

AFFIRMATIVE CLAIMS

What is an Affirmative Claim?

An affirmative claim is a monetary claim asserted by the United States against negligent third parties for the cost of damage to U.S. Government property or injury to military personnel, family members and retirees. Please contact the Claims Office if you know of or become aware of situations in which third parties damaged U.S. Government property or injured a U.S. Soldier, family member, or retired member. This will permit the U.S. Government to be reimbursed for its losses.

What are the Types of Affirmative Claims?

a. Property damage claims:

(1) Claims in which the United States is seeking to recover its costs for repair or replacement of governmental property that has been damaged or destroyed by third parties. Most of these claims arise from motor vehicle accidents, they are asserted directly against the insurance company of the person at fault for the accident.

(2) Funds collected for damage to real property are returned to the installation responsible for maintaining that property.

b. Medical care claims:

(1) When the negligent or wrongful acts of a third party cause injuries to U.S. service members, family members, and retirees, the United States may recover the reasonable value of medical care provided in U.S. military medical treatment facilities (MTF's) or in civilian medical facilities at Government expense. Almost all medical care recovery claims result from motor vehicle accidents. Medical care recovery claims are asserted directly against the insurance company of the person at fault.

(2) Funds recovered for medical care provided at MTF's are returned to the facility providing the care.

(3) In addition to the cost of medical treatment, the U.S. can recover the cost of a soldier's wages for the period of time that he is in the hospital or on convalescent leave. Money recovered for lost wages is returned to the installation or unit to which the soldier is assigned.

For additional Affirmative Claims information or assistance, please contact the Office of the Staff Judge Advocate, 2600 Lee Road, Fort Jackson, SC 29207. Our office hours are 9:00 to 11:30 and 1:00 to 4:00 Monday through Friday. You may call 803-751-6502 for information.