§ 750.51 Final disposition.
(a) Claimant to be notified. The adjudicating authority shall notify the claimant, in writing, of the action taken on the claim.
(b) Final denial. A final denial, in whole or in part, of any MCA claim shall be in writing and sent to the claimant, or his attorney or legal representative, by certified or registered mail, return receipt requested. The notification of denial shall include a statement of the reason or reasons for denial and that the claimant may appeal. The notification shall also inform the claimant:
(1) The title of the appellate authority who will act on the appeal and that the appeal will be addressed to the adjudicating authority who last acted on the claim.
(2) No form is prescribed for the appeal, but the grounds for appeal should be set forth fully.
(3) The appeal must be submitted within 30 days of receipt by the claimant of notice of action on the claim.

§ 750.52 Appeal.
(a) A claim which is disapproved in whole or in part may be appealed by the claimant at any time within 30 days after receipt of notification of disapproval. An appeal shall be in writing and state the grounds relied upon. An appeal is not an adversary proceeding and a hearing is not authorized; however, the claimant may obtain and submit any additional evidence or written argument for consideration by the appellate authority.
(b) Upon receipt, the adjudicating authority examines the appeal, determines whether the appeal complies with this regulation, and reviews the claims investigative file to ensure it is complete. The claim, with the complete investigative file and a memorandum of law, will be forwarded to the appellate authority for action. If the evidence in the file, including information submitted by the claimant with the appeal, indicates the appeal should be approved, the adjudicating authority may treat the appeal as a request for reconsideration.
(c) Processing of the appeal may be delayed pending further efforts by the adjudicating authority to settle the claim. Where the adjudicating authority does not reach a final agreement on an appealed claim, it shall send the entire claim file to the next higher settlement authority, who is the appellate authority for that claim.
(d) The appellate authority shall notify the claimant in writing of the determination on appeal; that such determination constitutes the final administrative action on the claim; and there is no right to sue under the MCA.

§ 750.53 Cross-servicing.
(a) See §750.13 or information about single-service claims responsibility under DODDIR 5515.8 of 9 June 1990.
(b) Claims settlement procedures. Where a single service has been assigned a country or area claims responsibility, that service will settle claims cognizable under the MCA under the regulations of that service. The forwarding command shall afford any assistance necessary to the appropriate service in the investigation and adjudication of such claims.

§ 750.54 Payment of costs, settlements, and judgments related to certain medical or legal malpractice claims.
(a) General. Requests for reimbursement/indemnification of costs, settlements, and judgments cognizable under 10 U.S.C. 1089(f) [for personal injury or death caused by any physician, dentist, nurse, pharmacist, paramedic, or other supporting personnel (including medical and dental technicians, nurse assistants, and therapists)] or 10 U.S.C. 1054(f) [for damages for injury or loss of property caused by any attorney, paralegal, or other member of a legal staff] while acting as DON personnel will be paid if:
(1) The alleged negligent or wrongful actions or omissions arose in connection with either providing health care functions or legal services and within the scope of employment; and
(2) Such personnel furnish prompt notification and delivery of all process served or received, and other documents, information, and assistance as requested; and cooperate in defending the action on the merits.
(b) Requests for Indemnification. All requests for indemnification for personal liability of DON personnel for
acts or omissions arising out of assigned duties shall be forwarded to the
Judge Advocate General for action.

§ 750.55 Attorney’s fees.

Attorney’s fees not in excess of 20 percent of any settlement may be al-
lowed. Attorney’s fees so determined are to be paid out of the amount
awarded and not in addition to the award. These fee limitations shall be
incorporated in any settlement agreement secured from a claimant.

§§ 750.56–750.60 [Reserved]

Subpart D—Claims Not Cognizable Under Any Other Pro-
vision of Law

§ 750.61 Scope of subpart D.

This section provides information on payment of claims against the United
States, not payable under any other statute, caused by the act or omission,
negligent, wrongful, or otherwise involving fault, of Department of the
Navy (DON) military and civilian personnel (hereinafter DON personnel)
acting outside the scope of their employment.

§ 750.62 Statutory authority.

Section 2737 of title 10, United States Code, provides authority for the admin-
istrative settlement in an amount not to exceed $1,000.00 of any claim against
the United States not cognizable under any other provision of law for damage,
loss, or destruction of property or for personal injury or death caused by
military personnel or a civilian official or employee of a military department
incident to the use of a vehicle of the United States at any place, or any
other property of the United States on a Government installation. There is no
right to sue. There are no territorial limitations and the Act has worldwide
application.

§ 750.63 Definitions.

(a) Civilian official or employee. Any civilian employee of the DON paid from
appropriated funds at the time of the incident.

(b) Vehicle. Includes every description of carriage or other artificial contriv-
ance used, or capable of being used, as a means of transportation on land. See

(c) Government installation. Any Federal facility having fixed boundaries
and owned or controlled by the U.S. Government. It includes both military
bases and nonmilitary installations.

§ 750.64 Claim procedures.

(a) The general provisions of subpart A of this part shall apply in deter-
mining what is a proper claim, who is a proper claimant, and how a claim is
to be investigated and processed under 10 U.S.C. 2737 and this section.

(b) A claim is presented when the DON receives from a claimant or the
claimant’s duly authorized agent, written notification of a nonscope claim in-
cident accompanied by a demand for money damages in a sum certain.

(c) A claimant may amend a claim at any time prior to final action. Amend-
ments will be submitted in writing and signed by the claimant or the claim-
ant’s duly authorized agent.

(d) Claims submitted under the provi-
sions of the Federal Tort Claims Act
(FTCA) or Military Claims Act (MCA)
shall be considered automatically for
an award under this section when pay-
ment would otherwise be barred be-
cause the DON personnel were not in
the scope of their employment at the
time of the incident. If a tender of pay-
ment under this section is not accepted
by the claimant in full satisfaction of
the claim, no award will be made, and
the claim will be denied pursuant to
the rules applicable to the statute
under which it was submitted.

(e) Damages caused by latent defects
of ordinary, commercial type, Govern-
ment equipment that were not payable
under the MCA, Foreign Claims Act, or
FTCA are payable under this section.

(f) Nonscope claims for damages
caused by local national DON employ-
ees overseas are also payable under
this section if the injury was caused by
the use of Government equipment.

(g) Payment may not be made on a
nonscope claim unless the claimant ac-
cepts the amount offered in full satis-
faction of the claim and signs a settle-
ment agreement.

(h) Payment for nonscope claims ad-
judicated by field commands will be af-
ected through their local disbursing