

FORT MEADE CLAIMS DIVISION

“ARTICLE 139, UCMJ CLAIMS PACKET”

Overview of Article 139, UCMJ Claims

Imagine that you recently bought a brand-new BMW convertible. In your opinion, it is the most beautiful car in the entire world, and you can't wait to show it off to your friends. Unfortunately, the morning after you bought the car, you discover that it was vandalized. While you were sleeping, someone slashed the tires, shattered the windshield, and keyed the side doors. While you are assessing the damage, you get a text message from a Soldier that you recently broke up with. The text says “Hope your new car is as broken as my heart. You're lucky that I didn't smash the headlights, too!”

In such a scenario, the victim might have recourse through military channels without having to go to court. Under the Uniform Code of Military Justice (UCMJ), Article 139 provides compensation against a Soldier who has “willfully damaged” or “wrongfully taken” the property of another. In fact, if an offender cannot be identified, but the organization or detachment to which they belong is known, a claim can be made against the unit. Anyone—including military members, civilians, businesses, charities, or local governments—can make such a claim.

Please remember that not all claims fall within the scope of Article 139. To receive compensation, the property must have been “willfully damaged” or “wrongfully taken.” Willful damage includes damage inflicted intentionally, knowingly, and purposefully without justifiable cause. Willful damage may also be considered where the Soldier causes damage, loss, or destruction through riotous, violent, disorderly, reckless, and wanton disregard of the property of another. On the other hand, damage caused by mere negligence is not enough. As an example, vandalism is an action commonly associated with willful damage.

As mentioned above, the other type of cognizable claim is when property is “wrongfully taken.” This occurs when a service member wrongfully takes or withholds the property of another with the intent to deprive the owner of temporary or permanent possession. Wrongful taking may be considered when the property is damaged, lost, or destroyed through larceny, forgery, embezzlement, fraud, misappropriation, or similar offense. As an example, theft is an action commonly associated with wrongful taking.

In order to be processed, a claim must be submitted within 90 days of the incident giving rise to the claim. To submit a claim, a victim should present it to the commanding officer who has Special Court Martial Convening Authority (SPCMCA) over the offender. Once a claim is submitted, an investigating officer will be appointed to investigate the claim, prepare findings of fact, and make a recommendation. After the investigation is complete, the claim will be

forwarded to the appropriate commander, which is determined by the amount of money involved with the claim. If the offender has made payment to the claimant's satisfaction, the claim may be dismissed. Otherwise, the appropriate commander will, after a legal review, determine whether the claim will be paid. After this determination, the claimant and wrongdoer have 10 working days to request reconsideration. Once this process is complete, if a claim is still authorized, the appropriate commander can direct finance to withhold pay from the wrongdoer.

The Claims Division is here to assist with the filing of Article 139 claims. Following this overview, you will find an Article 139 Claims Checklist and an Article 139 Claims form. Please contact our office at either 301-677-9898 or 301-677-9960 if you have any questions.

<p style="text-align: center;">FORT MEADE CLAIMS DIVISION “ARTICLE 139 CLAIMS CHECKLIST”</p>
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The following actions should be taken before an Article 139 claim is submitted to the commanding officer of the individual from whom compensation is requested:

- ___ Complete the Article 139 claim form on the next page.
- ___ Attach any police reports or statements from witnesses.
- ___ Attach proof of ownership of the damaged or missing property. For example, if you are filing a claim over a damaged vehicle, please attach a copy of your vehicle registration.
- ___ Attach estimates for repair of the damaged property. If the property is a total loss, the repair estimate needs to state the property is a total loss. Furthermore, if the property is a total loss or was stolen, then you should attach additional documentation to show the replacement price.

If you have any questions over any part of this process, please feel free to call our office at either 301-677-9898 or 301-677-9960.

ARTICLE 139 CLAIM FORM

NAME _____

DATE _____

ADDRESS _____

HOME PHONE _____

CELL PHONE _____

SSN _____

E-MAIL _____

Pursuant to Article 139, UCMJ, and Army Regulation 27-20, Chapter 9, I state that on _____ (date), _____ (name and rank) of _____ (name of unit) wrongfully took//willfully damaged personal property of mine. I request that you assess her/his pay in the amount of \$ _____ (amount) and pay that sum to me.

As part of my claim, I have listed in detail the facts and circumstances and described the property lost or damaged, including the date of purchase, the purchase price, the replacement cost or repair cost, and I am providing the names and addresses of any witnesses.

(Signature of Claimant)

REQUIRED ACTION UPON RECEIPT OF THIS CLAIM

The commander exercising special court-martial convening authority over the soldier against whom the claim is made will appoint an officer to investigate the claim in accordance with AR 27-20, paragraph 9-8d, within four (4) working days. Any other commander or subordinate receiving this claim will forward it to that commander exercising special court-martial convening authority over the soldier against whom the claim is made in accordance with AR 27-20, paragraph 9-8c, within two (2) working days. Any questions concerning this claim should be referred to the Office of the Staff Judge Advocate, Claims Office at 301-677-9898 or 301-677-9960.

DATA REQUIRED BY THE PRIVACY ACT OF 1974 (5 USC 552a)

AUTHORITY: 10 USC 939

PRINCIPAL PURPOSE: INVESTIGATION AND PROCESSING CLAIMS

ROUTINE USES: Information is principally used to provide a legal basis for the administrative settlement of a claim against a soldier for property willfully destroyed or wrongfully taken. The SSN is used to ensure correct identification of a claimant to ensure payment to the proper claimant.

MANDATORY OR VOLUNTARY DISCLOSURE AND EFFECT ON INDIVIDUALS NOT PROVIDING INFORMATION: Disclosure of information is voluntary. Failure to provide information substantiating a claim will delay action and may result in denial.