



OFFICE OF THE STAFF JUDGE ADVOCATE
101ST AIRBORNE DIVISION (AIR ASSAULT) AND FORT CAMPBELL
CLAIMS DIVISION
(270) 798-5011



ARTICLE 139 CLAIMS

1. **What is Article 139?** Article 139 of the UCMJ allows commanders to investigate claims filed by victims of a wrongful taking or the willful destruction of property committed by Soldiers and, if substantiated, to direct finance to pay the victim directly from the wrongdoer's pay. Article 139 is entirely separate from disciplinary action taken under other sections of the UCMJ.

2. **What kind of claims are payable under Article 139?**

a. **Claims that a Soldier willfully damaged your property.** This includes damage inflicted intentionally, knowingly, and purposefully without justifiable excuse. Also includes damage caused by violent, or disorderly acts, or through conduct showing reckless or wanton disregard of the property rights of others. It does not include damage caused inadvertently or thoughtlessly through negligence.

b. **Claims that a Soldier wrongfully took your property.** This includes any unauthorized taking or withholding of property with the intent to temporarily or permanently deprive the owner or person lawfully in possession of the property.

3. **What is not payable under Article 139?** Claims arising from negligent acts or omissions, acts or omissions by military personnel acting within their scope of employment, conduct of reserve component personnel who were not subject to the UCMJ at the time of the offense, claims for personal injury or wrongful death, claims for theft of services, subrogated claims, or claims for indirect, or consequential, damages.

4. **How do I file a claim?**

a. Complete attached claim form, describing your claim and requesting a specific amount of money.

b. Present claim form to the Claims Office or your brigade legal office. The person receiving the form will ensure it gets to the Special Court Martial Convening Authority (SPCMCA) who has jurisdiction over the Soldier(s) against whom the claim is made.

c. If the claim appears cognizable, the SPCMCA will appoint an investigating officer. The Soldier against whom the claim is made will be given the opportunity to make voluntary restitution of the claim. In the absence of full restitution, the investigating officer will investigate the claim and make findings and a recommendation for the SPCMCA.

d. The Approval Authority (level depends on the amount of money to be paid) may disapprove the claim or approve it in an amount equal to or less than the amount recommended by the investigating officer.

e. The Approval Authority will notify the claimant and the Soldier against whom the claim was made of the determination and their right to request reconsideration.

f. If the Approval Authority approves payment of the claim, he will direct the Defense Accounting Officer to withhold the approved amount from the pay of the Soldier offender.

5. **Time Limitation.** A claimant must file within 90 days of the incident giving rise to the claim unless there is good cause for delay. Good cause generally includes being unaware of Article 139 or the identity of the offender.