

CLAIMS FOR POV DAMAGE OR THEFT

Vehicle Collision on the Installation:

Claims for damages to POVs resulting from collisions on the installation involving hit and run accidents, shopping carts, or animals will only be considered under the Personnel Claims Act if the vehicle was being used under orders for the convenience of the Government. However, because most incidents are not unusual, they are normally not payable. (DA Pam 27-162, paragraph 11-5c(3)(l)). For example, it is not an unusual occurrence for a vehicle parked at the Commissary or PX parking lot to be struck by a shopping cart or by a hit and run driver. Nor is it an unusual occurrence for a motor vehicle to strike an animal, such as a deer, on the installation.

Other claims falling within this category are claims for damages to moving vehicles caused by potholes and other road hazards. Such claims are also not considered the result of an unusual occurrence and will only be considered under the Personnel Claims Act if the vehicle was being used under orders for the convenience of the Government. (DA Pam 27-162, paragraph 11-5c(3)(j)).

If your vehicle was damaged due to a traffic accident involving a government vehicle or a government employee acting within the scope of his employment, please contact the Fort Sam Houston Claims Office immediately in Building 153 or at 221-1973.

Theft from a POV:

Claims for theft from a POV require that the POV be "properly located" on the installation. This means that the vehicle must be properly registered and insured in accordance with the local regulation. The claimant must provide clear and convincing evidence that the theft occurred on the installation. Often this is done through a Military Police report under the Personnel Claims Act. It is also relevant to consider the claimant's behavior that contributed to his or her loss. If the claimant was negligent, i.e., failed to exercise the degree of care expected under the circumstance, the claim may be denied. A common example of an individual's negligence is leaving their POV unlocked. Further, the passenger compartment and trunk of a vehicle are not considered proper places for the long-term storage of property unconnected with the use of the vehicle. Leaving any item of value in either area in a parked vehicle, even if locked, for a short time or overnight, is insufficient protection for the safekeeping of that item and is considered negligence. Temporary placement in a trunk while going from point A to point B, with short stops in between, is reasonable, but longer storage is normally considered improper safeguarding.

When on TDY or PCS, possessions must not be left locked in a POV or the trunk. All belongings must be carried into the guesthouse or hotel room overnight regardless of the time or effort required. Most accommodations have dollies or luggage carriers for patrons use. Individuals must use all means necessary to safeguard their property.

CLAIMS FOR THEFT OF BICYCLES, MOTORCYCLES, AND OTHER EASILY MOVABLE VEHICLES:

Claims for theft of bicycles, motorcycles, and other easily movable vehicles may be payable provided proper measures were taken to secure the vehicle, i.e., they must be secured to a fixed object such as a pole, post, or tree. Securing items by locking the wheels or handlebars together does not provide sufficient protection. Motorcycle helmets must be secured by taking them inside or securing it by a wire-locking device run through a hole in the helmet.

VANDALISM DAMAGE TO A VEHICLE

Vandalism incurred incident to service and on the installation may be compensable. Vandalism results from intentional damage; stray marks caused by children playing, rocks or gravel thrown up by vehicles, falling branches, and similar occurrences do not result from vandalism. Bear in mind that claims for vehicle theft and vandalism may be compensable, but the claimant must be able to show that the vandalism or theft occurred at quarters or on the military installation by clear and convincing evidence.

Although losses caused by the above-described incidents may be compensated under AR 27-20, Chapter 11, the importance of having private insurance to cover these losses and others cannot be over-emphasized. In many cases where a claim would not be payable in whole or in part under the Army Claims Program, private insurance would have paid the claim. Remember, if you have private insurance, you must first make a claim against the insurance company. The Claims Office may only pay, in most instances, the amount of the insurance deductible when the claimant has private insurance.

Information contained in this paper is general in nature and does not constitute legal advice. If you have any questions regarding a specific situation, please contact the Fort Sam Houston Claims Office in Building 153 or at 221-1973.