

**Forest Service Handbook  
National Headquarters - Washington Office  
Washington, DC**

**Forest Service Handbook 6509.11h – Service-Wide Claims Management Handbook  
Chapter 20 - Administrative Claims for the Government**

**Amendment:** 6509.11h-1992-1

**Effective date:** September 04, 1992

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**Approved by:**

**Date approved:**

**Responsible Staff:**

**Last Change:**

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**29 - Exhibit 01**

**29 - EXHIBIT 01 IS A SEPARATE DOCUMENT.**

**29 - Exhibit 02**Sample Damage Calculation - Timber

	<u>Formula</u>	<u>Example</u>
Volume (identified as to Species, Product, Grade and/or Quality)	- - - - -	.8 MBF
Value (from Table of Values)	x \$ _ _ _	x \$ 200
Subtotal	\$ _ _ _	\$ 160
Penalties (if any)	+ _ _ _ _	+ 320
Willful Damages	= \$ _ _ _	\$ 480
Adjustments (if any)	- _ _ _ _	- 50
sale of material		\$ 430
Costs (if any)	+ _ _ _ _	+ -0-
Amount Due Government	= _ _ _ _	\$ 430
Interest (when applicable)	+	

For example: A woodcutter cut a live Douglas-fir tree of sawlog quality and bucked it into firewood. The cutter did not have a permit and was cutting along a Forest Service road outside of any allowable woodcutting area. The wood was seized and sold by the District for \$50. Assume the table of values identified the stumpage value of DF as \$200/MBF. Interest at the applicable quarterly Department of Treasury rate would apply 30 days from the billing. Interest, administrative costs, and a penalty charge is assessed in accordance with the direction in Chapter 24.

**29 - Exhibit 03**

Sample Demand Letter For Fire Trespass

January 2, 1986

Mr. Joe Burns  
P.O. Box 13  
Woodsy, Utah 84573

Dear Mr. Burns:

On August 18, 1985, a wildfire occurred on the XYZ Ranger District of the Smokey National Forest. The fire, named the Bob Fire, resulted from a signal fire which you built and left unattended that subsequently escaped and burned approximately 300 acres of Smokey National Forest land. Leaving the signal fire unattended was negligent, and your negligence caused the wildfire. Therefore, you are liable for fire suppression costs incurred by the Forest Service totaling \$6,622.00.

Payment is due the Forest Service upon receipt of this letter and enclosed Bill for Collection, but no later than January 31, 1986. Please make your payment by money order, bank draft, or check, payable to the Forest Service, USDA. Please mail your payment, along with the white copy of the enclosed Bill for Collection to (insert the appropriate lock-box address). A pre-addressed envelope is enclosed for your convenience.

If you have homeowner's insurance, you may want to refer this bill to your insurance company.

Please contact me immediately if you believe that you are not responsible for these damages or if you wish to discuss alternative payment arrangements. My telephone number is (801) 776-8888.

If this bill is not paid in full by the due date, you will be charged interest at the Department of Treasury rate in effect on the date of the bill's issue or at the prompt payment rate, whichever is higher, calculated from the date of the bill's issue. Additionally, you will be charged an administrative cost amount to cover processing and handling the overdue debt. Finally, if this bill is not paid in full by 90 days after the due date, in addition to the interest and administrative costs, you will be charged a penalty of 6 percent per year on any principle amount overdue 90 days or more, calculated from the bill's due date.

Sincerely,

/s/ Joe Claims  
Joe Claims  
Claims Officer

Enclosure

**29 - Exhibit 04**

Examples of Parties To Bill

BILLINGS

TO WHOM

1. Campfires

- |  |                                       |
|--|---------------------------------------|
| a. A group of individuals identified as having built and used the fire.  | Bill each individual for full amount. |
| b. A group of individuals using the fire - only one individual tended it and was responsible for putting it out. | Bill only that person.                |
| c. A chartered organization, for example, the Boy Scouts of America.   | Bill the organization.                |
| d. A person using a friend's cabin with permission.  | Bill owner and friend.                |
| e. A person using a friend's cabin without permission, owner has no liability.                                   | Bill actual trespasser.               |
| f. Crew working, for example, State Dept. of Conservation builds a warming fire and improperly extinguishes it.  | Bill employer.                        |

