

(1) The procedures applicable to class II cases are then applied except that personnel may submit resignations under paragraph 9-9, AR 635-200.

(2) Individuals discharged in class III cases will be furnished an honorable or general discharge based on the character of service rendered.

c. In all cases processed under AR 635-89, the report will include the following documentation:

- (1) Individual's date of birth;
- (2) Amount of active service;
- (3) The date and period of the current period of service;
- (4) Signed statements of witnesses (Art 31, UCMJ);
- (5) A copy of article 32, UCMJ, investigation and charges if applicable;
- (6) Resignation letters or acceptance or discharge, if applicable;
- (7) Statement of the individual (class III) or refusal to make statement;
- (8) Commanding officer's detailed comments and recommendations; and
- (9) Medical evaluation, including psychiatric study.

d. When board action is required, the officer exercising general court-martial jurisdiction over the enlisted person concerned will convene a board of three officers, at least one of whom must be of field grade. The board will make specific findings of fact with particular emphasis on the number of homosexual acts committed in the current period of service, prior periods of service, and prior thereto, together with a statement of supporting material facts (para 22c, AR 635-89). The board will recommend that the enlisted person be—

- (1) Discharged if the case is within class II (indicating type of discharge to be furnished); or
- (2) Discharged under paragraph 6b, AR 635-212, and furnished either a general or honorable discharge if the case is within class III; or
- (3) Discharged for unfitness under the provisions of paragraph 6a, AR 635-212 (indicating type of discharge to be furnished), or
- (4) Discharged under paragraph 6b, AR

635-212, when evidence indicates that individual is not class III but otherwise unsuitable for further military service, or

- (5) Retained in the service.

Note. The completed report of proceedings will be forwarded to the convening authority who will examine the report and approve, or disapprove the action or direct other appropriate disposition of the case.

e. Individuals to be discharged with an undesirable discharge will be reduced to the lowest enlisted grade by order of the convening authority (para 7-30e, AR 600-200).

f. The specific reason and authority for the discharge will be shown in item 11c DD Form 214 (fig. 1, AR 635-5).

g. When discharge of an enlisted person has been accomplished under AR 635-89, the complete file, together with the service record and allied papers, will be forwarded to The Adjutant General, ATTN: AGPF, Department of the Army, Washington, D.C. 20315. Additionally, a notification of final action on each person processed under AR 635-89 will be forwarded to the Commanding Officer, Central Records Facility, U.S. Army Intelligence Center, Fort Holabird, Baltimore, Maryland 21219. The notification will include the name, grade, service number, date and place of birth of the individual and indicate the action taken on the case.

7-7. Elimination for Misconduct (AR 635-206).

a. *General.* Under the authority of AR 635-206 commanders exercising general court-martial jurisdiction may authorize the administrative separation of enlisted personnel who have committed acts of misconduct. Misconduct, under this regulation, includes fraudulent entry into the Army, conviction by civil court, and desertion or absence without leave.

b. *Appointment of Boards.* A commander exercising general court-martial jurisdiction who desires to separate an enlisted man because of misconduct will convene a board of officers to determine if discharge is warranted. The prerequisites for appointment of the board are established in AR 15-6 and AR 635-206.

c. *Rights of Individuals and Waiver of Board Action.*

- (1) An individual under military control

will be notified in writing of the basis for the proposed separation action, its effect, and will be advised that he has the following rights:

(a) To present his case before a board of officers convened under AR 635-206.

(b) To be presented by appointed military counsel if such counsel is reasonably available or a civilian counsel at his own expense.

(c) To submit statements in his own behalf.

(d) To waive the above rights in writing.

(2) An individual unable to appear before a board because of confinement by civil authorities will be advised by registered mail of the proposed discharge action, the type of discharge certificate that may be issued, and the fact that action has been suspended to give him the opportunity to exercise the following rights:

(a) To request appointment of military counsel to represent him and, in the individual's absence, present his case before a board of officers.

(b) To submit statements in his own behalf.

(c) To waive the foregoing rights in writing or by declining to reply to the letter of notification within 30 days.

The individual will be advised that normally if a reply is not received within 30 days of the date of receipt of the letter of notification, the recommendation for a discharge may be accomplished with the type of discharge certificate deemed to be appropriate.

d. Action of Convening Authority. After the board has met and made a recommendation, the convening authority may then accept or reject the board's findings. When discharge is ordered by the convening authority, the complete file of the case will be filed as permanent material in the "Field 201 file section" of the individual's DA Form 201. If discharge should not be ordered by the convening authority, the proceedings will be filed at that headquarters, and the individual's commanding officer will be notified of the final action in the case.

e. Categories of Misconduct. Each category

of misconduct is controlled by different procedures within AR 635-206. These are:

(1) *Fraudulent entry into the Army.* Paragraphs 14 through 31, section V, AR 635-206. This section provides the procedures for processing fraudulent entry cases and the administrative disposition of enlisted men who have fraudulently entered the Army in violation of article 83, UCMJ.

(a) "Fraudulent entry" applies to enlistees, including members of the Army Reserve and National Guard ordered to active duty, and inductees.

(b) Fraudulent entry includes the concealment of true citizenship status; conviction by civil courts; juvenile offenses; desertion or absence without leave from prior service; and any fact, circumstance, or condition that existed prior to entry which would have made the individual ineligible for acceptance in the Army, other than concealment of minority or true name.

(c) The convening authority may suspend execution of an approved discharge for a period of six months if the individual's general qualifications indicate that he is an asset to the service. During the suspension the member will be afforded an opportunity to demonstrate that he can behave properly and perform his assigned duties efficiently (para 13, AR 635-206).

(d) When an individual is discharged for fraudulent entry in the Army, the entry on DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) will be "Section V, AR 635-206." This entry will include the appropriate separation program number in accordance with appendix A of AR 635-5. When the individual is discharged for desertion, trial barred, the entry on DD Form 214 will be "Section VII, AR 635-206." This entry will also include the appropriate separation program number which can be found in appendix A of AR 635-5.

1. The character of the discharge under this regulation is normally undesirable unless the particular circumstances of the case warrant honorable or general discharge.

2. Pay and allowances under this re-

gulation are the subject of DOD Military Pay and Allowances Entitlements Manual.

(2) Conviction by Civil Court. Paragraphs 32 through 43, section VI, AR 635-206, prescribe the standards and procedures for processing cases of individuals who in their current term of active duty have been convicted or adjudged juvenile offenders by a domestic or foreign court.

(a) An individual will be considered for discharge under this section if he has (1) been convicted by civil authorities, or action taken against him which is tantamount to a finding of guilty, of an offense for which the maximum penalty under the *Uniform Code of Military Justice* is death or confinement for more than one year; or (2) been convicted by civil authorities of an offense involving moral turpitude regardless of the maximum punishment permissible; or (3) been adjudged a juvenile offender by civil authorities for an offense involving moral turpitude.

1. Moral turpitude under this regulation applies to offenses involving narcotics violations or sexual perversions.

2. If the individual has an appeal from the conviction pending, the discharge will not be effected or submitted until the appeal is disposed of or the time for filing the appeal has expired, or the individual has indicated in writing that he does not intend to appeal.

(b) If an individual is convicted by a domestic or foreign court, the following action may be taken.

1. If a discharge is contemplated following a domestic court conviction, then the individual will be notified as set forth in paragraphs c(1), (2), *supra*.

2. Discharge of individuals convicted by a foreign tribunal may be accomplished only upon approval of The Adjutant General, Department of the Army. Commanders desiring discharge of an individual will forward the board proceedings or waiver thereof through the major oversea commander to The Adjutant General, ATTN: AGPO-SS. The recommendation for discharge of an individual waiving the board hearing will include:

(a) information concerning the civil record and military service of the individ-

ual as outlined in paragraph 22a, AR 635-206.

(b) a statement from the court to the effect that the individual has been initially convicted.

(c) a statement as to the character of discharge desired (include statement of whether paragraph c(1), (2), *supra*, have been complied with).

(d) a report of the trial proceedings submitted by the official U.S. observer, if any, or a transcript of the record of trial, if obtainable.

(e) Individuals who have been convicted by a domestic or foreign court of offenses which do not involve moral turpitude or provide for punishment by confinement in excess of one year under the cited codes (para 33a, AR 635-206), and those adjudged juvenile offenders by domestic courts for offenses not involving moral turpitude, will normally be retained in the service. Elimination action as an exception to the above may be authorized by The Adjutant General in the following cases:

1. If the offense is indicative of an established pattern of frequent difficulty with civil authorities, and if the individual's military record is not exemplary; or

2. If a form of civil custody exists, such as parole or probation the nature of which would interfere with the individual's normal performance of military duties, and:

(a) The civil authorities decline to relinquish custody; or

(b) The conditions placed on relinquishment of custody are burdensome to the Army.

(d) When an individual is dismissed for conviction by civil court, the entry in item 11c, DD Form 214, will be "Section VI, AR 635-206." This entry will include the appropriate separation program number in accordance with appendix A, AR 635-5.

(e) Pay and allowances under this section are covered by DOD Military Pay and Allowances Entitlements Manual.

(f) When a detainer is sent to the civil authorities to obtain military control of the individual upon his release from civil confinement, the communication should clearly state the reason for the detainer to avoid erroneous

conclusions on the part of civilian authorities in parole considerations.

(3) *Desertion or absence without leave.* Paragraphs 44 through 47, section VII, AR 635-206, provide for the administrative separation of an individual who is amenable to trial for desertion or absence without leave.

(a) The usual discharge under this section is undesirable. Particular circumstances of the case may warrant an honorable or general discharge however.

(b) When an individual is discharged under this section, the reason and authority will be entered in item 11c on DD Form 214 as "Section VII, AR 635-206." This entry will include the appropriate separation program number in accordance with appendix A of AR 635-5.

(4) *Separation of Certain Wartime and Peacetime Deserters.* Paragraphs 48 through 54, Section VIII, AR 635-206, provide for the separation of individuals who have remained continuously in a status of desertion for more than three years. If the individual is discharged for desertion (trial barred by statute of limitations, Article 43, UCMJ, or trial deemed inadvisable), the reason and authority will be entered in item 11c, DD Form 214, as "Section VIII, AR 635-206." This entry will include the appropriate separation program number in accordance with appendix A, AR 635-5.

(5) *Honorable Wartime Service Subsequent to Desertion.* Paragraphs 55 through 59, section IX, AR 635-206, provide for the separation of personnel who, since deserting the Army, have had service during wartime or in armed conflict subsequent to the period of desertion.

(a) Specifically excluded from the provisions of this section are those individuals who, at the time of AWOL, were chargeable with other serious offenses such as treason, aiding the enemy, mutiny, murder, rape, forgery, fraud, fraudulent entry, etc.

(b) A person who, since deserting the Army, has served honorably for not less than 90 days in the Armed Forces of the United States or its allies from 7 December 1941 to 13 August 1945, inclusive, or 25 June 1950 to 27 July 1953, inclusive, or in any armed conflict

in which the United States is involved, will be regarded as having returned to military control on the date of subsequent enlistment or induction. In cases of deceased personnel, Headquarters, Department of the Army, will waive the requirement of 90 days service during the armed conflict periods and will determine the character of separation at date of death even though death occurred not in line of duty not due to misconduct.

(c) When an individual is discharged under this section, the reason and authority will be entered in item 11c, DD Form 214, as "Section IX, AR 635-206." This entry will also show the appropriate separation program number in accordance with appendix A, AR 635-5.

