

HEADQUARTERS
UNITED STATES EUROPEAN COMMAND
UNIT 30400
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LEGAL

Claims Procedures for Security Assistance Organizations

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1. **Summary.** This directive assigns responsibilities and prescribes procedures for Security Assistance Organizations (SAOs) and Missions on handling claims against and in favor of the U.S. Government.
 2. **Applicability.** This Directive applies to all Security Assistance Organizations (SAO), all Department of Defense (DoD) personnel in the United States European Command (USEUCOM) area of responsibility (AOR) and all USEUCOM components.
 3. **Internal Control Systems.** This Directive does not contain internal control provisions and is not subject to the requirements of the internal management control program. For USEUCOM and subordinate joint activities, the applicable internal control directive is ED 50-8, Management Control Program.
 4. **Suggested Improvement.** The HQ USEUCOM Judge Advocate (ECJA) is the proponent for this Directive. Suggested improvements should be sent to: HQ USEUCOM, ATTN: ECJA, UNIT 30400, BOX 1000, APO AE 09128.
 5. **References.**
 - a. Department of Defense Directive 5515.8, Single-Service Assignment of Responsibility for Processing Claims, 9 June 1990.
 - b. Army Regulation 1-75/SECNAVINST 4900.49/AFJI 16-104, Administrative and Logistical Support of Overseas Security Assistance Organizations, 6 April 2000.
 - c. Army Regulation 27-20, Claims, 1 July 2003.
 - d. AFI 51-501, Tort Claims, 9 August 2002.
 - e. JAGINST 5800.7C w/ CHGS 1-3, 3 October 1990, Manual of The Judge Advocate General (JAGMAN), Chapters XIII and XII.
 6. **Explanation of Terms.** In this directive the term "Security Assistance Organization"-- commonly referred to by its acronym "SAO"-- encompasses all DoD elements, including defense

attaché offices, located in a foreign country carrying out security assistance management functions under the Foreign Assistance Act of 1961, as amended, section 515, regardless of actual title assigned. SAOs include military assistance advisory groups, military missions, U.S. military groups, offices of defense cooperation, offices of military cooperation, offices of defense representative, and other similar organizations located in foreign countries as part of the U.S. Embassy country team. These organizations are established for a long-term basis to manage international security assistance programs.

7. **Responsibilities.**

a. The Chief of an SAO or Mission is responsible for:

(1) Notifying HQ USEUCOM/ECJA and the servicing single-service component legal office by the most expeditious means of the filing of a lawsuit or claim against the U.S. Government as a result of acts or omissions of DoD personnel, and

(2) Requesting the appointment of a claims officer, or if no U.S. forces are assigned in the host nation, appointing investigating officers to investigate claims and potential claims by or against the U.S. Government.

b. Servicing Component Claims Offices (Appendix B) are responsible for:

(1) Providing advice and assistance to SAOs and Missions on matters within their single-service claims responsibilities, and

(2) Where time and resources permit, investigating claims incidents within countries to which they have been assigned single-service claims responsibility.

c. HQ USEUCOM/ECJA is responsible for:

(1) Promulgation and revision of this directive, and

(2) Providing advice to SAOs and Missions on proper claims authorities in the event of doubt or dispute, and

(3) Coordinating on claims issues affecting SAOs within the USEUCOM AOR.

8. **Policies and Procedures.**

a. Claims by SAO personnel. Claims for damage to, or loss of, personal property of civilian employees and military members are processed by the service of which the claimant is a member. Normally the nearest military organization with a judge advocate or legal officer assigned will assist with the processing. If no such organization of the same service as the claimant is convenient, a judge advocate of another service may assist with the preliminary processing and forwarding of the claim to the appropriate service for adjudication and payment.

b. DoD Directive 5515.8 appoints a specific service in certain countries to handle most claims arising in that country. See Appendix A for locating the service with single-service claims responsibility, and Appendix B for the EUCOM service contact information of each service.

(1) The following claims types are subject to single service claims responsibility:

- (a) Military Claims Act, 10 U.S.C. 2733
- (b) Foreign Claims Act, 10 U.S.C. 2734
- (c) Claims under the NATO SOFA, other cost-sharing international agreements, and the International Agreement Claims Act, 10 U.S.C. 2734a
- (d) Advance Payments Act, 10 U.S.C. 2736
- (e) Use of Government Property Claims Act, 10 U.S.C. 2737
- (f) Medical Care Recovery Act, 42 U.S.C. 2651-2653
- (g) Pro-Government Property Damage Claims, 31 U.S.C. 3711

(2) The following claims types are not subject to single service claims responsibility:

(a) Claims under the Military Personnel and Civilian Employees' Claims Act, 31 U.S.C. 3701, 3721, which includes claims for damage to, or loss of, personal property of civilian employees and military members which occurs incident to service

(b) Claims under Article 139, UCMJ

(c) Claims by Members for Certain Losses of Household Effects Caused by Hostile Act, 10 U.S.C. 2738.

