

## § 751.14

046370, paragraph 2 or in superseding messages, if applicable.

### § 751.14 Partial payments.

(a) *Partial payments when hardship exists.* When claimants need funds to feed, clothe, or house themselves and/or their families as a result of sustaining a compensable loss, the adjudicating authority may authorize a partial payment of an appropriate amount, normally one-half of the estimated total payment. When a partial payment is made, a copy of the payment voucher and all other information related to the partial payment shall be placed in the claim file. Action shall be taken to ensure the amount of the partial payment is deducted from the adjudicated value of the claim when final payment is made.

(b) *Marine hardship payments.* The Marine claimant's Transportation Management Office (TMO) shall ensure compliance with all requirements of § 751.14(a), and may request authority for payment by message from the Commandant of the Marine Corps (MHP-40).

(c) *Effect of partial payment.* Partial payments are to be subtracted from the adjudicated value of the claim before payment of the balance due. Overpayments are to be promptly recouped.

### § 751.15 Reconsideration and appeal.

(a) *General.* When a claim is denied either in whole or in part, the claimant shall be given written notification of a the initial adjudication and of the right to submit a written request for reconsideration to the original adjudicating authority within 6 months from the date the claimant receives notice of the initial adjudication of the claim. If a claimant requests reconsideration and if it is determined that the original action was erroneous or incorrect, it shall be modified and, when appropriate, a supplemental payment shall be approved. If full additional payment is not granted, the file shall be forwarded for reconsideration to the next higher adjudicating authority. The next higher adjudicating authority may be the commanding officer of the Naval Legal Service Office if a properly delegated subordinate has acted initially on the claim. For claims origi-

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nally adjudicated by the commanding offer, the files will be forwarded to the Judge Advocate General for final action. The claimant shall be notified of this action either by letter or by copy of the letter forwarding the file to higher adjudicating authority. The forwarding letter shall include a synopsis of action taken on the file and reasons for the action or denial, as well as a recommendation of further action or denial.

(b) *Files forwarded to JAG.* For files forwarded to JAG in accordance with § 751.15(a), the forwarding endorsement shall include the specific reasons why the requested relief was not granted and shall address the specific points or complaints raised by the claimant's request for reconsideration.

(c) *Appeals procedure for claims submitted by Marine Corps personnel.* Where any of the Marine Corps adjudication authorities listed in § 751.8(b) fail to grant the relief requested, or otherwise resolve the claim to the satisfaction of the claimant, the request for reconsideration shall be forwarded together with the entire original file and the adjudicating authority's recommendation, to the Judge Advocate General.

## §§ 751.16-751.20 [Reserved]

### Subpart B—Demand On Carrier, Contractor, or Insurer

#### § 751.21 Scope of subpart B.

Subpart B addresses the recovery process for loss or damage occurring during the storage or transport of household goods and other personal property for which military personnel and civilian employees were paid under the provisions of 31 U.S.C. 3721. The authority for pursuing recovery action is found at 31 U.S.C. 3711.

#### § 751.22 Carrier recovery: In general.

(a) *Responsibility.* Recovery of amounts due for personal property lost or damaged while in transit or in storage at Government expense is a joint Personal Property Office/Naval Legal Service Office responsibility. In order to establish liability and to effectively pursue a recovery claim against a carrier, warehouseman, or other third party, it is essential that all required

action be accomplished in an expeditious manner. Failure of the property owner or any Government agent to exercise diligence in the performance of duties may render collection of the claim impossible and thereby deprive the Government of rightful revenue. Claims approving and settlement authorities will ensure that all actions required of the property owner and naval personnel are accomplished promptly.

(b) *Elements of collection.* There are four elements in the successful assertion and collection of a recovery claim. They are:

- (1) Proving that a transit loss occurred;
- (2) Determining who had responsibility for the goods at the time of the transit loss;
- (3) Calculating the amount of damages; and
- (4) Pursuing the responsible party or parties vigorously.

#### § 751.23 Responsibilities.

(a) *Notice of loss.* Claims office personnel must ensure that Notice of Loss or Damage, DD Form 1840R, is properly completed and dispatched to the liable third party or parties within 75 days of delivery of the property.

(b) *Counseling of claimant.* Claims office personnel should coordinate with the local personal property office to ensure proper counseling regarding potential claim procedures.

(c) *Documents.* Claims office personnel must obtain from the claimant or from the transportation office the following documents needed to process recovery actions:

- (1) A copy of the GBL or other document used for shipment or storage.
- (2) A copy of the inventory.
- (3) A copy of the DD Form 1840 and DD Form 1840R.
- (4) Where storage in transit was extended from 180 days to 270 days, a copy of the authorization from the transportation office allowing this extension at Government expense.
- (5) Where storage converted from Government paid storage to storage at owner's expense, a copy of the claimant's contract with the warehouse.
- (6) When necessary, a copy of DD Form 1164, Service Order for Personal

Property, from the transportation office.

(7) When necessary, DD Form 619-1, Statement of Accessorial Services Performed, from the transportation office.

(d) *Carrier inspection.* Claims office personnel should inform claimants that the carrier has the right to inspect damaged goods within 75 days of delivery, or 45 days of dispatch of DD Form 1840R, whichever is later, and that damaged items must be held out for carrier inspection during that period. Essential items such as washer, dryer, television etc., may be repaired prior to that time if necessary.

(e) *Repair estimates.* Claims personnel must ensure that repair estimates describe the specific location and damage claimed and that the same damage is claimed on DD Form 1844, Schedule of Property and Claims Analysis Chart. Repair estimates that merely note "refinished" or "repaired" are not acceptable.

(f) *DD Form 1844.* Claims personnel must ensure that DD Form 1844 is properly completed with the nature and extent of the loss or damage to each item fully described, the correct inventory numbers supplied, and correct item weights utilized from the Military-Industry Table of Weights (when these weights are required for the code of service involved).

(g) *Demands on third parties.* Claims personnel must ensure that written demands against appropriate third parties are prepared as described in § 751.26 and § 751.27. No demand will be made where it conclusively appears that the loss or damage was caused solely by Government employees or where a demand would otherwise be clearly improper under the circumstances. If it is determined that a demand is not required, a brief written statement setting forth the basis for this determination will be included on the chronology sheet. Pursuant to the Joint Military-Industry Agreement on Claims of \$25.00 or Less, claims of \$25.00 or less will not be pursued because administrative costs outweigh recovery proceeds.

#### § 751.24 Notice of loss or damage.

(a) *Exceptions.* The claimant is required to take exceptions and note any loss of damage at the time of delivery