7-8. Preparation of Military Board Reports of Proceedings.

a. *Introduction.* Up to 15 years after discharge as a result of board action, an individual may apply to the Army Discharge Review Board to determine if he was given the right type of discharge. Even if he dies during this time, his next of kin can request a review of his case. With these facts in mind, one begins to grasp the importance of the report of board proceedings, for not only does the board report enable the appointing authority to make a sound decision, but it also preserves a record for historical or other review. In this section the preparation of reports of board proceedings and their disposition will be discussed in detail.

b. *General Information on Preparation of Reports of Proceedings.* Usually a board reporter prepares the report of proceedings under supervision of the board recorder. No specific format or rules can cover the reports of all military boards. They vary from the complex, verbatim report required for the elimination of officer personnel to the relatively simple, summarized report of some command prerogative boards, or perhaps even a verbal report. A report of board proceedings is prepared as required by the regulation under which the board is appointed. If there are no specific instructions, it is prepared in the manner that best accomplishes the purpose of the board. The use of AR 15-6 as a guide is optional in many cases. However, it is the general guide for preparing these reports and requires that a com-

pleted DA Form 1574 (Report of Proceedings By Investigating Officer (Board of Officers)) be submitted to the appointing authority with each board report.

c. Content and Format of the Board Report.

(1) *Content.* A board report generally contains the following:

(a) A copy of the order appointing the board.

(b) Information regarding the time and place of meeting(s).

(c) A listing of the persons present and absent at each session, with the reason or authority for absence.

(d) A statement to show the reading of the appointing order and the substance of the regulations which apply.

(e) A statement pertaining to the offering of challenge for cause, if applicable, the respondent's reply, and any action taken.

(f) If the conduct, efficiency, fitness, or financial liability of a person is being investigated, a copy of the letter notifying that person of the board hearing. This letter must bear the certificate of the recorder that it is a true copy and that the original was delivered to the respondent.

(g) If applicable, an indication that the respondent was present during all open sessions, had opportunity to cross-examine witnesses against him, to present evidence, to testify or submit a written statement, and to submit a brief, or reasons for the contrary.

(h) A verbatim or summarized account of the proceedings.

(i) All documents introduced and accepted as evidence.

(j) The findings.

(k) If recommendation is to be made that a person be held financially responsible for loss of funds or lost, damaged, or destroyed property, a statement that he has had opportunity to examine all evidence and to present evidence in his own behalf, or a full explanation as to why it is not possible to do so.

(l) The recommendations.

(m) A minority report, if any board member does not concur in the findings or recommendations.

(n) Other specific requirements as in-

dictated in the regulation under which the board is appointed. As an example, in preparing an AR 635-212 board report in which the respondent appeared before the board without counsel, the record should show that the president or the recorder counseled him, told him the type of discharge that he might receive, and of his right to counsel. The record should further show the respondent's reply.

(2) *Format.* Prior to the preparation of a formal report of board proceedings, the reporter should first check for specific requirements in the regulation under which the board was appointed, and in AR 15-6 for the general procedures. For the sake of uniformity, AR 15-6 outlines these general instructions:

(a) Be sure the report is clear and legible.

(b) Have the recorder (or another member of the board) initial all erasures, interlineations, and other changes.

(c) Number pages at the bottom; leave a 2½ inch margin at the top and a 1-inch margin at the bottom and left side of each page.

(d) Prepare an index for long reports which consist of many exhibits and testimony of many witnesses; list the witnesses and page number of their testimony; and a brief description of each exhibit, its letter designation, and the page where it is introduced.

(e) Prepare the report in triplicate unless otherwise specified; be sure that complete testimony and all exhibits are appended to each copy. Testimony may be summarized if a verbatim account is not required. Appendix 9 of the *Manual for Courts-Martial* should be used as a guide when a report of testimony is being prepared.

(f) Unless specific regulations require otherwise, have the report of board proceedings signed by the recorder and all other members of the board who were present. If any of them are unable to sign the report, e.g., they have died, are disabled or are absent, include the reason in the report.

d. Initial Disposition of Board Reports. All copies of a report of board proceedings are submitted to the authority that directed the investigation (appointing authority). A copy

of the report may not be given to any other person, except that when appropriate the respondent may be entitled to examine allegations or evidence against him. A report of a paragraph 6b, AR 635-212 board goes to the special court-martial authority who appointed the board. A report of a paragraph 6a, AR 635-212 board goes to the general court-martial authority who appointed the board.

e. Final Disposition of Board Reports. After final action has been taken, board reports are generally disposed of as follows:

(1) Command prerogative board reports are handled as the appointing authority desires.

(2) Reports of boards appointed under specific regulations are handled as prescribed in those directives. Consider the AR 635-212 boards as one example.

(a) If discharge is ordered, the approved board proceedings are forwarded to the commander who executes the discharge. The original copy of the proceedings is filed as permanent material in the individual's field 201 file. The individual receives a copy of the board proceedings, less any medical testimony and reports that may prove injurious to his physical or mental health. His copy is marked "Copy for (name and Army service number of individual)." It is given to him personally or through his counsel, and a receipt is obtained and filed with the original board proceedings.

If the individual refuses to sign the receipt, a statement to that effect is substituted. If he refuses to accept a copy of the proceedings, or if a copy is not furnished to him for any reason, a notation is made on that copy and it is forwarded with the original. Thereafter, only The Adjutant General can release this copy.

(b) If discharge is not ordered, the board proceedings are filed at the headquarters of the convening authority. The individual's commanding officer is notified of the final action and whenever practicable the individual is transferred to a different organization. Board files are maintained as required by current files disposition regulations.

(c) When a recommendation is approved that an individual also be discharged from a Reserve commission or warrant, a copy of the board proceedings is forwarded to the Army commander who has jurisdiction over the area of the individual's home of record.

f. Confidential Nature of Board Reports. Board reports are official documents, and, as previously stated, all copies of the report of board proceedings are furnished to the authority that convenes the board. The appointing authority may release copies only to those who are entitled by their official duties to have them; otherwise, reports of board proceedings are given the same restrictive handling accorded to other official Army documents.

APPENDIX A

SAMPLE REPORT OF PROCEEDINGS OF BOARD OF OFFICERS

DEPARTMENT OF THE ARMY
COMPANY A
4th BATTLE GROUP, 96th INFANTRY
FORT JACKSON, SOUTH CAROLINA

15 May 1968

SUBJECT: Discharge for Unfitness Under AR 635-212

THRU: Commanding Officer
4th Battle Group, 96th Infantry
Fort Jackson, South Carolina

TO: Commanding General
118th Infantry Division
Fort Jackson, South Carolina

1. It is recommended that Private (E-2) John A. Doe, RA 75 648 321 (SSAN: 999-88-7777), be required to appear before a board of officers convened under the provisions of AR 635-212 for the purpose of determining whether he should be discharged before the expiration of his term of service.

2. In support of the recommendation, the following report is rendered in accordance with the provisions of paragraph 11 of the cited regulations.

a. Soldier enlisted 15 March 1967 for a term of three years and has no prior service. He is 20 years old.

b. Soldier has no reserve commission or warrant.

c. Discharge is recommended because of habits and traits of character manifested by repeated commission of petty offenses and habitual shirking.

d. His AFQT score is 42 and his duty MOS is 11B. His aptitude area scores are as follows:

15 May 1968

SUBJECT: Discharge for Unfitness Under AR 635-212

APT	OCC	SCORE
CO	1	A-92, B-89
EL	2-3	79
GM	4-5	105
MM	6	89
CL	7	85
GT	8-9-0	87
RC	0	100
IN		85
AE		70

e. During the period 1 August 1967 to date, this soldier has been assigned to various duty assignments (three different companies) in the battle group commensurate with his training and ability and has served under different superior officers and noncommissioned officers. In each instance, his performance of duty has been unsatisfactory. His military superiors and the psychiatric

examiner agree that further rehabilitative efforts would be useless. His assignments in this battle group have been as listed below:

- (1) 1 August 1967—3 November 1967, Company C.
- (2) 4 November 1967—1 March 1968, Company B.
- (3) 2 March 1968—Date, Company A.

f. Soldier has been counseled as indicated below:

(1) 8 September 1967 and 8 October by Captain Winfield M. Elrod, Commanding Officer, Company C, 4th Battle Group, 96th Infantry.

(2) 19 December 1967 by Lieutenant Titus L. Moody, Executive Officer, Company B, 4th Battle Group, 96th Infantry.

(3) 3 March 1968 by Captain William P. Peters, Commanding Officer, Company A, 4th Battle Group, 96th Infantry.

(4) 2 April 1968 by Chaplain (Major) Howard X. Cross, Headquarters, 118th Infantry Division.

g. As discharge is recommended for the reasons stated in c, above, elimination for unsuitability is not considered appropriate. This soldier's performance is characterized by intentional shirking of his duties and by behavior rendering him repeatedly subject to punitive action. His behavior is not due to an incapacity to become a satisfactory soldier within the meaning of unsuitability. There appear to be no grounds for other disposition of this soldier.

Appendix A Continued

15 May 1968

SUBJECT: Discharge for Unfitness Under AR 635-212—Continued

h. This soldier's conduct and efficiency ratings have been as follows:

- | | |
|------------------------------------|---------------------------|
| (1) 22 March 1967—31 July 1967: | Conduct—Good |
| | Efficiency—Good |
| (2) 1 August 1967—3 November 1967: | Conduct—Fair |
| | Efficiency—Unsatisfactory |
| (3) 4 November 1967—1 March 1968: | Conduct—Fair |
| | Efficiency—Unsatisfactory |
| (4) 2 March 1968—Date: | Conduct—Unsatisfactory |
| | Efficiency—Unsatisfactory |

i. Soldier has two convictions by summary and one by special court-martial. He was convicted by summary court on 4 September 1967 for 7 days AWOL and on 23 April 1968 for damaging United States property through neglect. He was convicted by special court-martial on 10 May 1968 for 6 days AWOL and disrespect to a noncommissioned officer while in execution of office. Extract copies of soldier's service record showing previous convictions are inclosed (incl 1).

j. Soldier has been punished in this company on three separate occasions under the provisions of article 15, UCMJ. Copies of DA Forms 2627 pertaining to these offenses are inclosed (incl 2).

k. A report of psychiatric examination is inclosed (incl 3).

3 Incl
as

WILLIAM P. PETERS
Captain, Infantry
Commanding

Appendix A Continued

APPENDIX B

(Date individual and counsel sign statement)

SUBJECT: Separation under AR 635-212

TO: (Discharge authority)

1. I have been advised by counsel of the basis for contemplated action to accomplish my separation for (unfitness) (unsuitability) under AR 635-212.

2. I (request) (waive) consideration of my case by a board of officers.

3. I (request) (waive) personal appearance before a board of officers.

4. Statements in my own behalf (are) (are not) submitted herewith (as incl _____).

5. I (request) (waive) representation by (my appointed counsel) (_____ as military counsel) (civilian counsel at my own expense).

6. I understand that I may expect to encounter substantial prejudice in civilian life in the event a general discharge under honorable conditions is issued to me. I further understand that, as the result of issuance of an undesirable discharge under conditions other than honorable, I may be ineligible for many or all benefits as a veteran under both Federal and State laws, and that I may expect to encounter substantial prejudice in civilian life.

7. I have retained a copy of this statement.

(Signature of individual)

(typed name, service number, grade)

Having been advised by me of the basis for his contemplated separation and its effect and the rights available to him, (Name of individual) personally made the choices indicated in the foregoing statement.

(Signature of counsel)

(typed name, service number, grade, branch)

CHAPTER 8

INVESTIGATION AND PROCESSING OF CLAIMS

8-1. References.

- a. DA Pam 27-162.
- b. AR 27-5.
- c. AR 27-20.
- d. AR 27-21.
- e. AR 27-22.
- f. AR 27-23.
- g. AR 27-24.
- h. AR 27-27.
- i. AR 27-28.
- j. AR 27-29.
- k. AR 27-37.
- l. AR 27-38.
- m. AR 27-39.
- n. AR 27-40.
- o. AR 27-41.
- p. AR 40-16.
- q. AR 230-8.
- r. AR 345-20.

