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Legal Services

Processing Maneuver, Tort, and Environmental Claims Within the Single-Service
Responsibility of USAREUR Under the NATO Status of Forces Agreement

*This pamphlet supersedes AE Pamphlet 27-2, 28 April 2006.

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Summary. This pamphlet establishes procedures for processing NATO Status of Forces Agreement (SOFA) claims within the USAREUR single-service claims responsibility.

Summary of Change. This revision—

- Clarifies host nation NATO SOFA claims processing and procedures (para 7b).
- Adds claims office information for Romania and Bulgaria to appendix B.

Applicability. This pamphlet applies to U.S. Forces personnel and civilian employees who are within the USAREUR single-service claims responsibility.

Forms. AE and higher level forms are available through the Army in Europe Publishing System (AEPUBS).

Records Management. Records created as a result of processes prescribed by this pamphlet must be identified, maintained, and disposed of according to AR 25-400-2. Record titles and descriptions are available on the Army Records Information Management System website at <https://www.arims.army.mil>.

Suggested Improvements. The proponent of this pamphlet is the Office of the Judge Advocate (OJA), HQ USAREUR/7A (AEAJA-CD, DSN 380-9289). Users may suggest improvements to this pamphlet by sending DA Form 2028 to the OJA (AEAJA-CD-ET), Unit 30010, APO AE 09166-0010.

Distribution. D (AEPUBS).

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SECTION I GENERAL

1. INTRODUCTION

Under the NATO and Partnership for Peace (PfP) Status of Forces Agreements (SOFAs), the United States Army Claims Service, Europe (USACSEUR), and host nations work together to investigate, resolve, and pay SOFA claims for which USAREUR has single-service responsibility. Claims costs from U.S. military activities are high, and U.S. and host-nation governments are concerned about these costs and the resulting political problems they cause. Commanders must ensure Soldiers and civilian employees are aware of the possibility of SOFA claims and that they—

- a. Avoid unnecessary maneuver and tort damages.
- b. Report damage promptly through their chain of command.

(1) Failure to report incidents that lead to claims can cause difficulties for USACSEUR and host-nation representatives in resolving these claims. It also increases resolution costs for the United States.

(2) Delayed reporting slows the processing of a claim and may cause further investigation. Delays lead to difficulty in determining causation and establishing liability, increase costs and create more work for USACSEUR personnel and units.

2. REFERENCES

Appendix A lists references.

3. EXPLANATION OF ABBREVIATIONS

The glossary defines abbreviations.

4. SINGLE-SERVICE CLAIMS RESPONSIBILITY

a. DOD has assigned single-service responsibility for the settlement of NATO SOFA claims in certain countries. A designated military component is responsible for handling SOFA claims regardless of the service (Army, Navy, Air Force) responsible for the damage being claimed.

b. Appendix B lists U.S. Claims Offices and Receiving State Claims Offices. The following NATO countries have been assigned to the indicated military component with single-service responsibility for settlement of NATO SOFA claims:

(1) **U.S. Army:** Belgium, Bulgaria, Czech Republic, Estonia, Germany, Hungary, Latvia, Lithuania, the Netherlands, Poland, Romania, Slovakia, and Slovenia.

(2) **U.S. Navy:** Greece, Iceland, Italy, Portugal, and Spain.

(3) **U.S. Air Force:** Denmark, France, Luxembourg, Norway, Turkey, and the United Kingdom.

5. RECEIVING STATE CLAIMS OFFICES

a. Because of the large number of U.S. Forces stationed in Germany and the frequency of maneuvers, the German Government established Receiving State Claims Offices (RSCOs), throughout Germany to process claims. These offices are staffed and operated by the German Government. Appendix C lists German RSCOs.

b. Most other NATO/PfP countries have a centralized system. In some cases, the RSCOs may be a temporary office established for a particular need. However, most countries have a permanent office (app B).

6. PfP COUNTRIES

a. U.S. Army units from the continental United States and USAREUR are increasing their participation in PfP exercises. This increased participation has raised the probability of claims against the United States in these PfP countries. Claims may be politically sensitive in new PfP countries. The PfP SOFA incorporates the claims provisions of the NATO SOFA, Article VIII. Claims are processed according to the NATO SOFA, Article VIII, in countries that have ratified the PfP SOFA. However, implementation of the NATO SOFA in PfP countries is not uniform, and consultation with USACSEUR is essential to ensure the proper legal standard is used.

b. USACSEUR is the executive agent for the Army's single-service claims responsibility for most PfP countries. Before a PfP exercise, commanders will contact USACSEUR to verify whether or not the NATO SOFA applies to claims.

7. HOST-NATION NATO SOFA CLAIMS PROCESSING AND PROCEDURES

a. A foreign national or U.S. citizen not associated with the U.S. Forces who is injured or whose property is damaged by U.S. military activities may file a claim for the injury or damage with the host-nation claims authorities that serve the area where the incident occurred. The time limit for filing such a claim may be much shorter than the 2 years otherwise allowed under the Foreign Claims Act (10 USC 2734-2736) or Military Claims Act (10 USC 2733). For example, RSCOs in Germany require that a claim be filed under the SOFA within 3 months after the date that the claimant is aware of, or should have been aware of, the U.S. involvement.

b. The RSCOs will—

(1) Obtain pertinent host-nation records of the incident.

