

Pacific Southwest Region

Incident Claims Process

Quick Reference Guide

Contract Claims

Contract Claims are claims initiated by contracted vendors for damage to or loss of their rented equipment or vehicles.

Contract claims for **Forest Service**:

While there is no specific form required by the contractor, the claim must be in writing and include:

- ✓ Claimant's complete name, mailing address, and phone number
- ✓ Legible signature of the equipment owner or legal representative
- ✓ Claimant's statement of facts concerning the damage.
- ✓ Claimant's itemized listing of the amount claimed, including estimated values of equipment before damage
- ✓ Witness statements if available

Incident personnel having knowledge of potential claims should provide information to PROC or Contracting Officer and can sign and record the date it was received from the contractor only.

For Forest Service incidents, claims documentation is emailed to the Incident Procurement Operations inbox at: SM.FS.PPSIPO@usda.gov, from there, claims will be logged and routed to the appropriate Contracting Officer for resolution.

Contract claims can be settled by the original contracting officer or designated successor contracting officer, acting within their delegated warranted authority.

If there's a warranted procurement unit leader on the team/incident, that individual may be able to handle the claim.

WARNING!

- Incident personnel shall not advise, comment, or solicit a contractor's claim
- Incident personnel may not complete ANY information for the claimant.
- Unwarranted personnel could be in danger of committing an unauthorized commitment (UAC) if they attempt to settle or agree to any compensation or claim for damages or repairs.

Tort Claims

Tort claims are filed against the U.S. government for personal property damage, loss, personal injury, or wrongful death caused by a negligent or wrongful act or omission of government employees.

Tort claims allow civilians a course of action to right the damages using a Claim for Damage, Injury, or Death form SF-95. Civilians have two years from the date of the incident to file a claim.

Do **not** suggest or hand out claim forms to potential claimants unless one is requested. The SF-95 tort claim form is available on the internet, or the claimant may call ASC Claims Branch at 1-877-372-7248, option 1 and ask for Claims. The Claims Branch can answer their questions and provide the form for them to file.

The Comp/Claims Unit Leader, Finance Chief or Government Representative will:

- ✓ Complete the [FS-6500-209](#) Notification of Potential Incident and
- ✓ Document any damage to third parties and send a copy of the report/photos to the ASC Claims Branch.
Email: sm.fs.asclclaims@usda.gov
Fax: 866-341-1541
Mailing Address: ASC B&F Claims Branch 101B Sun Ave NE, Albuquerque, NM 87109
- Do **not** provide a copy of pictures or documentation to the potential claimant unless it is vetted through the FOIA request process. (FS employees are NOT allowed to assist claimants in preparing or filing a claim.)
- Do **not** provide a [FS-6500-209](#) Notification of Potential Incident form for a claimant to complete.

Non-tort Claims

Non-tort claims are for private property owners claiming damage or destruction caused by government employees in connection with the protection, administration, and improvement of the national forest.

The Comp/Claims Unit Leader, Finance Chief or Government Representative will:

- ✓ Complete the [FS-6500-209](#) Notification of Potential Incident form and
- ✓ Document any damage to third parties and send a copy of the report/photos to the ASC Claims Branch.

The claimant may call ASC Claims Branch at 1-877-372-7248, option 1 and ask for Claims. The Claims Branch can answer their questions.

Email: sm.fs.asclclaims@usda.gov

Fax: 866-341-1541

Mailing Address: ASC B&F Claims Branch 101B Sun Ave NE, Albuquerque, NM 87109

- Do **not** provide a copy of pictures or documentation to the potential claimant unless it is vetted through the FOIA request process. (FS employees are NOT allowed to assist claimants in preparing or filing a claim.)
- Do **not** provide a [FS-6500-209](#) Notification of Potential Incident form for a claimant to complete.

Employees Claims

Employees have the right to file a claim for loss of or damage to personal property. Claims must be presented in writing no later than two years from the date of the damage or loss.

To file an employee claim, the claimant must submit:

- ✓ Employee Claim for Loss or Damage to Personal Property, AD-382, for U.S. Department of Agriculture (USDA) personnel or
- ✓ DI-570 for U.S. Department of the Interior (DOI) personnel.
- ✓ State personnel submit the appropriate form according to state requirements.

