



SUBJECT: ARTICLE 139 CLAIM

■ **SOURCE OF LAW**

- Article 139, UCMJ
- AR 27-20, Chapter 9
- DA Pamphlet 27-162, Chapter 9
- AR 15-6

■ **PROPER CLAIMANTS**

Proper claimants include civilians, service members, business entities, state, territorial, or local government, and non-profit organizations. A claim may be filed against members of the Armed Forces, including Active Duty personnel, retired personnel, and Reserve and National Guard personnel when their duty status subjects them to the UCMJ.

■ **ARTICLE 139 CLAIMS**

Article 139 of the UCMJ allows those who believe they are the victims of a wrongful taking or the willful damage of real or personal property committed by a service member to present their claim to the Commander or that service member.

“Wrongful taking” is any unauthorized taking or withholding of property, with the intent to temporarily or permanently deprive the owner or person lawfully in possession of the property. Claims for property taken through larceny, forgery, embezzlement, misappropriation, fraud, or similar conduct are normally recognized as proper claims under Article 139.

“Willful damage” is damage that is inflicted intentionally, knowingly, and purposefully without justifiable excuse. Accidental, thoughtless, or inadvertent loss or damage caused by a service member’s negligent conduct is not payable under Article 139. However, conduct that shows a reckless disregard for the property rights of others is a proper claim.

If the claim is substantiated, the Commander can direct personnel at the Finance Office to pay the victim directly from the wrongdoer’s pay. The use of Article 139 is separate and distinct from disciplinary action taken under other sections of the UCMJ, and an Article 139 claim should never be delayed because criminal charges arising from the same incident are pending. In fact, if action is taken against a service member, such as a court-martial or nonjudicial punishment, it could result in the soldier receiving a reduction in pay or forfeiture of pay and allowance.

*****Camp Casey Claims Office is available to assist you in filing your claim. Please contact 730-3687, Bldg S2440, Room 235 at Maude Hall in Camp Casey.*****

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