(2) Obtain U.S. information and a certification of U.S. involvement from USACSEUR (para 8).

(3) Pay the claimant with host-nation funds. USACSEUR will reimburse the host nation for the U.S. share of the cost. This share is usually 75 percent of the award paid to the claimant by the host nation.

8. CERTIFICATION PROCEDURES

a. USACSEUR will examine unit damage and investigative reports for the certification and—

(1) If necessary, assign the investigation to the U.S. Forces Executive Agency for Maneuver (USFEAM).

(2) Determine whether or not U.S. Forces personnel were involved in the incident and to what extent.

(3) Notify the host nation of the findings in (2) above.

(4) Provide other information as needed to help the host nation make a decision regarding the claim.

b. If the claim is the result of actions by U.S. Forces personnel performing official duties, USACSEUR will issue a “scope certificate” to the host nation. The scope certificate will enable the host nation to validate the claim and pay the claimant. The United States will pay the receiving state the portion of the award (usually 75 percent) specified in the applicable SOFA.

c. If the claim is the result of actions by U.S. Forces personnel outside the performance of official duties (for example, arson, assault, negligent or willful property damage, rape, vandalism, etc.), the certification will be “nonscope.” Nonscope claims are processed differently from scope claims and are paid entirely from U.S. funds.

d. If there is no evidence that U.S. Forces personnel were involved, USACSEUR will return the claim to the host nation as “not involved” and the United States will pay nothing.

9. DAMAGE CLAIMS

a. The three general categories of military damage claims are as follows:

(1) Tort Claims. Tort claims involve damage to personal property, damage to real property, or death or injury of people. Most tort cases involve traffic accidents. For the United States to be liable in a tort claim case, the evidence must show that U.S. Forces personnel were involved and that the injury or damage was caused, at least partially, by their negligence. Liability may also be based on other provisions of host-nation law. Section II and appendix D provide more information on tort claims. A tort claim must have a finding of “fault.”

(2) Maneuver Claims. Maneuver claims involve damage to real property and accessories (for example, bridges, fields, roads, trees) from maneuver activities. Maneuver claims do not require a finding that U.S. Forces personnel were at fault or negligent. These claims are payable on proof that U.S. Forces personnel were involved and caused the damage. Section III and appendix E provide more information on maneuver claims.

(3) Environmental Claims. Environmental claims involve damage to the environment from air pollution, noise pollution, and soil and groundwater contamination. For the United States to be liable for environmental claims, evidence must show that U.S. Forces caused the environmental damage. The primary type of environmental claim filed against the United States is for contamination of soil and groundwater. These claims are often politically sensitive and expensive. The most common sources of contamination are from laundries, motor pools, oil and gas spills, and underground storage tanks. More information on environmental claims is in section IV.

b. During a field exercise, it is possible for a unit to cause both maneuver claims (for example, field damage, road damage) and tort claims (for example, collision between a tank and a privately owned vehicle (POV)).

10. UNIT CLAIMS OFFICERS AND THE USFEAM

a. Commanders must investigate and report claims incidents (AR 27-20) and coordinate investigations through USACSEUR.

(1) Unit claims officers (UCOs) will investigate and report tort incidents.

(2) Individuals in the following positions will appoint a commissioned officer, warrant officer, or civilian employee as a UCO:

(a) Commanders of separate battalions, regiments, brigades, divisions, or corresponding units of other military components.

(b) Maneuver commanders.

(c) Hospital commanders.

(d) District engineers.

(3) Individuals in positions in (2)(a) through (d) above—

(a) Will appoint an assistant claims officer for each unit geographically separated from its parent organization.

(b) May appoint an assistant claims officer to perform duties under the supervision of the claims officer in any unit. Senior noncommissioned officers may be appointed as assistant claims officers.

b. The USFEAM will—

(1) Investigate as required and report incidents of maneuver damage (para 8a(1)).

(2) Prepare a Master Maneuver Damage Report (MMDR) or help commanders prepare the MMDR.

(3) Validate U.S. responsibility for maneuver damage.

SECTION II TORT CLAIMS

11. TIME LIMITATIONS

Tort claims must be investigated immediately to protect U.S. interests. UCOs will use DA Form 1208 to report tort incidents caused by U.S. Forces personnel. UCOs will send the completed DA Form 1208 to USACSEUR (AEAJA-CD-ET), Unit 30010, APO AE 09166-0010, within 21 days after the incident. Under a claims agreement between the United States and Germany, USACSEUR will process and certify the claim and send a final copy of DA Form 1208 to the appropriate German agency within 42 days after receipt of the claim.

