

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

**Forest Service Handbook 6509.11h – Service-Wide Claims Management Handbook
Chapter 40 - Employee Claims**

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Responsible Staff:

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Digest: Following is an explanation of the changes throughout the directive by section.

40: Makes minor editorial and formatting changes and updates cross-references. Revises and reorganizes sections, and clarifies language throughout this chapter. Specific changes are as follows:

40.1: Establishes this code to provide authorities for payment of employee claims.

41: Removes detailed direction regarding claims under the Military Personnel and Civilian Employees Claims Act.

41.04a: Changes the delegation of authority to determine, settle, and pay claims under this section from the Secretary of Agriculture to the Chief.

41.04b: Adds responsibilities of Claims Specialists.

41.04c: Establishes this code and moves direction from section 41.04b to this section. Adds responsibilities for the Regional Claims Specialist.

41.04d: Establishes this code and sets out responsibilities for the Designated Approving Official.

41.1: Changes the caption and provides direction on the requirements under the Military Personnel and Civilian Employees Act (MP&CE), some of which was previously coded to section 41.

41.1a - 41.1b: Establishes new codes and captions and provides direction on MP&CE as it relates to employee claims for house hunting trips and personal vehicle damage.

41.21: Clarifies information on who may file a claim under this section (formerly in section 41.11).

41.23: Removes the requirement that claims arising under section 41.22, paragraphs 1c and 4, be subject to a \$50.00 deductible amount borne by the claimant.

41.24: Removes information excepting the 2-year statute of limitation during time of war or armed conflict. Adds requirement for the employee to provide a statement from their supervisor as to whether a suitable Government item was available for use by the employee (para. 4).

41.25: Establishes this code and sets out direction on employee claims in emergency situations regarding personal items that are required, permitted, or not recommended.

41.33b: Revises direction on who determines the amount of allowance permitted for expenses incidental to repair.

41.33c: Changed nominal repair cost from \$10 to \$50.

41.34: Adds direction on processing claims that lack sufficient supporting documentation. Moves direction on depreciation to section 41.45.

41.43: Revises direction computing the replacement cost of an item using the Gross Domestic Product (GDP) and National Product Indices, and adds a cross-reference to a website address for calculating the GDP online.

41.44: Establishes this code and sets out direction on maximum allowable amounts and quantities.

41.45: Establishes this code and moves direction previously set forth in section 41.34 to this section. Adds direction on depreciation percentages for clothing less than 6 months old.

41.46 - 41.46i: Establishes these codes and moves direction on other special conditions previously set forth in section 41.35 through 41.35i to these sections. Adds direction regarding depreciation for furniture fabric (sec. 41.46c). Adds requirement that a claimant must first file a claim with the guarantor of damaged items that have lifetime guarantees (sec. 41.46f). Revises direction regarding claims for uniforms originally purchased with a uniform allowance (41.46g).

41.46j: Moves direction from section 41.6 to this section for Government salvage of employees' property.

41.47: Establishes this code, and moves and revises obsolete direction on household goods claims to this section.

41.48: Establishes this code and moves and revises obsolete direction on supplemental protection previously set forth in section 41.36a.

41.49: Establishes this code and moves direction to this section on occupying Government quarters previously set forth in section 41.36a, paragraph 4.

41.51: Adds direction regarding the transmittal of claims from the unit level to the Regional Office level (formerly sec. 41.41).

41.52: Revises direction regarding the review of claims at the Regional Office level, and transmittal to the Designated Approving Official. Revises direction to reflect authority of the Designated Approving Official to make determinations on claims. Removes the requirement to transmit claims exceeding \$10,000 to the Washington Office, Director of Fiscal and Public Safety for referral to the Office of the General Counsel (formerly sec. 41.42).

41.6: Moves direction from section 41.5 to this section and revises direction to reflect authority of the Designated Approving Official to make determinations of the claims.

41.7: Establishes this code and provides direction on requests for reconsideration.

41.8: Establishes this code and provides direction on notification to claimant regarding the Designated Approving Official's determination.

41.9: Establishes this code and moves to this section the direction on payment of claims previously set forth in section 41.6. Adds direction regarding amounts received from third parties for which payment has been made under this section.

41.91: Establishes this code and moves to this section the direction on payments responsibility previously set forth in section 41.61.

42.01: Establishes this code to provide authority for reimbursement to employees for property loss from fire, flood, or other casualties.

42.1: Establishes this code and moves direction to this section on requirements under the Employee Claims Act previously set forth in section 42.

43: Changes the caption from Workmen's Compensation Claims to other types of claims.

43.1: Adds reference for claims filed by SCSEP enrollees.

43.2: Adds reference for claims filed by YCC enrollees.

43.3a: Establishes this code and moves and clarifies direction regarding Office of Workers' Compensation Program claim process to this section.

43.3b: Adds section on loss of or damage to personal property which occurs in the same incident in which an employee is injured.

43.3c: Adds section on loss of or damage to Government property which occurs in the same incident in which an employee is injured.

44: Removes obsolete direction regarding claims related to commercial rental vehicles, and adds a cross-reference to chapter 30, section 34.4.

44.1: Adds direction recommending that employees purchase Collision Damage Waiver (CDW) insurance when vehicle travel occurs outside the continental United States (para. 2).

44.2: Removes this code and obsolete direction on claims for payment for damage up to deductible amounts contained in vehicle rental contracts.

44.3: Removes this code and obsolete direction on the Government's liability for dependants as passengers in Government-owned or leased vehicles.

44.6: Removes this code and obsolete direction on employee vehicles operated under a contract for hire.

44.7: Removes this code and obsolete direction on the Federal Driver's Act.

44.8: Removes this code and obsolete direction on scope of employment.

45: Revises and rennumbers the Checklist for Claims Filed Under the Military Personnel and Civilian Employee's (MP&CE) Claims Act of 1964 and The Employee Claims Act of 1958 as exhibit 01 (previously exhibit 02; adds Exhibit 02 – Items Required, Permitted, or Not Recommended for Employee Possession in Emergency Response Incidents; updates the exhibit, Allowance List-Depreciation Guide, and rennumbers it from exhibit 01 (previously a separate document) to exhibit 03; adds exhibit 04, Sample MP&CE Full Allowance Claim Determination; adds exhibit 05, Sample MP&CE Partial Allowance Claim Determination; adds exhibit 06, Sample MP&CE Denial Claim Determination; adds exhibit 07, Sample MP&CE Claim Denial Letter; and adds exhibit 08, Sample Depreciation Worksheet.

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This chapter provides direction for processing Forest Service employees' claims for loss of or damage to personal property incident to service. The direction applies to Designated Approving Officials and Regional Claims Specialists, except where otherwise stated. The term Regional Claims Specialist encompasses the individual at the Station level having the same responsibilities.

40.1 - Authority

1. Military Personnel and Civilian Employees' (MP&CE) Claims Act of 1964, as amended (31 U.S.C. 3721). This Act authorizes the payment of claims to Forest Service employees for damage to, or loss of, personal property occurring incident to service.

2. Reimbursement to Employees for Property Loss from Fire, Flood, or other Casualties (16 U.S.C. 556c). This law authorizes the use of Forest Service funds to reimburse employees for property loss from fire, flood or other casualties.

3. Comptroller General's Decision B-174762, dated January 24, 1972 (Comp. Gen. B-174762). This decision authorizes awards for claims allowed under the Military Personnel and Civilian Employees' Claims Act (31 U.S.C. 3721), which are payable from applicable appropriated funds for the fiscal year of the date of the award (sec. 41.9).

4. Comptroller General's Decision, volume 15, page 735 (15 Comp. Gen. 735). This decision authorizes an allowance for mileage to an employee for the use of a personally-owned vehicle while engaged on official travel; it precludes any additional allowance for damage. Also see 5 U.S.C. 5704.

5. USDA Departmental Regulation 2510-1, January 25, 1995. DR 2510-1 qualifies extraordinary risk as “such as in connection with civil disturbance, common or natural disaster, or efforts to save human life on Government property”.

41 - Claims Under the Military Personnel and Civilian Employees' Claims Act (31 U.S.C. 3721)

41.04 - Responsibility

41.04a - Chief

The Chief has the delegated authority to determine, settle, and pay (including replacement in kind) claims for loss of or damage to personal property submitted by Forest Service employees under the Military Personnel and Civilian Employees' Claims Act of 1964, as amended (31 U.S.C. 3721).

The Chief of the Forest Service redelegates, by letter, the authority to serve as Designated Approving Official to specific individuals. The authority cannot be further redelegated, nor can other individuals "act" in the absence of Designated Approving Officials.

41.04b - Claims Specialists

It is the responsibility of Claims Specialists to process claims and to assist employees in filing claims by:

1. Providing Form AD-382, Employee Claim for Loss or Damage to Personal Property, to any employee who indicates a desire to be compensated for loss of, or damage to, personal property occurring incident to service.
2. Informing the employee a claim must be filed within 2 years of the date of loss or damage (31 U.S.C. 3721).
3. Instructing the employee as to evidence required to substantiate a claim.
4. Ensuring the claimant describes claimed items in sufficient detail to permit verification of their age and original or replacement value.
5. Informing the claimant that a claim against the insurer of items insured by a third party is required prior to filing a claim under the Military Personnel and Civilian Employees' Claims Act.

41.04c - Regional Claims Specialist

It is the responsibility of the Regional Claims Specialist to:

1. Review the claim file,
2. Check supporting documentation,
3. Perform legal research,
4. Verify depreciation calculations,
5. Prepare a recommendation, and
6. Forward the claim case file and recommendation to the Designated Approving Official for determination.

41.04d - Designated Approving Official

It is the responsibility of the Designated Approving Official to adjudicate employees' claims under the Military Personnel and Civilian Employees' Claims Act of 1964, as amended (31 U.S.C. 3721). The Office of the General Counsel may be consulted for legal guidance on a particular claim. However, MP&CE claims can only be determined by name-designated Approving Officials.

The action of a Designated Approving Official in allowing a claim in full or in part, or in disallowing it, is final and conclusive for all purposes. However, a claim may be reconsidered

by the Designated Approving Official when the claimant makes such request in writing within 60 days of the Designated Approving Official's determination, based on an error in the determination or on new evidence not available at the time of the initial determination.

41.1 - Requirements under the Military Personnel and Civilian Employees' (MP&CE) Claims Act

The loss of or damage to personal property must have occurred incident to the employee's service, and the possession of the property must have been reasonable, useful, or proper under the circumstances. (Also see USDA Departmental Regulation 2510-1, January 25, 1995.)

Only the Attorney General can determine whether a Federal employee was acting within the scope of employment (FSH 6509.11h, ch. 30). If it is determined an employee was outside the scope of employment when the employee's personal property was lost or damaged, that loss or damage is not incident to service and claims for such loss or damage are not allowable.

Individual claims allowable under the MP&CE Claims Act may not exceed \$40,000 per incident.

41.1a - House Hunting Trips

As discussed in FSH 6509.11h, chapter 30, a United States Circuit Court of Appeals ruled that house hunting trips in connection with an employee's official change of duty station are not within the scope of employment for purposes of claims against the Government. (*Frazier v. United States* (1969, CA6 Tenn 412 F.2d 22, 6 ALR Fed 365). Consequently, employees' personal property loss or damage sustained during house hunting trips is not incident to service, and claims for such are not allowable under the MP&CE Claims Act.