2. Vehicles - Negligent use of cars, planes, motorcycles.

a. Cars

- |  |   |
|--|---|
| (1) Driver but not owner of vehicle - driving with owner's permission.   | Bill driver and owner.                                |
| (2) Driver not at all negligent; but recently had work done, for example, fuel line, where driver noticed smoke. | Bill person or garage that worked on car's fuel line. |
| (3) Driver drives off road and file indicates apparent but not certain suicide.                                  | Bill estate of deceased as auto insurance may cover.  |

**29 - Exhibit 04--Continued**

BILLINGS

TO WHOM

2. Vehicles - Negligent use of cars, planes, motorcycles.

a. Cars

(4) Employee driving employer's vehicle has an accident.

Bill employer.

(5) Teenage child driving parents' vehicle hits Forest Service vehicle.

Bill child driving and parent if provided by State law.

b. Planes

(1) Pilot renting plane crashes and is killed.

Bill estate as well as company owning plane.

(2) Pilot is co-owner but insurance doesn't cover pilot because of inadequate flying time. Plane crashes but no fire - pilot lit one as a signal - no locator in plane.

Bill both pilot and other owner.

3. Children - Fires set by children.

a. Age 10 and younger.

Address demand letter bill to child in care of parents.

b. Ages 11-17. (At 18, an individual is an adult).

Bill child.

c. Intentionally set (insurance policies allow maximum \$250 coverage or may be excluded entirely).

Bill child. Additionally, bill parents up to limits provided by State Law.

d. A child is known to have problems, for example, psychologically immature, educationally handicapped, or border retardation - any age recognized as dependent.

Bill parents as legal guardian.

e. A group of children playing with matches including killing or smoking out ants and chasing lizards.

Bill total costs only those with the matches or those who were in any way involved.



**29 - Exhibit 04--Continued**

<u>BILLINGS</u>	<u>TO WHOM</u>
3. Children - Fires set by children.  f. Child who is a ward of the court and in custody of Probation Dept. while boarding at Hathaway Ranch for emotionally disturbed children sets a fire.	Bill child. Public Ranch not billed though child was lacking adequate supervision. Recovery from tax-supported institution equally unlikely.
4. <u>Arson</u>  a. Individual setting fires while under the influence of drugs.	Bill trespasser making no mention of arson but emphasizing negligence instead.
b. Individual admitted setting fire.	Bill trespasser
c. Individual convicted of setting fire.	Bill individual
5. <u>Equipment and Operations Fires</u>  a. Individual welding on friend's property.	Bill welder and owner of property.
b. Employee welding.	Bill employer.
c. Contract logger on Forest Service timber sale.	Bill purchaser of sale.
d. Employee of logger driving truck.	Bill employer.
e. Operations Fires - non-negligent.	Bill purchaser of sale.
6. <u>Signal Fires</u> Two lost, half-sisters set fire -separate legal guardians but they live in one household.	Bill both women and notify legal guardians enclosing copy of demand letter.

**29 - Exhibit 04--Continued**

BILLINGS

TO WHOM

7. Dump, Trash, and Brush Fires

- |  |                         |
|--|-------------------------|
| a. Dump poorly and negligently maintained. See special-use permit.   | Bill permittee.         |
| b. Students hired to burn trash, that is, an old chair on personal property. Fire smothered and rekindled. | Bill owner of property. |
| c. Spontaneous combustion occurring in dump container if clearance has been maintained.                    | No billing.             |

8. Railroad Fires

- |   |                                |
|---|--------------------------------|
| a. Southern Pacific has the rights-of-way-special-use permit. However, Forest Service determines that it was a Western Pacific Railroad train that started the fire. Check permit to see that Southern Pacific has full responsibility for fires on its right-of-way. | Bill Southern Pacific.         |
| b. Fire originating on right-of-way due to an employee smoking.   | Bill railroad as the employer. |

9. Tracer and other Ammunition

- |   |  |
|---|--|
| a. Tracer noted.  | Bill party who shot; bill supplier.  |
| b. A father taking his son and his friend target shooting. He places the target on a mattress. Father shoots and a fire starts. | Bill father for negligently putting target on a flammable object. Bill friend whose shot started the fire. |

**29 - Exhibit 05**

First Follow-up Demand Letter

February 2, 1986

Mr. Joe Burns  
P.O. Box 13  
Woodsy, Utah 84573

Dear Mr. Burns:

On January 1, 1986, you were sent a letter and Bill for Collection requesting payment of \$6,622.00 for the fire suppression costs incurred by the Forest Service for the Bob Fire. Your payment was due upon receipt of the January 1 letter, but no later than January 31, 1986. This payment is now past due.