12. FAMILY MEMBER CLAIMS

a. In Germany, command-sponsored U.S. Family members who come to Germany under orders cannot file a claim under the NATO SOFA. Their claims are covered under the Military Claims Act (10 USC 2733).

b. In Belgium and the Netherlands, command-sponsored U.S. Family members may file claims under the Military Claims Act at U.S. claims offices.

13. INVESTIGATING AND PROCESSING TORT CLAIMS

AR 27-20, chapter 2, provides details for investigating and processing tort claims. UCOs will—

a. Be “claims conscious.”

b. Establish a means of learning about incidents that may produce claims.

c. Immediately investigate an incident that could involve a claim.

d. Complete and send DA Form 1208 to USACSEUR (AEAJA-CD-ET), Unit 30010, APO AE 09166.

14. DA FORM 1208

DA Form 1208 is used for investigating tort claims. Appendix D explains how to complete DA Form 1208 for tort cases. UCOs will—

a. Send a copy of completed DA Form 1208, preferably by registered or certified mail, to USACSEUR (AEAJA-CD-ET), Unit 30010, APO AE 09166-0010. UCOs may request extensions to suspense dates by calling USACSEUR at DSN 384-6341.

b. Enter the USACSEUR NATO SOFA identification number (for example, T-2005-DEU-0001) on DA Form 1208 if USACSEUR assigns a number. Also, use the identification number in replies to correspondence requesting an investigation report. If USACSEUR requests the investigation, an identification number will be assigned.

c. Keep a copy of DA Form 1208 and the enclosures for at least 180 days.

15. INVESTIGATING OTHER INCIDENTS

Investigating other types of incidents includes using the procedures for investigating regular tort claims with the addition of incident-specific questions.

a. When investigating an incident involving an uninsured or unregistered POV operated by a U.S. Forces member, the UCO will ask—

(1) Who was the registered owner?

(2) Who was the driver?

(3) Has the vehicle ever been registered with the USAREUR Registry of Motor Vehicles or with the U.S. Forces in any other country?

(4) Was the POV ever insured? If so, provide POV insurance information (name of insurance company, policy number, effective dates, type of coverage, and other details about the coverage).

(5) Was the POV insurance canceled or did it expire? If the POV insurance was canceled or expired—

(a) Was the USAREUR Registry of Motor Vehicles notified?

(b) Was the unit notified? When?

(c) What action did the unit commander take on notification of the cancellation or expiration of POV insurance?

b. When investigating an accident with a wrongfully appropriated U.S. official vehicle, the UCO will ask—

(1) How did the driver obtain the U.S. vehicle?

(2) What security measures protected the vehicle when it was taken (for example, locked, keys with dispatcher)?

(3) Was a guard at the entrance of the U.S. installation? Did the guard check for a valid trip ticket?

c. When investigating other-incident claims, the UCO will—

(1) Investigate nonscope tort claims (para 8c) and record evidence on DA Form 1208. The UCO will include copies of Article 15 records, court-martial promulgating orders, records of trial, post-trial reviews, and reports of trial observers, as applicable, with the DA Form 1208.

(2) Request assistance, when appropriate, from commanders, USAREUR military police (MP) and USAFE Security Forces, MP investigators, and Criminal Investigation Division and Office of Special Investigations personnel. UCOs will include copies of law enforcement reports with DA Form 1208.

(3) If available, include photographs of the damage.

16. INVESTIGATING CONTRACTUAL CLAIMS

Contractual claims are processed by the respective service contracting agency. Contractual claims are not processed by USACSEUR. A contractual claim basically involves a contractual relationship between two parties. Examples of contractual claims include claims for rent on real estate or for the use of a vehicle. Although contractual claims are not covered under the NATO SOFA claims provision and are not payable as SOFA claims, the circumstances of a case may apply to both SOFA and contractual claims. The process for investigating contractual claims is the same as for tort claims with specific additional required information for the following specific incidents:

a. Recovery of U.S. Forces motor vehicles by foreign civilian firms.

(1) Why was a U.S. Forces recovery vehicle not used?

(2) Who authorized, requested, or ordered the service of the foreign firm?

(3) Was the service ((2) above) necessary to allow normal traffic flow and protect U.S. Forces property?

b. Firefighting in which foreign firefighting personnel and equipment were used.

(1) Did the U.S. Forces vehicle or installation have firefighting equipment?

(2) Would U.S. Forces firefighting equipment have been able to combat the fire?

(3) Who requested or directed the services of host-nation firefighting personnel or equipment?

(4) Was the person ((3) above) authorized to request or direct the services of host-nation firefighting personnel or equipment?

(5) Were the services necessary to protect U.S. Forces property?

(6) Did the fire endanger private property or lives?

c. Rentals of foreign equipment or facilities.

- (1) Who (full name, grade, and unit) allegedly entered into the rental agreement?
- (2) What was the person's duty position?
- (3) Was there a written agreement?
- (4) Why were normal procurement procedures not used?
- (5) Did the claimant or other civilians receive reimbursement?
- (6) If the answer to (5) above is yes, what funds were used to reimburse the claimant or other civilians?
- (7) What was the precise agreement between the U.S. representative and the claimant?

