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(2) Ensure that requests for an advance decision that originate in their organizations are prepared and submitted in accordance with this part.

(3) Pay claims as provided in a final action in accordance with this part.

APPENDIX A TO PART 282—GUIDANCE

(a) Submitting a claim. The procedures a claimant must follow to submit a claim are at Appendix C to this part.

(b) Processing a claim. The procedures a DoD Component must follow in processing a claim are at Appendix D to this part.

(c) Appeals. The procedures for appealing initial determinations are at Appendix E to this part.

(d) Disposition of claims upon settlement in general. (1) The appropriate official for the Component concerned shall pay a claim in accordance with the final action concerning the claim.

(2) Where state law requires, a committee must be appointed for a minor or incompetent person in accordance with State law before payment may be made.

(e) Requests for an advance decision. Procedures for requesting an advance decision are at Appendix F to this part.

(f) Publication. In accordance with 5 U.S.C. 552, the Director, DOHA, or designee, shall make redacted copies of responses to requests for reconsideration and advance decisions by the GC, DoD, or designee, available for public inspection and copying at DOHA's public reading room and on the worldwide web.

APPENDIX B TO PART 282—CLAIMS DESCRIPTION

The Secretary of Defense is authorized to perform the claims settlement and advance decision functions for claims under the following statutes:

(a) 31 U.S.C. 3702 concerning claims in general when there is no other settlement authority specifically provided for by law.

1Contact the appropriate non-DoD Component for the procedures it follows in processing a claim.

1This includes claims involving Uniformed Services members' pay, allowances, travel, transportation, payment for unused accrued leave, retired pay, and survivor benefits, and claims for refund by carriers for amounts collected from them for loss or damage to property they transported at Government expense; also included are other claims arising from the activity of a DoD Component. However, the Director of the Office of Personnel Management performs these functions for claims involving civilian employees' compensation and leave; and the Administrator of General Services performs these functions for claims involving civilian employees' travel, transportation, and relocation expenses.

2Claims under this statute are actually settled under the authority in 31 U.S.C. 3702 because there is no specific settlement authority in the statute.

3Claims under this statute are actually settled under the authority in 31 U.S.C. 3702 because there is no specific settlement authority in the statute.

APPENDIX C TO PART 282—SUBMITTING A CLAIM


(b) Where to Submit a Claim. A claimant must submit a claim to the Component concerned in accordance with guidance provided by that Component. A claim that is submitted somewhere other than to the Component concerned does not stop the running of the time limit in paragraph (f) of this Appendix. It is the claimant's responsibility to submit a claim properly.

(c) Format of a Claim. A claimant must submit a claim in the format prescribed by the Component concerned. It must be written and be signed by the claimant (in the case of a claim on behalf of a minor or incompetent person, there are additional requirements explained at paragraph (e) of this Appendix) or by the claimant's authorized agent or attorney (there are additional requirements explained at paragraph (d) of this Appendix). In addition, it should:

10 U.S.C. 2575 concerning the disposition of unclaimed personal property on a military installation.

(c) 10 U.S.C. 2771 concerning the final settlement of accounts of deceased members of the Armed Forces (but not the National Guard).

(d) 24 U.S.C. 420, 10 U.S.C. 4712, and 10 U.S.C. 9712 concerning the disposition of the effects of a deceased person who was subject to military law at a place or Command under the jurisdiction of the Army or the Air Force or of a deceased resident of the Armed Forces Retirement Home.

(e) 37 U.S.C. 554 concerning the sale of personal property of members of the Uniformed Services who are in a missing status.

(f) 32 U.S.C. 714 concerning the final settlement of accounts of deceased members of the National Guard.
(1) Provide the claimant’s mailing address.
(2) Provide the claimant’s telephone number.
(3) State the amount claimed.
(4) State the reasons why the Government owes the claimant that amount.
(5) Have attached copies of documents referred to in the claim.
(6) Include or have attached statements (that are attested to be true and correct to the best of the individual’s knowledge and belief) of the claimant or other persons in support of the claim.

(d) Claim Submitted by Agent or Attorney. In addition to the requirements in paragraph (c) of this Appendix, a claim submitted by the claimant’s agent or attorney must include or have attached a duly executed power of attorney or other documentary evidence of the agent’s or attorney’s right to act for the claimant.

(e) Claim Submitted on Behalf of a Minor or Incompetent Person. In addition to the requirements in paragraph (c) of this Appendix:

(1) If a guardian or committee has not been appointed, a claim submitted on behalf of a minor or incompetent person must:
   (i) State the claimant’s relationship to the minor or incompetent person.
   (ii) Provide the name and address of the person having care and custody of the minor or incompetent person.
   (iii) Include an affirmation that any monies received shall be applied to the use and benefit of the minor or incompetent person, and that the appointment of a guardian or committee is not contemplated.

(2) If a guardian or committee has been appointed, a claim on behalf of a minor or incompetent person must include or have attached a certificate of the court showing the incompetent person.

(i) Claimant Must Prove the Claim. The claimant must prove, by clear and convincing evidence, on the written record that the United States is liable to the claimant for the amount claimed. All relevant evidence to prove the claim should be presented when a claim is first submitted. In the absence of compelling circumstances, evidence that is presented at later stages of the administrative process will not be considered.

APPENDIX D TO PART 282—PROCESSING A CLAIM

(a) Initial Component Processing. Upon receipt of a claim, the Component concerned must:

(1) Date stamp the claim on the date received.
(2) Determine whether the claim was received within the required time limit (time limits are summarized at Appendix C to this part, paragraph (f)) and follow the procedures in paragraph (b) of this Appendix if the claim was not timely.

(3) Investigate the claim.
(4) Decide whether the claimant provided clear and convincing evidence that proves all or part of the claim.
(5) Issue an initial determination that grants the claim to the extent proved or denies the claim, as appropriate. The initial determination must state how much of the claim is granted and how much is denied.

1 Under Section 501 et seq. of title 50 Appendix, United States Code, periods of active military service are not included in calculating whether a claim has been received within these statutory time limits.

2 There is an exception for certain claims described in 31 U.S.C. 3702(e). In those cases, the Secretary of Defense may waive the time limits in paragraph (f)(1)(ii) of this Appendix. Appendix D of this part, paragraph (d), explains which claims qualify and the procedures that apply.