8-2. Forms and Guides.

- a. SF 95.
- b. DA Form 1089.
- c. DA Form 1089-1.
- d. DA Form 1208.
- e. DA Form 1665.
- f. DA Form 1667.
- g. DA Form 1668.
- h. DA Form 1819.

8-3. Discussion.

a. In addition to his duties in the fields of military justice and administrative boards, the legal clerk is frequently called upon to act as a claims administrator. AR 27-20 governs the administrative processes and the investigating procedures for all claims, unless otherwise specified by individual regulation. The legal clerk should be familiar with that regulation and keep it available for reference at all times.

b. A claim involves a definite morale factor as a failure to receive prompt payment may

cause a financial burden on the claimant. Therefore, a prompt but thorough processing of claims should be the goal of claims administrators.

8-4. Procedure.

a. *Appointment of Claims Officer and Claims Investigators* (para 10 and 11, AR 27-20). The commanding officer of each separate battalion, regiment, or corresponding unit, higher echelon, or installation will appoint as claims officer a *commissioned* officer or qualified civilian. Assistant claims officers may be appointed at any level, and must be appointed for each unit geographically separated from its parent organization. To assist the claims officer in the investigation of claims, the commanding officer may appoint a claims investigator. Commissioned officers, warrant officers, civilians, or experienced enlisted men may be appointed as investigators.

b. *When to Investigate*. Claims investigations will be initiated as required by paragraph 9, AR 27-20. Two of the more common instances requiring investigation are shown in (1) and (2) below.

(1) Immediately upon receipt of notice that an incident has occurred which may result in a claim against, or in favor of the Government, a claims investigation should be initiated. Investigation of the incident and the report of the claims officer should follow the procedures of paragraphs 3 through 5, appendix, AR 27-20. The disposition of the claims officer's report of investigation is governed by paragraph 12b, AR 27-20.

(2) An investigation will also be initiated when a claim is submitted and has not previously been investigated.

c. *Forms for Written Report of Investigation*. DA Form 1208, DA Form 1668, or DA Form

1089, as applicable, will be used for the written report of investigation.

(1) DA Form 1208 (app A) will be used for all incidents requiring a complete investigation, except those claims being processed under the provisions of AR 27-29 or small claims for which use of DA Form 1668 is appropriate.

(2) DA Form 1668 (app B) will be completed when small claims procedures are used (sec IV, AR 27-20). The small claims procedure is provided as a speedy method for the investigation and payment of claims which may be settled for \$250.00 or less. Although small claims procedures apply in part to personnel claims, the small claims certificate (DA Form 1668) must not be used for the investigation or settlement of small claims being processed under AR 27-29.

(3) DA Form 1089 (app C) and the Claims Officer's Recapitulation Sheet. Sections II and III of DA Form 1089 constitute the general record of investigation of a personnel claim. Recommendations as to payment for or disallowance of individual items of property will be recorded on a locally prepared Claims Officer's Recapitulation Sheet (fig. 1, AR 27-29, column entitled "Actual loss").

d. Submission of Claims. Any person who indicates a desire to file a claim may be instructed generally as to procedure. He will be furnished forms (SF 95 or DA Forms 1089 and 1089-1) and, when necessary, assisted in preparing the forms and assembling evidence. Government personnel are forbidden to represent any claimant or to receive any gratuity for services. They may not accept any interest in a claim or assist in its presentation (18 U.S.C. §§ 203, 205, 283). They are further prohibited from disclosing information which may be made the basis of a claim, or any evidence or record in any claims matter, except as prescribed in AR 345-20 and AR 27-5. A person lacking authority to approve or disapprove a claim may not advise a claimant or his representative as to the disposition recommended (para 3a, AR 27-20).

(1) SF 95 (app E) in triplicate normally will be used for submission of all claims other

than those falling under the provisions of AR 27-29.

(2) DA Forms 1089 and 1089-1 (app C and D) in triplicate will be used for the submission of claims to be processed under the provisions of AR 27-29. However, where a claim against a carrier or other third party is involved, DA Forms 1089 and 1089-1 will be submitted in quadruplicate (para 2, app, AR 27-20).

e. Receipt of Claim. When a claim is received, the date and designation of the receiving command or office will be stamped or noted on all copies of the claims form (para 14a, AR 27-20). A claims index, DA Form 1665, should be completed (app F) and the claim entered in the claims journal, DA Form 1667 (app G).

(1) Where an investigation of an incident has already been completed, a copy of the investigation will be attached to the claim.

(2) If no investigation has been conducted, an investigation will be initiated.

f. Disposition of Completed Claims Investigations. The claims form in the requisite number of copies, along with the completed claims officer's investigation and exhibits, are forward with the claims officer's recommendations to the approving or settlement authority (para 14b, AR 27-20).

8-5. Claims in Favor of the United States for the Reasonable Value of Medical Care Furnished by the Army (AR 27-38).

a. When notification of a potential medical care claim is received from an appropriate judge advocate, the claims officer will conduct an investigation in the manner prescribed by AR 27-20, as supplemented by paragraph 12, AR 27-38. Although AR 40-16 establishes the procedure for notifying judge advocates of potential medical care claims, unit claims personnel should be alert to the existence of such claims in order that all incidents may be promptly investigated.

b. If the potential claim(s) arising from an incident will not exceed \$250.00, an abbreviated method of submitting the claims officer's report is authorized (para 12b, AR 27-38). If potential claims exceed \$250.00, the report will be by means of a completed DA Form 1208.

c. The completed report of investigation will

be forwarded to the commander who appointed the claims officer.

d. In a command not having a judge advocate the commander will review the file and, after taking any corrective action deemed necessary to insure completeness of the file, will either approve the recommendation of the claims officer or make a new or additional recommendation of his own, indicating the basis for such action. The report will then be forwarded through channels to a higher command which has a judge advocate.

8-6. Claims in Favor of the United States for Damage to or Loss or Destruction of Army Property (AR 27-37).

a. Whenever an incident arises where Army property is damaged under circumstances which may give rise to a claim in favor of the Government, a complete investigation will be immediately initiated in accordance with the provisions of AR 27-20 and AR 27-37.

b. If the potential claim(s) arising from an incident will not exceed \$250.00, an abbreviated method of submitting the claims officer's report is authorized (para 12b, AR 27-38). If potential claims exceed \$250.00, the report will be by means of a completed DA Form 1208.

c. No demand will be made on a prospective defendant by the claims officer. The report of investigation will be forwarded to the commander appointing the claims officer. Submission of the report will not be delayed pending completion of repairs.

d. In a command having no judge advocate the commander will review the file and, after taking any corrective action deemed necessary to assure completeness of the report, will either approve the recommendation of the claims officer or make a new or additional recommendation of his own, indicating the basis for such action. He will make no demand upon any prospective defendants, but will forward the claim to a higher command which has a judge advocate.

8-7. The Foreign Claims Act (AR 27-28).

a. Claims cognizable under the Foreign Claims Act are those claims for damage to, or loss of, real and personal property, personal injury or death suffered by persons not inhabi-

tants of the United States and which arise either from the conduct of military personnel or civilian employees or incident to noncombat activities of the Armed Forces and which occur outside the United States, its territories, commonwealths or possessions.

b. A claim may be submitted either in writing or orally. A careful record should be maintained of all visits, telephone calls, correspondence, etc, to record the receipt of notification of a claim or potential claim. A claim submitted orally must be later reduced to writing.

c. The investigation of foreign claims will be in accordance with the provisions of AR 27-20 and AR 27-28. Important matters also to be carefully considered in the investigation are as indicated below:

(1) The eligibility of the claimant.

(2) When a claim is caused by a civilian employee, whether scope of employment is pertinent under paragraph 9, AR 27-28.

d. The report of investigation will be completed on DA Form 1208 as provided in AR 27-20, or, if small claims procedures apply, on DA Form 1668.

e. The completed report of investigation will be forwarded to the commander appointing the claims officer.

f. In a command not having a judge advocate, the commander will review the file, and after taking any corrective action deemed necessary to insure completeness of the file, will either approve the recommendation of the claims officer or make a new or additional recommendation of his own, indicating the basis for such action. The report will then be forwarded through channels to a higher command which has a judge advocate.

8-8. Nonappropriated fund activities.

Claims cognizable under AR 230-8 arising from acts or omissions or employees of nonappropriated fund activities within the United States, its territories, commonwealths, and possessions will be processed in the manner prescribed by AR 27-20. In overseas areas, such claims will be investigated and processed in accordance with applicable treaties or agreements between the United States and foreign countries with respect to the settlement of claims arising from acts or omissions of mili-

tary and civilian personnel of the United States in such countries, or in accordance with applicable regulations as appropriate.

8-9. Other Services.

AR 27-29 claims of members of another ser-

vice will be processed short of actual adjudication by the receiving installation and will be forwarded to the appropriate adjudicating authority of the service concerned.

TYPES OF CLAIMS: FORMS AND DOCUMENTS MOST COMMONLY REQUIRED

	Damage or loss in shipment or storage pursuant to proper orders		Loss of or Damage to Property While in Quarters	Traffic Accidents	
	HHG--Hold	POV		Per- sonal Injury	Pro- perty Damage
*Normally requires some action by legal clerk					
*DA Forms 1089 and 1089-1 in the requisite number of copies	X	X	X		
*SF 95 in trip				X	X
*DA Form 1208				X	X
*DA Form 1819	X				
DA Form 2346	X				
SF 91				X	X
DD Form 788		X			
Repair Bill	X	X	X		X
Inventory List	X	X			
Evidence as to Scope of Employ- ment				X	X
Trip Ticket				X	X
Police Reports			X	X	X
Diagrams			X	X	X
Orders authoriz- ing shipment or storage	X	X			
Orders assigning quarters (US only)			X		
Witness Statements	X	X	X	X	X
Photographs if practical	X	X	X	X	X
Medical Reports				X	
Correspondence with carrier	X				
Government Bill of Lading	X				
Medical bills and estimates of future expenses				X	
Claims Officer's Recapitulation Sheet	X				

APPENDIX A

REPORT OF CLAIMS OFFICER			DATE OF REPORT 12 July 1968	
INSTRUCTIONS: Submit original only unless otherwise required by regulation. Use additional sheets, if necessary, and number to correspond with item numbers.				
HEADQUARTERS (Organization, Installation, Unit, etc.) 2d Bn (Herc), 433d Arty			LOCATION Point Alpha, Kentucky	
1. ACCIDENT OR INCIDENT				
DATE 5 July 1968	HOUR 1500	PLACE East corner of Blatt and Concord Streets, Alphatown, Kentucky		
2. CLAIMANTS (Real or potential)				
NAME	ADDRESS	DATE CLAIM FILED	AMOUNT CLAIMED	
John A. Doe	33 Oak Avenue Alphatown, Ky 30156	None has yet been filed		
ALL CLAIMANTS WHO FILED CLAIMS WERE PERSONALLY INTERVIEWED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (Specify)				
3. PROPERTY AND PERSONNEL INVOLVED				
A. GOVERNMENT PROPERTY (Describe all property - make, type, model, U.S. number, previous condition, present location, and show whether moving or stationary)		PERSONNEL (Name, grade, service number, address and organization, etc.; and if motor vehicle or other equipment was involved, identify operator and show his previous condition, location of occupants, etc.)		
1966 Willy 1/4 ton truck USA #L12345 Previous condition: good Present location: Motor Pool, 2d Bn (Herc), 433d Arty Vehicle was in motion at the time of the accident.		Operator - Richard A. Roe, PFC, RA 40230500, Co A, 2d Bn (Herc), 433d Arty, Point Alpha, Kentucky		
B. PRIVATE PROPERTY (Describe all property - make, type, model, previous condition, present location, and show whether moving or stationary)		PERSONS (Name, address and relation to incident, e.g., owner, driver, passenger, pedestrian, bailee, tenant, lessee, licensee, trespasser, etc.; and if a motor vehicle or other equipment was involved, show previous condition of operator, location of occupants, etc.)		
1962 Buick, Special, two-door sedan, License Number - Kentucky 1968 - 654-321 Previous condition: fair Present location: AJAX Wrecking Yard, Alphatown, Kentucky Vehicle was halted at the time of the accident.		Owner and operator - John A. Doe, 33 Oak Avenue, Alphatown, Kentucky 30156		

S A M P L E

DA FORM 1208
1 JAN 55

REPLACES STANDARD FORM 93, WHICH IS OBSOLETE FOR ARMY USE.

