

LEGADMINMAN

CHAPTER 13

CLAIMS

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### CHAPTER 13

#### CLAIMS

##### 13000. SCOPE

1. This chapter sets forth procedures and responsibilities for processing claims against the Marine Corps for injuries or property damage arising in the United States and its territories.
2. This chapter does not address claims arising in foreign countries or claims brought by military personnel or Federal Government employees. For detailed guidance on processing these claims, refer to JAGINST 5890.1 or contact the command staff judge advocate (SJA). Commands without an assigned SJA should refer to chapter 22 of this Manual to determine the SJA responsible for providing this advice.

##### 13001. RESPONSIBILITIES

1. Commanding officers are responsible for the expeditious processing of all claims received by their commands and for the expeditious investigation of claims arising from the activities of their commands.
2. SJAs are responsible for advising commands on processing claims and the conduct of claims investigations.
3. The Judge Advocate General of the Navy is responsible for adjudicating and paying all claims made against Marine Corps commands. Within the United States, claims are adjudicated at one of three regional Naval Legal Service Offices (NLSOs) based on the geographic location of the incident giving rise to the claim. Figure 13-1 depicts the geographic jurisdictions of the three NLSOs and provides their addresses and telephone numbers.

##### 13002. PROCEDURES

1. Claims against the Government are required to be filed on a Standard Form 95 (SF-95). Commands should provide this form to individuals who indicate a desire to file a claim or who submit a claim by some other means.
2. Upon receipt of an SF-95 arising from the activities of the command receiving the claim, the command shall:
  - a. Stamp or mark the date and time of receipt and forward the original SF-95 within 2 business days to the responsible NLSO listed in Figure 13-1;

b. Send a letter to the claimant advising that the SF-95 was received and forwarded to the NLSO, with the NLSO's address and telephone number; and

c. Complete and forward an investigation of the claim via the chain of command to the responsible NLSO within 14 business days of receipt of the SF-95.

(1) Commands should contact their SJA for guidance before initiating the investigation and should delay completing investigations only upon the advice of the SJA.

(2) For additional guidance, procedures, and checklists for conducting investigations of specific types of incidents, refer to the JAG Manual. Investigations of routine incidents like traffic accidents involving minor property damage will usually only require that the investigator obtain a copy of the police report, interview the military personnel and witnesses involved, and make a determination whether the military personnel were acting within the scope of their official duties at the time of the incident.

3. If the claim arose from the activities of another Marine Corps or Navy command, the command receiving the SF-95 shall:

a. Stamp or mark the date and time of receipt and forward the original SF-95 within 2 business days to the responsible NLSO listed in Figure 13-1;

b. Forward a copy of the SF-95 to the responsible command via the chain of command; and

c. Send a letter to the claimant advising that the SF-95 was received and forwarded to the responsible NLSO and command with their addresses and telephone numbers.

4. If the claim arose from the activities of another branch of the armed forces, the command receiving the SF-95 shall:

a. Forward the original SF-95 to the responsible command via the chain of command; and

b. Send a letter to the claimant advising that the SF-95 was forwarded to the responsible command with that command's address and telephone number.

LEGADMINMAN

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FOR UNITED STATES AND TERRITORIES

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