Enclosed is a new Bill for Collection which includes the original suppression cost of \$6622.00 plus additional charges for:

1. Late payment interest of \$49.67 for the 30-day period ending January 31, 1986; and
2. An assessment of \$30.00 for the processing and handling of this debt.

Payment is due upon receipt of this letter and enclosed Bill for Collection, but no later than March 2, 1986. Please make your payment by money order, bank draft, or check, payable to the Forest Service, USDA. Please mail your payment, along with the white copy of the enclosed Bill for Collection to the Unit Collection Officer, Smokey National Forest, P.O. Box 1, Owlville, Utah 84777.

Please contact me at (801) 776-8888 if you wish to discuss alternative payment arrangements.

Sincerely,

/s/ Joe Claims  
Joe Claims  
Claims Officer

Enclosure

**29 - Exhibit 05--Continued**

Second Follow-up Demand Letter

March 3, 1986

Mr. Joe Burns  
P.O. Box 13  
Woodsy, Utah 84573

Dear Mr. Burns:

On January 1, 1986, and February 1, 1986, you were notified by letter and accompanying Bill for Collection of your liability for the fire suppression costs incurred by the Forest Service for the Bob Fire. You have not responded with payment and this debt is now 60 days past due.

Please advise me why you have not made payment. If you are unable to pay the full amount, please complete and return the enclosed Financial Statement of Debtor so that consideration can be given to appropriate settlement actions. If you do not provide us this information, we will attempt to obtain it by other legal means. You will be billed for the costs incurred in obtaining this information.

Enclosed is a third Bill for Collection which includes 60 days accrued interest plus \$60.00 accrued administrative costs incurred for processing and handling this debt. Payment of this bill is due upon receipt of this letter, but in no case, later than April 1, 1986.

Sincerely,

/s/ Joe Claims  
Joe Claims  
Claims Officer

Enclosures

**29 - Exhibit 05--Continued**

Third Follow-up Demand Letter

April 2, 1986

Mr. Joe Burns  
P.O. Box 13  
Woodsy, Utah 84573

Dear Mr. Burns:

On January 1, 1986, February 1, 1986, and March 2, 1986, you were notified by letter with accompanying Bill for Collection of your liability for the fire suppression costs incurred by the Forest Service for the Bob Fire. Unfortunately, you have not responded to any of these payment requests. As you know, this debt is now 90 days past due.

Enclosed is a Bill for Collection that includes 90 days accrued interest plus \$90.00 accrued administrative costs incurred in processing and handling this debt. An additional penalty charge of \$99.33 is included. If we do not receive payment immediately, we must refer this debt to legal counsel for litigation through the United States Attorney. We hope that this will not be necessary and that you will send us your payment by return mail.

Sincerely,

/s/ Joe Claims  
Joe Claims  
Claims Officer

Enclosure

**29 - Exhibit 06**

Promissory Note Containing Agreement For Judgment

For value received, I promise to pay to the order of the United States Department of Agriculture, Forest Service the sum of \$\_\_\_\_\_, plus interest on the unpaid balance at the rate of \_\_\_\_\_ percent per annum in \_\_\_\_\_ monthly installments of not less than \$\_\_\_\_\_. Payments are due on the first day of each calendar month until such obligation is fully paid and will be mailed to the Unit Collection Officer, USDA Forest Service (enter mailing address). If any such installment shall remain unpaid for a period of 10 days, the entire amount of this obligation, with interest, less payments actually made, shall thereupon become immediately due and payable at the option of the United States without demand or notice, said demand and notice being hereby expressly waived.