**SECTION III
MANEUVER CLAIMS**

17. PROCESSING PROCEDURES

a. Claims for maneuver damages caused during off-installation maneuver and training exercises will be processed differently from tort claims.

b. The USFEAM may assume the responsibilities in paragraph 10a.

c. UCOs or the USFEAM will collect and process AE Form 350-22A from the maneuver unit when any of the following applies:

(1) Maneuver rights have been issued to the unit. A negative-use report is required if the maneuver right is not used.

(2) The unit leaves U.S.-controlled property and uses public or privately owned land.

(3) U.S. Forces personnel participate in a NATO-sponsored exercise or in exercises for which another Allied Force is responsible.

(4) The unit holds quarterly maneuver rights. The USFEAM will submit a separate AE Form 350-22A with enclosures within 15 days after each month covered by the maneuver right. A negative-use report is required if the maneuver right is not used.

d. The USFEAM will—

(1) Prepare AE Form 350-22A and enclosures according to USAREUR Regulation 350-22.

(2) Send AE Form 350-22A and enclosures through the Commander, V Corps (AETV-GE), Unit 29351, APO AE 09014-9351, to USACSEUR (AEAJA-CD-ET), Unit 30010, APO AE 09166. The USFEAM will send the AE Form 350-22A and enclosures within 15 days after the end of a field exercise.

e. If further investigation is necessary, USACSEUR will request an investigation by the USFEAM.

18. TORT INCIDENTS OCCURRING DURING EXERCISES

a. UCOs will complete a separate DA Form 1208 for each tort incident occurring during off-post movements. DA Form 1208 may be submitted as an enclosure to AE Form 350-22A or sent separately within 21 days after the incident (para 11).

b. If needed, the USFEAM will provide assistance with tort incidents as required.

SECTION IV ENVIRONMENTAL CLAIMS

19. PROCEDURES

In groundwater pollution claims, the claimant (usually the local water authority) is responsible for providing a remedy for the pollution problem. To do this, the claimant files a claim with the host nation if the U.S. Forces caused the pollution. Under the NATO SOFA burden-sharing formula, the host nation pays the costs of the entire remedy and requests reimbursement from the United States. The costs are shared between the United States (75 percent) and the host nation (25 percent).

20. CATEGORIES OF SOIL AND GROUNDWATER POLLUTION CLAIMS

a. Inside U.S. Facilities. USACSEUR reimburses the host nation for properly filed third-party environmental damage claims for groundwater contaminated by U.S. Forces within the boundaries of closed U.S. military sites. For U.S. facilities that are still open or occupied, USACSEUR generally pays third-party environmental damage claims only where there is no imminent and substantial danger to human health and the environment. In cases where there is imminent and substantial danger to human health and the environment, IMCOM-Europe may pay for clean-up.

NOTE: A third-party claim is a claim filed with the host-nation government by anyone except the actual parties (national governments) to the SOFA treaty. A third-party claim can be filed by private individuals, companies, and local and State governments.

b. Outside U.S. Facilities. USACSEUR is the sole U.S. Forces agency responsible for properly filed third-party environmental claims for damage caused by the U.S. Forces when the damage extends beyond the boundaries of a U.S. facility. This includes both open and closed U.S. military sites.

21. THE CLAIMS, LIABILITY, ASSESSMENT, INVESTIGATION, AND MITIGATION SURVEYS (CLAIMS) PROGRAM

a. USACSEUR established the CLAIMS Program to reduce U.S. liability for environmental claims filed by European host nations on closed and closing U.S. military sites. The CLAIMS Program includes the following four levels of investigation:

(1) **Type 1 CLAIMS.** These include the review of historical research provided by U.S. and host-nation authorities and site inspections. Type 1 reviews identify whether there is a need for a Type 2 or Type 3 survey.

(2) **Type 2 CLAIMS.** These include a limited field investigation for groundwater contamination.

(3) **Type 3 CLAIMS.** These include monitoring wells and sampling at existing wells of documented groundwater contamination.

(4) Type 4 CLAIMS. These include the remedy phase. Host-nation remedial designs are reviewed for technical efficiency and cost effectiveness.

b. USACSEUR maintains coordination with host-nation authorities before each needed phase of the CLAIMS Program. USACSEUR also keeps the appropriate state authorities (RSCOs in Germany) informed of soil and groundwater contamination determinations.

c. USACSEUR maintains a library of environmental data about closed U.S. sites acquired through the CLAIMS Program.

SECTION V DISASTERS

22. DISASTER PLAN

USACSEUR maintains a standing operating procedure for disasters. A disaster in this context is a situation caused by a U.S. Forces activity that involves serious loss of life, personal injury, or destruction and damage of property. An example of a disaster would be an aircraft mishap resulting in mass casualties on the ground.

