

Coast Guard, DHS

§ 25.111

(b) A joint claim must be presented in the names of and signed by, the joint claimants, and the settlement must be made payable to the joint claimants.

(c) A claim may be presented by a duly authorized agent, legal representative or survivor, if it is presented in the name of the claimant. If the claim is not signed by the claimant, the agent, legal representative, or survivor shall indicate their title or legal capacity and provide evidence of their authority to present the claim.

(d) Where the same claimant has a claim for damage to or loss of property and a claim for personal injury or a claim based on death arising out of the same incident, they must be combined in one claim.

§ 25.109 Insurance and other subrogated claims.

(a) The claims of an insured (subrogor) and an insurer (subrogee) for damages arising out of the same incident constitute a single claim. The total award of combined claims may not exceed the monetary jurisdiction of the settlement authority. If the total award of the combined claims exceeds, or is expected to exceed, a settlement authority's limits, the settlement authority is not permitted to consider either, and the claim file will be forwarded to an appropriate settlement authority.

(b) An insured (subrogor) and an insurer (subrogee) may file a claim jointly or separately. If the insurer has fully reimbursed the insured, payment will only be made to the insurer. If separate claims are filed, the settlement will be made payable to each claimant to the extent of that claimant's undisputed interest. If joint claims are filed, the settlement will be sent to the insurer.

(c) Each claimant shall include with a claim, a written disclosure concerning insurance coverage including:

- (1) The names and addresses of all insurers;
- (2) The kind and amount of insurance;
- (3) The policy number;
- (4) Whether a claim has been or will be presented to an insurer, and, if so, the amount of that claim; and whether the insurer has paid the claim in whole

or in part, or has indicated payment will be made.

(d) Each subrogee shall substantiate an interest or right to file a claim by appropriate documentary evidence and shall support the claim as to liability and measure of damages in the same manner as required of any other claimant. Documentary evidence of payment to a subrogor does not constitute evidence of liability of the United States or conclusive evidence of the amount of damages. The settlement authority makes an independent determination on the issues of fact and law based upon the evidence of record.

(e) An insurance or other subrogated claim is not payable under Subpart E, F, or G of this part.

§ 25.111 Action by claimant.

(a) *Form of claim.* The claim must meet the requirements of § 25.113. Authorized forms are available from the offices indicated in § 25.103.

(b) *Presentation.* Whenever possible the claim must be presented to the geographically appropriate Coast Guard Maintenance and Logistics Command. The Coast Guard Maintenance and Logistics Command Atlantic (lc) is located at 300 East Main Street, Suite 965, Norfolk, VA 23510-9113; Coast Guard Maintenance and Logistics Command Pacific (lc) is located at Coast Guard Island, Alameda, California, 94501. If that is not possible, the claim may also be presented to:

- (1) The commanding officer of the Coast Guard unit involved;
- (2) A Coast Guard unit convenient to the claimant; or
- (3) Chief, Office of Claims and Litigation, Chief Counsel, United States Coast Guard, 2100 Second Street, SW., Washington, DC, 20593.

In a foreign country, where there is no Coast Guard unit, the claim is considered presented to the Coast Guard if it is presented to the military attache of any United States embassy or consulate or to the commanding officer of any unit of the armed services of the United States.

§ 25.113

(c) *Time.* The time limits for presenting claims are contained in the following subparts addressing particular claim statutes.

[CGD 80-033, 46 FR 27109, May 18, 1981, as amended by CGD 87-008b, 52 FR 25217, July 6, 1987; CGD 97-023, 62 FR 33362, June 19, 1997; USCG-2001-9286, 66 FR 33639, June 25, 2001]

§ 25.113 Contents of claim.

(a) A claim under the Federal Tort Claims Act must be presented using Standard Form 95, Claim for Damage, Injury, or Death.

(b) A claim under any other Act may be presented using Standard Form 95. Any claim which is not presented using Standard Form 95 shall include:

(1) The identity of the department, agency, or activity whose act or omission gave rise to the claim;

(2) The full name and mailing address of the claimant. If this mailing address is not claimant's residence, the claimant shall also include residence address;

(3) The date, time, and place of the incident giving rise to the claim;

(4) The amount claimed, supported by independent evidence of property damage or loss, personal injury, or death, as applicable;

(5) A detailed description of the incident giving rise to the claim;

(6) A description of any property damage or loss, including the identity of the owner, if other than the claimant, as applicable;

(7) The nature and extent of the injury, as applicable;

(8) The full name, title, if any, and address of any witness to the incident and a brief statement of the witness' knowledge of the incident;

(9) A description of any insurance carried by the claimant or owner of the property and the status of any insurance claim arising from the incident; and

(10) An agreement by the claimant to accept the total amount claimed in full satisfaction and final settlement of the claim.

(c) A claimant or duly authorized agent or legal representative must sign in ink a claim and any amendment to that claim. If the person's signature does not include the first name, middle initial, if any, and surname, that infor-

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mation must be included in the claim. A married woman must sign her claim in her given name, e.g., "Mary A. Doe," rather than "Mrs. John Doe."

§ 25.115 Evidence supporting a claim.

The claimant shall present independent evidence to support a claim. This evidence may include, if available, statements of witnesses, accident or casualty reports, photographs and drawings.

§ 25.117 Proof of amount claimed for personal injury or death.

The following evidence must be presented when appropriate:

(a) Itemized medical, hospital, and burial bills.

(b) A written report by the attending physician including:

(1) The nature and extent of the injury and the treatment,

(2) The necessity and reasonableness of the various medical expenses incurred,

(3) Duration of time injuries prevented or limited employment,

(4) Past, present, and future limitations on employment,

(5) Duration and extent of pain and suffering and of any disability or physical disfigurement,

(6) A current prognosis,

(7) Any anticipated medical expenses, and

(8) Any past medical history of the claimant relevant to the particular injury alleged.

NOTE: An examination by an independent medical facility or physician may be required to provide independent medical evidence against which to evaluate the written report of the claimant's physician. The settlement authority determines the need for this examination, makes mutually convenient arrangements for such an examination, and bears the costs thereof.

(c) All hospital records or other medical documents from either this injury or any relevant past injury.

(d) If the claimant is employed, a written statement by the claimant's employer certifying the claimant's:

(1) Age,

(2) Occupation,

(3) Hours of employment,

(4) Hourly rate of pay or weekly salary,