4. SCOPE OF EMPLOYMENT	
WAS GOVERNMENT PERSONNEL ACTING WITHIN THE SCOPE OF EMPLOYMENT (Check applicable box) <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO SEE EXHIBIT(S) - "D"	
5. DAMAGE TO PROPERTY (Nature and extent of damage, estimated cost of repairs or loss, loss of use and, if pertinent, value before and after damage, value of salvage, etc.)	
A. GOVERNMENT PROPERTY Bent left front bumper; damaged grill Estimated net cost of repair--\$97.65 (See Exhibit J).	WAS PROPERTY PERSONALLY INSPECTED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
B. PRIVATE PROPERTY Both rear fenders, trunk lid and rear bumper dented and scratched. Gas tank punctured. Examination indicates that repair cost will be approximately \$400.00.	WAS PROPERTY PERSONALLY INSPECTED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
6. PERSONS INJURED OR KILLED (Name, address, age, nature and extent of injuries, disability, medical aid rendered - where and by whom, hospital, attending physician, duty status, wages lost, etc.)	
A. GOVERNMENT PERSONNEL <p>None.</p> <p style="text-align: center; font-size: 2em; font-weight: bold;">S A M P L E</p>	
B. PRIVATE PERSONS John A. Doe, 33 Oak Avenue, Alphatown, Kentucky, indicated a neck injury (whiplash). He was treated in the office of Dr. John Brown, 197 Betting St., Alphatown, Kentucky, immediately after the accident.	
7. WITNESSES (Attach signed statements)	
NAME John Smith (pedestrian witness) John A. Doe (driver of POV) Richard A. Roe (Government operator)	STATION OR ADDRESS 1635 Columbia St, Baltimore, Md 21219 33 Oak St, Alphatown, Ky 30156 Co A, 2d Bn (Here), 433d Arty, Point Alpha, Ky 30155
8. POLICE INVESTIGATION AND TRIAL	
WAS POLICE INVESTIGATION MADE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (If made, attach copy of report, or state why not obtainable) Exhibit "E"	STATE FACTS AS TO ARRESTS OR CHARGES, AND RESULTS OF TRIALS BY CIVIL OR MILITARY COURTS, IF ANY. Government operator was cited for excessive speed for prevailing road and weather conditions.

9.

FINDINGS

GIVE FULL DETAILS OF ACCIDENT OR INCIDENT IN NARRATIVE FORM, ILLUSTRATING RELEVANT PHYSICAL FACTS BY SKETCHES, DIAGRAM AND/OR PHOTOGRAPHS, WITH SPECIAL ATTENTION TO: (a) **IN TRAFFIC CASES:** DIRECTION OF TRAVEL, SPEED, OBSTRUCTIONS TO VIEW, ROAD WIDTH AND CONDITION, SKIDMARKS, TRAFFIC SIGNS AND SIGNALS, TRAFFIC AND WEATHER CONDITIONS. (b) **IN AIRCRAFT CASES:** NATURE AND AUTHORITY FOR FLIGHT, ALTITUDE, SPEED, DIRECTION, CONTROLS, WEATHER CONDITIONS, MECHANICAL CONDITION OF AIRCRAFT, AND CAUSE OF ACCIDENT OR INCIDENT. (c) **IN MAIL CASES:** REGISTRATION OR INSURANCE RECEIPT DATA, DECLARED VALUE, ACTUAL VALUE OF CONTENTS, FEE PAID, ORIGIN AND DESTINATION, TIME AND PLACE OF DELIVERY TO MILITARY AUTHORITIES, ADDRESSEE'S STATEMENT OF NON-DELIVERY. (d) **INSURANCE:** IN ALL CASES SHOW WHETHER THE LOSS IS COVERED IN WHOLE OR IN PART BY INSURANCE. IF SO, GIVE THE NAME AND ADDRESS OF INSURER; ALSO TYPE AND COVERAGE.

The Government vehicle was traveling east on Concord Street at about 27 miles per hour. A civilian vehicle driven by John A. Doe was halted at the intersection of Blatt and Concord Streets waiting for the light to change. The street was made of brick and the weather was cloudy and raining. PFC Roe, upon noticing the civilian vehicle, applied his brake and began to skid. The front of the military vehicle collided with the rear of the civilian vehicle. Due to existing weather conditions skid marks were not available. For diagram see Exhibit "I."

SAMPLE

10.

EXHIBITS

LIST, MARK AND ATTACH PERTINENT EXHIBITS SUCH AS: THE CLAIM; OPERATOR'S REPORT; TRIP TICKET; FLIGHT ORDER; WEATHER REPORT; MAINTENANCE RECORDS; REPAIR BILLS AND ESTIMATES; HOSPITAL, MEDICAL AND BURIAL EXPENSE REPORTS AND ITEMIZED BILLS; ESTIMATES OF VALUE; DIAGRAMS; PHOTOGRAPHS (*Dated and identified*); COPY OF EXTRACT OF TRAFFIC OR FLYING REGULATIONS; LOCAL ORDINANCES, FEDERAL OR STATE LAWS VIOLATED; STATEMENTS OF PARTICIPANTS AND OTHER WITNESSES; COPIES OR EXTRACTS OF INSURANCE POLICIES, RECEIPTS OR AGREEMENTS; POLICE REPORT; AND ANY OTHER RELATED DATA.

A SF 91 - Operator's Report of Mtr Veh Acct	H Statement of Mr. Smith (witness)
B DD Form 110 - Trip Ticket	I Diagram of accident
C Statement of military driver	J Estimated cost of repair for military veh
D Certificate of scope of employment	K
E Statement of police officer	L
F Statement of civilian driver	M
G Statement of Dr. Brown	N

DA Form 1208

3

Appendix A, Continued

11. RECOMMENDATIONS			
A. IT IS RECOMMENDED THAT: (Check applicable space and strike out any inapplicable words)			
<input type="checkbox"/> THE CLAIM, IF FILED, BE APPROVED IN THE AMOUNT OF \$			
<input type="checkbox"/> THE CLAIM, IF FILED, BE DISAPPROVED			
<input checked="" type="checkbox"/> THE CLAIM, IF FILED, BE APPROVED IN AN AMOUNT THAT CAN BE REASONABLY SUBSTANTIATED BY THE CLAIMANT			
THE MILITARY PERSONNEL NAMED BELOW BE HELD RESPONSIBLE UNDER ARTICLE 139 UCMJ FOR THE AMOUNT SET OPPOSITE THEIR NAMES (AR 25-20)			
NAME	AMOUNT	NAME	AMOUNT
B. REASONS FOR RECOMMENDATIONS			
Mr. Doe was at a halt at the time of the accident, and the damage which occurred was direct result of negligence on the part of the military driver.			
C. CLAIMS OFFICER (See AR 25-20-1)			
DATE INVESTIGATION INITIATED 5 JULY 1968		DATE CLAIM FILED No claim filed as yet.	
TYPED NAME AND GRADE OF CLAIMS OFFICER 2LT George Black, Inf		SIGNATURE <i>George Black</i>	
12. ACTION OF COMMANDING OFFICER OR STAFF JUDGE ADVOCATE (See AR 25-20-1)		REPORT (Check applicable box) <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	DATE
REASONS FOR DISAPPROVAL (or comment on action)			
S A M P L E			
TYPED NAME, GRADE AND TITLE		SIGNATURE	

