

Article 139 Claims

If a Servicemember deliberately damages or destroys your property, you are entitled to compensation, directly from the guilty Servicemember. Article 139, UCMJ, provides an easy, effective way for victims of deliberate misconduct to obtain compensation for their losses.

The Process:

- To start the recovery, the victim submits a written demand for a specific dollar amount of compensation to the commander of the accused Servicemember.
 - It is sufficient to submit a simple letter that states the following:
 - The identity of the guilty Servicemember;
 - An explanation of how the loss occurred; and
 - The amount of the loss or damage.
 - The amount should be substantiated with either estimates of repair or replacement cost.
 - If there are any witnesses, it is also helpful to include a statement from them too, or at least provide their names and contact information.
- You must submit a written demand promptly. Generally, it must be submitted within 90 days of the incident. An unreasonable delay may result in the claim being denied.
- An Article 139 claim is an administrative action and is independent of any other criminal action against a Servicemember. There is no reason to delay filing or processing the Article 139 claim, even if criminal charges are pending.
- Finally, the claim can only be for personal property damage. Physical injuries and damage to real estate are not payable under Article 139. Contract disputes, such as arguments over a family childcare contract or the sale of a privately owned vehicle, are also outside the scope of Article 139.

Remember, each case is unique. This summary provides you with general information only. The procedures and requirements for Article 139 may be found in Army Regulation 27-20, Chapter 9. For more information, you may contact the Netherlands Law Center, Claims Office at: DSN 360-7683 or Commercial +31 (0) 46-443-7683.