

## “Article 139 Claims Offer Recovery Options”

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If a member of the Armed Forces has willfully damaged or wrongfully taken your property you may be able to recover your damages by filing an Article 139 claim. Article 139 of the Uniform Code of Military Justice provides potential recourse for any individual (including both civilians and service-members), business entity, State or Local government, or charity who believes their property has been willfully damaged or wrongfully taken by a member of the Armed Forces of the United States. An Article 139 claim should be completed at your local claims office, who will direct the paperwork to the proper recipient.

It should be noted that Article 139 does not apply to claims for property damage resulting from negligence (such as most fender-bender traffic accidents), or for death or personal injury. Article 139 also does not apply to disputes over debts, contracts, or over ownership of property, unless the action was tantamount to theft. Lastly, Article 139 does not include claims for indirect, remote, or consequential damages.

The claim must be written, signed (by the person submitting the claim), and seek a specific sum of money in U.S. dollars. The complaint must be submitted within 90 days of the incident giving rise to it, unless there is good cause for the delay. Although the complaint may be submitted to any commander in the offender or claimant's chain of command, it is better to submit the claim through the Claims Office. The Claims Office will forward the complaint to the offender's Brigade Commander. The Brigade Commander will appoint an investigating Officer within four days of the receipt of the claim. The IO completes the investigation within 10 days of receipt of the claim and submits the report to the Brigade Commander who returns the report to the Claims Office for legal review. At this point in the process the Brigade Commander will make a decision on the merit of the claim. When appropriate, the Brigade Commander can direct finance to pay the victim directly from the soldier's pay.

If you feel a member of the Armed Forces has willfully damaged or wrongfully taken your property, contact the USAG Humphreys Legal Center for information on initiating an Article 139 claim [call 753-6245 or visit BLDG # 734].

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