MUST be commissioned officer or qualified civilian →

← Must be signature of the claims officer whose name appears in block at left

DA Form 1208

U. S. GOVERNMENT PRINTING OFFICE: 1955 O-327693

Appendix A, Continued

NAME AND MILITARY ADDRESS OF PERSON RECEIVING CLAIM		DATE OF RECEIPT	
James A. Smith, Captain, JAGC, Office of the Claims Judge Advocate, Hqs, Fort Pine, Ky 90909		1 Oct 67	
SECTION II - CLAIMS JUDGE ADVOCATE'S CHECKLIST (See Footnote)			
If the answer to any question requires explanation, state fully on separate sheets keyed to question numbers below. If any question does not apply, draw line across both boxes.			
		YES	NO
1. IS CLAIM PRESENTED BY A PROPER CLAIMANT?		X	
2. IF FILED BY AN AGENT OR LEGAL REPRESENTATIVE, DOES FILE CONTAIN EVIDENCE OF APPOINTMENT?			
3. DOES CLAIM SHOW CLAIMANT'S NAME, GRADE, SERVICE NUMBER, ORGANIZATION AT TIME OF LOSS, PERMANENT HOME ADDRESS AND PRESENT ADDRESS?		X	
4. DOES CLAIM SHOW THE DATE, PLACE, FACTS AND CIRCUMSTANCES OF LOSS?		X	
5. HAS CLAIMANT COMPLETED STATEMENTS REGARDING RECOVERY FROM CARRIER OR INSURER AND REPLACEMENT IN KIND? (See AR 27-29.)		X	
6. ARE ALL EXHIBITS TO THE CLAIM MARKED IN SEQUENCE?		X	
7. IF SCHEDULE INCLUDES UNUSUAL OR EXPENSIVE ARTICLES, OR ARTICLES APPARENTLY EXCESSIVE IN QUANTITY, DOES FILE DISCLOSE FACTS SHOWING PROPRIETY OF AMOUNT RECOMMENDED BY CLAIMS OFFICER?		X	
8. IF SCHEDULE INCLUDES MONEY, DOES EVIDENCE IN FILE ESTABLISH THAT AMOUNT RECOMMENDED BY CLAIMS OFFICER WAS REASONABLE?			
9. IF SCHEDULE INCLUDES CLAIM FOR MONEY DEPOSITED FOR SAFEKEEPING, DOES EVIDENCE IN FILE ESTABLISH THE CIRCUMSTANCES UNDER WHICH THE MONEY WAS DEPOSITED?			
10. IF SCHEDULE INCLUDES PROPERTY REPAIRED OR REPAIRABLE, DOES FILE CONTAIN BILL FOR REPAIRS OR ESTIMATES OF COST THEREOF?		X	
11. IF SCHEDULE INCLUDES PROPERTY STATED TO BE NOT ECONOMICALLY REPAIRABLE, DOES FILE INCLUDE STATEMENTS OF DIMINTERESTED, QUALIFIED AND RELIABLE PERSONS FAMILIAR WITH THE TYPE OF PROPERTY DAMAGED AND SALVAGE VALUE, IF ANY?		X	
12. IF CLAIM INCLUDES GOLD, SILVER, PAINTINGS OR OTHER ARTICLES, THE EXTRAORDINARY VALUE OF WHICH PROHIBITED SHIPMENT BY ORDINARY MEANS UNDER CARRIER'S TARIFFS, WERE THE PROVISIONS OF THE JOINT TRAVEL REGULATIONS UTILIZED BY CLAIMANT?			X
13. DID THE ACCIDENT OR INCIDENT OCCUR WITHOUT NEGLIGENCE OR WRONGFUL ACT ON THE PART OF THE CLAIMANT OR HIS AGENT OR EMPLOYEE?		X	
14. WAS THE POSSESSION, ACQUISITION OR SHIPMENT OF ANY OF SUBJECT PROPERTY IN VIOLATION OF ANY APPLICABLE DIRECTIVE, ORDER OR REGULATION?			X
15. IS A CLAIMS OFFICER'S RECAPITULATION SHEET ATTACHED? (APP. I, AR 27-29.)		X	
SECTION III - CLAIMS JUDGE ADVOCATE'S REPORT (See Footnote)			
TO: Commanding Officer, Hqs Fort Pine, ATTN: SJA, Fort Pine, Ky 90909		DATE 30 Oct 67	
AS REQUIRED BY AR 27-20 AND AR 27-29, ATTACHED CLAIM HAS BEEN FULLY INVESTIGATED AND TOGETHER WITH SUPPORTING PAPERS MARKED EXHIBITS <u>A</u> THROUGH <u>K</u> IS FORWARDED HERewith.			
MY INVESTIGATION CONFIRMED THAT THE LOSS FOR WHICH THIS CLAIM IS MADE <input checked="" type="checkbox"/> IS <input type="checkbox"/> IS NOT WITHIN AR 27-29 AND <input checked="" type="checkbox"/> DID <input type="checkbox"/> DID NOT OCCUR UNDER THE CIRCUMSTANCES DESCRIBED BY CLAIMANT. (If applicable, attach sheet keyed to Section III and explain in detail.)			
AMOUNT RECOMMENDED FOR EACH ITEM IS EXPLAINED IN DETAIL ON CLAIMS OFFICER'S RECAPITULATION SHEET (EXHIBIT <u>K</u>).			
RECOMMENDATION (If disapproved state reasons in seven-paragraph memorandum (APP. I, AR 27-29).)			
<input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED		AMOUNT \$ 102.39	
ORGANIZATION Office of Claims Judge Advocate Hqs Fort Pine, Fort Pine, Ky 90909		GRADE Captain	
TYPED NAME OF CLAIMS JUDGE ADVOCATE JAMES A. SMITH		SIGNATURE /s/ James A. Smith	
SECTION IV - FORWARDING HEADQUARTERS RECOMMENDATION (See Footnote)			
FROM: (Official designation of forwarding headquarters) Headquarters Fort Pine Fort Pine, Ky 90909		DATE 1 Nov 67	
TO: Commanding General Hqs First United States Army, ATTN: Army SJA Fort George G. Meade, Maryland 20755			
REPORT OF CLAIMS OFFICER IS APPROVED AND FORWARDED FOR APPROPRIATE ACTION WITH <input checked="" type="checkbox"/> NO EXCEPTIONS <input type="checkbox"/> WITH EXCEPTIONS. (If approved with exceptions, attach sheet keyed to Section IV and explain in detail.)			
ORGANIZATION Headquarters Fort Pine Fort Pine, Ky 90909		GRADE LTC	
TYPED NAME OF COMMANDING OFFICER OR JUDGE ADVOCATE JOHN P. BROWN, LTC, SJA		SIGNATURE /s/ John P. Brown	
SECTION V - ADJUDICATION OF CLAIMS (Reserved For Approving Or Settlement Authority)			
<input checked="" type="checkbox"/> THE ARTICLES, FOR WHICH VALUE IS ALLOWED, HAVE BEEN DETERMINED TO BE REASONABLE, USEFUL, OR PROPER FOR CLAIMANT TO POSSESS UNDER THE ATTENDANT CIRCUMSTANCES. THE CLAIM IS APPROVED IN THE AMOUNT OF \$ 102.39			
<input type="checkbox"/> THE CLAIM IS DISAPPROVED FOR REASONS STATED IN THE ATTACHED SEVEN-PARAGRAPH MEMORANDUM (APP. I, AR 27-29).			
CLAIMS EXAMINER (Signature and date) /s/ Rose Blanchard - 3 Nov 67		REVIEWING AUTHORITY (Signature and Date) /s/ John Dames, CPT, JAGC - 4 Nov 67	
DATE 5 Nov 67	TYPED NAME, GRADE AND TITLE OF APPROVING OR SETTLEMENT AUTHORITY RALPH P. BREWSTER, Colonel, JAGC Army Judge Advocate	SIGNATURE /s/ Ralph P. Brewster	
FOOTNOTE			
Sections II, III, and IV will be completed by the Judge Advocate or legal office of the Headquarters having primary responsibility for the investigation and processing of the claim and preparation of the seven-paragraph memorandum. Unit claims officers and intermediate Headquarters will submit the recommendations on separate sheets. Any exceptions from prior recommendations by an intermediate Headquarters will be explained in detail. The Claims Judge Advocate's Checklist and Report contained in Sections II and III will be used for guidance by all investigating and reviewing officials.			

Appendix C, Continued

SAMPLE

[illegible]

INSTRUCTIONS (Keyed to columns on reverse side)

- b. Enter only one item, unless it is impracticable to list the individual pieces comprising the total item or unless such information is not available, or is unknown.
- c. To assure prompt processing of claims for more than 50 items, items should be grouped, by categories, as applicable: furniture; appliances (electric, gas, etc.); phonographs and tape recorders (accessories and supplies); musical instruments (including piano, organ, accessories and supplies); men's clothing (by person); women's clothing (by person); children's clothing (by person); china; silverware (all other silver items); kitchen supplies; jewelry; linen and bedding; professional books; nonprofessional books; garden supplies; tools; toys; hobbies and collections; paintings and wall pictures; sporting equipment and supplies; and miscellaneous (including photographs, slides, wedding albums, school notes, decorative items, bric-a-brac, etc.).
- d. Enter the initial inventory number of the item or the initial inventory number of the item's container. Normally this will be found on packer's shipping list.
- e. Use letter "A" if lost, "B" if damaged, or "C" if destroyed.
- f. Enter all information to describe the item in detail, such as brand name, model, year of manufacture, size, antique, and other pertinent data (see examples below).
- g. For property of a claimed value over \$25.00 per individual item, e.g., one of a kind or a matching pair or set, which has been lost or destroyed (including that which is not economically repairable), use "X" if the item was in excellent condition, "Y" if in average condition, "Z" if in below average condition. If an item is claimed to have been in excellent condition, supporting evidence will be included with the claim (statements of repairmen, appraisers, visitors, family, etc.). Likewise, any discrepancy between claimed condition and condition shown on carrier's pickup inventory will be fully explained.
- h. Use letter "P" if claimant purchased the item, "G" if acquired by gift, or "Q" if otherwise acquired (with explanation on a separate sheet). Also indicate the name and address of vendor where applicable.

i. & j. If property was acquired by claimant other than by purchase, original date of purchase (column i) and original purchase price (column j) should be stated. Purchase price will not include interest or carrying charges.

k. Enter the price for replacement of the same or a substantially similar item (e.g., of comparable value, utility, quality, and appearance) prevailing in the area where replacement should most likely occur. For items of a claimed replacement price of \$50.00 or more, the source of the price quotation (e.g., catalog name, store name, appraiser's list) should be shown as an exhibit. This information need not be supplied in the case of a damaged item which can be economically repaired. Generally, an item is deemed economically repairable when the cost of repair is less than the depreciated purchase price, or, if the purchase price cannot be determined, when the cost of repair is less than the depreciated replacement cost for substantially similar items. Post Exchange price should be used where applicable.

l. Enter cost of repair only when the item is economically repairable. As to whether the item is economically repairable, see "k" above. Additionally, an item is considered economically repairable if its VALUE at the time of loss exceeds costs of repairs. In such a case additional evidence is required to establish value in excess of replacement price minus depreciation if not economically repairable. Salvage value for item damaged beyond repair or otherwise not economically repairable should be indicated and identified as such by the symbol "SV" before the amount.

m. If amount claimed exceeds the depreciated replacement price for similar items, additional evidence must be furnished to establish the value claimed.

n. Enter exhibit number which supports amount claimed in column m.

EXAMPLE FOR CLAIMANT'S GUIDANCE - NOT PART OF CLAIM
(Based upon damage or loss occurring in May 1967)

SAMPLE

a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p
1	1	TV set	10	B	Model B115x 19" 1960 Nicolone, console, new picture tube 30 Dec 1962	Y	P-Lowhall & Riggs, 201 Chase Street Baltimore, Md.	Apr 1960	\$149.50		\$68.83	\$68.83	H		
2	1	Dishwasher	24	B	1961 Sunshine 4 cycle, 12 place capacity, model 896001	Y	P-Howard Poes 30 State Street Baltimore, Md.	Dec 1961	\$228.33	\$237.50	SV \$18.03	\$166.25	B,L		
3	2	Table lamps	35	A	Ceramic - parchment shades, 40" high matched pair	X	P-Weaver Bros. 210 North Street Baltimore, Md.	Sep 1966	\$40.00 each	\$45.00 each		\$87.25	A,D		

• Legal clerk will stamp
or otherwise note upon
receipt of claim. Para.
14, AR 27-20

May be placed
anywhere on form
where space permits

Claim number
from journal

Standard Form 95
Revised February 1965
Bureau of the Budget
Circular A-3 (Rev.)

APPENDIX E
Received 2d Bn (Here), 433d Arty
30 June 1968 (2/65)

SUBMIT TO: Claims Officer
2d Bn (Here), 433d Arty

CLAIM FOR DAMAGE OR INJURY

(Use additional sheets if necessary)

95-104

Use ink or typewriter. See reverse side for instructions and additional information required.	
1. NAME OF CLAIMANT (Please print full name) John A. Doe	2. AGE 3. MARITAL STATUS 42 S
4. ADDRESS OF CLAIMANT (Street, city, zone, State) 33 Oak Avenue, Alphatown, Kentucky 40156	
5. NAME AND ADDRESS OF SPOUSE, IF ANY	
6. PLACE OF ACCIDENT (Give city or town and State; if outside city limits, indicate mileage or distance to nearest city or town) E. Corner of Blatt & Concord Streets, Alphatown, Kentucky	7. DATE AND DAY OF ACCIDENT 5 July 1964
8. TIME (A.M. or P.M.) 3 P.M.	
9. DESCRIPTION OF ACCIDENT—STATE BELOW, IN DETAIL, ALL KNOWN FACTS AND CIRCUMSTANCES ATTENDING THE DAMAGE OR INJURY, IDENTIFYING PERSONS AND PROPERTY INVOLVED AND THE CAUSE THEREOF	
I was waiting for a red light to change at E. Corner of Blatt & Concord Streets, when the Army vehicle #112345 driven by PFC Richard A. Roe of Co A, 2d Bn (Here), 433d Arty, Point Alpha, struck my automobile in the rear.	
PROPERTY DAMAGE	\$ 275.00
PERSONAL INJURY	\$ 200.00
TOTAL	\$ 475.00

Information should be
sufficient to explain
the incident and pro-
vide leads to assist
the investigator.

SAMPLE

10. PROPERTY DAMAGE	
NAME OF OWNER, IF OTHER THAN CLAIMANT N/A	ADDRESS OF OWNER, IF OTHER THAN CLAIMANT
BRIEFLY DESCRIBE KIND AND LOCATION OF PROPERTY AND NATURE AND EXTENT OF DAMAGE. SEE INSTRUCTIONS ON REVERSE SIDE FOR METHOD OF SUBSTANTIATING CLAIM 1962 Buick totally destroyed - presently at AJAX Wrecking Yard, Alphatown, Kentucky.	

11. PERSONAL INJURY	
STATE NATURE AND EXTENT OF INJURY WHICH FORMS THE BASIS OF THIS CLAIM Neck injury (whiplash) - Pain and discomfort present.	

Statement of witness
should be obtained
and attached as an
exhibit.

