

§ 7.1 Definitions.

As used in this part:

(a) *The Act* means the Military Personnel and Civilian Employees' Claims Act of 1964, as amended (78 Stat. 767; 79 Stat. 789);

(b) *Employee* means an employee of the Panama Canal Commission (also referred to as *the Commission*) and includes a member of the uniformed services assigned to duty with the Commission;

(c) *Government* means the Panama Canal Commission unless the context indicates a broader meaning;

(d) *Chief Financial Officer* means the Chief Financial Officer of the Panama Canal Commission acting for and in behalf of the Commission;

(e) *Chief Accountant* means Chief Accountant of the Panama Canal Commission acting for and in behalf of the Commission;

(f) *Chief, Claims Branch*, means the Chief of the Claims Branch, Accounting Division, of the Panama Canal Commission acting for and in behalf of the Commission.

[31 FR 12406, Sept. 17, 1966, as amended at 44 FR 75308, Dec. 19, 1979]

§ 7.2 Applicability and scope.

Pursuant to the Act, the Government will settle and pay claims by employees for the loss of or damage to personal property which occurs incident to Government service. Each such claim must be substantiated and the possession of the property must be shown to have been reasonable, useful, or proper under the circumstances. The maximum amount allowable on any claim is \$15,000. In lieu of a cash settlement, property may be replaced in kind at the option of the Government.

[42 FR 17875, Apr. 4, 1977]

§ 7.3 Claimants.

A claim may be filed by an employee or in his name by his spouse, as authorized agent, or by any other authorized agent or legal representative of the employee. If the employee is dead, the claim may be filed by his (a) spouse, (b) children, (c) father or mother, or both, or (d) brothers or sisters, or both. Payments in settlement of claims to survivors of employees will be made in the

order of precedence set forth in this section.

§ 7.4 Conditions.

As prescribed by the Act, a claim is not allowable if:

(a) Claimant fails to present it in writing within 2 years after it accrues, except that if the claim accrues in time of war or in time of armed conflict in which any armed force of the United States is engaged or if such a war or armed conflict intervenes within 2 years after it accrues, and if good cause is shown, the claim may be presented not later than 2 years after that cause ceases to exist, or 2 years after the war or armed conflict is terminated, whichever is earlier;

(b) The loss occurred at quarters occupied by the claimant within the 50 States or the District of Columbia unless such quarters were assigned to the employee or otherwise provided in kind by the Government; or

(c) The loss was caused wholly or partly by the negligent or wrongful act of the claimant, his agent, or his employee.

§ 7.5 Principal types of claims payable.

The following examples are illustrative of the circumstances or situations out of which compensable claims may arise. Loss or damage due to other causes may also be payable under these regulations.

(a) Damage to or loss of property by fire, flood, hurricane or other unusual occurrence, or by theft, while located at:

(1) Quarters, wherever situated, if assigned or provided in kind by the Government.

(2) Quarters outside the 50 States and the District of Columbia without regard to whether assigned or provided in kind by the Government, unless the employee involved is a local or native resident.

(3) Any warehouse, or other place designated by a responsible official for the storage of the property.

(b) Damage to or loss of property due to a marine, rail, or aircraft accident, or other unusual occurrence.

(c) Damage to or loss of property, including vehicles, trailers, and property contained therein, which:

(1) Is incident to the performance of duty and is sustained as a result of or in connection with civil disturbance, public disorder, efforts to save human life or Government property, or a natural or other disaster; or

(2) Occurs in areas and installations in the Republic of Panama made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements and results from vandalism that is determined to have been politically motivated.

(d) Damage to or loss of property which is incident to the performance of duty, *Provided*, That such damage or loss results from an incident that is not attributable to a common or usual risk of the claimant's employment.

(e) Damage to or loss of property used for the benefit of the Government at the direction of a responsible official.

(f) Money deposited with an authorized Government agent for safekeeping.

(g) Damages to or loss of property incident to transportation or storage pursuant to orders or in connection with travel under orders, including property in the custody of—

(1) A common or contract carrier or other commercial carrier under contract with the Government;

(2) An agent or agency of the Government; or

(3) The claimant, or while in a public or private conveyance in which he is being transported while in official travel status.

(Sec. 3(b)(1), Pub. L. 96-70, 93 Stat. 455)

[31 FR 12406, Sept. 17, 1966, as amended at 42 FR 17875, Apr. 4, 1977; 44 FR 75308, Dec. 19, 1979]

§ 7.6 Principal types of claims not payable.

The following are examples of types and categories of property for which compensation will not be allowed:

(a) Losses or damages totaling less than one dollar.

(b) Money or currency except when deposited with an authorized Government agent for safekeeping or except when lost incident to a marine, rail, aircraft, or other common disaster, or a natural disaster such as a fire, flood, hurricane, etc.

(c) Small items of substantial value such as cameras, watches, jewelry, and furs, which are lost, damaged, or stolen during shipment by ordinary means, e.g., with household goods or hold luggage.

(d) Articles being worn (unless allowable under § 7.5 (c) or (d)).

(e) Intangible property such as bank books, checks, notes, stock certificates, money orders, travelers checks, etc.

(f) Property owned by the United States, unless employee is financially responsible for it to another Government agency.

(g) Claims for loss or damage to motor vehicles or trailers or personal property contained therein (unless allowable under § 7.5 (c), (d) or (g)).

(h) Losses of insurers and subrogees.

(i) Losses recovered or recoverable from insurers and carriers.

(j) Losses recovered or recoverable pursuant to contract.

(k) Claims for damage or loss caused, in whole or in part, by the negligence or wrongful act of the employee or his agent.

(l) Property used for business or profit.

(m) Theft from the possession of the employee unless due care was used to protect possession.

(n) Property acquired, possessed or transported in violation of law or regulations.

(o) Loss in quarters located within the 50 States or the District of Columbia not assigned or otherwise provided in kind by the Government.

[31 FR 12406, Sept. 17, 1966, as amended at 42 FR 17875, Apr. 4, 1977; 44 FR 75308, Dec. 19, 1979]

§ 7.7 Types and quantity of property.

Claims are allowable only for such types and quantities of tangible personal property as to which its possession is determined to have been reasonable, useful, or proper under the attendant circumstances at the time of the loss or damage.

§ 7.8 Computation of award.

(a) *Lost or destroyed property.* The amount allowable for an item of property that is lost or destroyed may not exceed its actual value at the time the