

§ 842.38

§ 842.38 Delegations of authority.

(a) *Settlement authority*: (1) These individuals have delegated authority to settle, compromise, suspend, or terminate action on claims for \$20,000 or less and to accept full payment on any claim:

- (i) The Judge Advocate General.
- (ii) The Deputy Judge Advocate General.
- (iii) The Director of Civil Law.
- (iv) Chief, Deputy Chief, and Branch Chiefs, Claims and Tort Litigation Staff.
- (v) The SJAs of HQ PACAF, HQ USAFE, and HQ 9AF (for HQ CENTCOM).

(2) These individuals have delegated authority to settle, compromise, suspend, or terminate action on claims for \$15,000 or less and to accept full payment on any claim:

- (i) SJAs of GCMs in PACAF and USAFE.
- (ii) SJAs of single base GCMs.
- (3) SJAs of each Air Force base, station, or fixed installation have delegated authority to settle, compromise, suspend, or terminate action on claims for \$10,000 or less and to accept full payment on any claim.

(b) *Redelegation of authority*. An individual with settlement authority may redelegate this authority, in writing, to a subordinate judge advocate or civilian attorney.

(c) *Authority to reduce, withdraw, or restore settlement authority*. Any superior settlement authority may reduce, withdraw, or restore settlement authority.

§ 842.39 Statute of limitations.

(a) International commercial air shipments. The government must file suit within 2 years after the delivery date. The period for notifying these carriers of loss or damage is 3 days for luggage, and 7 days for other goods. Setoff is not possible in these cases. Uncollectible claims are sent to HQ USAF/JACC within 6 months from the date of delivery.

(b) *All other CR claims*. The government must file suit within 6 years after the cause of action accrues. It accrues when a responsible US official, service member, or employee knew or reasonably should have known the material

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facts that caused the claimed loss. The requirement to file a claim within 9 months under commercial bills of lading does not apply to GBLs.

Subpart F—Military Claims Act (10 U.S.C. 2733)

§ 842.40 Scope of this subpart.

This subpart explains how to settle claims made against the United States for property damage, personal injury, or death caused by military personnel or civilian employees of the Air Force acting in the scope of their employment or otherwise incident to the Air Force's noncombat activities.

§ 842.41 Definitions.

(a) *Appeal*. A request by the claimant or claimant's authorized agent to re-evaluate the final decision. A request for reconsideration and an appeal are the same for the purposes of this subpart.

(b) *Final denial*. A letter mailed from the settlement authority to the claimant or authorized agent advising the claimant that the Air Force denies the claim.

(c) *Noncombat activity*. Activity, other than combat, war or armed conflict, that is particularly military in character and has little parallel in the civilian community.

§ 842.42 Delegations of authority.

(a) *Settlement authority*: (1) The Secretary of the Air Force has delegated authority to:

- (i) Settle claims for \$100,000 or less.
- (ii) Settle claims for more than \$100,000, paying the first \$100,000 and reporting the excess to the General Accounting Office for payment.
- (iii) Deny a claim in any amount.
- (2) The Judge Advocate General has delegated authority to settle claims for \$100,000 or less and deny claims in any amount.

(3) The following individuals have delegated authority to settle claims for \$25,000 or less and deny claims in any amount:

- (i) The Deputy Judge Advocate General.
- (ii) The Director of Civil Law.