 and provide them to the claims office. You must file your claim in PCLAIMS or submit completed DD Forms 1842 and 1844 within 2 years from the date of delivery or your claim will be denied. This two-year requirement is established by law. It cannot be waived.

5. What do I do if I don't have my inventory, government bill of lading, DD Form 1299 or DD Form 1164?

The moving company (Transportation Service Provider) normally gives you a copy of your inventory when your household goods are picked up. It is your responsibility to retain this and provide it to us. If you do not have one for some reason, you should contact the moving company that delivered your goods. The transportation office does not have a copy of your inventory, but they will have a copy of your government bill of lading and your DD Form 1299 or DD Form 1164.

6. When do I have to get an estimate of repair and who pays for it?

FRV and DPS Claims – The Transportation Service Provider (TSP) must obtain and pay for the estimate of repair. You may elect to obtain and pay for the estimate of repair, but you should get the TSP to approve this in advance to ensure TSP pays for your estimate of repair. If problems arise, inform the TSP in writing that their contract with the Army requires them to obtain and pay for the estimate of repair. Contact the Fort Polk Claims Office at 337-531-2636/1576 to report a TSP that refuses to obtain and pay for the estimate of repair.

Military Claims Office, AR 27-20, Ch. 11 Claims – You must obtain and pay for an estimate of repair. Estimates of repair are required for all repairs over \$100.00. ALL electronic items with internal damages must have estimates of repair. The estimate for electronic items must state a basis for believing the claimed damage is due to shipping, eg. cracked circuit board. The claims office has an additional Electronic Repair Form that must be completed by the repair firm. The cost of obtaining the estimate is reimbursed as part of your claim unless the estimate fee is applied to the eventual repair of the item.

7. What is the difference between filing a FRV claim with the TSP and filing a claim with the Military Claims Office?

The Military Claims Office processes your claim pursuant to Army Regulation 27-20, Chapter 11. This is a gratuitous paying statute, which is designed to replace the property you lost based on actual value at the time of loss as prescribed by federal law. It is not a replacement cost system. The Military Claims Office is required to depreciated your items according to the Allowance List Depreciated Guide. Full Replacement Value (FRV) allows you to file your claim directly with the TSP, within 9 months of the date of delivery. (If you file your claim within 2 years you will only receive depreciated value). The TSP pays the cost of repair for repairable items or full replacement value for non repairable or missing items. The TSP must obtain and pay for all estimates of repair.

8. Do I have to file a claim with my private insurance company before I file a claim with the Military Claims Office?

If your claim is for a loss or damage to your personal property while it was being transported or stored at government expense, you do not have to file with your private insurance company. This is a change to our past policy. The change is limited to this type of claim, because we can usually recover the amount paid to the claimant from the carrier or warehouse that is responsible for the loss or damage. For other types of claims, including those for vandalism or thefts from personal vehicles or quarters, you are still required to file and settle with your private insurance, if any. This includes comprehensive coverage on your automobile.

9. I filed a FRV claim directly with the TSP, however, I am not happy with the TSP's offer to settle my claim. What are my options?

IMPORTANT: If you cash the TSP's check, you cannot later dispute the amount the TSP paid. When you cash the check, the law says you accepted the check in full and fair satisfaction of your claim. The TSP must pay you for each individual item and may not issue you a lump sum payment for all items.

You may contact the Fort Polk Claims Office (FPCO) at 337-531-2636/1576. The FPCO will contact the TSP and attempt to mediate the dispute. If the FPCO cannot resolve the dispute within 30 days, you should transfer (by notifying the TSP in writing) all or part of your claim (each individual item in dispute) to the FPCO. For example, email or write the TSP and state "I accept the value for item #1, golf clubs, but not item #2, doll house. Please transfer item #2 to the Fort Polk Claims Office." The FPCO will adjudicate your claim under AR 27-20, Chapter 11. You will only be paid the depreciated value for each item. See Question 11 if you wish to file a reconsideration of your claim. The FPCO will submit your file to our recovery division, and seek to recover FRV from the TSP. If the recovery division obtains additional money from the TSP, you will receive an additional check for this amount.