23. DISASTER CLAIMS

Serious claims incidents should be reported as soon as possible to USACSEUR. In the event of a disaster, USACSEUR may designate a special claims-processing office.

24. DISASTER ASSISTANCE

If required, the USFEAM will establish a maneuver and consequence management operations center for off-installation maneuvers or an incident operations center for disasters. Both centers will support USACSEUR. The USFEAM may provide personnel for assistance in USACSEUR investigations.

APPENDIX A REFERENCES

SECTION I PUBLICATIONS

Agreement Between the Parties to the North Atlantic Treaty Regarding the Status of Their Forces (NATO SOFA)

Supplemental and Administrative Agreements to the NATO SOFA (for Germany)

Partnership for Peace (PfP) SOFA

Foreign Claims Act (10 USC 2734-2736)

Military Claims Act (10 USC 2733)

Uniform Code of Military Justice

AR 25-400-2, The Army Records Information Management System (ARIMS)

AR 27-20, Claims

DA Pamphlet 27-162, Claims Procedures

USAREUR Regulation 350-22, Maneuver and Field Training Exercise Rights in Germany

SECTION II FORMS

SF 91, Motor Vehicle Accident Report

DD Form 1970, Motor Equipment Utilization Record

DA Form 461-5, Vehicle Classification Inspection

DA Form 1208, Report of Claims Officer

DA Form 2028, Recommended Changes to Publications and Blank Forms

DA Form 2823, Sworn Statement

AE Form 350-22A, Maneuver Environmental Damage Incident Report

APPENDIX B
LIST OF U.S. AND RECEIVING STATE CLAIMS OFFICES

Country (Responsible Service Component)	U.S. Claims Office	Receiving State Claims Office
Belgium (U.S. Army)	Northern Law Center Unit 21420 APO AE 09705-1420	Ministère de la Défense Nationale Administration Générale Civile Administration des Affaires Juridiques Direction des Accidents Quartier Reine Elizabeth Rue d'Evere 1140 Bruxelles
Bulgaria (U.S. Army)	USACSEUR (European Torts) Unit 30010 APO AE 09166-0010	Ministry of Defense 3 Dyakon Ignatii Street 1000, Sofia, Bulgaria
Czech Republic (U.S. Army)	USACSEUR (European Torts) Unit 30010 APO AE 09166-0010	Vonjensky urad pro pravni zastupovani (Military Legal Representation Office) nam. Svobody 471 16073 Praha 6
Denmark (U.S. Air Force)	Office of the SJA 426 ABS/JA Unit 6655, Box 45 APO AE 09707-6655	Ministry of Defense Slotsholmsgade 10 Copenhagen K, Denmark
Estonia (U.S. Army)	USACSEUR (European Torts) Unit 30010 APO AE 09166-0010	(To be determined) Contact USACSEUR
France (U.S. Air Force)	52 FW/JA Unit 3680, Box 205 APO AE 09126-0205	Ministère de la Défense Direction de l'Administration Générale Sous-Direction des Etudes & du Contentieux Bureau de la Réglementation & de la Comptabilité des Dommages 00460-Armée Paris, France
Germany (U.S. Army)	USACSEUR Unit 30010 (European Torts) APO AE 09166-0010	Appendix C lists German Receiving State Claims Offices.
Greece (U.S. Navy)	Office of the SJA COMNAVACT, Souda Bay PSC 814, Box 1 FPO AE 09865-0102	Greek Receiving Office NATO Claims Office 40D Soutsou Street Athens, Greece 11521
Hungary (U.S. Army)	USACSEUR (European Torts) Unit 30010 APO AE 09166-0010	Hungarian Ministry of Defense Office of the Legal Advisor Balaton u. 7-11 1055 Budapest

Country (Responsible Service Component)	U.S. Claims Office	Receiving State Claims Office
Iceland (U.S. Navy)	Commander, Iceland Defense Force (Staff Judge Advocate) PSC 1003, Box 1 FPO AE 09728-0301	(To be determined)
Italy (U.S. Navy)	Force Judge Advocate CNE-C6F PSC 817, Box 70 FPO AE 09622-0070	Ministero della Difesa Direzione Generale del Contenzio 8 Division Via S. Francesco di Sales Rome, Italy 6300165
Latvia (U.S. Army)	USACSEUR (European Torts) Unit 30010 APO AE 09166-0010	(To be determined) Contact USACSEUR
Lithuania (U.S. Army)	USACSEUR (European Torts) Unit 30010 APO AE 09166-0010	(To be determined) Contact USACSEUR
Luxembourg (U.S. Air Force)	Office of the SJA 52 FW/JA Unit 3680, Box 205 APO AE 09126-0205	Commissariat aux Assurances 3, rue de la Congrégation L-1352 Luxembourg
The Netherlands (U.S. Army)	Headquarters 21st TSC Hoensbruek Legal Service Center Unit 21602 APO AE 09703-1602	Ministry of Defense CDC/Unit Claims Postbus 20702 2500 ES Den Haag The Netherlands
Norway (U.S. Air Force)	Office of the SJA 426 ABS/JA Unit 6655, Box 45 APO AE 09706-6655	Royal Norwegian Ministry of Defense MYNTGT 1 Oslo 1-0151 Norway
Poland (U.S. Army)	USACSEUR (European Torts) Unit 30010 APO AE 09166-0010	(To be determined) Contact USACSEUR
Portugal (U.S. Navy)	U.S. Naval Attaché & Attaché for Air U.S. DAO PSC 83 APO AE 09726-0083	Chefe da Divisao de Informacoes Estado-Major General das Forcas Armada Lisbon, Portugal
Romania (U.S. Army)	HQ, JTF-E (JTF-E-CJA) Mihail Kogalniceanu Airbase APO AE 09749	Romania Ministry of Defense Legislation and Legal Assistance Directorate 3-5 Izvor St. 5th District 05061 Bucharest, Romania
Slovakia (U.S. Army)	USACSEUR (European Torts) Unit 30010 APO AE 09166-0010	(To be determined) Contact USACSEUR