41.1b - Personal Vehicle Damage

The Comptroller General ruled the allowance of mileage to an employee for the use of a personally-owned vehicle on official travel precludes any additional allowance for damage (5 U.S.C. 5704, and 15 Comp. Gen. 735, and sec. 40.1).

However, agencies may consider employees' personal property loss or damage claims resulting from the use of a personal vehicle on official business under the MP&CE Claims Act, providing the vehicle was subjected to extraordinary risk incident to the employee's service (31 U.S.C. 3721). Departmental Regulation 2510-1 specifically disallows claims incident to the operation of motor vehicles unless the vehicle was subjected to extraordinary risk (sec. 41.22 and 41.23). The prohibition does not apply to employees operating vehicles at a hauling mileage rate, or where damage results from negligence or wrongful action by another Government employee acting within the scope of employment. Consider damage claims under these conditions under the provisions of the Federal Tort Claims Act.

41.2 - Procedures for Filing a Claim

41.21 - Who May File a Claim

Forest Service employees, casual (administratively determined) employees who are hired by the Forest Service, employees of other Government agencies who are working under an agreement, which defines them as Forest Service employees, and volunteers working under the Volunteers in the National Forests Act, but not Volunteers in Service to America Volunteers, may file claims under the Military Personnel and Civilian Employees' (MP&CE) Claims Act (31 U.S.C. 3721).

A claim for loss of or damage to, personal property owned by a deceased employee may be presented by the decedent's closest surviving relative in the following order:

1. Spouse.
2. Child or children.
3. Father, mother, or both.
4. Brother(s), sister(s), or both.

A claim filed by a decedent's children, parents, or siblings must name and be signed by each of the children, parents, or siblings as claimants. In the event a child, parent, or sibling does not sign the claim, the claim must not be adjudicated until the 2-year statute of limitation for filing a claim expires. This precludes the absent child, parent, or sibling from filing a subsequent separate claim for the same property. Regional Claims Specialists and Designated Approving Officials must not divide or prorate a claim allowance among children, parents, or siblings of the decedent.

A claim may not be presented by or for the benefit of a contractor, employees of contractors, subrogees, assignees, conditional vendors, third parties, or employees of other agencies or cooperators (unless working under an agreement that defines them as Forest Service employees), State employees, or inmates assigned to Forest Service projects.

Human resource program enrollees, such as those under the Senior Community Service Employment Program (SCSEP) or the Youth Conservation Corps (YCC) program, are not considered employees under the MP&CE Claims Act. However, the Forest Service is authorized to determine claims for personal property loss or damage filed by SCSEP and YCC enrollees (FSH 6509.11h, chapter 30).

If an AmeriCorps participant requests to file a claim for lost or damaged personal property, provide the participant a Form AD-382, Employee Claim for Loss or Damage to Personal Property. When the claim is received, the Regional Claims Specialist consults with Claims and Debt Management, Financial & Accounting Operations, Washington Office, to obtain OGC's ruling on whether AmeriCorps participants are considered employees under the MP&CE Claims Act.

41.22 - Types of Losses Which May Be Allowable

Claims may be allowed under one of the following circumstances:

1. Loss, theft, or damage in quarters or other authorized places if it occurred at:
 - a. Quarters, wherever situated, if assigned or provided in kind by the Government.
 - b. Any warehouse, office, hospital, or storage space designated by superior authority for reception of such property.
 - c. Quarters outside the United States privately leased by employees.
2. Loss or damage of property, including personal clothing and vehicles, which are subjected to extraordinary risks in the performance of duty.
3. Loss or damage of property used for the benefit of the Government at the direction of a superior authority. Employees are strongly advised to have personal property signed up under a written agreement prior to use in accordance with FSH 6309.32, Subpart 4G03.670.
4. Loss or damage of property incident to transportation thereof, if recovery cannot be had from an insurer or carrier.

41.23 - Types of Losses Which Are Not Allowable

Claims are not allowable for the following:

1. Loss or damage occurring at quarters occupied by the claimant within 1 of the 50 States or the District of Columbia, unless the quarters were assigned to the claimant or otherwise provided in kind by the Government.
2. Loss or damage totaling less than \$10 per single incident. (The \$10 applies to the total amount of claim).
3. Loss or damage of articles being worn, unless allowable under section 41.22, paragraph 2.
4. Loss of money or currency, except when deposited with the Government for safekeeping or when lost in marine, rail, aircraft, or other disaster, such as fire, flood, hurricane, and so forth.
5. Transportation losses, if recovery can be had from an insurer or the carrier, or if the employee chose an unlicensed carrier.
6. Losses recoverable pursuant to contract or recoverable from insurer.
7. Loss or damage caused, in whole or in part, by the negligent or wrongful act of the claimant or claimant's agent.

8. Loss or damage of articles of extraordinary value. These articles should be insured by the owners.

9. Loss or damage of property owned by the United States unless the employee is financially responsible for it to another Government agency.

10. Loss or damage of property used for private business or profit.

11. Loss due to theft unless due care was used to protect such possessions.

12. Loss or damage of property acquired, possessed, or transported in violation of laws or regulations.

13. Loss or damage of small articles of substantial value when shipped with household goods or unaccompanied baggage.

14. Loss or damage of articles sent through the United States or international mail systems.

15. Loss or damage incident to the operation of motor vehicles, unless allowable under section 41.22, paragraph 2.

41.24 - Requirements for Presenting Claims

A claim must be presented in writing no later than 2 years after the loss.

Claims should be filed on Form AD-382, Employee Claim for Loss or Damage to Personal Property. In addition to the information required on the form, the following should be furnished when applicable:

1. Receipts, cancelled checks, or other documentation showing the original date of acquisition of the property and its original value.

2. Two itemized repair estimates or evidence of replacement value for items of significant value. One itemized repair estimate or evidence of replacement value for common items, such as clothing, where value can be easily verified.

3. A statement from the employee's supervisor as to whether possession of the property was reasonable, useful, or proper under the circumstances existing at the time and place of the loss or damage, and as to whether the loss occurred incident to the employee's service.

4. A statement from the employee's supervisor as to whether a suitable Government item was available for use by the employee at the time of the incident.

5. Statements from other individuals with knowledge of the facts of the loss or damage.

6. A copy of the police or other investigation report, if any.

7. A description of the geographical location where the loss or damage occurred, including whether the loss occurred in quarters assigned or provided in kind by the Government.

8. A description of the measures taken to locate the property or mitigate the damage.

9. An explanation of the facts and circumstances surrounding the loss or damage, and any other pertinent information indicated by investigation of the claim.

10. If the property was being used for the benefit of the Government, a statement by the claimant's supervisor as to whether the employee was directed to provide the property. Employees are strongly advised to have such personal property signed up under a written agreement prior to use.-

11. Evidence a claim was filed against a carrier, warehouse, insurer, or contractor, where a possibility of recovery from a third party exists, a statement as to the action taken, and the reasons for the action taken by the third party.

For a checklist for processing claims under the MP&CE Claims Act, see section 45, exhibit 01.

41.25 - Employee Claims in Emergency Situations

Employees responding to emergency situations are required to take certain personal items with them. They are not required, but may be permitted, to take other items. See section 45, exhibit 02, for the list of items required, permitted, or not recommended for employee possession in emergency response incidents. Use this list to ensure consistency in the determination of claims arising from emergency response incidents, such as fire.

Employees should be advised of limitations imposed by the list, prior to being deployed to the incident.

If employees take items, that are not required or permitted, and do not receive prior written approval from their supervisor to take such items, the items are taken at the employees' risk and the employees may not be compensated for those items. Also see section 41.44 for maximum allowable amounts and quantities.

41.3 - Allowable Compensation for Destroyed, Lost, or Damaged Property

Ensure the allowable compensation for an item of personal property does not exceed its actual value at the time of its loss or damage. For purposes of the Military Personnel and Civilian Employees' (MP&CE) Claims Act, determine the actual value of an item by ascertaining the replacement value of the same or comparable item, and depreciating that value for its past use. See section 41.4 for direction on computing allowable amounts.

41.31 - Destroyed or Lost Property

Consider a destroyed item as one which is damaged beyond economical repair; that is, the item cannot be repaired at any cost or the cost of necessary repairs exceeds the actual value of the

item at the time of damage. Determine the allowable compensation for lost property at the actual value at the time of loss in accordance with the direction in sec. 41.4.

At the claimant's option, any item may be treated as damaged rather than destroyed or lost property and the claimant may be compensated for repair costs up to the actual value of the property at the time of loss or destruction.

41.32 - Damaged Property

The cost of repairs necessary to restore an item to its condition prior to being damaged constitutes the normal allowable compensation for damaged property. However, if the cost of repairs exceeds the actual value (determined in accordance with section 41.4) at the time of damage, the maximum allowable is the actual value at the time of damage. For example, if the actual value of a wooden table at the time of damage is \$25, repair costs may be allowed up to, but not beyond, \$25.

41.33 - Evidence to Substantiate Repair Costs

41.33a - Type of Evidence

The preferred evidence of repair cost is a paid itemized receipt. However, itemized estimates of repair are acceptable, especially when the amount involved is large enough to require compensation before the work is completed.

Estimates should be obtained from qualified professional dealers or repair persons. All estimates and receipts should be itemized.

41.33b - Expenses Incidental to Repair

Allowance is permitted for the cost of obtaining estimates necessary to substantiate damage claims, provided the claimant's action in contracting for the estimates is reasonable under the circumstances. Allowance is permitted for the cost of obtaining any estimates that the claimant is specifically directed to obtain by the Claims Specialist or a Designated Approving Official. When the cost of obtaining an estimate can be applied toward the cost of repairs, that cost shall be allowed, but the amount allowed for repairs shall be correspondingly reduced, regardless of whether the item is actually repaired.

Allowance may be made for other expenses incidental to repair, such as drayage (transporting item to repair facility), if the claimant has, in fact, paid or has become obligated to pay such costs. If not, this part of the claim should be denied. In cases where the claimant is able to defray repair costs until after settlement, deny the drayage portion of the claim. Inform the employee the claim for drayage has been denied because the drayage expense has not yet been incurred. Also, inform the claimant that their payment of drayage charges is a basis for reconsideration of the claim, provided their request for reconsideration is received within 60 days of the date of determination of the original claim.

41.33c - When Evidence Is Not Required

If the cost of repairing an item is nominal (\$50.00 or less), do not require substantiating evidence. For example, if the claimed cost of repairing a large piece of furniture is less than \$50, it would not be necessary in most cases to submit a repair estimate to support the claim.

41.34 - Insufficient Support

If a claim under the Military Personnel and Civilian Employees' (MP&CE) Claims Act is properly presented to the agency, but is lacking sufficient supporting documentation, request the missing documentation in writing. Advise the claimant, by "Certified Mail -- Return Receipt Requested," that the agency cannot approve payment for claimed losses or damages that are insufficiently documented. If necessary, follow up with a second certified letter requesting the information and stating a date by which, if the information is not received by that date, the requester will have no option but to recommend denial on that portion of the claimant's claim.

41.4 - Computing Amounts Allowable

Determine the actual value of claimed personal property items according to the most appropriate method described in sections 41.31-41.33c. Follow the direction in sections 41.31-41.46i to compute the allowable compensation for loss of or damage to personal property under the MP&CE Claims Act.

41.41 - Replacement Cost

The replacement cost method is the preferred method for determining actual value. Base the actual value at the time of loss or damage upon replacement cost at the time of the incident and at the claimant's geographic location. Compute actual value on the replacement cost of an identical, or substantially similar, new item, *less depreciation*. Use the Allowance List-Depreciation Guide to determine applicable depreciation (sec. 45, ex. 03).