I do hereby authorize and empower the United States Attorney for the District of (New Mexico) (Arizona), any of his assistants, or any attorney of any court of record, State or Federal, to appear for me and to enter and confess judgment against me for the entire amount of this obligation, with interest, less payments actually made, or any time after the same becomes due and payable, as herein provided, in any court of record, Federal or State; to waive the issuance and service of process upon me in any suit on this obligation; to waive any venue requirement in such suit; to release all errors that may intervene in entering upon such judgment or in issuing any execution thereon; and to consent to immediate execution of said judgment.

I hereby ratify and confirm all that said attorney may do by virtue hereof.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

**29 - Exhibit 07**

Confess Judgment Note

For value received, I promise to pay to the order of the United States Forest Service the sum of \$ \_\_\_\_\_ comprised of principal, penalty, and administrative costs, and interest on the unpaid balance at the rate of \_\_\_\_ percent per annum in equal monthly installments of \$ \_\_\_\_\_. Payments are due on the first day of each calendar month until such obligation is fully paid and will be mailed to the Unit Collection Officer, USDA Forest Service (enter mailing address). If any such installment shall remain unpaid for a period of 10 days, the entire amount of this obligation, with interest, less payments actually made, shall thereupon become immediately due and payable at the option of the United States Forest Service without demand or notice, said demand and notice being hereby expressly waived.

I do hereby authorize and empower the United States Attorney for the (enter judicial district where the debtor is found), the Attorney's assistants, or any attorney of any court of record, State or Federal, to appear for me and to enter and confess judgment against me for the entire amount of this obligation, with interest, less payments actually made, or any time after the same becomes due and payable, as herein provided, in any court of record, Federal or State; to waive the issuance and service of process upon me in any suit on this obligation; to waive any venue requirement in such suit; to release all errors that may intervene in entering upon such judgment or in issuing any execution thereon; and to consent to immediate execution of said judgment.

I hereby ratify and confirm all that said attorney may do by virtue hereof.

\_\_\_\_\_  
Promissor's Signature

\_\_\_\_\_  
Date

**29 - Exhibit 08**

Administrative Offset Against Accountable Officers

**29 - EXHIBIT 08 – IS A SEPARATE DOCUMENT**



**29 - Exhibit 09**

**Claims Against Employees Other Than Accountable Officers**

**29 - EXHIBIT 09 IS A SEPARATE DOCUMENT**

**29 - Exhibit 10**

Determination of Employee Negligence For Property Damage

**29 - EXHIBIT 10 IS A SEPARATE DOCUMENT**



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**29 - Exhibit 11--Continued**

<u>Region/Station:</u>	Time in Hours	Cost per Hour	Total Cost
12. Calculation of Interest/Penalty/Admin.	___	___	
13. Research:	___	___	
14. Discussion with OGC, WO, etc.:	___	___	
15. Preparation of Case File for DOJ:	___	___	
Preparing Letter:	___	___	
Copying:	___	___	
Postage:	___	___	
Claims Collection Litigation Report	___	___	
16. Total Regional Office/Station Cost			

**29 - Exhibit 12**

Final Debt Notice

(Third Follow-up Demand Letter)

Reply To: 6570

Date:

Mr. John Doe  
P.O. Box 123  
Phoenix, AZ 85011

CERTIFIED MAIL - RRR

Dear Mr. Doe:

We have had no response to the three letters we have sent you since date, requesting payment of the suppression costs involved in the Bob Fire. We are enclosing a revised Bill for Collection which shows accrued interest of \$\_\_\_\_, and accrued administrative charges of \$\_\_\_\_. Payment should be sent to the address indicated on the enclosed billing.

If we have not received payment by date, or you have not made satisfactory payment arrangements, we will add an additional penalty charge of 6 percent a year to this debt. If the debt remains unpaid after date, we will refer it to a private collection agency or the Department of Justice for possible litigation. Any fees we incur as the result of referring this debt to a private collection contractor will be added to the principal amount of your debt.

If you do not believe that you are liable for this debt, please provide us with a written disclaimer by date. This disclaimer should set forth all of the facts that show you are not liable. Also, provide copies of documentation to support your denial of liability.

Thank you for your prompt attention to this matter. If you have any questions you may contact me at \_\_\_\_\_.  
(telephone number)

Sincerely,