Country (Responsible Service Component)	U.S. Claims Office	Receiving State Claims Office
Slovenia (U.S. Army)	USACSEUR (European Torts) Unit 30010 APO AE 09166-0010	(To be determined) Contact USACSEUR
Spain (U.S. Navy)	Office of the SJA COMNAVACT, Rota PSC 819, Box 1 FPO AE 09645-1000	Comite Permanante Hispano-Norteamericano Cuartel General Ejercito Del Aire Romero Robledo Num. 8 Madrid, Espana 28071
Turkey (U.S. Air Force)	39 WG/JA Unit 7090, Box 125 APO AE 09824-0125	T.C. Genelkurmay Baskanligi Hukuk Musavirligi Bakanliklar Ankara, Turkey
United Kingdom (U.S. Air Force)	3 AF/JA Unit 4840 APO AE 09459-4840	Ministry of Defence PL (LS Claims) 1st Avenue House, High Holborn LONDON, WC1V 6HE

APPENDIX C
LIST OF GERMAN RECEIVING STATE OFFICES

German Receiving State Office	Area of Responsibility
Bundesanstalt für Immobilienaufgaben SRB Regionalbüro West Koblenz Schloss (Hauptgebäude) 56068 Koblenz	Nordrhein-Westfalen Rheinland-Pfalz Saarland
Bundesanstalt für Immobilienaufgaben SRB Regionalbüro Ost Erfurt Drosselbergstr. 2 99097 Erfurt	Berlin Brandenburg (Southern Part) Hessen Sachsen Sachsen-Anhalt Thüringen Unterfranken
Bundesanstalt für Immobilienaufgaben SRB Regionalbüro Süd Nürnberg Krelingstrasse 50 90408 Nürnberg	Baden-Württemberg Bayern (except Unterfranken)
Bundesanstalt für Immobilienaufgaben SRB Regionalbüro Nord Soltau Winsener Str. 34g 29614 Soltau	Brandenburg (Northern Part) Bremen Hamburg Mecklenburg-Vorpommern RB Detmold RB Magdeburg Schleswig-Holstein

APPENDIX D COMPLETING DA FORM 1208 FOR TORT CLAIMS

D-1. GENERAL

This appendix provides guidance for completing DA Form 1208 for tort cases. Paragraph D-2 lists procedures for completing DA Form 1208. The sample answers are for an automobile accident. The United States Army Claims Service, Europe (USACSEUR), can answer specific questions about individual cases. Unit claims officers (UCOs) may write to USACSEUR (AEAJA-CD-ET), Unit 30010, APO AE 09166-0010; send an e-mail to claimservice@eur.army.mil; or call DSN 384-6341 for more information.

D-2. PROCEDURES

DA Form 1208 may be printed, typed, or completed electronically. The information must be legible. USACSEUR personnel, host-nation claims offices, and court officials may have to translate information on the form. UCOs will complete DA Form 1208 as follows (block titles are in bold print):

Date of Report. Self-explanatory.

Headquarters. Enter designation, APO address, and telephone number of the unit involved in the incident.

Location. Enter the unit's geographic location, not its APO address.

1. Accident or Incident. Enter the date, hour, and place of the accident in the appropriate blocks.

2. Claimants. Leave this block blank if the information is not available or cannot be obtained easily. Claimants file their claims with the host nation. The UCO will provide the U.S. version of the incident.

3. Property and Personnel Involved.

3A. Government Property. Identify U.S. Forces vehicles involved (include bumper markings and the U.S. Forces license-plate number). Describe the condition of the military vehicle before the accident. USACSEUR recovers money from persons who damage U.S. property or injure U.S. personnel. In some tort incidents, the claimant may be partially at fault. If USACSEUR can show the U.S. damages accurately, it may be able to collect from the claimant or at least reduce the amount paid by the United States. The UCO will inform USACSEUR of the extent of damage to U.S. property (include the property's condition before the accident). If available, attach photographs of the damage.