41.42 - Estimate by Qualified, Reputable Dealer

If, because of its uniqueness, the lost or damaged item cannot be accurately priced in the claimant's area, the actual value may be based upon an estimate from a qualified and reputable dealer at another location.

Except for antiques and objects of art, if the dealer's estimate of an item's value relates to its value at the time the item was acquired, follow the direction in section 41.43 to arrive at a computed replacement cost. After computing the replacement cost, apply depreciation to determine the item's actual value at the time of loss or damage.

41.43 - Computed Replacement Cost

If the property's present value cannot be determined by other means, adjust the original purchase price, or value at the time of acquisition (if not obtained by purchase) to reflect the increased cost of replacement resulting from inflation. Use the current Gross Domestic Product (GDP) and

National Product indices published by the U.S. Department of Commerce as the cost of living multiplier for computing the present cost of replacement. A computer Gross Domestic Product calculator can be located on the World Wide Web/Internet at:

www.jsc.nasa.gov/bu2/inflateGDP.html. Then use the Allowance List-Depreciation Guide (sec. 45, ex. 03) to determine the applicable rate of depreciation to apply to determine the allowable depreciated amount.

41.43a - How to Compute Replacement Cost

The computed replacement cost method should only be used when there is no better means of determining the actual value of an item. It should not be used to value ordinary items for which accurate replacement costs can easily be determined from catalogs or other sources, nor should it be used solely because the claimant cannot substantiate a purchase price. The following exhibit is an example of the computation method described in section 41.43:

41.43a - Exhibit 01

Sample Replacement Cost Computation

Date employee purchased property (provided by claimant):	1982
Original cost of property (provided by claimant):	\$250.00
Date property destroyed (provided by claimant):	1991
Cost-of-living multiplier (from Gross Domestic Product (GDP) Index):	1.46
Applicable depreciation rate (from sec. 45, ex. 03):	5%/year

1. Multiply the original property cost by the cost-of-living multiplier.

$$\$250 \times 1.46 = \$365 \text{ (equals computed replacement cost)}$$

2. Depreciate in accordance with the Allowance List-Depreciation Guide (sec. 45, ex. 03). In this example, the depreciation rate is 5 percent per year and the item is 9 years old.

$$5\% \times 9 \text{ years} = 45\% \text{ (equals depreciation rate)}$$

3. Apply the depreciation rate to the computed replacement cost.

$$\$365 \times 45\% = \$164.25 \text{ (equals amount of depreciation)}$$

4. Reduce the computed replacement cost by the amount of depreciation.

$$\$365 - \$164.25 = \$200.75 \text{ (equals amount allowable)}$$

41.44 - Maximum Allowable Amounts and Quantities

The limitations as to maximum allowable amounts and allowable quantities provided in the list of items required, permitted, or not recommended for employee possession in emergency response incidents (sec. 45, ex. 02) should apply to all employee claims for personal property items on the list, even where it appears to conflict with direction in preceding sections of this chapter. All other conditions of the Military Personnel and Civilian Employees' (MP&CE) Claims Act, such as possession being reasonable, useful, or proper, extraordinary risk, and depreciation must be applied. Regional Claims Specialists and Designated Approving Officials must exercise common sense and discretion in applying this direction. For example:

1. An employee who does not wear prescription eyeglasses or contacts would not be required to include those items in a claim for loss or damage to personal property.
2. The list limits claimants to possession of one coat. However, if an employee was assigned to assist at the location of a hurricane disaster, it would be reasonable, useful, or proper under the circumstances for the employee to have more than one coat at the site.
3. An employee transported directly to the field in a government vehicle, housed and fed at the location, without access to restaurants, entertainment, and so forth, and returned directly home in a government vehicle, would have difficulty showing possession of \$100 cash at the site was reasonable, useful, or proper. A claim for theft of the cash would be denied.
4. A District employee who likes to listen to music while working keeps a radio at the office at all times. The office building burns over the weekend and the radio is destroyed. The loss did not occur incident to the employee's service, the radio was not necessary for the employee's performance, and the office is not a designated storage place. A claim for the radio would be denied.

41.45 - Depreciation

Use the Allowance List-Depreciation Guide (sec. 45, ex. 03) to determine depreciation rates for items claimed. The rates shown are established as guides. The rates apply when the item has been subjected to average use. In cases where evidence establishes the item has been subjected to less than average or more than average use, the rates of depreciation are reduced or increased at the discretion of the Claims Specialist or Designated Approving Official. See section 45, exhibit 08 for an example of a depreciation calculation worksheet.

Follow these procedures for applying depreciation:

1. Disregard the month acquired and the month of loss.
2. Consider 6-17 months as 1 year, 18-29 months as 2 years, and so on in 12-month increments.
3. Use the median date when the date acquired is stated as a range. For example, when an item was acquired "between 1986 and 1990," use 1988.

4. When the claimant is unable to provide the month of acquisition, use June.
5. Do not depreciate items less than 6 months old except for items that depreciate rapidly, such as clothing. Clothing less than 6 months old should be depreciated as follows: 1 month 2.5%; 2 months 5%; 3 months 7.5%; 4 months 10%; and 5 months 12.5%.
6. Do not depreciate an item more than 75 percent.
7. Do not depreciate genuine antiques, art objects, and collectors' items, except for repair of portions thereof, such as upholstery which requires periodic replacement or repair. For the purpose of this procedure, a souvenir is not considered a collector's item.
8. Do not depreciate property during periods of Government authorized storage, either for the move which generated the current claim or for previous periods of Government authorized storage. However, deductions may be made for other reasons such as reductions in the market value of an item due to style or obsolescence.

41.46 - Other Special Conditions

41.46a - Antiques

Since the appraised value of antiques often varies with appraisers, obtain clear and convincing evidence of their value before approving a claim for antiques. In order to qualify at face value as an antique, an item must be at least 100 years old (U.S. Customs and Border Protection standard). Newer items require independent evidence of the "antique" designation. Claimants may be compensated up to the generally recognized value of provably antique items. In such instances, claimants must prove the item possesses an inherent value regardless of the purchase price or location, the prestige of the label it bears, or its sentimental or personal attraction. The mere fact an isolated appraiser could assign a value to it in excess of its purchase price does not meet this burden of proof. In the absence of credible evidence of value, limit reimbursement to out-of-pocket loss, or the reasonable replacement price, less depreciation, of a substantially similar item. Use the Allowance List-Deprecation Guide as a guide in establishing value (sec. 45, ex. 03).

41.46b - Internal Damage

When internal damage to electrical or a gas appliance is claimed, but there is no evident external damage to the cabinet or transportation container, allow the claim if:

1. There is evidence of rough handling of other items in the shipment,
2. The item is relatively new in comparison to its useful life,
3. The claimant appears honest based upon an examination of the entire claim, and/or
4. A qualified repair person is able to state the damage was a result of transit handling.

In such cases, view the evidence in the light most favorable to the claimant. With respect to color television sets, for which color realignment may be claimed, consider the charge for color realignment payable only when it is part of the cost to repair internal damage, or when the cabinet has external damage that was not present at the time of pickup, thereby indicating rough handling. See the Allowance List-Depreciation Guide for limitations (sec. 45, ex. 03).

41.46c - Reupholstering

If damage to part of a matching set of upholstered furniture requires reupholstering and matching material cannot be obtained, the cost of reupholstering the entire set, less depreciation of the fabric, may be allowed if there is a measurable decrease in the value of the set. This includes replacement of chair seats. Consider a loss in value instead of reupholstering any of the pieces, if the damage is minor. For example, a loss in value would be appropriate for a 3-inch tear in the back of a sofa, which can be repaired by reweaving, even if the damage would be visible to the casual observer. A loss of value is not appropriate for mattresses, box springs, and so forth, which do not lose their intended use merely because the coverings do not match. It is not appropriate to recover both pieces because damage necessitates recovering one. In considering the award to be made for the cost of reupholstering, use the per year rate of depreciation indicated for furniture fabric with a 50 percent maximum.

41.46d - Parts and Accessories

No depreciation should be taken on parts, accessories, and so forth, which are not normally replaced during the lifetime of an item.

41.46e - Reasonable Substitute Prices for Expensive Items

This direction does not relate to items of extraordinary value, but pertains to items of everyday use; household furnishings; clothing; and so on; which serve a utilitarian purpose even though expensive. A fixed award cannot be set, since the amount allowed varies with the type of article. The award should be just and should not be arrived at by considering only low priced or popular priced substitutes.

41.46f - Lifetime Guaranteed Tools and Other Personal Property

On claims for damaged items which have lifetime guarantees, the claimant first must file a claim with the guarantor of the items. If the damage is not warranted under the guarantee, or is partially warranted, the items' depreciated value is the maximum amount allowable under the MP&CE Claims Act.

Do not depreciate lost or stolen items which would have been fully compensated under the lifetime guarantee.

41.46g - Uniforms

Do not allow claims for Forest Service uniforms originally purchased with a uniform allowance. Employees claiming Forest Service uniform items should be referred to their unit's Uniform Coordinator for replacement of the lost items through a unit purchase.

41.46h - Wrinkled Clothing

Do not allow claims for the cost of pressing clothing unless the wrinkling was so severe as to amount to actual damage. Some wrinkling of clothing should be expected in a shipment of household goods and is not considered to be personal property damage within the meaning of the MP&CE Act (sec. 40.1). However, consider approving claims for cleaning costs necessary because of soiling, staining, or contamination due to the shipment.

41.46i - Replacement of Sets

When component parts of a set of articles (such as lamps, glasses, china, dining room sets, end tables, stereo speakers, or any items claimed to compose a set) are lost or damaged beyond repair, allow claims only for the missing or damaged pieces. An exception may be made when the claimant provides proof the component pieces cannot be replaced, and as a result, the integrity of the set has been destroyed. In such cases consider either a loss in value award or replacement of the set. If the entire set is replaced, the replaced items must be turned over to Government salvage (sec. 41.46j).

41.46j - Government Salvage of Employees' Property

Employee claims for damage to personal property, such as in claims arising from the transportation of household goods, may involve a significant number of items and a substantial allowance. When a claim is allowed for the actual value of items that may have some salvage value, the Government, at the discretion of the Designated Approving Official, may require the claimant to deliver the property to Government salvage. The Claims Specialist should work with the unit's Property Manager to facilitate the acquisition of the property and its transfer to the General Services Administration for disposition.

41.47 - Household Goods Claims

The General Services Administration Tender of Service and the carrier's applicable tariffs establish the carrier's liability for loss of, or damage to, a Government employee's transported household goods during transportation and temporary storage. Normally, claims for loss of, or damage to, household goods should first be filed with and processed by the carrier to which the household goods were tendered. The carrier is identified on the Virtual Bill of Lading as having received the shipment. Employees (as the owner of the goods) must promptly notify the carrier of damage to their property, obtain the proper claim forms, and file a claim for the repair or replacement in accordance with the carrier's procedures. The claim must satisfy the following requirements:

1. It must be in writing.
2. It must identify the shipment.
3. It must identify the loss/damage and assert it was carrier caused.
4. It must demand a specific amount of compensation.

The Forest Service move management services contractor for household goods assists employees to process and manage claim settlements with the carrier.

