



Department of Defense

DIRECTIVE
AD-A271 787



September 12, 1990
NUMBER 5515.9

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SUBJECT: Settlement of Tort Claims

GC, DoD

- References:
- (a) DoD Directive 5515.9, "Settlement of Claims Under the Provisions of the Federal Tort Claims Act (28 U.S.C. 2671-2680) (Delegation to the Secretary of the Army)," November 15, 1961 (hereby canceled)
 - (b) Title 28, United States Code, Sections 1346(b), 2671-2680 ("Federal Tort Claims Act")
 - (c) Title 10, United States Code, Section 113

A. REISSUANCE AND PURPOSE

This Directive:

1. Reissues reference (a).
2. Establishes policy for the administrative processing and, where appropriate, the settlement of claims filed under reference (b) against DoD Components other than the Military Departments.
3. Delegates authority, pursuant to reference (c), to the Secretary of the Army to process and, where appropriate, settle claims pursuant to this Directive.

B. APPLICABILITY

This Directive applies to the Office of the Secretary of Defense (OSD); the Military Departments; the Chairman, Joint Chiefs of Staff and Joint Staff; the Unified and Specified Commands; the Inspector General of the Department of Defense (IG, DoD); the Defense Agencies; and DoD Field Activities (hereafter referred to collectively as "DoD Components").

C. POLICY

It is DoD policy that:

1. Claims filed under reference (b) arising from the acts or omissions of civilian personnel of DoD Components other than the Military Departments shall be processed and, if appropriate, administratively settled pursuant to this Directive.

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2. DoD personnel shall cooperate in the processing of claims pursuant to this Directive, including providing such assistance as the DoD Component processing the claims reasonably requests.

D. RESPONSIBILITIES

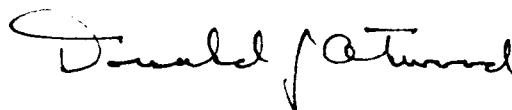
1. The Secretary of the Army shall, pursuant to 10 U.S.C. 113 (reference (c)) and on behalf of the Secretary of Defense, process and, where appropriate, settle claims that are filed under the Federal Tort Claims Act (reference (b)) and arise out of the acts or omissions of civilian personnel of DoD Components other than the Military Departments who, as determined by the Secretary of the Army, are acting within the scope of their official duties.

2. The Secretary of the Army may redelegate the responsibility assigned by subsection D.1., above, to personnel of the Department of the Army who are authorized under the regulations promulgated by the Secretary of the Army to settle claims under reference (b) against the Department of the Army.

3. The Heads of DoD Components (other than the Departments of the Air Force and Navy), when personnel of their Components are involved in incidents generating claims under this Directive, shall, upon the request of the Secretary of the Army, assist in the investigation and processing of such claims in accordance with regulations promulgated by the Secretary of the Army. The Secretary of the Army may designate DoD Components providing such assistance as "claims processing offices" and attorneys or other personnel of DoD Components providing such assistance as "claims officers."

E. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. Forward one copy of implementing documents to the General Counsel of the Department of Defense within 120 days.



Donald J. Atwood

DEPARTMENT OF DEFENSE DIRECTIVES SYSTEM TRANSMITTAL

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ATTACHMENTS

None

INSTRUCTIONS FOR RECIPIENTS


The following pen change to DoD Directive 5515.9, "Settlement of Tort Claims," September 12, 1990, is authorized:

PEN CHANGE

Header in upper right corner. Change "Septembet" to "September"

EFFECTIVE DATE

The above change is effective immediately.


JAMES L. ELMER
 Director
 Correspondence and Directives

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WHEN PRESCRIBED ACTION HAS BEEN TAKEN, THIS TRANSMITTAL SHOULD BE FILED WITH THE BASIC DOCUMENT