Personnel. Enter the name, grade, status (for example, military, civilian employee, appropriated fund or nonappropriated fund employee, Army and Air Force Exchange Service employee), position, last four digits of social security number, current assignment, date eligible for return from overseas (DEROS), expiration term of service (ETS) date, and telephone number of U.S. personnel involved. USACSEUR needs to know how to contact involved personnel and witnesses even after a permanent change of station or ETS.

3B. Private Property. Provide all available information. The UCO will not delay the investigation by trying to get information that USACSEUR can easily get from other sources. UCOs will not interview claimants or foreign-national witnesses unless they are U.S. Forces employees. If possible, the UCO will provide information on the condition of the claimant's property before the accident and the vehicle license number. Knowing the condition of the vehicle before the accident is important to avoid paying more than the actual damage caused in the accident. The UCO should use photographs to record the extent of damage.

Persons. Enter the names, nationalities, addresses, and telephone numbers of non-U.S. Forces persons involved.

4. Scope of Employment. Mark either yes or no.

5. Damage to Property.

5A. Government Property. Describe damage to U.S. property. Estimate repair costs of U.S. Government property involved.

5B. Private Property. Describe damage to private property. Estimate repair costs of private property involved.

6. Persons Injured or Killed.

6A. Government Personnel. List U.S. Forces personnel injured or killed. If U.S. Forces personnel were hospitalized, describe where they were hospitalized, for how long, and include transfers to other hospitals. USACSEUR may be able to recover some or all hospitalization costs from the claimant. The UCO will not delay the investigation if the information is not readily available.

6B. Private Persons. List private persons (non-U.S. Forces) injured or killed. If these people were hospitalized, describe where they were hospitalized, for how long, and include transfers to other hospitals. The UCO will not delay the investigation if the information is not readily available.

7. Witnesses.

Name. List names of witnesses not included in block 3.

Station or Address. List addresses and telephone numbers of witnesses listed in the name block.

8. Police Investigation and Trial. Self-explanatory. The host-nation claims office will get host-nation police reports.

9. Findings. Describe the accident. It is not enough to refer only to military police (MP) reports or witness statements. The version reported by the UCO may differ from that of the MP or witnesses. Even in a case that appears to indicate the fault of one party, there may be liability on both sides.

10. Exhibits. List exhibits attached to DA Form 1208. (Information on preparing exhibits is in para D-3.)

11. Recommendations.

11A. It is Recommended That. Leave blank.

11B. Reasons for Recommendations. Leave blank. UCOs will send their recommendations separately. A claimant who is not satisfied with the settlement offered by the host nation may go to a host-nation court. DA Form 1208 may be made available to the claimant and host-nation court during court proceedings. UCOs are not expected to know host-nation laws; they may make an incorrect recommendation about payment of the claim that may prejudice the U.S. case.

11C. Claims Officer. The UCO will date, type or print his or her name and telephone number, and sign the form in the appropriate blocks. DA Form 1208 is more effective in court when it is signed.

12. Action of Commanding Officer or Staff Judge Advocate. Leave blank.

D-3. EXHIBITS

The following exhibits will be included when appropriate:

a. MP or Criminal Investigation Division (CID) Reports. Do not delay completing DA Form 1208 by waiting for MP or CID reports. A statement that MP or CID personnel are preparing a report should be included. USACSEUR works closely with MP and CID personnel and can obtain their reports if necessary.

b. A Statement From the U.S. Forces Driver. Include the driver's version of what happened and the driver's DEROS. DA Form 2823, also called a "sworn statement," is preferable, but if the driver will not give a sworn statement, an unsworn statement is acceptable. Military drivers may be subject to disciplinary proceedings under the Uniform Code of Military Justice (UCMJ). When the investigating officer has reason to believe a military driver has committed an offense under the UCMJ, Article 31 of the UCMJ requires that the driver be warned before questioning. The servicing legal officer can provide information about giving Article 31 warnings.

c. Witness Statements. Include statements from U.S. witnesses to the accident on DA Form 2823. Include the physical positions of witnesses at the time of the accident. Witnesses will be reminded to give information only about what they actually saw.

d. SF 91. Get an SF 91 from the driver or maintenance personnel of the vehicle. An SF 91 should be kept in every U.S. vehicle. Drivers should complete the form when they are involved in an accident.

e. DD Form 1970. Attach a commander's statement to the DD Form 1970 indicating whether or not the vehicle was being used for official purposes.

f. DA Form 461-5. Include a copy of DA Form 461-5 (or an equivalent from other U.S. service components) when a non-U.S. Forces person is at least partially responsible for the accident. UCOs will provide an actual or estimated cost of damage report for the U.S. property signed by the person responsible for the vehicle.

g. Statement of Previous Payment. If a U.S. Forces member made a partial or total payment to a potential claimant, include a statement from the member that he or she made the payment. USACSEUR will take credit for the payment on behalf of the United States.

h. Photographs. If available, attach photographs of the damage.