Once the carrier has received a properly filed claim, it must acknowledge receipt to the claimant, and must make a settlement within the timeframe specified in the applicable Tender of Service. The level of carrier settlement is governed by the Tender of Service in effect at the time of the move. When a claim is denied in full or the claimant is offered an amount less than claimed, the carrier must provide the claimant a written item-by-item analysis of the denial or compromise. Such analysis must be sufficient to establish the reasons and method for denial or compromise. For example, a settlement based on depreciation must include an explanation of how the depreciation was determined. The use of phrases such as "pre-existing damage," "depreciation allowance," or "other" are not acceptable. Any questions regarding the settlement should be directed to the Forest Service move management services contractor.

If the employee's loss exceeds the amount recovered from the carrier in settlement of the claim, the employee may file a claim against the Government under the Military Personnel and Civilian Employees' (MP&CE) Claims Act for the difference (31 U.S.C. 3721). All documentation related to the claim against the carrier must be included with the claim filed against the Government.

41.48 - Supplemental Protection

The general billing of lading program for shipment of a transferring employee's household goods provides the Forest Service with the ability to pay for full value protection insurance, up to a maximum dollar amount or weight, at Government expense. The employee may request, and pay for, excess shipment valuation coverage. This excess valuation insurance coverage must also be shown on the Virtual Bill of Lading. The National Finance Center will bill the employee for the additional insurance coverage.

If household goods are lost or damaged while in non-temporary storage, the storage company's liability is limited to loss or damage occasioned by the company's negligence. To protect their property during non-temporary storage, employees may choose to purchase additional insurance at their own cost.

41.49 - Occupying Government Quarters

It is advisable for employees residing in Government quarters to carry renter's insurance, which should also protect them against a personal civil suit should anyone become injured on the rented property. In such instances, the Government is not liable under the Federal Tort Claims Act (28 U.S.C 1346, 2401, and 2671-2680) unless there is proof of negligence on the part of a

Government employee acting within the scope of their employment that caused the injury or damage.

41.5 - Transmittal of Claims

41.51 - Regional Claims Specialists

The Regional Claims Specialist reviews the claim case file for completeness, appropriateness of supporting documentation, and accuracy of calculations. In addition, the Regional Claims Specialist reviews/analyzes the claim, applicable law and policy, and prepares a recommendation based upon the law and the merits of the claim. The Regional Claims Specialist forwards the original file, along with the Regional Claims Specialist's recommendation, to the Designated Approving Official for determination. The recommendation may be in the form of a draft determination.

Following the Designated Approving Official's determination of the claim, the Regional Claims Specialist forwards the original Claim Determination to the appropriate Forest Claims Officer for payment processing (sec. 41.9) and a copy of the Claim Determination to the claimant for notification purposes (sec. 41.8).

41.52 - Forest Claims Specialists

The unit on which the claim incident occurred is responsible for processing the claim. For example, the unit on which the fire occurred should process a claim filed for property lost or damaged while on a fire assignment.

Forest Claims Specialists should ensure the claim case file, with the Forest Claims Officer's recommendation, is transmitted to the Regional Claims Specialist within a reasonable period of time. While no specific timeframe is established for processing employee claims, prompt attention should be given to reviewing, processing, and forwarding a complete case file to the next level.

41.6 - Claim Determination and Settlement

Upon receipt of the claim case file, the Designated Approving Official makes a determination based on the merits of the claim.

The decision of the Designated Approving Official is final and conclusive, except when there was an error in the initial adjudication or when new evidence is involved (sec. 41.7).

The claim determination must include a synopsis of the claim incident, the Designated Approving Official's determination and the basis for that determination.

1. Full allowance. The claim determination advises the claimant of the amount allowed, that payment is being processed, and that the case is considered closed (sec. 45, ex. 04).

2. Partial allowance. The claim determination advises the claimant (sec. 41.8) of the amount allowed, that payment is being processed, that the decision is final and conclusive, but

that the claimant may request reconsideration using the language in paragraph 3, and that the case is considered closed (sec. 45, ex. 05).

3. Full denial. The claim determination advises the claimant (sec. 41.8) that the decision is final and conclusive, but that the claimant may request reconsideration using the following language, and that the case is considered closed (sec. 45, ex. 06):

This decision is considered final. However, the claimant may seek reconsideration of this determination if information, which was not previously provided, is available to support the claim. To request reconsideration, the claimant must send a written request to the Designated Approving Official which must be received within 60 days of the date of this determination. The claimant must include the additional supporting documentation and must detail the factual/legal basis for challenging this determination. This case is considered closed.

41.7 - Request for Reconsideration

A claimant may request reconsideration with regard to any items for which payment has been denied, in whole or in part. Reconsideration must be requested in writing to the Designated Approving Official and received within 60 days after the date of the denial of the claim. Requests for reconsideration must present information that was not offered in support of the initial adjudication of the claim, and must set forth in detail the factual or legal basis for challenging the initial denial of the claim (DR 2510-1).

If the claimant properly requests reconsideration, and the Designated Approving Official determines the amount originally allowed was miscalculated, an additional amount may be allowed, the claimant advised of the additional allowance, and a supplemental payment processed. The Regional Claims Specialist must take care to ensure the sum of the two awards does not exceed the total amount allowable.

Claimants who wish to file a grievance or complaint on the amount of their award, following reconsideration of the initial determination, have no appeal rights as these determinations are final and conclusive and, by statute, are not reviewable by the General Accounting Office or other authority.

41.8 - Notification to Claimant

The Regional Claims Specialist will notify the claimant of the Designated Approving Official's determination by providing the claimant a copy of the claim determination. A copy of the depreciation worksheet should be provided to the claimant along with the claim determination (sec. 45, ex. 08). The claim determination must be sent "Certified Mail - Return Receipt Requested."

It is not necessary to offer the claimant a compromise settlement or obtain the claimant's signed acceptance of the settlement amount.

If sensitive information is included in the Designated Approving Official's Claim Determination that is not appropriate to be provided to the claimant, the Designated Approving Official may inform the claimant of the determination by letter (sec. 45, ex. 07). Notification letters to the claimant must be sent "Certified Mail – Return Receipt Requested."

41.9 - Claim Payment

Claim awards are payable from applicable Forest Service appropriations. The fiscal year chargeable is determined by the date of the award, not by the date on which the damage occurred (Comp. Gen. B-174762, Jan. 24, 1972).

Amounts received from third parties for loss of or damage to an employee's personal property for which payment has been made by the Agency under 31 U.S.C. 3721 does not need to be deposited in the Treasury as miscellaneous receipts, but may be deposited to the appropriate from which payment was made (DR 2510-1).

41.91 - Payment Responsibility

The unit on which the claim incident occurred is responsible for processing the payment. For example, when an employee is awarded a payment for property lost or damaged on a fire assignment, the fire unit is responsible for the payment.

42 - Reimbursement to Employees for Property Loss from Fire, Flood, or Other Casualties

42.01 - Authority

Section 2 of the Employee Claims Act of June 20, 1958 (16 U.S.C. 556c), authorizes employee reimbursement for property loss from fire, flood, or other casualties as follows:

Funds available to the Forest Service may be used in amounts not exceeding \$100 in any single claim, for reimbursing employees of the Forest Service for loss of or damage to clothing and other personal effects resulting from fires, floods, or other casualties at, or near, the place in which such property is temporarily stored during services of the employee in connection with such casualties.

The Office of the General Counsel (OGC) provides this interpretation:

Frequently, personnel called upon to fight forest fires do not work out of a camp. The vehicles which bring them to the fire are immediately moved away, requiring the firefighter to carry all personal property. Therefore the term "temporarily stored," as used in the Act, requires formal storage at a base location. If any distinction is necessary, it should be between temporary and permanent storage.

Use the OGC interpretation as a guideline in resolving cases similar to the following:

- a. With some exceptions in the east and south, lookout towers are remote, accessible only by trail, and manned only during the 2 to 4 month long fire season.

While such a tower may be the lookout's official station for a period of employment, it is neither a residence, nor a permanent station. Employees in these positions usually bring in minimal personal belongings. Property left at an unused tower may be considered in the same category as firefighters leaving clothing at fire camps. Apply all benefits of the Act.

- b. Because firefighters need to be prepared for all types of weather, it is recommended that firefighters take rain gear, heavy coats, light coats, and so on, and leave what they do not need for the day in their tent at base camp. Leaving such items in their personal tent in base camp constitutes temporary storage; and the Act applies.

42.04 - Responsibility

It is the responsibility of the Regional Claims Officer to adjudicate employees' claims under the Act of June 20, 1958.

42.1 - Requirements under the Employee Claims Act of June 20, 1958

1. Requirements and Limitations.

- a. The claim must include a detailed description of the property lost or damaged and evidence as to the value of each article at the time of loss or damage. Use Form AD-382, Employee Claim for Loss or Damage to Personal Property.
- b. Obtain appraisal certificates, if considered necessary for proper settlement.
- c. Do not consider claims from Human Resource Program enrollees and Volunteers in Service to America (VISTA volunteers) under this authority.
- d. Because of the monetary limit on clothing replacement, employees may want to use the Military Personnel and Civilian Employees' Claims Act for reimbursement if the value of the items lost exceeds \$100.

2. Payment. Claim awards are payable from applicable Forest Service appropriations. The fiscal year chargeable is determined by the date of the award, not by the date on which the damage occurred (Comp. Gen. B-174762, Jan. 24, 1972).

For a checklist for processing claims under the Act of June 20, 1958, see section 45, exhibit 01.

43 - Other Types of Claims

43.1 - Senior Community Service Employment Program (SCSEP) Enrollees' Claims

See FSH 6509.11h, chapter 30 for direction on claims filed by SCSEP enrollees.

43.2 - Youth Conservation Corps (YCC) Enrollees' Claims

See FSH 6509.11h, chapter 30 for direction on claims filed by YCC enrollees.

43.3 - Claims Related to Employee Injury

43.3a - Personal Injury or Death

When employees sustain a personal injury or die as a result of a negligent act by another employee, the injured employees or their next of kin are limited to relief under the Federal Employees' Compensation Act (FECA).

When a third party (a party other than the injured employee or another employee of the agency) appears to be responsible for an employee's injury or death, the Office of Workers' Compensation Program (OWCP) may, and routinely does, ask the employee or their next of kin to seek damages from that party (5 U.S.C. 8131 and 20 CFR 10.705-10.719). OWCP will contact the employee or their next of kin with specific instructions.

While a claim is pending against the third party, OWCP will pay medical and compensation benefits to which the beneficiary is entitled. If a recovery from the third party is made, the beneficiary must first pay outstanding legal fees and costs. He or she is then entitled to retain 20 percent of the remaining amount, plus an amount equivalent to a reasonable attorney's fee in proportion to the sum that will be owed to OWCP. The latter amount generally includes the total medical and compensation payments made by OWCP up to the time of settlement. Any money remaining is retained by the beneficiary and credited against future claims for benefits. OWCP will resume payment of compensation benefits and medical bills only after the beneficiary has submitted claims that equal the amount of money remaining. (Also see Publication CA-810, Injury Compensation for Federal Employees.)

43.3b - Loss of or Damage to Personal Property

Claims for loss of or damage to specific items of personal property, which occurred in the same incident in which an employee was injured and required medical services may be allowable under the OWCP as follows:

... 'injury' includes, in addition to injury by accident, a disease proximately caused by the employment, and damage to or destruction of medical braces, artificial limbs, and other prosthetic devices which shall be replaced or repaired, and such time lost while such device or appliance is being replaced or repaired; except that eyeglasses and hearing aids would not be replaced, repaired, or otherwise compensated for, unless the damages or destruction is incident to a personal injury requiring medical services. (5 U.S.C. 8101(5))

... Traumatic injuries also include damage to or destruction of prosthetic devices or appliances, including eyeglasses and hearing aids if they were damaged incidental to a personal injury requiring medical services. (Personal property claims can be made only under the Military Personnel and Civilian Employees' Claims Act, 31 U.S.C. 3721).