USFS Employee Claims

In addition to the AD-382, the claimant also must provide:

- ✓ The electronic form must be signed using your LincPass (please be sure you are using Adobe Reader to view the form).
- ✓ All sections of the form should be completed with as much detail as possible.
- ✓ Sign and date in "Signature of Claimant" block.
- ✓ Attach "Supervisor Statement" - An explanation of what happened, whether the loss or damage occurred incident to employee's service, and that the possession of the property was reasonable, useful, or proper under the circumstances.
- ✓ Attach Cost Supporting Documentation, i.e. internet price listings, quotes, repair estimates, etc. and other documentation as needed

Send the claim package (including supporting documentation in PDF to sm.fs.ascclaims@usda.gov. The subject line should read: Region/Unit (rr/uu) Number, Last Name, First Name, and \$0.00 (total dollar amount claimed).

You will receive a status email directly from the Claims Examiner assigned to your case.

Claims may also be mailed to:

ASC B&F Claims Branch
101 B Sun Ave. NE
Albuquerque, NM 87109

The claim form and supporting documentation is sent to:

- Home unit for regular government, (non-FS) employees
- Appropriate state official for state employees
- Hiring unit for casuals (AD's)

Government Claims

Government claims occur when the government takes action against an individual or group of individuals (such as a business or corporation) for government property loss or damage.

Processing is done in accordance with *incident agency* procedures and policies, and Law Enforcement should be notified immediately.

The Comp/Claims Unit Leader, Finance Chief or Government Representative will:

- ✓ Complete the [FS-6500-210](#) Notification of Incident Claim for the Government form
- ✓ For questions, contact ASC Claims Branch at 1-877-372-7248, option 1
- ✓ Document any damages and send a copy of the report/photos to the ASC Claims Branch.

Email: sm.fs.ascclaims@usda.gov

Fax: 866-341-1541

Mailing Address: ASC B&F Claims Branch 101B Sun Ave NE, Albuquerque, NM 87109

Vehicle

WCF Claims AGAINST the USFS and WCF Claim FOR the USFS

- GSA vehicle accidents & damage are handled by GSA
- Rental vehicle (Govt, ETS2, NERV, Flex Fleet, BPAs) claims are handled under their respective agreement.

All Vehicle Accidents involving collision and damage with another vehicle

Forward the following documents and information to ASC B&F Claims:

- ✓ [FS-6500-209](#) or [FS-6500-210](#) depending on type of case
- ✓ Report of Investigation or Local Police Report
- ✓ Completed [SF-91](#) (signed by both driver and supervisor)
- ✓ Two repair estimates or final invoice for affirmative claims (billing third party)
- ✓ Photos/Witness Statements
- ✓ [AD-112](#), if completed for financial responsibility for operator

Get the vehicle repaired and back on the road

- If damage will be charged to the Forest Service, use benefitting project job code at time of the accident to get the damage repaired.
- If damage is potentially billable to another party, contact ASC B&F WCF Property Management for establishment of job codes.

Contact ASC B&F Claims for help with Insurance Companies at 1-877-372-7248, option 1.

- Claims will normally pursue valid claims when the other party is liable.
- Claims will handle damage claim settlements when the government is liable.
- Insurance companies may pay for WCF repairs direct to vendor if approved and the work is inspected by the fleet manager.

Contact Info:

To contact the ASC B&F Claims staff, please call 877-372-7248, option 1.

Other Info:

Fax: 866-341-1541

Email: sm.fs.ascclaims@usda.gov

Address: ASC B&F Claims Branch 101B Sun Ave NE, Albuquerque, NM 87109

Radios

Loss or Damage to radios should be documented on form, [AD-112](#), Report of Unserviceable, Lost, Stolen, Damaged or Destroyed Property and submitted to the home unit Radio Technician.

- Unit/Incident funds shall **not** be used for radio purchases.
- Unit/Incident funds *may* be used for ordering accessories using a Government Purchase Card.

Source Documents:

- [Centralized Procurement and Acquisition for Personal Computers, Laptops, and Radios](#)
- [FITARA \(Federal Information Technology Approval Request Act\) of 2014](#)
- Contact your local radio technician for radio requirements or visit [CIO RADIO HANDHELD AND MOBILE SUBSCRIBER UNITS](#) for further explanation.

REMINDERS:

Title 18 of the U.S. Code, Section 205, specifically prohibits government officials from assisting a property owner in the filing and substantiation of a claim.

Incident personnel may **NOT**:

- Comment on the merits of a claim
- Comment on the liability of the incident agency or the private party
- Advise a claimant about seeking legal counsel
- Refuse to accept a claim
- Advise anyone to file a claim

Regardless of the type of claim, all accidents or incidents resulting in a claim for or against the government **must** be promptly investigated and clearly reported by qualified personnel.

References & Links:

[ASC Claims Branch](#)

[Tips and Tools](#)

[Claims Procedures FAQ's & Talking Points](#)

[Claims Process for Fleet Managers](#)

[Unit Claims Liaison](#)

[Claims References](#)

[Forms](#)