

## Department of the Air Force, DoD

## § 842.75

caused by local inhabitant employees, not part of the civilian component, under a respondeat superior theory.

(e) *Receiving state.* The country where the force or civilian component of another party is located.

(f) *Sending state.* The country sending the force or civilian component to the receiving State.

(g) *Third parties.* Those other than members of the force and civilian component of the sending or receiving States. Dependents, tourists, and other noninhabitants of a foreign country are third parties unless the agreement specifically excludes them.

### § 842.71 Delegations of authority.

(a) *Reimbursement authority.* The following individuals have delegated authority to reimburse or pay a pro rata share of a claim or object to a claim in any amount:

- (1) The Secretary of the Air Force.
- (2) The Judge Advocate General.
- (3) The Deputy Judge Advocate General.
- (4) The Chief of Civil Law.
- (5) Chief, Deputy Chief, and Branch Chiefs, Claims and Tort Litigation Staff.
- (6) The SJAs and Deputy SJAs of PACAF, USAFE, 5th Air Force, Lajes Field, and 9th Air Force (for CENTCOM).

(b) *Redelegation of authority.* A settlement authority may redelegate his or her authority to a subordinate judge advocate or civilian attorney in writing.

(c) *Authority to reduce, withdraw, and restore settlement authority.* Any superior settlement authority may reduce, withdraw, or restore delegated authority.

### § 842.72 Filing a claim.

(a) *Claims arising in a foreign country.*  
(1) If a third party claimant tries to file an international agreement claim with Air Force, direct that person to the appropriate receiving State office.

(2) If the Air Force receives a claim, send it to the US sending State office for delivery to the receiving State.

(b) *Claims arising in the United States.* The claimant files tort claims arising from the act or omission of military or civilian personnel of another con-

tracting party at any US military installation. The installation receiving the claim either:

(1) Investigates it if the foreign personnel are assigned there.

(2) Sends it to the installation where the foreign personnel are assigned.

## Subpart I—Use of Government Property Claims (10 U.S.C. 2737)

### § 842.73 Scope of this subpart.

This subpart explains how to settle and pay claims against the United States, for property damage, personal injury, or death incident to the use of a government vehicle or any other government property by Air Force military and civilian personnel which are not payable under any other statute.

### § 842.74 Definitions.

(a) *Government installation.* A United States Government facility having fixed boundaries and owned or controlled by the government.

(b) *Vehicle.* Every mechanical device used as a means of transportation on land.

### § 842.75 Delegations of authority.

(a) *Settlement authority.* The following individuals have delegated authority to settle claims for \$1,000 or less and deny them in any amount.

- (1) The Judge Advocate General.
- (2) The Deputy Judge Advocate General.
- (3) Director of Civil Law.
- (4) Chief, Deputy Chief and Branch Chiefs, Claims and Tort Litigation staff.
- (5) SJA of HQ 9AF for CENTCOM, and SJAs of PACAF and USAFE.
- (6) SJAs of single base GCMs and GCMs in PACAF and USAFE.
- (7) The SJA of each Air Force base, station and fixed installation.
- (8) Any other judge advocate designated by The Judge Advocate General.

(b) *Redelegation of authority.* A settlement authority may redelegate it to a subordinate judge advocate or civilian attorney in writing.

(c) *Authority to reduce, withdraw, and restore settlement authority.* Any superior settlement authority may reduce,

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withdraw, or restore delegated authority.

**§ 842.76 Filing a claim.**

(a) *How and when filed.* A claim has been filed when a federal agency receives from a claimant or the claimant's duly authorized agent written notification of an incident of property damage, personal injury or death accompanied by a demand for money damages in a sum certain. A claim incorrectly presented to the Air Force will be promptly transferred to the appropriate Federal agency.

(b) *Amending a claim.* A claimant may amend a claim at any time prior to final Air Force action. Amendments will be submitted in writing and signed by the claimant or the claimant's duly authorized agent.

**§ 842.77 Statute of limitations.**

(a) A claim must be presented in writing within 2 years after it accrues. It accrues at the time the claimant discovers, or in the exercise of reasonable care should have discovered, the existence of the act causing property damage, personal injury or death for which the claim is filed.

(b) In computing time to determine whether the period of limitation has expired, exclude the incident date and include the date the claim was filed.

**§ 842.78 Claims payable.**

When all of the following are present, payment of a claim in the amount of \$1,000 or less is authorized if it:

(a) Is for property damage, personal injury, or death. (Payment for a personal injury or death claim is limited to costs of reasonable medical, hospital, and burial expenses actually incurred and not otherwise furnished or paid by the United States.)

(b) Was caused by a military member or civilian employee of the Air Force, whether acting within or outside the scope of employment.

(c) Arose from the use of a government vehicle at any place or other government property on a government installation, and

(d) Is not payable under any other provision of law except Article 139, UCMJ.

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**§ 842.79 Claims not payable.**

A claim is not payable if it is:

(a) Payable under any other provision of the law.

(b) Caused wholly or partly by a negligent or wrongful act of the claimant, the claimant's agent, or employee.

(c) A subrogated claim.

(d) Recoverable from other sources such as an insurance policy, or recovered from action under Article 139, UCMJ.

**§ 842.80 Reconsideration of final denial.**

(a) The statute does not provide for appeals. The original settlement authority may, however, reconsider any decision. There is no set format for a reconsideration but it should be submitted in writing within 60 days of the original decision.

(b) The settlement authority may either grant all or any portion of the requested relief without referral to any other office, or forward the entire file with the reasons for the action and recommendations to the next higher claims settlement authority for independent review and final action.

**§ 842.81 Settlement agreement.**

Do not pay a claim unless the claimant accepts the amount offered in full satisfaction of the claim and signs a settlement agreement to that effect.

**Subpart J—Admiralty Claims (10 U.S.C. 9801-9804, 9806; 46 U.S.C. 740)**

**§ 842.82 Scope of this subpart.**

It sets forth the procedure for administrative settlement of admiralty and maritime claims in favor of and against the United States.

**§ 842.83 Definitions.**

(a) *Admiralty contracts.* A contract covering maritime services or a maritime transaction such as vessel procurement and space for commercial ocean transportation of DOD cargo, mail, and personnel is an admiralty contract.

(b) *General average.* General average is the admiralty rule that when someone's property is thrown overboard to