Boots, which were cut off by medical personnel in order to treat an employee's injury, are not compensable under the OWCP provision. Also, a claim for the boots is not allowable under the Military Personnel and Civilian Employees' (MP&CE) Claims Act unless the boots were subjected to extraordinary risk (sec. 41.22, para. 2).

43.3c - Loss of or Damage to Government Property

If damage occurs to government property as a result of the same occurrence (that is, damage to Forest Service vehicle due to a motor vehicle accident), and such damage is caused by the third party, the Forest Service must assert a claim for the Government under the provisions of the Federal Claims Collection Standards and the Debt Collection Improvement Act of 1996 for the damaged Government property. In those cases, the Forest Service and the Office of the General Counsel must take care to ensure the Government does not jeopardize the rights of the employee who is pursuing personal injury damages by entering into a settlement or signing a release of liability regarding the Forest Service vehicle that might negatively affect the employee's personal injury case.

Any costs for medical care assumed by the OWCP are not a part of the Government's claim for property damage. The Government may, however, bill the third party for Agency Provided Medical Care (APMC) expenses paid by the Government.

44 - Claims Related to Commercial Rental Vehicles

See FSH 6509.11h, chapter 30, for direction on claims arising from employees' use of rental vehicles.

44.1 - Reimbursement for Collision Insurance Not Authorized

A Collision Damage Waiver (CDW) is included in the Government rate negotiated between the Military Traffic Management Command (MTMC) and various car rental agencies. Agencies cannot pay, or reimburse, an employee for the cost of collision insurance when official travel in the rental vehicle is performed wholly within the continental United States, Alaska, Hawaii, Puerto Rico, or United States territories and possessions. Such reimbursement cannot be allowed under either the employee's subsequent travel voucher, or under the Military Personnel and Civilian Employees' (MP&CE) Claims Act.

Employees are strongly encouraged to purchase CDW (trip insurance) when official vehicle travel is outside the continental United States, Alaska, Hawaii, Puerto Rico, or United States territories and possessions. In these cases, agencies can pay, or reimburse an employee, for the cost of collision insurance when official travel is performed wholly or partially in a foreign country, including Canada and Mexico. This applies whether the vehicle used for official purposes is a rental vehicle, a personal vehicle, or a government vehicle.

45 - Exhibits

1. Exhibit 01 - Checklist for Claims Filed Under the Military Personnel and Civilian Employees' (MP&CE) Claims Act of 1964 or the Employee Claims Act of 1958. This exhibit is a checklist for claims filed under the Military Personnel and Civilian Employees' Claims Act of 1964 and the Employee Claims Act of 1958.

2. Exhibit 02 - Items Required, Permitted, or Not Recommended for Employee Possession in Emergency Response Incidents. This exhibit is a list of items required, permitted, or not recommended for employees to have in emergency response incidents.

3. Exhibit 03 - Allowance List-Depreciation Guide. This exhibit lists personal property items, percentage of depreciation, maximum payment, and other information to be used in calculating the allowable amount of an item for purposes of settling a claim under the Military Personnel and Civilian Employees' (MP&CE) Claims Act.

4. Exhibit 04 - Sample MP&CE Full Allowance Claim Determination. This exhibit is a sample Claim Determination for full allowance of a claim filed under the Military Personnel and Civilian Employees' (MP&CE) Claims Act.

5. Exhibit 05 - Sample MP&CE Partial Allowance Claim Determination. This exhibit is a sample Claim Determination for partial allowance of a claim filed under the Military Personnel and Civilian Employees' (MP&CE) Claims Act.

6. Exhibit 06 - Sample MP&CE Denial Claim Determination. This exhibit is a sample Claim Determination for full denial of a claim filed under the Military Personnel and Civilian Employees' (MP&CE) Claims Act.

7. Exhibit 07 - Sample MP&CE Claim Denial Letter. This exhibit is a sample denial letter of a claim filed under the Military Personnel and Civilian Employees' (MP&CE) Claims Act.

8. Exhibit 08 - Sample Depreciation Worksheet. This exhibit is a sample depreciation calculation worksheet.

45 - Exhibit 01

**Checklist for Claims Filed Under the
Military Personnel and Civilian Employees' (MP&CE) Claims Act
of 1964 or the Employee Claims Act of 1958**

1. Claimant Support/Documentation.

- a. File a Form AD-382, Employee Claim for Loss or Damage to Personal Property.

A Forest Service employee may file a tort claim on Form SF-95, Claim for Damage, Injury, or Death, for damage to personal property resulting from the negligence of another employee.

- b. File a claim within 2 years.
- c. Describe the lost or damaged property in detail.
- d. Include evidence of replacement value (or original value if replacement value is not available) or repair costs, such as receipts, estimates, or pages from catalogs or circulars showing cost of same or comparable item.
- e. Include an appraisal if value is unknown.
- f. Include witness statements, when applicable.
- g. Include the supervisor's statement as to whether possession of property was reasonable, useful, or proper under the circumstances and whether loss or damage was incident to service.

2. Administrative Support.

- a. Date stamp, or date and sign, the claim upon receipt.
- b. Provide photographs, maps, diagrams, as applicable.
- c. Obtain witness statements, if not provided by the claimant.
- d. Identify claimant negligence, if any.
- e. Consult employee time sheets, if necessary.
- f. Prepare an administrative report.
- g. Formulate and forward administrative recommendation to the Region or Station Claims Specialist.

45 - Exhibit 02

Items Required, Permitted, or Not Recommended
For Employee Possession In Emergency Response Incidents

NOTE: This list is to be used as a guideline for Claims Specialists and Designated Approving Officials when determining employee claims. Items not listed, maximum allowable amounts, and allowable quantities of items may be adjusted, as appropriate, at the discretion of the Designated Approving Officials, to take into consideration geographical needs, current rates, and unique situations.

Employees are required to substantiate amounts claimed with written evidence of original purchase or replacement value, such as copies of receipts, estimates of repair, pages from catalogues, sales circulars, or statements from salespeople for stores selling the same or comparable items. Items may be depreciated according to agency regulations.

<i>Item</i>	<i>Possession <u>1/</u></i>	<i>Maximum Allowable Amount <u>2/</u></i>	<i>Allowable Quantity <u>3/</u></i>
Work Boots	REQUIRED	\$400 pair	1 pair
Eye Protection/UV	REQUIRED	\$100 pair	1 pair
Boxers/Briefs/Panties	Permitted	\$ 8 pair	14 pair
Undershirts	Permitted	\$ 8 each	14
Bras	Permitted	\$ 20 each	14
Cotton Sox	Permitted	\$ 8 pair	14 pair
Wool Sox	Permitted	\$ 10 pair	14 pair
Toiletries, Including Non-Prescription Medication	Permitted	\$ 75	
Towel/Washcloth	Permitted	\$ 20 set	2 sets
Prescription Medication	Permitted	DRV ^{4/}	21 days
Hearing Aids	Permitted	DDRV ^{5/}	1 pair
Prescription Eyeglasses	Permitted	DDRV	2 pair
Contact Lenses	Permitted	DDRV	2 pair
Non-Prescription Glasses	Permitted	\$ 15 pair	1 pair
Rain Gear (jacket/pants)	Permitted	\$135 set	1 set
Non-Government Shirts (Work/Casual/"T")	Permitted	\$ 25 each	8
Non-Government Pants (Work/Casual)	Permitted	\$ 40 each	4
Non-Government Work Gloves	Permitted	\$ 25 pair	1 pair
Coat	Permitted	\$250 each	1

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Chapter 40 - Employee Claims

Amendment: 6509.11h-2004-2

Effective date: August 11, 2004

45 - Exhibit 02--Continued

<i>Item</i>	<i>Possession <u>1/</u></i>	<i>Maximum Allowable Amount <u>2/</u></i>	<i>Allowable Quantity <u>3/</u></i>
Hats/Caps	Permitted	\$ 15 each	1
Warm Vest	Permitted	\$ 50 each	1
Long Underwear	Permitted	\$ 70 set	2 sets
Sweater	Permitted	\$ 50 each	1
Nonwork Gloves	Permitted	\$ 45 pair	1 pair
Glove Liners	Permitted	\$ 10 pair	1 pair
Watch	Permitted	\$ 75 each	1
Casual Shoes	Permitted	\$ 100 pair	1 pair
Nonwork Boots	Permitted	\$ 150 pair	1 pair
Bandana	Permitted	\$ 5 each	4
Sewing Kit	Permitted	\$ 5 each	1
Pocket Knife	Permitted	\$ 40 each	1
Multi-Tool (Leatherman-type)	Permitted	\$ 50 each	1
Lunchbox	Permitted	\$ 15 each	1
Sleepwear	Permitted	\$ 25 set	1 set
Sweatshirt	Permitted	\$ 20 each	1
Sweatpants	Permitted	\$ 20 each	1
Alarm Clock	Permitted	\$ 10 each	1
Flashlight	Permitted	\$ 15 each	1
Ground Cloth/Space Blanket	Permitted	\$ 30 each	1
Personal Tent (2-person)	Permitted	\$180 each	1
Personal Sleeping Bag	Permitted	\$180 each	1
Sleeping Pad	Permitted	\$ 60 each	1
Blow Dryer	Permitted	\$ 25 each	1
Curling Iron	Permitted	\$ 10 each	1
Electric Razor	Permitted	\$ 75 each	1
Personal Cash	Permitted	\$ 50	
Day Packs	Permitted	\$ 75 each	1
Personal Duffle Bag (If “Red Pack” Not Provided)	Permitted	\$ 75 each	1
Wallet	Permitted	\$ 35 each	1
Reading Material (Including Religious Materials)	Permitted	\$ 25 total	

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<i>Item</i>	<i>Possession <u>1/</u></i>	<i>Maximum Allowable Amount <u>2/</u></i>	<i>Allowable Quantity <u>3/</u></i>
Personal Entertainment/ Relaxation/Sentimental Items, Such As: - Walkman/Tape Player & Tapes - Compact Disk (CD) Player & CDs - Gameboy/Handheld Electronic Games, Etc. - Camera & Accessories - Cellular Telephone - Video Cam/Recorder - Television - Pager - Laptop Computer - Palm Pilot - Jewelry/Rings, etc.	NOT RECOMENDED <u>6/</u>	\$100 total for this category	

1/ For reimbursement purposes, this column indicates whether personal property items are required (for safety reasons), permitted, or not recommended for employees to take on emergency assignments.

2/ Maximum allowable amount is the maximum amount that will be reimbursed per item lost or damaged; the amount allowable may be depreciated according to the MP&CE Claims Act and agency regulations, or appreciated as appropriate (as determined by the Claims Specialist and Designated Approving Official).

3/ The maximum number of each item that will be reimbursed for each loss or damage incident. This may be adjusted at the discretion of the Claims Specialist and Designated Approving Official.

4/ DRV means the Documented Replacement Value.

5/ DDRV means the Depreciated Documented Replacement Value.

6/ Articles that are not required, permitted, or recommended for doing the job are taken at personal risk, and any loss for this category, over \$100, is a personal loss.

Employees using personal property for official business must have a prior written agreement with their official supervisor or an appropriate incident management official, or a contract or lease with the agency for such use. Otherwise, reimbursement of a claim for damage or loss of such items will be limited, under the MP&CE Claims Act authority, to a maximum of \$100 total for such items.