12. WITNESSES	
NAMES	ADDRESSES
1. John Smith (observed accident at street corner)	1635 Columbia Street Baltimore, Maryland 21219
CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS Fine of not more than \$10,000 or imprisonment for not more than 5 years or both. (See 18 U.S.C. 493, 1001.)	
CIVIL PENALTY FOR PRESENTING FRAUDULENT CLAIM The claimant shall forfeit and pay to the United States the sum of \$2,000, plus double the amount of damages sustained by the United States. (See R.S. 4240, 4242; 21 U.S.C. 491.)	
13. I DECLARE UNDER THE PENALTIES OF PERJURY THAT THE AMOUNT OF THIS CLAIM COVERS ONLY DAMAGES AND INJURIES CAUSED BY THE ACCIDENT ABOVE DESCRIBED. I AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM.	
SIGNATURE OF CLAIMANT John A. Doe	DATE OF CLAIM 30 June 1968

Insure proper
signature on all
copies.

NOTE: Signature used above should be used in all future correspondence.

SF 95 in triplicate will be used for submission of all claims except those submitted under AR 27-28 or 27-29. Some of the more common types of claims where this form is used are:

- Traffic accidents.
- Personal injury
- Loss of registered or insured mail in the possession of the Army.
- Claims arising from noncombat activities of the Army.

It is important that this section be completed
in all claims resulting from traffic accidents

NOTICE TO CLAIMANT

In order that your claim for damages may receive proper consideration you are requested to supply the information called for on both sides of this form. All material facts should be stated on this form, as it will be the basis of further action upon your claim. The instructions set forth below should be read carefully before the form is prepared.

SAMPLE

INSTRUCTIONS

Claims for damage to or for loss or destruction of property, or for personal injury, must be signed by the owner of the property damaged or lost or the injured person. If, by reason of death, other disability or for reasons deemed satisfactory by the Government, the foregoing requirement cannot be fulfilled, the claim may be filed by a duly authorized agent or other legal representative, provided evidence satisfactory to the Government is submitted with said claim establishing authority to act.

If claimant intends to file claim for both personal injury and property damage, claim for both must be shown in item 8 on this form. Separate claims for personal injury and property damage are not acceptable.

The amount claimed should be substantiated by competent evidence as follows:

(a) In support of claim for personal injury or death, the claimant should submit a written report by the attending physician, showing the nature and extent of injury, the nature and extent of treatment, the degree of permanent disability, if any, the prognosis, and the period of hospitalization, or incapacitation, attaching

itemized bills for medical, hospital, or burial expenses actually incurred.

(b) In support of claims for damage to property which has been or can be economically repaired, the claimant should submit at least two itemized signed statements or estimates by reliable, disinterested concerns, or, if payment has been made, the itemized signed receipts evidencing payment.

(c) In support of claims for damage to property which is not economically repairable, or if the property is lost or destroyed, the claimant should submit statements as to the original cost of the property, the date of purchase, and the value of the property, both before and after the accident. Such statements should be by disinterested competent persons, preferably reputable dealers or officials familiar with the type of property damaged, or by two or more competitive bidders, and should be certified as being just and correct.

Any further instructions or information necessary in the preparation of your claim will be furnished, upon request, by the office indicated at the top of the other side of this form.

INSTRUCTIONS REGARDING INSURANCE COVERAGE

In order that subrogation claims may be adjudicated, it is essential that the claimant provide the following information regarding the insurance coverage of his vehicle:

DO YOU CARRY COLLISION INSURANCE?		IF YES, GIVE NAME AND ADDRESS OF INSURANCE COMPANY AND POLICY NUMBER	
<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Allstate Insurance Company York Road, Alphatown, Kentucky #A-36725	
HAVE YOU FILED CLAIM ON YOUR INSURANCE CARRIER IN THIS INSTANCE, AND IF SO, IS IT FULL COVERAGE OR DEDUCTIBLE?		IF DEDUCTIBLE, STATE AMOUNT	
No		\$100.00	
IF SUCH CLAIM HAS BEEN FILED, WHAT ACTION HAS YOUR INSURER TAKEN, OR WHAT ACTION DOES IT PROPOSE TO TAKE WITH REFERENCE TO YOUR CLAIM? (If necessary, state you ascertain these facts)			

Must be completed
by the claimant

DO YOU CARRY PUBLIC LIABILITY AND PROPERTY DAMAGE COVERAGE?		IF YES, GIVE NAME OF INSURANCE CARRIER	
<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Above Insurance Company	

SIGNATURE OF CLAIMANT

/s/ John A. Doe

All copies must
be signed

U.S. GOVERNMENT PRINTING OFFICE: 1965-O-693283 248-C

SF 95, Reverse Side

Appendix E, Continued

APPENDIX F

Governing regulation

SAMPLE

Claim number
and year

AR 27-29

POE, John A SSGT (E-6)

General infor-
mationNAME OF CLAIMANT (Actual or Prospective)
ADDRESS

33 Ash Avenue, Alphatown, Kentucky 30156

FILE NUMBER

1/65

CLAIMS JOURNAL ENTRY

PAGE

1

LINE

1

CROSS INDEXED

REMARKS

HHG missing from shipment
 Claim received 12 June 1968
 To Investigating Officer 12 June 1968
 Received back 17 June 1968
 To SJA 19 June 1968

DA FORM 1665
1 MAR 56

GPO: 1956-O-378171

CLAIMS INDEX
(AR 27-20)

A DA Form 1665 filing system commonly used places the cards alphabetically in a divided file. One portion contains cards of claims still active in your command and the other is for cards of completed claims which have been forwarded to higher authority. This system allows you to determine at a glance the number of claims on hand and the status of each.

APPENDIX G

PAGE NUMBER		CLAIMS JOURNAL (AR 25-20)						
LINE NO.	FILE NUMBER	CLAIMANT (Actual or Prospective)		DATE		AMOUNT CLAIMED	TYPE OF CLAIM (Death, personal injury, or property damage, etc.)	CLAIM IN FAVOR OF GOV'T (Indicate Amount)
		NAME (Including grade and service number if any)	ADDRESS OR ORGANIZATION	RECEIVED REPORT OF INVESTIGATION	CLAIM FILED			
1	1/65	Poe, John A. SSGT (E-6)	33 Ash Ave Alphatown, Ky. 30156	17 June 68	12 June 68	117.00	AR 27-29 HHG Shipment	-
2	2/65	Doe, John A.	33 Oak Ave Alphatown, Ky. 30156	12 July 68	30 June 68	475.00	Personal Injury and property damage	-
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								
17								
18								

DA FORM 1 MAR 55 1667

ORGANIZATION										PAGE NUMBER	
INCIDENT			GOV'T VEHICLE INVOLVED (Include U.S. Registration Numbers)	NATURE OF INCIDENT (Traffic, real estate, aircraft, mail, personnel, admiralty, etc.)	DISPOSITION AND DATE					PROCESSING TIME	LINE NO.
DATE	TIME	PLACE			ABANDONED	APPROVED (To Disbursing Office)	DISAPPROVED	FORWARDED TO (Higher Authority)	OTHER (Specify)		
7-27 Apr68	-	In transit	-	Damage to HHG in shipment	-		-	19 Jun 68	-	7 days	1
5 Jul 68	1500	Alphatown, Ky	1/4 ton 112345	Traffic accident				15 Jul 68		15 days	2
											3
											4
											5
											6
											7
											8
											9
											10
											11
											12
											13
											14
											15
											16
											17
											18

DA Form 1667, CLAIMS JOURNAL, REVERSE SIDE

☆ U. S. GOVERNMENT PRINTING OFFICE: 1956 O-378173
Appendix G, Continued

CHAPTER 9

LINE OF DUTY AND MISCONDUCT DETERMINATIONS

9-1. References.

- a. Uniform Code of Military Justice (UCMJ).
- b. AR 15-6.
- c. AR 600-10.
- d. DA Pam 27-6.
- e. DA Pam 27-187.

9-2. Forms and Guides.

- a. DA Form 2173.
- b. DA Form 2820.
- c. DA Form 8-275.
- d. DA Form 8-255.
- e. DA Form 285.
- f. DD Form 689.
- g. DD Form 261.

9-3. Discussion.

Line of duty and misconduct determinations are made in cases of death, disease, or injury incurred by members of the Army on active duty, active duty for training, or when going to or from such duty. Determinations may result from an administrative decision or from a formal investigation and are primarily made to provide data used in determining rights, benefits, and obligations to Army personnel under Federal statutes and Army regulations. Line of duty determinations are nonpunitive in nature and it is contrary to Army policy to use adverse determinations as a means of punishing or disciplining the individual concerned.

9-4. Determinations and Investigations.

It is important to distinguish between the terms *determination* and *investigation* as they are used in connection with line of duty rulings. A *determination* is always made. The *determination* is merely the decision as to whether the injury was incurred in line of duty, i.e., line of duty—yes, or LOD, or not in line of duty, i.e., line of duty—no; NLOD.

a. *Ordinary Determinations.* Determinations in routine cases are made by the organization commander, with the concurrence of the medical officer, when there is—

- (1) No death,
- (2) No injury likely to result in future impairment (or injury likely to result in permanent disability is determined to be LOD),
- (3) No self-inflicted injury,
- (4) No AWOL involved, and
- (5) No disagreement between commander and medical officer (or if the disagreement can be resolved by the officer exercising special court-martial jurisdiction).

These ordinary determinations do not require prior investigation. They are recorded on medical record forms (DA Form 8-275 or DA Form 8-255) and on the Individual Sick Slip (DD Form 689).

b. *Procedures in Cases not Requiring Investigation.* In all cases of injury or death, which do not require a formal investigation, the medical treatment facility forwards a DA Form 2173 (in *duplicate* for injury cases and in *triplicate* for death cases) through the individual's unit commander to the officer exercising special court-martial jurisdiction (app A). The unit commander fills out section II of DA Form 2173, including circumstances in sufficient detail to show that no absence without authority or misconduct is involved and that a formal investigation was not required. Names of witnesses, details of the accident, if a vehicle accident is involved, the name of the driver of the vehicle, etc, will be furnished. Any available statements from witnesses, pertinent diagrams, or photographs will be attached to the DA Form 2173 and forwarded. In death cases a copy of the sympathy letter to next of kin will be attached. In injury cases the statement

of circumstances will be followed by the statement: "Injury is considered to have been incurred in line of duty."

The DA Form 2173 will then be forwarded in triplicate to the officer exercising special court-martial jurisdiction, who will return one completed DA Form 2173 to the medical treatment facility which initiated it; the original and duplicate copies for deaths and the original for injuries will be forwarded to the appropriate final approving authority.

c. *Investigations.* Generally, in cases which do not meet the conditions stated in the above paragraph, a formal investigation is required. Paragraphs 5 through 9, AR 600-10, contain

detailed provisions as to when a formal investigation is necessary, and rules for the conduct and review of formal investigations. It is the responsibility of the commander exercising special court-martial jurisdiction to decide whether or not to order an investigation, using AR 600-10 as a guide.

(1) Investigative Procedures.

(a) Appointing Authority (officer exercising special court-martial jurisdiction).

1. Appoints a disinterested commissioned officer (senior in rank to person investigated) as investigating officer when a formal investigation is required.

DEPARTMENT OF THE ARMY
HEADQUARTERS 82D AIRBORNE DIVISION
Fort Bragg, North Carolina 28307

SPECIAL ORDERS
NUMBER 217

13 July 0000

EXTRACT

8. UP AR 600-140 Capt James A Jones, 0980732 (SSAN: 123-68-4586), Inf, HHC, 82d Abn Div, is apt IO fpur of inves the facts and circumstances surrounding the accident resulting in the death of Sgt (E5) John C Smith, RA 35 268 732 (SSAN: 987-54-1236), and injuries to PFC (E3) Robert H James, RA 52 756 879 (SSAN: 231-86-5906), Co. C, 180th Abn Inf Regt, USAR, near Danville, Va., on 28 June 0000. O WB guided by the prov of AR 600-140. Rept WB subm by 2 July 0000.

