



Article 139 Claims



What is an Article 139 Claim?

An Article 139 claim, found in the Uniform Code of Military Justice, is a claim against a U.S. servicemember to recover compensation for property that was “willfully damaged,” “destroyed”, or “wrongfully taken”. Article 139 allows commanders to direct finance to reimburse the victim directly from the wrongdoer’s pay.

The use of Article 139 is not a substitute for disciplinary or administrative action and should not be delayed because an action is pending. In fact, if action is taken against a service member, such as a court-martial or nonjudicial punishment, the Soldier could be reduced in pay/grade, have his pay and allowances forfeited, or be separated from service. Any of these actions could have an impact on the victim’s right to collect from the wrongdoer.

What Sorts of Claims Are Cognizable?

- “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 caused 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.

Who May File a Claim, and Who May Be Liable?

Proper claimants include service members, civilians, 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.

What is the Procedure for Filing a Claim?

- a. A claim must be submitted within 90 days of the incident that gave rise to it, unless good cause for delay is shown. The claimant should take all available evidence to the claims office to initiate the claims process.
- b. The claim may be submitted orally but it must be reduced to writing and signed by the claimant within ten calendar days.
- c. The claim must be for a stated definite amount in U.S. dollars.
- d. Any Army officer may receive the claim, however, he or she must forward the claim packet to the Special Court-Martial Convening Authority (SPCMCA) (typically a Brigade level Commander) of the service member within two working days.
- e. For service members not subject to the SPCMCA’s jurisdiction, the SPCMCA will forward a copy of the claim to the SPCMCA who does exercise jurisdiction.

- f. If the claim appears cognizable, the SPCMCA must appoint an Investigating Officer to conduct an investigation.
- g. In order to recommend liability, the Investigating Officer must conclude that it is more likely than not that the claim is valid. The findings and recommendations are forwarded to the SPCMCA.
- h. The SPCMCA forwards the packet to the Claims Office for a legal review. The Claims Office returns the packet to the SPCMCA with the legal review.
- i. The SPCMCA either disapproved the claim or approves it for an amount equal to or less than the amount recommended by the Investigating Officer, provided that the amount does not exceed the limit of their approval authority.
- j. Once a final decision is made with respect to the merits of the claim, notification of the final decision will be provided to the parties involved.
- k. The claimant and/or the service member can request the SPCMCA to reconsider his/her decision to approve or disapprove the claim.
- l. If the SPCMCA determines that the service member should be financially liable for the claimant's loss, the decision is forward to the finance office to initiate a direct payment from the service member to the claimant.
- m. After final action by the finance officer, a copy of the completed claims packet is forwarded to the Claims Office.

For more information on Article 139 claims, contact your local Claims Office or Brigade Judge Advocate.

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