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45 - Exhibit 03

Allowable List-Depreciation Guide

No.	Item	% Depreciation			Maximum Payment	Discussion
		Per year	Flat Rate	Maximum		
1	Air conditioners					See No. 70, Electrical and gas appliances.
2	Alcoholic beverages				Include in maximum of No. 78	Alcoholic beverages will be included in the maximum allowable in shipment and quarters.
3	Antiques (other than furniture)				\$1,000 per item \$5,000 per claim	See No. 79 for antique furniture, but no depreciation should be taken on antiques.
4	Aquariums	10% 1 st year 5% each succeeding year		75		
5	Artificial flowers and fruits		25			
6	Audio recordings (Blank and commercially recorded)	10		50	\$3,000 per claim	Maximum allowable for CDs from a vehicle is \$120 and for cassette tapes from a vehicle is \$60. In both instances, these maximums would be included in maximum allowable per claim of No. 7.
	- Cassette/reel-to-reel tapes					
	- CDs		10			
	- Phonograph records	10		50		
7	Automobiles and all motor vehicles including recreational vehicles, trailers, motorcycles, ATV (3 and 4 wheel), go-carts, and so forth.		Varies		\$3,000 per claim except \$20,000 per vehicle during transport.	The maximum payment includes property stored in the vehicle. A maximum payment of \$20,000 is applicable to motor vehicles and so forth, damaged, destroyed, or missing during government authorized shipment. Also see No. 109 for mobile homes.
8	Automobile batteries	20		75	Include in maximum of No. 7 or No. 14.	Compute depreciation based on length of use/guarantee period ratio; otherwise, use 20% per year.
9	Automobile convertible tops, seat and floor coverings, inside door panels, roof, and other fabric-covered interior parts.	20 on vehicles manufactured prior to 1980.		75	Include in maximum of No. 7 or No. 14.	
		10 on vehicles manufactured after 1980.		75		
10	Automobile paint jobs	10		75	\$2,000 per vehicle. Include in maximum of No. 7.	On complete paint jobs, depreciate both labor and material. On minor paint jobs, do not depreciate labor or material. The allowance for pinstriping, special types of paint, such as metal flake paint, and special technique painting, such as scenic views should be limited to the cost of factory-styled pinstriping, decals, and paint jobs.
11	Automobile radios, tape players, telephones, auto alarms, and accessories	10		75	\$750 per claim. Include in maximum of No. 7.	Radios include CB radios, hand radios, and all types of special frequency receivers and transceivers. Accessory equipment (such as antennas, slide mounts, speakers, head sets, cables, microphones, and so forth) is included in the maximum payments. Tapes and CDs left in a vehicle are not included in this category, see No. 6. Also, see No. 70 for radios not included in this category.
12	Automobile tires	30		75	Include in maximum of No. 7 or No. 14.	Compute depreciation based on miles used/30,000 miles, or miles used/mileage guarantee ratio if known; otherwise, use 30% per year.
13	Automobile internal and external working parts such as mufflers, transmission/engine, exhaust systems, shocks, and so forth	20		75	Include in maximum of No. 7 or No. 14.	Only depreciate parts, which are normally replaced during the useful life of the vehicle. Do not depreciate parts, such as glass, fenders, bumpers, mirrors, wheels, and so forth.

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No.	Item	% Depreciation			Maximum Payment	Discussion
		Per year	Flat Rate	Maximum		
14	Automobile spare parts	10		75	\$1,000 per claim	This category includes parts not mounted on a vehicle, which are shipped as household goods or stored at quarters. New spare parts, which have not been used should not be depreciated.
15	Baby bassinets, carriages, child's car seat, play pens, infant carriers, strollers	10		75		Also see No. 79 for infant furniture.
16	Bags, fabric or plastic (clothes, shoes)	20		75		Also see No. 101, Luggage.
17	Barbecue grills (including Hibachi pots)	10		75		
18	Barber equipment (electric razors, shears, clippers, scissors)	10		75		
19	Baskets - Metal	10		75		
	- Wicker or plastic	20		75		
20	Bathroom scales	10		75		
21	Bedding					Also see No. 98, Linens.
	- Mattresses (including waterbed mattresses) box springs	5		75		
	- Feather pillows	5		75		
	- Other pillows	10		75		
	- Mattress cover pads	20		75		
22	Bedspreads					See No. 98, Linens.
23	Bicycles	10		75	\$750 per item	The maximum payment includes all accessories. Also see No. 147 for tricycles.
24	Binoculars	5		50	\$350 per item \$1,500 per claim	Also see No. 107 for microscopes and telescopes.
25	Blankets - electric					See No. 98, Linens.
26	Boats and motors, including outboard motors, speed racers, and jet skis		Varies		\$2,500 per claim except \$15,000 per claim in shipment	Use local used boat retail values. There is no maximum allowance on houseboats in shipment; however, only boats used as living quarters prior to shipment would be considered houseboats.
	- Houseboats		Varies			
27	Boating equipment and supplies (exclusive of motors)	20		75	\$500 per claim	
28	Bookends		10			
29	Books				\$3,000 per claim for all books	This category does not include lecture notes and theses, see No. 145. Medical, dental, legal, and other professional books are included. Consider a lesser rate of depreciation on encyclopedias or texts if these are kept up to date with current supplements. Large sets of bound classics may be considered collections; see No. 51.
	- Bibles and bound classics	5		25		
	- Encyclopedias, cookbooks, how-to books, textbooks, and similar works	20		75		
	- Other hard-cover nonfiction	10		50		
	- Fiction, paperbacks, and magazines		50			
30	Boxes (jewelry, cigarette, music, and so forth)	5		75		Items such as "Russian hand painted" boxes will be considered under the objects of art category.

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No.	Item	% Depreciation			Maximum Payment	Discussion
		Per year	Flat Rate	Maximum		
31	Bric-a-brac (all types)	10				This category includes inexpensive figurines, sculptures, and ornamental or sentimental items as distinguished from expensive objects of art; also see Nos. 51 and 111. Items such as vases, wall hangings, brassware, candlesticks, and items of a similar nature that exceed \$100 may be considered under No. 59 or No. 111 if they are more appropriate.
32	Briefcases	5		75		
33	Brushes (hair, clothes, and so forth)	20		75		
34	Calculators (including adding machines)	10		75		Also see No. 112, Office furnishings.
35	Camel saddles (footstools)	5		75		
36	Cameras and photographic equipment					See No. 118, Photographic equipment.
37	Camping equipment and supplies (including tents, sleeping bags, back packs, shovels and other tools, lanterns, and so forth)	10		75	\$2,500 per claim	Camping cutlery is included in this category. Camping clothing is not included in this category; see No. 49.
38	Candles (decorative)		25		\$100 per item \$500 per claim	
39	Cards (greeting, including Christmas and other religious cards)		50			If boxes are unopened or unused, take no depreciation.
40	Cards (playing)		25			If boxes are unopened or unused, take no depreciation.
41	Card tables	10		50		
42	Cassette tapes					See No. 6.
43	Ceramic animals		20		\$250 per item \$750 per claim	This category is intended for floor type items, such as elephants known as buffies.
44	Chandeliers				\$1,500 per item \$3,000 per claim	
45	Chess sets					See No. 81, Game equipment.
46	Chests (ice, picnic, and so forth)		50			
	- Styrofoam					
	- Metal or plastic	10		75		
47	China (fine)				\$3,000 per claim	To be fine china, a five-piece place setting must cost at least \$70. Also see No. 58 for crockery.
48	Clocks				\$750 per item	The \$3,000 maximum per claim includes grandfather and grandmother clocks. Also see No. 3 for antique clocks.
	- Inexpensive - \$75 or less	10		75		
	- Expensive – more than \$75	5		75	\$3,000 per claim	
	- Grandfather and grandmother	5		50	\$1,500 per item	

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No.	Item	% Depreciation			Maximum Payment	Discussion
		Per year	Flat Rate	Maximum		
49	Clothing, including shoes and belts (men, women, and children)	30% 1 st year, 10% each succeeding year		75	Per person per claim Ages 0 through 14, \$1,500 per person. Ages 15 and older, \$3,500 per person.	Sports clothing, camping clothing, shoes, belts, and so forth, are included. Clothing made of expensive material such as wool, leather, suede; that is, coats, suits, jackets, and overcoats, should normally be depreciates at 10% per year. Also see No. 164 for wedding gowns.
50	Christening outfit		20		\$150 per item \$300 per claim	
51	Collections and hobbies. Items that fit into a "collection" are items that traditionally are considered as a collection, such as stamps or coins. Additionally, items manufactured or created to be interrelated – that is, the loss or damage to one decreases the value of the total collection and the value of the individual item – may be considered a collection. For example, a series of sequentially numbered plates, or items designed to represent a historical period, may represent a collection of items manufactured or created to be interrelated. The quantity of an item by itself is insufficient to place the items into the "collection" category.	Use the rate indicated for individual items elsewhere on this chart; otherwise, use 10% flat rate.			\$4,000 per claim for all collections. Use per item maximums if indicated elsewhere on this chart.	Do not place reasonable recreational items in the collection or hobby category unless the quantity clearly indicates a collection or hobby. Example, a set of golf clubs, two tennis rackets, and so forth, are not quantities which comprise a hobby or collection. If an item is specifically addressed under another category, that other category should be used. See Item section for further discussion.
52	Comforters					See No. 98, Linens.
53	Compact discs					See No. 6.
54	Compasses	5		50		
55	Computers: that is, CPU monitor, keyboard, computer peripherals (to include mouse, modem, printer); word processor; fax machine when part of computer hardware, and accessory equipment.	10		75	\$4,000 per claim	Software (including 5.25" and 3.5" floppy disks and CD-ROMs) and accessory equipment for the computer, such as the printer and so forth, are included in the 10%/75% depreciation and the maximum per claim. See Nos. 56 and 73.
56	Copy machine	10		75	\$750 per item	
57	Cosmetics (including perfume, toilet articles, medicines, soaps, and so forth)		50			If boxes are unopened or unused, take no depreciation.
58	Crockery - Dishes, pottery, glassware, plastic ware		20			Do not include fine china, crystal, or expensive cut glass in this category. Also see Nos. 47, 59, and 93.
59	Crystal				\$4,000 per claim	Crystal items such as lamps and chandeliers should be considered under their respective specific categories and should not be counted in the maximum per claim for crystal. Expensive cut glass should be considered under this category. Also see Nos. 44, 58, 65, and 83.
60	Curtains	10		75		Also see No. 68 for depreciation on curtain rods.
61	Decorations (Christmas, birthday, and so forth)		25			
62	Dental equipment and instruments		10		\$1,500 per claim	Dental books are not included; see No. 29.
63	Dentures					Take no depreciation.
64	Desk and writing equipment (pen and pencil desk sets, fountain pens, and so forth)	10		75	\$100 per claim	If made of precious metal, take no depreciation.

