



## FORT SILL LEGAL ASSISTANCE



### TORT CLAIMS

The Federal Tort Claims Act (FTCA) along with the Military Claims Act (MCA) both provide avenues of redress for civilians and Soldiers who suffer property damage, personal injury or wrongful death as a result of the negligence of a Government employee.

1. The Government employee must be working within the scope of his or her employment. The employee's actions must show a benefit to the Army at the time the incident occurred.
2. The claim must be filed within two (2) years of the incident.
3. The claim must be for a "sum certain" (or a total of everything you are asking for).
4. The claimant has the burden of proof and must provide substantiation of the claim.
5. Many tort claims involve a motor vehicle accident with a Government vehicle. The basic items needed to consider a claim include (but are not limited to) the following:
  - a. Completed Standard Form 95, Claim for Damage, Injury or Death.
  - b. A copy of the Police Report, if applicable.
  - c. Two estimates of repair from a vehicle repair agency/shop.
  - d. A copy of the title or vehicle registration that was current at the time of the accident (to provide proof of ownership).
  - e. Contact and policy information for your vehicle insurance company, and whether or not you filed a claim with them. You are not required to file with your private insurance carrier, however, if a claim is filed with the private insurance, your claim against the United States would then be limited to the amount of the loss not covered by the insurer.

You may file your claim at any military installation. If necessary, your claim will be transferred to a claims office having jurisdiction. Claims involving Government contractors are transferred to the applicable contractor for action and are monitored for progress by the appropriate claims office.

**The Fort Sill Claims Office is located on the 4th Floor of Building 4700 (Welcome Center) at 4700 Mow-Way Road, Fort Sill, Oklahoma 73503. You may visit us at our office or contact us by phone at (580) 442-2317.**