10. I filed a FRV claim with the TSP or a DPS claim online, however, I do not feel that the TSP is treating me fairly and I do not appreciate their rude behavior. What do I do?

Please contact our office to report all negative instances where the TSP is not performing in accordance with the terms of the rate solicitation, acting in bad faith, or otherwise performing in an unacceptable manner, such as by being rude or discourteous. Our office will submit all such reportable instances to the U.S. Army Claims Service for appropriate action against TSPs when warranted. Moreover, this information will help enable us to develop an accurate assessment of the quality of service being rendered by the TSPs. In addition, you should complete the TSP Customer Satisfaction Survey available at <http://www.SDDC.army.mil>.

11. I filed my claim with the Fort Polk Claims Office; however, I am not happy with the amount Fort Polk paid for some of my items. What should I do?

You may contact the Fort Polk Claims Office (FPCO) at 337-531-2636/1576. Please review your letter stating why you were not paid the full amount you requested for each line item. If you are not satisfied with the payment of an item, you may ask for a formal reconsideration of your claim. You must request reconsideration within 60 days of the date of your settlement letter. The request must be in writing and submitted to the claims office. Your written request should state why you are due additional compensation and provide any additional documentation or other evidence supporting your position. If the FPCO is unable to satisfactorily resolve your reconsideration, it will be forwarded to the Staff Judge Advocate who is authorized to make a final decision when the amount at issue is less than \$1,000.00. If the amount at issue exceeds \$1,000.00, your entire file will be forwarded to the U.S. Army Claims Service for their review and action. The decision of the U.S. Army Claims Service is final.

12. Can I file a claim for my television if it is damaged by a power surge in my on post quarters?

AR 27-20, Chapter 11 permits payment for fire, flood, theft, vandalism and unusual occurrences. Typically, the Army does not classify storms, power surges, and power outages as “unusual occurrences” and such damages cannot be paid. However, a claim may be payable if lightning struck a Soldier’s quarters or the transformer box. Also, claims may be payable if the power company records or evidence shows that a particular residence or group of quarters (located on the Fort Polk Military Reservation) had an unusually intense power surge. If the investigation determines that a Contractor is responsible for the power surge, FPCO will submit your claim to the Contractor. Please notify FPCO at 337-531-2636/1576, if the Contractor does not resolve your claim to your satisfaction. Please note that a repair firm’s statement or a soldier’s honest belief that the loss occurred as a result of a power surge during a storm may not be sufficient to show what caused the damage. Moreover, this area has frequent thunderstorms and Soldiers are expected to use a surge suppressor to protect electronically delicate items such as computers, televisions, DVD players, Wii, Play Station, and other electronic items. If you reside in privatized housing, you must first file through the designated insurance company. You may coordinate with the FPCO for further guidance.

13. Can I file a claim if my car is vandalized in my barracks parking lot?

First, you must file a claim with your private insurance company. The FPCO will only pay for damages not covered by your private insurance. Next, you may elect to submit a claim with the FPCO. You must prove, by clear and convincing evidence, that the vandalism occurred on the Fort Polk Military Installation. For example, you submit a picture showing your car has a broken window with the shattered glass on the ground next to your car. You must always report these incidents to the military police and obtain a copy of their report.

14. Suppose my car is hit by another car that leaves the scene of the accident at the Commissary? Should I file a claim?

Hit and run accidents are not compensable under the Army claims system because they are not considered to be unusual occurrences within the meaning of AR 27-20.

15. My spouse was deployed to Iraq. I moved to Fort Polk under his orders to await his return. Can I file a claim for the damages to the property?

Yes. The Soldier must either sign the claim or provide a power of attorney or letter stating that the spouse can file the claim. In all cases, the check for the payment of the claim will be in the name of the Soldier.

16. My POV was damaged when it was shipped from Germany. How do I get paid for the damages?

Under the current POV shipping contract, you may have settled with the carrier at the port. If not, or if you have found additional, uncompensated damages, you should contact the claims office to file a claim. You will need the DD Form 788 which was used to inspect your vehicle at the port. Please note: You should perform a detailed inspection of your vehicle at the port and list any damages on your DD Form 788. Failure to properly inspect your vehicle at the port and note damages on the DD Form 788 at the port could result in a denial of your claim. After you leave the port, you should immediately contact the port or the Fort Polk Claims Office as soon as you notice additional damage to your vehicle.