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No.	Item	% Depreciation			Maximum Payment	Discussion
		Per year	Flat Rate	Maximum		
65	Dishes					See No. 58, Crockery.
66	Dolls (decorator)	5		75		
67	Drafting, mapping, and sketching equipment	5		50	\$500 per claim	
68	Drapes	10		75	\$3,000 per claim	The curtain rods category includes related hardware. Include cornices in this category.
	Draperies and curtain rods, venetians blinds	5		75	\$500 per item \$4,000 per claim if a collection. If not a collection, include in No. 147. \$1,500 per claim maximum.	See Nos. 147 and 51.
69	Dryers					See No 70, Electrical and gas appliances
70	Electrical and gas appliances - Minor - \$200 or less	10		75	\$1,500 per item except \$2,500 per claim for satellite dishes, projection televisions, spas, or hot tubs	Also see No. 137 for hi-fi and stereo systems and tape recorders. Also see No. 155 for video recorders. Depreciate television picture tubes 10% per year for the first 3 years and 5% per year thereafter, up to a maximum of 75%.
	- Major – over \$200, except as listed below	5		75		
	- Televisions, washers, dryers, hot tubs, satellite dishes, pinball machines, dishwashers, and spas	10		75		
71	Elephants, ceramic					See No. 43, Ceramic animals
72	Eyeglasses (including contact lenses)	5		75		
73	Fax machine	10		75	\$750 per item	When this item is not part of a computer (as a keyboard is) and stands alone, it falls under this category.
74	Fencing					See No. 113, Outdoor structures.
75	Figurines					See No. 31 and 111.
76	Firearms	5		50	\$2,000 per claim	Take no depreciation if the firearm is of a type which would normally increase in value.
77	Flashlights	20		75		
78	Foodstuffs (includes alcoholic beverages)	Varies		\$500 per claim		The maximum payment applies only to nonperishable foodstuffs lost or destroyed in shipment and to foodstuffs lost or destroyed at quarters due to power outage. Also see No. 2. A reasonable maximum allowable for foodstuffs shipped to a remote area or for foodstuffs destroyed at quarters in a natural disaster may be established by the Designated Approving Official.
79	Furniture (including brass furniture, cement furniture, water beds, and shelving)	5		50	\$3,000 per item A sectional sofa or dining room table and chair set is considered one item regardless of the number of pieces.	Take no depreciation on antique furniture or expensive, solid wood furniture such as cherry, walnut, teak, rosewood, oak, and so forth, except for replacement of fabric. Do not confuse wood with finishes, stains, veneers, and so forth. The \$3,000 per item limit includes water bed frames and parts. Consider each wall unit under this category as one item. For furniture containing marble, see No. 102. Infant furniture includes such items as cribs, youth beds, and so forth.
	Particle board furniture	10		75		
	Work benches and infant, lawn, plastic, wicker, rattan, and patio furniture	10		75		
80	Furs	5		40	\$1,500 per item \$3,000 per claim	

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No.	Item	% Depreciation			Maximum Payment	Discussion
		Per year	Flat Rate	Maximum		
81	Game equipment (poker chips, checker sets, backgammon sets, chess, and so forth)		25		\$500 per claim	This category includes backgammon and similar sets, and distinguished from children's toys and games.
82	Garden equipment (all implements to keep up lawns and yards, including lawnmowers)	10		75		Also see No. 79 for lawn furniture.
83	Glassware (including Pyrex)					See Nos. 47, 58, and 59.
84	Hairpieces					See No. 165, Wigs.
85	Hampers (wicker or plastic)	10		75		
86	Handbags and purses (leather or fabric)	20		75	\$1,000 claim	
87	Hearing aids	5		75		
88	Hi-fi/stereo systems					See No. 137, Stereo items.
89	Hobbies or collections					See No. 51, Collections and hobbies.
90	Housekeeping items (mops, brooms, ironing boards, pails, closet racks, and so forth)	10		75		This category includes common household items which do not fit into other, more specific categories.
91	Irons (electric or steam)					See No. 70, Electrical and gas appliances.
92	Jewelry - Costume	10		75	\$1,000 per item	Expensive jewelry is jewelry made substantially of gold, silver, precious stones, diamonds, pearls, or other precious metals or gems, and should not be depreciated.
	- Expensive	5		50	\$4,000 per claim	
93	Kitchen utensils (pots, pans, knives, and so forth)	5		75		All long-lasting kitchen tools should be considered in the 5%/50% category. Items such as potato peelers, cake cooling racks, ice picks, bowl scrapers, or other items described in advertisements as kitchen gadgets should be considered in the 20%/75% category.
	- Heavy aluminum, copper, corningware, cast iron, stainless steel, and so forth)					
	- Small metal kitchen step ladder	20		75		
	- Other items	5		50		
94	Ladders (does not include kitchen step ladder)	5		75	\$250 per item	
95	Lamps (including sunlamps)				\$500 per item	The higher rate applies when lampshades are claimed separately. However, if shades are made of glass of any type, apply 5% depreciation. For lamps with marble bases, see No. 102.
	- Lamps	5		75		
	- Lampshades	10		75		
96	Laser discs					See No. 156.
97	Lawn mowers					See No. 82, Garden equipment.
98	Linens				\$400 per item	Consider hand-woven, crocheted, or heirloom items as expensive linens. Apply these maximums when value is established for hand-sewn items; otherwise, allow reasonable replacement for other fine linens.
	- Fine, expensive	5		50		
	- Quilts, comforters, blankets	5		75		
	- Electric blankets	10		75		
	- Ordinary household items (such as sheets, towels, tablecloths, bath mats, pillowcases, bedspreads)	20		75	\$2,000 per claim	
99	Lighters (cigar, cigarette, and so forth)	20		75		
100	Lighting supplies (globe domes, electric candlesticks or candelabra, and so forth)	5		75		These items are payable only when they belong to the claimant and have not lost their character as personal property by being affixed to real property.
101	Luggage (all types including footlockers)	5		75		

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No.	Item	% Depreciation			Maximum Payment	Discussion
		Per year	Flat Rate	Maximum		
102	Marble (lamps, tabletops, and so forth)				For per item and per claim maximums, see specific categories.	This amount of depreciation on marble contained in furniture may be varied from other types of furniture, based on its quality, and so forth. Under appropriate circumstances, it may be determined that no depreciation be taken on the marble. Examination should indicate whether the item is imitation marble, alabaster soapstone, or other material.
103	Material (including yard goods and yarn)		10			
104	Mattresses (including box springs)					See No. 21, Bedding.
105	Medical equipment and instruments		10		\$1,500 per claim	Medical books are not included; see No. 29.
106	Memorabilia (including snapshots, snapshot albums, baby albums, scrapbooks, souvenir album, emblems, award plaques, trophies, movie film, photographic slides, and so forth)				\$1,000 per claim	Exclude scenic slides and wedding albums from this category. Use \$.50 per slide or print as a rule of thumb cost. Also see No. 51 if quantity indicates a hobby or collection. Also see No. 163 for wedding albums.
107	Microscopes, telescopes				\$500 for item	Also see No. 24 for binoculars.
	- Inexpensive - \$100 or less	10		75		
	- Expensive - more than \$100	5		75	\$1,500 per claim	
108	Mirrors (including frames)	5		75		Mirrors which are integral parts of furniture items are depreciated at the same rate as those items.
109	Mobile homes	Varies				Value the item based on comparable values in the area.
110	Musical instruments				\$5,000 per claim	This category includes amplifiers and accessories.
	- Pianos, organs, player pianos, harps	5		75		
	- Other musical instruments under \$100	20		75	\$1,500 per claim	
	- Other musical instruments \$100-\$250	10		75		
	- Other musical instruments over \$250	5		75		
111	Objects of art (sculptures, figurines, and so forth)				\$1,000 per item \$4,000 per claim	This category does not include paintings; see No. 114. As a rule of thumb, figurines less than \$100 should be considered bric-a-brac, unless the quality of the figurine (such as Hummel or Kaiser) indicates otherwise.
112	Office furnishings	10		75	\$75 per item \$200 per claim	This category includes calculators, radios, paintings, plants, and so forth, lost from the workplace.
113	Outdoor structures	10		75	\$500 per claim	This category includes fences and storage sheds.
114	Paintings and pictures (including frames, photographic portraits, etchings, hand-reproduced pictures, lithographic prints, and so forth).		10		\$1,000 per item \$3,000 per claim	Take no depreciation on paintings having a value in excess of \$1,000 each.
	- Posters (framed or unframed)		25		\$250 per item \$1,000 per claim	
115	Pen and pencil sets					See No. 64, Desk and writing equipment.
116	Pets (including tropical fish)				\$250 per pet	This category is primarily intended for quarters losses. Do not pay claims for pets lost or injured in shipment.
	- Pet supplies (such as food/water dish, kennel, cage, leash, collar, and so forth)	20		75	\$750 per claim (which includes supplies)	

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No.	Item	% Depreciation			Maximum Payment	Discussion
		Per year	Flat Rate	Maximum		
117	Phonograph records - Records - Compact discs - Tapes					See No. 6.
118	Photographic equipment (cameras, screens, lenses, projectors, and so forth) - Inexpensive - \$100 or less - Expensive – more than \$100	10 5		75 75	\$2,000 per claim for all photography equipment and accessories	Also see No. 155 for video cameras and accessories.
119	Pillows					See No. 21, Bedding.
120	Pipes, smoking (including pouches)	20		75		
121	Pool tables	5		50	\$1,500 per item	Take no depreciation on expensive solid wood pool tables.
122	Pots and pans					See No. 93, Kitchen utensils.
123	Professional equipment	5		75	\$1,500 per claim	Also see Nos. 62 and 105 for dental and medical equipment and instruments.
124	Quilts					See No. 98, Linens.
125	Radios					See No. 70, Electrical and gas appliances.
126	Razors (other than electric)	5		75		Also see No. 70 for electric razors.
127	Refrigerators					See No. 70, Electrical and gas appliances.
128	Rugs - Under \$500 - \$500-\$999 - \$1,000 or more	10 5 2		75 50 25	\$2,000 per item \$4,000 per claim	
129	Screens, fireplace, and accessories (room dividers, folding screens, and so forth)	5		75	\$500 per item \$1,000 per claim	Also see Nos. 111 and 114 for items considered to be more artistic than functional.
130	Scissors, shears (other than electric)	5		75		Also see No. 70 for electric clippers and so forth).
131	Sewing machines (other than electric)	5		75		Also see No. 70 for electric sewing machines, and so forth.
132	Silver and metal flatware and hollowware - Silverplate, goldplate, pewter, stainless steel, copperware, bronzeware - Sterling silver and fine pewter		20		\$2,000 per claim \$5,000 per claim	Take no depreciation on sterling silver. For sterling silver flatware, apply a \$75 per item maximum. For sterling silver serving pieces, apply a \$200 per item maximum. Consider fine pewter as sterling silver.
133	Slip covers	10		75		
134	Sporting equipment and supplies (including basketball, baseball, football, croquet, bowling, badminton, volleyball, skiing, tennis, scuba, golf equipment, fishing equipment, sky diving parachutes, hang glider, saddles and equestrian accessories, and so forth).	10		75	\$2,500 per claim	Take no depreciation on unopened or unused boxes of golf balls or canisters of tennis balls. Also see No. 37 for camping equipment.
135	Stationery		50			If boxes are unopened or unused, take no depreciation.