FOR THE COMMANDER:

OFFICIAL:

/s/ George Gibbs
/t/ GEORGE GIBBS
CPT, AGC
Asst AG

DISTRIBUTION:
X

2. After the investigation, enters approval or disapproval of the findings of the investigation officer in the proper space on the DD Form 261 in injury cases.

3. Enters, in case of disapproval, the reasons for his action, along with the substituted findings, on the reverse of DD Form 261.

(b) Investigating Officer.

1. Follows procedures outlined in AR 15-6 (Procedure for Investigating Officers and Boards of Officers Conducting Investigations).

2. Notifies the individual subject to the investigation:

(a) That the investigation is pending; and

(b) That he is entitled to present evidence in his own behalf (app B).

3. Obtains the individual's statement, if possible, after advising him of his rights under article 31, *Uniform Code of Military Justice*.

4. Has the service hospital registrar

or the attending doctor and the organization commander complete DA Form 2173 as indicated in paragraph 5 through 9, AR 600-10.

5. Attempts to determine all facts and circumstances surrounding the injury or death in order to render a comprehensive report. In general, any evidence may be considered in making line of duty and misconduct determinations except signed statements of the persons whose status is under investigation if made without being advised of his rights under article 31, UCMJ, or reports, made solely for accident report purposes, such as DA Form 285.

6. Uses DA Form 2820 to record statements of witnesses after informing them of their rights under Article 31, UCMJ, or, in the case of civilians, the Fifth Amendment to the United States Constitution (app C).

7. Attaches documentary exhibits to the DD Form 261 (Report of Investigation) in the order indicated in paragraph 5 through 10, AR 600-10 (app D).

8. Furnishes a complete copy, less any criminal investigation reports, to the individual under investigation.

9. In injury cases, using DA Pamphlet 27-6 as a guide, makes findings of either—

- (a) in line of duty (LOD),
- (b) not in line of duty—not due to own misconduct (NLOD-NDOM), or
- (c) not in line of duty—due to own misconduct (NLOD-DOM). In death cases no findings will be made.

10. Forwards, in injury cases, an original and three copies of the report to the appointing authority.

11. Forwards, in death cases, an original and four copies to the appointing authority.

(c) *Reviewing Authority* (officer exercising immediate general court-martial jurisdiction).

1. Causes a careful review of the proceedings to be made.

2. Indicates his approval or disapproval in the appropriate space on DD Form 261 in injury cases.

3. Indicates, in case of disapproval, reasons and substituted findings on the reverse of DD Form 261.

(d) *Final Approving Authority* (Commander of the CONUS Army, the Military District of Washington, or of major overseas commands).

1. Reviews and takes final action in injury cases.

2. Makes disposition of copies of reports in accordance with paragraph 5 through 13, AR 600-10.

3. Notifies member of final disposition and of his right to appeal under paragraph 5 through 14, AR 600-10. DA Pamphlet 27-6 should be consulted for more detailed information and for guidelines for use in specific situations.

APPENDIX A

STATEMENT OF MEDICAL EXAMINATION AND DUTY STATUS (AR 600-10)			
THRU: (Include ZIP Code) Commanding General Third US Army Fort McPherson, Georgia		TO: (Include ZIP Code) The Adjutant General ATTN: AGPF-CL Department of the Army Washington, D. C. 20310	
FROM: (Include ZIP Code) Commanding Officer Camp Jones Georgia			
1. NAME OF INDIVIDUAL EXAMINED (Last, First, and Middle Initial) Doe, John F. (SSAN: 912-83-7456)		2. SERVICE NUMBER/SSAN RA17000000	3. GRADE SFC E-6
4. ORGANIZATION AND STATION Co A, 2d Bn, 67th Inf Cp Jones, Ga		5. ACCIDENT INFORMATION a. DATE 2 Jan 00 b. PLACE (City and State) Macon, Georgia	
SECTION I - TO BE COMPLETED BY ATTENDING PHYSICIAN OR HOSPITAL REGISTRAR (From hospital records)			
6. INDIVIDUAL WAS <input type="checkbox"/> ADMITTED <input checked="" type="checkbox"/> DEAD ON ARRIVAL		7. NAME OF HOSPITAL <input type="checkbox"/> CIVILIAN <input checked="" type="checkbox"/> MILITARY Third Army Hospital, Camp Jones, Georgia	
8. HOUR AND DATE ADMITTED 0045 hrs 2 Jan 00		9. HOUR AND DATE EXAMINED 0050 hrs 2 Jan 00	
10. NATURE AND EXTENT OF <input type="checkbox"/> INJURY <input type="checkbox"/> DISEASE <input type="checkbox"/> RESULTING IN DEATH (Explain) Fractured skull; multiple injuries extreme.			
11. MEDICAL OPINION: INDIVIDUAL <input type="checkbox"/> WAS <input checked="" type="checkbox"/> WAS NOT UNDER THE INFLUENCE OF <input type="checkbox"/> ALCOHOL <input type="checkbox"/> DRUGS (Specify); <input checked="" type="checkbox"/> WAS <input type="checkbox"/> WAS NOT MENTALLY SOUND (Attach psychiatric evaluation if appropriate). INJURY <input type="checkbox"/> IS <input type="checkbox"/> IS NOT LIKELY TO RESULT IN CLAIM AGAINST THE GOVERNMENT FOR FUTURE MEDICAL CARE: <input type="checkbox"/> WAS <input type="checkbox"/> WAS NOT INCURRED IN LINE OF DUTY. BASIS FOR OPINION:			
<h1>SAMPLE</h1>			
12. THE FOLLOWING DISABILITY MAY RESULT <input type="checkbox"/> TEMPORARY <input type="checkbox"/> PERMANENT PARTIAL <input type="checkbox"/> PERMANENT TOTAL		13. BLOOD ALCOHOL TEST MADE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	14. NO. OF MG ALCOHOL/100 ML BLOOD Negative
15. DETAILS OF ACCIDENT OR HISTORY OF DISEASE (how, where, when)			
16. DATE 2 Jan 00	17. TYPED OR PRINTED NAME OF MEDICAL OFFICER RICHARD MARTIN, Major, MC		18. SIGNATURE OF MEDICAL OFFICER <i>Richard Martin</i>
SECTION II - TO BE COMPLETED BY UNIT COMMANDER OR UNIT ADVISER			
19. DUTY STATUS <input type="checkbox"/> PRESENT FOR DUTY <input type="checkbox"/> ABSENT WITHOUT AUTHORITY <input checked="" type="checkbox"/> ABSENT WITH AUTHORITY: <input type="checkbox"/> ON PASS <input type="checkbox"/> ON LEAVE		20. HOUR AND DATE OF ABSENCE a. FROM 0001 hrs 30 Dec 00 b. TO 0045 hrs 2 Jan 00	
21. ABSENCE WITHOUT AUTHORITY MATERIALLY INTERFERED WITH THE PERFORMANCE OF MILITARY DUTY (Explain in Item 30 type of duty missed, hours of duty, and how it did or did not interfere with performance) <input type="checkbox"/> YES <input type="checkbox"/> NO			
22. INDIVIDUAL WAS ON <input checked="" type="checkbox"/> ACTIVE DUTY <input type="checkbox"/> ACTIVE DUTY FOR TRAINING <input type="checkbox"/> INACTIVE DUTY TRAINING		23. HOUR AND DATE TRAINING a. BEGAN NA b. ENDED NA	
24. RESERVIST DIED OF INJURIES RECEIVED PROCEEDING <input type="checkbox"/> DIRECTLY TO TRAINING <input type="checkbox"/> DIRECTLY FROM TRAINING			
25. MODE OF TRANSPORTATION NA	26. HOUR BEGINNING TRAVEL NA	27. DISTANCE INVOLVED	28. NORMAL TIME FOR TRAVEL
29. DUTY STATUS AT TIME OF DEATH IF DIFFERENT FROM TIME OF INJURY OR CONTRACTION OF DISEASE <input type="checkbox"/> PRESENT FOR DUTY <input type="checkbox"/> ABSENT WITH AUTHORITY <input type="checkbox"/> ABSENT WITHOUT AUTHORITY			
30. DETAILS OF ACCIDENT - REMARKS (If additional space is needed, continue on reverse) Sergeant Doe was a passenger in a civilian automobile driven by Private Robert Young, which was struck at 0030 hours, 2 January 0000 by a car driven by Mr. James Jones on Meridian Street, Macon, Georgia. Mr. Jones made a left turn suddenly and without signalling, directly in front of the car driven by Private Young, who turned sharply			
31. FORMAL LINE OF DUTY INVESTIGATION REQUIRED <input type="checkbox"/> YES <input type="checkbox"/> NO		32. INJURY IS CONSIDERED TO HAVE BEEN INCURRED IN LINE OF DUTY <input type="checkbox"/> YES <input type="checkbox"/> NO	
33. DATE 4 Jan 00	34. TYPED NAME AND GRADE OF UNIT COMMANDER OR UNIT ADVISER DAVID S. JOHNSON, CPT		35. SIGNATURE OF UNIT COMMANDER OR UNIT ADVISER <i>David S. Johnson</i>

DA FORM 2173
1 JUN 66

REPLACES EDITION OF 1 AUG 59, WHICH WILL BE ISSUED AND USED UNTIL EXHAUSTED.

30. Remarks (Continued)

to the right to avoid colliding, but could not avoid striking the left rear of Mr. Jones' car. Private Young was not injured, but Sergeant Doe was thrown out of the car and sustained the injuries listed in item 10. Neither Sergeant Doe nor Private Young had been drinking and there was no evidence that misconduct on their part caused the accident.

SAMPLE

APPENDIX B

ABCD/EF

20 July 0000

SUBJECT: Line of Duty Investigation

PFC Robert H. James, RA 52756879 (SSAN:)
Co C, 180th Abn Inf Regt
United States Army Reserve
Fort Bragg, North Carolina 28307

1. You are hereby notified that a line of duty investigation to inquire into the facts and circumstances surrounding the injuries you sustained in an automobile accident on 10 July 0000 will be held at 0900 hours, on 25 July 0000, in Room 15 of the Post Administration Building. Your presence at this hearing is required.