17. My computer was working before I shipped it, but it doesn't work now. Will the Army pay for it to be repaired?

The Army will pay for an estimate of repair. You must obtain an estimate of repair for all electronic items. The estimate of repair must include an explanation as to the type of damage and how the damage occurred. If you submit sufficient documentation indicating the damage to your computer occurred due to rough handling during shipment, the FPCO will pay to repair the item or depreciated value for a non repairable item. DA Pam 27-162, paragraph 11-14d(3), provides that damage resulting from manufacturing defects or normal wear and tear is not compensable.

18. I hit a pothole while driving on the Fort Polk Military Installation. Will the Army pay for a new tire?

If a Contractor is responsible for the construction project, the FPCO will provide you with the Contractor's name and number. You may file a claim directly with that Contractor. AR 27-20, Chapter 11 allows payment for fire, flood, theft, vandalism, or unusual occurrence. A pot hole is not an unusual occurrence and typically these claims are not payable under Chapter 11. AR 27-20, Chapter 3 and Chapter 4 allows payment if the government committed a wrongful act or was negligent. The fact that the ditch or pothole existed is not proof of negligence or wrongdoing by the government. The decision to fix ditches or potholes is a budgetary decision, based on funding. These decisions are a discretionary function of a government employee and do not subject the government to liability. However, if you have written orders authorizing you to use your POV for the convenience of the government, your claim may be payable. Please contact the FPCO at 337-531-1967/2636.

19. Why is it important to complete the Customer Survey after a household goods shipment?

The Customer Survey is located at <http://www.sddc.army.mil>. The TSP is being rated on how well the program is doing. Feedback is necessary to assist the Government in making sure the program works for the Soldier. TSPs that receive negative feedback may face a Carrier Review Board held by the Surface Deployment and Distribution Command (SDDC) of TRANSCOM on behalf of all the services. If a CRB puts a carrier in "non-use," that means that carrier doesn't get the DoD's household goods moving business.

Affirmative Claims

20. I was hurt in an automobile accident recently and treated at Bayne Jones Army Community Hospital. I just received a form asking about the details of the accident so the Army can be paid for my medical care. I thought I received free medical care – what is going on?

Soldiers, Military Retiree's, and their dependents receive medical care through TRICARE, which is paid by the government. The Federal Medical Care Recovery Act, a law passed by Congress in 1962, allows the government to recover medical expenses for treating people who are injured because of someone's neglect. The United States recovers these costs directly from the at-fault party's insurance company. The form you received is used to assist the Army in collecting for the value of your care from the party who injured you. Failure to complete this form could result in a loss of TRICARE benefits. Please note: 10 United States Code 1095 allows the Government to recover from your Underinsured/Uninsured Motorist Policy or your Med Pay Policy. Please contact FPCO at 337-531-2129 for further information.

Article 139

21. Another soldier in my barracks broke into my wall-locker and stole my stereo and all my CDs. He got an Article 15, but he won't give me back my property. What can I do?

You can file a claim under the provisions of Article 139, UCMJ. This law provides that those Soldiers found to be responsible for taking or willfully damaging the property of others can be forced to pay the victim of their illegal acts. Once the claim is presented, an investigating officer (IO) is appointed by the brigade commander of the accused Soldier. The IO investigates the circumstances of the incident and makes a recommendation to the commander as to the disposition. If the brigade commander determines a Soldier wrongfully took or willfully damaged the property of another, he can order the value of the property taken from the pay of the offender and given to the victim. Note that this law does not allow for the collection of debts.

Government Rental Vehicles

22. I was TDY and rented a car, unfortunately, I got in a car wreck. Now, the rental car company is sending me letters saying I owe them money. Should I pay them?

You must pay for your rental car with a government credit card or show the rental car company your TDY orders and write on the rental agreement "renter showed rental car company valid TDY orders authorizing government travel". Typically, you (and the government) do not have to pay the rental car company for damages to the rental vehicle. Contact FPCO at 337-531-1967/2636 for further information.