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No.	Item	% Depreciation			Maximum Payment	Discussion
		Per year	Flat Rate	Maximum		
136	Stenotype machines	5		75		
137	Stereo items and accessories	10		75	\$1,000 per item \$4,000 per claim	The maximum per claim includes styli, dust covers, tape recorders, speakers, amplifiers, turntables, and so forth. Also see No. 6 for tapes and compact discs, and No. 155 for video recorders.
138	Storage sheds					See No. 113, Outdoor structures.
139	Stuffed animals	10		50		
140	Swing sets					See No. 113, Outdoor structures.
141	Tapes					See Nos. 6 and 156.
142	Taxidermy items		25		\$500 per claim	This category includes mounted deer heads, fish, and so forth.
143	Television sets					See No. 70, Electrical and gas appliances.
144	Telephones and telephone answering machines, and telecommunication devices for the deaf	10		75	\$500 per claim	
145	Theses and lecture notes					Compensation is limited to the cost of the materials only.
146	Tools, tool chests, and toolboxes - Manual tools, not in a vehicle	5		50	\$1,500 per claim	See No. 94 for ladders. Emergency tools are those types of tools generally locked in a vehicle trunk, which are reasonable or useful for emergency road repair. Related emergency equipment such as flares, tow ropes, fire extinguishers, first aid kits, trouble lights, battery jumper cables, and so forth, are considered emergency tools. A toolbox appropriate for shipment or storage in a vehicle is a small portable toolbox as distinguished from a tool chest. The maximum per claim for emergency tools and tool boxes in vehicles is included in the maximum for No. 7. Exceptions may be made as to the amounts and types of tools considered as emergency tools in overseas areas where POV tools are not readily available, or if the claimant is not authorized a household goods shipment.
	- Power tools, including air tools, not in a vehicle	5		75	\$1,500 per claim	
	- Tool chests and toolboxes, not in a vehicle	5		75	\$500 per claim	
	- Emergency tools and toolboxes shipped in a vehicle	See above		See above	\$200 per claim	
	- Emergency tools and toolboxes otherwise in a vehicle	See above		See above	\$400 per claim	
147	Toys – radio-controlled cars, planes, boats, and so forth; tricycles; wagons; electronic games (this includes Nintendo, Atari, Sega Genesis game systems and cartridges, and hand-held Gameboys)	20		75	\$1,500 per claim	Also see No. 23 for bicycles, No. 81 for checker sets and game equipment, No. 139 for stuffed animals, and No. 149 for electric trains. Dolls that are considered as a decoration rather than a toy to be played with (for example, porcelain dolls) should be depreciated 5% a year (see No. 66 for M/A).
	- Other children's games and toys (including play dolls)		50			
148	Trailers (house, boat)					See Nos. 7, 27, and 109.
149	Trains (electric)					See No. 70, Electrical and gas appliances.
150	Tricycles					See No. 147, Toys.
151	TV trays	10		75		
152	Typewriters	5		75	\$750 per item	See No. 55 for computers and word processors.
153	Umbrellas	20		75		
154	Vacuum cleaners					See No. 70, Electrical and gas appliances.
155	Video recorders, video cameras, and accessory equipment	10		75	\$1,000 per item \$2,500 per claim	Also see No. 158 for video tapes. See No. 147 for software game systems and cartridges. Accessory equipment for video recorders and cameras is included in the maximum per claim.
156	Video recordings (blank and commercial)				\$3,000 per claim	
	- Video tapes	10		50		
	- Laser discs		10			
157	Wagons (children's)					See No. 147, Toys.

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45 - Exhibit 03--Continued

No.	Item	% Depreciation			Maximum Payment	Discussion
		Per year	Flat Rate	Maximum		
158	Wall units					See No. 79, Furniture.
159	Washers					See No. 70, Electrical and gas appliances.
160	Wastebaskets					
	- Metal	10		75		
	- Plastic	20		75		
161	Watches				\$500 per item	
	- Inexpensive - \$100 or less	10		75		
	- Expensive – more than \$100	5		75		
162	Waterbeds					See Nos. 79 and 21.
163	Wedding albums				\$750 per claim	Take no depreciation.
164	Wedding gowns		10		\$1,000 per claim	
165	Wigs (including hairpieces)				\$500 per claim	
	- Under \$100	20		75		
	- \$100-\$250	10		75		
	- \$250 or more	5		75		

45 - Exhibit 04

Sample MP&CE Full Allowance Claim Determination

United States
Department of
Agriculture

Forest
Service

Northern
Region

200 E. Broadway
P.O. Box 7669
Missoula, MT 59807

CLAIMANT: Sam Adams

AMOUNT OF CLAIM: \$60.00

ADDRESS: 2701 Smokey Bear Lane
Missoula, MT 59801

AMOUNT ALLOWED: \$60.00

**DATE OF
INCIDENT:** 8/9/02

FOREST: B-D National Forest

AUTHORITY: Considered under the provisions of
the Military Personnel and Civilian Employees' Claims
Act of 1964, as amended (31 U.S.C. 3721)

FILE CODE: 6570

DETERMINED 9/19/02
DATE:

ALLOWANCE OF MP&CE CLAIM

Nature of Claim: Claim is made for loss of refrigerated foodstuff ruined when power went out, affecting a government-provided trailer. The property belonged to a regular employee of the USDA, Forest Service.

During the summer of 2002, Sam Adams and Rock Wagner were members of a Forest Service road crew whose official duty station was Dillon, Montana. They were field-stationed at the Wise River Ranger District and stayed in a government-provided trailer at the District. They received field per diem while away from their official duty station.

On August 2, 2002, Adams and Wagner were pulled from their regular duties and were put on road patrol for Fire Closures. While they were away from their camp, a temporary power outage occurred at the station where their trailer was parked. The refrigerator automatically switched over to propane, as it was intended to do. However, after several days of running on propane, the propane ran out and all the food in the refrigerator spoiled. The refrigerator had not been switched back to electricity.

Adams Determination

Page 2

The crew was working very long hours during this period of time and they were eating through the fire camp rather than back at their trailer. They were not claiming their regular field per diem for the days they ate at fire camp. Several days went by and they had not checked on their food in the trailer. When they did finally check, all the items had spoiled because the refrigerator had not been running for several days.

The propane/electricity switch on the RV refrigerator is located approximately one foot off the floor. A person has to kneel on the floor to switch the power. The indicator light is also down near the floor, and would not be readily visible. It is not unreasonable that Adams and Wagner would not have noticed that the refrigerator was running on propane given the limited amount of time they were at the trailer during this period of time, and the fact they were not eating at the trailer during this period of time.

Both Adams and Wagner indicate the food items claimed were purchased July 30, 2002. They were assigned road patrol duties on August 2, 2002. Because of the limited amount of time between purchase and spoilage, no depreciation has been applied to the foodstuff. The foodstuff claimed appears to be reasonable.

Based on my review of the circumstances, it is my determination this claim comes within the provisions of the Military Personnel and Civilian Employees' Claims Act of 1964, as amended, and is allowed in the full amount of \$60.00. No depreciation was applied.

Payment will be processed by the Beaverhead-Deerlodge National Forest. The claimant should receive payment within two to three weeks from the date of this determination.

This case is considered closed.

/s/ Darcey Stang

DARCEY STANG

Designated Approving Official

cc: Employee, Forest

Cook Determination

Page 2

Based on my review of the circumstances, it is my determination this claim comes within the provisions of the Military Personnel and Civilian Employees' Claims Act of 1964, as amended, and is allowed in the reduced amount of \$516.10. Depreciation is required under the MP&CE Claims Act and has been considered in determining the amount allowed (see attached depreciation worksheet). In addition, personal property used for official business must have prior written agreement/approval from the employee's supervisor or an appropriate incident management official. Verbal authorization is not sufficient. If such advance written agreement/approval is not provided, a claim for damage or loss of such items is limited to a maximum of \$100 for the total sum of such items. Although Cook had verbal approval from Grangeville Smokejumper Base Manager, he did not have prior written approval. Therefore, allowance for his personal weather meter and GPS is limited to \$100.00 for both items combined (see attached depreciation worksheet).

Payment will be processed by the Nez Perce National Forest. The claimant should receive payment within two to three weeks from the date of this determination.

This decision is considered final. However, the claimant may seek reconsideration of this determination if information, which was not previously provided, is available to support the claim. To request reconsideration, the claimant must send a written request to the Designated Approving Official which must be received within 60 days of the date of this determination. The claimant must include the additional supporting documentation and must detail the factual/legal basis for challenging this determination.

This case is considered closed.

/s/ Darcey Stang

DARCEY STANG

Designated Approving Official

Enclosure: Depreciation Worksheet

cc: Employee, Forest

45 - Exhibit 07

Sample MP&CE Claim Denial Letter

**United States
Department of
Agriculture**

**Forest
Service**

**Eastern
Region**

**310 W. Wisconsin Avenue
Milwaukee, WI 53203**

File Code: 6570

Date: August 31, 2002

John Smoke
234 Rose Drive
Roseville, MN 55112

CERTIFIED MAIL -- RETURN
RECEIPT REQUESTED

Dear Mr. Smoke:

Your claim, dated June 14, 2002, for the loss of a Minolta 350XKE camera which you left on a table in the meal tent at the Valley Camp, Smokey Creek Fire, Shawnee National Forest, has been referred to this office for decision. Your claim was considered under authority of the Military Personnel and Civilian Employees' Claims Act of 1964, as amended (31 U.S.C. 3721).

I regret to inform you that because your loss resulted from your negligence in leaving the camera in an unsecured area, your claim is not allowable under the Military Personnel and Civilian Employees' Claims Act. Your claim is therefore denied.

This decision is considered final. However, you may seek reconsideration of this determination if information, which was not previously provided, is available to support the claim. To request reconsideration, you must send a written request to the Designated Approving Official which must be received within 60 days of the date of this determination. You must include the additional supporting documentation and must detail the factual/legal basis for challenging this determination. This case is considered closed.

Sincerely,

/s/ Eugene Michaels

EUGENE MICHAELS
Designated Approving Official

cc: Shawnee NF

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45 - Exhibit 08

Sample Depreciation Worksheet

Will J. Cook MP&CE Claim

Depreciation Worksheet

Date of Incident 9/10/01

Item No.	Depr. Ref.	Claimed Items	Claimed Amount	Purchase Mo/Yr	Age	Replacement Cost	% Dep.	Depr. Value	Maximum Allowable
1	55	Kestrol 3000 Weather Meter	\$119.00	6/00	1 yr.	\$119.00	10%	\$107.10	\$100.00 <u>2/</u>
2	55	Garmin Trex Summit GPS	\$249.00	8/01	1 mo.	\$249.99	0%	\$249.99	\$0.00 <u>2/</u>
3	72	Aviator Prescription Eyeglasses	\$248.85	4/00	1 yr.	\$248.85	5%	\$236.41	\$236.41
4	72	Smith Techlite Ambush Sunglasses	\$99.75	8/01	1 mo.	\$99.75	0%	\$99.75	\$99.75
5	49	Tamarac Trail Pullover (Sportif)	\$29.95	8/00	1 yr.	\$29.95	30%	\$20.97	\$20.97
6	49	Double Layer Fleece Hat	\$14.95	10/99	2 yrs.	\$14.95	40%	\$8.97	\$8.97
7	86	Personal Cash	\$100.00	9/01		\$100.00		\$100.00	\$50.00 <u>1/</u>
TOTALS			\$861.50					\$823.19	\$516.10

1/ Maximum Allowable Amount is the maximum amount that will be reimbursed per item lost or damaged, the amount allowable may be depreciated according to the MP&CE Claims Act and agency regulations, or appreciated as appropriate (as determined by the Claims Specialist and Designated Approving Official.)

2/ Articles that are not recommended (for doing the job) are taken at personal risk, and any loss, over \$100, is a personal loss.

Employees using personal property for official business must have a prior written agreement with their official supervisor or an appropriate incident management official, or a contract or lease with the agency for such use. Verbal authorization is not sufficient. Otherwise, reimbursement of a claim for damage or loss of such items will be limited, under the MP&CE Claims Act authority, to a maximum of \$100 total for such items.