2. The following individuals will be called as witnesses:

Pvt David R. Johnson, RA 26893476 (SSAN:)
Mr. John W. Wills
Deputy William Ray

3. You may call additional witnesses and present evidence on your own behalf if you so desire.

4. You will acknowledge receipt of this notification by return indorsement not later than 23 July 0000.

/s/ James A. Jones
/t/ JAMES A. JONES
Captain, Inf
Investigating Officer

Copy furnished:
CO, Co C
180th Abn Inf Regt

APPENDIX C

STATEMENT BY ACCUSED OR SUSPECT PERSON <small>(AR 195-10)</small>			
PLACE Danville, Virginia	DATE 3 July 0000	TIME 1600	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME Johnson, David R.	SOCIAL SECURITY ACCOUNT NO.		GRADE Pvt E-2
ORGANIZATION OR ADDRESS Co C, 180th Abn Inf Regt, USAR, Fort Bragg, North Carolina			
PART I - WAIVER CERTIFICATE			
I HAVE BEEN INFORMED BY <u>Captain James A. Jones</u> of the United States Army			
THAT HE WANTS TO QUESTION ME ABOUT the death of Sergeant John C. Smith OF WHICH I AM ACCUSED OR SUSPECTED. HE HAS ALSO INFORMED ME OF MY RIGHTS.			
I UNDERSTAND THAT I HAVE THE RIGHT TO REMAIN SILENT AND THAT ANY STATEMENT I MAKE MAY BE USED AS EVIDENCE AGAINST ME IN A CRIMINAL TRIAL.			
I UNDERSTAND THAT I HAVE THE RIGHT TO CONSULT WITH COUNSEL AND TO HAVE COUNSEL PRESENT WITH ME DURING QUESTIONING. I MAY RETAIN COUNSEL AT MY OWN EXPENSE OR COUNSEL WILL BE APPOINTED FOR ME AT NO EXPENSE TO ME. IF I AM SUBJECT TO THE UNIFORM CODE OF MILITARY JUSTICE, APPOINTED COUNSEL MAY BE MILITARY COUNSEL OF MY OWN CHOICE IF HE IS REASONABLY AVAILABLE.			
I UNDERSTAND THAT EVEN IF I DECIDE TO ANSWER QUESTIONS NOW WITHOUT HAVING COUNSEL PRESENT, I MAY STOP ANSWERING QUESTION AT ANY TIME. ALSO, I MAY REQUEST COUNSEL AT ANY TIME DURING QUESTIONING.			
I (DO) (DO NOT) WANT COUNSEL.			
I (DO) (DO NOT) WANT TO MAKE A STATEMENT AND _____ ANSWER QUESTIONS. (Signature of Person To Be Questioned)			
INTERROGATOR: _____ (Signature)		WITNESS: _____ (Signature)	
<u>JAMES A. JONES</u> Co C, 180th Abn Inf Regt (Typed Name and Organization)		(Typed Name and Organization)	
PART II - SWORN STATEMENT			
I, <u>David R. Johnson</u> WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:			
We were driving north on Route 29 about 5 miles from Danville in Sergeant Smith's car when a large trailer-truck coming from the opposite direction crossed over the center line of the highway and forced us off the road. Our car ran into a large tree and was almost completely demolished. The men in the car behind us pulled me out of the wreck, but Sergeant Smith and Private James were pinned in the wreckage. It wasn't until a wrecker came from Danville that they could be removed.			
Q. Was Sergeant Smith driving the car? A. No sir, Private James was driving. Sergeant Smith had said he was too tired to drive.			
Q. Was James responsible in any way for the accident? A. No sir. He was in line in the convoy and the truck suddenly crossed the road in front of us. He couldn't avoid being hit.			
////////////////////END OF STATEMENT////////////////////			
<h1>SAMPLE</h1>			
EXHIBIT	INITIALS OF PERSON MAKING STATEMENT		PAGE 1 OF 2* PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LIN- ED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.			

DA FORM 2820 OCT 67 REPLACES DA FORM 19-24, 1 SEP 62, WHICH IS OBSOLETE. *Second page not shown.
Statement.

REPORT OF INVESTIGATION
LINE OF DUTY AND MISCONDUCT STATUS
(AR 600-10 or AFR 35-67)

5 July 0000

1. INVESTIGATION OF <input checked="" type="checkbox"/> INJURY <input type="checkbox"/> DISEASE <input type="checkbox"/> DEATH			3. STATUS a. <input type="checkbox"/> REGULAR OR EAD		
2. TO: (Major Army or Air Force Commander) Commanding General Third US Army Fort McPherson, Georgia			b. CALLED OR ORDERED TO AD FOR (1) <input type="checkbox"/> MORE THAN 30 DAYS (2) <input checked="" type="checkbox"/> 30 DAYS OR LESS		
4. LAST NAME - FIRST NAME - MIDDLE INITIAL James, Robert H. (SSAN:		5. SERVICE NUMBER RA 52756879	6. GRADE Pfc		
7. ORGANIZATION AND STATION OF INDIVIDUAL Co C, 180th Abn Inf Regt, USAR, Fort Bragg, North Carolina			d. <input checked="" type="checkbox"/> SHORT TOUR OF ACTIVE DUTY FOR TRAINING		
8. OTHER MILITARY PERSONNEL INVOLVED IN THE SAME INCIDENT (Last Name - First Name - Middle Initial)			DURATION (Applies ONLY to 3c and 3d)		
Smith, John C.		ER35268732	GRADE	LOD INVESTIGATION MADE	
Johnson, David R.		ER26893476	Pvt	YES	NO
				X	
				X	
9. BASIS FOR FINDINGS (As determined by investigation)			START 14 Jun 00 0001		
a. CIRCUMSTANCES (1) HOUR 1600 (2) DATE 28 June 0000			FINISH 28 Jun 00 2400		
(3) PLACE 5 miles south of Danville, Va., on U. S. Route 29.					
b. MEDICAL DIAGNOSIS Crushed right femur; multiple lacerations and contusions.					
c. <input checked="" type="checkbox"/> WAS <input type="checkbox"/> WAS NOT PRESENT FOR DUTY (Do not complete e and f in death cases) e. INTENTIONAL MISCONDUCT OR NEGLIGENCE <input type="checkbox"/> WAS <input checked="" type="checkbox"/> WAS NOT THE PROXIMATE CAUSE					
d. ABSENT <input type="checkbox"/> WITH <input type="checkbox"/> WITHOUT AUTHORITY f. <input checked="" type="checkbox"/> WAS <input type="checkbox"/> WAS NOT MENTALLY SOUND					
g. REMARKS Private James was driving the personal car of Sergeant Smith in convoy returning to home station from two weeks' active duty for training at Fort Bragg, N. C. Sergeant Smith, Private James, and Private Johnson were authorized to travel by privately-owned automobile. The car was forced from the highway by a trailer-truck coming from the opposite direction on the wrong side of the highway. Sergeant Smith was killed in the accident, Private James was severely injured, and Private Johnson received minor scratches and bruises. Private James has been furnished a full copy of the report of investigation. All witnesses to the accident were interrogated.					
10. FINDINGS (Do not complete in death cases) <input checked="" type="checkbox"/> IN LINE OF DUTY <input type="checkbox"/> NOT IN LINE OF DUTY - NOT DUE TO OWN MISCONDUCT <input type="checkbox"/> NOT IN LINE OF DUTY - DUE TO OWN MISCONDUCT			ORGANIZATION AND STATION OF INVESTIGATING OFFICER HHC, 82d Abn Div, Fort Bragg North Carolina. SIGNATURE AND TYPED NAME OF INVESTIGATING OFFICER JAMES A. JONES <i>James A. Jones</i> GRADE Captain BRANCH Infantry SERVICE NUMBER 01268476		
ACTION BY APPOINTING AUTHORITY HEADQUARTERS DATE <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED (Reasons and substituted findings are on reverse)			ACTION BY REVIEWING AUTHORITY HEADQUARTERS XVIII Abn Corps DATE Ft Bragg, North Carolina 10 July 0000 <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED (Reasons and substituted findings are on reverse)		
SIGNATURE AND TYPED NAME Same as Reviewing Authority			SIGNATURE AND TYPED NAME LOUIS J. JACKSON <i>Louis J. Jackson</i> GRADE Colonel BRANCH AGC SERVICE NUMBER 029479		
FOR ACTION OF OFFICE INDICATED IN ITEM 2					

DD FORM 261
1 OCT 55

REPLACES EDITION OF 1 AUG 68. EXISTING SUPPLIES
OF WHICH WILL BE USED UNTIL EXHAUSTED.

CHAPTER 10

DISPOSAL OF EFFECTS OF DECEASED MILITARY MEMBERS

10-1. References.

- a. Uniform Code of Military Justice (UCMJ).
- b. DA Pam 27-187.
- c. DA Pam 608-4.
- d. AR 310-10.
- e. AR 638-5.
- f. AR 643-50.
- g. 10 U.S.C. §§ 4711, 4712.

10-2. Forms and Guides.

- a. DA Form 54.
- b. DA Form 2496.
- c. DD Form 1076.

10-3. Discussion.

a. The disposition of personnel effects of deceased, missing, or medically evacuated military personnel outside combat areas is governed by AR 643-50. AR 643-55 is applicable in combat areas where the major commander concerned determines that the military situation prevents the normal handling and disposition of the personal effects.

b. In case of the death of any person subject to military law, the commanding officer of the place where the deceased's effects are located will cause those effects in camp or quarters to be collected, screened for offensive material or government property and inventoried. He will then permit the legal representative or widow of the deceased, if present, to take possession of the effects. If no legal representative or widow is present, the commanding officer will direct the appointment of a summary court-martial to secure the effects, collect money owed the deceased, and pay undisputed local debts of the deceased to the extent permitted by money of the deceased in the court's possession.

10-4. Procedure.

The legal clerk's function in dealing with disposal of personal effects is normally limited

to preparing the summary court-martial appointing order and a disposition form (DA Form 2496) to have the local daily bulletin publish the announcement of the appointment. The summary court-martial appointing order for this purpose is identical in format to the order used when appointing a summary court-martial for the trial of cases. See paragraph 58b(2)(c) and (3), AR 310-10, as a guide for appointment in this situation. The summary court officer is never appointed by a letter or special order.

Note. The powers granted a summary court-martial properly appointed under Articles 20 and 24, UCMJ, are not restricted to a particular act or duty, even if through inadvertence the appointing orders so state. The court is empowered to try all cases referred for trial in addition to its function under AR 643-50. However, if it is known within the command that this particular summary court-martial was appointed under the requirements of AR 643-50, the normal policy is to avoid referring to it any court-martial cases for trial. The summary court-martial's appointment terminates when he departs the appointing authority's jurisdiction.

10-5. Forms and Publications—Availability.

a. In both combat and non-combat situations the G-1 or Adjutant's Office will normally furnish necessary forms and the administrative support to complete the action once the summary court-martial has been appointed.

b. The legal clerk at an installation outside a combat area should keep a sufficient number of copies of DA Pamphlet 608-4, which is used by the Survivor Assistance Officer in assisting survivors of the deceased member. This pamphlet may be requisitioned through normal AG Publications supply outlets. The legal clerk should familiarize himself with this pamphlet so that he can render assistance to the Survivor Assistance Officer if requested. He should also have a copy of chapter 11, DA Pam 27-187, available for the Legal Assistance Officer.

Headquarters
3d Artillery Brigade
Fort Bliss, Texas

COURT-MARTIAL CONVENING ORDER
NUMBER 14

17 May 1964

Effective this date, LTC Rip N. Rack, O95 302 (SSAN:),
Artillery, this headquarters, is convened a summary court-martial.

BY ORDER OF COLONEL SWEARIN:

Substitute word "order" for
word "command" if convening
authority is below grade of
Brigadier General

OFFICIAL:

ALLAN R. FEAN
Major, Arty
Adjutant

If convening authority is
general officer, chief of
staff, rather than adju-
tant signs

See para. 10c(6), AR
310-10, on avoiding
duplication of signa-
tures

ERNEST TOWNES
CWO, W-4, USA
Asst AG

See para. 59a, AR 310-10,
for distribution

DISTRIBUTION:
1 - ea indiv in order
1 - GCM auth
1 - ea RT

(or)

1 - LTC Rack
Hq 3d Arty Bde
1 - CG, 98th Inf Div
ATTN: SJA
1 - ea Rec Trial

This provides information on the various facets of survivors' benefits. The Legal Assistance Officer will often work closely with the Survivor Assistance Officer in advising the adult next of kin of deceased military personnel.

By Order of the Secretary of the Army:

Official:

KENNETH G. WICKHAM,
*Major General, United States Army,
The Adjutant General.*

W. C. WESTMORELAND,
*General, United States Army,
Chief of Staff.*

Distribution:

To be distributed in accordance with DA Form 12-9 requirements for AR, Legal Services:

Active Army—"A" (qty rqr block #50).

NG—"B" (qty rqr block #51).

USAR—"A" (qty rqr block #50).