

ARTICLE 139 CLAIMS

1. WHAT IS AN ARTICLE 139 CLAIM?

Article 139 of the U.C.M.J. allows people to be compensated when soldiers commit fraud against them, steal from them, or vandalize their property. It is not designed to allow a creditor to collect a debt when the debt is disputed or the debtor has merely had trouble making repayments. Further, Article 139 claims cannot be used to rectify business deals gone bad or to recover money for damage or loss which was caused by negligence instead of by intentional or reckless misconduct on the part of the soldier.

Specific examples of situations in which a person could recover under an Article 139 claim include where one soldier uses a person's telephone card without the owner's permission or where a soldier slashes the tires of someone's car.

2. WHAT TYPE OF PROPERTY LOSS OR DAMAGE IS COVERED BY ARTICLE 139?

An Article 139 claim provides redress for loss of or damage to property which has been willfully damaged or wrongfully taken by a member of the Armed Forces of the United States. Accidental damage is **NOT** covered.

Willfully damaged: Willful property damage is damage or loss that is intentionally inflicted. Such damage is essentially the result of vandalism. Loss or damage caused by riotous, violent, or disorderly conduct or acts showing a reckless disregard for the property rights of others may be considered intentionally inflicted.

Wrongfully taken: A wrongful taking is essentially a theft. It is an unauthorized taking or withholding of property with the intent to deprive the owner of either temporary or permanent possession.

3. HOW DO I MAKE AN ARTICLE 139 CLAIM?

Any individual (civilian or military), business entity, state or local government may file an Article 139 claim against a soldier. A claim may initially be submitted orally, but within 10 calendar days from the oral report to the Claims Office, it must be reduced to writing, signed by the claimant, and for a definite amount specified. An oral claim, which is not reduced to writing within ten calendar days, may be dismissed.

4. WHEN DO I FILE AN ARTICLE 139 CLAIM?

A claim must be submitted within **90 days** of the incident that gave rise to the claim, or good cause for the delay must be shown. Generally, a person who is not aware of Article 139 or does not know the identity of the offender has good cause for delay in the submission of his or her claim.

5. WHERE DO I SUBMIT MY CLAIM AND WHAT HAPPENS NEXT?

The person making the claim must file it with the special court-martial convening authority (SPCMCA) having jurisdiction over the alleged offender. However, any claims office can process a claim and forward it to the SPCMCA that has jurisdiction. The next step involves the SPCMCA appointing an officer to conduct an investigation. Within 10 working days of appointment, the investigating officer is expected to complete an investigation into the claim. If the investigating officer determines that it is "more likely than not" (i.e., there is a preponderance of the evidence) that the claim is valid, and the SPCMCA agrees, then the SPCMCA may order up to \$5,000 in compensation to be paid. The money is collected directly from the wrongdoer's paycheck and paid to the victim. The SPCMCA may terminate Article 139 proceedings without findings if the soldier voluntarily makes full restitution to the claimant.

If you have further questions about Article 139 claims, please contact the Claims Office. Claim forms are available at the Office of the Staff Judge Advocate. The address is as follows:

Office of the Staff Judge Advocate
ATTN: Claims Division
2600 Lee Road
Fort Jackson, SC 29207

Telephone: 751-3603