(d) Claims under Admiralty involving only Property Damage

(e) Contractual Claims

(f) Claims involving nonscope of duty arising in foreign ports visited by U.S. forces afloat (if the authorities of the host nation agree (see DoD Dir. 5515.8))

(g) Claims by the U.S. Postal Service for loss of postal funds, property and accountable mail

c. Where necessary, each service will assist with the preliminary processing of a claim for another service and promptly forward the claim to the appropriate service legal office for adjudication.

d. Claims against and in favor of the United States. In the event a claim is filed against the U.S. Government, or loss or damage is caused and it appears that a claim may be filed against the U.S. Government, as a result of action or inaction of a member or employee of the U.S. forces, or where circumstances indicate a claim in favor of the U.S. Government may be appropriate, the Chief of an SAO or Mission shall communicate directly with the servicing claims office.

e. The Chief of an SAO or Mission will determine if a service has single service claims

responsibility for a country in which a claim or potential claim occurs (Appendix A). If so, that service will be notified of the incident (Appendix B) and work with the Chief of the SAO or Mission to resolve any claim. If no service has single service claims responsibility, the Chief of the SAO or Mission will contact the servicing claims office of the service that caused the claim. If there is any ambiguity as to which service is responsible for the claim, contact ECJA for guidance. In the event no U.S. claims personnel are stationed in the country, the Chief of the SAO or Mission will appoint an individual to investigate, report and assist the applicable service with resolution of any claim.

f. Claims in favor of the United States for damage to government property and the cost of medical care to U.S. personnel and their dependents as the result of the negligence or willful misconduct of third parties will be pursued unless prohibited by local law or status of forces agreements. The SAO or senior military person overseeing the activity from which the claim arose should contact the single-service claims office with responsibility based upon the country in which the claim originates. See Appendix A for locating the office with single-service claims responsibility for countries in the USEUCOM AOR. Immediately document such cases and promptly forward documentation concerning the damage or injury to the claims office of the Service exercising single service claims responsibility for further processing.

FOR THE COMMANDER:

OFFICIAL

JOHN B. SYLVESTER
Lieutenant General, USA
Chief of Staff

DANIEL A. FINLEY
MAJ, USA
Adjutant General

APPENDIX

A - Assignments of Responsibility for Processing of Claims
B - European Command Component Claims Offices

DISTRIBUTION:

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APPENDIX A

Assignments of Responsibility for Processing of Claims

A.1. Department of the Army: Albania, Austria, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Estonia, Federal Republic of Yugoslavia, The Federal Republic of Germany, Former Yugoslavian Republic of Macedonia, Hungary, Latvia, Lithuania, Moldova, Montenegro, The Netherlands, Poland, Romania, Rwanda, Serbia, Slovakia, Slovenia, Switzerland, and Ukraine

A.2. Department of the Navy: Greece, Iceland, Israel, Italy, Portugal, and Spain.

A.3. Department of the Air Force: Azores, Cyprus, Denmark, France, Greenland, Luxembourg, Morocco, Norway, Tunisia, Turkey, the United Kingdom, and claims involving, or generated by, the United States Central Command (CENTCOM) and the U.S. Special Operations Command (USSOCOM), that arise in countries not specifically assigned to the Departments of the Army and the Navy in subsections A.1. and A.2. of this enclosure, above.

A.4. All other countries not listed in subsections A.1., A.2., and A.3. above. If no service has single service claims responsibility, the Chief of the SAO or Mission will contact the servicing claims office of the service that caused the claim. If there is any ambiguity as to which service is responsible for the claim, contact ECJA for guidance.

APPENDIX B

European Command Legal Office and Component Claims Offices

USEUCOM:

HQ U.S. European Command
Office of the Judge Advocate
Unit 30400, Box 1000
APO AE 09128
Telephone: DSN 314-430-8001
Stuttgart Civilian: (49) 711-680-8001
Email: ecja-xo@eucom.mil

Army:

U.S. Army Claims Service Europe
Unit 30010, Box 31
APO AE 09166
Telephone: DSN 314-380-9100/9194
Mannheim Civilian: (49) 621-730-9100/9194

Navy:

NLSO EURSWA
CIVLAW Department
PSC 817 Box 8
FPO AE 09622-0008
Telephone: DSN 314-626-4576 (Quarterdeck)
Naples Civilian: (39) 081-568-4576

Air Force:

HQ USAFE/JA
Unit 3050
Box 100
APO AE 09094-0100
Telephone: DSN 314-480-6826
Ramstein Civilian: (49) 6371-47-6826
Email: usafe.ja@ramstein.af.mil