APPENDIX E MANEUVER DAMAGE REPORTING

E-1. GENERAL

Maneuver damage is reported on AE Form 350-22A. The United States Army Claims Service, Europe (USACSEUR), can answer specific questions about individual cases (USACSEUR (AEAJA-CD-ET), Unit 30010, APO AE 09166-0010; e-mail: claimservice@eur.army.mil; or DSN 384-6341

E-2. CLAIMS

a. A maneuver damage claim is a claim against the U.S. Government for damage to real property (for example, bridges, fields, forests, roads) caused while U.S. Forces members were performing their official duties on maneuver. Causation is the only significant issue in this category of claim; “fault” is not relevant.

b. The U.S. Forces Executive Agency for Maneuver (USFEAM) will help maneuver units prepare and send AE Form 350-22A when U.S. Forces participate in any of the following:

- (1) Exercises for which maneuver rights were issued according to USAREUR Regulation 350-22.
- (2) NATO-sponsored exercises.
- (3) Exercises for which other nations or other U.S. units obtained maneuver rights.

E-3. PROCEDURES

The USFEAM will provide the maneuver unit with copies of AE Form 350-22A. The maneuver unit will complete the form as damages occur. All copies of AE Form 350-22A will be collected at the conclusion of the exercise and will be submitted to USACSEUR.

E-4. TORT INCIDENTS

During a maneuver, units also may be involved in tort damage incidents. Unlike maneuver damage incidents, tort damage incidents require a determination of “fault” under host-nation law. The maneuver unit, with assistance from the USFEAM, will complete a separate DA Form 1208 for each tort incident. The USFEAM may submit DA Form 1208 as an enclosure to AE Form 350-22A.

E-5. MULTINATIONAL EXERCISES

a. Large multinational exercises generate a large number of maneuver damage claims within a limited area and period. USACSEUR may host a postmaneuver claims conference to manage the high volume of claims. At the conference, representatives from USACSEUR, the host nation in the area where the exercise took place, and participating Allied Forces agree to a division of the exercise area for maneuver damage claims purposes. The geographic division is determined by the following factors:

- (1) Numbers and types of vehicles used by each force.
- (2) Areas where the forces exercised.
- (3) Relative troop strength of the participating forces.
- (4) Distribution of damage incidents reported during the exercise.

b. USACSEUR will detail personnel to the maneuver and consequence management operations center or the incident operations center during disasters.

(1) A list of damages with grid coordinates. This list will be sent to USACSEUR (AEAJA-CD-ET), Unit 30010, APO AE 09166-0010; or by e-mail to claimservice@eur.army.mil within 15 days after the end of exercise (ENDEX).

(2) A detailed map prepared by operations and plans personnel. This map will be provided within 15 days after ENDEX and show the geographic area where the major U.S. and Allied Forces operated during the exercise. The map also will show premaneuver and postmaneuver assembly areas. If Allied Forces participated in the same or in an overlapping area with U.S. Forces, the following information also should be included on the map:

(a) The perimeter of the geographic area used by the Allied Forces alone or with U.S. or other participating forces.

(b) The size and designation by unit of the Allied Forces.

(c) Information on whether or not the Allied Forces used tracked vehicles. If tracked vehicles were used, include the number, type, and proportion to those used by the U.S. Forces.

GLOSSARY

21st TSC	21st Theater Sustainment Command
ABS	air base squadron
AE	Army in Europe
AEPUBS	Army in Europe Publishing System
AF	Air Force
APO	Army post office; Air Force post office
AR	Army regulation
CID	Criminal Investigation Division
CLAIMS	Claims, Liability, Assessment, Investigation, and Mitigation Surveys (Program)
CNE-C6F	Commander, U.S. Naval Forces Europe/Commander, U.S. Sixth Fleet
COMNAVACT	Commander, U.S. Naval Activities
DA	Department of the Army
DAO	Defense Attaché Office
DD	Defense Department
DEROS	date eligible for return from overseas
DOD	Department of Defense
ENDEX	end of exercise
ETS	expiration term of service
FPO	Fleet post office
FW	fighter wing
IMCOM-Europe	United States Army Installation Management Command, Europe Region
JA	judge advocate
MMDR	Master Maneuver Damage Report
MP	military police
NATO	North Atlantic Treaty Organization
OJA	Office of the Judge Advocate, Headquarters, United States Army Europe and Seventh Army
PfP	Partnership for Peace
POV	privately owned vehicle
PSC	postal service center
RB	<i>Regierungsbezirk</i> (administrative district)
RSCO	Receiving State Claims Office
SF	standard form
SJA	staff judge advocate
SOFA	Status of Forces Agreement
SRB	<i>Schadensregulierungsstelle des Bundes</i> (claims settlement agency)
UCMJ	Uniform Code of Military Justice
UCO	unit claims officer
U.S.	United States
USACSEUR	United States Army Claims Service, Europe
USAFE	United States Air Forces in Europe
USAREUR	United States Army Europe
USC	United States Code
USFEAM	United States Forces Executive Agency for Maneuver
WG	weather group